

## AGENDA

### FLOWER MOUND TOWN COUNCIL REGULAR MEETING

5/20/2019

FLOWER MOUND TOWN HALL, 2121 CROSS TIMBERS ROAD  
FLOWER MOUND, TEXAS

6:00 P.M.

\*\*\*\*\*  
An agenda information packet is available online at [www.flower-mound.com/AgendaCenter](http://www.flower-mound.com/AgendaCenter)  
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*Please silence or turn off all electronic devices in Jody Smith Hall*

**A. CALL MEETING TO ORDER**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND TO THE TEXAS FLAG**

*"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."*

**D. PRESENTATIONS**

1. Veterans Liaison to report on upcoming events
2. Certificate of Achievement for Lauren Cox
3. Certificate of Achievement Flower Mound High School Boys' Soccer Team - State Champions
4. National Public Works Week Proclamation
5. DFW Airport Noise Monitoring

**E. PUBLIC COMMENT**

To speak to Council during public comment, please fill out a [comment form](#).

- Turn in form by 6:10 p.m. to Town Secretary
- Speakers are limited to 3 minutes, a tone will sound at 30 seconds left and when time has expired
- Please state your name and address when speaking

The purpose of this item is to allow the public an opportunity to address the Town Council on issues that are not indicated as a "Public Hearing" on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972-874-6000 during business hours.

**F. ANNOUNCEMENTS**

1. Announce recent and upcoming civic and social events.

**G. TOWN MANAGER'S REPORT**

Update and discussion on:

1. Capital improvement projects
2. Economic Development projects

3. Legislative updates

**H. FUTURE AGENDA ITEMS**

The purpose of this item is to allow the Mayor and members of Council an opportunity to bring forward items they wish to discuss at a future meeting, with the understanding a consensus of Council is needed in order for that item to be placed on a future agenda and in accordance with the Town Council Agenda Setting Policy (Ord. 65-15).

**I. COORDINATION OF CALENDARS**

1. A regular meeting is scheduled for Monday, June 3.
2. Discuss canceling the work session scheduled for Thursday, July 18.

**J. CONSENT ITEMS**

This part of the agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from Consent by any Councilmember by making such request prior to a motion and vote.

1. Minutes 5/14- Consider approval of the minutes from a regular meeting of the Town Council held on May 14, 2019.
2. Parks & Trails amenities- Consider approval of the purchase and installation of fifteen (15) benches and fifteen (15) trash receptacles to be used along the parks and trails as a part of the ongoing Park and Trail Amenities project, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$34,955.00.
3. Water Conservation ordinance- Consider a request to amend the Town's Code of Ordinances by amending Chapter 70: Utilities by replacing Article VI, entitled "Water Conservation;" in its entirety with a new Article VI, entitled "Water Conservation", and to consider adopting an ordinance for said amendment.
4. WWTP UV System update- Consider approval of a Professional Services Agreement with Alan Plummer Associates, Inc., to provide contract construction management, associated with the Wastewater Treatment Plant Ultraviolet System Update project, in the amount of \$161,908.00; and authorization for the Mayor to execute same on behalf of the Town.

**K. REGULAR ITEMS**

5. MPA - Senior Housing overlay- **Public Hearing** to consider a request for a Master Plan Amendment (MPA19-0001 – Senior Housing Overlay) to amend Section 1, Land Use Plan, by deleting the provisions related to Senior Housing, and consider adopting an ordinance providing for said amendment. (The Planning & Zoning Commission recommended denial by a vote of 7 to 0 at its May 13, 2019, meeting.)
6. MPA - Highland Pointe Park- **Public Hearing** to consider a request for a Master Plan Amendment (MPA18-0007- Highland Pointe Park) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Medium Density Residential to Retail uses, and consider adopting an ordinance providing for said amendment. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road. (The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its May 13, 2019, meeting.)



7. ZPD - Highland Pointe Park PD-19- **Public Hearing** to consider a request for rezoning (ZPD18-0011 - Highland Pointe Park) to amend Planned Development District No. 19 (PD-19) with Office District (O) uses to Planned Development District No. 19 (PD-19) with Retail District-2 (R-2) uses on certain tract of land, to add the conceptual plans and elevations, to modify the development standards, request an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, and request certain modifications and exceptions to the Code of Ordinances as related to the subject property, and consider adopting an ordinance providing for said amendment. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road. (The Planning & Zoning Commission recommended approval by a vote of 7 to 0 at its May 13, 2019, meeting.)
8. ZPD - Windhaven Assisted Living- **Public Hearing** to consider a request for rezoning (ZPD19-0005 - Windhaven Assisted Living) from Agricultural District (A) uses to Planned Development District-173 (PD-173) with Agricultural District (A) uses and a nursing or congregate care facility, with certain exceptions and modifications to the Code of Ordinances, and consider adopting an ordinance providing for said amendment. The property is generally located south of Cross Timbers Road and west of Auburn Drive. (The Planning and Zoning Commission recommended approval by a vote of 5 to 2 at its May 13, 2019, meeting.)
9. Tree Removal-Windhaven Assisted Living- **Public Hearing** to consider an application for a tree removal permit for nine (9) specimen trees on property proposed for development as Windhaven Assisted Living. The property is generally located south of Cross Timbers Road and west of Auburn Drive. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its March 5, 2019, meeting).
10. Tree Removal- Townlake Phase 4- **Public Hearing** to consider an application for a tree removal permit for ten (10) specimen trees on property proposed for development as Townlake Phase 4. The property is generally located south of Cross Timbers Road and east of Flower Mound Road. (The Environmental Conservation Commission recommended approval by a vote of 4-2-0 at its April 2, 2019, meeting).

**L. BOARDS/COMMISSIONS** *(Bold text represents boards with vacancies)*

**Pre-Council Room**

Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: **Animal Services Board**, Cultural Arts Commission, Environmental Conservation Commission, Parks Board, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

**M. CLOSED MEETING**

The Town Council to convene into closed meeting pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, 551.074, and 551.087 for consultation with attorney, and to discuss matters relating to real property, personnel, and economic development negotiations, as follows:

a. Consultation with Attorney.

1. Cause No. CV-2019-00241 Elaine Wells v. Town of Flower Mound et al. and regulation of short term rental properties.

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda.

- b. Discuss and consider purchase, exchange, lease or value of real property for parks and/or other municipal purposes and all matters incident and related thereto.
- c. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: **Board of Adjustment/Oil & Gas Board of Appeals**, Community Development Corporation, and Planning and Zoning Commission.
- d. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

**N. RECONVENE TO REGULAR MEETING**

The Town Council to reconvene into an open meeting to take any action deemed necessary as a result of the closed meeting.

**O. ADJOURN MEETING**

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was also posted on the Town's website in accordance with GC Section 551.056 on the following date and time: May 16, 2019, at 5:00 p.m., at least 72 hours prior to the scheduled time of said meeting.

**Theresa Scott, Town Secretary**

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting by contacting Theresa Scott, Town Secretary, at (972) 874-6076.



## TOWN COUNCIL AGENDA ITEM NO. 1

### CONSENT ITEM

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**DATE:** May 20, 2019

**FROM:** Theresa Scott, Town Secretary

**ITEM:** Consider approval of the minutes from a regular meeting of the Town Council held on May 14, 2019.

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**BACKGROUND INFORMATION:** The Town Council held a regular meeting on May 14, 2019.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**ALTERNATIVES/OPTIONS:** N/A

**FISCAL IMPACT:** N/A

**Proposed Expenditure:**

**Account Number(s):**

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**Finance Review by:** N/A

**LEGAL REVIEW:** N/A

**ATTACHMENTS:**

1. Draft minutes

**DRAFT MOTION:** Move to approve as presented in the agenda caption.

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 14TH DAY OF MAY, 2019, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.**

[Click here](#) for meeting Video Link (subject to change)

The Town Council met in a regular meeting with the following members present:

|                |                       |
|----------------|-----------------------|
| Steve Dixon    | Mayor                 |
| Jason Webb     | Mayor Pro Tem         |
| Claudio Forest | Deputy Mayor Pro Tem  |
| Sandeep Sharma | Councilmember Place 2 |
| Kevin Bryant   | Councilmember Place 3 |
| Jim Engel      | Councilmember Place 4 |

constituting a quorum with the following members of the Town Staff participating:

|                 |                        |
|-----------------|------------------------|
| Theresa Scott   | Town Secretary         |
| Jimmy Stathatos | Town Manager           |
| Tommy Dalton    | Assistant Town Manager |

**A. CALL MEETING TO ORDER**

Mayor Dixon called the regular meeting to order at 6:02 p.m.

**B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

Chaplain Roger Little gave the invocation and Mayor Dixon led the pledges.

**D. PUBLIC COMMENT**

*Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

|    | <b>Speaker names and address</b>  | <b>Subject (as written on the form or stated)</b> |
|----|-----------------------------------|---------------------------------------------------|
| 1. | Cathy Strathmann, 2612 Belmont Ct | Thanks and congratulations                        |

**E. REGULAR ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on May 6, 2019.

Councilmember Bryant moved to approve the minutes from a regular meeting of the Town Council held on May 6, 2019. Deputy Mayor Pro Tem Webb seconded the motion.

**VOTE ON MOTION:**

**AYES: SHARMA, FOREST, WEBB, ENGEL, BRYANT**

**NAYS: NONE**

*Motion passed*

2. Consider approval of an ordinance canvassing returns and declaring results of a General and Special election held May 4, 2019, for the purpose of electing Councilmember Places 1, and 3, and amending the Home Rule Charter of the Town of Flower Mound, Texas; and providing an effective date.

Ms. Scott gave a presentation identifying or noting:

- Voting location considerations
- Unofficial results for candidates and Charter propositions

*Administrative Note: Election results are considered official after Council adopts the Ordinance canvassing the election.*

#### **ORDINANCE NO. 18-19**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF A GENERAL AND SPECIAL ELECTION HELD MAY 4, 2019, FOR THE PURPOSE OF ELECTING COUNCIL MEMBER PLACES 1, AND 3, AND AMENDING THE HOME RULE CHARTER OF THE TOWN OF FLOWER MOUND, TEXAS; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Webb moved to approve an ordinance canvassing returns and declaring results of a general and special election held May 4, 2019, for the purpose of electing Council Member Places 1, and 3, and amending the home rule charter of the Town of Flower Mound and providing an effective date. Councilmember Bryant seconded the motion.

#### **VOTE ON MOTION:**

**AYES: BRYANT, ENGEL, WEBB, FOREST, SHARMA**

**NAYS: NONE**

*Motion passed*

#### **F. RECOGNITION OF AND ANNOUNCEMENT FROM OUTGOING COUNCILMEMBERS**

Mayor Pro Tem Webb and Councilmember Bryant offered remarks regarding their time of service on Council.

#### **G. ANNOUNCEMENTS**

1. Announce recent and upcoming civic and social events

Mayor Dixon and Councilmembers Sharma, Forest, and Engel expressed appreciation for Councilmembers Webb and Bryant for their service and extended well wishes.

#### **H. OATHS OF OFFICE FOR NEWLY ELECTED OFFICIALS**

Ms. Scott administered Oaths of Office to newly elected Councilmembers Jim Pierson (Place 1) and Ben Bumgarner (Place 3) and she announced that each have signed a Statement of Office in accordance with state law.

Mayor Dixon presented each with a Certificate of Election in accordance with state law.

The following names reflect the members present after the Oaths of Office were administered:

|                |                       |
|----------------|-----------------------|
| Steve Dixon    | Mayor                 |
| Jim Pierson    | Councilmember Place 1 |
| Sandeep Sharma | Councilmember Place 2 |
| Ben Bumgarner  | Councilmember Place 3 |
| Jim Engel      | Councilmember Place 4 |
| Claudio Forest | Councilmember Place 5 |

**I. RECOGNITION OF AND ANNOUNCEMENTS FROM NEWLY ELECTED COUNCILMEMBERS**

Councilmembers Pierson and Bumgarner offered remarks regarding the election and expressed appreciation to Councilmembers Webb and Bryant for their service.

**J. CLOSED MEETING**

The Town Council convened into a closed meeting at 7:02 p.m. and reconvened into an open meeting at 7:11 p.m. pursuant to Texas Government Code Chapter 551.074, and discussed matters relating to personnel as follows:

- a. Discuss and consider election of Mayor Pro Tem and Deputy Mayor Pro Tem.

Councilmember Engel moved to elect Sandeep Sharma as Mayor Pro Tem. Councilmember Pierson seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: PIERSON, SHARMA, BUMGARNER, ENGEL, FOREST**

**NAYS: NONE**

Councilmember Bumgarner moved to elect Claudio Forest as Deputy Mayor Pro Tem. Councilmember Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: FOREST, ENGEL, BUMGARNER, SHARMA, PIERSON**

**NAYS: NONE**

**K. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS**

1. The next Town Council regular meeting will be held on May 20.

Mayor Dixon announced that the next regular meeting will be held on May 20.

**L. ADJOURN MEETING**

Mayor Dixon adjourned the meeting at 7:13 p.m. on May 14, 2019.

**TOWN OF FLOWER MOUND, TEXAS**

**STEVE DIXON, MAYOR**

**ATTEST:**

**THERESA SCOTT, TOWN SECRETARY**

DRAFT



## TOWN COUNCIL AGENDA ITEM NO. 2

### CONSENT ITEM

**DATE:** May 20, 2019

**FROM:** Kari Biddix, Park Development Manager

**ITEM:** Consider approval of the purchase and installation of fifteen (15) benches and fifteen (15) trash receptacles to be used along the parks and trails as a part of the ongoing Park and Trail Amenities project, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$34,955.00.

**BACKGROUND INFORMATION:** This item is to order additional quantities of our standard benches and trash receptacles to be placed along the parks and trails in Town.

**FISCAL IMPACT:** \$34,955.00

| Proposed Expenditure/(Revenue): | Account Number(s): |
|---------------------------------|--------------------|
| \$34,955.00                     | 317-110-90770      |

**Finance Review by:** Debra Wallace, Deputy Town Manager /CFO *DW*

**LEGAL REVIEW:** N/A

**ATTACHMENTS:**

1. BuyBoard Proposal

**DRAFT MOTION:** Move to approve as presented in the agenda caption.



**Child's Play, Inc.**  
 10661 Shady Trail  
 Dallas, TX 75220  
 (P) 972-484-0600 (F) 972-484-0333

**ADDRESS**

Town of Flower Mound  
 2121 Cross Timbers Road  
 Flower Mound, TX 75028

**SHIP TO**

Town of Flower Mound  
 2121 Cross Timbers Road  
 Flower Mound, TX 75028

| QUOTE # | DATE       | EXPIRATION DATE |
|---------|------------|-----------------|
| 19-3141 | 04/09/2019 | 05/07/2019      |

**SALES REP**  
 KR

| DESCRIPTION                                                                                                                                            | QTY | PRICE EACH | AMOUNT    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------|-----------|
| <b>UPT964-S6</b><br>6' Charleston Bench With Back Slat - Thermoplastic Finish - Surface Mount                                                          | 15  | 1,364.00   | 20,460.00 |
| <b>UPT964-S6</b><br>Buyboard Discount - 11%                                                                                                            | 15  | -150.00    | -2,250.00 |
| <b>UPTFTR-55-08</b><br>55 Gallon Rolled Flat Top With a 8" Opening - Thermoplastic, Flat Top, Liner & Cable                                            | 15  | 700.00     | 10,500.00 |
| <b>UP238H-P8</b><br>Buyboard Discount - 11%                                                                                                            | 15  | -77.00     | -1,155.00 |
| <b>Freight</b><br>Freight                                                                                                                              | 1   | 2,450.00   | 2,450.00  |
| <b>Installation</b><br>Assembly, Anchor Bolts & Installation of Benches & Trash Cans                                                                   | 1   | 4,950.00   | 4,950.00  |
| <b>Buyboard</b><br>This is a Buyboard Purchasing Cooperative Quote. Pricing reflects Buyboard discounts as listed under Contract #512-16, Vendor #1501 |     | 0.00       |           |

TOTAL

**\$34,955.00**

Accepted By

Accepted Date



## TOWN COUNCIL AGENDA ITEM NO. 3

### CONSENT ITEM

**DATE:** May 20, 2019

**FROM:** Tiffany Bruce, P.E., Executive Director of Public Works/Town Engineer

**ITEM:** Consider a request to amend the Town's Code of Ordinances by amending Chapter 70: Utilities by replacing Article VI, entitled "Water Conservation;" in its entirety with a new Article VI, entitled "Water Conservation", and to consider adopting an ordinance for said amendment.

**BACKGROUND INFORMATION:** This item will address proposed amendments to the current Water Conservation Ordinance that was approved on May 21, 2009. The proposed ordinance amendments are required due to the Town's change of status to a wholesale water provider that resulted through the Town's December 3, 2018 agreement to provide Red Rock Water Supply Corp with water as a water supplier.

In 2007, the 80<sup>th</sup> Texas Legislature amended Section 13.146 of the Texas Water Code to require each retail public utility that provides water service to 3,300 or more connections to submit a Water Conservation Plan to the Texas Water Development Board (TWDB). The code also required an annual report to be provided on the implementation of the plan, and the plan to be reviewed and submitted once every five years thereafter. The Water Conservation Plan is required to establish specific and quantified 5 and 10-year targets and goals in gallons per capita day for total water pumped; a schedule for plan implementation; and a water rate structure which is cost-based and does not encourage the excessive use of water. The Town's existing Water Conservation Ordinance already includes a Water Conservation Plan.

The following modifications are proposed to be made to the current Water Conservation Ordinance to fully comply with requirements as a wholesale water supplier and provide for revisions to bring the ordinance up to date with 2019 information:

- The Town's per capita target water savings goals have been updated with more current information.
- Legislation references have been updated.
- Previous retrofit incentive programs are no longer applicable due to the overall replacement requirements now in place by updated plumbing codes and outdated fixtures being phased out.
- Addition of the Town's two Reuse Master Plans for reference in the Recycling and Reuse section.
- Addition of all language required by TCEQ and TWDB for compliance with wholesale water suppliers including utilization of alternative water sources, pro rata curtailment, contract provisions, customer data, and contract requirements for successive customer conservation.

A copy of the ordinance showing all of the proposed additions and deletions is attached. A copy of the ordinance under consideration that has incorporated all deletions and additions is also attached. The updated ordinance will be provided to TCEQ and TWDB upon approval.

**FISCAL IMPACT:** N/A

**LEGAL REVIEW:** Chris John of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance as to form and legality.

**ATTACHMENTS:**

1. Ordinance
2. 2009 Ordinance highlighting proposed additions and deletions for revised 2019 Ordinance

**DRAFT MOTION:** Move to approve as presented in the agenda caption.

**TOWN OF FLOWER MOUND  
ORDINANCE NO.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 70: UTILITIES BY REPLACING ARTICLE VI, ENTITLED “WATER CONSERVATION,” IN ITS ENTIRETY WITH A NEW ARTICLE VI, ENTITLED “WATER CONSERVATION;” PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Flower Mound has for many years recognized the need for water conservation and the efficient utilization of water from all sources in order to meet future needs at reasonable costs and has determined that it is in the best public interest of the Town of Flower Mound to amend the water conservation and emergency water demand management plan; and,

**WHEREAS**, recent improvements in the water system of the Town of Flower Mound make it possible to reduce the scope of some restrictions necessary to assure the availability of adequate supplies of safe drinking water, and bring those restrictions in line with the restrictions applied in other communities; and,

**WHEREAS**, the proposed standards will allow the Town of Flower Mound to continue to comply with the requirements set forth in the Texas Commission on Environmental Quality’s rules for community water supply systems;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

The Code of Ordinances, Chapter 70: Utilities be and is hereby amended by replacing Article VI, entitled “Water Conservation,” with the following Article VI which reads as follows:

**ARTICLE VI. WATER CONSERVATION**

**DIVISION 1. GENERALLY**

**§§70-441 – 70-460. Reserved.**

**DIVISION 2. LONGTERM WATER CONSERVATION PLAN**

**§70-461. Purpose and Goals.**

- (a) The purpose of this long term water conservation plan is to encourage and promote efficient use of water resources, and to outline a strategy for achieving such efficiency.
- (b) Opportunities for conservation exist through public education efforts, plumbing fixture improvements, and the responsible use of water that may allow the Town and its customers to save water. This plan addresses various opportunities to conserve water and establishes specific strategies to realize those opportunities.
- (c) Current Texas Commission on Environmental Quality (TCEQ) rules requires the adoption of specific water conservation 5-year and 10-year goals as part of plan. No enforcement action will be taken against the Town by TCEQ if these proposed goals are not met. The following table summarizes the Town 5-year and 10-year goals using 2014 per capita water usage as the benchmark, since it was the driest in the last five (5) years. This is in compliance with TCEQ guidelines.

| Town per Capita Target Water Savings Goals |                        |                    |                     |
|--------------------------------------------|------------------------|--------------------|---------------------|
| Description                                | Current Average (GPCD) | 5-Year Goal (GPCD) | 10-Year Goal (GPCD) |
| Annual Average Per Capita Day Use          | 203.39                 | 199.32             | 193.34              |

#### **§70-462. Conservation Methods.**

The objective of water conservation is to permanently reduce the quantity of water required per person per day for living and business activities. The water conservation methods recommended by the Texas Water Development Board (TWDB) Guidelines for Municipal Water Conservation and Emergency Demand Management are as follows:

- (1) Education of the public and provide information to each retail customer;
- (2) Plumbing codes to promote conservation;
- (3) Retrofit of existing plumbing devices where warranted;
- (4) Conservation oriented rate structure;
- (5) Universal metering and meter repair and replacement;
- (6) Water conservation landscaping practices;
- (7) Irrigation practices;
- (8) Water audits and leak detections;

- (9) Recycling and reuse of treated wastewater wherever practical;
- (10) Assumption of water supply corporations that are located within the Town's corporate limits and conversion to surface water supply;
- (11) Pressure control; and
- (12) Encourage water conservation by owners of private water wells.

In addition, various methods recommended by the TWDB for saving water are on file in the office of the Town Secretary, incorporated herein, and will be made available to customers through an organized program.

#### **§70-463 Conservation Program.**

This water conservation program is organized according to the conservation methods outlined above, and each method is described below. At the conclusion of this section, the steps involved in implementation and enforcement are outlined.

#### **§70-464. Public Information and Education.**

The following shall be done to inform and educate the public concerning long-term water conservation:

- (1) Have a series of Town meetings during the course of each major water and wastewater project to explain the purpose of the project and available alternatives, and explain how growth or usage is affecting the need for the project.
- (2) Have on display at the Town of Flower Mound Offices at least three (3) conservation items, conveniently organized to encourage customer use. Possible booklets or brochures available from the TWDB include:
  - a. "A Homeowners Guide to Water Use and Water Conservation"
  - b. "How to Save Water Inside the Home"
  - c. "How to Save Water Outside the Home"
  - d. "Water Saving Ideas for Business & Industry"
- (3) Mail water conservation brochures appropriate for the season to each retail customer. The number of brochures mailed on an annual basis will be adjusted to maintain the effectiveness of the program. The program may include the following:

| <u>Item</u>                                                                                                                                                                                                                                         | <u>Frequency</u>            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| (1) Water conservation message                                                                                                                                                                                                                      | Annually                    |
| (2) Water conservation brochure or bill stuffers                                                                                                                                                                                                    | Annually                    |
| (3) Information on conservation programs such as leak detection or reuse                                                                                                                                                                            | As Necessary                |
| (4) Instructions for additional information                                                                                                                                                                                                         | Included with Utility Bills |
| (4) Encourage local media coverage of water conservation issues and the importance water conservation.                                                                                                                                              |                             |
| (5) Make information on water conservation available on the Town website and include links to the Texas Smartscape website and to other sites with good information about water conservation, including TWDB and TCEQ.                              |                             |
| (6) Make information on water conservation available on Flower Mound TV (FMTV).                                                                                                                                                                     |                             |
| (7) Notify local organizations, schools, and civic groups that Town staff, and staff of Upper Trinity Regional Water District (UTRWD), are available to make presentations on the importance of water conservation and the best ways to save water. |                             |

#### **§ 70-465. Water conserving Plumbing Fixtures.**

The Town of Flower Mound will inform customers about water-conserving plumbing fixtures and encourage the use of such fixtures when replacing fixtures in existing homes and commercial and public buildings. The Town of Flower Mound shall require all plumbing fixtures to meet the water conservation standards established in Texas Health and Safety Code Sec. 372.002, as listed below:

- (1) Toilets: Maximum flush that does not exceed 1.6 gallons of water.
- (2) Urinals: Maximum flush of 1 gallon of water.
- (3) Showerheads: Maximum flow rate of 2.5 gallons per minute at 80 pounds per square inch, except where necessary for safety reasons.
- (4) Faucets: Maximum flow rate of 2.0 gallons per minute at 60 pounds per square inch, for all lavatory, kitchen, and bar sink faucets.

This program will be implemented by code inspectors and monitored by the Town Manager and shall become effective on the effective date of the adoption of this plan. It is not expected to increase the costs of code enforcement.

**§70-466. (Omitted)**

**§70-467. Conservation Oriented Rate Structure.**

- (a) The Town of Flower Mound recognizes that an increasing block rate structure will encourage water users to reduce water use and, thereby, increase water conservation. With an increasing block rate, the price per one thousand (1,000) gallons of water increases as the quantity used increases, thereby discouraging excessive and wasteful water use.
- (b) The Town of Flower Mound has an increasing block rate structure as evidenced by the Town's rate structure, which is on file in the office of the Town Secretary.

**§70-468. Metering and Meter Testing.**

The purpose of metering is to measure the quantity of water being distributed to customers throughout the system, to account for all the water being produced, and to accurately bill for the quantity of water delivered to each customer. The Town of Flower Mound recognizes the need for universal and accurate metering. The Town's schedule for testing meters is as follows:

- (1) Compound meters 2 inches and larger and HPT meters 3 inches and larger – Test, calibrate and repair annually.
- (2) Meters 2 inches or smaller – Test and/or replace every ten (10) years.

These activities can be performed by the Town as a part of its routine operation and maintenance activities. It will be monitored by the Meter Services Section. It is expected that the costs will be offset by more accurate accounting and billing, resulting in enhanced revenues.

**§70-469. Water Conservation Landscaping.**

Well designed and properly maintained demonstration landscapes located in parks and other highly visible areas will promote the water-conserving landscape concept. As opportunities occur, the Town of Flower Mound will plan Xeriscape landscaping for its parks and other facilities. Such landscaping should emphasize native species and low water consuming plant types. Also, the Town of Flower Mound will encourage garden clubs, developers and customers to implement water efficient landscaping. The Town will participate with the UTRWD in demonstration gardens developed as part of the regional

program. Brochures on water demand of certain grasses and on outdoor water use in general will be mailed to all customers initially and provided to all new customers.

#### **§70-470. Irrigation Practices.**

The Town of Flower Mound will explore opportunities for conserving water through improved irrigation practices, including:

- (1) Prohibiting wasteful uses of water from irrigation systems, such as:
  - a. Over-watering lawns and gardens in excess of what is actually required, thereby causing water to escape from irrigated areas or run off into gutters, ditches, streets, sidewalks, and other surface drains;
  - b. watering during the heat of the day when losses due to evaporation are high;
  - c. operating sprinkler systems during periods of rainfall.
- (2) The partitioning of any given irrigation system so as to provide sequential operation of segments of the system rather than simultaneous operation.
- (3) The distribution of a brochure providing helpful tips when a permit is issued for a sprinkler system and periodically thereafter.
- (4) Require all new irrigation systems be in compliance with state design and installation standards (TAC Title 30, Part 1, Chapter 344)

#### **§70-471. Water Audits and Leak Detection.**

- (a) The Town of Flower Mound is aware of potential savings from leak detection studies and water audits. The Town is committed to maintain low unaccounted-for water losses in its water system, and in recent years has experienced less than fivepercent (5%) loss because of the responsiveness of the various utility service departments and a relatively new water system. Although the current management practices have been successful in maintaining low water losses, the Town currently does not have an established leak detection and repair program. The 5-year and 10-year water loss goals are 5% and 4%, respectively.
- (b) Audit results will continue to be evaluated.

#### **§70-472 Wastewater Recycling and Reuse**

- (a) The leading types of potential recycling and reuse projects are:
  - (1) Use of wastewater effluent for irrigation of parks and/or golf courses.



- (2) Transmission of wastewater effluent to a surface water reservoir project for treatment and reuse as a public water supply.
  - (3) Installation of gray water (water from the washing machine, showers, and bathtubs) tanks in homes for lawn and landscape watering.
  - (4) Recycling and reuse of treated effluent by, or for, industrial, commercial and institutional customers – as well as for irrigation of open space, such as parks and golf courses.
- (b) The Town of Flower Mound has two reuse water master plans that take advantage of nearby wastewater treatment plant effluent, one was adopted in 2014 and covers the western area of Flower Mound and the other was adopted in 2018 and covers the southeast area of Flower Mound. The treatment of wastewater effluent is recognized as an excellent method of conserving drinking water through the use of reuse water for irrigation purposes.

#### **§70-473. Pressure Control.**

The Town of Flower Mound recognizes that adequate pressure control throughout its distribution system can improve water conservation. The transmission system should be sized to maintain a minimum pressure of 40 psi during normal operating conditions and a minimum pressure of 20 psi during extreme operating conditions. In addition, pressures above 90 psi are undesirable and should be avoided. The maximum pressure in extreme conditions should be limited to 120 psi because high operating pressure will result in increased system maintenance and increased operational cost. The transmission system should also be sized to limit maximum velocity in the transmission system to seven cubic feet per second.

#### **§70-474. Enforcement of article provisions.**

- (a) The water conservation plan will be implemented and enforced under the general direction of the Town Manager. Methods and costs of implementation are described below:
- (1) Public Information and Education: The Town of Flower Mound will make copies available of the water conservation plan, including copies of the water conservation methods, to customers, civic groups and other groups upon request. Also, copies of the plan and literature will be given to the local newspapers for use in writing water conservation articles.
  - (2) Water Conservation Plumbing Fixtures: The Texas Health and Safety Code §372.002, *et seq.*, sets out conservation standards for plumbing fixtures sold within Texas. These standards are listed in §70-465, above.

- (3) Water Conserving Landscape: The Town of Flower Mound will cooperate with the UTRWD in informing nurseries and the public of plants and shrubs that are native to the area. The budget for this activity will be included in the budget for public information and education.
  - (4) Leak Detection and Water Audits: The Town of Flower Mound will be alert to leak detection, will emphasize water audits, and will repair leaks to save water and reduce operation costs. Technical assistance for leak detection and water audits is available from the TWDB and from the UTRWD. No budget increase is expected for this water conservation activity.
  - (5) Wastewater Reuse and Recycling: The use of wastewater effluent from the central sewage collection and treatment system for irrigation of parks, golf courses, or forage crops is incorporated in to the Town's Water Master Plan. Other opportunities will be considered. Any such use must be planned and evaluated on an individual basis. Also, opportunities for recycling and reuse of effluent by or for, industrial, commercial and institutional customers will be explored.
- (b) The use of gray water systems in homes for lawn and landscape watering may be possible in some parts of the service area; but may not be acceptable within more densely populated portions of the service area. Gray water systems are most easily installed as homes are being built. Existing homes can be retrofitted with a gray water system at a higher cost. In the case of new homes, gray water tanks, piping, and pumping equipment for a family of four would cost approximately four thousand dollars (\$4,000.00) to install. The costs to install such a system in existing homes may be considerably higher, since piping would need to be modified and pumps added.
  - (c) The Town of Flower Mound encourages water reuse and recognizes that the cost of water reuse will be borne by the beneficiaries. To the extent that water reuse saves water and lowers monthly water bills, the benefits can be used to repay the costs of reuse projects.
  - (d) The Town Manager will be responsible for implementation of the water conservation program. Punitive enforcement measures are not expected to be required. By adoption of this plan, the Town of Flower Mound is directing and authorizing the Town Manager to take all steps reasonably necessary to implement and enforce the plan.

#### **§70-475. Review and Evaluation.**

The Town shall maintain a record management system to record water pumped, delivered, sold and lost, which allows the classification of water sold and used by user categories (i.e. residential, commercial, public and institutional, and industrial).

The Town is required to submit an annual water conservation implementation report to TCEQ and TWDB. Said reports must be completed by May1 of the following year for the previous year and used to monitor the effectiveness and efficiency of the Town water conservation program. The results of the report may also be used to plan conservation-related activities for the following year. A copy of the report will also be sent to UTRWD, which will monitor the regional water conservation trends.

As required by TCEQ rules, the Town will review the plan every five (5) years. The plan will be updated, as appropriate, based upon new or updated information. Should the plan be revised during any five-year period, an amended plan must be submitted to TCEQ within 90 days of being adopted.

#### **§70-476. Contracts With Other Political Subdivisions.**

The Town sells water to one small Water Supply Corporation for resale

- (a) Customer Data for Wholesale Customer is as follows:

Red Rock Water Supply Corporation

P.O.Box 270103

Flower Mound, TX 75027

Annual usage in 2018: 8.3MG

- (b) Contract Requirements for Successive Customer Conservation

The Town of Flower Mound will include a requirement in every water supply contract entered into or renewed after official adoption of the water conservation plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30 TAC Chapter 288. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of 30 TAC Chapter 288.

#### **§70-477. Coordination with Regional Planning Groups.**

The Town of Flower Mound will provide a copy of this water conservation plan to the Region C Water Planning Group, which is responsible for developing regional water use information for the planning of future water needs. Flower Mound will cooperate with regional water agencies by providing information, participating in cooperative conservation programs, and with usage reductions initiated as a result of drought or other conditions. In addition, a copy of this approved plan will be sent to both TCEQ and TWDB.

#### **§§70-478 – 70-500. Reserved.**

### DIVISION 3. SHORTTERM WATER CONSERVATION PLAN

#### **§70-501. Purpose and Goals.**

- (a) The purpose of the annual water conservation plan is to establish the Town's policy and procedures in reference to the use of potable water for outdoor watering and to encourage the prudent application of water to lawns and landscaping plants.
- (b) Waste of water shall be prohibited, including such actions as permitting water to escape from irrigated areas or runoff into gutters, ditches, streets, sidewalks, and other surface drains; failing to promptly repair a controllable leak due to deficient plumbing after discovery; and other obvious wasteful uses.

#### **§70-502. Public Education and Information.**

Public information that can make the most immediate impact is the encouragement for proper watering of lawns and landscaping. Proper watering of lawns can further reduce usage while improving the health of the lawns at the same time. Information on outdoor water use will be published in the Town's newsletter.

#### **§70-503. Water Conserving Plumbing Fixtures.**

The Town shall require water conserving fixtures on all new construction in the Town.

#### **§§70-504 – 70-520. Reserved.**

### DIVISION 4. EMERGENCY WATER DEMAND MANAGEMENT PLAN

#### **§70-521. Purpose and Goals.**

The purpose of this emergency water demand management plan is to establish an orderly strategy for preserving and managing an adequate supply of water to protect and preserve the public health, safety and welfare of citizens and the general public from situations that threaten to interrupt or otherwise prevent the Town from providing continuous water service.

#### **§70-522. Trigger Conditions.**

The following four (4) stages of drought or water storage and pumping conditions shall be used to determine the degree of urgency for initiation and implementation of the management plan measures.

- (1) Stage 1 Triggers – Water Awareness – Water awareness conditions exist upon discovery or notification of potentially serious water management situations that can be managed through voluntary reductions in water use. Customers shall be requested to voluntarily conserve water and adhere to

the prescribed restrictions on certain non-essential water usage as provided in the Emergency Management Measures section of this plan. These conditions include:

- a. Either wholesale water supplier(s) implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity, or other such items requiring cooperation; or
- b. Total water consumption reaches seventy-five percent (75%) of the Town's water distribution pumping capacity; or,
- c. The water supply system has a significant limitation due to failure of or damage to important system components.

Stage 1 of the Plan may be terminated when Stage 1 conditions no longer exist and would be unlikely to recur upon termination.

- (2) Stage 2 Triggers – Water Watch – Water watch conditions exist because of a failure in voluntary reduction and public awareness efforts to reduce demand, failures with equipment, inadequate supply, or diminished capacity. Customers shall be requested to adhere to both voluntary and mandatory measures to conserve water and adhere to the prescribed restrictions on certain non-essential water uses provided in the Emergency Management Measures section of this plan. These conditions shall include any of the following:

- a. Either average daily water demand reaches ninety percent (90%) of available supply for two (2) consecutive days; or
- b. Average daily water demand reaches ninety percent (90%) of the Town's water distribution system pumping capacity for two (2) consecutive days; or
- c. Failures occur with Town or wholesale supplier equipment or systems that result in a situation where demand reaches ninety percent (90%) of remaining supply or system capacity; or
- d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity or other items requiring cooperation.

Stage 2 of the Plan may be terminated when Stage 2 conditions no longer exist and would be unlikely to recur upon termination.

- (3) Stage 3 Triggers – Water Warning – A water warning condition exists because of a failure of Stage 2 management measures to reduce demand for water, or failures with equipment, inadequate supply, or diminished system capacity prevents meeting demand for water. Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in the Emergency Management Measures section of this plan. These conditions shall include any of the following:

- a. Either average daily water demand reaches ninety-five percent (95%) of available supply for two (2) consecutive days; or
- b. Average daily water demand reaches ninety-five percent (95%) of the Town's water distribution system pumping capacity for two (2) consecutive days; or
- c. Failures occur with Town or wholesale supplier equipment or systems that result in a situation where demand reaches ninety-five percent (95%) of remaining supply or system capacity; or
- d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity or other items requiring cooperation.

Stage 3 of the Plan may be terminated when the Stage 3 conditions no longer exist and would be unlikely to recur upon termination.

- (4) Stage 4 Triggers – Water Emergency – A water emergency condition exists because of a failure of Stage 3 management measures to reduce demand for water. This condition reflects the Town's impaired ability to provide water service as a result of unforeseen failures and inadequacies in equipment and supply. Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in the Emergency Management Measures section of this plan. These conditions shall include any of the following:

- a. Either average daily water demand reaches ninety-eight percent (98%) of the Town's water distribution system pumping capacity for one (1) day; or
- b. The water system is contaminated either accidentally or intentionally; or
- c. Major waterline breaks, or pump or system failure occurs causing unprecedented loss of capacity to provide treated water service; or

- d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity, or other items requiring cooperation.

Stage 4 of the Plan may be terminated when Stage 4 conditions no longer exist and would be unlikely to recur upon termination.

### **§70-523. Emergency Management Measures.**

Adoption of this plan includes authorization for the Town Manager to implement the following emergency management measures in response to the aforementioned trigger conditions for the various levels of severity for drought or emergencies:

- (1) Stage 1 Response – Water Awareness – Water awareness measures involve voluntary reductions in water use and encourage users to conserve water to avoid activation of more limiting management measures. The target of water awareness measures is to achieve a voluntary one percent (1%) reduction in total gallons per capita day (GPCD) usage.

Specific actions to be taken during any drought situation will be determined by the Town Manager. The Town Manager may also take other actions not listed, if deemed necessary. The actions available under this measure include the following Voluntary Water Use Restrictions for Reducing Demand, except for item 1, which provide a menu of possible actions collectively and for different classes of water users as follows:

- (a) All Water Users

- 1. All users shall refrain from lawn and garden watering, or irrigation, between the hours of 10:00 a.m. to 6:00 p.m.
- 2. Encourage the reduction of water use through a voluntary day-of-week watering schedule. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays, Tuesdays, and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8) and for locations without an address. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Saturday, Monday, and Wednesday for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9). Apartments, office building complexes, or other property containing multiple addresses shall be identified by the lowest address number. Irrigation of

landscaped areas is permitted at anytime if it is by means of a hand-held hose, faucet-filled bucket, or drip irrigation.

3. Encourage reduction in the frequency of watering new and first year landscaping and foundations.
4. Encourage only initial filling of ornamental fountains or ponds.
5. Encourage reduction in the frequency of washing and rinsing vehicles and recommend the use of bucket/container, hand-held hose with positive shut-off valve or commercial car wash.
6. Encourage reduction in the frequency of draining and refilling of swimming pools.
7. Encourage reduction in recreational water use including the use of faucets, hoses, or hydrants which use water in such a manner as to allow run-off or other waste.

(b) Municipal Government

1. Initiate a public education campaign teaching and encouraging reduced water use practices for both Town water and water from private wells.
2. Notices will be published in local papers, will appear on local cable channel and posted on the Town's web page informing the public of the trigger condition(s) prompting the measure and requesting that water users voluntarily reduce water consumption.
3. Increase public awareness through the distribution of conservation pamphlets, including water conservation tips on utility billings, and including notices and suggestions in newsletters.
4. Weekly status updates on the condition(s) causing activation of the management measure will be displayed on the local cable television channel and appear on the Town's website.
5. Waste of water shall be prohibited by eliminating such actions that allow excessive amounts of water to escape from irrigated areas as runoff into gutters, ditches, streets, and other surface drains; failing to promptly repair a controllable leak; and, other obvious wasteful uses and conditions.



6. Intensify normal leak detection and repair activities on waterlines.
7. Encourage reduction of water use in Town-owned ornamental fountains or ponds.
8. Encourage reduction in water use for landscaping for parks and athletic fields.

(c) Commercial Customers

1. Commercial users, Home Owners Associations, and other non-residential irrigation system owners will be contacted and asked to reduce water use by inspecting their systems. Corrective measures would limit over watering to prevent runoff, repairing broken or damaged sprinkler heads, and repair of any leaks that may be identified.
2. Identify and encourage voluntary reduction measures by high-volume water users through water audits.
3. Encourage reduction in water use for landscaping for commercial landscaping, open space, parks and golf courses.
4. Encourage reduction in water use for landscape nursery stock.

- (2) Stage 2 Response – Water Watch – Water watch measures impose usage restrictions on consumers as a result of ineffective Stage 1 measures, or because Stage 2 conditions require immediate implementation of Stage 2 measures. The Stage 2 management measures provide for limiting use and enforcement of the restrictions. The target of water watch measures is to achieve a five percent (5%) reduction in total gallons per capita day (GPCD) usage.

Specific actions taken during any drought situation will be determined by the Town Manager. The Town Manager may also take other actions not listed, if deemed necessary. The actions available under this measure include the following Mandatory Water Use Restrictions for Reducing Demand which provide a menu of possible actions collectively and for different classes of water users as follow:

(a) All Water Users

1. Required reduction of water use through mandatory day-of-week landscape watering schedule and required watering only during off-peak hours. Irrigation of landscaped areas with

hose-end sprinklers or automatic irrigation systems shall be limited to Sunday, Tuesday, and Thursday for customers with a street address ending in an even number (0, 2, 4, 6, or 8) and for locations without addresses, and Saturday, Monday, and Wednesday for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9). Irrigation is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 6:00 p.m. and 12:00 midnight on the customers' designated watering days. Apartments, office building complexes, or other property containing multiple addresses shall be identified by the lowest address number. Irrigation of landscaping areas is permitted at anytime if it is by means of a hand-held hose, faucet-filled bucket, or drip irrigation system.

2. Restrict operation of ornamental fountains or ponds to initial filling except where necessary to support aquatic life or where fountains or ponds are equipped with a recirculation system.
3. Prohibit recreational water use including the use of faucets, hoses, or hydrants that use water in such a manner as to allow run-off or other waste.
4. Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at anytime on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as garbage trucks, and vehicles used to transport food or perishables.
5. Filling of swimming pools following new construction is allowed during Stage 2 management measures. However, filling of existing swimming pools following maintenance or to maintain water levels is considered outside use and must comply with the schedule outlined in the Stage 2 management measures.
6. Prohibit hosing off of paved areas, buildings, windows, and other surfaces.
7. Watering of new plantings (first year) of trees, shrubs, and turf will require obtaining a variance from the Director of Public Works. The variance will only be given for the length of time needed to establish the planting.

8. Wasting of water shall be prohibited, including such actions as: permitting an excessive amount of water to escape from the irrigated areas or run off into gutters, ditches, streets, and other surface drains; failing to promptly repair a controllable leak after discovery; and other obvious wasteful uses.
9. Certain construction related activities using significant amounts of water, such as new water line flushing and paving construction will not be allowed without prior approval from the Director of Public Works.

(b) Municipal Government

1. Accelerate public education campaign teaching and encouraging reduced water use practices.
2. Reduce frequency of Town vehicle washing or rinsing by fifty percent (50%).
3. Continue intensified leak detection and repair activities on waterlines.
4. Prohibit operation of ornamental fountains and ponds by municipal government.
5. Require reduction of water use for all municipal government landscaping including parks and athletic fields through day of the week landscape watering schedule.

(c) Commercial Customers

1. Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
2. Require reduction of water use through day of the week landscape watering schedule for parks, athletic fields, and golf courses unless water is received from another source.
3. Encourage further reduction of landscape uses for nursery stock.

- (3) **Stage 3 Response – Water Warning** – Water Warning management measures reflect worsening conditions. Outside water use for irrigation purposes will be more strictly limited with active enforcement measures taken to ensure compliance. The target of water watch measures is to achieve a

fifteen percent (15%) reduction in total gallons per capita day (GPCD) usage.

Specific actions taken during any drought situation will be determined by the Town Manager. The Town Manager may also take other actions not listed, if deemed necessary. The actions available under this measure include the following Mandatory Water Use Restrictions for Reducing Demand which provide a menu of possible actions collectively and for different classes of water users. All requirements of Stage shall effect during Stage 3 except as follows:

(a) All Water Users

1. Required reduction of water use through mandatory day-of-week landscape watering schedule and required watering only during off-peak hours. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8) and for locations without addresses, and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Irrigation is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 6:00 p.m. and 12:00 midnight on the customers'; designated watering days. Apartments, office building complexes, or other property containing multiple addresses shall be identified by the lowest address number. Irrigation of landscaping areas is permitted at anytime if it is by means of a hand-held hose, faucet-filled bucket, or drip irrigation system.
2. A ten percent (10%) rate increase shall be initiated for high water demand users (customers using greater than 10,000 gallons per month, per account).
3. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare shall continue to be limited to the use of hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Further, such washing shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

4. The filling, refilling, or adding of water to swimming pools, wading pools and Jacuzzi type pools is prohibited except between the hours of 6:00 p.m. and 10:00 a.m.
5. Foundations may be watered for a two-hour period between the hours of 6:00 p.m. and 10:00 a.m. with soaker or hand-held hose equipped with a positive shutoff nozzle on the customers' designated day of the week watering schedule.
6. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
7. Permitting of new swimming pools, hot tubs, spas, ornamental ponds, and fountain construction is prohibited.
8. Certain construction related to using significant amounts of water such as new line flushing and paving construction will not be allowed without prior authorization from the Director of Public Works.

(b) Municipal Government

1. Town vehicle washing and rinsing is limited to once a week.
2. All Municipal landscape watering is prohibited.

(c) Commercial Customers

1. Watering of golf course greens and tee boxes shall be restricted to off-peak hours of 6:00 p.m. to 10:00 a.m.; watering of other golf course areas and parks is prohibited unless the golf course or park utilizes a water source other than that provided by the Town.
2. Watering of nursery plant stock shall be restricted to designated off-peak hours and the customers' designated day-of-the-week landscaping water schedule.

(4) Stage 4 Response – Water Emergency – Water Emergency management measures reflect the most extreme measures taken in protecting the water supply for sanitary and fire protection uses only. Outside water uses shall be limited and active enforcement measures will be taken to ensure compliance. This measure is anticipated to be a short term measure used to protect the integrity of the water system. The target of water emergency measures is to

achieve a twenty-five percent (25%) reduction in total gallons per capita day (GPCD) usage.

Specific actions taken during any drought situation, including water allocation will be determined by the Town Manager. The actions available under this measure include the following Mandatory Water Use Restrictions for Reducing Demand which provide a menu of possible actions collectively and for different classes of water users. All requirements of Stage 2 and 3 shall remain in place during Stage 4 except as follows:

(a) All Water Users

**The Town Manager may order the implementation of the following and take other reasonable and necessary measures subject to the approval of the Town Council:**

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
3. All rates for usage in excess of 10,000 gallons per month (per single-family residential account), or any other usage amount above 10,000 gallons per month, as deemed appropriate by the Town Manager, may be increased by an additional ten percent (10%), or any other percentage deemed appropriate by the Town Manager as necessary to reduce water consumption.
4. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher number stage shall be in effect.
5. Commercial and industrial water users shall reduce or stop water consumption to the extent determined by the Town Manager. Water service will be provided, depending on availability, according to the following priority system:
  - a. Hospitals;
  - b. Schools;
  - c. Industrial Users;

- d. Commercial Users;
  - e. Residential Users;
  - f. Recreational Users.
6. Certain construction related activities using significant amounts of water, such as new water line flushing and paving construction will not be allowed without prior authorization from the Director of Public Works.
7. Exceptions to these mandatory water use restrictions may be authorized by the Director of Public Works for essential water uses such as: health and safety uses; commercial and industrial uses necessary to maintain, but not expand, primary business practices (e.g., commercial car and truck washes, nurseries, water haulers, etc.); and uses pursuant to law and/or regulation.

#### **§70-524. Public Involvement.**

Adoption of this plan and subsequent revisions will require the Town to actively inform the public of proposed changes and provide an opportunity for comment regarding the conservation plan. At a minimum, this will include the placement of proposed changes on a Town Council Meeting Agenda with participation by individuals during the Citizen/Visitor Comment portion of the meeting.

#### **§70-525. Initiation Procedures.**

The method of initiation of emergency management measures is defined in each level of emergency in §70-523 above.

#### **§70-526. Termination Notification.**

For water alert conditions, termination will not occur until the conditions which triggered the emergency have been alleviated. If excessive demand is determined to be the trigger, all initiated actions will remain in effect until September 30 of the year in which they were triggered, or until the Town Manager determines the actions are no longer required. For water warning conditions, all initiated actions will remain in effect until the conditions which triggered the emergency have been alleviated, or until the Town Manager determines that conditions exist which will allow the removal of the water warning actions. For water emergency conditions, all initiated actions will remain in effect until the conditions which triggered the emergency have been alleviated, or until the Town Manager determines that conditions exist which will allow the removal of the water emergency actions. Public notification of the termination of any water emergency management measures will follow the same procedures used in the notification of the initiation of these measures.

#### **§70-527. Implementation and Enforcement of Division Provisions.**

The various levels of remedial actions are implemented per the triggers defined in §70-522. The method of implementation is set out in §70-523. Violations of restrictions defined in §70-523 and will result in a warning, after which a citation may be issued with a fine as prescribed in §1-13 of this Code of Ordinances.

#### **§70-528. Penalty.**

- (a) Any person, customer and/or user of the Town's water system, except for the Town, who violates or fails to comply with any provision of this Article VI shall be deemed guilty of a misdemeanor and shall be punished by a fine as provided in §1-13 of this Code of Ordinances. Each day any such violation continues shall constitute a separate offense and be punishable as such.
- (b) In addition to proceeding under the authority of subsection (a) of this section, the Town shall be entitled to disconnect or discontinue water services to any such person, customer and/or user of the Town's water system who violates or fails to comply with any provision of this Article VI.

#### **§70-529. Emergency Water Demand Management Plan Review and Update.**

The emergency water demand management plan shall be reviewed and updated as needed at least every five (5) years, based upon new or updated information, such as the adoption or revision of the regional water plan.

#### **§70-530. Texas Commission on Environmental Quality (TCEQ) Notification.**

The Town shall notify the Executive Director of TCEQ within five (5) business days of the implementation of any mandatory provisions of the Emergency Water Demand Management Plan.

#### **§70-531. Utilization of Alternative Water Sources and/or Alternative Delivery Mechanisms**

**The Town of Flower Mound utilizes and is under contract with two potable water sources, Dallas Water Utilities and Upper Trinity Regional Water District. The Town also has plans to utilize reuse water in the future from two sources, Trinity River Authority and our wastewater treatment plant effluent.**

#### **§70-532. Pro Rata Curtailment**

**In the event tha the triggering criteria specified in Stage 4 – Water Emergency have been met, the Town Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039**



### **§70-533. Contract Provisions**

**Dallas Water Utilities and Upper Trinity Regional Water District will include a provision in every wholesale contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water will be distributed in accordance with Texas Water Code, §11.039.**

**§70-534 – 70-540. Reserved.**

## **DIVISION 5. UTILITY PROFILE**

### **§70-541. Texas Water Development Board Utility Profile**

The most recent Texas Water Development Board Utility Profile is on file in the office of the Town Secretary.

## **SECTION 2**

That any provision of the Code of Ordinances of the Town of Flower Mound in conflict with the provisions of this Ordinance be, and same is hereby, repealed and all other provisions of the Code of Ordinances of the Town of Flower Mound not in conflict with this ordinance shall remain in full force and effect.

## **SECTION 3**

That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

## **SECTION 4**

That any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances as amended hereby shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

## **SECTION 5**

This ordinance shall take effect and be in full force immediately after its passage and publication as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF  
FLOWER MOUND, TEXAS BY A VOTE OF TO ON THE 20TH DAY OF MAY, 2019.**

**APPROVED:**

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**Steve Dixon, MAYOR**

**ATTEST:**

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**Theresa Scott, TOWN SECRETARY**

**TOWN OF FLOWER MOUND**  
**ORDINANCE NO. XX-XX**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 70: UTILITIES BY REPLACING ARTICLE VI, ENTITLED “WATER CONSERVATION,” IN ITS ENTIRETY WITH A NEW ARTICLE VI, ENTITLED “WATER CONSERVATION;” PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Flower Mound has for many years recognized the need for water conservation and the efficient utilization of water from all sources in order to meet future needs at reasonable costs and has determined that it is in the best public interest of the Town of Flower Mound to amend the water conservation and emergency water demand management plan; and.

**WHEREAS**, recent improvements in the water system of the Town of Flower Mound make it possible to reduce the scope of some restrictions necessary to assure the availability of adequate supplies of safe drinking water, and bring those restrictions in line with the restrictions applied in other communities; and.

**WHEREAS**, the proposed standards will allow the Town of Flower Mound to continue to comply with the requirements set forth in the Texas Commission on Environmental Quality’s rules for community water supply systems;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

The Code of Ordinances, Chapter 70: Utilities be and is hereby amended by replacing Article VI, entitled “Water Conservation,” with the following Article VI which reads as follows:

**ARTICLE VI. WATER CONSERVATION**

**DIVISION 1. GENERALLY**

**§§70-441 – 70-460. Reserved.**

**DIVISION 2. LONGTERM WATER CONSERVATION PLAN**

**§70-461. Purpose and Goals.**

- (a) The purpose of this long term water conservation plan is to encourage and promote efficient use of water resources, and to outline a strategy for achieving such efficiency.
- (b) Opportunities for conservation exist through public education efforts, plumbing fixture improvements, and the responsible use of water that may allow the Town and its customers to save water. This plan addresses various opportunities to conserve water and establishes specific strategies to realize those opportunities.
- (c) Current Texas Commission on Environmental Quality (TCEQ) rules requires the adoption of specific water conservation 5-year and 10-year goals as part of plan. No enforcement action will be taken against the Town by TCEQ if these proposed goals are not met. The following table summarizes the Town 5-year and 10-year goals using 20~~1406~~ per capita water usage as the benchmark, since it was the driest in the last five (5) years. This is in compliance with TCEQ guidelines.

| Town per Capita Target Water Savings Goals |                        |                        |                          |
|--------------------------------------------|------------------------|------------------------|--------------------------|
| Description                                | Current Average (GPCD) | 5-Year Goal (GPCD)     | 10-Year Goal (GPCD)      |
| Annual Average Per Capita Day Use          | 20 <del>344.391</del>  | <del>239</del> 199.342 | <del>232.09</del> 193.34 |

#### **§70-462. Conservation Methods.**

The objective of water conservation is to permanently reduce the quantity of water required per person per day for living and business activities. The water conservation methods recommended by the Texas Water Development Board (TWDB) Guidelines for Municipal Water Conservation and Emergency Demand Management are as follows:

- (1) Education of the public and provide information to each retail customer;
- (2) Plumbing codes to promote conservation;
- (3) Retrofit of existing plumbing devices where warranted;
- (4) Conservation oriented rate structure;
- (5) Universal metering and meter repair and replacement;
- (6) Water conservation landscaping practices;
- (7) Irrigation practices;
- (8) Water audits and leak detections;

- (9) Recycling and reuse of treated wastewater wherever practical;
- (10) Assumption of water supply corporations that are located within the Town's corporate limits and conversion to surface water supply;
- (11) Pressure control; and
- (12) Encourage water conservation by owners of private water wells.

In addition, various methods recommended by the TWDB for saving water are on file in the office of the Town Secretary, incorporated herein, and will be made available to customers through an organized program.

#### **§70-463 Conservation Program.**

This water conservation program is organized according to the conservation methods outlined above, and each method is described below. At the conclusion of this section, the steps involved in implementation and enforcement are outlined.

#### **§70-464. Public Information and Education.**

The following shall be done to inform and educate the public concerning long-term water conservation:

- (1) Have a series of Town meetings during the course of each major water and wastewater project to explain the purpose of the project and available alternatives, and explain how growth or usage is affecting the need for the project.
- (2) Have on display at the Town of Flower Mound Offices at least three (3) conservation items, conveniently organized to encourage customer use. Possible booklets or brochures available from the TWDB include:
  - a. "A Homeowners Guide to Water Use and Water Conservation
  - b. "How to Save Water Inside the Home"
  - c. "How to Save Water Outside the Home"
  - d. "Water Saving Ideas for Business & Industry"
- (3) Mail water conservation brochures appropriate for the season to each retail customer. The number of brochures mailed on an annual basis will be adjusted to maintain the effectiveness of the program. The program may include the following:

| <u>Item</u>                                                                                                                                                                                                                                         | <u>Frequency</u>                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (1) Water conservation message                                                                                                                                                                                                                      | Annually                             |
| (2) Water conservation brochure or bill stuffers                                                                                                                                                                                                    | Annually                             |
| (3) Information on conservation programs _____ <del>of the Town</del> As<br><u>Necessary</u> <del>Necessary</del><br>such as leak detection or reuse                                                                                                |                                      |
| (4) Instructions for additional information                                                                                                                                                                                                         | _____ Included with<br>Utility Bills |
| (4) Encourage local media coverage of water conservation issues and the importance water conservation.                                                                                                                                              |                                      |
| (5) Make information on water conservation available on the Town website and include links to the Texas Smartscape website and to other sites with good information about water conservation, including TWDB and TCEQ.                              |                                      |
| (6) Make information on water conservation available on Flower Mound TV (FMTV).                                                                                                                                                                     |                                      |
| (7) Notify local organizations, schools, and civic groups that Town staff, and staff of Upper Trinity Regional Water District (UTRWD), are available to make presentations on the importance of water conservation and the best ways to save water. |                                      |

#### **§ 70-465. Water conserving Plumbing Fixtures.**

The Town of Flower Mound will inform customers about water-conserving plumbing fixtures and encourage the use of such fixtures when replacing fixtures in existing homes and commercial and public buildings. The Town of Flower Mound shall require all plumbing fixtures to meet the water conservation standards established in ~~Senate Bill 587, 1991 Regular Session of the Texas Legislature~~ Texas Health and Safety Code Sec. 372.002, as listed below:

- (1) Toilets: ~~Wall mounted, flushometer types that have a maximum flush of 2.0 gallons, with all other types having a Mm~~ maximum flush that does not exceed 1.6 gallons of water.
- (2) Urinals: Maximum flush of 1 gallon of water.
- (3) Showerheads: Maximum flow rate of ~~2.75~~ 5 gallons per minute at 80 pounds per square inch, except where necessary for safety reasons.

- (4) Faucets: Maximum flow rate of 2.0 gallons per minute at 60 pounds per square inch, for all lavatory, kitchen, and bar sink faucets.

~~(5) Hot Water Piping: All hot water pipes should be insulated.~~

This program will be implemented by code inspectors and monitored by the Town Manager and shall become effective on the effective date of the adoption of this plan. It is not expected to increase the costs of code enforcement.

#### **§70-466. Retrofit Programs.(Omitted)**

~~The Town of Flower Mound encourages the retrofit of existing plumbing fixtures through the voluntary efforts of individual consumers for their homes and businesses. Adoption of a water conservation plumbing code (as described in §70-465) will result in a gradual upgrading of plumbing fixtures in existing structures.~~

~~Over the next five (5) years the Town plans to evaluate the feasibility and merits of an optional rebate program to encourage replacement of older fixtures with water conserving fixtures. A rebate program may include one or more of the following concepts:~~

- ~~——(1) Low flow toilet replacement and rebate.~~
- ~~(2) Pressure reduction in the system or for individual customers.~~
- ~~(3) Rain/freezer sensors for irrigation systems.~~
- ~~(4) Low flow showerhead and sink aerators replacement.~~
- ~~(5) Water efficient clothes washer rebates.~~
- ~~(6) Other water conservation incentive programs.~~

#### **§70-467. Conservation Oriented Rate Structure.**

- (a) The Town of Flower Mound recognizes that an increasing block rate structure will encourage water users to reduce water use and, thereby, increase water conservation. With an increasing block rate, the price per one thousand (1,000) gallons of water increases as the quantity used increases, thereby discouraging excessive and wasteful water use.
- (b) The Town of Flower Mound has an increasing block rate structure as evidenced by the Town's rate structure, which is on file in the office of the Town Secretary.

#### **§70-468. Metering and Meter Testing.**

The purpose of metering is to measure the quantity of water being distributed to customers throughout the system, to account for all the water being produced, and to accurately bill for the quantity of water delivered to each customer. The Town of Flower Mound recognizes the need for universal and accurate metering. The Town's schedule for testing meters is as follows:

- (1) ~~Master or production meters and all meters larger than 1-1/2 inches~~Compound meters 2 inches and larger and HPT meters 3 inches and larger – Test, calibrate and repair annually.
- (2) Meters ~~1-1/2~~2 inches or smaller – Test and/or replace every ten (10) years.

These activities can be performed by the Town as a part of its routine operation and maintenance activities. It will be monitored by the Meter Services Section. It is expected that the costs will be offset by more accurate accounting and billing, resulting in enhanced revenues.

#### **§70-469. Water Conservation Landscaping.**

Well designed and properly maintained demonstration landscapes located in parks and other highly visible areas will promote the water-conserving landscape concept. As opportunities occur, the Town of Flower Mound will plan Xeriscape landscaping for its parks and other facilities. Such landscaping should emphasize native species and low water consuming plant types. Also, the Town of Flower Mound will encourage garden clubs, developers and customers to implement water efficient landscaping. The Town will participate with the UTRWD in demonstration gardens developed as part of the regional program. Brochures on water demand of certain grasses and on outdoor water use in general will be mailed to all customers initially and provided to all new customers.

#### **§70-470. Irrigation Practices.**

The Town of Flower Mound will explore opportunities for conserving water through improved irrigation practices, including:

- (1) Prohibiting wasteful uses of water from irrigation systems, such as:
  - a. Over-watering lawns and gardens in excess of what is actually required, thereby causing water to escape from irrigated areas or run off into gutters, ditches, streets, sidewalks, and other surface drains;
  - b. watering during the heat of the day when losses due to evaporation are high;
  - c. operating sprinkler systems during periods of rainfall.



- (2) The partitioning of any given irrigation system so as to provide sequential operation of segments of the system rather than simultaneous operation.
- (3) The distribution of a brochure providing helpful tips when a permit is issued for a sprinkler system and periodically thereafter.
- (4) Require all new irrigation systems be in compliance with state design and installation standards (TAC Title 30, Part 1, Chapter 344).

#### **§70-471. Water Audits and Leak Detection.**

- (a) The Town of Flower Mound is aware of potential savings from leak detection studies and water audits. The Town is committed to maintain low unaccounted-for water losses in its water system, and in recent years has experienced less than ~~ten-five~~percent (~~510~~%) loss because of the responsiveness of the various utility service departments and a relatively new water system. Although the current management practices have been successful in maintaining low water losses, the Town currently does not have an established leak detection and repair program. The 5-year and 10-year water loss goals are ~~56~~% and ~~45~~%, respectively.
- (b) Audit results will continue to be evaluated. ~~The Town will develop a leak detection and repair program for its water distribution system over the next three (3) years.~~

#### **§70-472 Wastewater Recycling and Reuse**

- (a) The leading types of potential recycling and reuse projects are:
  - (1) Use of wastewater effluent for irrigation of parks and/or golf courses.
  - (2) Transmission of wastewater effluent to a surface water reservoir project for treatment and reuse as a public water supply.
  - (3) Installation of gray water (water from the washing machine, showers, and bathtubs) tanks in homes for lawn and landscape watering.
  - (4) Recycling and reuse of treated effluent by, or for, industrial, commercial and institutional customers – as well as for irrigation of open space, such as parks and golf courses.
- (b) ~~The reuse~~Town of Flower Mound has two reuse water master plans that take advantage of nearby wastewater treatment plant effluent, one was adopted in 2014 and covers the western area of Flower Mound and the other was adopted in 2018 and covers the southeast area of Flower Mound. The treatment of treated wastewater effluent is recognized as an excellent method of conserving ~~the~~ drinking water ~~used through the use of reuse water~~ for irrigation purposes. ~~When~~

~~feasible, the Town will encourage the utilization of the reuse of wastewater effluent for irrigation purposes.~~

### **§70-473. Pressure Control.**

The Town of Flower Mound recognizes that adequate pressure control throughout its distribution system can improve water conservation. The transmission system should be sized to maintain a minimum pressure of 4~~0~~<sup>5</sup> psi during normal operating conditions and a minimum pressure of 20 psi during extreme operating conditions. ~~In the 1993 water impact fee update study, the minimum operating pressure was 35 psi.~~ In addition, pressures above 90 psi are undesirable and should be avoided. The maximum pressure in extreme conditions should be limited to 120 psi because high operating pressure will result in increased system maintenance and increased operational cost. The transmission system should also be sized to limit maximum velocity in the transmission system to seven cubic feet per second.

### **§70-474. Enforcement of article provisions.**

- (a) The water conservation plan will be implemented and enforced under the general direction of the Town Manager. Methods and costs of implementation are described below:
  - (1) Public Information and Education: The Town of Flower Mound will make copies available of the water conservation plan, including copies of the water conservation methods, to customers, civic groups and other groups upon request. Also, copies of the plan and literature will be given to the local newspapers for use in writing water conservation articles.
  - ~~(2) Water Conservation Plumbing Fixtures: The Texas Health and Safety Code §372.00~~2~~<sup>1</sup>, et seq., sets out conservation standards for plumbing fixtures sold within Texas. These standards are listed in §70-465, above. With these standards in place, water conserving plumbing fixtures will be phased into use as new homes and commercial structures are built and older homes and businesses are remodeled or enlarged.~~
  - ~~(2) Water Conservation Retrofit Program: The Town of Flower Mound encourages customers to replace existing low efficiency plumbing fixtures with water conserving plumbing fixtures on a voluntary basis. Low flow showerheads and toilet tank dams, to reduce the quantity of water used for these purposes, can be obtained at a cost of about five dollars (\$5.00) each, and can be expected to reduce water use by about sixteen (16) gallons per person per day. These are the most effective and easily installed water conserving fixtures from the standpoint of retrofitting existing structures. The Town of Flower Mound is not now considering a mandatory retrofit program because it is not necessary and may not be acceptable to customers at this time. However, if necessary to meet the goals of this~~

~~program, the Town of Flower Mound will consider such a program in the future.~~

~~(4)~~(3) Water Conserving Landscape: The Town of Flower Mound will cooperate with the UTRWD in informing nurseries and the public of plants and shrubs that are native to the area. The budget for this activity will be included in the budget for public information and education.

~~(5)~~(4) Leak Detection and Water Audits: The Town of Flower Mound will be alert to leak detection, will emphasize water audits, and will repair leaks to save water and reduce operation costs. Technical assistance for leak detection and water audits is available from the TWDB and from the UTRWD. No budget increase is expected for this water conservation activity.

~~(6)~~(5) Wastewater Reuse and Recycling: The use of wastewater effluent from the central sewage collection and treatment system for irrigation of parks, golf courses, or forage crops ~~will be considered~~ is incorporated in to the Town's Water Master Plan. Other opportunities will be considered. Any such use must be planned and evaluated on an individual basis. Also, opportunities for recycling and reuse of effluent by or for, industrial, commercial and institutional customers will be explored. ~~A wastewater reuse study has been performed as a part of the wastewater permit renewal process.~~

- (b) The use of gray water systems in homes for lawn and landscape watering may be possible in some parts of the service area; but may not be acceptable within more densely populated portions of the service area. Gray water systems are most easily installed as homes are being built. Existing homes can be retrofitted with a gray water system at a higher cost. In the case of new homes, gray water tanks, piping, and pumping equipment for a family of four would cost approximately ~~one~~ four thousand ~~six hundred~~ dollars (\$~~41,06~~41,0000.00) to install. The costs to install such a system in existing homes may be considerably higher, since piping would need to be modified and pumps added.
- (c) The Town of Flower Mound encourages water reuse and recognizes that the cost of water reuse will be borne by the beneficiaries. To the extent that water reuse saves water and lowers monthly water bills, the benefits can be used to repay the costs of reuse projects.
- (d) The Town Manager will be responsible for implementation of the water conservation program. Punitive enforcement measures are not expected to be required. By adoption of this plan, the Town of Flower Mound is directing and authorizing the Town Manager to take all steps reasonably necessary to implement and enforce the plan.

#### **§70-475. Review and Evaluation.**

The Town shall maintain a record management system to record water pumped, delivered, sold and lost, which allows the classification of water sold and used by user categories (i.e. residential, commercial, public and institutional, and industrial).

The Town is required to submit an annual water conservation implementation report to TCEQ and TWDB. Said reports must be completed by May1 of the following year for the previous year and used to monitor the effectiveness and efficiency of the Town water conservation program. The results of the report may also be used to plan conservation-related activities for the following year. A copy of the report will also be sent to UTRWD, which will monitor the regional water conservation trends.

As required by TCEQ rules, the Town will review the plan every five (5) years. The plan will be updated, as appropriate, based upon new or updated information. Should the plan be revised during any five-year period, an amended plan must be submitted to TCEQ within 90 days of being adopted.

#### **§70-476. Contracts With Other Political Subdivisions.**

The Town sells water to one small Water Supply Corporation for resale. ~~The Town will require this entity to develop a water conservation plan consistent with this plan and acceptable to TWDB and TCEQ.~~

(a) Customer Data for Wholesale Customer is as follows:

Red Rock Water Supply Corporation

P.O.Box 270103

Flower Mound, TX 75027

Annual usage in 2018: 8.3MG

(b) Contract Requirements for Successive Customer Conservation

The Town of Flower Mound will include a requirement in every water supply contract entered into or renewed after official adoption of the water conservation plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30 TAC Chapter 288. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of 30 TAC Chapter 288.

#### **§70-477. Coordination with Regional Planning Groups.**

The Town of Flower Mound will provide a copy of this water conservation plan to the Region C Water Planning Group, which is responsible for developing regional water use information for the planning of future water needs. Flower Mound will cooperate with regional water agencies by providing information, participating in cooperative

conservation programs, and with usage reductions initiated as a result of drought or other conditions. In addition, a copy of this approved plan will be sent to both TCEQ and TWDB.

**§§70-478 – 70-500. Reserved.**

**DIVISION 3. SHORTTERM WATER CONSERVATION PLAN**

**§70-501. Purpose and Goals.**

- (a) The purpose of the annual water conservation plan is to establish the Town's policy and procedures in reference to the use of potable water for outdoor watering and to encourage the prudent application of water to lawns and landscaping plants.
- (b) Waste of water shall be prohibited, including such actions as permitting water to escape from irrigated areas or runoff into gutters, ditches, streets, sidewalks, and other surface drains; failing to promptly repair a controllable leak due to deficient plumbing after discovery; and other obvious wasteful uses.

**§70-502. Public Education and Information.**

~~The two (2) areas of P~~public information that can make the most immediate impact ~~are is~~ the ~~encouragement~~ menting the installation of water conserving devices (including retrofit of plumbing fixtures), and the for proper watering of lawns and landscaping. ~~The Town of Flower Mound will continue to encourage the installation of low-flow fixtures and toilet dams (where appropriate), and educate homeowners on proper techniques to water lawns. The installation of low-flow fixtures can be accomplished for about five dollars (\$5.00) each, and can reduce water use by about sixteen (16) gallons per day per person.~~ Proper watering of lawns can further reduce usage while improving the health of the lawns at the same time. Information on outdoor water use ~~and retrofit of plumbing fixtures~~ will be published in the Town's newsletter.

**§70-503. Water Conserving Plumbing Fixtures.**

The Town shall require water conserving fixtures on all new construction in the Town.

**§§70-504 – 70-520. Reserved.**

**DIVISION 4. EMERGENCY WATER DEMAND MANAGEMENT PLAN**

**§70-521. Purpose and Goals.**

The purpose of this emergency water demand management plan is to establish an orderly strategy for preserving and managing an adequate supply of water to protect and preserve the public health, safety and welfare of citizens and the general public from situations that threaten to interrupt or otherwise prevent the Town from providing continuous water service.

## **§70-522. Trigger Conditions.**

The following four (4) stages of drought or water storage and pumping conditions shall be used to determine the degree of urgency for initiation and implementation of the management plan measures.

- (1) Stage 1 Triggers – Water Awareness – Water awareness conditions exist upon discovery or notification of potentially serious water management situations that can be managed through voluntary reductions in water use. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain non-essential water usage as provided in the Emergency Management Measures section of this plan. These conditions include:
  - a. Either wholesale water supplier(s) implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity, or other such items requiring cooperation; or
  - b. Total water consumption reaches seventy-five percent (75%) of the Town's water distribution pumping capacity; or,
  - c. The water supply system has a significant limitation due to failure of or damage to important system components.

Stage 1 of the Plan may be terminated when Stage 1 conditions no longer exist and would be unlikely to recur upon termination.

- (2) Stage 2 Triggers – Water Watch – Water watch conditions exist because of a failure in voluntary reduction and public awareness efforts to reduce demand, failures with equipment, inadequate supply, or diminished capacity. Customers shall be requested to adhere to both voluntary and mandatory measures to conserve water and adhere to the prescribed restrictions on certain non-essential water uses provided in the Emergency Management Measures section of this plan. These conditions shall include any of the following:
  - a. Either average daily water demand reaches ninety percent (90%) of available supply for two (2) consecutive days; or
  - b. Average daily water demand reaches ninety percent (90%) of the Town's water distribution system pumping capacity for two (2) consecutive days; or

- c. Failures occur with Town or wholesale supplier equipment or systems that result in a situation where demand reaches ninety percent (90%) of remaining supply or system capacity; or
- d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity or other items requiring cooperation.

Stage 2 of the Plan may be terminated when Stage 2 conditions no longer exist and would be unlikely to recur upon termination.

- (3) Stage 3 Triggers – Water Warning – A water warning condition exists because of a failure of Stage 2 management measures to reduce demand for water, or failures with equipment, inadequate supply, or diminished system capacity prevents meeting demand for water. Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in the Emergency Management Measures section of this plan. These conditions shall include any of the following:

- a. Either average daily water demand reaches ninety-five percent (95%) of available supply for two (2) consecutive days; or
- b. Average daily water demand reaches ninety-five percent (95%) of the Town's water distribution system pumping capacity for two (2) consecutive days; or
- c. Failures occur with Town or wholesale supplier equipment or systems that result in a situation where demand reaches ninety-five percent (95%) of remaining supply or system capacity; or
- d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity or other items requiring cooperation.

Stage 3 of the Plan may be terminated when the Stage 3 conditions no longer exist and would be unlikely to recur upon termination.

- (4) Stage 4 Triggers – Water Emergency – A water emergency condition exists because of a failure of Stage 3 management measures to reduce demand for water. This condition reflects the Town's impaired ability to provide water service as a result of unforeseen failures and inadequacies in equipment and supply. Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water

uses provided in the Emergency Management Measures section of this plan. These conditions shall include any of the following:

- a. Either average daily water demand reaches ninety-eight percent (98%) of the Town's water distribution system pumping capacity for one (1) day; or
- b. The water system is contaminated either accidentally or intentionally; or
- c. Major waterline breaks, or pump or system failure occurs causing unprecedented loss of capacity to provide treated water service; or
- d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity, or other items requiring cooperation.

Stage 4 of the Plan may be terminated when Stage 4 conditions no longer exist and would be unlikely to recur upon termination.

#### **§70-523. Emergency Management Measures.**

Adoption of this plan includes authorization for the Town Manager to implement the following emergency management measures in response to the aforementioned trigger conditions for the various levels of severity for drought or emergencies:

- (1) Stage 1 Response – Water Awareness – Water awareness measures involve voluntary reductions in water use and encourage users to conserve water to avoid activation of more limiting management measures. The target of water awareness measures is to achieve a voluntary one percent (1%) reduction in total gallons per capita day (GPCD) usage.

Specific actions to be taken during any drought situation will be determined by the Town Manager. The Town Manager may also take other actions not listed, if deemed necessary. The actions available under this measure include the following Voluntary Water Use Restrictions for Reducing Demand, except for item 1, which provide a menu of possible actions collectively and for different classes of water users as follows:

- (a) All Water Users

1. All users shall refrain from lawn and garden watering, or irrigation, between the hours of 10:00 a.m. to 6:00 p.m.



2. Encourage the reduction of water use through a voluntary day-of-week watering schedule. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays, Tuesdays, and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8) and for locations without an address. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Saturday, Monday, and Wednesday for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9). Apartments, office building complexes, or other property containing multiple addresses shall be identified by the lowest address number. Irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, faucet-filled bucket, or drip irrigation.
3. Encourage reduction in the frequency of watering new and first year landscaping and foundations.
4. Encourage only initial filling of ornamental fountains or ponds.
5. Encourage reduction in the frequency of washing and rinsing vehicles and recommend the use of bucket/container, hand-held hose with positive shut-off valve or commercial car wash.
6. Encourage reduction in the frequency of draining and refilling of swimming pools.
7. Encourage reduction in recreational water use including the use of faucets, hoses, or hydrants which use water in such a manner as to allow run-off or other waste.

(b) Municipal Government

1. Initiate a public education campaign teaching and encouraging reduced water use practices for both Town water and water from private wells.
2. Notices will be published in local papers, will appear on local cable channel and posted on the Town's web page informing the public of the trigger condition(s) prompting the measure and requesting that water users voluntarily reduce water consumption.
3. Increase public awareness through the distribution of conservation pamphlets, including water conservation tips on

utility billings, and including notices and suggestions in newsletters.

4. Weekly status updates on the condition(s) causing activation of the management measure will be displayed on the local cable television channel and appear on the Town's website.
5. Waste of water shall be prohibited by eliminating such actions that allow excessive amounts of water to escape from irrigated areas as runoff into gutters, ditches, streets, and other surface drains; failing to promptly repair a controllable leak; and, other obvious wasteful uses and conditions.
6. Intensify normal leak detection and repair activities on waterlines.
7. Encourage reduction of water use in Town-owned ornamental fountains or ponds.
8. Encourage reduction in water use for landscaping for parks and athletic fields.

(c) Commercial Customers

1. Commercial users, Home Owners Associations, and other non-residential irrigation system owners will be contacted and asked to reduce water use by inspecting their systems. Corrective measures would limit over watering to prevent runoff, repairing broken or damaged sprinkler heads, and repair of any leaks that may be identified.
2. Identify and encourage voluntary reduction measures by high-volume water users through water audits.
3. Encourage reduction in water use for landscaping for commercial landscaping, open space, parks and golf courses.
4. Encourage reduction in water use for landscape nursery stock.

- (2) Stage 2 Response – Water Watch – Water watch measures impose usage restrictions on consumers as a result of ineffective Stage 1 measures, or because Stage 2 conditions require immediate implementation of Stage 2 measures. The Stage 2 management measures provide for limiting use and enforcement of the restrictions. The target of water watch measures is to

achieve a five percent (5%) reduction in total gallons per capita day (GPCD) usage.

Specific actions taken during any drought situation will be determined by the Town Manager. The Town Manager may also take other actions not listed, if deemed necessary. The actions available under this measure include the following Mandatory Water Use Restrictions for Reducing Demand which provide a menu of possible actions collectively and for different classes of water users as follow:

(a) All Water Users

1. Required reduction of water use through mandatory day-of-week landscape watering schedule and required watering only during off-peak hours. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sunday, Tuesday, and Thursday for customers with a street address ending in an even number (0, 2, 4, 6, or 8) and for locations without addresses, and Saturday, Monday, and Wednesday for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9). Irrigation is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 6:00 p.m. and 12:00 midnight on the customers' designated watering days. Apartments, office building complexes, or other property containing multiple addresses shall be identified by the lowest address number. Irrigation of landscaping areas is permitted at anytime if it is by means of a hand-held hose, faucet-filled bucket, or drip irrigation system.
2. Restrict operation of ornamental fountains or ponds to initial filling except where necessary to support aquatic life or where fountains or ponds are equipped with a recirculation system.
3. Prohibit recreational water use including the use of faucets, hoses, or hydrants that use water in such a manner as to allow run-off or other waste.
4. Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at anytime on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public

is contingent upon frequent vehicle cleaning, such as garbage trucks, and vehicles used to transport food or perishables.

5. Filling of swimming pools following new construction is allowed during Stage 2 management measures. However, filling of existing swimming pools following maintenance or to maintain water levels is considered outside use and must comply with the schedule outlined in the Stage 2 management measures.
6. Prohibit hosing off of paved areas, buildings, windows, and other surfaces.
7. Watering of new plantings (first year) of trees, shrubs, and turf will require obtaining a variance from the Director of Public Works. The variance will only be given for the length of time needed to establish the planting.
8. Wasting of water shall be prohibited, including such actions as: permitting an excessive amount of water to escape from the irrigated areas or run off into gutters, ditches, streets, and other surface drains; failing to promptly repair a controllable leak after discovery; and other obvious wasteful uses.
9. Certain construction related activities using significant amounts of water, such as new water line flushing and paving construction will not be allowed without prior approval from the Director of Public Works.

(b) Municipal Government

1. Accelerate public education campaign teaching and encouraging reduced water use practices.
2. Reduce frequency of Town vehicle washing or rinsing by fifty percent (50%).
3. Continue intensified leak detection and repair activities on waterlines.
4. Prohibit operation of ornamental fountains and ponds by municipal government.
5. Require reduction of water use for all municipal government landscaping including parks and athletic fields through day of the week landscape watering schedule.

(c) Commercial Customers

1. Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
2. Require reduction of water use through day of the week landscape watering schedule for parks, athletic fields, and golf courses unless water is received from another source.
3. Encourage further reduction of landscape uses for nursery stock.

- (3) **Stage 3 Response – Water Warning** – Water Warning management measures reflect worsening conditions. Outside water use for irrigation purposes will be more strictly limited with active enforcement measures taken to ensure compliance. The target of water watch measures is to achieve a fifteen percent (15%) reduction in total gallons per capita day (GPCD) usage.

Specific actions taken during any drought situation will be determined by the Town Manager. The Town Manager may also take other actions not listed, if deemed necessary. The actions available under this measure include the following Mandatory Water Use Restrictions for Reducing Demand which provide a menu of possible actions collectively and for different classes of water users. All requirements of Stage shall effect during Stage 3 except as follows:

(a) All Water Users

1. Required reduction of water use through mandatory day-of-week landscape watering schedule and required watering only during off-peak hours. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8) and for locations without addresses, and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Irrigation is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 6:00 p.m. and 12:00 midnight on the customers'; designated watering days. Apartments, office building complexes, or other property containing multiple addresses shall be identified by the lowest address number. Irrigation of landscaping areas is permitted at anytime if it is by means of

a hand-held hose, faucet-filled bucket, or drip irrigation system.

2. A ten percent (10%) rate increase shall be initiated for high water demand users (customers using greater than 10,000 gallons per month, per account).
3. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare shall continue to be limited to the use of hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Further, such washing shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
4. The filling, refilling, or adding of water to swimming pools, wading pools and Jacuzzi type pools is prohibited except between the hours of 6:00 p.m. and 10:00 a.m.
5. Foundations may be watered for a two-hour period between the hours of 6:00 p.m. and 10:00 a.m. with soaker or hand-held hose equipped with a positive shutoff nozzle on the customers' designated day of the week watering schedule.
6. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
7. Permitting of new swimming pools, hot tubs, spas, ornamental ponds, and fountain construction is prohibited.
8. Certain construction related to using significant amounts of water such as new line flushing and paving construction will not be allowed without prior authorization from the Director of Public Works.

(b) Municipal Government

1. Town vehicle washing and rinsing is limited to once a week.
2. All Municipal landscape watering is prohibited.

(c) Commercial Customers

1. Watering of golf course greens and tee boxes shall be restricted to off-peak hours of 6:00 p.m. to 10:00 a.m.; watering of other golf course areas and parks is prohibited unless the golf course or park utilizes a water source other than that provided by the Town.
  2. Watering of nursery plant stock shall be restricted to designated off-peak hours and the customers' designated day-of-the-week landscaping water schedule.
- (4) Stage 4 Response – Water Emergency – Water Emergency management measures reflect the most extreme measures taken in protecting the water supply for sanitary and fire protection uses only. Outside water uses shall be limited and active enforcement measures will be taken to ensure compliance. This measure is anticipated to be a short term measure used to protect the integrity of the water system. The target of water emergency measures is to achieve a twenty-five percent (25%) reduction in total gallons per capita day (GPCD) usage.

Specific actions taken during any drought situation, including water allocation will be determined by the Town Manager. The actions available under this measure include the following Mandatory Water Use Restrictions for Reducing Demand which provide a menu of possible actions collectively and for different classes of water users. All requirements of Stage 2 and 3 shall remain in place during Stage 4 except as follows:

(a) All Water Users

**The Town Manager may order the implementation of the following and take other reasonable and necessary measures subject to the approval of the Town Council:**

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
3. All rates for usage in excess of 10,000 gallons per month (per single-family residential account), or any other usage amount above 10,000 gallons per month, as deemed appropriate by the Town Manager, may be increased by an additional ten percent (10%), or any other percentage deemed appropriate by the Town Manager as necessary to reduce water consumption.

4. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher number stage shall be in **ea**ffect.
5. Commercial and industrial water users shall reduce or stop water consumption to the extent determined by the Town Manager. Water service will be provided, depending on availability, according to the following priority system:
  - a. Hospitals;
  - b. Schools;
  - c. Industrial Users;
  - d. Commercial Users;
  - e. Residential Users;
  - f. Recreational Users.
6. Certain construction related activities using significant amounts of water, such as new water line flushing and paving construction will not be allowed without prior authorization from the Director of Public Works.
7. Exceptions to these mandatory water use restrictions may be authorized by the Director of Public Works for essential water uses such as: health and safety uses; commercial and industrial uses necessary to maintain, but not expand, primary business practices (e.g., commercial car and truck washes, nurseries, water haulers, etc.); and uses pursuant to law and/or regulation.

#### **§70-524. Public Involvement.**

Adoption of this plan and subsequent revisions will require the Town to actively inform the public of proposed changes and provide an opportunity for comment regarding the conservation plan. At a minimum, this will include the placement of proposed changes on a Town Council Meeting Agenda with participation by individuals during the Citizen/Visitor Comment portion of the meeting.

#### **§70-525. Initiation Procedures.**



The method of initiation of emergency management measures is defined in each level of emergency in §70-523 above.

#### **§70-526. Termination Notification.**

For water alert conditions, termination will not occur until the conditions which triggered the emergency have been alleviated. If excessive demand is determined to be the trigger, all initiated actions will remain in effect until September 30 of the year in which they were triggered, or until the Town Manager determines the actions are no longer required. For water warning conditions, all initiated actions will remain in effect until the conditions which triggered the emergency have been alleviated, or until the Town Manager determines that conditions exist which will allow the removal of the water warning actions. For water emergency conditions, all initiated actions will remain in effect until the conditions which triggered the emergency have been alleviated, or until the Town Manager determines that conditions exist which will allow the removal of the water emergency actions. Public notification of the termination of any water emergency management measures will follow the same procedures used in the notification of the initiation of these measures.

#### **§70-527. Implementation and Enforcement of Division Provisions.**

The various levels of remedial actions are implemented per the triggers defined in §70-522. The method of implementation is set out in §70-523. Violations of restrictions defined in §70-523 and will result in a warning, after which a citation may be issued with a fine as prescribed in §1-13 of this Code of Ordinances.

#### **§70-528. Penalty.**

- (a) Any person, customer and/or user of the Town's water system, except for the Town, who violates or fails to comply with any provision of this Article VI shall be deemed guilty of a misdemeanor and shall be punished by a fine as provided in §1-13 of this Code of Ordinances. Each day any such violation continues shall constitute a separate offense and be punishable as such.
- (b) In addition to proceeding under the authority of subsection (a) of this section, the Town shall be entitled to disconnect or discontinue water services to any such person, customer and/or user of the Town's water system who violates or fails to comply with any provision of this Article VI.

#### **§70-529. Emergency Water Demand Management Plan Review and Update.**

The emergency water demand management plan shall be reviewed and updated as needed at least every five (5) years, based upon new or updated information, such as the adoption or revision of the regional water plan.

#### **§70-530. Texas Commission on Environmental Quality (TCEQ) Notification.**

The Town shall notify the Executive Director of TCEQ within five (5) business days of the implementation of any mandatory provisions of the Emergency Water Demand Management Plan.

**§70-531.1 — 70-540. Reserved. Utilization of Alternative Water Sources and/or Alternative Delivery Mechanisms**

**The Town of Flower Mound utilizes and is under contract with two potable water sources, Dallas Water Utilities and Upper Trinity Regional Water District. The Town also has plans to utilize reuse water in the future from two sources, Trinity River Authority and our wastewater treatment plant effluent.**

**§70-532. Pro Rata Curtailment**

**In the event tha the triggering criteria specified in Stage 4 – Water Emergency have been met, the Town Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039**

**§70-533. Contract Provisions**

**Dallas Water Utilities and Upper Trinity Regional Water District will include a provision in every wholesale contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water will be distributed in accordance with Texas Water Code, §11.039.**

**§70-534 – 70-540. Reserved.**

## DIVISION 5. UTILITY PROFILE

### **§70-541. Texas Water Development Board Utility Profile**

The most recent Texas Water Development Board Utility Profile is on file in the office of the Town Secretary.

## **SECTION 2**

That any provision of the Code of Ordinances of the Town of Flower Mound in conflict with the provisions of this Ordinance be, and same is hereby, repealed and all other provisions of the Code of Ordinances of the Town of Flower Mound not in conflict with this ordinance shall remain in full force and effect.

## **SECTION 3**

That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

#### **SECTION 4**

That any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances as amended hereby shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

#### **SECTION 5**

This ordinance shall take effect and be in full force immediately after its passage and publication as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

**DULY PASSED AND APPROVED BY ~~BY~~ THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS BY A VOTE OF X4 TO X0 ON THE 24<sup>ST</sup> ~~XX~~ DAY OF MAYXX, ~~2009~~2019.**

**APPROVED:**

~~Jody A. Smith~~Steve Dixon, MAYOR

**ATTEST:**

~~Paula J. Paschal~~Theresa Scott, TOWN SECRETARY

**~~APPROVED AS TO FORM AND LEGALITY:~~**

Terrence S. Welch, TOWN ATTORNEY



## TOWN COUNCIL AGENDA ITEM NO. 4

### CONSENT ITEM

**DATE:** May 20, 2019

**FROM:** Clay Riggs, PE., CFM., Assistant Director of Public Works

**ITEM:** Consider approval of a Professional Services Agreement with Alan Plummer Associates, Inc., to provide contract construction management, associated with the Wastewater Treatment Plant Ultraviolet System Update project, in the amount of \$161,908.00; and authorization for the Mayor to execute same on behalf of the Town.

**BACKGROUND INFORMATION:** On March 18, 2019, the construction contract for the Wastewater Treatment Plant Ultraviolet System Upgrade project, in the amount of \$2,065,700.00, was awarded to Felix Construction Company. This agreement with Alan Plummer Associates will provide for construction management and resident project representation services, associated with the work performed by Felix Construction Company, throughout the 360-day project, to ensure compliance with contract plans and specifications.

**FISCAL IMPACT:** \$161,908.00

| Proposed Expenditure/(Revenue): | Account Number(s): |
|---------------------------------|--------------------|
| \$161,908.00                    | 630-970-98473      |

**Finance Review by:** Debra Wallace, Deputy Town Manager /CFO *DW*

**LEGAL REVIEW:** The Town's standard professional services agreement form documents, prepared by Taylor, Olson, Adkins, Sralla, & Elam L.L.P., were used to draft this agreement. No alteration to the legal content of this form document was made in preparation of these documents.

#### ATTACHMENTS:

1. Professional Services Agreement

**DRAFT MOTION:** Move to approve as presented in the agenda caption.

THE STATE OF TEXAS §  
COUNTY OF DENTON §

**PROFESSIONAL SERVICES AGREEMENT WITH  
ALAN PLUMMER ASSOCIATES, INC.**

This contract is entered into on this 15<sup>th</sup> day of April, 2019 by and between the **TOWN OF FLOWER MOUND, TEXAS**, a municipal corporation located in Denton County, Texas, (hereinafter referred to as “TOWN”), acting by and through its Mayor, and **Alan Plummer Associates, Inc.**, (“hereinafter referred to as “CONSULTANT”) whose address is 1320 S. University Drive, Suite 300, Fort Worth, Texas 76107.

**RECITALS**

WHEREAS, TOWN desires to obtain professional services from CONSULTANT relative to general construction management and resident representation of the Wastewater Treatment Plant Ultraviolet System Update project; and

WHEREAS, CONSULTANT is an engineering firm qualified to provide such services and is willing to undertake the performance of such services for the TOWN in exchange for fees hereinafter specified;

**TERMS OF AGREEMENT**

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter contained and subject to the terms and conditions hereinafter stated, the parties hereto do mutually agree as follows:

**I.**

**Employment of Consultant**

CONSULTANT will perform as an independent contractor all services under this Contract to the prevailing professional standards consistent with the level of care and skill ordinarily exercised by members of the architectural, engineering and planning professions, both public and private, currently practicing in the same locality under similar conditions including but not limited to the exercise of reasonable, informed judgments and prompt, timely action. If CONSULTANT has represented or is representing that it has special expertise in one or more areas to be utilized in this Contract, then CONSULTANT agrees to perform those special expertise services to the appropriate local, regional and national professional standards.

## **II.**

### **Scope of Services**

CONSULTANT shall perform such services as are necessary to provide services for the Wastewater Treatment Plant Ultraviolet System Update project specifically including, but not necessarily limited to, the tasks enumerated more fully in Attachment “A” hereto entitled “Scope of Work” (hereafter referred to as the “Project”). Attachment “A” is hereby incorporated herein by reference and made a part hereof as if written word for word. However, in case of conflict in the language of Attachment “A” and this Contract, the terms and conditions of this Contract shall be final and binding upon both parties hereto.

## **III.**

### **Payment for Services**

Total payment for services described herein shall be a sum not to exceed One Hundred Sixty-One Thousand Nine Hundred Eight and No/100 Dollars (\$161,908.00). This total payment for services includes CONSULTANT’s ordinary expenses. Additional expenses and charges, which are extraordinary in nature, must be approved in advance by TOWN in writing signed by the parties. Such extraordinary expenses may be paid as incurred and billed to the TOWN pursuant to this Contract over and above the total payment amount identified in this provision. Any extraordinary expenses or charges not approved in writing in advance by the TOWN shall remain the sole responsibility of the CONSULTANT. If CONSULTANT retains any subcontractors to perform any of the work, CONSULTANT acknowledges that payments to such subcontractors are due and payable in accordance with the provisions of Texas Government Code Section 2251.022, and that interest on unpaid and overdue amounts shall accrue in accordance with Texas Government Code Section 2251.025.

CONSULTANT will bill TOWN on a labor fee plus expense basis in accordance with Attachment “B”; provided however that this Contract shall control in the event of any conflict between the language in Attachment “B” and the language in this Contract. If additional services, trips, or expenses are requested, CONSULTANT will not provide such additional services until authorized by TOWN in writing to proceed. The scope of services shall be strictly limited. TOWN shall not be required to pay any amount in excess of the amount identified in the preceding paragraph unless TOWN shall have approved in writing, in advance (prior to the performance of additional work), the payment of additional amounts.

Each month CONSULTANT will submit to TOWN an invoice for actual services performed and reimbursable expenses incurred by CONSULTANT during the previous month for which payment is sought. Each invoice shall be itemized to show the amount of work performed that month broken down by the identity of the person(s) performing such work, the amount of time expended by such person(s) in performing that work, the billing rate for each such person, and a brief summary of the work performed by each

such person. Each invoice shall also state the percentage of work completed on the Project, the total of the current invoice amount and a running total balance for the Project to date.

Assuming that TOWN agrees with the invoice, that TOWN has not determined any of the work to be unsatisfactory, or that TOWN otherwise does not dispute any of the amounts billed, TOWN shall make payments in the amount shown by CONSULTANT's approved monthly statements and other documentation submitted in compliance with the Texas Prompt Payment Act, Texas Government Code Chapter 2251.

Nothing contained in this Contract shall require TOWN to pay for any work that TOWN has determined has not been successfully completed or is unsatisfactory as determined by TOWN, or which is not otherwise submitted in compliance with the terms of this Contract, nor shall failure to withhold payment pursuant to the provisions of this section constitute a waiver of any right, at law or in equity, which TOWN may have if CONSULTANT is in default, including the right to bring legal action for damages or for specific performance of this Contract. Waiver of any default under this Contract shall not be deemed a waiver of any subsequent default.

#### **IV.** **Revisions of the Scope of Services**

TOWN reserves the right to revise or expand the scope of services after due approval by TOWN as TOWN may deem necessary, but in such event TOWN shall pay CONSULTANT equitable compensation for such services. In any event, when CONSULTANT is directed to revise or expand the scope of services under this Section of the Contract, CONSULTANT shall provide TOWN a written proposal for the entire costs involved in performing such additional services. Prior to CONSULTANT undertaking any revised or expanded services as directed by TOWN under this Contract, TOWN must authorize in writing the nature and scope of the services and accept the method and amount of compensation and the time involved in all phases of the Project.

It is expressly understood and agreed by CONSULTANT that any compensation not specified in Paragraph III herein above may require Flower Mound Town Council approval and is subject to the current budget year limitations.

#### **V.** **Term**

This Contract shall begin on the date first written above, and shall terminate when TOWN has approved the Project as being final or otherwise terminates this Contract as provided herein.

**VI.**  
**Contract Termination Provision**

Notwithstanding any other provision of this Contract, this Contract may be terminated at any time by TOWN for any reason, with or without cause, by providing CONSULTANT thirty (30) days written notice of such termination. Upon receipt of such notice, CONSULTANT shall immediately terminate working on, placing orders or entering into contracts for supplies, assistance, facilities or materials in connection with this Contract and shall proceed to promptly cancel all existing contracts insofar as they are related to this Contract.

**VII.**  
**Ownership of Documents**

All materials and documents prepared or assembled by CONSULTANT under this Contract shall become the sole property of TOWN and shall be delivered to TOWN without restriction on future use. CONSULTANT shall provide documents in any commonly-used electronic file format as requested by TOWN. CONSULTANT may retain in its files copies of all drawings, specifications and all other pertinent information for the work. CONSULTANT shall have no liability for changes made to any materials or other documents by others subsequent to the completion of the Contract.

**VIII.**  
**Insurance**

A. CONSULTANT shall, at its own expense, purchase, maintain and keep in force during the term of this Contract such insurance as set forth below. CONSULTANT shall not commence work under this Contract until CONSULTANT has obtained all the insurance required under this Contract and such insurance has been approved by TOWN, nor shall CONSULTANT allow any subcontractor to commence work on its own subcontract until all similar insurance of the subcontractor has been obtained and approved. All insurance policies provided under this Contract shall be written on an “occurrence” basis save and except the Professional Liability Insurance which may be written on a “claims-made” basis, provided that “tail coverage” or continuation coverage is provided. The insurance requirements shall remain in effect throughout the term of this Contract.

The CONSULTANT shall furnish to TOWN certificates of insurance executed by the insurer or its authorized agent stating coverages, limits, expiration dates and compliance with all applicable required provisions. Certificates shall reference the Project and be addressed as follows:

Town of Flower Mound  
2121 Cross Timbers Road  
Flower Mound, TX 75028



Email: purchasing@flower-mound.com

The following policies and coverage shall be required:

1. Worker's Compensation Insurance (as required by law) with the policy endorsed to provide a waiver of subrogation as to TOWN; such policy to provide for Employers' Liability Insurance of not less than \$100,000.00 for each accident, \$100,000.00 disease-each employee, \$500,000.00 disease-policy limit;
2. Commercial General Liability Insurance including, but not limited to, Premises/Operations, Personal & Advertising Injury, Products/Completed Operations, Independent Contractor's and Contractual Liability, including but not limited to coverage for all of the indemnification obligations of CONSULTANT under this Contract, and fully insuring CONSULTANT's liability for injury to or death of employees of TOWN and of third parties, extended to include personal injury liability coverage and for damage to property of third parties, with minimum combined single limits of \$1,000,000 per occurrence, \$1,000,000 Products/Completed Operations Aggregate and \$1,000,000 general aggregate per occurrence. Coverage must be written on an occurrence form. The General Aggregate shall apply on a per project basis;
3. Business Automobile Liability Insurance, covering owned, hired and non-owned vehicles, with a minimum combined bodily injury and property damage limit of \$1,000,000.00 per occurrence; and
4. Professional Liability Insurance: CONSULTANT shall obtain and maintain at all times during the prosecution of the work under this Contract professional liability insurance, which may be written on a claims made form provided that "tail coverage" or continuation coverage is provided. Limits of liability shall be \$1,000,000.00 per claim, \$1,000,000.00 annual aggregate. The coverage under this policy shall include a contractual liability endorsement.

If any of the foregoing insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than thirty-six (36) months following completion of the Contract and acceptance by the TOWN. All such insurance shall be purchased from an insurance company that meets a financial rating of B+VI or better as assigned by A.M. Best Company or equivalent.

B. Each insurance policy to be furnished by CONSULTANT shall include the following conditions by endorsement to the policy

1. The TOWN shall be named as an additional insured on the Commercial General Liability policy, by using endorsement CG2026 or broader;
2. The TOWN shall also be named as an additional insured as to all other applicable coverage save and except the Worker's Compensation Insurance and Professional Liability Insurance;
3. Each policy will require that thirty (30) days prior to the expiration, cancellation, nonrenewal or any material change in coverage, a notice thereof shall be given to TOWN by certified mail to:

Clay Riggs, PE, CFM  
Assistant Director of Public Works  
Town of Flower Mound  
2121 Cross Timbers Road  
Flower Mound, Texas 75028  
972-874-6411 Telephone

However, if the policy is canceled for nonpayment of premium, only ten (10) days advance written notice to TOWN is required. CONSULTANT shall also notify TOWN within twenty-four (24) hours after receipt of any notices of expiration, cancellation, nonrenewal or any material change in coverage it receives from its insurer(s);

4. The term "Owner" or "TOWN" shall include all authorities, boards, bureaus, commissions, divisions, departments and offices of TOWN and the individual members, employees and agents thereof in their official capacities, and/or while acting on behalf of TOWN;
5. The policy phrase "Other Insurance" shall not apply to TOWN where TOWN is an additional insured on the policy; and
6. All provisions of the Contract concerning liability, duty and standards of care together with the indemnification provision shall be underwritten by contractual liability coverage sufficient to include such obligations within applicable policies.

C. Concerning insurance to be furnished by CONSULTANT, it is a condition precedent to acceptability thereof that:

1. Any policy submitted shall not be subject to limitations, conditions or restrictions deemed inconsistent with the intent of the insurance requirements to be fulfilled by CONSULTANT. The TOWN's decision(s) thereon shall be final;

2. All policies are to be written through companies duly approved to transact that class of insurance in the State of Texas; and
3. All liability policies required herein, save and except Professional Liability Insurance, shall be written with an "occurrence" basis coverage trigger.

D. CONSULTANT agrees to the following:

1. CONSULTANT hereby waives subrogation rights for loss or damage to the extent same are covered by insurance. Insurers shall have no right of recovery or subrogation against TOWN, it being the intention that the insurance policies shall protect all parties to this Contract and be primary coverage for all losses covered by the policies;
2. Companies issuing the insurance policies and CONSULTANT shall have no recourse against TOWN for payment of any premiums, or assessments for any deductible, as all such premiums are the sole responsibility and risk of CONSULTANT;
3. Approval, disapproval or failure to act by TOWN regarding any insurance supplied by CONSULTANT (or any subcontractors) shall not relieve CONSULTANT of full responsibility or liability for damages and accidents as set forth in the Contract documents. Neither shall the insolvency or denial of liability by the insurance company exonerate CONSULTANT from liability; and
4. No special payments shall be made for any insurance that the CONSULTANT and subcontractors are required to carry; all are included in the contract price and the contract unit prices.

Any of the insurance policies required under this section may be written in combination with any of the others, where legally permitted, but none of the specified limits may be lowered thereby.

## **IX.**

### **Right to Inspect Records**

CONSULTANT agrees that TOWN shall have access to and the right to examine any directly pertinent books, documents, papers and records of CONSULTANT involving transactions relating to this Contract. CONSULTANT agrees that TOWN shall have access during normal working hours to all necessary CONSULTANT facilities and shall be provided adequate and appropriate work space in order to conduct audits in compliance with the provisions of this section. TOWN shall give CONSULTANT reasonable advance notice of intended audits.

If TOWN agrees that CONSULTANT may retain any subcontractors, CONSULTANT further agrees to include in subcontract(s), if any, a provision that any subcontractor or engineer agrees that TOWN shall have access to and the right to examine any directly pertinent books, documents, papers and records of such engineer or sub-contractor involving transactions to the subcontract, and further, that TOWN shall have access during normal working hours to all such engineer or sub-contractor facilities and shall be provided adequate and appropriate work space, in order to conduct audits in compliance with the provisions of the paragraph. TOWN shall give any such engineer or sub-contractor reasonable advance notice of intended audits.

## X.

### **Successors and Assigns**

TOWN and CONSULTANT each bind themselves and their successors, executors, administrators and assigns to the other party to this Contract and to the successors, executors, administrators and assigns of such other party in respect to all covenants of this Contract. Neither TOWN nor CONSULTANT shall assign or transfer its interest herein without the prior written consent of the other.

## XI.

### **CONSULTANT's Liability**

Acceptance of the final plans by the TOWN shall not constitute nor be deemed a release of the responsibility and liability of CONSULTANT, its employees, associates, agents or consultants for the accuracy and competency of their designs, working drawings, specifications or other documents and work; nor shall such acceptance be deemed an assumption of responsibility by TOWN for any defect in the designs, working drawings, specifications or other documents and work; nor shall such acceptance be deemed an assumption of responsibility by TOWN for any defect in the designs, working drawings, specifications or other documents and work prepared by said CONSULTANT, its employees, associates, agents or sub-consultants. In this regard, CONSULTANT acknowledges that TOWN is retaining CONSULTANT to provide the services described herein, in reliance upon CONSULTANT's specialized expertise and experience, and in reliance thereon.

## XII.

### **Indemnification**

**THE PROVISIONS OF THIS SECTION ARE SUBJECT TO THE LIMITATIONS OF TEXAS LOCAL GOVERNMENT CODE SECTION 271.904 AND SHALL BE CONSTRUED TO THAT EFFECT. THE CONSULTANT AS ALLOWED BY TEXAS LOCAL GOVERNMENT CODE SECTION 271.904 WILL STILL NAME TOWN AS ADDITIONAL INSURED IN ITS GENERAL LIABILITY POLICY AND PROVIDE ANY DEFENSE AS ALLOWED BY THE POLICY. CONSULTANT DOES HEREBY COVENANT AND CONTRACT TO WAIVE ALL CLAIMS, RELEASE, INDEMNIFY AND HOLD HARMLESS TOWN**

AND ALL OF ITS OFFICIALS, OFFICERS, AGENTS, EMPLOYEES AND INVITEES, IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES, FROM ANY AND ALL LIABILITY, CLAIMS, SUITS, DEMANDS OR CAUSES OF ACTION, INCLUDING ALL EXPENSES OF LITIGATION AND/OR SETTLEMENT, THAT MAY ARISE BY REASON OF DEATH OR INJURY TO PERSONS OR DAMAGE TO OR LOSS OF USE OF PROPERTY OCCASIONED BY ANY WRONGFUL INTENTIONAL ACT OR OMISSION OF CONSULTANT AS WELL AS ANY NEGLIGENT OMISSION, ACT OR ERROR OF CONSULTANT, ITS OFFICIALS, OFFICERS, AGENTS, EMPLOYEES AND INVITEES, OR OTHER PERSONS FOR WHOM CONSULTANT IS LEGALLY LIABLE WITH REGARD TO THE PERFORMANCE OF THIS CONTRACT, REGARDLESS OF WHETHER SUCH LIABILITY, CLAIMS, SUITS, DEMANDS OR CAUSES OF ACTION IS THE RESULT IN PART OF TOWN'S NEGLIGENCE OR FAULT, AND CONSULTANT WILL, AT ITS OWN COST AND EXPENSE, DEFEND AND PROTECT TOWN AGAINST ANY AND ALL SUCH CLAIMS AND DEMANDS, INCLUDING PAYMENT OF TOWN'S REASONABLE ATTORNEYS' FEES. IN THE EVENT OF A CLAIM IS BROUGHT AGAINST TOWN, TOWN SHALL HAVE THE RIGHT TO RETAIN LEGAL COUNSEL OF ITS CHOOSING IN DEFENSE OF SUCH A CLAIM, AND SUCH ELECTION SHALL NOT RELIEVE CONTRACTOR OF ITS OBLIGATIONS UNDER THIS SECTION.

### **XIII.**

#### **Independent Contractor**

CONSULTANT's status shall be that of an Independent Contractor and not an agent, servant, employee or representative of TOWN in the performance of this Contract. No term or provision of or act of CONSULTANT or TOWN under this Contract shall be construed as changing that status. CONSULTANT will have exclusive control of and the exclusive right to control the details of the work performed hereunder, and shall be liable for the acts and omissions of its officers, agents, employees, contractors, subcontractors and engineers and the doctrine of respondeat superior shall not apply as between TOWN and CONSULTANT, its officers, agents, employees, contractors, subcontractors and engineers, and nothing herein shall be construed as creating a partnership or joint enterprise between TOWN and CONSULTANT.

### **XIV.**

#### **Default**

If at any time during the term of this Contract, CONSULTANT shall fail to commence the work in accordance with the provisions of this Contract, or fail to diligently provide services in an efficient, timely and careful manner and in strict accordance with the provisions of this Contract, or fail to use an adequate number or quality of personnel to complete the work or fail to perform any of its obligations under this Contract, then TOWN shall have the right, if CONSULTANT shall not cure any

such default after thirty (30) days written notice thereof, to terminate this Contract for cause. Any such act by TOWN shall not be deemed a waiver of any other right or remedy of TOWN. If after exercising any such remedy due to CONSULTANT's nonperformance under this Contract, the cost to TOWN to complete the work to be performed under this Contract is in excess of that part of the Contract sum which has not theretofore been paid to CONSULTANT hereunder, CONSULTANT shall be liable for and shall reimburse TOWN for such excess.

TOWN's remedies for CONSULTANT's default or breach under this Contract shall be limited to one or more of the following remedies which may be exercised separately or in combination at TOWN's sole exclusive choice:

- (a) Specific performance of the Contract;
- (b) Re-performance of this Contract at no extra charge to TOWN; or
- (c) Monetary damages.

#### **XV.**

#### **Provisions Surviving Termination**

The terms of Sections XII entitled Indemnification, and XVIII entitled Confidential Information shall survive termination of this Contract.

#### **XVI.**

#### **Changes**

TOWN may, from time to time, require changes in the scope of services to be performed under this Contract. Such changes as are mutually agreed upon by and between TOWN and CONSULTANT shall be incorporated by written modification to this Contract.

#### **XVII.**

#### **Conflicts of Interest**

CONSULTANT covenants and agrees that CONSULTANT and its associates and employees will have no interest, and will acquire no interest, either direct or indirect, which will conflict in any manner with the performance of the services called for under this Contract. All activities, investigations and other efforts made by CONSULTANT pursuant to this Contract will be conducted by employees, associates or subcontractors of CONSULTANT.

No officer or employee of TOWN shall have any personal, financial interest, direct or indirect, in this Contract nor have any direct financial interest in the sale to TOWN of any land, materials, supplies, or services under this Contract, except on behalf of TOWN as a TOWN officer or employee. Any violation of this prohibition

with knowledge, expressed or implied, of the person or corporation contracting with TOWN shall render the Contract voidable by the Director or the Town Council.

**XVIII.**  
**Confidential Information**

CONSULTANT hereby acknowledges and agrees that its representatives may have access to or otherwise receive information during the furtherance of its obligations in accordance with this Contract, which is of a confidential, non-public or proprietary nature. CONSULTANT shall treat any such information received in full confidence and will not disclose or appropriate such Confidential Information for its own use or the use of any third party at any time during or subsequent to this Contract. As used herein, "Confidential Information" means all oral and written information concerning TOWN, its affiliates and subsidiaries, and all oral and written information concerning TOWN or its activities, that is of a non-public, proprietary or confidential nature including, without limitation, information pertaining to customer lists, services, methods, processes and operating procedures, together with all analyses, compilation, studies or other documents, whether prepared by CONSULTANT or others, which contain or otherwise reflect such information. The term "Confidential Information" shall not include such materials that are or become generally available to the public other than as a result of disclosure of CONSULTANT, or are required to be disclosed by a governmental authority or by law, as determined by TOWN's attorney.

**XIX.**  
**Notice Information**

All notices and communications under this CONTRACT to be mailed to TOWN shall be sent to the address of TOWN's agent as follows, unless and until CONSULTANT is otherwise notified:

Clay Riggs, PE, CFM  
Assistant Director of Public Works  
Town of Flower Mound  
2121 Cross Timbers Road  
Flower Mound, Texas 75028  
972-874-6411 Telephone

Notices and communications to be mailed or delivered to CONSULTANT shall be sent to the address of CONSULTANT as follows, unless and until TOWN is otherwise notified:

Sarah Kerr, P.E.  
Project Engineer  
Alan Plummer Associates, Inc.  
1320 S. University Drive, Suite 300  
Fort Worth, Texas 76107  
817-806-1750 Telephone

Any notices and communications required to be given in writing by one party to the other shall be considered as having been given to the addressee on the date the notice or communication is posted, faxed or personally delivered by the sending party.

**XX.**  
**Applicable Law**

The Contract is entered into subject to the Flower Mound Town Charter and ordinances of TOWN, as same may be amended from time to time, and is subject to and is to be construed, governed and enforced under all applicable State of Texas and federal laws. CONSULTANT will make any and all reports required per federal, state or local law including, but not limited to, proper reporting to the Internal Revenue Service, as required in accordance with CONSULTANT's income.

**XXI.**  
**Non-Discrimination**

CONSULTANT shall not discriminate against any employee, applicant for employment, contractor, or sub-contractor because of the race, age, color, religion, sex, or national origin of such person. Engineer shall take affirmative action to insure that all such persons are treated equally during their employment without regard to their race, age, color, religion, sex, or national origin. If CONSULTANT fails to comply with the federal or state laws relating to Equal Employment Opportunity, it is agreed that TOWN, at its option, may do either or both of the following:

- (a) Cancel, terminate, or suspend the Contract in whole or in part; or
- (b) Declare CONSULTANT ineligible for future TOWN contracts until it is determined to be in compliance.

**XXII.**  
**Arbitration**

CONSULTANT agrees not to enter into any agreement to arbitrate arising out of, or relating to, this Contract which would subject TOWN to being a party to any arbitration without TOWN's prior written consent.

**XXIII.**  
**No Waiver of Governmental Immunity**

Nothing in this Contract shall be construed as a waiver of TOWN'S governmental immunity, or of any applicable limitation on damages, or any other legal protection or defense or privilege of TOWN, except to the extent expressly provided otherwise herein.



**XXIV.**  
**Severability**

If any of the terms, provisions, covenants, conditions or any other part of this Contract are for any reason held to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants, conditions or any other part of this Contract shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**XXV.**  
**Remedies**

No right or remedy granted herein or reserved to the parties is exclusive of any other right or remedy herein by law or equity provided or permitted; but each shall be cumulative of every other right or remedy given hereunder. No covenant or condition of this Contract may be waived without written consent of the parties. Forbearance or indulgence by either party shall not constitute a waiver of any covenant or condition to be performed pursuant to this Contract.

**XXVI.**  
**Entire Agreement**

This Contract embodies the entire agreement of the parties hereto, superseding all oral or written previous and contemporaneous agreements between the parties relating to matters herein, and except as otherwise provided herein cannot be modified without written agreement of the parties.

**XXVII.**  
**Non-Waiver**

It is further agreed that one (1) or more instances of forbearance by TOWN in the exercise of its rights herein shall in no way constitute a waiver thereof.

**XXVIII.**  
**Headings**

The headings of this Contract are for the convenience of reference only and shall not affect any of the terms and conditions hereof in any manner.

**XXIX.**  
**Venue**

Situs of this Contract is agreed to be Denton County, Texas, for all purposes, including performance and execution, and the parties to this Contract agree and covenant that this Contract will be enforceable in Flower Mound, Texas; and that if legal action is necessary to enforce this Contract, exclusive venue will lie in Denton County, Texas.

**XXX.**  
**No Third Party Beneficiary**

For purposes of this Contract, including its intended operation and effect, the parties (TOWN and CONSULTANT) specifically agree and contract that: (1) the Contract only affects matters/disputes between the parties to this Contract, and is in no way intended by the parties to benefit or otherwise affect any third person or entity notwithstanding the fact that such third person or entity may be in contractual relationship with TOWN or CONSULTANT or both; and (2) the terms of this Contract are not intended to release, either by contract or operation of law, any third person or entity from obligations owing by them to either TOWN or CONSULTANT.

*[The remainder of this page is left blank intentionally]*

**IN WITNESS WHEREOF**, the parties hereto have caused this document to be executed as of the date first above written.

**THE TOWN OF FLOWER MOUND,  
TEXAS**

By: \_\_\_\_\_  
The Honorable Steve Dixon  
Mayor, Town of Flower Mound

Date Signed: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Town Secretary

**CONSULTANT:**  
**Alan Plummer Associates, Inc.**

By: *Jeffrey E. Caffey*  
 Name: JEFFREY E. CAFFEY  
 Title: PRINCIPAL

Date Signed: APRIL 25, 2019

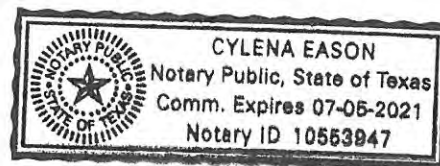
State of Texas           §  
                                   §  
 County of Tarrant   §

This instrument was acknowledged before me on the 25 day of April, 20 19, by Jeffrey E. Caffey in his capacity as Principal of Alan Plummer Associates, a Texas Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same on behalf of and as the act of Authorized Representative

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 25 DAY OF April, 20 19.

*Cylena Eason*  
 Notary Public, State of Texas

My Commission Expires:  
7/5/2021



## ATTACHMENT A

### TOWN OF FLOWER MOUND WASTEWATER TREATMENT PLANT UV SYSTEM UPGRADE PROJECT BASIC ENGINEERING SERVICES

Provide construction phase services, resident project representation and post-construction phase services for the Wastewater Treatment Plant Ultraviolet System Upgrade project.

#### **BASIC SERVICES**

ENGINEER agrees to perform BASIC SERVICES in connection with the PROJECT as hereinafter stated, in accordance with the stipulations within this AGREEMENT. The ENGINEER shall perform BASIC SERVICES necessary for the development of the PROJECT as follows:

##### **A. CONSTRUCTION PHASE SERVICES**

1. Assist in conducting pre-construction conference with the CONTRACTOR, review construction schedules prepared by the CONTRACTOR pursuant to the requirement of the construction contract, and review the proposed estimate of monthly cost requirements of the PROJECT, as prepared by the CONTRACTOR.
2. Participate in the CONTRACTOR'S monthly progress meeting with the TOWN and its authorized representatives. The ENGINEER will attend up to twelve (12) monthly progress meetings.
3. Prepare Conformed Documents by adding the addendum items from the Advertisement Phase to the Contract Documents. Provide three (3) conformed sets with two (2) half-size plans and one (1) full-size plans to the TOWN, and three (3) conformed sets with two (2) half-size plans and one (1) full-size plans to the CONTRACTOR. Provide one (1) electronic copy of the Conformed Documents to the TOWN.
4. Make an average of one (1) site visit each month as part of the monthly Construction Progress Meeting from the Notice-to-Proceed to the Project Final Completion Date to observe the progress and the quality of construction work. It is anticipated that the project will be substantially complete eleven (11) months following notice to proceed and final completion twelve (12) months following notice to proceed. If the ENGINEER is asked to visit the site more frequently, the requested visits shall be considered a SPECIAL SERVICE and the ENGINEER shall be entitled to additional compensation. In performing these services, the ENGINEER shall endeavor to guard the TOWN against apparent defects and deficiencies in the permanent work constructed by the CONTRACTOR, but the ENGINEER does not guarantee the performance of the CONTRACTOR. The ENGINEER shall not be required to make continuous daily on-site observations to check the quality or progress of the construction work. The ENGINEER shall not be responsible for the construction performance, programs, or for any safety precautions utilized in connection with the construction work. The ENGINEER shall not be responsible for the CONTRACTOR'S failure to execute the work in accordance with the construction contract. However, if the ENGINEER observes

construction conditions not in conformance with construction contract documents, then the ENGINEER shall have authority to recommend rejection of work which does not conform to the construction contract documents whenever, in his/her opinion, the ENGINEER considers it necessary or advisable to insure the proper implementation of the intent of the construction contract documents in accordance with generally accepted engineering practices. The ENGINEER shall have the authority to require special inspection or testing of any work in accordance with the provisions of construction contract documents whether or not such work is then fabricated, installed, or completed. The ENGINEER shall notify the TOWN, in writing, of any actions taken under this paragraph.

5. The ELECTRICAL ENGINEER shall attend up to nine (9) construction progress meetings from the Notice-to-Proceed to the Project Final Completion Date.
6. Utilize Projectmates for transmitting and tracking construction documents and write and distribute meeting notes for the monthly progress meetings.
7. Review samples, catalog data, schedules, shop drawings, laboratory, shop and mill test reports or material and equipment and other data which the CONTRACTOR submits. This review is for the benefit of the TOWN and covers only general compliance with the information given by the construction contract documents. It is anticipated that the ENGINEER will review up to forty (40) submittals. It does not relieve the CONTRACTOR of any responsibility such as dimensions to be confirmed and correlated at the job site, appropriate safety measures to protect worker and the public, or the necessity to construct a complete and workable facility in accordance with the construction contract documents. Review of shop drawings in excess of the specified number will be considered an Additional Service.
8. Review and answer request-for-information (RFI) typical for the scope and size of the improvements included. It is anticipated that the ENGINEER will review and respond to up to a total of ten (10) RFIs. Review of RFIs in excess of the specified number will be considered an Additional Service.
9. Review, evaluate and prepare routine change orders or proposed contract modifications typical for the scope and size of the improvements included. Review up to ten (10) Contract Modification Requests/Proposed Contract Modifications (CMR/PCM). Prepare up to three (3) Change Orders (CO) and up to three (3) Field Orders (FO) for execution by the TOWN. Additional authorized CMR/PCM review or CO/FO preparation in excess of the specified number will be considered an Additional Service.
10. The ENGINEER shall be, in the first instance, the interpreter of the requirements of the construction contract documents and the impartial judge of the performance thereunder by both the TOWN and the CONTRACTOR. At the written request of the TOWN, the ENGINEER will be required to make certain interpretations of the construction contract documents. These interpretations shall be in the form of written recommendations and conclusions sent to the appointed representative of the TOWN.

11. The ENGINEER shall not be responsible for the acts or omissions of the CONTRACTOR, or any SUBCONTRACTOR, or any of the CONTRACTOR'S or SUBCONTRACTOR'S agents or employees, or any other persons performing any of the work on the PROJECT, except those employees, agents, and SUBCONTRACTORS of the ENGINEER. In the event of a conflict between this requirement or any other contractual provisions of this AGREEMENT, the other contractual provisions shall prevail.
12. Review monthly and final estimates for payment to the CONTRACTOR based on quantities submitted by the CONTRACTOR as approved by the TOWN'S on-site representative.
13. Assist representatives of the TOWN with final inspection of the PROJECT for conformance with the design concept of the PROJECT and compliance with the construction contract documents, and approve, in writing, final payment to the CONTRACTOR.
14. Revise construction drawings to conform with construction records based on the field-marked drawings from the CONTRACTOR. Furnish one (1) full-size set of construction drawings on reproducible media within sixty (60) days following final completion of the PROJECT and receipt of the field-marked drawings from the CONTRACTOR. Provide one (1) electronic copy of the final drawings to the TOWN.
15. The TOWN acknowledges the ENGINEER'S plans and specifications, including all documents on electronic media, as instruments of professional service. Nevertheless, the plans and specifications prepared under this AGREEMENT shall become the property of the TOWN upon completion of the services and payment in full of all monies due to the ENGINEER. The TOWN shall not reuse or make or permit to be made any modifications to the plans or specifications without the prior written authorization of the ENGINEER. The TOWN agrees to waive any claim against the ENGINEER arising from any unauthorized reuse or modification of the plans or specifications.
16. The TOWN agrees, to the fullest extent permitted by law, to indemnify and hold the ENGINEER harmless for any damage, liability or cost, arising from any modification of the plans and specifications by the TOWN or its authorized representatives without the prior written authorization of the ENGINEER. The ENGINEER makes no warranties, either express or implied, of merchantability and fitness for any particular purpose or of probable useful life of drawing files stored on electronic media.

B. Resident Project Representation

1. ENGINEER shall furnish a Resident Project Representative ("RPR") to assist ENGINEER in observing progress and quality of the Work. The RPR shall provide part time representation on a time and material basis based on a schedule of 8 hours per week for a 52-week period. If additional time is required, the ENGINEER will receive additional compensation or relief by TOWN personnel.

2. Through RPR's observations of Contractor's work in progress and field checks of materials and equipment, ENGINEER shall endeavor to provide further protection for TOWN against defects and deficiencies in the Work. However, ENGINEER shall not, during such RPR field checks or as a result of such RPR observations of Contractor's work in progress, supervise, direct, or have control over Contractor's Work, nor shall ENGINEER (including the RPR) have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for security or safety at the Site, for safety precautions and programs incident to any contractor's work in progress, or for any failure of a contractor to comply with Laws and Regulations applicable to such contractor's performing and furnishing of its work. The ENGINEER (including RPR) neither guarantees the performances of any contractor nor assumes responsibility for Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.
  
3. The duties and responsibilities of the RPR are as follows:
  - a. RPR is ENGINEER's representative at the Site, will act as directed by and under the supervision of ENGINEER, and will confer with ENGINEER regarding RPR's actions. RPR's dealings in matters pertaining to the Contractor's work in progress shall in general be with ENGINEER and Contractor. RPR's dealings with Subcontractors shall only be through or with the full knowledge and approval of Contractor. RPR shall generally communicate with TOWN only with the knowledge of and under the direction of ENGINEER.
  - b. Serve as ENGINEER's liaison with Contractor. Working principally through Contractor's authorized representative or designee, assist in providing information regarding the intent of the Contract Documents.
  - c. Assist ENGINEER in serving as TOWN's liaison with Contractor when Contractor's operations affect TOWN's on-site operations.
  - d. Assist in obtaining from TOWN additional details or information, when required for proper execution of the Work.
  - e. Conduct on-site observations of Contractor's work in progress to assist in determining if the Work is in general proceeding in accordance with the Contract Documents. Report to ENGINEER whenever RPR believes that any part of Contractor's work in progress will not produce a completed Project that conforms generally to the Contract Documents or will imperil the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise ENGINEER of that part of work in progress that RPR believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection, or approval.
  - f. Consult with ENGINEER in advance of scheduled inspections, tests, and systems start-ups. Verify that tests, equipment, and systems start-ups and operating and maintenance training are conducted in the presence of appropriate TOWN's personnel, and that Contractor maintains adequate records thereof. Observe, record, and report to ENGINEER appropriate details relative to the test procedures and systems start-ups. Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections, and report to



ENGINEER.

- g. Furnish to ENGINEER and TOWN copies of all inspection, test, and system start-up reports.
- h. Participate in visits to the Project to determine Substantial Completion, assist in the determination of Substantial Completion and the preparation of lists of items to be completed or corrected.
- i. Participate in a final visit to the Project in the company of TOWN, and Contractor, and prepare a final list of items to be completed and deficiencies to be remedied.
- j. Observe whether all items on the final list have been completed or corrected and make recommendations to ENGINEER concerning acceptance and issuance of the Notice of Acceptability of the Work.
- k. Resident Project Representative shall not:
  - (1) Authorize any deviation from the Contract Documents or substitution of materials or equipment (including "or-equal" items).
  - (2) Exceed limitations of ENGINEER's authority as set forth in this Agreement.
  - (3) Undertake any of the responsibilities of Contractor, Subcontractors or Suppliers.
  - (4) Advise on, issue directions relative to, or assume control over any aspect of the means, methods, techniques, sequences or procedures of Contractor's work.
  - (5) Advise on, issue directions regarding, or assume control over security or safety practices, precautions, and programs in connection with the activities or operations of TOWN or Contractor.
  - (6) Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by ENGINEER.
  - (7) Authorize TOWN to occupy the Project in whole or in part.

C. Concrete Testing Assistance

- 1. Provide concrete testing of up to 8 sets of concrete cylinders utilizing the services of a concrete testing lab for confirmation of concrete strength as required for the project.

D. Post-Construction Phase

- 1. The ENGINEER will prepare an update to the Operation & Maintenance (O&M) Manual sections related to the PROJECT in electronic format delivered on CD. Specific services to be performed by the ENGINEER will be to prepare the manual in the format that follows:
  - a. Prepare and submit to TOWN for review a draft of the updated O&M manual sections. The manual will include a description of the facilities and recommendations for O&M. The following topics will be included:
    - (1) Facilities Description, Operation, and Control of Facilities: discussion of

the operation and purpose of each treatment unit or facility with a description of design criteria and control strategy;

- (2) Description and Operation of the Auxiliary Facilities: discussion of auxiliary systems;
  - (3) Electrical System and Control Systems: overview and detailed description of the electrical and control systems;
  - (4) Maintenance: nameplate data for each major piece of equipment, list of the manufacturer's recommended spare parts, and reference to equipment manufacturer's O&M Manual schedule of preventative maintenance activities; and
  - (5) Appendices: glossary of treatment terms and abbreviations used pertinent to this facility;
- b. Five hard copies of the Final Draft and Final O&M manual are to be provided to the TOWN along with two electronic format CDs;
2. Warranty Assistance: Provide up to 24 hours of office and/or on-site consulting concerning the follow-up of Contractor and equipment warranty items during the construction warranty period. One month prior to the end of the construction warranty period, conduct a site visit and document all warranty items and assist in the coordination of the repairs/replacement of the defective work.

## **ADDITIONAL SERVICES**

- A. Additional services to be performed by the ENGINEER, if authorized by the TOWN, which are not included in the above-described BASIC SERVICES, are described as follows:
1. Attending additional meetings as requested by TOWN;
  2. Sampling, testing or analysis beyond that specifically included in BASIC SERVICES;
  3. Providing additional copies of reports, plans and specifications;
  4. Any additional services that may be required by the TOWN for completion of the project that are not included in the BASIC or SPECIAL SERVICES; and
  5. Preparing copies of Computer-Aided Drafting (CAD) electronic databases, drawings, or files for the TOWN's use in a future CAD system.

**ATTACHMENT B**  
**Town of Flower Mound**  
**Wastewater Treatment Plant**  
**UV System Upgrade Construction**

| Level 2 (Phase) No. and Description<br>Level 3 (Task) No. and Description | Principal<br>(hrs) | Sr. Proj Mgr<br>(hrs) | Proj Mgr<br>(hrs) | Proj Engr<br>(hrs) | RPR<br>(hrs) | EIT<br>(hrs) | Technician<br>(hrs) | Clerical<br>(hrs) | QC<br>(hrs) | Total Labor |                   | Percent of<br>Total Fee |
|---------------------------------------------------------------------------|--------------------|-----------------------|-------------------|--------------------|--------------|--------------|---------------------|-------------------|-------------|-------------|-------------------|-------------------------|
|                                                                           |                    |                       |                   |                    |              |              |                     |                   |             | Hours       | Fee (\$\$\$)      |                         |
| <b>Wastewater Treatment Plant</b>                                         | <b>23</b>          | <b>0</b>              | <b>120</b>        | <b>31</b>          | <b>208</b>   | <b>283</b>   | <b>32</b>           | <b>4</b>          | <b>18</b>   | <b>719</b>  | <b>\$ 106,970</b> | <b>100.0%</b>           |
| <b>A Construction Admin</b>                                               | <b>19</b>          | <b>0</b>              | <b>75</b>         | <b>27</b>          | <b>0</b>     | <b>243</b>   | <b>32</b>           | <b>4</b>          | <b>10</b>   | <b>410</b>  | <b>\$ 63,670</b>  | <b>59.5%</b>            |
| 1 Pre-Construction Meeting                                                | 4                  |                       | 4                 | 4                  |              | 8            |                     |                   |             | 20          | \$ 3,700          | 3.5%                    |
| 2 Monthly Progress Meetings/Site visits (12 Mths)                         | 6                  |                       | 21                |                    |              | 54           |                     |                   |             | 81          | \$ 12,780         | 11.9%                   |
| 3 Conformed Documents                                                     |                    |                       | 4                 |                    |              | 4            | 4                   |                   | 2           | 14          | \$ 2,470          | 2.3%                    |
| 4 Additional Site visits (2 visits)                                       | 3                  |                       | 3                 | 3                  |              | 6            |                     |                   |             | 15          | \$ 2,775          | 2.6%                    |
| 5 Submittal Review (assume 35)                                            |                    |                       | 18                | 5                  |              | 105          |                     |                   |             | 128         | \$ 17,475         | 16.3%                   |
| 6 Respond to RFIs (assume 10)                                             |                    |                       | 5                 | 5                  |              | 20           |                     |                   |             | 30          | \$ 4,350          | 4.1%                    |
| 7 Coordinate Contract Modifications                                       |                    |                       | 4                 |                    |              | 8            | 4                   |                   |             | 16          | \$ 2,360          | 2.2%                    |
| 8 Review Pay Estimates                                                    |                    |                       | 8                 |                    |              | 24           |                     |                   |             | 32          | \$ 4,600          | 4.3%                    |
| 9 Attend Final Walkthrough                                                | 6                  |                       | 6                 | 6                  |              | 6            |                     |                   |             | 24          | \$ 4,800          | 4.5%                    |
| 10 Prepare Record Drawings                                                |                    |                       | 2                 | 4                  |              | 8            | 24                  | 4                 | 8           | 50          | \$ 8,360          | 7.8%                    |
| <b>B Resident Representation</b>                                          | <b>0</b>           | <b>0</b>              | <b>0</b>          |                    | <b>208</b>   | <b>0</b>     | <b>0</b>            | <b>0</b>          | <b>0</b>    | <b>208</b>  | <b>\$ 24,960</b>  | <b>23.3%</b>            |
| 1 On-Site 0.5 days/wk for 12 Months                                       |                    |                       |                   |                    | 208          |              |                     |                   |             | 208         | \$ 24,960         | 23.3%                   |
| <b>C Post-Construction Phase</b>                                          | <b>4</b>           | <b>0</b>              | <b>4</b>          | <b>4</b>           | <b>0</b>     | <b>40</b>    | <b>0</b>            | <b>0</b>          | <b>8</b>    | <b>60</b>   | <b>\$ 10,140</b>  | <b>9.5%</b>             |
| 1 O&M Manual Update                                                       | 4                  |                       | 4                 | 4                  |              | 40           |                     |                   | 8           | 60          | \$ 10,140         | 9.5%                    |
| <b>PM ADMINISTRATIVE/QC TASKS</b>                                         | <b>0</b>           | <b>0</b>              | <b>41</b>         | <b>0</b>           | <b>0</b>     | <b>0</b>     | <b>0</b>            | <b>0</b>          | <b>0</b>    | <b>41</b>   | <b>\$ 8,200</b>   | <b>7.7%</b>             |
| 1 Quality Control                                                         |                    |                       |                   |                    |              |              |                     |                   |             | 0           | \$ -              | 0.0%                    |
| 2 Project Management                                                      |                    |                       | 41                |                    |              |              |                     |                   |             | 41          | \$ 8,200          | 7.7%                    |
| <b>TOTAL LABOR</b>                                                        | <b>23</b>          | <b>0</b>              | <b>120</b>        | <b>31</b>          | <b>208</b>   | <b>283</b>   | <b>32</b>           | <b>4</b>          | <b>18</b>   | <b>719</b>  | <b>\$ 106,970</b> | <b>100.0%</b>           |
| Labor Rates per Hour                                                      | \$305              | \$240                 | \$200             | \$170              | \$120        | \$125        | \$140               | \$120             | \$305       |             |                   |                         |
| Total Amounts by Labor Category                                           | \$ 7,015           | \$ -                  | \$ 23,900         | \$ 5,270           | \$ 24,960    | \$ 35,375    | \$ 4,480            | \$ 480            | \$ 5,490    |             | \$ 106,970        |                         |
| Labor Category Percent of Total Labor                                     | 6.6%               | 0.0%                  | 22.3%             | 4.9%               | 23.3%        | 33.1%        | 4.2%                | 0.4%              | 5.1%        |             |                   | 100.0%                  |
| <b>TOTAL EXPENSES (see breakdown below)</b>                               |                    |                       |                   |                    |              |              |                     |                   |             |             |                   |                         |
| Total Subconsultants                                                      |                    |                       |                   |                    |              |              |                     |                   |             |             | \$ 47,323         |                         |
| Total Reimbursables                                                       |                    |                       |                   |                    |              |              |                     |                   |             |             | \$ 7,615          |                         |
| Total Expenses                                                            |                    |                       |                   |                    |              |              |                     |                   |             |             | \$ 54,938         |                         |
| <b>GRAND TOTAL - Wastewater Treatment Plant</b>                           |                    |                       |                   |                    |              |              |                     |                   |             |             | <b>\$ 161,908</b> |                         |

**SUBCONSULTANT EXPENSES**

| Code                                | Description             | Budget (\$\$)    | Markup | Fee (\$\$\$)     |
|-------------------------------------|-------------------------|------------------|--------|------------------|
| CA                                  | Architect Consultant    | \$ -             | 1.15   | \$ -             |
| CC                                  | Civil Engr Consultant   | \$ -             | 1.15   | \$ -             |
| CE                                  | Electrical Consultant   | \$ 38,650        | 1.15   | \$ 44,448        |
| CG                                  | Geotechnical Consultant | \$ -             | 1.15   | \$ -             |
| CM                                  | Mechanical Consultant   | \$ -             | 1.15   | \$ -             |
| CO                                  | Other Consultant        | \$ -             | 1.15   | \$ -             |
| CS                                  | Structural Consultant   | \$ 2,500         | 1.15   | \$ 2,875         |
| CY                                  | Surveying Consultant    | \$ -             | 1.15   | \$ -             |
| C1                                  |                         | \$ -             | 1.15   | \$ -             |
| C2                                  |                         | \$ -             | 1.15   | \$ -             |
| C3                                  |                         | \$ -             | 1.15   | \$ -             |
| C4                                  |                         | \$ -             | 1.15   | \$ -             |
| C5                                  |                         | \$ -             | 1.15   | \$ -             |
| C6                                  |                         | \$ -             | 1.15   | \$ -             |
| <b>TOTAL SUBCONSULTANT EXPENSES</b> |                         | <b>\$ 41,150</b> |        | <b>\$ 47,323</b> |

**REIMBURSABLE EXPENSES**

| Code                               | Description                 | Budget (\$\$)   | Markup | Fee (\$\$\$)    |
|------------------------------------|-----------------------------|-----------------|--------|-----------------|
| RA                                 | Laboratory Analysis         | \$ 1,000        | 1.15   | \$ 1,150        |
| RC                                 | Computer                    | \$ -            | 1.15   | \$ -            |
| RH                                 | Historical                  | \$ -            | 1.15   | \$ -            |
| RI                                 | In-House Reproduction       | \$ 150          | 1.15   | \$ 173          |
| RL                                 | Long Distance Telephone     | \$ -            | 1.15   | \$ -            |
| RM                                 | Employee Mileage            | \$ 2,000        | 1.15   | \$ 2,300        |
| RO                                 | Other Expenses              | \$ -            | 1.15   | \$ -            |
| RP                                 | Purchased Services          | \$ -            | 1.15   | \$ -            |
| RR                                 | Reproduction                | \$ 350          | 1.15   | \$ 403          |
| RS                                 | Shipping, Delivery, Postage | \$ -            | 1.15   | \$ -            |
| RT                                 | Travel, Meals, Lodging      | \$ -            | 1.15   | \$ -            |
| RU                                 | Telecommunications          | \$ 3,590        | 1.00   | \$ 3,590        |
| R1                                 |                             | \$ -            | 1.15   | \$ -            |
| R2                                 |                             | \$ -            | 1.15   | \$ -            |
| <b>TOTAL REIMBURSABLE EXPENSES</b> |                             | <b>\$ 7,090</b> |        | <b>\$ 7,615</b> |



## TOWN COUNCIL AGENDA ITEM NO. 5

### REGULAR ITEM

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**DATE:** May 20, 2019

**FROM:** Tommy Dalton, Assistant Town Manager

**ITEM:** **Public Hearing to consider a request for a Master Plan Amendment (MPA19-0001 – Senior Housing Overlay) to amend Section 1, Land Use Plan, by deleting the provisions related to Senior Housing, and consider adopting an ordinance providing for said amendment. (*The Planning and Zoning Commission recommended denial by a vote of 7 to 0 at its May 13, 2019, meeting.*)**

---

**BACKGROUND INFORMATION:** Attached is the Planning and Zoning Commission (P&Z) report and backup for this item.

This is a Town Council initiated request, and the Town is appealing the Planning and Zoning Commission recommendation to deny the proposed Master Plan amendment. Overall, the P&Z did not find a compelling reason to sunset the overlay early. Generally, the Commission believed that the overlay should expire as originally drafted.

#### **ATTACHMENTS:**

1. Planning and Zoning Commission Staff Report
2. Draft Ordinance

**LEGAL REVIEW:** Ashley Dierker, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance as to form and legality.

**DRAFT MOTION:** Move to approve as presented in the agenda caption.



## PLANNING AND ZONING COMMISSION

### AGENDA ITEM NO: 6

### REGULAR ITEM

**DATE:** May 13, 2019

**FROM:** Tommy Dalton, Assistant Town Manager

**ITEM:** **Public Hearing to consider a request for a Master Plan Amendment (MPA19-0001 – Senior Housing Overlay) to amend Section 1, Land Use Plan, by deleting the provisions related to Senior Housing.**

#### I. ITEM SUMMARY

This is a Town initiated item and is ready for consideration by the Planning and Zoning Commission.

This application will require final action by the Town Council.

#### II. APPLICATION ANALYSIS

The senior overlay was established by Council on March 6, 2017, to address demand for affordable, high-quality, senior housing options for persons 55 years of age or older. The overlay encourages high-quality senior housing development, and allows new applications for zoning changes within the overlay without having to change the underlying land use (master plan designation).

During the March 4, 2019 Town Council meeting, the Council requested a future agenda item to discuss rescinding the senior overlay. The senior overlay was discussed by the Town Council at their March 18, 2019 meeting and direction was received to eliminate the overlay.

- March 4, 2019 request: Fast forward to the 2:52 minute mark.
  - <http://flowermoundtx.swagit.com/play/03042019-933/7/>.
- March 18, 2019 discussion:
  - <https://flowermoundtx.swagit.com/play/03182019-1046>

Overall, there was general consensus from the Town Council that the overlay has served its purpose prior to its expiration on March 6, 2020. Two multi-family independent senior living facilities have been approved within the overlay since its approval in March of 2017:

| <b>Project</b>           | <b>Units</b> | <b>Approval Date</b> |
|--------------------------|--------------|----------------------|
| <b>NEM Senior Living</b> | 183          | Nov. 5, 2018         |
| <b>Watermere</b>         | 240          | Feb. 18, 2019        |
| <i>Total Units</i>       | 423          |                      |

Prior to the creation of the overlay, two other multi-family independent senior living facilities either existed or were under construction outside of the overlay:

| <b>Project</b>        | <b>Units</b> | <b>Approval Date</b> |
|-----------------------|--------------|----------------------|
| <b>Pinewood Hills</b> | 115          | Mar. 21, 2005        |
| <b>Overture</b>       | 200          | May 23, 2016         |
| <i>Total Units</i>    | 315          |                      |

If this item is approved, it will eliminate the senior overlay prior to its expiration on March 6, 2020.

### **III. CORRESPONDENCE**

The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle) for Master Plan amendments. At the time this report was written, the Town had not received any correspondence regarding the request.

### **IV. ATTACHMENTS**

#### **A. Background Information**

##### **1. Senior Overlay**

### ***Senior Housing***

\*\*\*

The Town encourages high quality, age-restricted, independent housing projects in appropriate locations to address the demand for diverse senior housing options. In January 2017, the Town Council determined there was a need to address the demand for diverse housing options. To address the immediate need the following provisions were adopted on March 6, 2017. Specifically, within the area identified as 2,500 feet on either side of FM 2499 (Long Prairie Road) from FM 407 (Justin Road) down to the northern boundary of the Lakeside Business District, but not including the Lakeside Business District, a senior housing project can be approved within any land use category. The basis of this allowance is due to the lower impact such developments would have in any of the land use categories. Any senior housing development would need to proceed by submitting a rezoning request for a Planned Development (PD) where such issues as design, adjacency, density and amenities would be reviewed.

Senior Housing is defined as high quality retirement or active living residential facility designed for persons 55 years of age or older.

- This use includes age-restricted, for-rent multi-family independent living facilities with high quality amenities, services, and programs.
- Any project proposing such a use shall include deed restrictions on the property limiting residents of the project to 55 years or older in accordance with the Fair Housing Act.
- Any project shall include industry building accessibility standards for the targeted demographic.
- Any project should have easy access to arterial and collector streets, and convenient access to signalized intersections is preferred.
- Any project shall demonstrate appropriate transition to existing land uses. Factors to be considered include building height, setbacks, screening and landscaping, use of open space, among other factors.
- This use does not include “convalescent and nursing homes, hospice care, assisted living, and related institutions.”

Due to the nature of Senior Housing, a developer may request a potential exemption from the Town’s parkland dedication and park development fee requirements in order to reinvest those funds into the project. Such a request shall be considered by the Town Council concurrent with a zoning PD application.

To attract affordable Senior Housing within the Overlay, it is recognized that certain projects that qualify as senior housing due to their size, location, amenities and design, may request potential waivers from some SMARTGrowth Criteria. Any requested waiver shall be evaluated during the development process and action taken thereon by the Planning and Zoning Commission and the Town Council in accordance with the purposes and objectives contained in the Town’s SMARTGrowth program and the need for high quality senior housing. The Town Council may consider certain exceptions from the Town SMARTGrowth Program for a project meeting the above definition and criteria, and submitted under a PD application. Potential exceptions may include:

- Water and wastewater studies
- Traffic Impact Analysis
- Environmental Quality

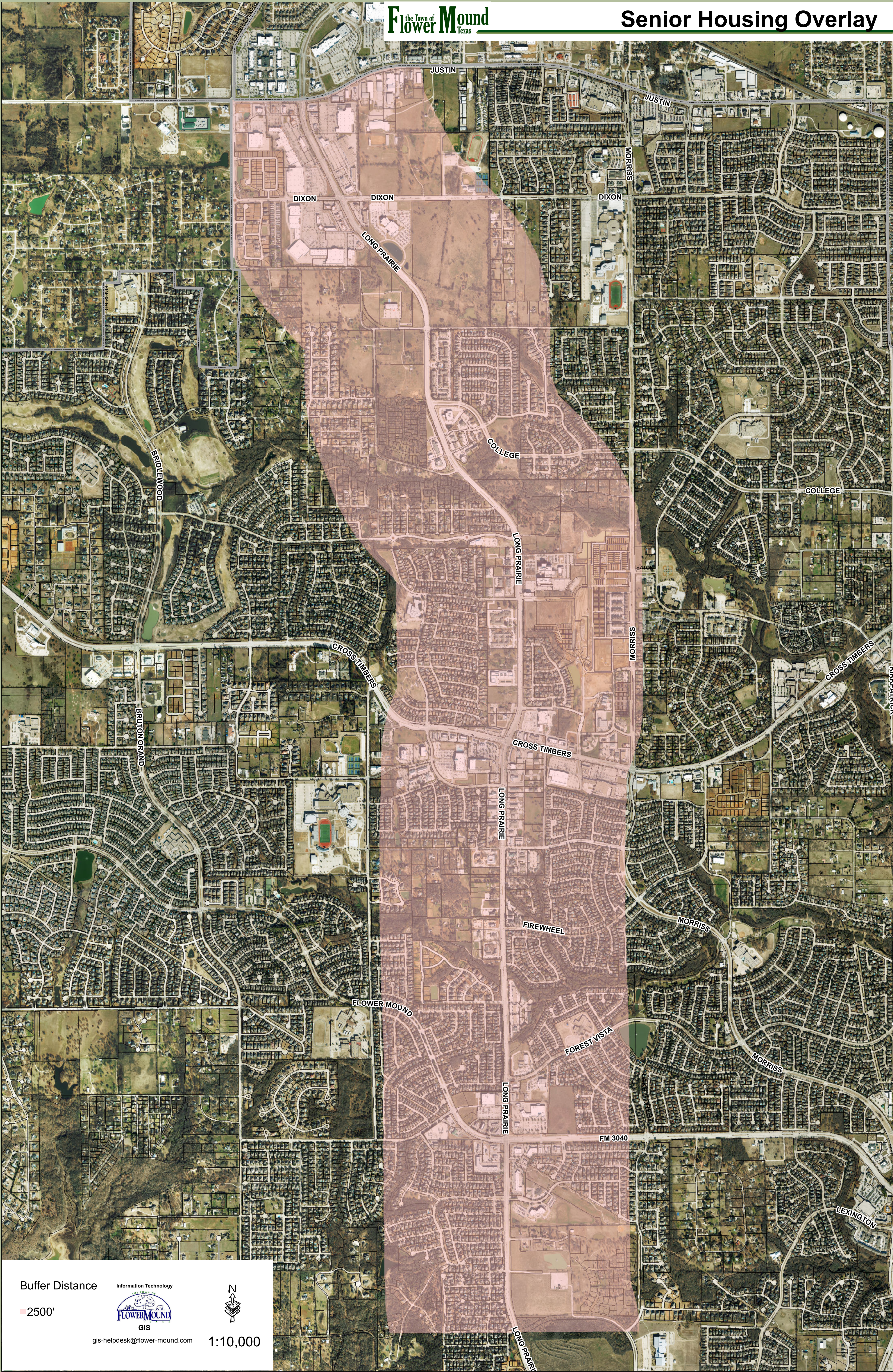
The language and authorizations articulated within this section shall expire and have no legal force or effect after March 6, 2020, unless extended after a public hearing and action by the Town Planning and Zoning Commission and the Town Council, in accordance with the procedures set forth in Chapter 213 of the

Texas Local Government Code and the procedures governing an amendment of the Master Plan of the Town of Flower Mound, as established by Subpart B of the Town Code.



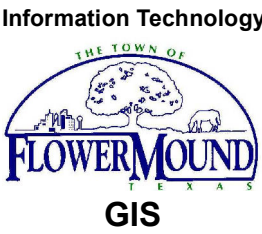
Senior Housing Overlay - Mar 2017

Senior Housing Overlay - Mar 2017



Buffer Distance

2500'



gis-helpdesk@flower-mound.com



1:10,000



**TOWN OF FLOWER MOUND, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, TO DELETE PROVISIONS RELATED TO “SENIOR HOUSING” IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Flower Mound is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, on March 19, 2001, the Town Council of the Town of Flower Mound adopted all nineteen component plans, specifically including the Land Use Plan, together with all amendments thereto, by Ordinance No. 24-01 as a component to the Flower Mound Master Plan; and

**WHEREAS**, the Planning and Zoning Commission of the Town of Flower Mound, Texas, held a public hearing on May 13, 2019, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on May 20, 2019, with respect to the Master Plan Amendment described herein; and,

**WHEREAS**, the Town has complied with all requirements of Chapter 213 of the Local Government Code, Chapter 78 of the Town’s Land Development Regulations, and all other laws dealing with notice, publication and procedural requirements for the approval of the Master Plan Amendment described herein;

**WHEREAS**, the Town Council finds that amendment of the Master Plan as outlined herein is in the best interest of the Town of Flower Mound and will promote the health, safety and general welfare of the citizens of the Town of Flower Mound and the general public;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

The Master Plan of the Town of Flower Mound, Texas, as amended, is hereby amended as described below:

Section 1.0, Land Use Plan, is hereby amended to delete the provisions related to “Senior Housing” at the end of Section 1.0.

**SECTION 2**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Flower Mound, Texas, as amended, except when the provisions of

this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

### **SECTION 3**

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

### **SECTION 4**

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

### **SECTION 5**

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**APPROVED:**

\_\_\_\_\_  
**STEVE DIXON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**THERESA SCOTT, TOWN SECRETARY**



## TOWN COUNCIL AGENDA ITEM NO. 6

### REGULAR ITEM

---

**DATE:** May 20, 2019

**FROM:** Poornima Kashyap, Senior Planner

**ITEM:** **Public Hearing to consider a request for a Master Plan Amendment (MPA18-0007-Highland Pointe Park) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Medium Density Residential to Retail uses, and consider adopting an ordinance providing for said amendment. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road. (*The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its May 13, 2019, meeting.*)**

---

**BACKGROUND INFORMATION:** Attached is the Planning and Zoning Commission (P&Z) report and backup for this item.

**ATTACHMENTS:**

1. Planning and Zoning Commission Staff Report
2. Draft Ordinance

**LEGAL REVIEW:** Ashley Dierker, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance as to form and legality.

**DRAFT MOTION:** Move to approve as presented in the agenda caption.

## **PLANNING AND ZONING COMMISSION**

### **AGENDA ITEM NO: 7**

### **REGULAR ITEM**

---

**DATE:** May 13, 2019

**FROM:** Poornima Kashyap, Senior Planner

**ITEM:** **Public Hearing to consider a request for a Master Plan Amendment (MPA18-0007- Highland Pointe Park) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Medium Density Residential to Retail uses. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road.**

---

#### **I. ITEM SUMMARY**

This application has been reviewed by DRC and determined to be ready for consideration by the Planning and Zoning Commission. There are no outstanding issues.

The project has a companion application, Zoning Planned Development (ZPD18-0011), for consideration on the same agenda.

This application will require final action by the Town Council.

#### **II. APPLICATION ANALYSIS**

The applicant is requesting a Master Plan Amendment to change the Land Use designation of the subject property from Medium Density Residential to Retail on approximately 1.75 acres. The proposed Master Plan Amendment allows the applicant to proceed with the companion zoning application to develop the property with two 5,000 square-foot buildings with one building being used for a veterinary hospital with indoor pens use. The accompanying zoning application encompasses specific development standards for the subject site.

The Town's Master Plan defines the current Medium Density land use designation as "residential development, typically being single family detached residential development with a minimum 10,000 square feet or greater development."

The requested Retail land use designation is defined as "neighborhood or community oriented commercial area with a variety of uses ranging from restaurants and beauty salons to supermarkets and drug stores. Small professional offices, such as title companies, doctors and dentists, legal, real estate, etc. could be included in this land use category."

On April 9, 1984, the Town Council established Planned Development District-19 (PD-19) for approximately 142.5 acres. The subject site is located within this PD and is zoned for Office uses. The Town processed several Town wide Master Plan amendments from 1986 to 2001 which changed the land use of the subject site several times. However, the zoning of the subject site was not changed to correspond to the land use and has remained Office since the approval of PD-19. The land use designation history of the subject site is below:

| <b>Master Plan</b> | <b>Designation</b>         |
|--------------------|----------------------------|
| 1982               | Industrial                 |
| 1985               | Office                     |
| 1994               | High Density Residential   |
| 2001               | Medium Density Residential |
| Today              | Medium Density Residential |

### **III. CORRESPONDENCE**

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all Specific Use Permit requests. At the time this report was written, the Town had received one item of correspondence in opposition to the request. All written correspondence was sent directly to the Planning and Zoning Commission according to the new public communication process.

### **III. ATTACHMENTS**

#### **A. Background Information**

1. Vicinity Map
2. Letter of Intent

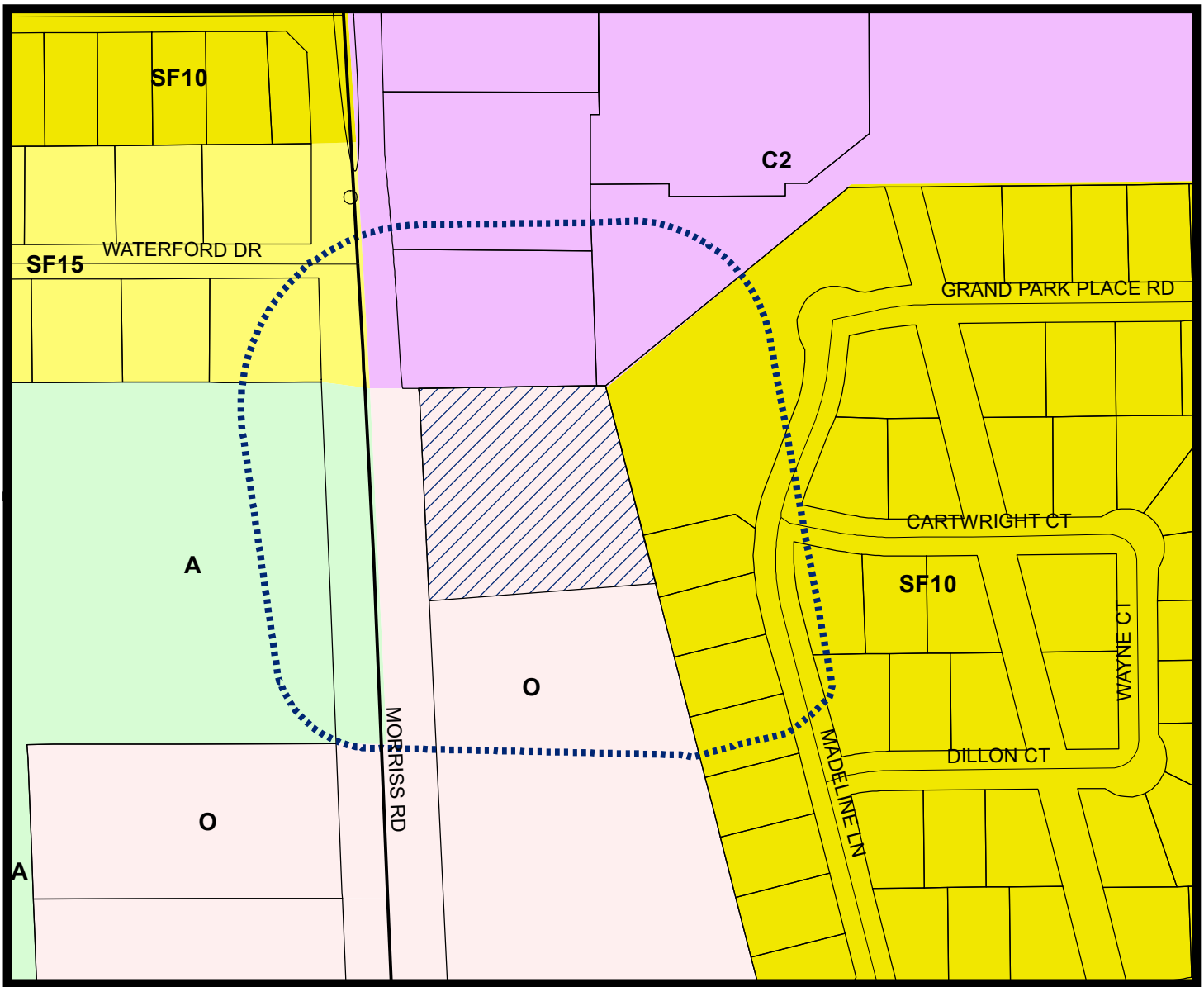
#### **B. Application Details**

1. Master Plan Exhibit



# Vicinity Map

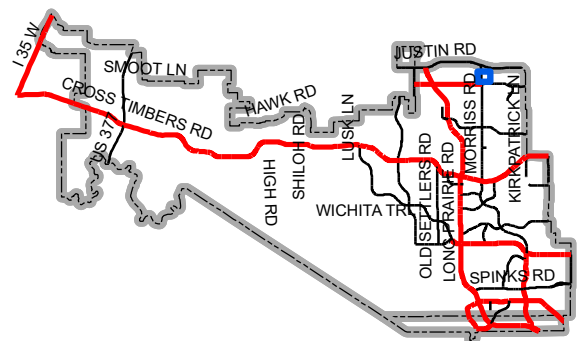
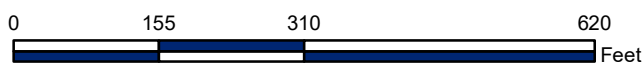
Reference Project: MPA18-0007 & ZPD18-0011



## LEGEND

- Agriculture
- Commercial 2
- Office
- Single Family 10
- Single Family 15

- Subject Property
- 200 ft Notification Buffer around Property



Map Location

May 8, 2019

Chuck Russell  
Town Planner  
Town of Flower Mound  
2121 Cross Timbers  
Flower Mound, TX 75028

RE: Master Plan Amendment & Zoning Change Request – Highland Pointe Park

Mr. Russell:

Please accept this letter, on behalf of Chris Carmichael, as an explanation of the proposed Master Plan Amendment and Zoning Change Request for approximately 1.75 acres of land located east of Morriss Road and south of FM 407. The current land use designation of the property is Medium Density Residential and it is currently zoned as PD-19 with Office Uses.

Faith Lutheran Church, the property owner, has discussed the sale of this property for several years. The church has determined that the property is not needed for expansion nor needed for the current mission and operation of the church.

The purpose of this application is to request a zoning change to the existing PD to allow for a veterinarian use with no outside pens. The church is requiring the applicant to purchase a total of 1.75 acres out of their parcel. The vet only needs a little less than an acre to build a 5,000 square foot building to replace their current site in Highland Village. The excess land has been shown to accommodate a second 5,000 building that could be used for retail uses. The site is adjacent to the Grand Park Estates neighborhood to the east. The concept plan shows that the site will meet the Town's compatibility setback and buffer, except the 6' masonry wall along the southeast property line. The access to this site will be from the existing driveway on Morriss Road.

The Master Plan amendment is to clean up the current map that shows the property to be used for residential uses. As the existing zoning of the property indicates, this area was to be for non-residential uses going back to the approval of PD-19. We believe that the use of the site for a veterinarian use with no outside pens will have a limited impact to the adjacent property owners as most of the other uses within the Retail zoning district. Further, we have limited the uses within the R-2 zoning district to those that are compatible with adjacent residences.

We are proposing an exception for this property regarding the required masonry wall where the residential abuts the property along the southeast property line. We are requesting the current board on board fence on the residential lot to remain. There is currently a retaining wall and we believe adding a masonry wall parallel to this would create a "no man's land" that would be difficult to maintain.

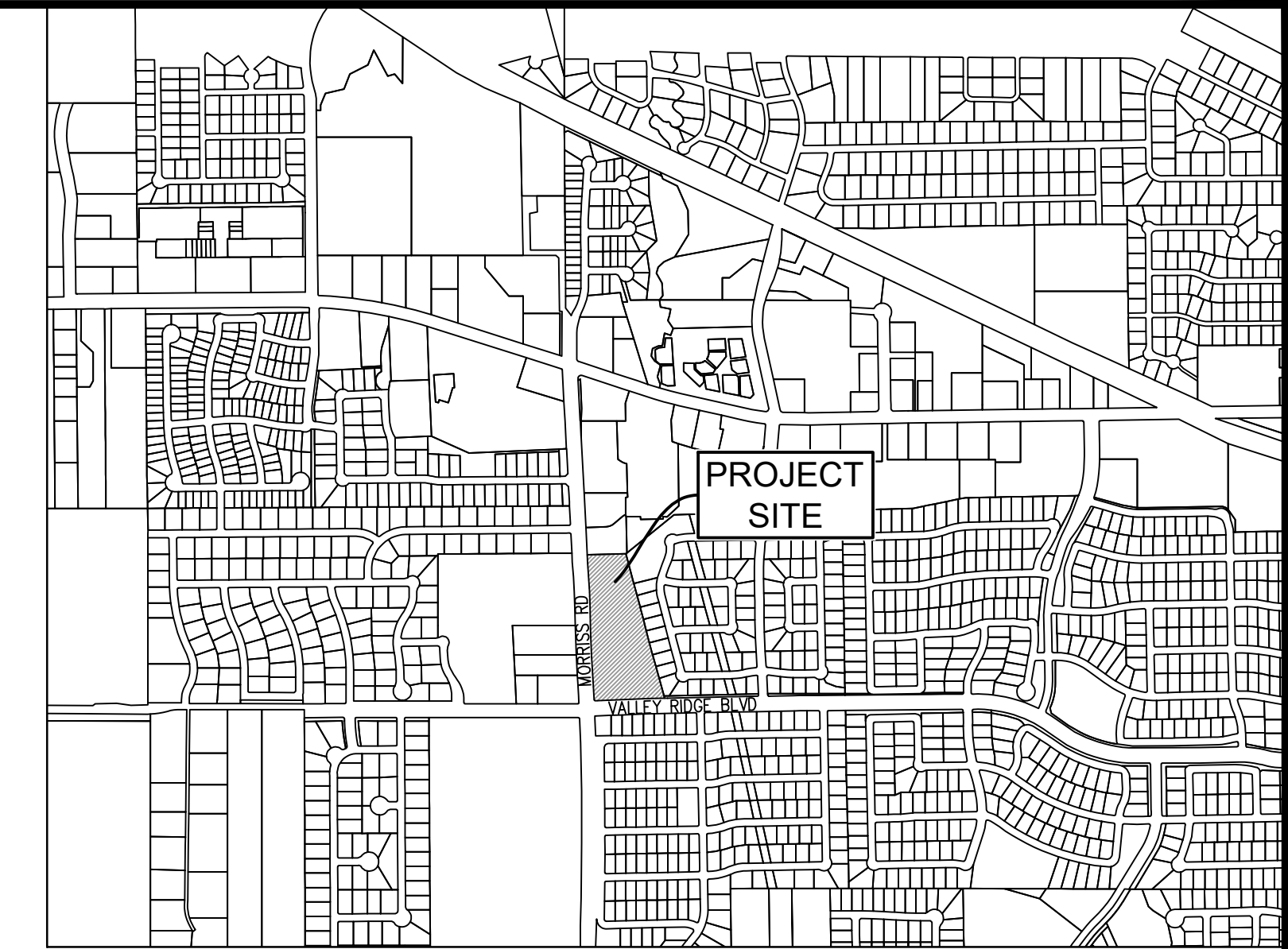


We are very excited to have the opportunity to bring this project forward to appropriately develop this infill site. This location is the ideal spot for this use and the project will be beneficial to the Town and its residents. Thank you in advance for your consideration. Please do not hesitate to contact me with any questions or comments regarding this application.

Sincerely,

A handwritten signature in black ink that reads "Patricia Fant". The script is fluid and cursive, with the first name "Patricia" and last name "Fant" written in a single continuous line.

Patricia Fant  
Designer I, Planning + Entitlement  
**MCADAMS**



OWNER/DEVELOPER  
CHRIS CARMICHAEL  
2250 JUSTIN RD, SUITE 140  
HIGHLAND VILLAGE, TX  
Ph. 334-332-8357  
Contact: CHRIS CARMICHAEL



HIGHLAND POINTE PARK  
Lot 1, Block A  
FAITH LUTHERAN CHURCH ADDITION  
1.75 Acres  
in the  
MELISSA SMITH SURVEY, ABSTRACT NO. 1160  
TOWN OF FLOWER MOUND  
DENTON COUNTY, TEXAS

# Master Plan Amendment & Zoning Exhibit

**PRELIMINARY PLANS**  
THIS DOCUMENT IS FOR  
INTERIM REVIEW AND IS  
NOT INTENDED FOR  
CONSTRUCTION, BIDDING,  
OR PERMIT PURPOSES.  
&A I MCADAMS,  
BPE: 19762  
ROBERT JOHN DOLLAK, JR.,  
E. #86898  
DATE 1/9/2019

Drawn By: PF  
Date: 10/10/2018  
Scale: 1"=20'  
Revisions:  
11/08/2018

18264



**TOWN OF FLOWER MOUND, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE REFLECTED ON THE LAND USE PLAN MAP FROM MEDIUM DENSITY RESIDENTIAL TO RETAIL ON APPROXIMATELY 1.755 ACRES OF LAND SITUATED IN THE E. SMITH SURVEY, ABSTRACT NUMBER 767, AND BEING PART OF LOT 1, BLOCK A, FAITH LUTHERAN CHURCH OF FLOWER MOUND; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Flower Mound is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the Land Use Plan Map contained in the Land Use Plan of the Town Master Plan depicts, by distinct colors, the various land uses in the Town; and,

**WHEREAS**, in accordance with Chapter 78 of the Land Development Regulations, the owner of the property described as approximately 1.755 of land situated in the E. Smith Survey, Abstract Number 767, and being part of Lot 1, Block A, Faith Lutheran Church of Flower Mound, has filed an application for a Master Plan Amendment to change the current land use designation from Medium Density Residential to Retail; and,

**WHEREAS**, the Planning and Zoning Commission of the Town of Flower Mound, Texas, held a public hearing on May 13, 2018, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on May 20, 2018, with respect to the Master Plan Amendment described herein; and,

**WHEREAS**, the Town has complied with all requirements of Chapter 213 of the Local Government Code, Chapter 78, of the Land Development Regulations, and all other laws dealing with notice, publication and procedural requirements for the approval of a Master Plan Amendment on the property;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

The Master Plan of the Town of Flower Mound, Texas, as amended, is hereby amended to change the land use designation on the hereinafter described property and area as shown below:

Approximately 1.755 acres of land situated in the E. Smith Survey, Abstract Number 767, and being part of Lot 1, Block A, Faith Lutheran Church of Flower Mound, Denton County, Texas, and more fully described in Exhibit "A" hereto.

Section 1.0, Land Use Plan, of the Master Plan, specifically the Land Use Plan Map, is hereby amended to change the current land use designation from Medium Density Residential to Retail for the approximately 1.755 acres of the project area depicted on Exhibit "B," attached hereto and incorporated for all purposes.

## **SECTION 2**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

## **SECTION 3**

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

## **SECTION 4**

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

## **SECTION 5**

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**APPROVED:**

\_\_\_\_\_  
Steve Dixon, **MAYOR**

**ATTEST:**

\_\_\_\_\_  
Theresa Scott, **TOWN SECRETARY**



**EXHIBIT "A"**  
**PROPERTY DESCRIPTION**

**BEING** all that certain lot, tract, or parcel of land, situated in the E. Smith Survey, Abstract Number 767, Town of Flower Mound, Denton County, Texas, and being part of Lot 1, Block A, described in deed to Faith Lutheran Church of Flower Mound, recorded in Document Number 94-22015, Official Records, Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at the northwest corner of said Lot 1, Block A, and being on the east line of Morriss Road, a called 120 foot Right of Way;

**THENCE** N 88°55'05" E, with the north line of said Lot 1, Block A, and the south line of Lot 1RA-2, Block A, AMSS Development LP P/S, recorded in Document Number 97-79956, Official Records, Denton County, Texas, a distance of 251.68 feet, to the northeast corner of said Lot 1, Block A, and the northwest corner of Grand Park Estates, recorded in Document Number 2002-96518, Official Records, Denton County, Texas;

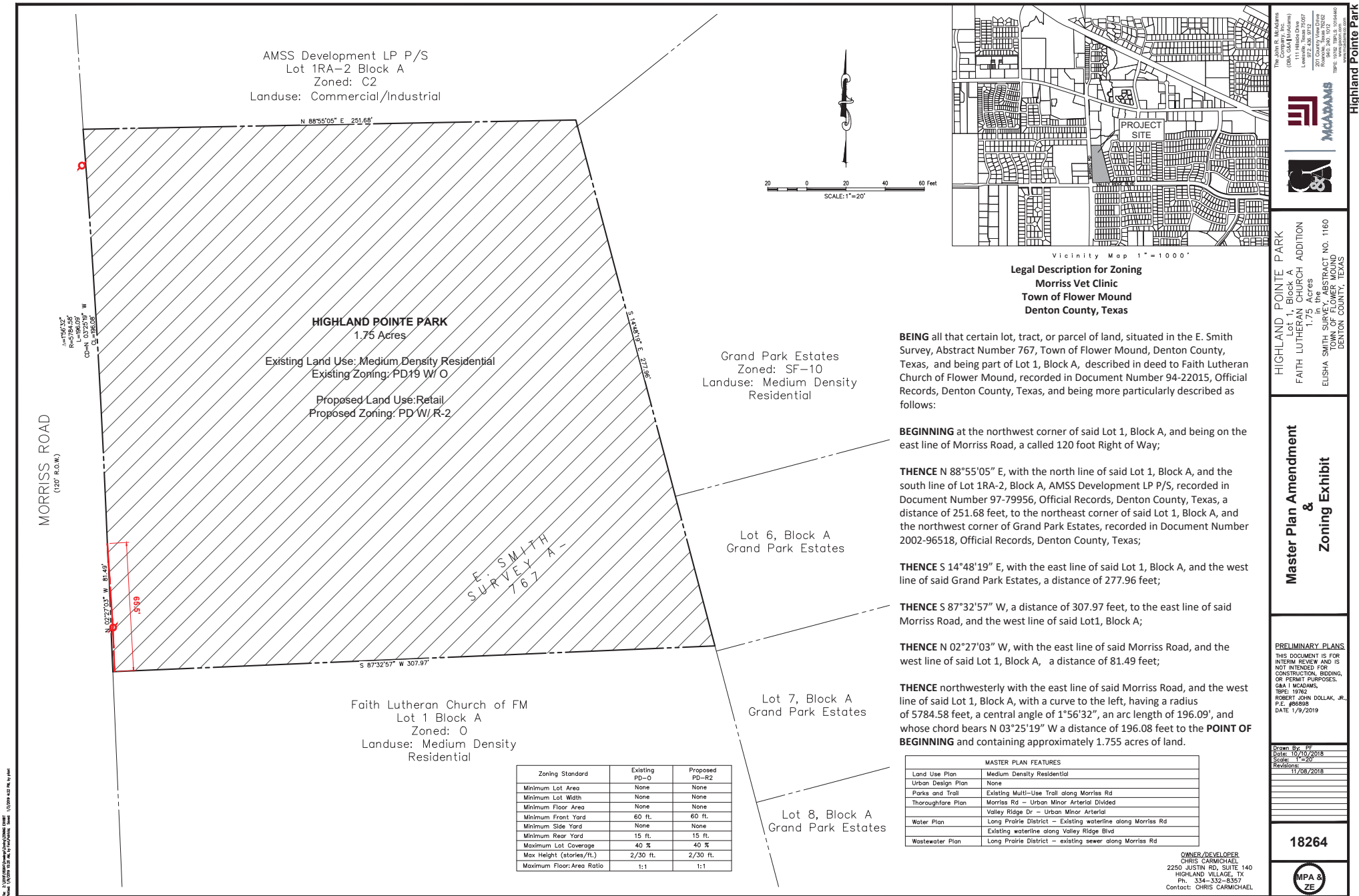
**THENCE** S 14°48'19" E, with the east line of said Lot 1, Block A, and the west line of said Grand Park Estates, a distance of 277.96 feet;

**THENCE** S 87°32'57" W, a distance of 307.97 feet, to the east line of said Morriss Road, and the west line of said Lot1, Block A;

**THENCE** N 02°27'03" W, with the east line of said Morriss Road, and the west line of said Lot 1, Block A, a distance of 81.49 feet;

**THENCE** northwesterly with the east line of said Morriss Road, and the west line of said Lot 1, Block A, with a curve to the left, having a radius of 5784.58 feet, a central angle of 1°56'32", an arc length of 196.09', and whose chord bears N 03°25'19" W a distance of 196.08 feet to the **POINT OF BEGINNING** and containing approximately 1.755 acres of land.







## TOWN COUNCIL AGENDA ITEM NO. 7

### REGULAR ITEM

**DATE:** May 20, 2019

**FROM:** Poornima Kashyap, Senior Planner

**ITEM:** **Public Hearing to consider a request for rezoning (ZPD18-0011 - Highland Pointe Park) to amend Planned Development District No. 19 (PD-19) with Office District (O) uses to Planned Development District No. 19 (PD-19) with Retail District-2 (R-2) uses on certain tract of land, to add the conceptual plans and elevations, to modify the development standards, request an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, and request certain modifications and exceptions to the Code of Ordinances as related to the subject property, and consider adopting an ordinance providing for said amendment. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road. *(The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its May 13, 2019, meeting.)***

**BACKGROUND INFORMATION:** Attached is the Planning and Zoning Commission (P&Z) report and backup for this item.

During the P&Z meeting on May 13, 2019, staff updated P&Z regarding an additional piece of correspondence from Grand Park Estates Homeowners Association that was received after posting of the P&Z agenda. Grand Park Estates is located directly east of the subject property. The email was forwarded to the P&Z mailbox for access to Commission members. The requests from the HOA, the applicant's response and P&Z action is tabulated below.

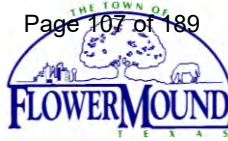
| Grand Park HOA Requests                                                                                                                                                                                                                             | Applicant's Response                                                                                                                                                                                         | P&Z recommendation                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Prohibit additional permitted uses and uses that require approval of a Specific Use Permit from Retail District-2 (R-2) zoning District.                                                                                                            | Applicant agreed to further prohibit certain R-2 uses requested by the HOA.                                                                                                                                  | Recommended approval of the project with addition of certain requested uses to the prohibited use list.                                  |
| Requested relocation of dumpster away from the residential adjacency.                                                                                                                                                                               | Applicant was amenable to reducing the number of dumpsters to one instead of two.                                                                                                                            | Recommended approval of the project with number of dumpsters and location as shown on the concept plan.                                  |
| Requested 8-foot tall fence between Grand Park and the subject site with no access to and from Grand Park via an opening in the fence.                                                                                                              | Applicant requested that the height of fence remain 6-feet as proposed.<br>Applicant was open to both options to provide or not provide a trail easement through the property for a future trail connection. | Recommended approval of a 6-foot tall fence with trail easement for future trail connectivity as proposed.                               |
| Requested that south east portion of the subject site located adjacent to residential property addressed 6113 Madeline Lane remain green space as shown on the concept landscape plan, that is, to not allow future parking expansion in that area. | Applicant agreed to this request.                                                                                                                                                                            | Additional language has been included in the development standards to ensure that southeast portion of the site will remain green space. |

**ATTACHMENTS:**

1. Planning and Zoning Commission Staff Report
2. Draft Ordinance

**LEGAL REVIEW:** Ashley Dierker, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance as to form and legality.

**DRAFT MOTION:** Move to approve as presented in the agenda caption.



## **PLANNING AND ZONING COMMISSION**

### **AGENDA ITEM NO: 8**

#### **REGULAR ITEM**

---

**DATE:** May 13, 2019

**FROM:** Poornima Kashyap, Senior Planner

**ITEM:** Public Hearing to consider a request for rezoning (ZPD18-0011 - Highland Pointe Park) to amend Planned Development District No. 19 (PD-19) with Office District (O) uses to Planned Development District No. 19 (PD-19) with Retail District-2 (R-2) uses on certain tract of land, to add the conceptual plans and elevations, to modify the development standards, request an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, and request certain modifications and exceptions to the Code of Ordinances as related to the subject property. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road.

---

#### **I. ITEM SUMMARY**

This application has been reviewed by DRC and determined to be ready for consideration by the Planning and Zoning Commission. There are exceptions and modifications to the Town's regulations which necessitate special consideration by the Commission (see Analysis below).

The project has a companion application, Master Plan Amendment (MPA18-0007), for consideration on the same agenda. Approval of this rezoning request is contingent upon approval of the Master Plan Amendment.

This application will require final action by the Town Council.

#### **II. APPLICATION ANALYSIS**

On April 9, 1984, the Town Council established Planned Development District-19 (PD-19) for approximately 142.5 acres consisting of Single Family Dwelling-Detached (SFD), Office District (O), Commercial District-2 (C-2) uses, and Industrial District-1 (I-1) uses. PD-19 has been amended multiple times to change the boundary of the zoning districts. Since the approval of PD-19, approximately eight acres of this PD located at the northeast corner of Morriss Road and Valley Ridge Boulevard has retained the Office District (O) uses. The southern portion of this eight acres of land is developed with a Church.

The purpose of this application is to request approval for rezoning the northern portion of the eight acres, consisting of approximately 1.75 acres, from PD-19 with Office District (O) uses to PD-19 with Retail District-2 (R-2) uses, and to allow a veterinary hospital with indoor pens use by right. The proposed use is normally allowed subject to approval of a Specific Use Permit (SUP) within the Retail District-2 (R-2) zoning. The request also includes adding concept plans, elevations, and development standards associated

with the proposed use. In order to keep the list of uses comparable with the existing Office zoning district uses, the applicant is proposing development standards that eliminate certain R-2 uses that are not permitted within the Office zoning district.

As part of the request, the applicant has requested certain exceptions and modifications to the Code of Ordinances. In summary (see Section III, below, for detail):

Exceptions:

- Section 82-302, Compatibility Buffer
- Section 82-302, Retention Pond

Other amendments to PD-19 include deleting subsection III. f of Ordinance No.26-84 as it relates to the subject site consisting of 1.75 acres. The section reads as:

- f. **Native trees shall be preserved wherever possible and no tree 6 inches in caliper or greater shall be removed unless noted on the site plan and approved by the Town.**

There are some existing non-specimen, non-protected trees along the eastern property line of the subject site. The applicant is proposing to remove these non-protected trees and install 15, three-inch caliper canopy trees selected from the Town's approved tree planting list within the 25-foot compatibility buffer along the east property line.

Surrounding land use consists of non-residential buildings to the north, Grand Park (Town owned park) and Grand Park Estates residential subdivision to the east, the remainder of the Church property to the south, and Trietsch Memorial United Methodist Church to the west, across Morriss Road.

The conceptual site plan provides for two single story, 5,000 square-foot buildings. The northern building will be used as a veterinary clinic. Additionally, the concept plan depicts a 5,000 square foot fenced-in area adjacent to the veterinary clinic to be used for monitored outdoor space for pets. Access to the lot will be from Morriss Road. The parking requirement for the proposed two buildings is 40 parking spaces calculated at the ratio of one space for every 250 square feet of the facility. The site plan depicts 39 parking spaces, which is within the Town's allowable deviation.

The proposed conceptual elevations comply with the design standards in the Town's Urban Design Plan. The conceptual landscape plan provides for required landscape buffers along Morriss Road, street yard landscaping, and parking lot trees. In accordance with the compatibility buffer and setback requirements, a 25-foot compatibility buffer, six-foot masonry wall, and 60-foot building setback is required along a portion of the eastern boundary that is adjacent to a residential lot within the Grand Park Estates subdivision. The applicant is requesting a partial exception to the compatibility buffer requirements (see section below). Though compatibility buffer standards do not apply along the remainder of the eastern property line that is adjacent to Grand Park, the applicant is proposing a six-foot metal fence on the property line and 25-foot landscape buffer to include three-inch caliper trees.

### III. Exceptions and Modifications

#### A. Exception to Section 82-302 Compatibility Buffer



The residential compatibility standards apply when a non-residential development is proposed adjacent to an existing residential use or zoning, or property designated for residential use on the comprehensive master plan.

A brick wall or masonry wall with stucco or mortar wash finish, both exterior finishes being the same, shall be constructed along the property line. Such walls shall have no vehicular access point into or from an alley and shall be a minimum of six feet in height, except that the first 25 feet in from the street line may be stepped down to a minimum height of four feet. For nonresidential development (except for churches or schools), the landscaped setback shall consist of a minimum 25-foot landscaped buffer. Understory plants shall be provided in order to achieve a continuous dense six-foot screen. Native shade trees, a minimum of three-inch caliper each, shall be provided at a ratio of one tree per 400 square feet of buffer area.

The proposed development shares approximately 78 feet of eastern boundary with a residential use. The applicant is requesting a waiver to:

1. A six-foot masonry wall – The applicant is requesting that the existing wood fence on top of a four to five foot retaining wall to remain in its current condition.

#### B. Detention Pond

The Town's Engineering Design Criteria requires retention (wet) ponds for office and retail developments. The applicant is requesting an exception to this standard to allow for a detention (dry) pond.

### IV. CORRESPONDENCE

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all Specific Use Permit requests. At the time this report was written, the Town had received one item of correspondence in opposition to the request. All written correspondence was sent directly to the Planning and Zoning Commission according to the new public communication process.

During the application review process, staff was contacted by a resident of Waterford Park Estates, a residential neighborhood located to the northwest of the subject site, across Morriss Road, to seek the possibility of locating a trail through this development to improve the trail connectivity between Grand Park and Morriss Road. The applicant has agreed to provide an easement through the site at platting and site plan stage to allow construction of a trail in the future. Proposed development standards include language that reflects this requirement.

### III. ATTACHMENTS

#### A. Background Information

1. Vicinity Map
2. Letter of Intent

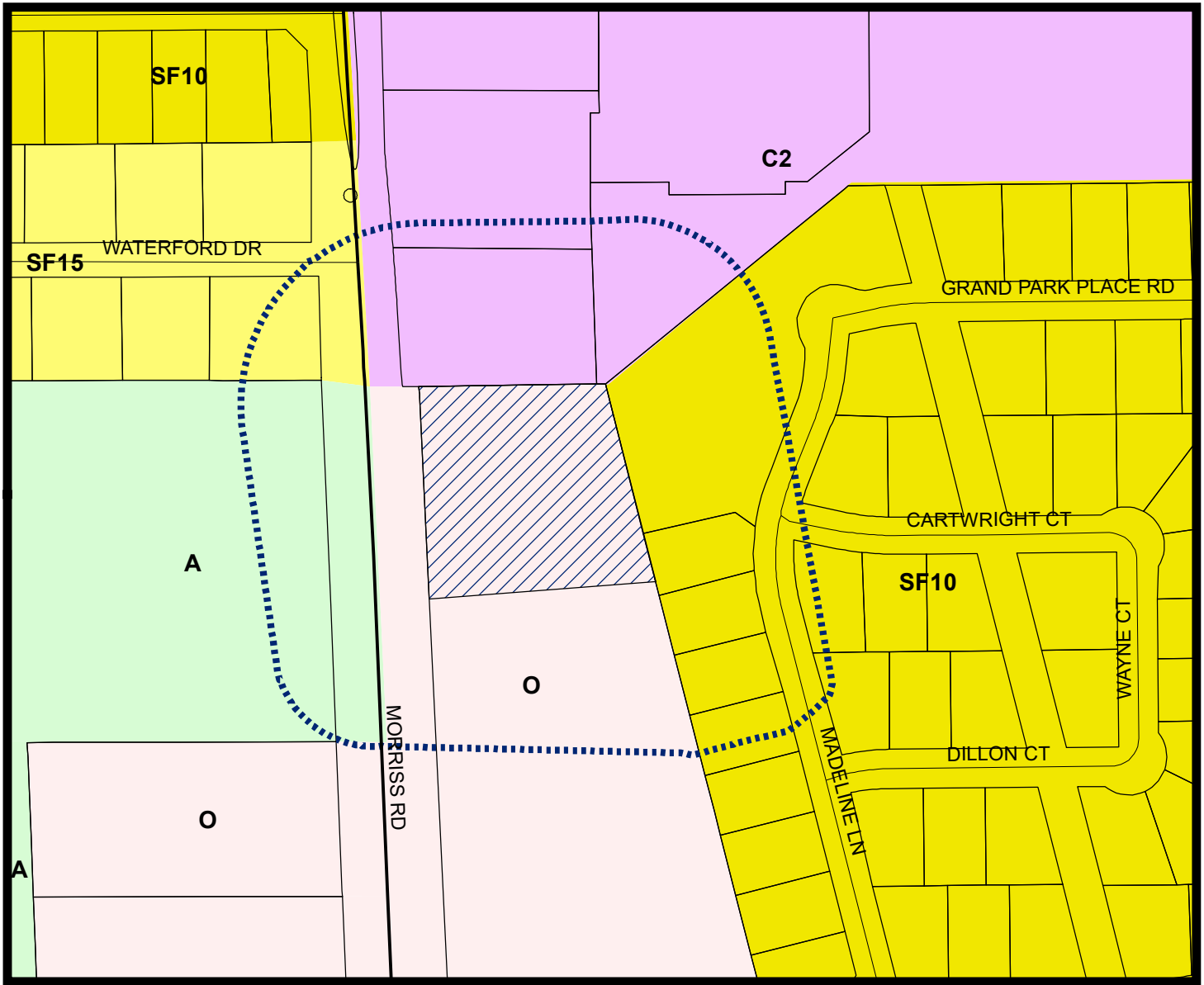
#### B. Application Details

1. Zoning Planned Development Exhibit
2. Proposed Development Standards



# Vicinity Map

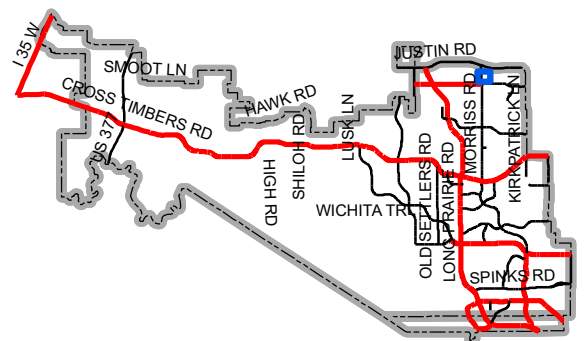
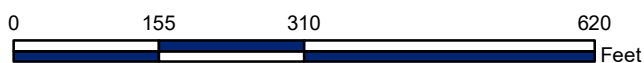
Reference Project: MPA18-0007 & ZPD18-0011



## LEGEND

- Agriculture
- Commercial 2
- Office
- Single Family 10
- Single Family 15

- Subject Property
- 200 ft Notification Buffer around Property



Map Location

May 8, 2019

Chuck Russell  
Town Planner  
Town of Flower Mound  
2121 Cross Timbers  
Flower Mound, TX 75028

RE: Master Plan Amendment & Zoning Change Request – Highland Pointe Park

Mr. Russell:

Please accept this letter, on behalf of Chris Carmichael, as an explanation of the proposed Master Plan Amendment and Zoning Change Request for approximately 1.75 acres of land located east of Morriss Road and south of FM 407. The current land use designation of the property is Medium Density Residential and it is currently zoned as PD-19 with Office Uses.

Faith Lutheran Church, the property owner, has discussed the sale of this property for several years. The church has determined that the property is not needed for expansion nor needed for the current mission and operation of the church.

The purpose of this application is to request a zoning change to the existing PD to allow for a veterinarian use with no outside pens. The church is requiring the applicant to purchase a total of 1.75 acres out of their parcel. The vet only needs a little less than an acre to build a 5,000 square foot building to replace their current site in Highland Village. The excess land has been shown to accommodate a second 5,000 building that could be used for retail uses. The site is adjacent to the Grand Park Estates neighborhood to the east. The concept plan shows that the site will meet the Town's compatibility setback and buffer, except the 6' masonry wall along the southeast property line. The access to this site will be from the existing driveway on Morriss Road.

The Master Plan amendment is to clean up the current map that shows the property to be used for residential uses. As the existing zoning of the property indicates, this area was to be for non-residential uses going back to the approval of PD-19. We believe that the use of the site for a veterinarian use with no outside pens will have a limited impact to the adjacent property owners as most of the other uses within the Retail zoning district. Further, we have limited the uses within the R-2 zoning district to those that are compatible with adjacent residences.

We are proposing an exception for this property regarding the required masonry wall where the residential abuts the property along the southeast property line. We are requesting the current board on board fence on the residential lot to remain. There is currently a retaining wall and we believe adding a masonry wall parallel to this would create a "no man's land" that would be difficult to maintain.

We are very excited to have the opportunity to bring this project forward to appropriately develop this infill site. This location is the ideal spot for this use and the project will be beneficial to the Town and its residents. Thank you in advance for your consideration. Please do not hesitate to contact me with any questions or comments regarding this application.

Sincerely,

A handwritten signature in black ink that reads "Patricia Fant". The script is fluid and cursive, with the first name "Patricia" and last name "Fant" written in a single continuous line.

Patricia Fant  
Designer I, Planning + Entitlement  
**MCADAMS**



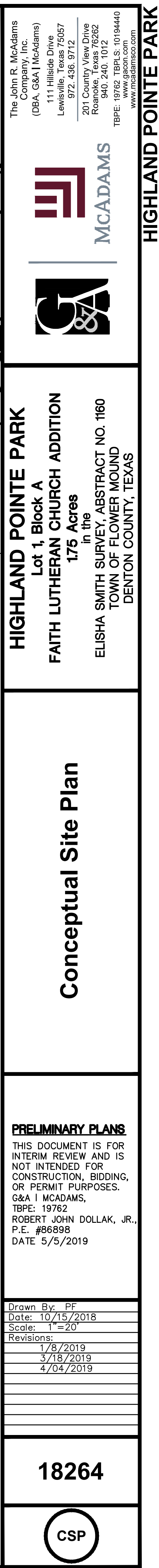




Fig. 2. 2018/04/04 (G:\mca\2018\Zoning Exhibit  
Printed: 1/9/2019 10:20 AM by Paul Patrick. Sheet: 1/2/2019 4:22 PM, by print

MORRIS ROAD  
(120' R.O.W.)

A=1°56'32"  
R=5784.58'  
L=196.09'  
CD=N 03°25'19" W  
CL=196.08'

N 02°27'03" W 81.49'

81.49'

AMSS Development LP P/S  
Lot 1RA-2 Block A  
Zoned: C2  
Landuse: Commercial/Industrial

N 88°55'05" E 251.68'

**HIGHLAND POINTE PARK**  
1.75 Acres

Existing Land Use: Medium Density Residential  
Existing Zoning: PD19 W/ O

Proposed Land Use: Retail  
Proposed Zoning: PD W/ R-2

Faith Lutheran Church of FM  
Lot 1 Block A  
Zoned: O  
Landuse: Medium Density Residential

S 87°32'57" W 307.97'

E. SMITH  
SURVEY A -  
767

S 14°48'19" E 277.96'

Grand Park Estates  
Zoned: SF-10  
Landuse: Medium Density Residential

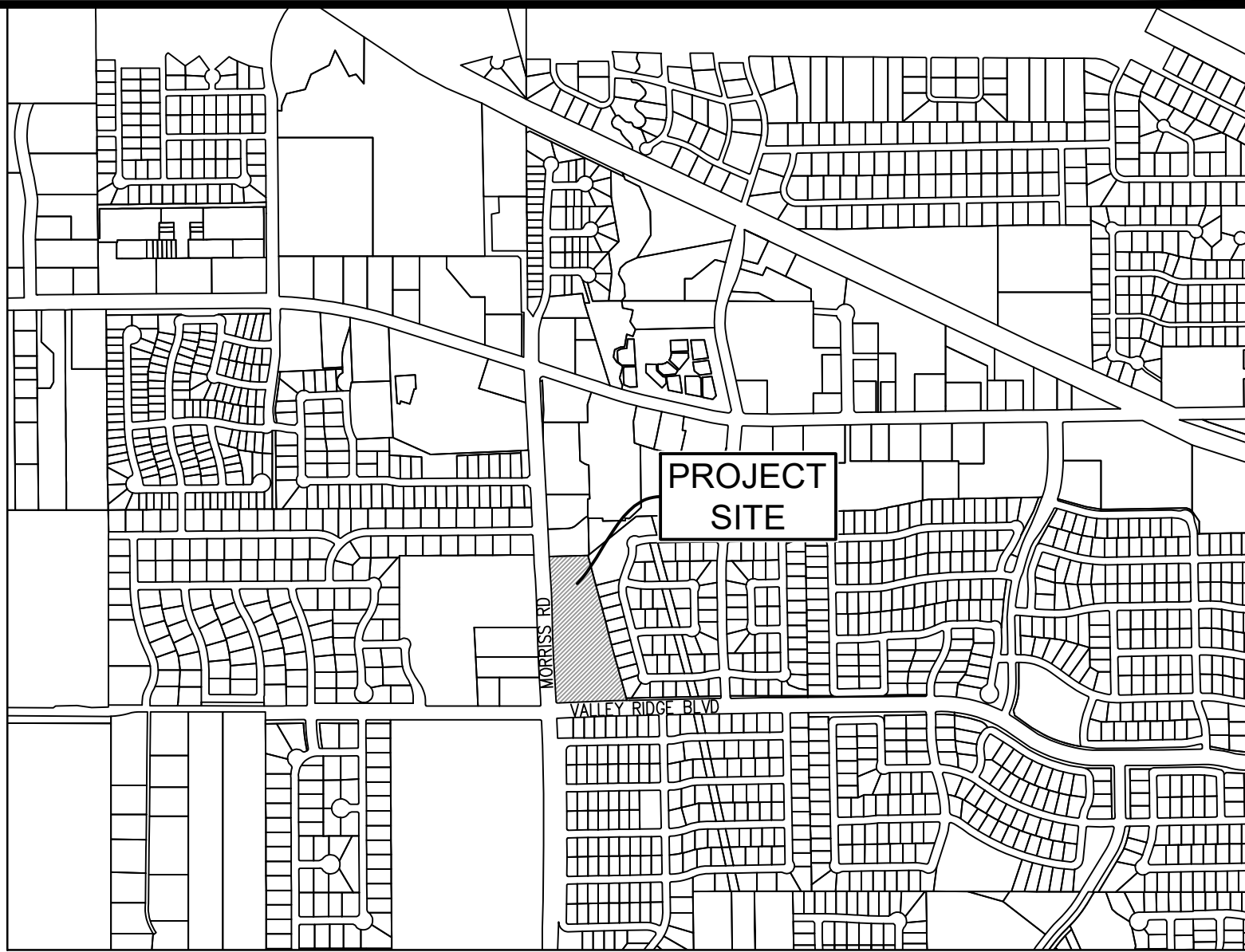
Lot 6, Block A  
Grand Park Estates

Lot 7, Block A  
Grand Park Estates

Lot 8, Block A  
Grand Park Estates

| Zoning Standard           | Existing PD-O | Proposed PD-R2 |
|---------------------------|---------------|----------------|
| Minimum Lot Area          | None          | None           |
| Minimum Lot Width         | None          | None           |
| Minimum Floor Area        | None          | None           |
| Minimum Front Yard        | 60 ft.        | 60 ft.         |
| Minimum Side Yard         | None          | None           |
| Minimum Rear Yard         | 15 ft.        | 15 ft.         |
| Maximum Lot Coverage      | 40 %          | 40 %           |
| Max Height (stories/ft.)  | 2/30 ft.      | 2/30 ft.       |
| Maximum Floor: Area Ratio | 1:1           | 1:1            |

20 0 20 40 60 Feet  
SCALE: 1"=20'



Vicinity Map 1"=1000'

**Legal Description for Zoning**  
**Morriss Vet Clinic**  
**Town of Flower Mound**  
**Denton County, Texas**

**BEING** all that certain lot, tract, or parcel of land, situated in the E. Smith Survey, Abstract Number 767, Town of Flower Mound, Denton County, Texas, and being part of Lot 1, Block A, described in deed to Faith Lutheran Church of Flower Mound, recorded in Document Number 94-22015, Official Records, Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at the northwest corner of said Lot 1, Block A, and being on the east line of Morriss Road, a called 120 foot Right of Way;

**THENCE** N 88°55'05" E, with the north line of said Lot 1, Block A, and the south line of Lot 1RA-2, Block A, AMSS Development LP P/S, recorded in Document Number 97-79956, Official Records, Denton County, Texas, a distance of 251.68 feet, to the northeast corner of said Lot 1, Block A, and the northwest corner of Grand Park Estates, recorded in Document Number 2002-96518, Official Records, Denton County, Texas;

**THENCE** S 14°48'19" E, with the east line of said Lot 1, Block A, and the west line of said Grand Park Estates, a distance of 277.96 feet;

**THENCE** S 87°32'57" W, a distance of 307.97 feet, to the east line of said Morriss Road, and the west line of said Lot1, Block A;

**THENCE** N 02°27'03" W, with the east line of said Morriss Road, and the west line of said Lot 1, Block A, a distance of 81.49 feet;

**THENCE** northwesterly with the east line of said Morriss Road, and the west line of said Lot 1, Block A, with a curve to the left, having a radius of 5784.58 feet, a central angle of 1°56'32", an arc length of 196.09', and whose chord bears N 03°25'19" W a distance of 196.08 feet to the **POINT OF BEGINNING** and containing approximately 1.755 acres of land.

| MASTER PLAN FEATURES |                                                             |
|----------------------|-------------------------------------------------------------|
| Land Use Plan        | Medium Density Residential                                  |
| Urban Design Plan    | None                                                        |
| Parks and Trail      | Existing Multi-Use Trail along Morriss Rd                   |
| Thoroughfare Plan    | Morriss Rd - Urban Minor Arterial Divided                   |
|                      | Valley Ridge Dr - Urban Minor Arterial                      |
| Water Plan           | Long Prairie District - Existing waterline along Morriss Rd |
|                      | Existing waterline along Valley Ridge Blvd                  |
| Wastewater Plan      | Long Prairie District - existing sewer along Morriss Rd     |

OWNER /DEVELOPER  
CHRIS CARMICHAEL  
2250 JUSTIN RD, SUITE 140  
HIGHLAND VILLAGE, TX  
Ph. 334-332-8357  
Contact: CHRIS CARMICHAEL

The John R. McAdams Company, Inc.  
(DBA: G&A McAdams)  
111 Hillside Drive  
Levelland, Texas 79307  
972.436.9715  
201 County View Drive  
Roanoke, Texas 76282  
940.240.1012  
TBPE: 19762 TBPLS: 10194440  
www.mcadamsco.com

**G&A**  
**MCADAMS**

**HIGHLAND POINTE PARK**  
Lot 1, Block A  
FAITH LUTHERAN CHURCH ADDITION  
1.75 Acres  
in the  
TOWN OF FLOWER MOUND  
DENTON COUNTY, TEXAS

**Master Plan Amendment & Zoning Exhibit**

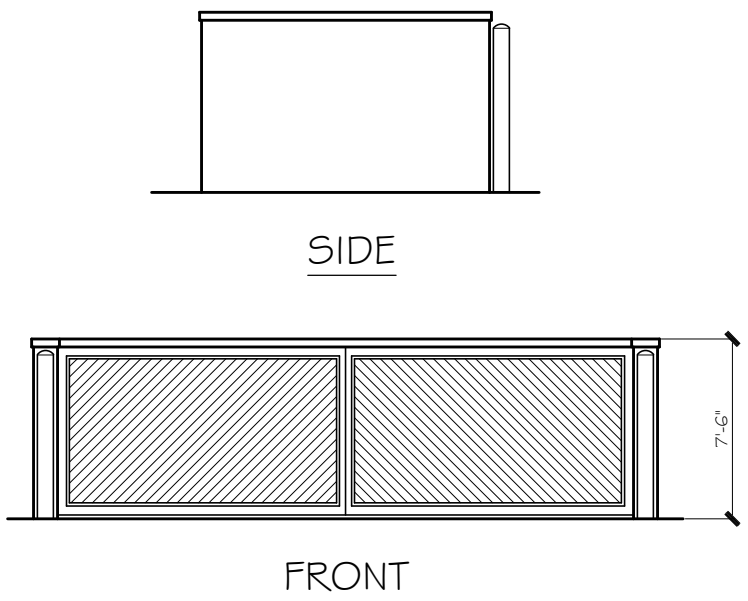
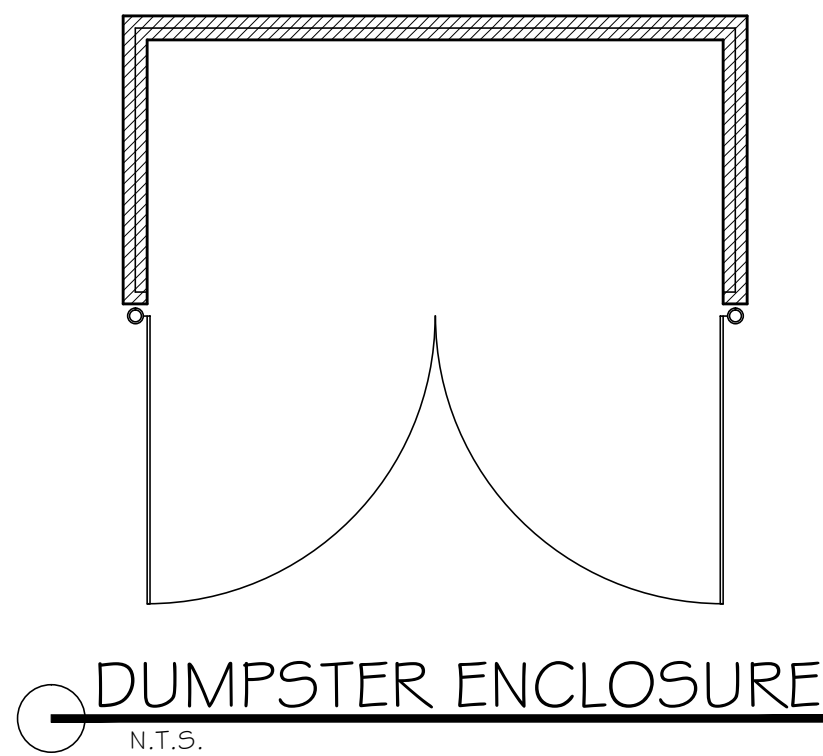
**PRELIMINARY PLANS**  
THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.  
G&A | MCADAMS,  
TBPE: 19762  
ROBERT JOHN DOLLAK, JR.,  
P.E. #86898  
DATE 1/9/2019

Drawn By: PF  
Date: 10/10/2018  
Scale: 1"=20'  
Revisions: 11/08/2018

**18264**

**MPA & ZE**



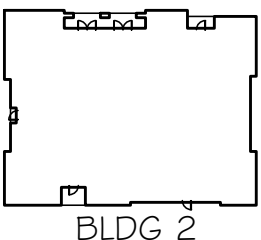
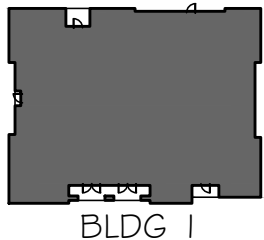


| EXTERIOR MATERIALS LEGEND |                                    |
|---------------------------|------------------------------------|
|                           | STONE: AUSTIN CHALK                |
|                           | BRICK: FORTERRA V224               |
|                           | HB SIDING & TRIM: COBBLESTONE      |
|                           | FASCIA & SOFFITS: BALANCED BEIGE   |
|                           | WINDOW & DOOR FRAMING: DARK BRONZE |
|                           | METAL STANDING SEAM: DARK BRONZE   |
|                           | COMPOSITE SHINGLES: SABLEWOOD      |
|                           | METAL AWNINGS: DARK BRONZE         |

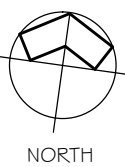
| MATERIAL TABULATION CHART |                                              | South                  | North                  | East                  | West                   |
|---------------------------|----------------------------------------------|------------------------|------------------------|-----------------------|------------------------|
| 1.                        | Total Facade S.F.                            | 1363 s.f.              | 1084 s.f.              | 806 s.f.              | 1005 s.f.              |
| 2.                        | Facade S.F. (exclusive of doors and windows) | 1109 s.f.              | 901 s.f.               | 656 s.f.              | 805 s.f.               |
| 3.                        | Doors and Windows S.F.                       | 254 s.f.               | 183 s.f.               | 150 s.f.              | 200 s.f.               |
| 4.                        | Primary Masonry Totals (Min. 80%)            | 1054 s.f. and 95% of 2 | 901 s.f. and 100% of 2 | 601 s.f. and 92% of 2 | 805 s.f. and 100% of 2 |
|                           | Brck s.f. (as applicable)                    | 216 s.f. and 19% of 2  | 727 s.f. and 81% of 2  | 410 s.f. and 63% of 2 | 200 s.f. and 25% of 2  |
|                           | - Stone s.f. (as applicable)                 | 838 s.f. and 76% of 2  | 174 s.f. and 19% of 2  | 191 s.f. and 29% of 2 | 605 s.f. and 75% of 2  |
| 5.                        | Secondary Masonry Totals (Max. 20%)          | 55 s.f. and 5% of 2    | 0 s.f. and 0% of 2     | 55 s.f. and 8% of 2   | 0 s.f. and 0% of 2     |
|                           | - Hardiplank s.f. (as applicable)            | 55 s.f. and 5% of 2    | 0 s.f. and 0% of 2     | 55 s.f. and 8% of 2   | 0 s.f. and 0% of 2     |

NOTES:

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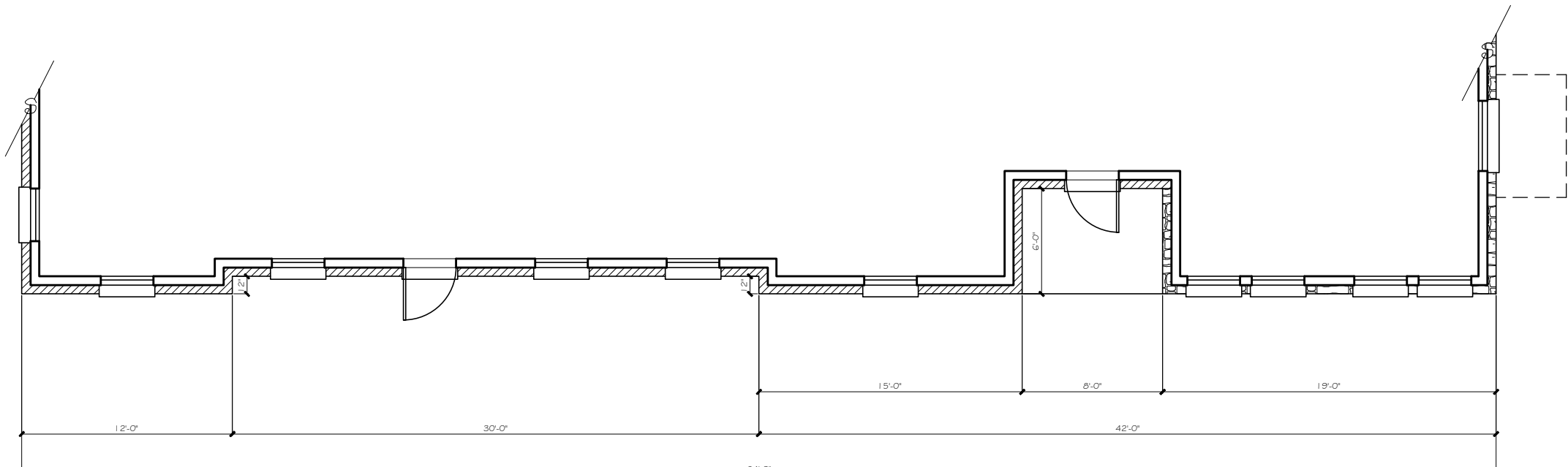
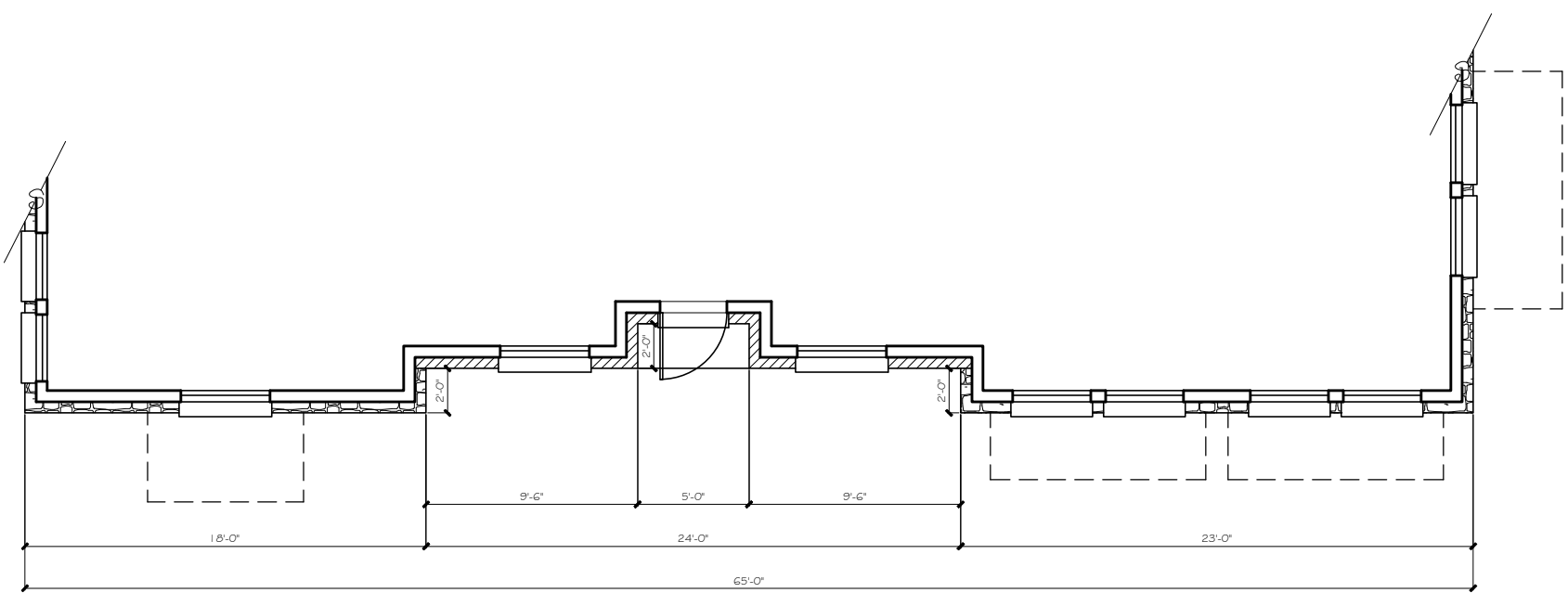
KEY PLAN  
NO SCALE



LEFT ELEVATION (WEST)  
1/8" = 1'-0" scale



REAR ELEVATION (NORTH)  
1/8" = 1'-0" scale

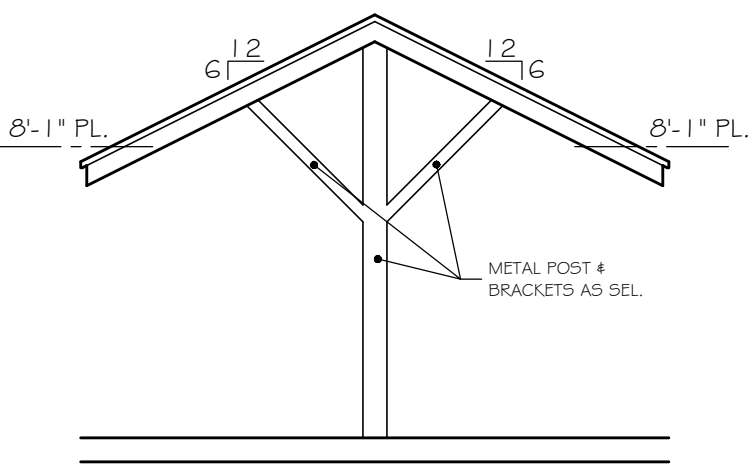


### MATERIALS

- ROOFING
  - METAL STANDING SEAM: DARK BRONZE
  - COMPOSITE SHINGLES: SABLEWOOD
- BRICK
  - BLACKSON BRICK FORTERRA V224
  - ARGOS IVORY BUFF MORTAR
- STONE
  - ALLIANCE AUSTIN CHALK W/ ARGOS IVORY BUFF MORTAR
- SIDING
  - HARDIE BOARD SIDING & TRIM: COBBLESTONE
- DECORATIVE METAL AWNINGS
  - POWDER COAT FINISH: DARK BRONZE (049/66220)
- FASCIA AND SOFFITS (HARDIE BOARD)
  - SHERWIN WILLIAMS: 7037 BALANCED BEIGE
- WINDOWS
  - ANDERSEN 100 SERIES: DARK BRONZE FRAME
- ENTRY DOORS
  - ANDERSEN ENTRY DOOR W/ DARK BRONZE FRAME

### CONSTRUCTION

V-B SPRINKLERED  
OCCUPANCY / USE  
O-OFFICE/ GENERAL BUSINESS



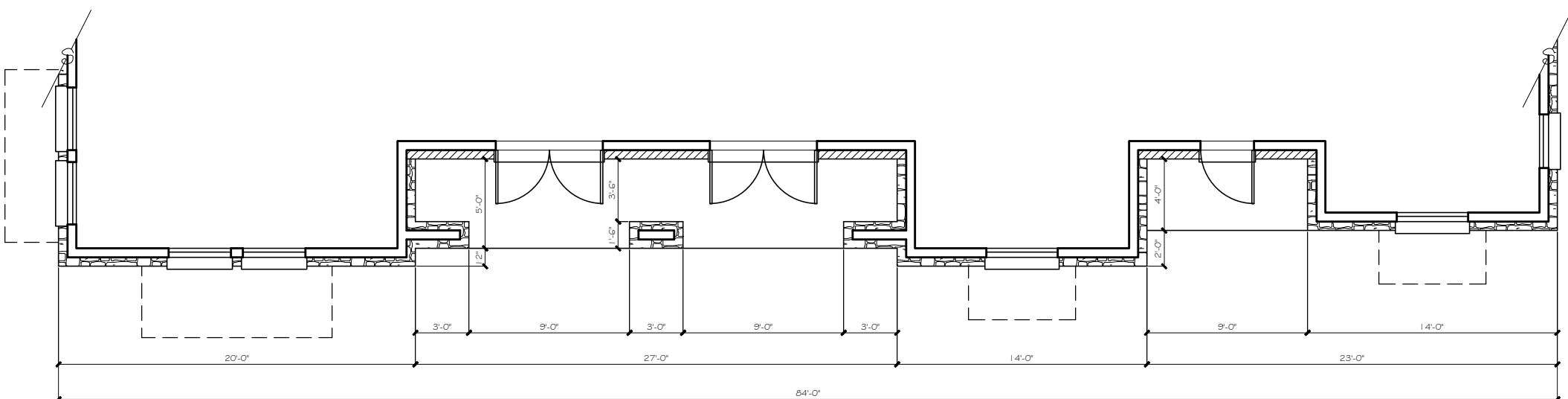
CARPORT PROFILE  
N.T.S.



RIGHT ELEVATION (EAST)  
1/8" = 1'-0" scale



FRONT ELEVATION (SOUTH)  
1/8" = 1'-0" scale



## REVISED CONCEPTUAL ELEVATION DESIGN

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### CLAUSE

DATE: JANUARY 7, 2019  
DRAWN BY: C.R.  
REVISIONS:  
Δ  
Δ  
Δ

**CROSS TIMBERS ARCHITECTS**  
4315 WINDSOR CENTRE TRAIL STE # 200  
FLOWER MOUND, TEXAS 75028  
PHONE: (972) 355-7754

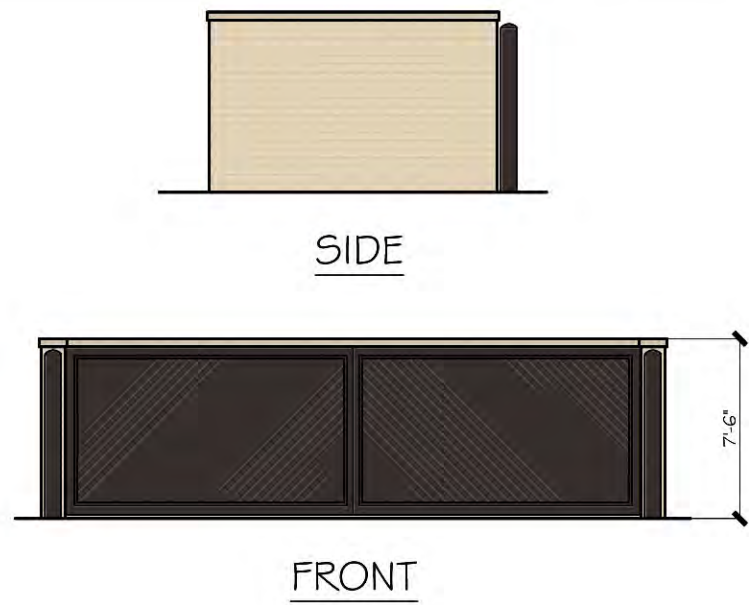
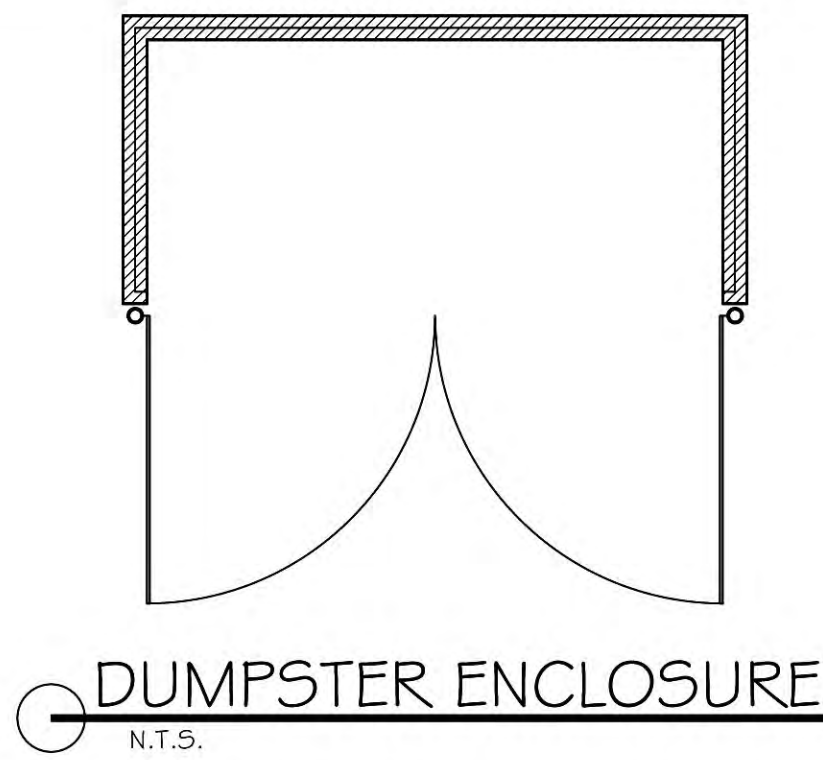
PRELIMINARY  
NOT FOR  
CONSTRUCTION

A CUSTOM PROJECT FOR:  
**HIGHLAND POINTE PARK  
LOT 1, BLOCK A BLDG. 1  
FAITH LUTHERAN CHURCH  
ADDITION  
FLOWER MOUND, TEXAS**

JOB #  
**18-094**

SHEET  
**FP**





EXTERIOR MATERIALS LEGEND

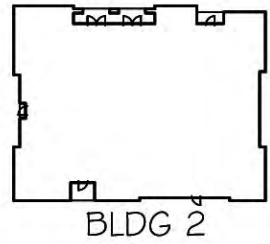
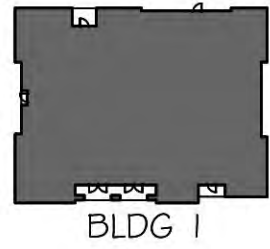
- STONE: AUSTIN CHALK
- BRICK: FORTERRA V224
- HB SIDING & TRIM: COBBLESTONE
- FASCIA & SOFFITS: BALANCED BEIGE
- WINDOW & DOOR FRAMING: DARK BRONZE
- METAL STANDING SEAM: DARK BRONZE
- COMPOSITE SHINGLES: SABLEWOOD
- METAL AWNINGS: DARK BRONZE

MATERIAL TABULATION CHART

|                                                 | South                 | North                  | East                  | West                   |
|-------------------------------------------------|-----------------------|------------------------|-----------------------|------------------------|
| 1. Total Facade S.F.                            | 1363 s.f.             | 1084 s.f.              | 806 s.f.              | 1005 s.f.              |
| 2. Facade S.F. (exclusive of doors and windows) | 1109 s.f.             | 901 s.f.               | 656 s.f.              | 805 s.f.               |
| 3. Doors and Windows S.F.                       | 254 s.f.              | 183 s.f.               | 150 s.f.              | 200 s.f.               |
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| - Stone s.f. (as applicable)                    | 838 s.f. and 76% of 2 | 174 s.f. and 19% of 2  | 191 s.f. and 29% of 2 | 605 s.f. and 75% of 2  |
| 5. Secondary Masonry Totals (Max. 20%)          | 55 s.f. and 5% of 2   | 0 s.f. and 0% of 2     | 55 s.f. and 8% of 2   | 0 s.f. and 0% of 2     |
| - Hardplank s.f. (as applicable)                | 55 s.f. and 5% of 2   | 0 s.f. and 0% of 2     | 55 s.f. and 8% of 2   | 0 s.f. and 0% of 2     |

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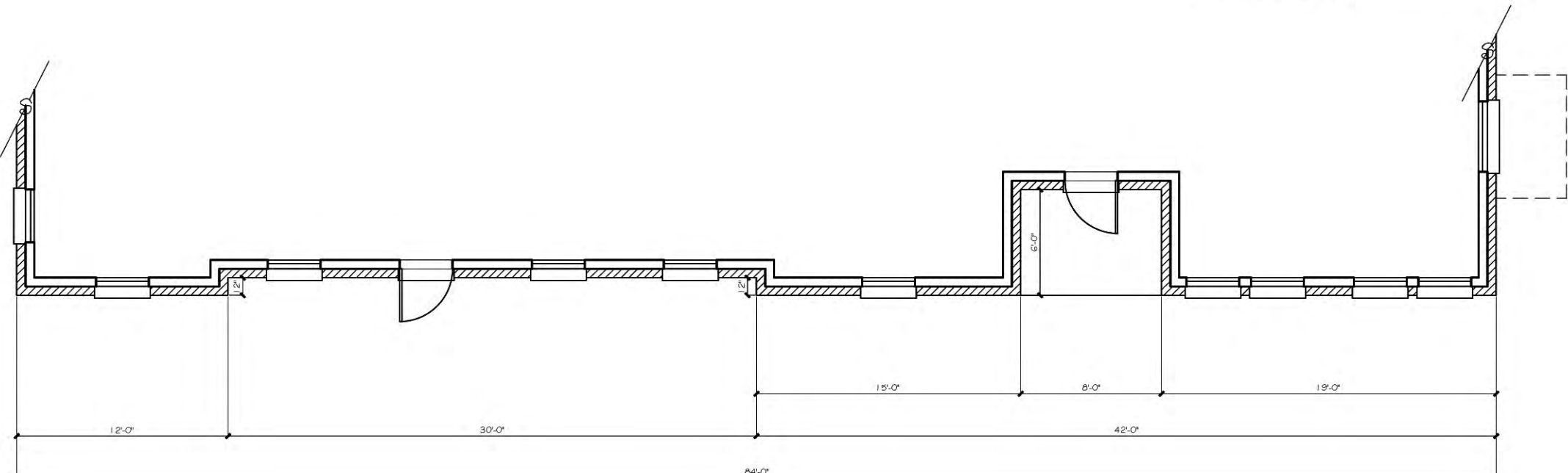
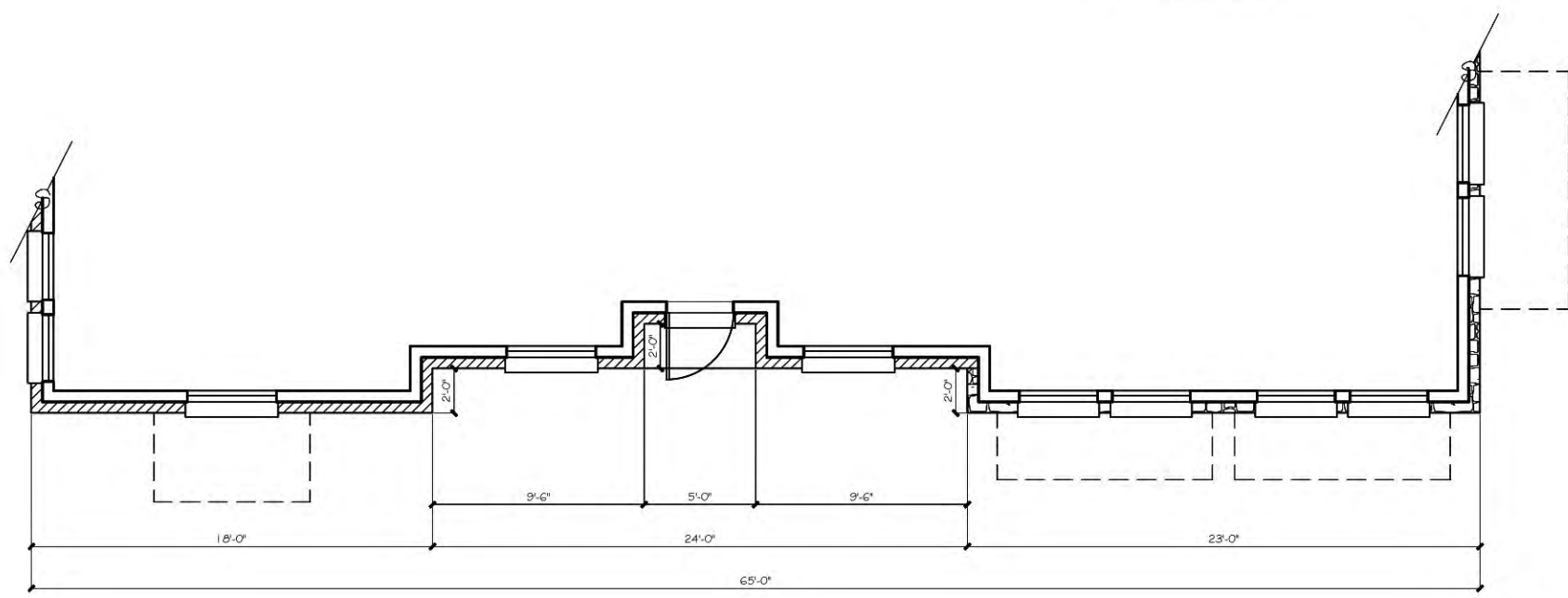
KEY PLAN  
NO SCALE



LEFT ELEVATION (WEST)  
1/8" = 1'-0" scale



REAR ELEVATION (NORTH)  
1/8" = 1'-0" scale

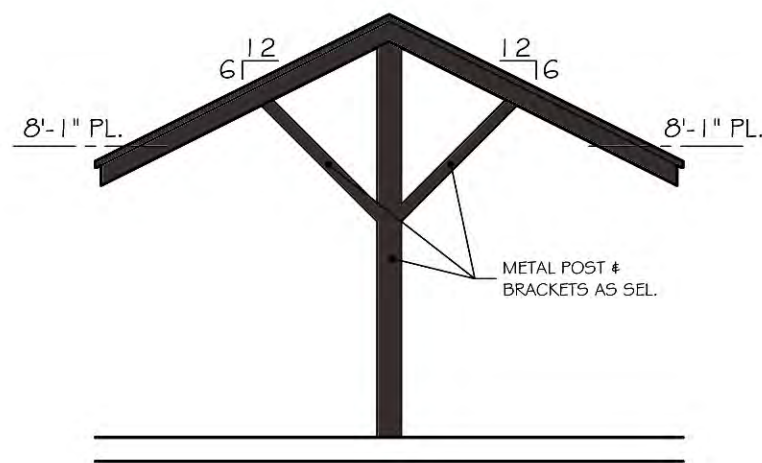


MATERIALS

- ROOFING
  - METAL STANDING SEAM: DARK BRONZE
  - COMPOSITE SHINGLES: SABLEWOOD
- BRICK
  - BLACKSON BRICK FORTERRA V224
  - ARGOS IVORY BUFF MORTAR
- STONE
  - ALLIANCE AUSTIN CHALK W/ ARGOS IVORY BUFF MORTAR
- SIDING
  - HARDIE BOARD SIDING & TRIM: COBBLESTONE
- DECORATIVE METAL AWNINGS
  - POWDER COAT FINISH: DARK BRONZE (049/66220)
- FASCIA AND SOFFITS (HARDIE BOARD)
  - SHERWIN WILLIAMS: 7037 BALANCED BEIGE
- WINDOWS
  - ANDERSEN 100 SERIES: DARK BRONZE FRAME
- ENTRY DOORS
  - ANDERSEN ENTRY DOOR W/ DARK BRONZE FRAME

CONSTRUCTION

V-B SPRINKLERED  
OCCUPANCY / USE  
O-OFFICE/ GENERAL BUSINESS



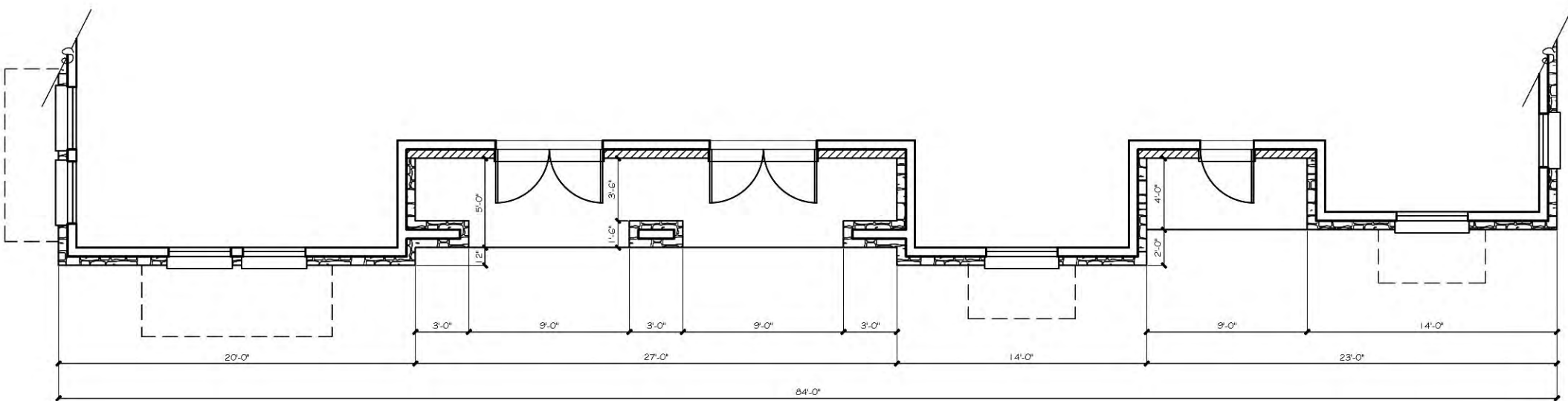
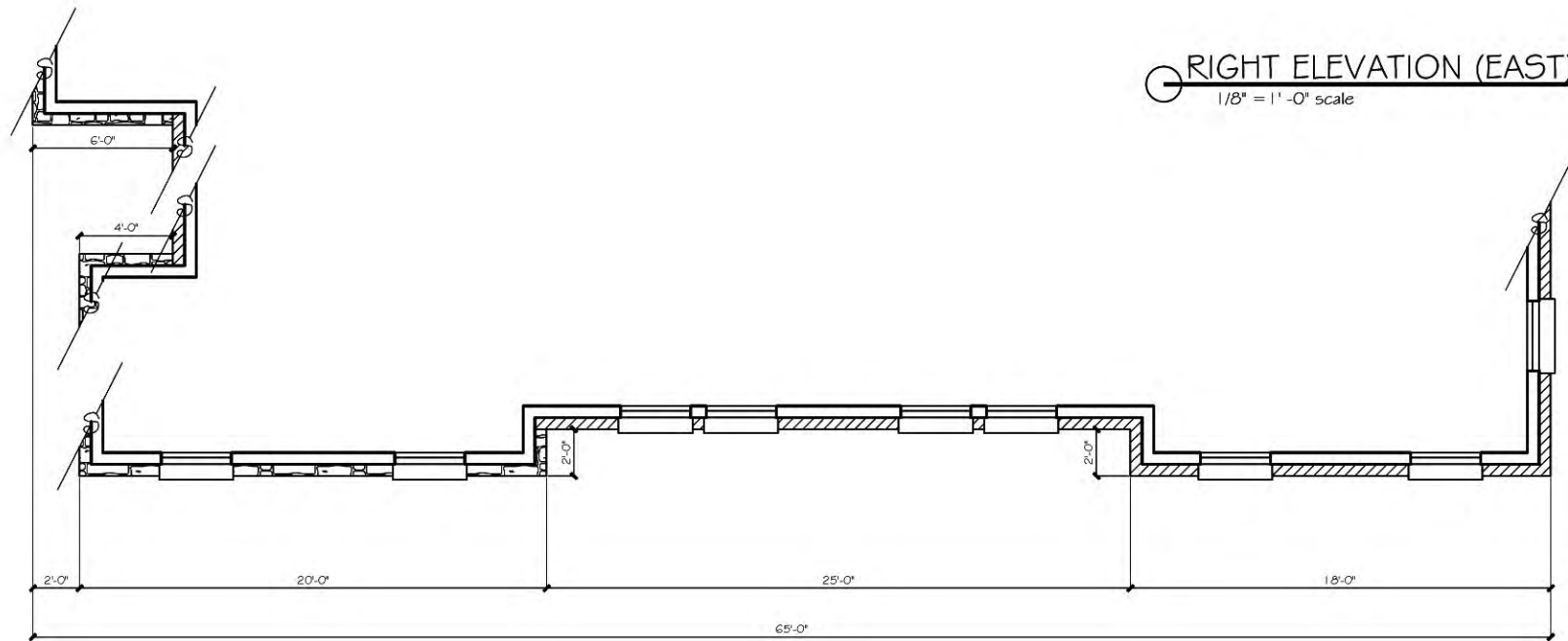
CARPORT PROFILE  
N.T.S.



RIGHT ELEVATION (EAST)  
1/8" = 1'-0" scale



FRONT ELEVATION (SOUTH)  
1/8" = 1'-0" scale



REVISED CONCEPTUAL ELEVATION DESIGN

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CLAUSE

DATE: JANUARY 7, 2019  
DRAWN BY: C.R.  
REVISIONS:  
Δ  
Δ  
Δ

CROSS  
TIMBERS  
ARCHITECTS  
4315 WINDSOR CENTRE TRAIL STE # 200  
FLOWER MOUND, TEXAS 75028  
PHONE: (972) 355-7754

PRELIMINARY  
NOT FOR  
CONSTRUCTION

A CUSTOM PROJECT FOR:  
HIGHLAND POINTE PARK  
LOT 1, BLOCK A BLDG. 1  
FAITH LUTHERAN CHURCH  
ADDITION  
FLOWER MOUND, TEXAS

JOB #  
18-094

SHEET  
FP



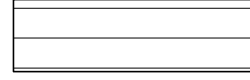
EXTERIOR MATERIALS LEGEND



STONE: AUSTIN CHALK



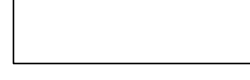
BRICK: FORTERRA V224



HB SIDING & TRIM: COBBLESTONE



FASCIA & SOFFITS: BALANCED BEIGE



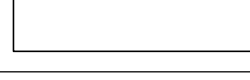
WINDOW & DOOR FRAMING: DARK BRONZE



METAL STANDING SEAM: DARK BRONZE



COMPOSITE SHINGLES: SABLEWOOD



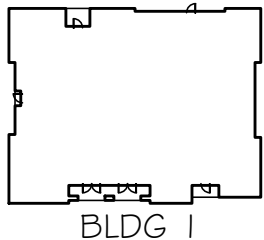
METAL AWNINGS: DARK BRONZE

MATERIAL TABULATION CHART

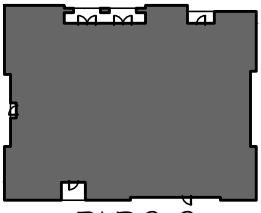
|                                                 | North                 | South                  | West                   | East                  |
|-------------------------------------------------|-----------------------|------------------------|------------------------|-----------------------|
| 1. Total Facade S.F.                            | 1363 s.f.             | 1084 s.f.              | 1005 s.f.              | 806 s.f.              |
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| 3. Doors and Windows S.F.                       | 254 s.f.              | 183 s.f.               | 200 s.f.               | 150 s.f.              |
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BLDG 1



BLDG 2

KEY PLAN  
NO SCALE



NORTH

MATERIALS

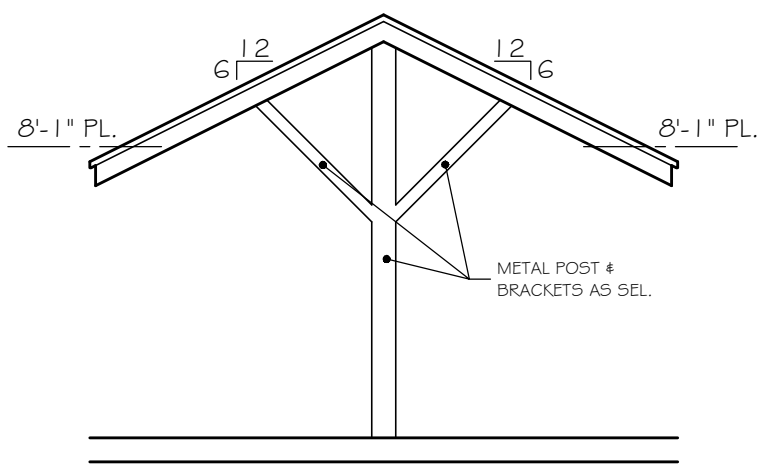
- ROOFING
  - METAL STANDING SEAM: DARK BRONZE
  - COMPOSITE SHINGLES: SABLEWOOD
- BRICK
  - BLACKSON BRICK FORTERRA V224
  - ARGOS IVORY BUFF MORTAR
- STONE
  - ALLIANCE AUSTIN CHALK W/ ARGOS IVORY BUFF MORTAR
- SIDING
  - HARDIE BOARD SIDING & TRIM: COBBLESTONE
- DECORATIVE METAL AWNINGS
  - POWDER COAT FINISH: DARK BRONZE (049/66220)
- FASCIA AND SOFFITS (HARDIE BOARD)
  - SHERWIN WILLIAMS: 7037 BALANCED BEIGE
- WINDOWS
  - ANDERSEN 100 SERIES: DARK BRONZE FRAME
- ENTRY DOORS
  - ANDERSEN ENTRY DOOR W/ DARK BRONZE FRAME

CONSTRUCTION

V-B SPRINKLERED

OCCUPANCY / USE

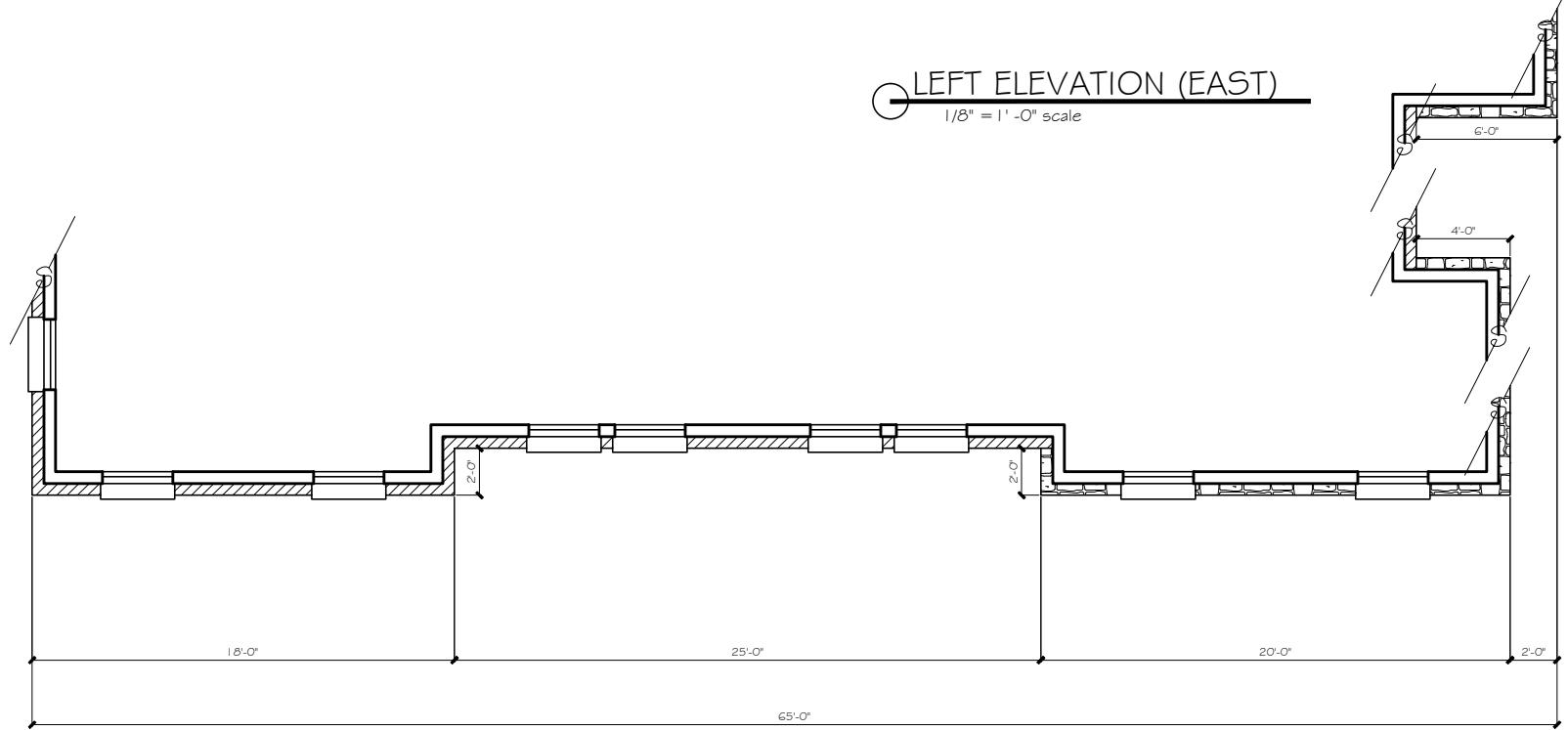
O-OFFICE/ GENERAL BUSINESS



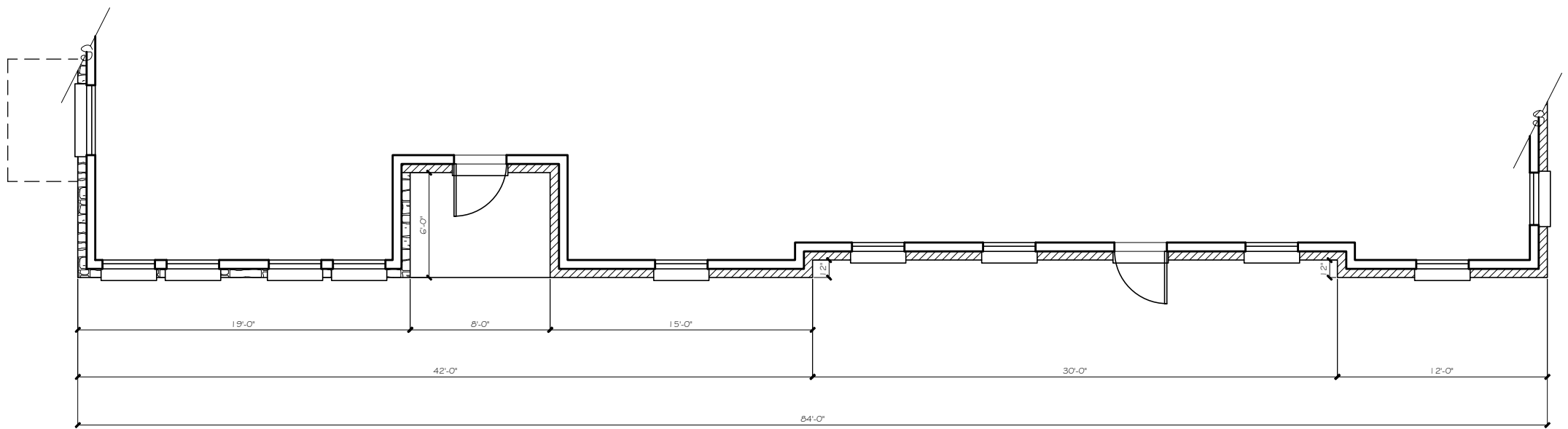
CARPORT PROFILE  
N.T.S.



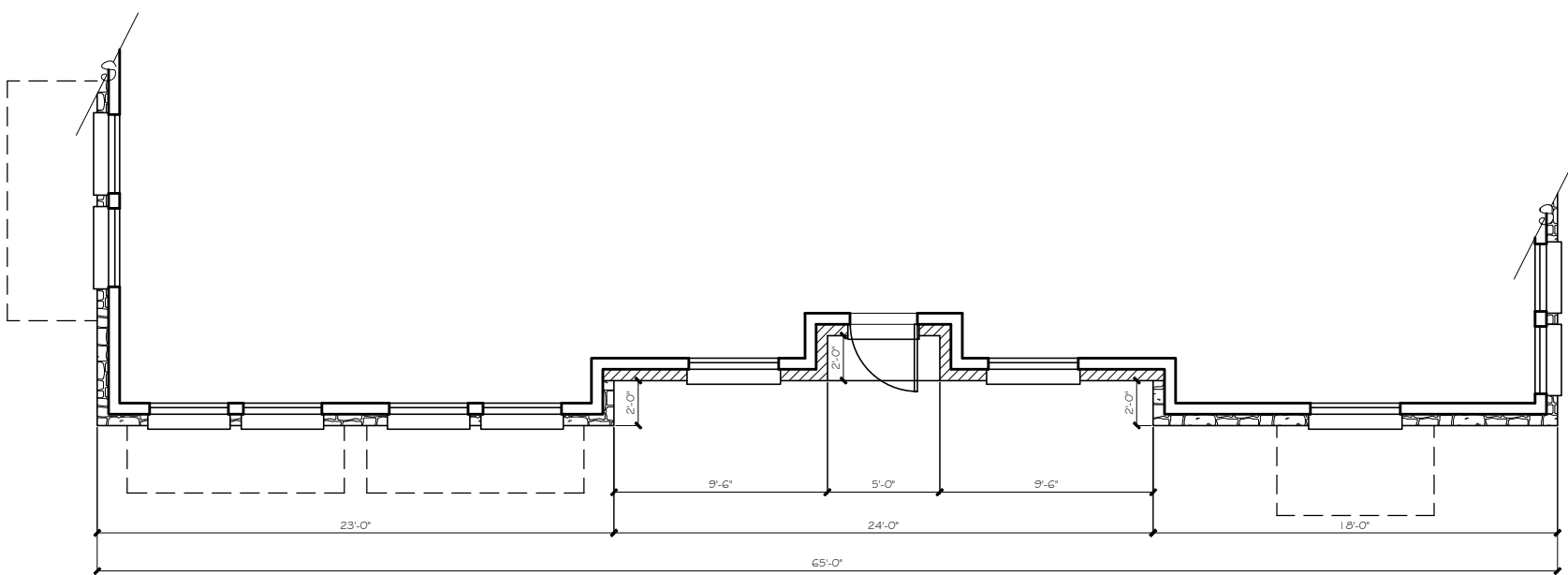
LEFT ELEVATION (EAST)  
1/8" = 1'-0" scale



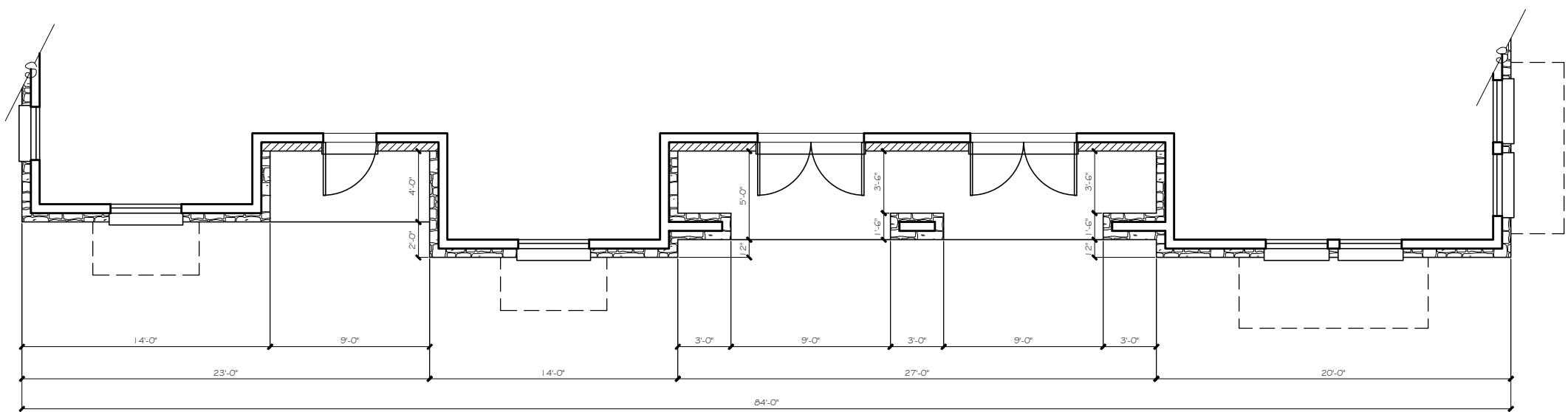
REAR ELEVATION (SOUTH)  
1/8" = 1'-0" scale



RIGHT ELEVATION (WEST)  
1/8" = 1'-0" scale



FRONT ELEVATION (NORTH)  
1/8" = 1'-0" scale



REVISED CONCEPTUAL ELEVATION DESIGN

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CLAU

DATE: JANUARY 7, 2019  
DRAWN BY: C.R.  
REVISIONS:  
Δ  
Δ  
Δ

**CROSS TIMBERS ARCHITECTS**  
4315 WINDSOR CENTRE TRAIL STE # 200  
FLOWER MOUND, TEXAS 75028  
PHONE: (972) 355-7754

PRELIMINARY  
NOT FOR  
CONSTRUCTION

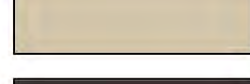
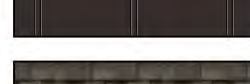
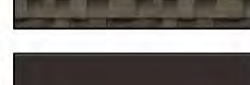
A CUSTOM PROJECT FOR:  
**HIGHLAND POINTE PARK  
LOT 1, BLOCK A BLDG. 2  
FAITH LUTHERAN CHURCH  
ADDITION  
FLOWER MOUND, TEXAS**

JOB #  
**18-094**

SHEET  
**FP**



EXTERIOR MATERIALS LEGEND

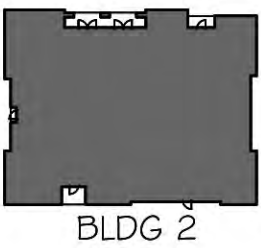
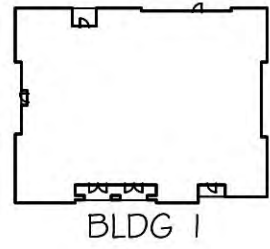
|                                                                                    |                                    |
|------------------------------------------------------------------------------------|------------------------------------|
|  | STONE: AUSTIN CHALK                |
|  | BRICK: FORTERRA V224               |
|  | HB SIDING & TRIM: COBBLESTONE      |
|  | FASCIA & SOFFITS: BALANCED BEIGE   |
|  | WINDOW & DOOR FRAMING: DARK BRONZE |
|  | METAL STANDING SEAM: DARK BRONZE   |
|  | COMPOSITE SHINGLES: SABLEWOOD      |
|  | METAL AWNINGS: DARK BRONZE         |

MATERIAL TABULATION CHART

|                                                 | North                 | South                  | West                   | East                  |
|-------------------------------------------------|-----------------------|------------------------|------------------------|-----------------------|
| 1. Total Facade S.F.                            | 1363 s.f.             | 1084 s.f.              | 1005 s.f.              | 806 s.f.              |
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NOTES:

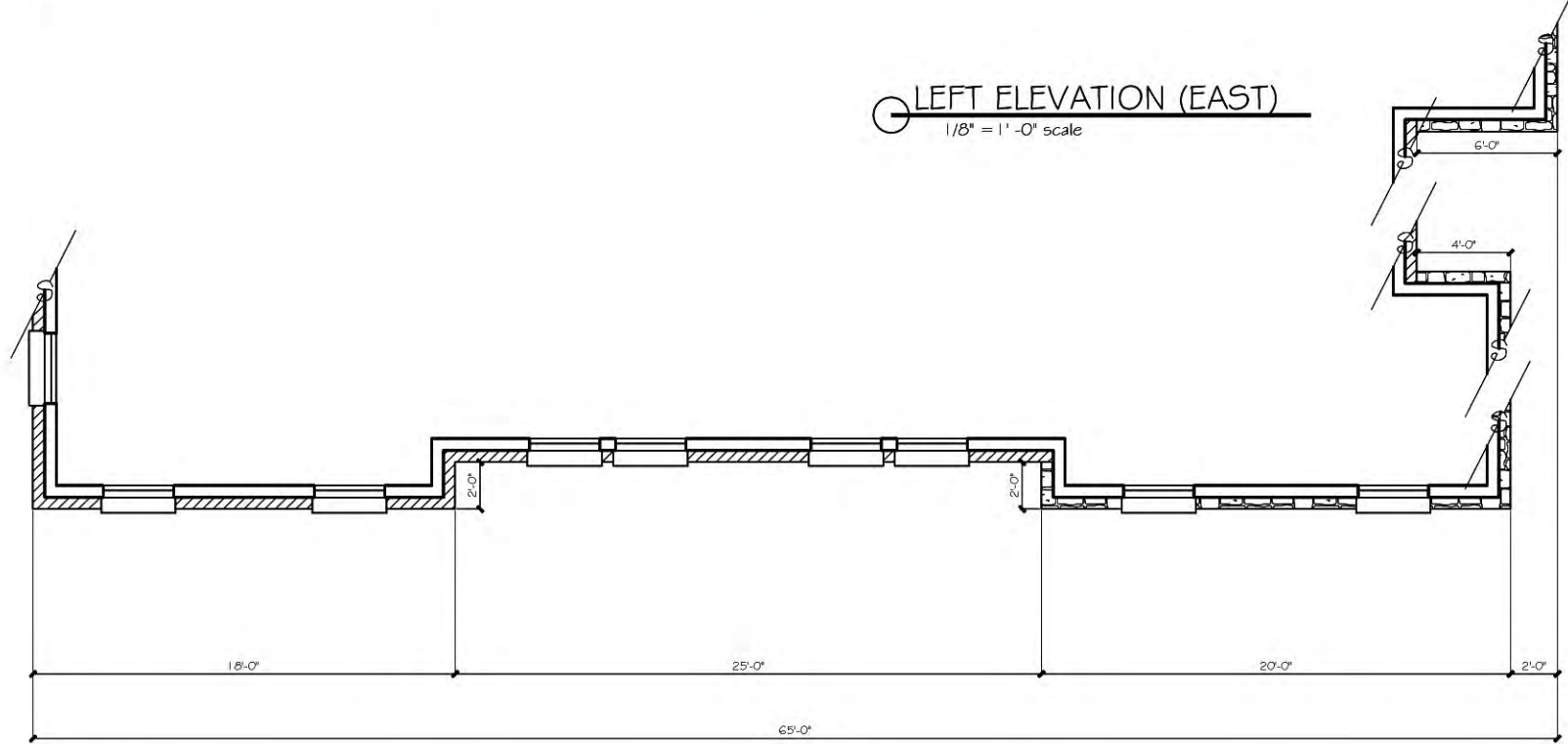
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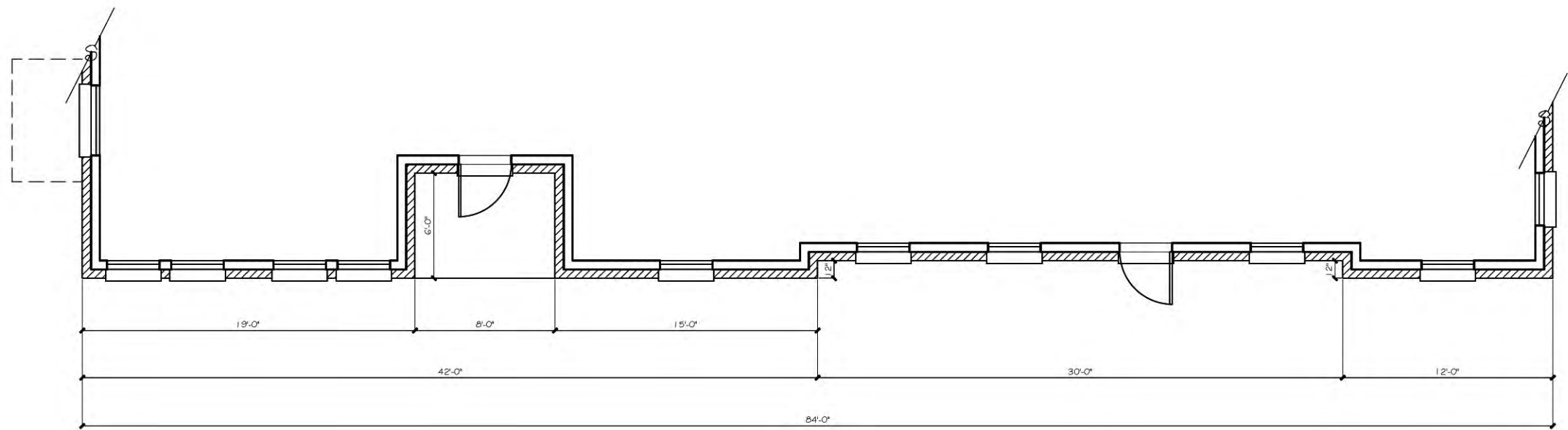
KEY PLAN  
NO SCALE



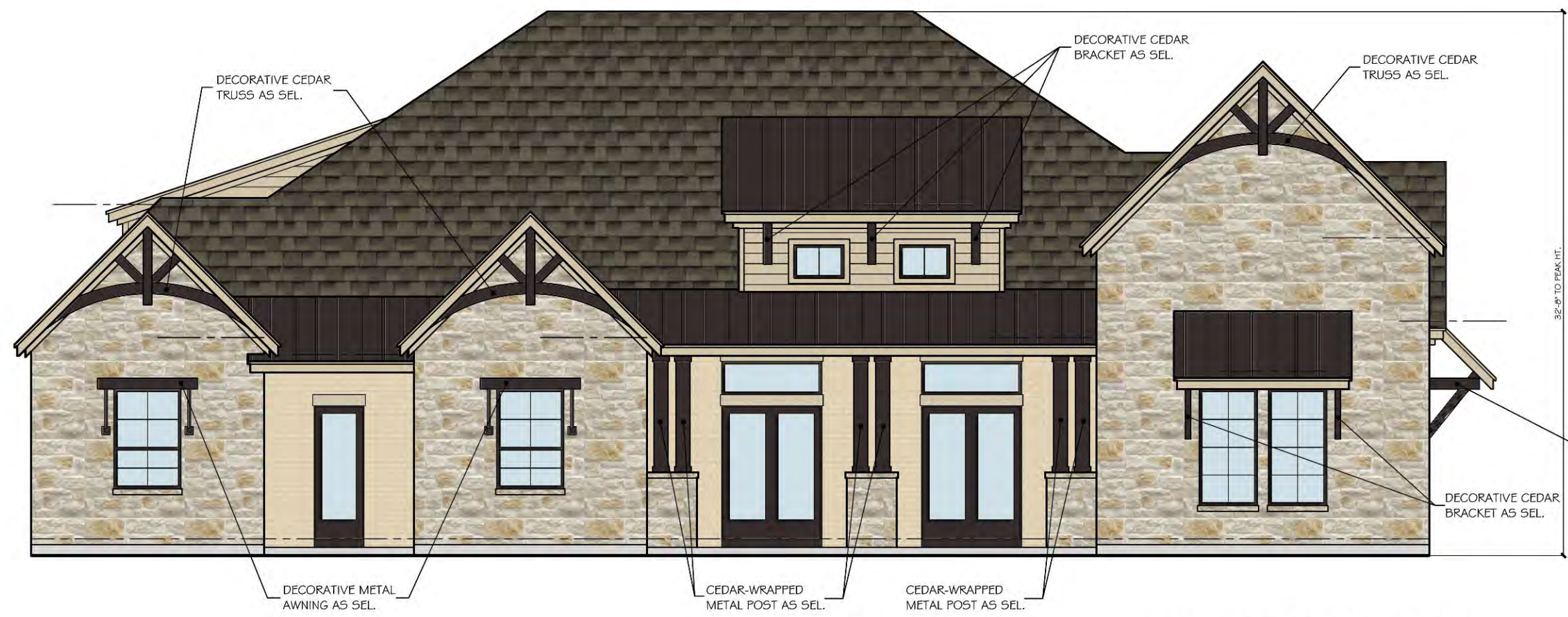
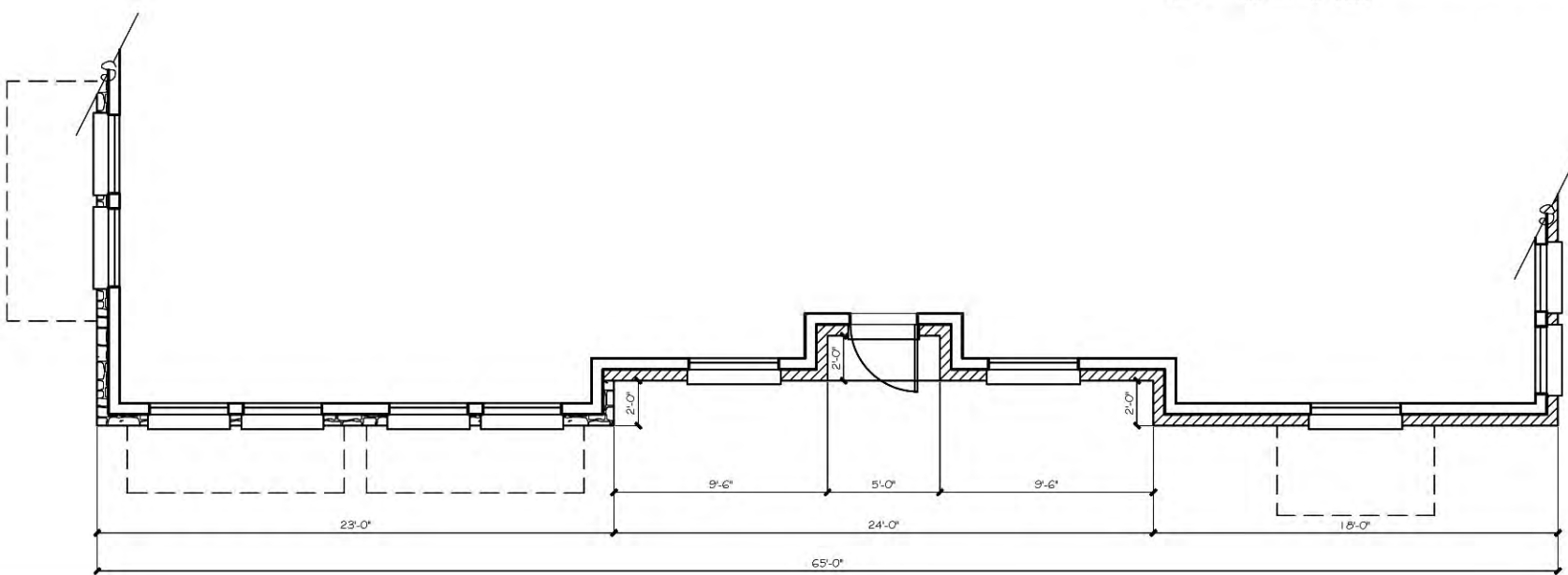
LEFT ELEVATION (EAST)  
1/8" = 1'-0" scale



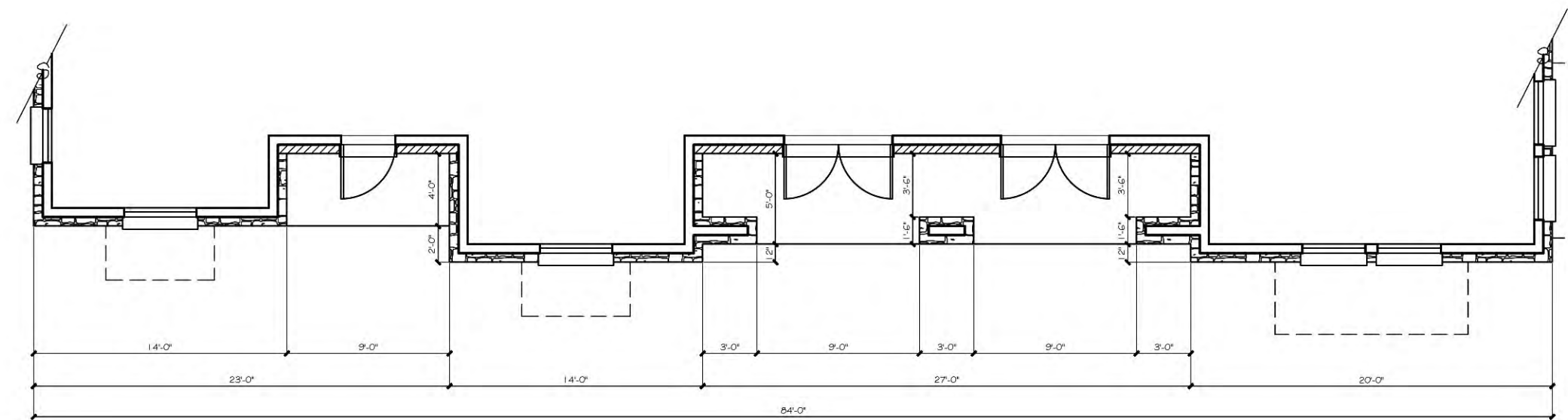
REAR ELEVATION (SOUTH)  
1/8" = 1'-0" scale



RIGHT ELEVATION (WEST)  
1/8" = 1'-0" scale



FRONT ELEVATION (NORTH)  
1/8" = 1'-0" scale



MATERIALS

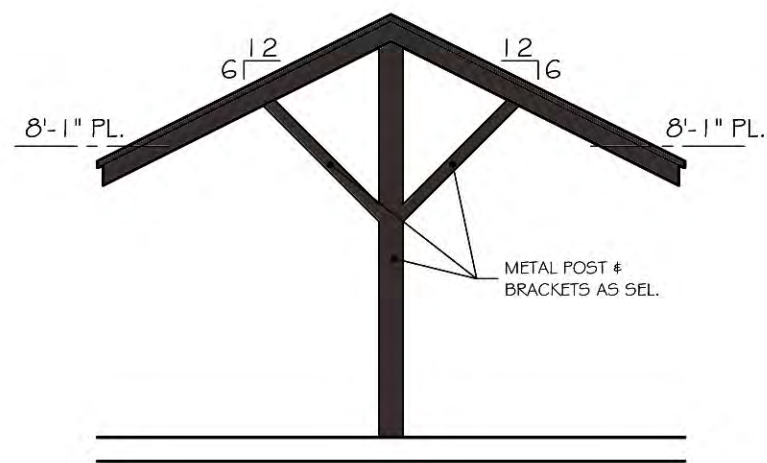
- ROOFING
  - METAL STANDING SEAM: DARK BRONZE
  - COMPOSITE SHINGLES: SABLEWOOD
- BRICK
  - BLACKSON BRICK FORTERRA V224
  - ARGOS IVORY BUFF MORTAR
- STONE
  - ALLIANCE AUSTIN CHALK W/ ARGOS IVORY BUFF MORTAR
- SIDING
  - HARDIE BOARD SIDING & TRIM: COBBLESTONE
- DECORATIVE METAL AWNINGS
  - POWDER COAT FINISH: DARK BRONZE (049/66220)
- FASCIA AND SOFFITS (HARDIE BOARD)
  - SHERWIN WILLIAMS: 7037 BALANCED BEIGE
- WINDOWS
  - ANDERSEN 100 SERIES: DARK BRONZE FRAME
- ENTRY DOORS
  - ANDERSEN ENTRY DOOR W/ DARK BRONZE FRAME

CONSTRUCTION

V-B SPRINKLERED

OCCUPANCY / USE

O-OFFICE/ GENERAL BUSINESS



CARPORT PROFILE  
N.T.S.

REVISED CONCEPTUAL ELEVATION DESIGN

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CLAUSE

DATE: JANUARY 7, 2019  
DRAWN BY: C.R.  
REVISIONS:  
Δ  
Δ  
Δ

**CROSS TIMBERS ARCHITECTS**  
4315 WINDSOR CENTRE TRAIL STE # 200  
FLOWER MOUND, TEXAS 75028  
PHONE: (972) 355-7754

PRELIMINARY  
NOT FOR  
CONSTRUCTION

A CUSTOM PROJECT FOR:  
**HIGHLAND POINTE PARK  
LOT 1, BLOCK A BLDG. 2  
FAITH LUTHERAN CHURCH  
ADDITION  
FLOWER MOUND, TEXAS**

JOB #  
**18-094**

SHEET  
**FP**







**Exhibit “B”  
Development Standards**

**Planned Development District – 19 (PD-19)  
Highland Pointe Park**

The development on the property comprising approximately 1.75 acres of land within the corporate limits of the Town of Flower Mound (“Town”) shall be in accordance with the Town of Flower Mound *Master Plan* and the Land Development Regulations of the Town of Flower Mound, Texas, as amended, and shall be subject to the following conditions and requirements:

- A. EXHIBITS. The following Exhibits are incorporated into this planned development.
1. Exhibit “C”: Conceptual Site Plan.
  2. Exhibit “D”: Conceptual Landscape Plan.
  3. Exhibit “E”: Conceptual Elevations
- B. PERMITTED USES. The uses listed as Permitted Uses in Retail District (R-2) in the Town’s Zoning Ordinance, except as otherwise listed herein, may be permitted in the areas designated on Exhibit “C” as Retail District (R-2) areas:
1. Auto parts and accessory sales (indoors);
  2. Cleaning/laundry pickup station only;
  3. Cleaning/Laundry shop with pickup station;
  4. Cleaning shop or laundry pickup station;
  5. Convenience store;
  6. Fire station;
  7. Laundry, self-service;
  8. Local utility line;
  9. Mortuary or funeral home;
  10. Plant nursery or garden shop;
  11. Public building, shop or yard;
  12. Railroad track;
  13. Repair Services, limited;
  14. Restaurant, fast food;
  15. Sewage pump station;
  16. Telephone equipment station.
- In addition to uses listed as Permitted Uses in the Retail District (R-2) in the Town’s code of ordinances, the following uses shall be permitted:
1. Kennel (in enclosed building only);
  2. Veterinary hospital (inside pens), subject to section 98-998.
- C. SPECIFIC USES. The uses listed as Specific Uses in the Retail District (R-2) in the Town’s Zoning Ordinance, except as otherwise listed herein, may be permitted only upon approval of a specific use permit by the Town Council in accordance with the procedures and standards of section 98-603, specific use permits in the areas designated on Exhibit “C” as Retail District (R-2) areas.

The following uses that require approval of a specific use permit by the Town Council shall be prohibited in the areas designated on Exhibit "C" as Retail District (R-2) areas

1. Auto repair garage;
2. Car wash, full service;
3. Car wash, self-service;
4. Car wash, automatic;
5. Cleaning/laundry shop with on-site plant;
6. Convenience store with gasoline sales;
7. Motor vehicle fuel service station.

D. TEMPORARY USES. The uses listed as Temporary Uses in the Retail District (R-2) in the Town's Zoning Ordinance may be permitted in areas designated on Exhibit "A" as Retail District (R-2) only upon approval of a temporary use permit in accordance with the procedures and standards of Section 98-604 of the Land Development Code, "Temporary Use Permits".

E. DIMENSIONAL REGULATIONS. The dimensions listed in Section 98-605 of the Town's Zoning Ordinance shall apply except as otherwise herein:

1. Minimum front yard. The minimum front yard shall be sixty feet (60'), subject to section 98-605.
2. Maximum lot coverage. The maximum lot coverage shall be forty percent (40%), subject to section 98-605.
3. Maximum height. The maximum height of buildings and structures shall be two stories (2) or thirty feet (30'), subject to section 98-605.

F. CONCEPT PLAN.

1. Site plan shall comply with the approved Concept Plan, Exhibit "C".

G. LANDSCAPE STANDARDS

1. Landscape shall comply with the approved Concept Landscape Plan (Exhibit "D") and shall be in accordance with the Town's landscape ordinance as amended.
2. A minimum six-foot ornamental metal fence shall be installed along the east property line that is adjacent to Grand Park as shown on Concept Landscape Plan (Exhibit "D").
3. A minimum ten (10) 3-inch caliper trees shall be installed adjacent to the six-foot ornamental metal fencing. The trees must be located within 25-feet measured from the eastern property line.
4. At the time of record plat/replat application, a minimum 10-foot wide pedestrian access easement shall be provided across the subject property in east-west direction, in order to provide future trail connectivity between existing trail within the Grand Park and existing sidewalk along Morriss Road. The applicant shall work with Town staff to determine optimal route for this future trail connection and allow for any fence opening along the east property line to accommodate the trail connection. However, the developer of the subject property shall not be responsible for the construction of this said trail.

H. ARCHITECTURAL STANDARDS

1. Elevations shall comply with the approved Concept Elevations, Exhibit "E".
2. Buildings shall use a combination of brick and stone as primary masonry.

3. The Town's Urban Design Plan shall apply to this development.

I. SUPPLEMENTARY STANDARDS

The following standards shall apply to the veterinary hospital to be located within Building 1.

1. A maximum of 5,000 square feet of fenced yard as shown on the Concept Plan, Exhibit "C" shall be permitted and subject to following conditions.
  - a. Any use of a fenced yard would require minimum of one employee monitor the use of this area.
  - b. There shall be a limitation of 1 employee per 2 animals.
2. Covered Parking as shown on the Concept Plan (Exhibit "C") shall be permitted.
3. Covered Walkway as shown on the Concept Plan (Exhibit "C") shall be permitted.

J. EXCEPTIONS. The following exceptions shall be granted upon the approval of this PD.

1. Compatibility Buffer-Section 82-302.
  - a. Approximately 80 linear feet of six-foot masonry wall requirement along eastern property line that is adjacent to Lot 6, Block A, of the Grand Park Estates shall not be required.
2. Detention Pond (dry).

An exception to the Town's Engineering Design Criteria to allow detention pond to serve this office/retail development.



**TOWN OF FLOWER MOUND, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 26-84 AS AMENDED WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 19 (PD-19) ON CERTAIN PROPERTY DESCRIBED AS 1.755 ACRES OF LAND SITUATED IN THE E. SMITH SURVEY, ABSTRACT NUMBER 767, AND BEING PART OF LOT 1, BLOCK A, FAITH LUTHERAN CHURCH OF FLOWER MOUND; AND CHANGING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS ON THAT LAND FROM PLANNED DEVELOPMENT DISTRICT NO. 19 (PD-19) WITH OFFICE DISTRICT (O) USES TO PLANNED DEVELOPMENT DISTRICT NO. 19 (PD-19) WITH RETAIL DISTRICT-2 (R-2) USES; BY ADDING DEVELOPMENT STANDARDS, CONCEPTUAL PLANS, AND ELEVATIONS, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Flower Mound is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the Town Council of the Town of Flower Mound heretofore adopted the Land Development Regulations of the Town of Flower Mound, as amended, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and,

**WHEREAS**, in accordance with Chapter 78 of the Land Development Regulations, the owners of the property described as 1.755 acres of land situated in the E. Smith Survey, Abstract Number 767, and being part of Lot 1, Block A, Faith Lutheran Church of Flower Mound, have filed an application for a Zoning Planned Development amendment to change the zoning from Planned Development District No. 19 (PD-19) with Office District (O) to Planned Development District No. 19 (PD-19) with Retail District-2 (R-2) uses; and,

**WHEREAS**, the Planning and Zoning Commission of the Town of Flower Mound, Texas held a public hearing on May 13, 2018, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on May 20, 2018, with respect to the Planned Development amendment described herein; and,

**WHEREAS**, the Town has complied with all requirements of Chapter 211 of the Local Government Code, Chapter 78 of the Land Development Regulations, and all other laws dealing with notice, publication and procedural requirements for the approval of a Planned Development amendment on the property;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

## **SECTION 1**

The Land Development Regulations of the Town of Flower Mound, Texas, as amended, are hereby amended on the hereinafter described property and area as shown below:

Approximately 1.755 acres of land situated in the E. Smith Survey, Abstract Number 767, and being part of Lot 1, Block A, Faith Lutheran Church of Flower Mound, Denton County, Texas, and more fully described in Exhibit "A" hereto.

The Office District (O) standards contained within Exhibit "B" of Ordinance No. 26-84, as amended for Planned Development District No. 19 (PD-19), is hereby amended by deleting the standard below in its entirety as related to the subject site:

"Native trees shall be preserved wherever possible and no tree 6 inches in caliper or greater shall be removed unless noted on the site plan and approved by the Town."

## **SECTION 2**

The use of the property described above shall be subject to all restrictions, terms and conditions contained herein, as well as the applicable regulations contained in Ordinance Nos. 26-84, as amended for Planned Development District No. 19 (PD-19), the Land Development Regulations, and all other applicable and pertinent ordinances of the Town of Flower Mound.

The development standards, conceptual site plan, conceptual landscape plan, and conceptual elevations of the proposed Planned Development District No. 19 (PD-19), attached hereto as Exhibits "B," "C," "D," and "E," each incorporated herein for all purposes allowed by law, are hereby approved as the development standards, conceptual site plan, conceptual landscape plan, and conceptual elevations for this Planned Development District No. 19 (PD-19), as amended.

## **SECTION 3**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

## **SECTION 4**

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

## **SECTION 5**

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Flower Mound shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

## **SECTION 6**

All rights and remedies of the Town of Flower Mound are expressly saved as to any and all violations of the provisions of the Land Development Regulations or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

## **SECTION 7**

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

## **SECTION 8**

This Ordinance shall take effect and be in full force from and after the date of its passage and publication as required by law, and it is so ordained.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**APPROVED:**

\_\_\_\_\_  
Steve Dixon, **MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Theresa Scott, TOWN SECRETARY**

**EXHIBIT "A"**  
**PROPERTY DESCRIPTION**

**BEING** all that certain lot, tract, or parcel of land, situated in the E. Smith Survey, Abstract Number 767, Town of Flower Mound, Denton County, Texas, and being part of Lot 1, Block A, described in deed to Faith Lutheran Church of Flower Mound, recorded in Document Number 94-22015, Official Records, Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at the northwest corner of said Lot 1, Block A, and being on the east line of Morriss Road, a called 120 foot Right of Way;

**THENCE** N 88°55'05" E, with the north line of said Lot 1, Block A, and the south line of Lot 1RA-2, Block A, AMSS Development LP P/S, recorded in Document Number 97-79956, Official Records, Denton County, Texas, a distance of 251.68 feet, to the northeast corner of said Lot 1, Block A, and the northwest corner of Grand Park Estates, recorded in Document Number 2002-96518, Official Records, Denton County, Texas;

**THENCE** S 14°48'19" E, with the east line of said Lot 1, Block A, and the west line of said Grand Park Estates, a distance of 277.96 feet;

**THENCE** S 87°32'57" W, a distance of 307.97 feet, to the east line of said Morriss Road, and the west line of said Lot1, Block A;

**THENCE** N 02°27'03" W, with the east line of said Morriss Road, and the west line of said Lot 1, Block A, a distance of 81.49 feet;

**THENCE** northwesterly with the east line of said Morriss Road, and the west line of said Lot 1, Block A, with a curve to the left, having a radius of 5784.58 feet, a central angle of 1°56'32", an arc length of 196.09', and whose chord bears N 03°25'19" W a distance of 196.08 feet to the **POINT OF BEGINNING** and containing approximately 1.755 acres of land.



**Exhibit “B”  
Development Standards**

**Planned Development District – 19 (PD-19)  
Highland Pointe Park**

The development on the property comprising approximately 1.75 acres of land within the corporate limits of the Town of Flower Mound (“Town”) shall be in accordance with the Town of Flower Mound *Master Plan* and the Land Development Regulations of the Town of Flower Mound, Texas, as amended, and shall be subject to the following conditions and requirements:

A. EXHIBITS. The following Exhibits are incorporated into this planned development.

1. Exhibit “C”: Conceptual Site Plan.
2. Exhibit “D”: Conceptual Landscape Plan.
3. Exhibit “E”: Conceptual Elevations

B. PERMITTED USES. The uses listed as Permitted Uses in Retail District (R-2) in the Town’s Zoning Ordinance, except as otherwise listed herein, may be permitted in the areas designated on Exhibit “C” as Retail District (R-2) areas.

The following permitted uses shall be prohibited in the areas designated on Exhibit “C” as Retail District (R-2) areas:

1. Auto parts and accessory sales (indoors);
2. Cleaning/laundry pickup station only;
3. Cleaning/Laundry shop with pickup station;
4. Cleaning shop or laundry pickup station;
5. Convenience store;
6. Fire station;
7. Fraternal club or lodge;
8. Hardware store;
9. Laundry, self-service;
10. Local utility line;
11. Mortuary or funeral home;
12. Plant nursery or garden shop;
13. Public building, shop or yard;
14. Railroad track;
15. Repair Services, limited;
16. Restaurant, fast food;
17. Restaurant, general
18. Sewage pump station;
19. Telephone equipment station.

In addition to uses listed as Permitted Uses in the Retail District (R-2) in the Town’s code of ordinances, the following uses shall be permitted:

1. Kennel (in enclosed building only);
2. Veterinary hospital (inside pens), subject to section 98-998.

- C. SPECIFIC USES. The uses listed as Specific Uses in the Retail District (R-2) in the Town's Zoning Ordinance, except as otherwise listed herein, may be permitted only upon approval of a specific use permit by the Town Council in accordance with the procedures and standards of section 98-603, specific use permits in the areas designated on Exhibit "C" as Retail District (R-2) areas.

The following uses that require approval of a specific use permit by the Town Council shall be prohibited in the areas designated on Exhibit "C" as Retail District (R-2) areas:

1. Auto repair garage;
2. Car wash, full service;
3. Car wash, self-service;
4. Car wash, automatic;
5. Cleaning/laundry shop with on-site plant;
6. Convenience store with gasoline sales;
7. Motor vehicle fuel service station;
8. Parking structure, commercial;
9. Retail, single tenant (25,000 square feet but less than 50,000 square feet
10. Retail, single tenant (50,000 square feet but less than 75,000 square feet)
11. Water well, storage or pump station

- D. TEMPORARY USES. The uses listed as Temporary Uses in the Retail District (R-2) in the Town's Zoning Ordinance may be permitted in areas designated on Exhibit "A" as Retail District (R-2) only upon approval of a temporary use permit in accordance with the procedures and standards of Section 98-604 of the Land Development Code, "Temporary Use Permits".

- E. DIMENSIONAL REGULATIONS. The dimensions listed in Section 98-605 of the Town's Zoning Ordinance shall apply except as otherwise herein:

1. Minimum front yard. The minimum front yard shall be sixty feet (60'), subject to section 98-605.
2. Maximum lot coverage. The maximum lot coverage shall be forty percent (40%), subject to section 98-605.
3. Maximum height. The maximum height of buildings and structures shall be two stories (2) or thirty feet (30'), subject to section 98-605.

- F. CONCEPT PLAN.

1. Site plan shall comply with the approved Concept Plan, Exhibit "C".

- G. LANDSCAPE STANDARDS

1. Landscape shall comply with the approved Concept Landscape Plan (Exhibit "D") and shall be in accordance with the Town's landscape ordinance as amended.
2. A minimum six-foot ornamental metal fence shall be installed along the east property line that is adjacent to Grand Park as shown on Concept Landscape Plan (Exhibit "D").
3. A minimum ten (10) 3-inch caliper trees shall be installed adjacent to the six-foot ornamental metal fencing. The trees and shrubs must be located within 25-feet measured from the eastern property line.
4. At the time of record plat/replat application, a minimum 10-foot wide pedestrian access easement shall be provided across the subject property in east-west direction, in order to

provide future trail connectivity between existing trail within the Grand Park and existing sidewalk along Morriss Road. The applicant shall work with Town staff to determine optimal route for this future trail connection and allow for any fence opening along the east property line to accommodate the trail connection. However, the developer of the subject property shall not be responsible for the construction of this said trail.

5. Addition of parking spaces shall not be permitted within the area located directly east of Building 2 that is currently indicated as green space on the approved Concept Landscape Plan (Exhibit "D").

#### H. ARCHITECTURAL STANDARDS

1. Elevations shall comply with the approved Concept Elevations, Exhibit "E".
2. Buildings shall use a combination of brick and stone as primary masonry.
3. The Town's Urban Design Plan shall apply to this development.

#### I. SUPPLEMENTARY STANDARDS

The following standards shall apply to the veterinary hospital to be located within Building 1.

1. A maximum of 5,000 square feet of fenced yard as shown on the Concept Plan, Exhibit "C" shall be permitted and subject to following conditions.
  - a. Any use of a fenced yard would require minimum of one employee monitor the use of this area.
  - b. There shall be a limitation of 1 employee per 2 animals.
2. Covered Parking as shown on the Concept Plan (Exhibit "C") shall be permitted.
3. Covered Walkway as shown on the Concept Plan (Exhibit "C") shall be permitted.

#### J. EXCEPTIONS. The following exceptions shall be granted upon the approval of this PD.

1. Compatibility Buffer-Section 82-302.

Approximately 80 linear feet of six-foot masonry wall requirement along eastern property line that is adjacent to Lot 6, Block A, of the Grand Park Estates shall not be required.
2. Detention Pond (dry).

An exception to the Town's Engineering Design Criteria to allow detention pond to serve this office/retail development.

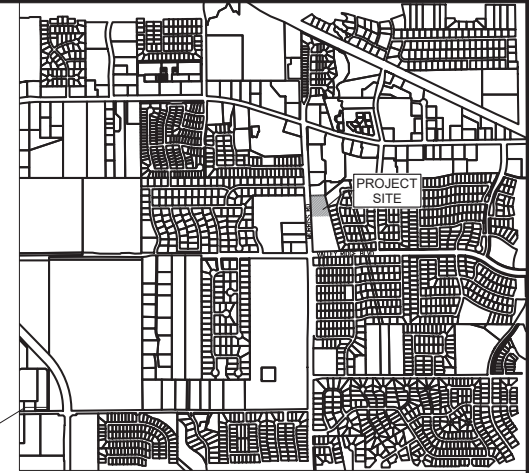
AMSS Development LP P/S  
 Lot 1RA-2 Block A  
 Zoned: C2  
 Landuse: Commercial/Industrial

STAIRS AT  
 FLOWER MOUND  
 0/117  
 (Drainage and  
 Utility Easement)

Grand Park Estates  
 Zoned: SF-10  
 Landuse: Medium Density  
 Residential  
 SCALE: 1"=20'

LOT 56X, BLOCK  
 A  
 GRAND PARK  
 ESTATES U/922

Approx. Location of  
 20' Emt. to Denton County  
 Electric CO-OP, INC.  
 Vol. 1467, Pg. 618



Vicinity Map 1"=1000'

| SITE DATA TABLE                       |                   |          |
|---------------------------------------|-------------------|----------|
| Physical Address:                     | 6000 Morris Rd    |          |
| Gross Site Area:                      | 1.75 A; 76,230 SF |          |
| Net Site Area:                        |                   |          |
| Current Zoning:                       | PD with Office    |          |
| Current Use:                          | Vacant            |          |
| Lot Coverage Data:                    |                   |          |
| Building Coverage:                    | 13%               |          |
| Impervious Area:                      | 29%               |          |
| Pervious Area:                        | 58%               |          |
| Parking Summary:                      |                   |          |
| Surface Parking:                      | Required          | Provided |
| Vet Clinic (5,000 sf) at 1 per 250 sf | 20                | 19       |
| Retail (5,000 sf) at 1 per 250 sf     | 20                | 20       |
| Total Parking                         | 40                | 39       |

#### GENERAL NOTES:

1. ALL RETAINING WALLS, TURN-DOWN CURBS, TREE RETAINING WALLS SHALL BE CLAD IN A MATERIAL TO MATCH THE MATERIALS ON THE MAIN BUILDING.
2. OR ALL RETAINING/DETAINING WALLS, TURN-DOWN CURBS, TREE RETAINING WALLS SHALL BE CLAD IN A MATERIAL TO COMPLEMENT THE MATERIALS AND COLORS WITHIN THIS DEVELOPMENT.
3. ALL GROUND BASED HVAC SHALL BE SCREENED WITH LIVE SCREENING OR MASONRY ENCLOSURE. MASONRY ENCLOSURE SHALL BE CLAD IN THE SAME MATERIAL AS THE MAIN BUILDING.
4. ALL ROOF-MOUNTED MECHANICAL UNITS AND/OR EQUIPMENT SHALL BE SCREENED FROM VIEW.
5. DUMPSTER SCREENING WALLS SHALL BE CLAD IN A MATERIAL TO MATCH THE MATERIALS ON THE MAIN BUILDING.
6. DUMPSTER SCREENING WALLS REQUIRES A SEPARATE BUILDING PERMIT.
7. SIGNS REQUIRE A SEPARATE BUILDING PERMIT. ANY SIGNS DEPICTED ON THE SUBJECT SITE PLAN/ELEVATIONS ARE NOT APPROVED AS A PART OF THIS REVIEW AND MUST COMPLY WITH ALL APPLICABLE TOWN REGULATIONS.

| Zoning Standard          | Existing PD-19 With O | Proposed PD-19 With R-2 |
|--------------------------|-----------------------|-------------------------|
| Minimum Lot Area         | None                  | None                    |
| Minimum Lot Width        | None                  | None                    |
| Minimum Floor Area       | None                  | None                    |
| Minimum Front Yard       | 60 ft.                | 60 ft.                  |
| Minimum Side Yard        | None                  | None                    |
| Minimum Rear Yard        | 15 ft.                | 15 ft.                  |
| Maximum Lot Coverage     | 40 %                  | 40 %                    |
| Max Height (stories/ft.) | 2/30 ft.              | 2/30 ft.                |
| Maximum Floor Area Ratio | 1:1                   | 1:1                     |

#### MASTER PLAN FEATURES

|                   |                                                                                                          |
|-------------------|----------------------------------------------------------------------------------------------------------|
| Land Use Plan     | Medium Density Residential                                                                               |
| Urban Design Plan | None                                                                                                     |
| Parks and Trail   | Existing Multi-Use Trail along Morris Rd                                                                 |
| Thoroughfare Plan | Morris Rd - Urban Minor Arterial Divided<br>Valley Ridge Dr - Urban Minor Arterial                       |
| Water Plan        | Long Prairie District - Existing waterline along Morris Rd<br>Existing waterline along Valley Ridge Blvd |
| Wastewater Plan   | Long Prairie District - existing sewer along Morris Rd                                                   |

OWNER/DEVELOPER  
 CHRIS CARMICHAEL  
 2880 JUSTIN RD, SUITE 140  
 HIGHLAND VILLAGE TX  
 PH. 954-988-8587  
 Contact: CHRIS CARMICHAEL

The John R. McAdams  
 (DBA: JRM McAdams)  
 1111 Hildreth Drive  
 Law Office  
 972.336.1712  
 201 Country View Drive  
 Suite 100  
 940 140 1015  
 www.jrmc.com



HIGHLAND POINT PARK  
 Lot 1, Block A  
 FAITH LUTHERAN CHURCH ADDITION  
 1.75 Acres  
 in the  
 ELISHA BURT STAFFORD TRACT NO. 100  
 TOWN OF FLOWER MOUND  
 DENTON COUNTY, TEXAS

## Conceptual Site Plan

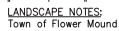
**PRELIMINARY PLANS**  
 THIS DOCUMENT IS FOR  
 INTERIM REVIEW AND IS  
 NOT INTENDED FOR  
 CONSTRUCTION, BIDDING,  
 OR PERMIT PURPOSES.  
 CAA 1 MCADAMS,  
 TPE: 19762  
 ROBERT JOHN DOLLAH, JR.  
 P.E. #66588  
 DATE 5/5/2019

Drawn By: PF  
 Date: 10/15/2018  
 Scale: 1"=20'  
 Revisions:  
 1/7/2019  
 1/7/2019  
 4/24/2019

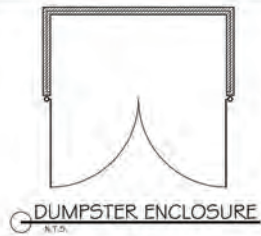
18264

CSP





**OWNER/DEVELOPER**  
**CHRIS CARMICHAEL**  
2280 JUSTIN RD, SUITE 140  
HIGHLAND VILLAGE, TX  
Ph. 334-392-8367  
Contact: CHRIS CARMICHAEL



## EXTERIOR MATERIALS LEGEND

|  |                                    |
|--|------------------------------------|
|  | STONE: AUSTIN CHALK                |
|  | BRICK: FORTERRA V224               |
|  | HS SIDING & TRIM: COBBLESTONE      |
|  | FASCIA & SOFFITS: BALANCED BEIGE   |
|  | WINDOW & DOOR FRAMING: DARK BRONZE |
|  | METAL STANDING SEAM: DARK BRONZE   |
|  | COMPOSITE SHINGLES: SABLEWOOD      |
|  | METAL AWNINGS: DARK BRONZE         |

## MATERIAL TABULATION CHART

|                                                 | South                  | North                  | East                  | West                   |
|-------------------------------------------------|------------------------|------------------------|-----------------------|------------------------|
| 1. Total Facade S.F.                            | 1563 s.f.              | 1004 s.f.              | 806 s.f.              | 1005 s.f.              |
| 2. Facade S.F. (Excludes all doors and windows) | 1109 s.f.              | 901 s.f.               | 656 s.f.              | 805 s.f.               |
| 3. Doors and Windows S.F.                       | 254 s.f.               | 103 s.f.               | 150 s.f.              | 200 s.f.               |
| 4. Primary Masonry (Total Sides, 20%)           | 1054 s.f. and 50% of 2 | 901 s.f. and 100% of 2 | 601 s.f. and 92% of 2 | 805 s.f. and 100% of 2 |
| Brick s.f. (see applicable)                     | 216 s.f. and 19% of 2  | 727 s.f. and 81% of 2  | 410 s.f. and 63% of 2 | 200 s.f. and 25% of 2  |
| Stone s.f. (see applicable)                     | 838 s.f. and 78% of 2  | 174 s.f. and 19% of 2  | 191 s.f. and 23% of 2 | 605 s.f. and 75% of 2  |
| 5. Secondary Masonry (Total Sides, 20%)         | 55 s.f. and 5% of 2    | 0 s.f. and 0% of 2     | 55 s.f. and 6% of 2   | 0 s.f. and 0% of 2     |
| 6. Handicap s.f. (see applicable)               | 55 s.f. and 5% of 2    | 0 s.f. and 0% of 2     | 55 s.f. and 6% of 2   | 0 s.f. and 0% of 2     |

## NOTES:

- Any discrepancies must be brought to the architect's attention for review prior to the start of construction.
- Refer to all local codes for permitting, setbacks, & electrical requirements.
- Builder to verify all notes & dimensions prior to construction.

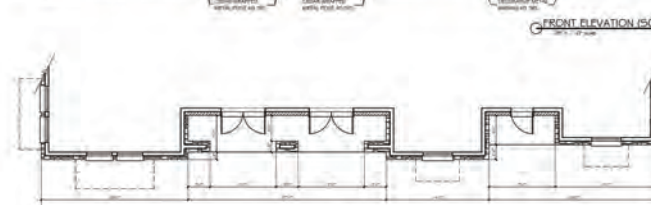
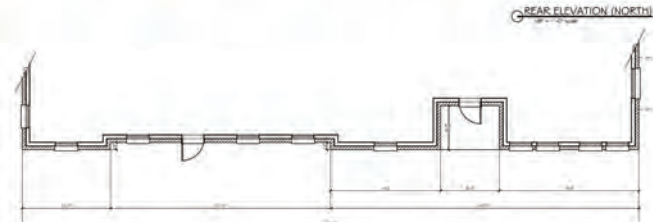
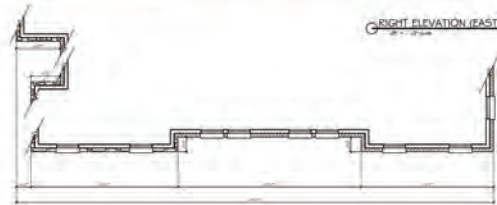
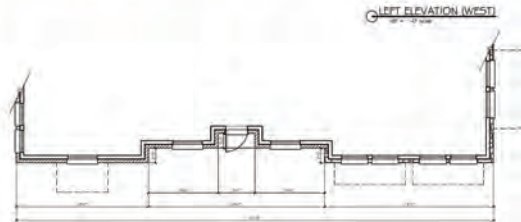
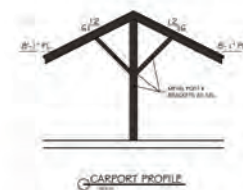


KEY PLAN  
NO SCALE



## MATERIALS

- ROOFING: METAL SHINGLES (STEEL OR ALUMINUM) (COLOR: SABLEWOOD)
- BRICK: BALANCED BEIGE (FORTERRA V224)
- STONE: AUSTIN CHALK (COLOR: SABLEWOOD)
- SIDING: COBBLESTONE (COLOR: SABLEWOOD)
- FASCIA AND SOFFITS: BALANCED BEIGE
- WINDOWS: METAL STANDING SEAM (COLOR: DARK BRONZE)
- ENTRY DOORS: METAL STANDING SEAM (COLOR: DARK BRONZE)
- CONSTRUCTION: V-8 SPRINKLERED
- OCCUPANCY / USE: OFFICE GENERAL BUSINESS



## REVISED CONCEPTUAL ELEVATION DESIGN

DATE: JANUARY 7, 2019  
DRAWN BY: C.R.  
REVISIONS: Δ Δ Δ Δ

**CROSS TIMBERS ARCHITECTS**  
4815 WINDSOR CENTRE TRAIL, SUITE 200  
FLOWER MOUND, TEXAS 75026  
PHONE: (972) 355-7754

PRELIMINARY  
NOT FOR  
CONSTRUCTION

A CUSTOM PROJECT FOR:  
HIGHLAND POINTE PARK  
LOT 1, BLOCK A, BLDG. 1  
FAITH LUTHERAN CHURCH  
ADDITION

JOB #  
18-094

SHEET  
FP



## EXTERIOR MATERIALS LEGEND

|  |                                    |
|--|------------------------------------|
|  | STONE: AUSTIN CHALK                |
|  | BRICK: FORTERRA V224               |
|  | HB SIDING & TRIM: COBBLESTONE      |
|  | FASCIA & SOFFITS: BALANCED BEIGE   |
|  | WINDOW & DOOR FRAMING: DARK BRONZE |
|  | METAL STANDING SEAM: DARK BRONZE   |
|  | COMPOSITE SHINGLES: SABLEWOOD      |
|  | METAL AWNINGS: DARK BRONZE         |

## MATERIAL TABULATION CHART

|                                               | North                  | South                  | West                   | East                  |
|-----------------------------------------------|------------------------|------------------------|------------------------|-----------------------|
| 1. Total Facade S.F.                          | 1523 s.f.              | 1094 s.f.              | 1005 s.f.              | 606 s.f.              |
| 2. Facade S.F. breakdown by doors and windows | 1108 s.f.              | 901 s.f.               | 805 s.f.               | 456 s.f.              |
| 3. Doors and Windows S.F.                     | 254 s.f.               | 183 s.f.               | 200 s.f.               | 130 s.f.              |
| 4. Primary Masonry (Total Sides, 50%)         | 1054 s.f. and 95% of 2 | 901 s.f. and 100% of 2 | 805 s.f. and 100% of 2 | 601 s.f. and 92% of 2 |
| Brick s.f. (see applicable)                   | 216 s.f. and 19% of 2  | 727 s.f. and 81% of 2  | 302 s.f. and 25% of 2  | 410 s.f. and 62% of 2 |
| Stone s.f. (see applicable)                   | 838 s.f. and 76% of 2  | 174 s.f. and 19% of 2  | 503 s.f. and 75% of 2  | 191 s.f. and 29% of 2 |
| 5. Secondary Masonry (Total Sides, 50%)       | 55 s.f. and 5% of 2    | 0 s.f. and 0% of 2     | 0 s.f. and 0% of 2     | 55 s.f. and 8% of 2   |
| 6. Handwork s.f. (see applicable)             | 55 s.f. and 5% of 2    | 0 s.f. and 0% of 2     | 0 s.f. and 0% of 2     | 55 s.f. and 8% of 2   |

## NOTES:

- Any discrepancies must be brought to the architect's attention for review prior to the start of construction.
- Refer to all local codes for painting, materials, & electrical requirements.
- Builder to verify all notes & dimensions prior to construction.

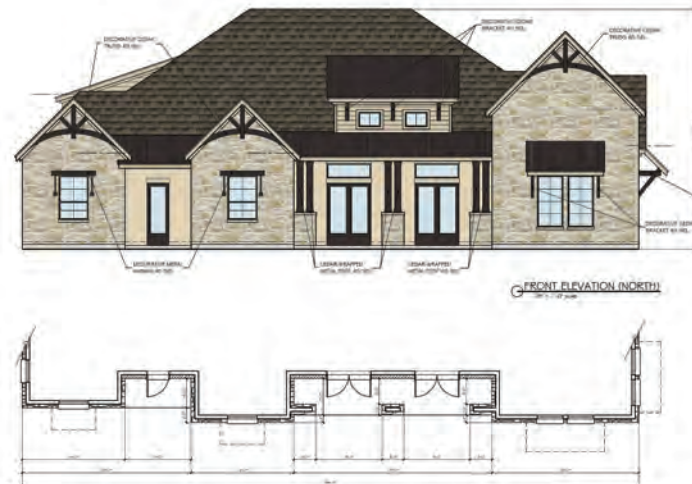
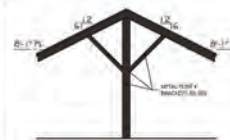


KEY PLAN  
NO SCALE



## MATERIALS

- ROOFING:
    - UPPER SHINGLED ROOF: DARK BRONZE
    - COMPOSITE SHINGLES: SABLEWOOD
  - BRICK:
    - BLACKEN BRICK: FORTERRA V224
    - ACCENT: H-V DIRT MASON
  - STONE:
    - SPRINKLED: AUSTIN CHALK w/ ACCENT: H-V DIRT MASON
  - SIDING:
    - UPPER SHINGLED ROOF: H-V COMPOSITE
  - DECORATIVE METAL AWNINGS:
    - UPPER SHINGLED ROOF: DARK BRONZE
  - FASCIA AND SOFFITS (SHADE BOARD):
    - UPPER SHINGLED ROOF: BALANCED BEIGE
  - WINDOWS:
    - UPPER SHINGLED ROOF: DARK BRONZE
  - ENTRY DOORS:
    - UPPER SHINGLED ROOF: DARK BRONZE
- CONSTRUCTION  
V-6 SPRINKLED  
OCCUPANCY / USE  
O-OFFICE GENERAL BUSINESS



REVISED CONCEPTUAL ELEVATION DESIGN

**CROSS TIMBERS ARCHITECTS**  
4815 WINDSOR CENTRE TRAIL, SUITE 4 200  
FLOWER MOUND, TEXAS 75026  
PHONE: (972) 355-7754

DATE: JANUARY 7, 2019  
DRAWN BY: C.R.  
REVISIONS:  
Δ Δ Δ Δ

PRELIMINARY  
NOT FOR  
CONSTRUCTION

A CUSTOM PROJECT FOR:  
HIGHLAND POINTE PARK  
LOT 1, BLOCK A, BLDG. 2  
FAITH LUTHERAN CHURCH  
ADDITION

JOB #  
18-094

SHEET  
FP



## TOWN COUNCIL AGENDA ITEM NO. 8

### REGULAR ITEM

---

**DATE:** May 20, 2019

**FROM:** Richard Brown, Senior Planner

**ITEM:** **Public Hearing to consider a request for rezoning (ZPD19-0005 - Windhaven Assisted Living) from Agricultural District (A) uses to Planned Development District-173 (PD-173) with Agricultural District (A) uses and a nursing or congregate care facility, with certain exceptions and modifications to the Code of Ordinances, and consider adopting an ordinance providing for said amendment. The property is generally located south of Cross Timbers Road and west of Auburn Drive. (*The Planning and Zoning Commission recommended approval by a vote of 5 to 2 at its May 13, 2019, meeting.*)**

---

**BACKGROUND INFORMATION:** Attached is the Planning and Zoning Commission (P&Z) report and backup for this item. During the initial P&Z Public Hearing on April 22, 2019, commissioners initially expressed some concerns with the number of exceptions and modifications the project was requesting. As such, a motion was made to hold this item until the May 13, 2019, public hearing in order to allow the applicant additional time to prepare responses to the questions of the commissioners.

#### **ATTACHMENTS:**

1. Planning and Zoning Commission Staff Report
2. Draft Ordinance

**LEGAL REVIEW:** Ashley Dierker, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance as to form and legality.

**DRAFT MOTION:** Move to approve as presented in the agenda caption.



## **PLANNING AND ZONING COMMISSION**

### **AGENDA ITEM NO: 9**

### **REGULAR ITEM**

---

**DATE:** May 13, 2019

**FROM:** Richard Brown, Senior Planner

**ITEM:** Public Hearing to consider a request for rezoning (ZPD19-0005 - Windhaven Assisted Living) from Agricultural District (A) uses to Planned Development District-173 (PD-173) with Agricultural District (A) uses and a nursing or congregate care facility, with certain exceptions and modifications to the Code of Ordinances. The property is generally located south of Cross Timbers Road and west of Auburn Drive.

---

#### **I. ITEM SUMMARY**

*On April 22, 2019, the Planning and Zoning Commission held this item under advisement until the May 13, 2019 public hearing to permit the applicant time to meet with the abutting property owners to the south as well as to prepare responses to various items raised by the commission. There are still exceptions and modifications to the Town's regulations which necessitate special consideration by the Commission (see Application Analysis below).*

This application has been reviewed by DRC and determined to be ready for consideration by the Planning and Zoning Commission.

This application will require final action by the Town Council.

#### **II. APPLICATION ANALYSIS**

The purpose of this application is to request approval of a Planned Development to provide for a nursing or congregate care facility on a 4.364 acre parcel currently zoned Agricultural District (A). The applicant will retain the existing Agricultural District (A) zoning in the PD. The land use for the property is Low Density Residential within the Cross Timbers Protection Area. With respect to the latter, the Master Plan states, "An area in which the Eastern Cross Timbers environmental quality has been compromised and where development may occur at indicated land use categories and densities, but with additional development standards to protect the remaining Cross Timbers environmental character."

As part of the request, the applicant has requested certain exceptions and modifications to the Code of Ordinances. In summary (see Section III, below, for detail):

Exception:

- Access Management Policy and Criteria for required driveway spacing
- Section 82-302, Compatibility Buffer
- Section 82-303, Compatibility Setback

Modification:

- Side yard
- Maximum fence height within a front yard

The proposed use is defined in Chapter 98 of the Town Code as a “Nursing or congregate care facility,” which is allowed subject to approval of a Specific Use Permit (SUP) within the Agricultural District zoning. The requested PD will allow this use by right.

The conceptual site plan provides for four buildings that will accommodate 64 assisted living units (16 units per building). Additionally, a 1,050 square foot office is sited within the northeast quadrant of the property. The property will also provide for courtyard areas for the residents, surface parking, and retention pond areas. Excluding the office building and its parking area, the balance of improvements will be secured by fencing and gates with Knox box access for emergency services.

Surrounding land use consists of the Carriage Glen at Bridlewood residential subdivision to the north, across Cross Timbers Road, an undeveloped parcel zoned as Planned Development District No. 72 (PD-72) for limited Office District (O) uses to the east, the Flower Mound Woods residential subdivision to the south, and a single family use on property zoned an Agricultural District (A) to the west.

Exclusive of the requested exceptions and modifications, the conceptual plans [see Attachment B(1)] provide for proposed development that comply with the development standards in the Agricultural District (A) as well as required landscaping and buffering. The proposed conceptual elevations are in compliance with the Urban Design Plan.

### **III. REQUESTED EXCEPTIONS AND MODIFICATIONS**

#### **A. Exception to Access Management Policy and Criteria**

The Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances requires driveway spacing along Cross Timbers Road (Major Arterial) a minimum 360 feet between drive approaches.

The proposed conceptual site plan provides for one point of ingress/egress. As located, spacing from the closest existing drive approaches is as follows:

- Residential drive approach to the west - 222 feet
- Auburn Drive to the east – 363 feet

## B. Exception to Section 82-302, Compatibility Buffer

A landscape buffer shall be located on the site of the nonresidential use along all property lines adjacent to an existing residential use or zoning, or designated for residential use on the comprehensive master plan. The property requires a compatibility buffer along both the western and southern property lines as well as an approximate 13-foot section of the southernmost eastern property line.

A brick wall or masonry wall with stucco or mortar wash finish, both exterior finishes being the same, shall be constructed along the property line. Such walls shall have no vehicular access point into or from an alley and shall be a minimum of six feet in height, except that the first 25 feet in from the street line may be stepped down to a minimum height of four feet. For nonresidential and multi-family development (except for churches or schools), the landscaped setback shall consist of a minimum 25-foot landscaped buffer. Understory plants shall be provided in order to achieve a continuous dense six-foot screen. Native shade trees, a minimum of three-inch caliper each, shall be provided at a ratio of one tree per 400 square feet of buffer area.

As noted above, the compatibility buffer has several components. The following table summarizes the applicant's compliance or proposed revision to each:

| Required Provision                                 | Provided                                                                                        |                                                                                            |                                  |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------|
|                                                    | Western p/l                                                                                     | Southern p/l                                                                               | Eastern p/l                      |
| 25-foot-wide buffer area                           | Northern ~320'-full compliance<br>Southern ~360'-required 25' is split into 8' and 17' sections | Full compliance                                                                            | Full compliance                  |
| Minimum 6'-tall brick or masonry wall              | Full compliance                                                                                 | 8' wood (board-on-board) fence**                                                           | 8' wood (board-on-board) fence** |
| One 3" caliper tree for each 400 sf of buffer area | 43-3" trees required and 38-3" trees provided                                                   | 18-3" trees required and 16 trees provided, with retention of one existing tree (17 total) | 1-3" tree required and provided  |

\*\*As noted in Section I, the applicant has continued a dialogue with the abutting property owners to the south to reach a consensus on a screening wall design. All parties have agreed that the applicant will provide an eight-foot-tall wood fence along the applicant's property line. This will involve removal of various privacy fence sections and various sections extended so as to connect with the new screening fence.

## C. Exception to Section 82-303, Compatibility Setback

One story nonresidential or multifamily buildings, main or accessory, shall be set back from the property line adjacent to an existing or proposed residential use a minimum of 60 feet. As noted above (Compatibility Buffer exception) the zoning on properties to the west and south as well as a small run of the eastern property line each require a compatibility setback.

While the applicant is complying with this requirement along the western and approximate 13-foot-run along the eastern property line, they are requesting an exception along the southern property line:

- 60 feet required and 50 feet requested

#### **D. Modification to the side yard**

The Agricultural District (A) requires a 25-foot side yard building setback. The property is located mid-block, thus the zoning requires a 25-foot-wide side yard setback from both the western and eastern property lines.

While the applicant is complying with this requirement along the entire western property line and the majority of the eastern property line, they are requesting an exception along the northernmost 125 feet of the western property line to provide for a fifteen-foot side yard in the general area of the proposed office building. For reference purposes, the immediate adjacency to the east is the above-referenced PD-72 for limited Office District (O) uses.

#### **E. Modification to the maximum fence height in the front yard**

In the Agricultural District (A), no solid fence or wall within a required front yard shall exceed four feet in height above the adjacent grade; however, notwithstanding the foregoing, barbed wire or metal/wire livestock fencing not exceeding five feet in height above the adjacent grade shall be permitted within a required front yard.

The applicant is proposing a six-foot tall wrought iron and stone pilaster fence within the majority of the required front yard setback (40 feet) that ties into the six-foot-tall perimeter masonry wall that secures the property, some of which is also located within the front yard setback.

This modification is requested so as to allow for a more secure living environment for the residents.

With respect to the above exceptions and modifications, refer to the applicant's Letter of Intent [Attachment A(2)] for a detailed explanation for each. It should be noted that the attached development standards [see Attachment B(2)] limit these exceptions and modifications to the nursing or congregate care facility. In summary, staff has no concerns with this portion of the request.

#### **Environmental Conservation Commission**

On [March 5, 2019](#), the Environmental Conservation Commission (ECC) recommended approval of a permit to remove nine specimen trees on the site. The item will be forwarded to the Town Council for consideration at the same time as the subject project.



#### **IV. CORRESPONDENCE**

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all Specific Use Permit requests. At the time this report was written, the Town had received five correspondences in support (one by voice mail) and no items of correspondence in opposition to the request. All written correspondence was sent directly to the Planning and Zoning Commission according to the new public communication process.

#### **V. ATTACHMENTS**

##### **A. Background Information**

1. Vicinity Map
2. Letter of Intent

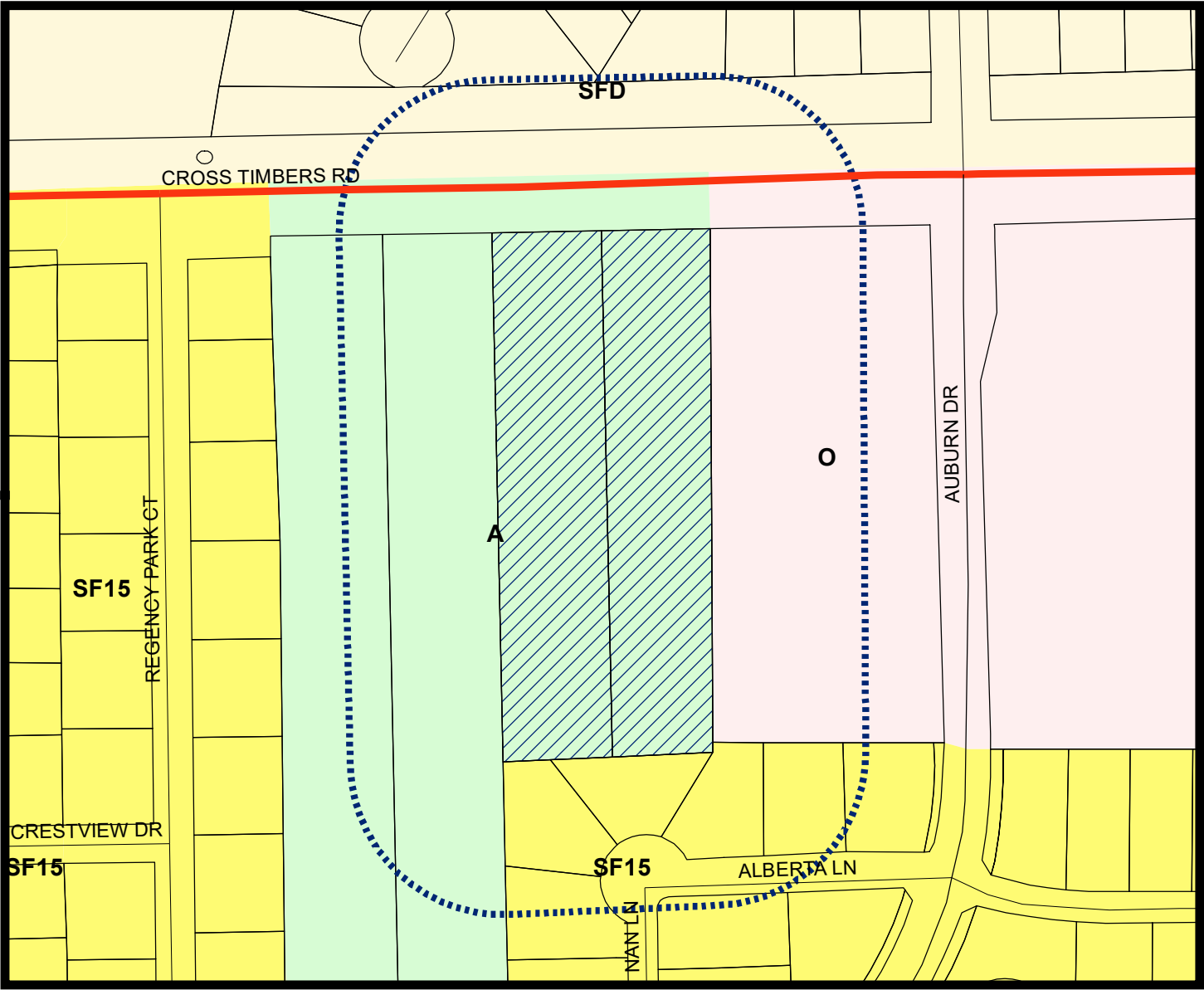
##### **B. Application Details**

1. Planned Development Zoning Package
2. Draft Planned Development (PD) Standards



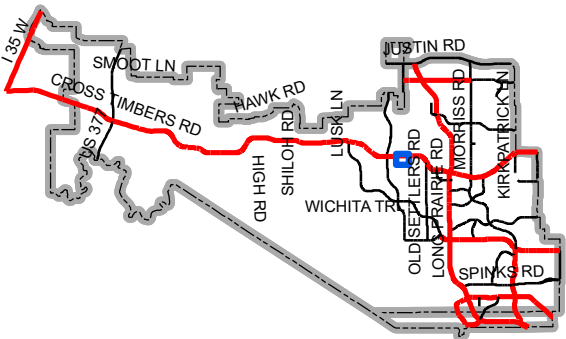
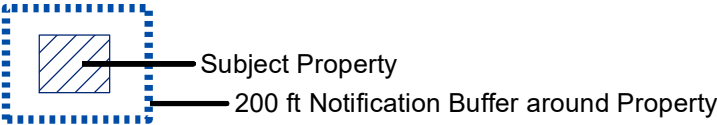
# Vicinity Map

Reference Project: ZPD19-0005



**LEGEND**

- Agriculture
- Office
- Single Family 15
- Single Family Density



Map Location

May 08, 2019

Town of Flower Mound  
Planning Department

**RE: Letter of Intent for 3801 Cross Timbers Road – Assisted Living Development**

To whom it may concern:

On behalf of the client, 1519 LLC. is submitting the required documents for the submission for a Planned Development for Agricultural District (A) uses and a Nursing or congregate care facility. The property is currently zoned for Agricultural District (A) uses. The Nursing or congregate care facility is allowed by specific use permit within the current zoning and will be requested as a Permitted Use within the PD.

Windhaven Senior Living is currently seeking the requested Planned Development in order to allow WSL Flower Mound, LLC (“WSL”) to construct a cottage style assisted living community, to house up to sixty-four senior care residents, on the subject 4.36-acre property. WSL is seeking to place five independent Tuscan designed structures on the property; a small 1,800 square foot administrative office and four 12,000 square foot, 16-bedroom residences. WSL would seek to license the four residences under the Class B Small License with the Texas Department of Health and Human Services, which would allow placement of a maximum of 16 residents in each Resident Home.

The Tuscan style exterior will provide for a beautiful landscape to the neighborhood. Each interior will be constructed with the highest of quality amenities. Each house will possess a full commercial kitchen and will be fully handicap compliant. Each resident room will have an ensuite bathroom with granite countertops and WSL will operate at an impressive one staff member for every 4 residents. The courtyards and retention pond areas will be furnished with all weather seating so that residents may spend their time outdoors soaking in the beautiful landscaping on the property.

The nearly 15-year-old WSL cottage style assisted living model is focused on providing the highest level of care to each of its residents, supplying the best possible dietary needs and to always seek the fullest level of communication.

**Requested Modification:**

Windhaven Senior Living is requesting the following modifications to the existing and requested Agricultural District, limited to the proposed nursing or congregate care facility:

- Side yard setback of 15 feet (in lieu of required 25 feet) for the office component of the development. With the properties unique slender shape, a modification is required to accommodate the width of the buildings and the fire lanes necessary for this development. This allows the front entrance to have traffic circulation around the office building and outside of the proposed wrought iron security fence, to ensure traffic doesn't back into the street.
- Permit fence height of six feet (in lieu of required four feet in the required front yard). The ornate wrought-iron is used not only for decorative purposes for this development, its main objective is security. A fence of only four feet would not demonstrate sufficient security for those who would potentially seek the services at Windhaven.

### **Requested Exceptions:**

Windhaven Senior Living is requesting the following exceptions to the existing and requested Agricultural District, limited to the proposed nursing or congregate care facility:

Windhaven Senior Living (WSL) has been in contact with current adjoining lot owners. It has been agreed upon by WSL and the lot owners (including the HOA) that, on the south and 13' of the southernmost portion of the eastern property line be rebuilt by WSL as an 8' board on board fence (in lieu of masonry). WSL has signed documents in support of the new development and for removal and rebuilding of the current fencing described herein.

#### **Exception to Section 82-302, Compatibility Buffer**

- Modification to the Compatibility Buffer-requires a six-foot-tall masonry wall and 25 foot landscape buffer with specific planting requirements. Along the western property line, required buffer scales in compliance parallel to the two northern buildings, while a split is provided for the balance (8' and 17'). This split is necessary due to the two retention ponds location relative to the southern block. The lot is very narrow, making it necessary to adjust these lines to fit all required features (buildings, parking, retention, and for required fire lane loop for adequate building coverage).

#### **Exception to Section 82-303, Compatibility Setback**

- Modification to the Compatibility Setback-requires a 60-foot setback; we are requesting a modification along the southern property line (60'>50'). Required setback is being provided along the western property line. This is requested because from the front buffer (where the fire lane starts), there are three fire lanes, four buildings with a minimum fire and emergency services spacing, and parking for those buildings. The front building could move closer to cross timbers, in order to satisfy the rear setback, but it would cause a buffer conflict with the front (due to the fire lane). Alternatively, should the front



fire lane remain per plan and buildings be shifted, this would cause the front building to have no façade landscaping and the rear building to have no space between the building and the fire lane, which would cause the southernmost building to vulnerable to vehicular damage.

Exception to Access Management Policy and Criteria to capture detail related to driveway Spacing

- A driveway exception is being requested as the entrance will need to be closer than 360 feet to another existing driveway. Because Auburn Dr. is a more significant intersection, the proposed entrance will be further from it (363'). The separation distance from the proposed drive to the neighboring existing drive to the west is being improved and increased to 222'.

Sincerely,

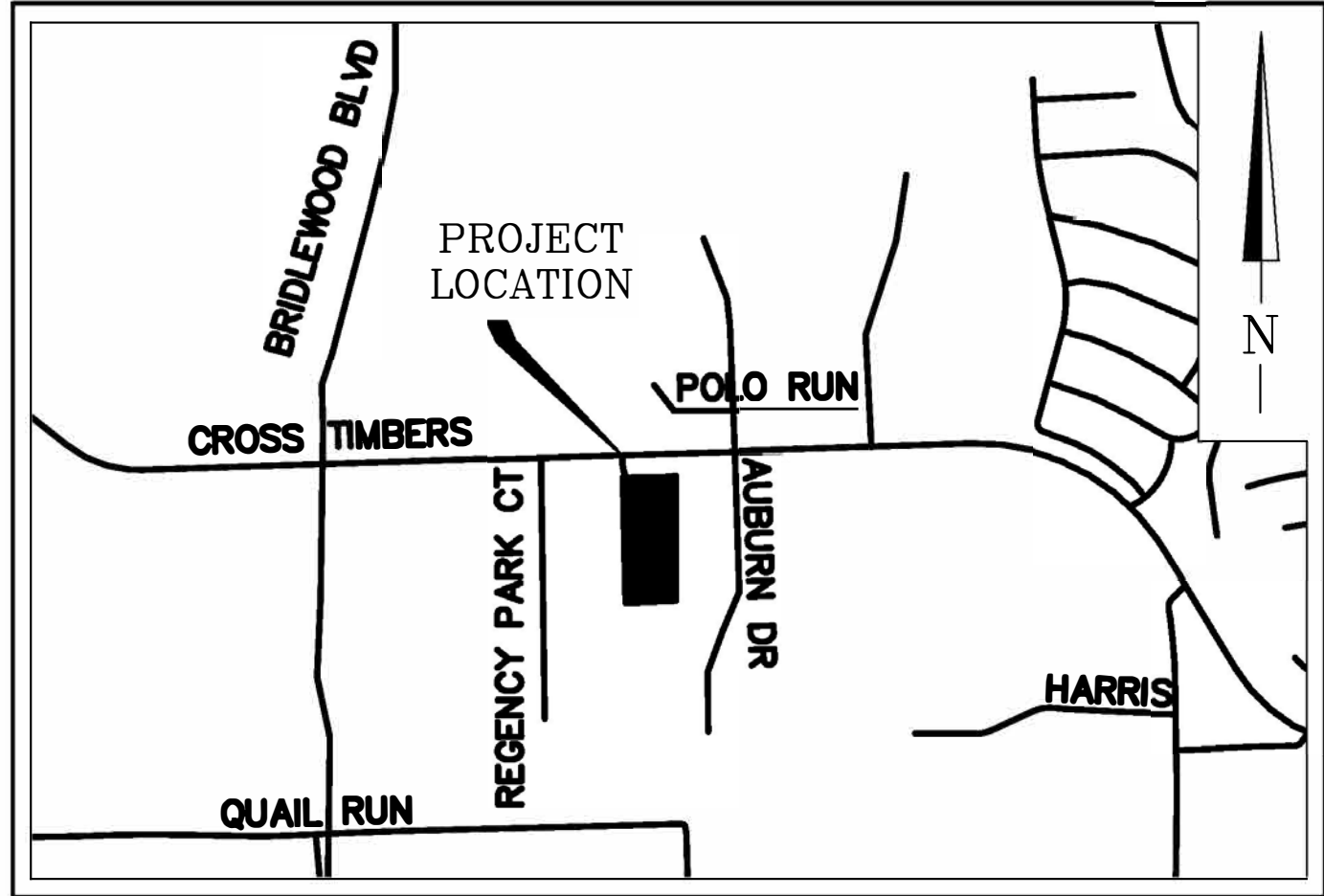
1519 LLC  
TBPE Firm Registration No. F-17299

Clint Lannen, P.E.



xc: Project File





Vicinity Map 1"=1000'

NOTES:

1. THIS PROPERTY IS LOCATED WITHIN A FEMA ZONE "X", PER FEMA MAP PANEL 48121C0540G, DATED 04/18/2011.
2. ALL RETAINING/DETAINING WALLS, TURN-DOWN CURBS, TREE RETAINING WALLS SHALL BE CLAD IN A MATERIAL TO COMPLIMENT THE MATERIALS AND COLORS WITHIN THIS DEVELOPMENT
3. ALL GROUND BASED HVAC SHALL BE SCREENED WITH LIVE SCREENING OR A MASONRY ENCLOSURE. ANY MASONRY ENCLOSURE SHALL BE CLAD IN THE SAME MATERIAL AS THE MAIN BUILDING
4. ALL ROOF-MOUNTED MECHANICAL UNITS AND/OR EQUIPMENT SHALL BE SCREENED FROM VIEW.
5. DUMPSTER SCREENING WALL SHALL BE CLAD IN A MATERIAL TO MATCH THE MATERIALS ON THE MAIN BUILDING.
6. DUMPSTER SCREENING WALL REQUIRES A SEPARATE BUILDING PERMIT.
7. SIGNS REQUIRE A SEPARATE BUILDING PERMIT. ANY SIGNS DEPICTED ON THE SITE PLAN OR ELEVATIONS ARE NOT APPROVED AS A PART OF THIS REVIEW AND MUST COMPLY WITH ALL APPLICABLE TOWN REGULATIONS.
8. THE FDC WILL BE LOCATED REMOTELY, NOT ON THE BUILDING. THESE MUST BE WITHIN FIFTY FEET OF A HYDRANT LOCATED ON THE SAME SIDE OF THE FIRE LANE. THESE MAY BE LOCATED IN THE ABOVEGROUND FREEZE PROTECTED ENCLOSURES IF THE SPACING REQUIREMENTS ARE MET.
9. ANY GATE THAT CROSSES THE FIRE LANE WILL BE EQUIPPED WITH AN APPROVED 3M BRAND OPTI-COM OPENING DEVICE. KNOX LOCKS WILL BE PROVIDED FOR USE IN THE EVENT OF A POWER FAILURE

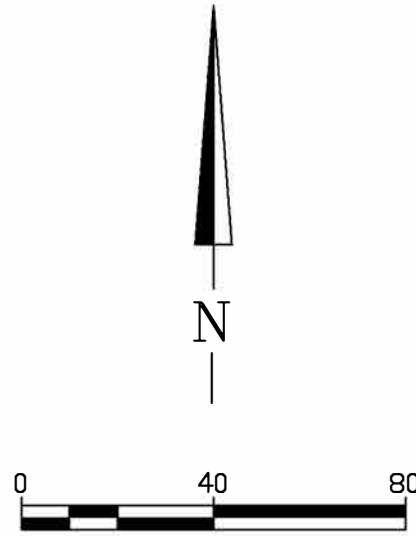
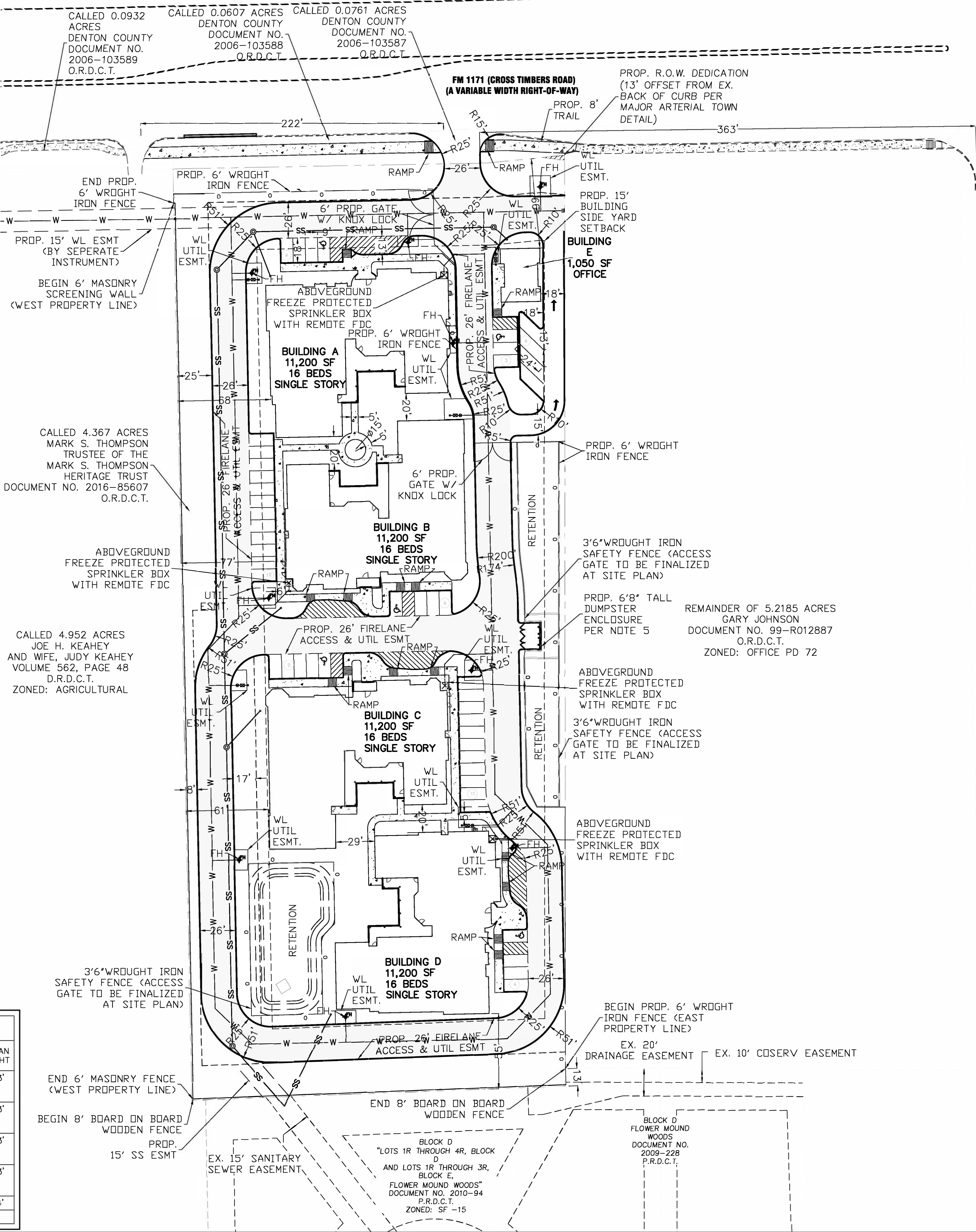
SITE DATA:

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| PHYSICAL ADDRESS                  | 3801 CROSS TIMBERS RD               |
| GROSS SITE AREA                   | 4.36 ACRES 190,035 S.F.             |
| NET SITE AREA                     | 3.64 ACRES 158,595 S.F.             |
| ZONING:                           | AGRICULTURAL                        |
| CURRENT USE:                      | MOBILE HOMES                        |
| PROPOSED USE:                     | NURSING OR CONGREGATE CARE FACILITY |
| LOT COVERAGE DATA:                |                                     |
| PROPOSED TOTAL BUILDING COVERAGE: | 45,850 S.F.                         |
| PROPOSED IMPERVIOUS AREA          | 125,663 S.F.                        |
| PROPOSED PERVIOUS AREA            | 64,402 S.F.                         |

|                                                                |                            |
|----------------------------------------------------------------|----------------------------|
| PARKING SUMMARY:                                               |                            |
| OFFICE                                                         | REQUIRED: 04, PROVIDED: 07 |
| NURSING OR CONGREGATE CARE FACILITY                            | REQUIRED: 43, PROVIDED: 40 |
| TOTAL PARKING:                                                 | REQUIRED: 47, PROVIDED: 47 |
| HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH ADA STANDARDS. |                            |

BUILDING DATA

| BUILDING |                          | RESIDENTIAL UNITS | OFFICE UNITS | TOTAL UNITS | TOTAL FLOOR AREA (SF) | STORIES | PEAK HEIGHT | MEAN HIGHT |
|----------|--------------------------|-------------------|--------------|-------------|-----------------------|---------|-------------|------------|
| A        | NURSING /CONGREGATE CARE | 16                | NONE         | 16          | 11,200                | 1       | 34'         | 23'        |
| B        | NURSING /CONGREGATE CARE | 16                | NONE         | 16          | 11,200                | 1       | 34'         | 23'        |
| C        | NURSING /CONGREGATE CARE | 16                | NONE         | 16          | 11,200                | 1       | 34'         | 23'        |
| D        | NURSING /CONGREGATE CARE | 16                | NONE         | 16          | 11,200                | 1       | 34'         | 23'        |
| E        | OFFICE                   | NONE              | 1            | 1           | 1,050                 | 1       | 19'         | 14'        |
| TOTALS:  |                          | 48                | 1            | 49          | 45,850                |         |             |            |



LEGEND

- ABOVEGROUND FREEZE-PROTECTED SPRINKLER VALVE ENCLOSURES WITH REMOTE FDC
- SSMH SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WM WATER METER

**ENGINEER**  
1519 LLC  
5054 FRANKLIN AVENUE  
STE. A, WACO, TEXAS 76710  
CONTACT: CLINT LANNEN P.E.  
PHONE: 254-776-1519

**DEVELOPER/OWNER**  
WINDHAVEN SENIOR LIVING, LTD  
4500 RATLIFF LANE, SUITE 115  
ADDISON, TEXAS 75001  
CONTACT: DAVID GOLDSTEIN  
PHONE: 214-244-2945

**SURVEYOR**  
1519 LLC  
5054 FRANKLIN AVENUE  
STE. A, WACO, TEXAS 76710  
CONTACT: DAVID DOSSEY, R.P.L.S  
PHONE: 254-776-1519

PRELIMINARY PLANS

THIS DOCUMENT IS PROVISIONAL AND FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.  
CLINT D. LANNEN, PE # 107845  
DATE: 01/09/2019

5054 Franklin Avenue  
Suite A  
Waco, TX 76710  
Ph: 254-776-1519  
www.1519LLC.com  
TBPLS # 10193968  
TBPE # F-17299



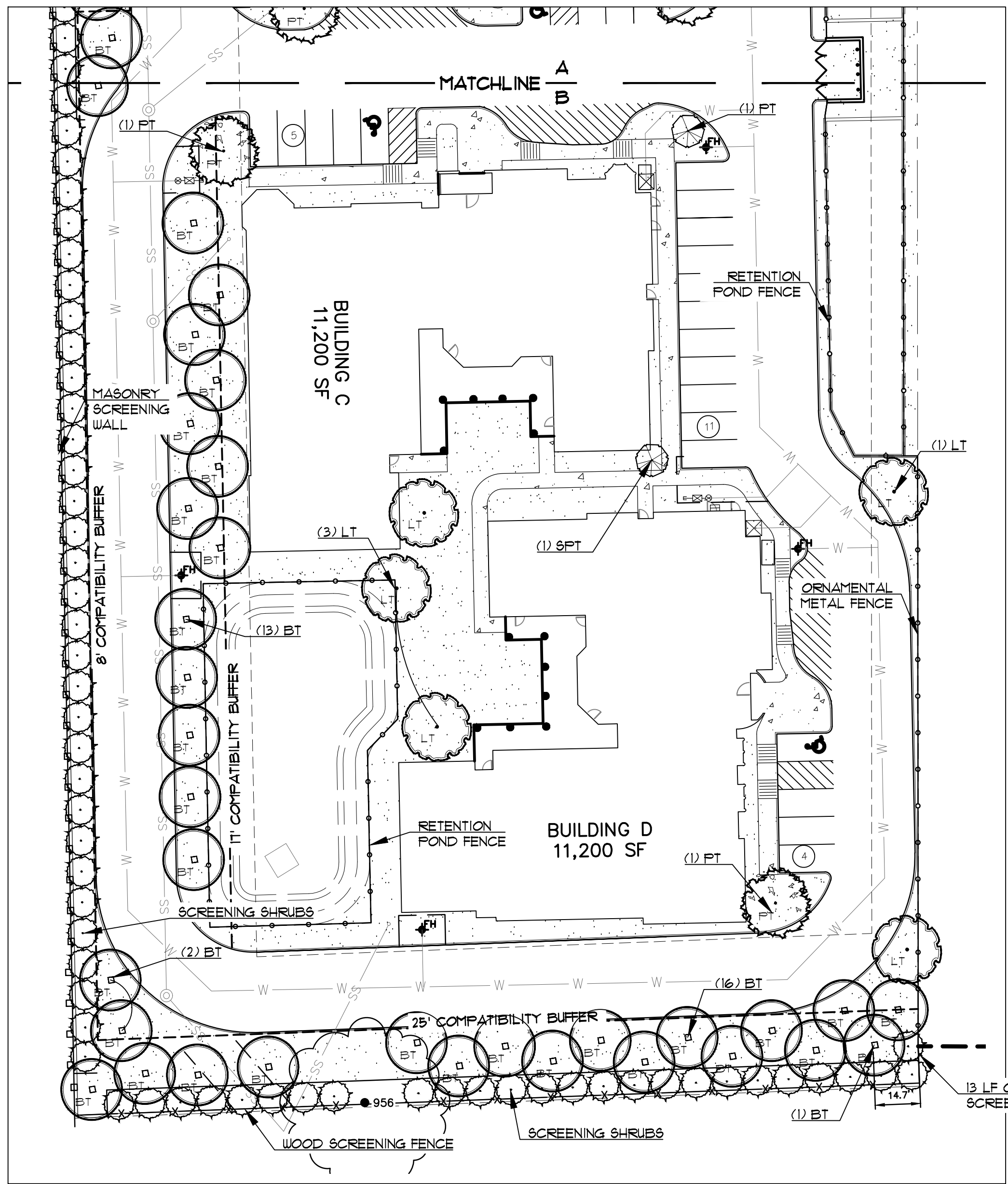
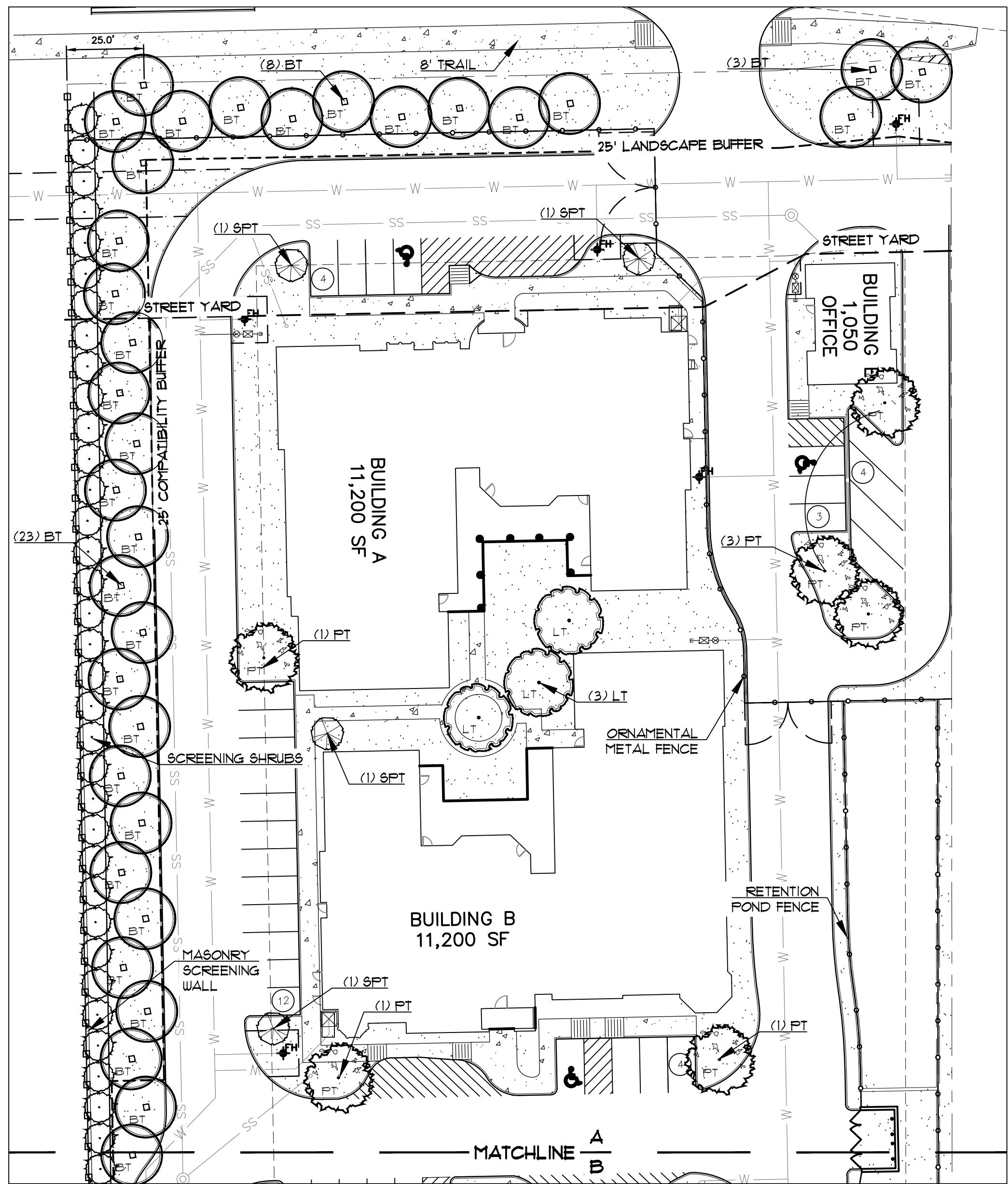
SURVEYING & ENGINEERING

WINDHAVEN ASSISTED LIVING  
4.367 ACRES  
3801 CROSS TIMBERS RD.  
FLOWER MOUND, DENTON COUNTY, TEXAS

CONCEPTUAL  
SITE PLAN

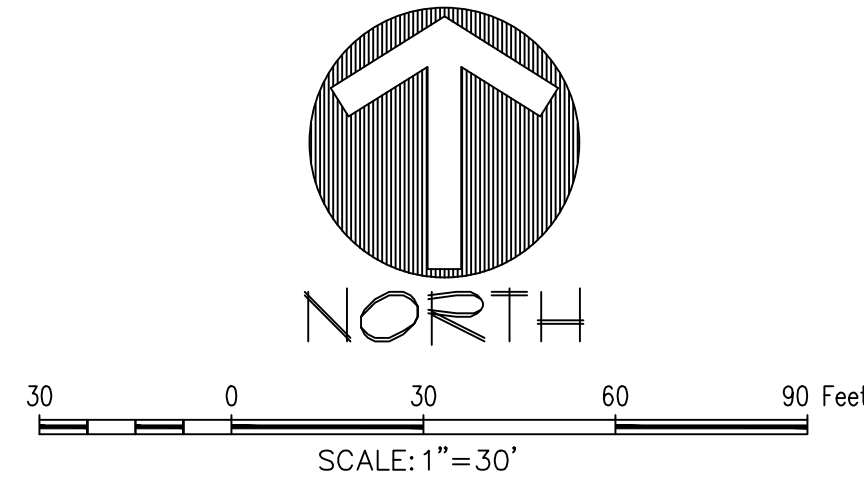
DRAWN: TDC  
DATE:02/05/2018  
1519 JOB#: 41669  
SHEET NO:  
EXHIBIT





LEGEND

- (PT) PARKING TREE
- (BT) BUFFER TREE
- (LT) LANDSCAPE TREE
- (SPT) SMALL PARKING TREE
- SCREENING SHRUB
- BERMUDA SOD
- MASONRY SCREENING WALL
- ORNAMENTAL METAL FENCE
- WOOD SCREENING FENCE



LANDSCAPE REQUIREMENT COMPLIANCE  
TOWN OF FLOWER MOUND  
Windhaven Assisted Living

| STREET BUFFER LANDSCAPING                                                          |                                 |                       |                                            |
|------------------------------------------------------------------------------------|---------------------------------|-----------------------|--------------------------------------------|
| STANDARD                                                                           |                                 | REQUIRED BUFFER WIDTH | PROVIDED                                   |
| Cross Timbers Rd                                                                   |                                 | 25 ft.                | 25 ft.                                     |
| STREET BUFFER TREES                                                                |                                 |                       |                                            |
| STANDARD                                                                           | STREET FRONTAGE (LINEAR FEET)   | REQUIRED              | PROVIDED                                   |
| 1 per 30 l.f.                                                                      | Cross Timbers - 287 l.f.        | 10 trees (3" cal.)    | 11 trees (3" cal.)                         |
| STREET YARD TREES                                                                  |                                 |                       |                                            |
| STANDARD                                                                           | TOTAL STREET YARD (SQUARE FEET) | REQUIRED              | PROVIDED                                   |
| Between 10,000 and 110,000 s.f.=10 + 1 tree for every 2,500 s.f. after 10,000 s.f. | 21,874 s.f. of street yard      | 15 trees (3" cal.)    | 18 trees (3" cal.)                         |
| COMPATIBILITY BUFFER TREES                                                         |                                 |                       |                                            |
| STANDARD (SOUTH PROPERTY)                                                          | TOTAL AREA                      | REQUIRED              | PROVIDED                                   |
| 1 per 400 s.f.                                                                     | 6,850 s.f.                      | 18 trees (3" cal.)    | 1 existing tree and 16 new trees (3" cal.) |
| STANDARD (EAST PROPERTY)                                                           | TOTAL AREA                      | REQUIRED              | PROVIDED                                   |
| 1 per 400 s.f.                                                                     | 325 s.f.                        | 1 tree (3" cal.)      | 1 tree (3" cal.)                           |
| STANDARD (WEST PROPERTY)                                                           | TOTAL AREA                      | REQUIRED              | PROVIDED                                   |
| 1 per 400 s.f.                                                                     | 17,050 s.f.                     | 43 trees (3" cal.)    | 38 trees (3" cal.)                         |
| PARKING AREA LANDSCAPING                                                           |                                 |                       |                                            |
| STANDARD                                                                           | # OF PARK. SPACES               | REQUIRED              | PROVIDED                                   |
| 90 s.f. per 12 spaces                                                              | 47 parking spaces               | 352.5 s.f.            | 3,207 s.f.                                 |
| PARKING AREA TREES                                                                 |                                 |                       |                                            |
| STANDARD                                                                           | # OF PARK. SPACES               | REQUIRED              | PROVIDED                                   |
| 1 per 10 parking spaces                                                            | 47 parking spaces               | 5 trees (3" cal.)     | 10 trees (3" cal.)                         |

\*\*All parking spaces to be located within 50 ft. of parking lot tree.

5054 Franklin Avenue  
Suite A  
Waco, TX 76710  
Ph: 254-776-1519  
www.1519LLC.com  
TBPLS # 10193968  
TBPE # F-17299



WINDHAVEN ASSISTED LIVING  
4.36 ACRES  
3801 CROSS TIMBERS RD.  
FLOWER MOUND, DENTON COUNTY, TEXAS

CONCEPT LANDSCAPE PLAN

PRELIMINARY PLANS  
THIS DOCUMENT IS FOR INTERIM REVIEW  
AND IS NOT INTENDED FOR CONSTRUCTION,  
BIDDING, OR PERMIT PURPOSES.  
RON STEWART LANDSCAPE ARCHITECT  
DATED 5/9/2019

DRAWN: VC  
DATE: 5/9/2019  
1519 JOB#: 41669

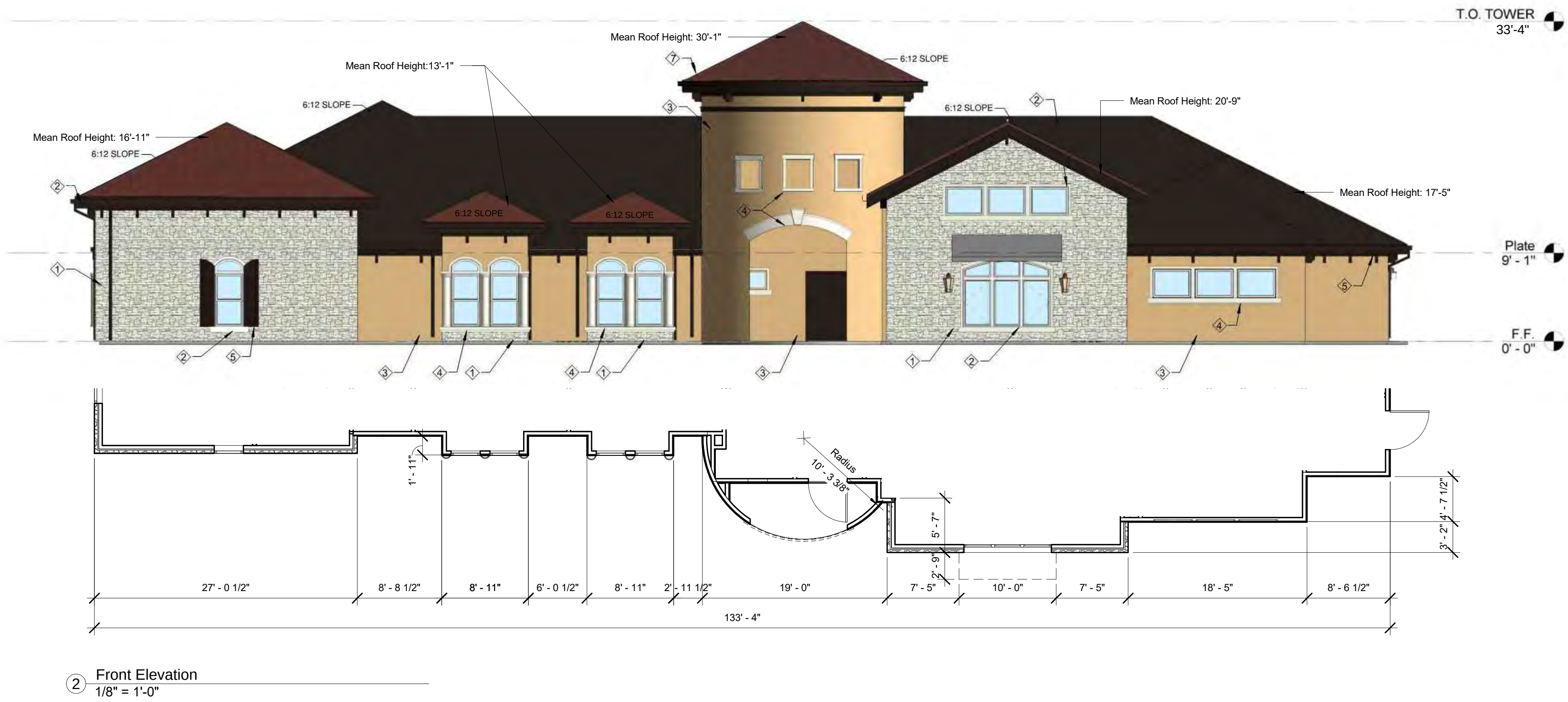
SHEET NO:  
CL1.0



| MATERIAL LEGEND |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| ①               | STONE- SALADO QUARRY- "SONOMA CAVE".                                                         |
| ②               | CAST STONE- STONE LEGENDS- "WHITE".                                                          |
| ③               | STUCCO- SHERWIN WILLIAMS EXT. PAINT. "GOLDEN FLEECE" (SW 6388)                               |
| ④               | STUCCO TRIM- BENJAMIN MOORE EXT. PAINT. "MUSLIN" (1037).                                     |
| ⑤               | WOOD TRIMSHUDDERS- SHERWIN WILLIAM EXT. PAINT. "BLACK BEAN".                                 |
| ⑥               | SHINGLE ROOF- CERTAIN TEED "CLASSIC WEATHERED WOOD".                                         |
| ⑦               | TERRA COTTA ROOF- BORAL ROOFING "TEJAS ESPANA".                                              |
| ⑧               | CORRUGATED METAL- SHERWIN WILLIAMS EXT. PAINT. "BLACK BEAN".                                 |
| ⑨               | METAL- FENCE. PAINT BLACK.                                                                   |
| ⑩               | PRECAST CONCRETE PANEL WITH STONE MOLD. PAINTED TO MATCH SALADO QUARRY STONE. "SONOMA CAVE". |
| ⑪               | WOOD- FENCE. STAINED.                                                                        |

| Material Tabulation Chart                  |                       |                       |                       |                       |
|--------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
|                                            | North Elevation       | East Side Elevation   | South Elevation       | West Side Elevation   |
| Total Façade SF                            | 1958                  | 1471                  | 1268                  | 1217                  |
| Façade SF (Exclusive of Doors and Windows) | 1685                  | 1273                  | 966                   | 986                   |
| Doors and Windows SF                       | 273                   | 198                   | 302                   | 231                   |
| Primary Masonry Materials (Min 80%)        |                       |                       |                       |                       |
| Stucco                                     | 837 SF and 49.7% of 2 | 847 SF and 66.5% of 2 | 868 SF and 89.9% of 2 | 842 SF and 85.5% of 2 |
| Stone                                      | 763 SF and 45.3% of 2 | 376 SF and 29.5% of 2 | 31 SF and 3.2% of 2   | 104 SF and 10.5% of 2 |
| Cast Stone                                 | 31 SF and 1.8% of 2   | 20 SF and 1.6% of 2   | 0 SF and 0% of 2      | 0 SF and 0% of 2      |
| Secondary Masonry Materials (Max 20%)      |                       |                       |                       |                       |
| Other Materials                            | 54 SF and 3.2% of 2   | 30 SF and 2.4% of 2   | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |
| Wood Trim                                  | 54 SF and 3.2% of 2   | 30 SF and 2.4% of 2   | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |

- NOTE:
- All retaining/ retaining walls, turn- down curbs, tree retaining walls shall be clad in a material to match the material of the building.
  - All ground based HVAC shall be screened with live screening or masonry enclosure. Masonry enclosure shall be clad in the same material as the main building.
  - All electrical panels and associated components shall be painted/textured to match the color of the building.
  - Dumpster screening wall requires a separate building permit.
  - Signs require a separate building permit. Any signs depicted on the subject site plan/ elevations are not approved as part of this review and must comply with all applicable town regulations.
  - Reference to directional orientation for each façade for all buildings will be clarified at site plan application.
  - The Conceptual Site Plan provides for four residential buildings. The architecture, design, colors, and construction of all subsequent buildings will substantially conform to the elevations depicted on this plan.



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Windhaven Senior Living Center

Windhaven Management, LLC  
3801 Cross Timbers Rd.  
Flower Mound, TX 75028

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Project Number  
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Sheet Title  
CONCEPTUAL ELEVATIONS-  
CONGREGATE CARE  
Sheet Number

A 2.1





| MATERIAL LEGEND |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| ①               | STONE- SALADO QUARRY, "SONOMA CAVE".                                                         |
| ②               | CAST STONE- STONE LEGENDS "WHITE.                                                            |
| ③               | STUCCO- SHERWIN WILLIAMS EXT. PAINT, "GOLDEN FLEECE" (SW 6388)                               |
| ④               | STUCCO TRIM- BENJAMIN MOORE EXT. PAINT, "MUSLIN" (1037).                                     |
| ⑤               | WOOD TRIM/SHUDDERS- SHERWIN WILLIAM EXT. PAINT, "BLACK BEAN".                                |
| ⑥               | SHINGLE ROOF- CERTAIN TEED, "CLASSIC WEATHERED WOOD".                                        |
| ⑦               | TERRA COTTA ROOF- BORAL ROOFING, "TEJAS ESPANA".                                             |
| ⑧               | CORRUGATED METAL- SHERWIN WILLIAMS EXT. PAINT, "BLACK BEAN".                                 |
| ⑨               | METAL- FENCE, PAINT BLACK.                                                                   |
| ⑩               | PRECAST CONCRETE PANEL WITH STONE MOLD, PAINTED TO MATCH SALADO QUARRY STONE, "SONOMA CAVE". |
| ⑪               | WOOD- FENCE, STAINED.                                                                        |

| Material Tabulation Chart                  |                         |                        |                       |                       |
|--------------------------------------------|-------------------------|------------------------|-----------------------|-----------------------|
|                                            | North Elevation         | East Side Elevation    | South Elevation       | West Side Elevation   |
| Total Facade SF                            | 1958                    | 1471                   | 1268                  | 1217                  |
| Façade SF (Exclusive of Doors and Windows) | 1685                    | 1273                   | 966                   | 986                   |
| Doors and Windows SF                       | 273                     | 198                    | 302                   | 231                   |
| Primary Masonry Materials (Min 80%)        | 1631 SF and 96.8 % of 2 | 1243 SF and 97.6% of 2 | 899 SF and 93.1% of 2 | 946 SF and 96% of 2   |
| Stucco                                     | 837 SF and 49.7% of 2   | 847 SF and 66.5% of 2  | 868 SF and 89.9% of 2 | 842 SF and 85.5% of 2 |
| Stone                                      | 763 SF and 45.3% of 2   | 376 SF and 29.5% of 2  | 31 SF and 3.2% of 2   | 104 SF and 10.5% of 2 |
| Cast Stone                                 | 31 SF and 1.8% of 2     | 20 SF and 1.6% of 2    | 0 SF and 0% of 2      | 0 SF and 0% of 2      |
| Secondary Masonry Materials (Max 20%)      | -                       | -                      | -                     | -                     |
| Other Materials                            | 54 SF and 3.2% of 2     | 30 SF and 2.4% of 2    | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |
| Wood Trim                                  | 54 SF and 3.2% of 2     | 30 SF and 2.4% of 2    | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |

Note:

1. All retaining/ detaining walls, turn- down curbs, tree retaining walls shall be clad in a material to match the material of the building.
2. All ground based HVAC shall be screened with live screening or masonry enclosure. Masonry enclosure shall be clad in the same material as the main building.
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6. Reference to directional orientation for each façade for all buildings will be clarified at site plan application.
7. The Conceptual Site Plan provides for four residential buildings. The architecture, design, colors, and construction of all subsequent buildings will substantially conform to the elevations depicted on this plan.



① Rear Elevation  
1/8" = 1'-0"

Windhaven Senior Living Center

Windhaven Management, LLC  
3801 Cross Timbers Rd.  
Flower Mound, TX 75028

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Project Number  
1630.001  
Drawn By  
Author  
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02/07/2019  
Revised:

Sheet Title  
CONCEPTUAL ELEVATIONS-  
CONGREGATE CARE  
Sheet Number

A 2.2





| MATERIAL LEGEND |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| ①               | STONE- SALADO QUARRY. "SONOMA CAVE".                                                         |
| ②               | CAST STONE- STONE LEGENDS. "WHITE.                                                           |
| ③               | STUCCO- SHERWIN WILLIAMS EXT. PAINT. "GOLDEN FLEECE" (SW 6388)                               |
| ④               | STUCCO TRIM- BENJAMIN MOORE EXT. PAINT. "MUSLIN" (1037).                                     |
| ⑤               | WOOD TRIMSHUDDERS- SHERWIN WILLIAM EXT. PAINT. "BLACK BEAN".                                 |
| ⑥               | SHINGLE ROOF- CERTAIN TEED. "CLASSIC WEATHERED WOOD".                                        |
| ⑦               | TERRA COTTA ROOF- BORAL ROOFING. "TEJAS ESPANA".                                             |
| ⑧               | CORRUGATED METAL- SHERWIN WILLIAMS EXT. PAINT. "BLACK BEAN".                                 |
| ⑨               | METAL- FENCE. PAINT BLACK.                                                                   |
| ⑩               | PRECAST CONCRETE PANEL WITH STONE MOLD. PAINTED TO MATCH SALADO QUARRY STONE. "SONOMA CAVE". |
| ⑪               | WOOD- FENCE. STAINED.                                                                        |

| Material Tabulation Chart                  |                         |                        |                       |                       |
|--------------------------------------------|-------------------------|------------------------|-----------------------|-----------------------|
|                                            | North Elevation         | East Side Elevation    | South Elevation       | West Side Elevation   |
| Total Façade SF                            | 1958                    | 1471                   | 1268                  | 1217                  |
| Façade SF (Exclusive of Doors and Windows) | 1685                    | 1273                   | 966                   | 986                   |
| Doors and Windows SF                       | 273                     | 198                    | 302                   | 231                   |
| Primary Masonry Materials (Min 80%)        | 1631 SF and 96.8 % of 2 | 1243 SF and 97.6% of 2 | 899 SF and 93.1% of 2 | 946 SF and 96% of 2   |
| Stucco                                     | 837 SF and 49.7% of 2   | 847 SF and 66.5% of 2  | 868 SF and 89.9% of 2 | 842 SF and 85.5% of 2 |
| Stone                                      | 763 SF and 45.3% of 2   | 376 SF and 29.5% of 2  | 31 SF and 3.2% of 2   | 104 SF and 10.5% of 2 |
| Cast Stone                                 | 31 SF and 1.8% of 2     | 20 SF and 1.6% of 2    | 0 SF and 0% of 2      | 0 SF and 0% of 2      |
| Secondary Masonry Materials (Max 20%)      | -                       | -                      | -                     | -                     |
| Other Materials                            | 54 SF and 3.2% of 2     | 30 SF and 2.4% of 2    | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |
| Wood Trim                                  | 54 SF and 3.2% of 2     | 30 SF and 2.4% of 2    | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |

- Note:
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  6. Reference to directional orientation for each façade for all buildings will be clarified at site plan application.
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① Right Side Elevation  
1/8" = 1'-0"

## Windhaven Senior Living Center

Windhaven Management, LLC  
3801 Cross Timbers Rd.  
Flower Mound, TX 75028

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Project Number  
1630.001  
Drawn By  
Author  
Issue Date  
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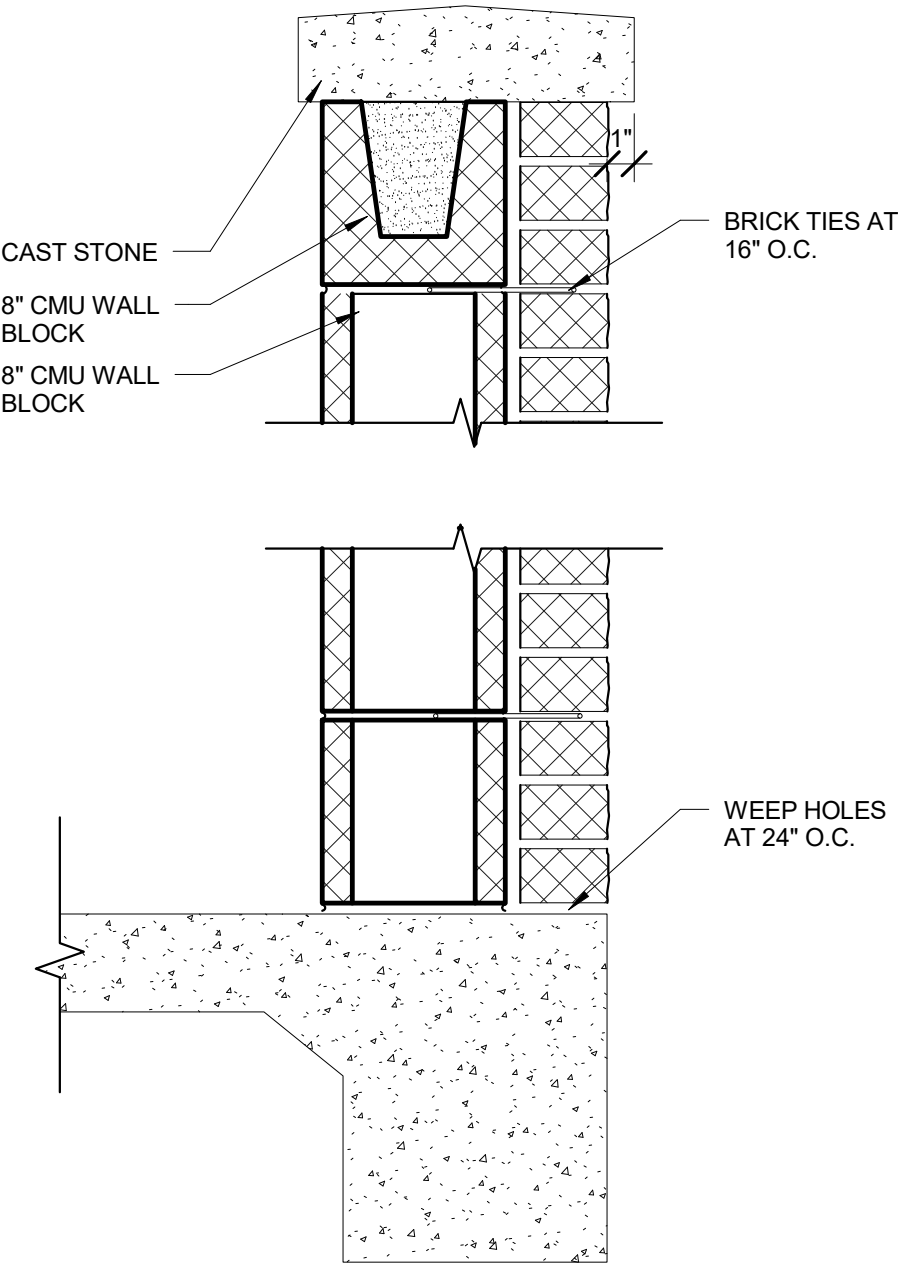
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CONGREGATE CARE  
Sheet Number

A 2.3

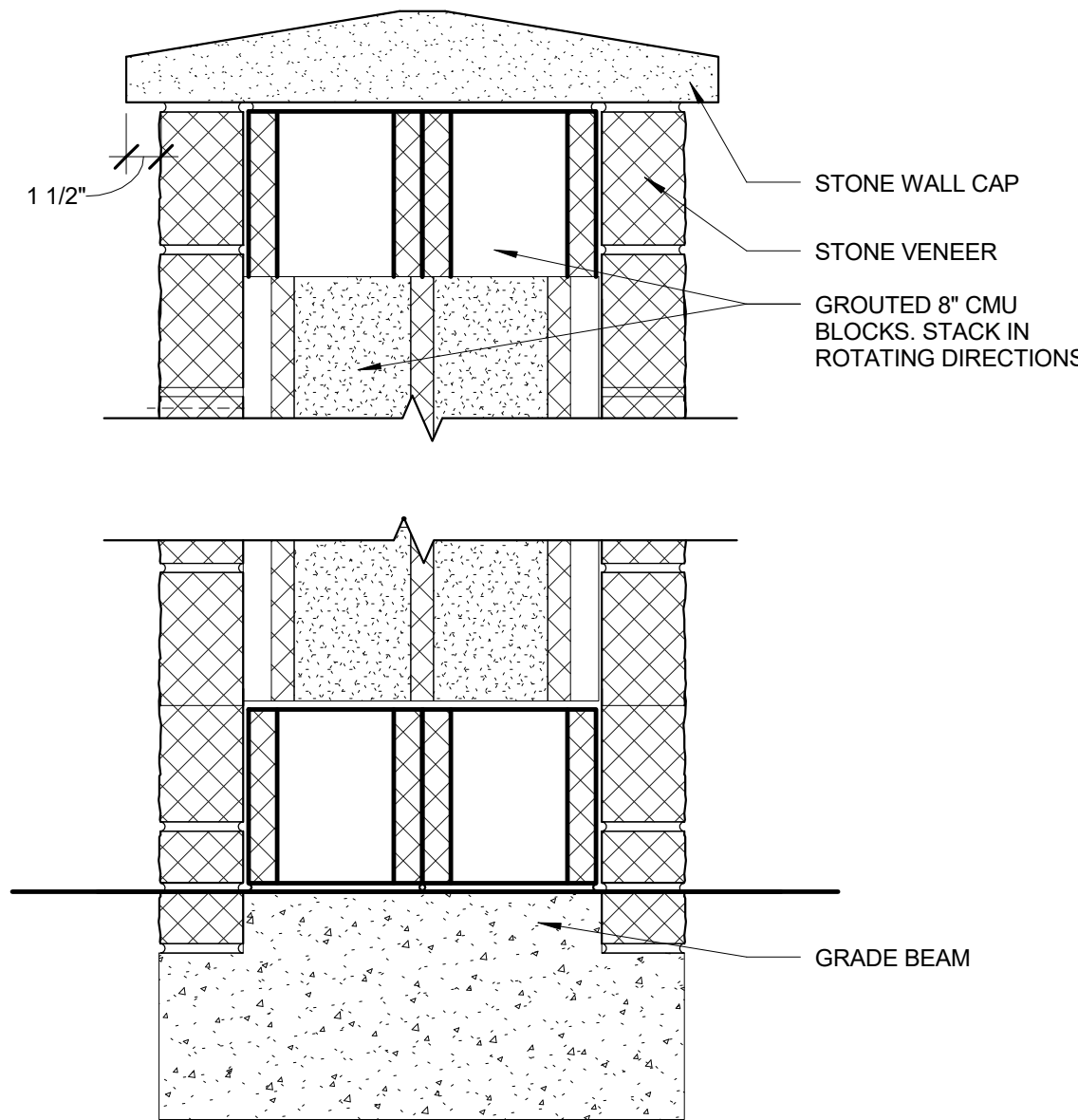


| MATERIAL LEGEND |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| ①               | STONE- SALADO QUARRY. "SONOMA CAVE".                                                         |
| ②               | CAST STONE- STONE LEGENDS. "WHITE".                                                          |
| ③               | STUCCO- SHERWIN WILLIAMS EXT. PAINT. "GOLDEN FLEECE" (SW 6388)                               |
| ④               | STUCCO TRIM- BENJAMIN MOORE EXT. PAINT. "MUSLIN" (1037).                                     |
| ⑤               | WOOD TRIM/SHUDDERS- SHERWIN WILLIAM EXT. PAINT. "BLACK BEAN".                                |
| ⑥               | SHINGLE ROOF- CERTAIN TEED. "CLASSIC WEATHERED WOOD".                                        |
| ⑦               | TERRA COTTA ROOF- BORAL ROOFING. "TEJAS ESPANA".                                             |
| ⑧               | CORRUGATED METAL- SHERWIN WILLIAMS EXT. PAINT. "BLACK BEAN".                                 |
| ⑨               | METAL- FENCE. PAINT BLACK.                                                                   |
| ⑩               | PRECAST CONCRETE PANEL WITH STONE MOLD. PAINTED TO MATCH SALADO QUARRY STONE. "SONOMA CAVE". |
| ⑪               | WOOD- FENCE. STAINED.                                                                        |

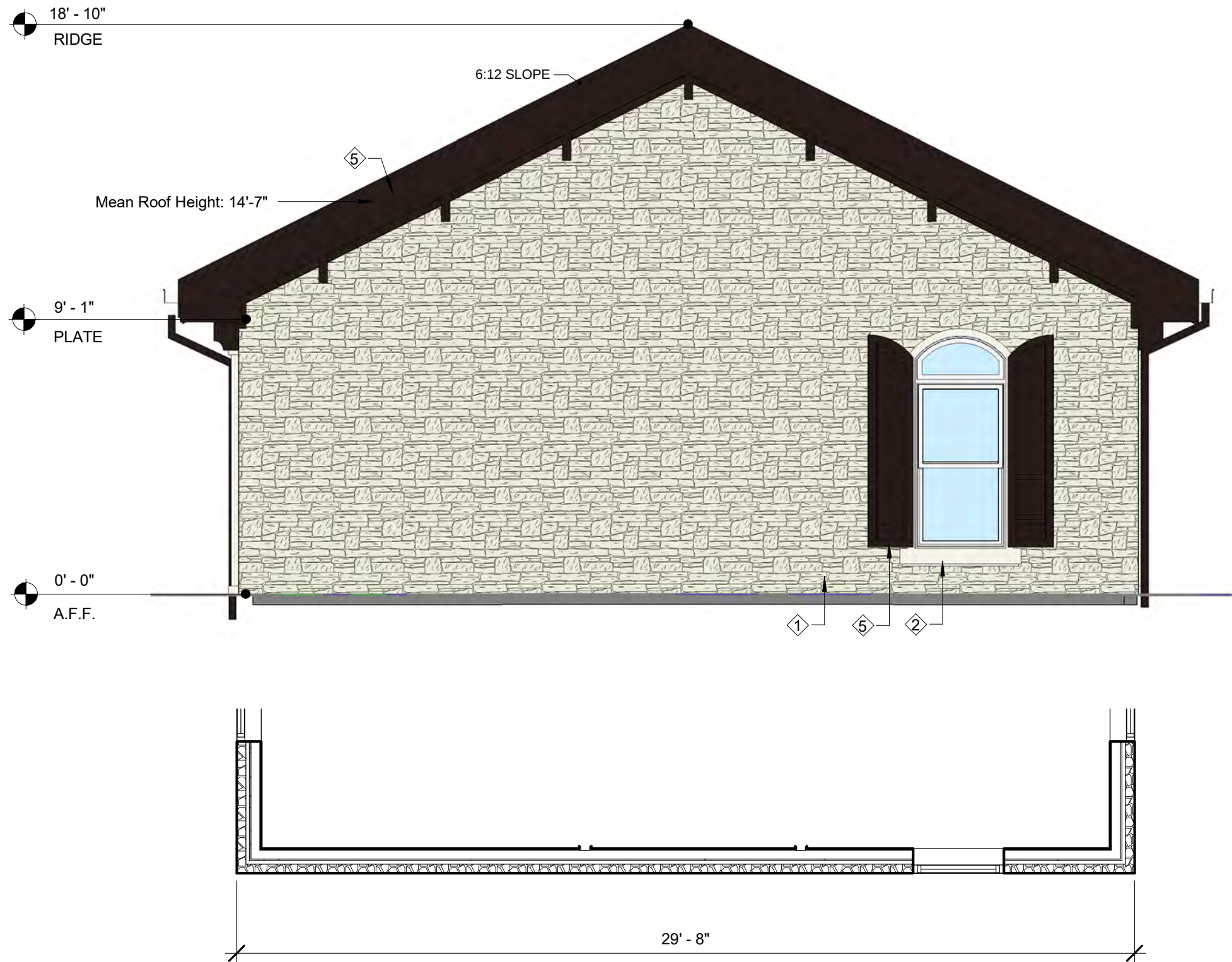
| Office Material Tabulation Chart           |                       |                       |                       |                       |
|--------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
|                                            | North Side Elevation  | East Side Elevation   | South Elevation       | West Elevation        |
| Total Façade SF                            | 459                   | 412                   | 459                   | 412                   |
| Façade SF (Exclusive of Doors and Windows) | 439                   | 235                   | 419                   | 235                   |
| Doors and Windows SF                       | 20                    | 177                   | 40                    | 177                   |
| Primary Masonry Materials (Min 80%)        | 378 SF and 86.1% of 2 | 221 SF and 94% of 2   | 336 SF and 80.2% of 2 | 221 SF and 94% of 2   |
| Stucco                                     | 0 SF and 0% of 2      | 0 SF and 0% of 2      | 0 SF and 0% of 2      | 0 SF and 0% of 2      |
| Stone                                      | 372 SF and 84.7% of 2 | 193 SF and 82.1% of 2 | 324 SF and 77.3% of 2 | 193 SF and 82.1% of 2 |
| Cast Stone                                 | 6 SF and 1.4% of 2    | 28 SF and 11.9% of 2  | 12 SF and 2.9% of 2   | 28 SF and 11.9% of 2  |
| Secondary Masonry Materials (Max 20%)      | -                     | -                     | -                     | -                     |
| Other Materials                            | 61 SF and 13.9% of 2  | 14 SF and 6% of 2     | 83 SF and 19.8% of 2  | 14 SF and 6% of 2     |
| Wood Trim                                  | 61 SF and 13.9% of 2  | 14 SF and 6% of 2     | 83 SF and 19.8% of 2  | 14 SF and 6% of 2     |



⑪ Dumpster Wall Section  
1 1/2" = 1'-0"



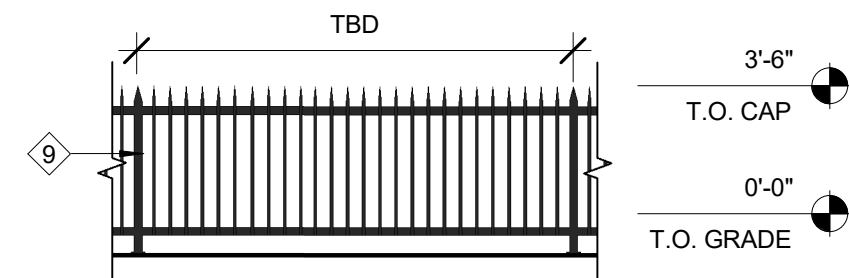
⑥ Perimeter Fence Section  
1 1/2" = 1'-0"



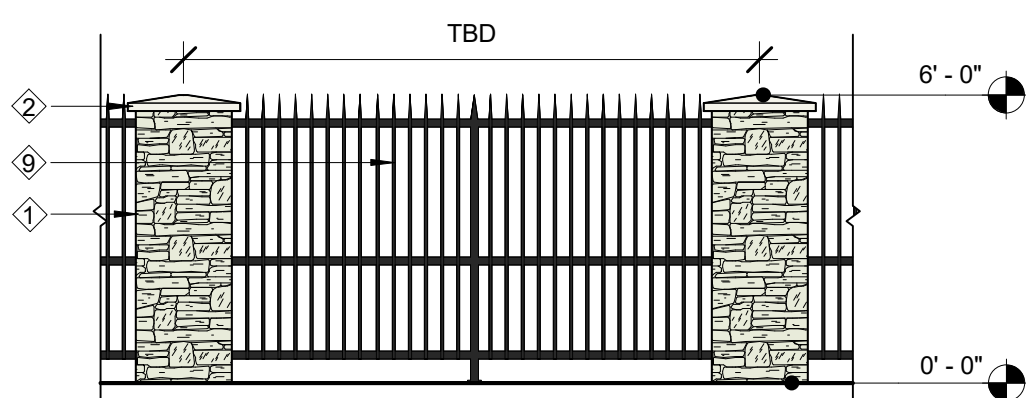
④ Office North Elevation  
1/4" = 1'-0"



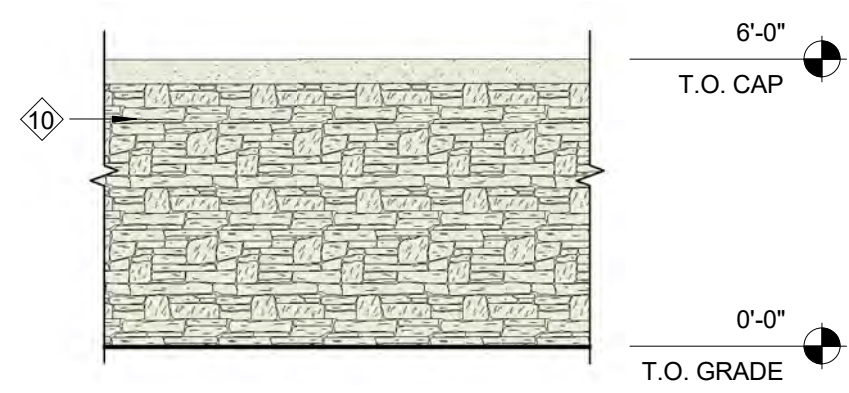
② Office West Elevation  
1/4" = 1'-0"



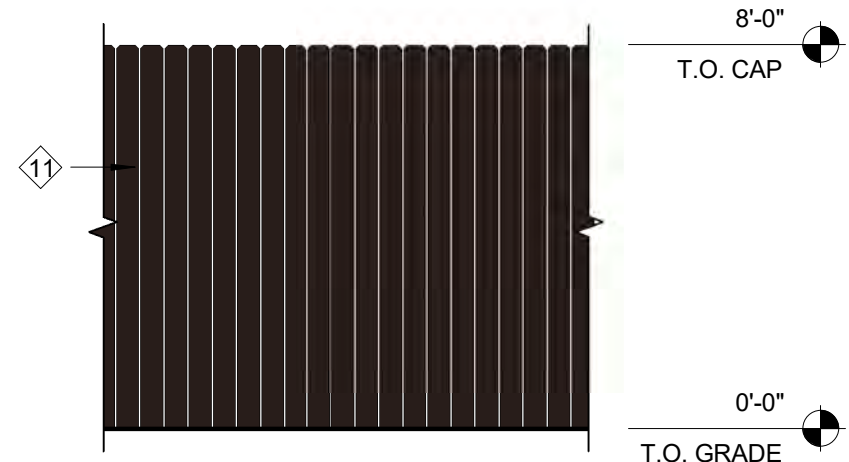
⑩ Retention Pond Fence  
1/4" = 1'-0"



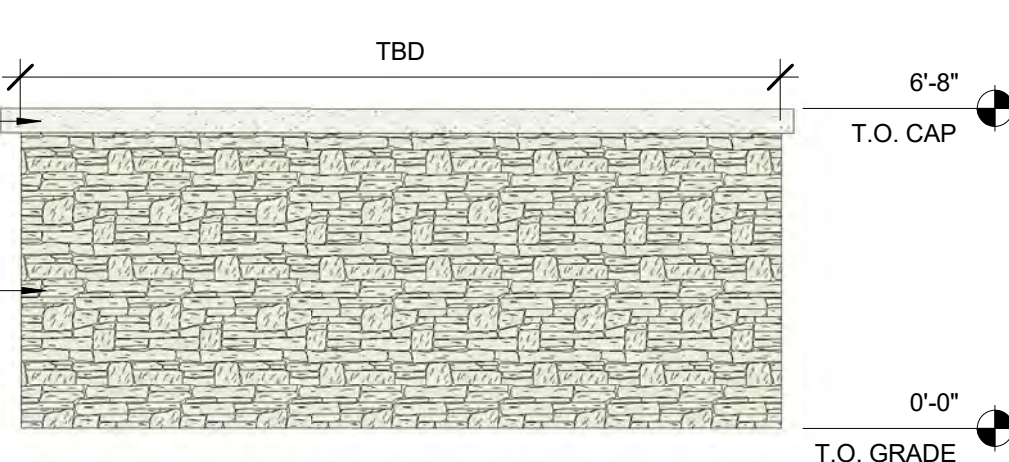
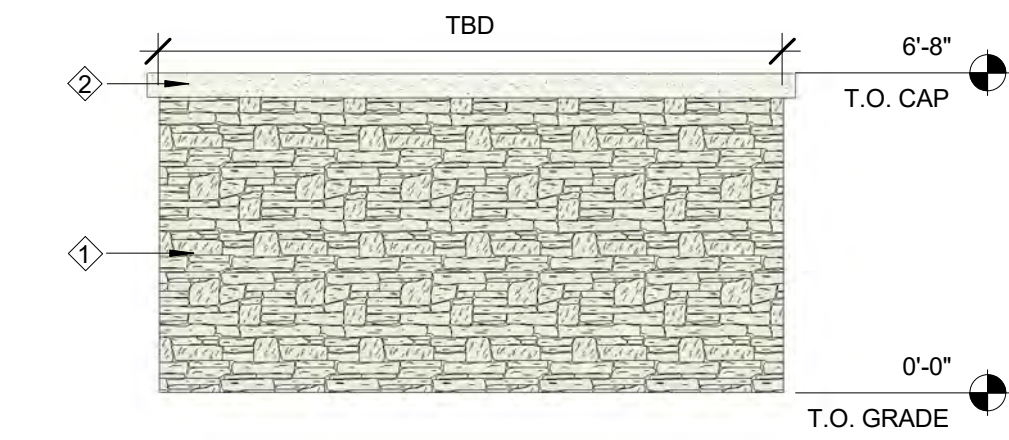
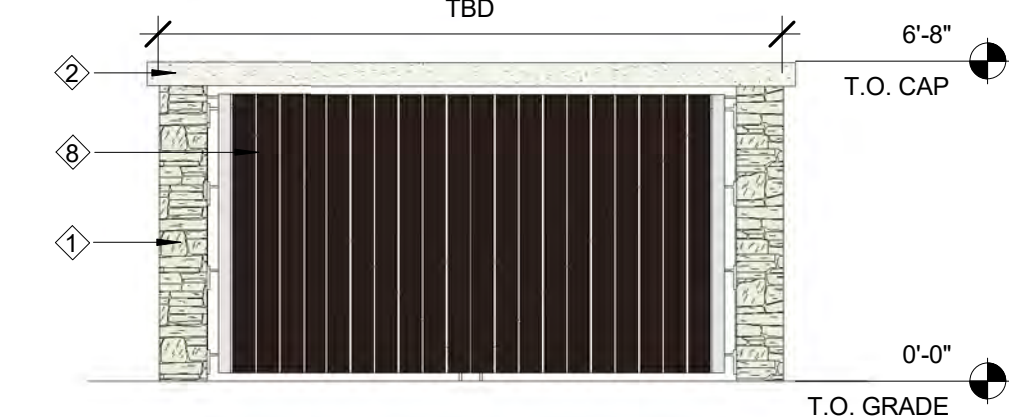
⑨ Perimeter Fence Elevation  
1/4" = 1'-0"



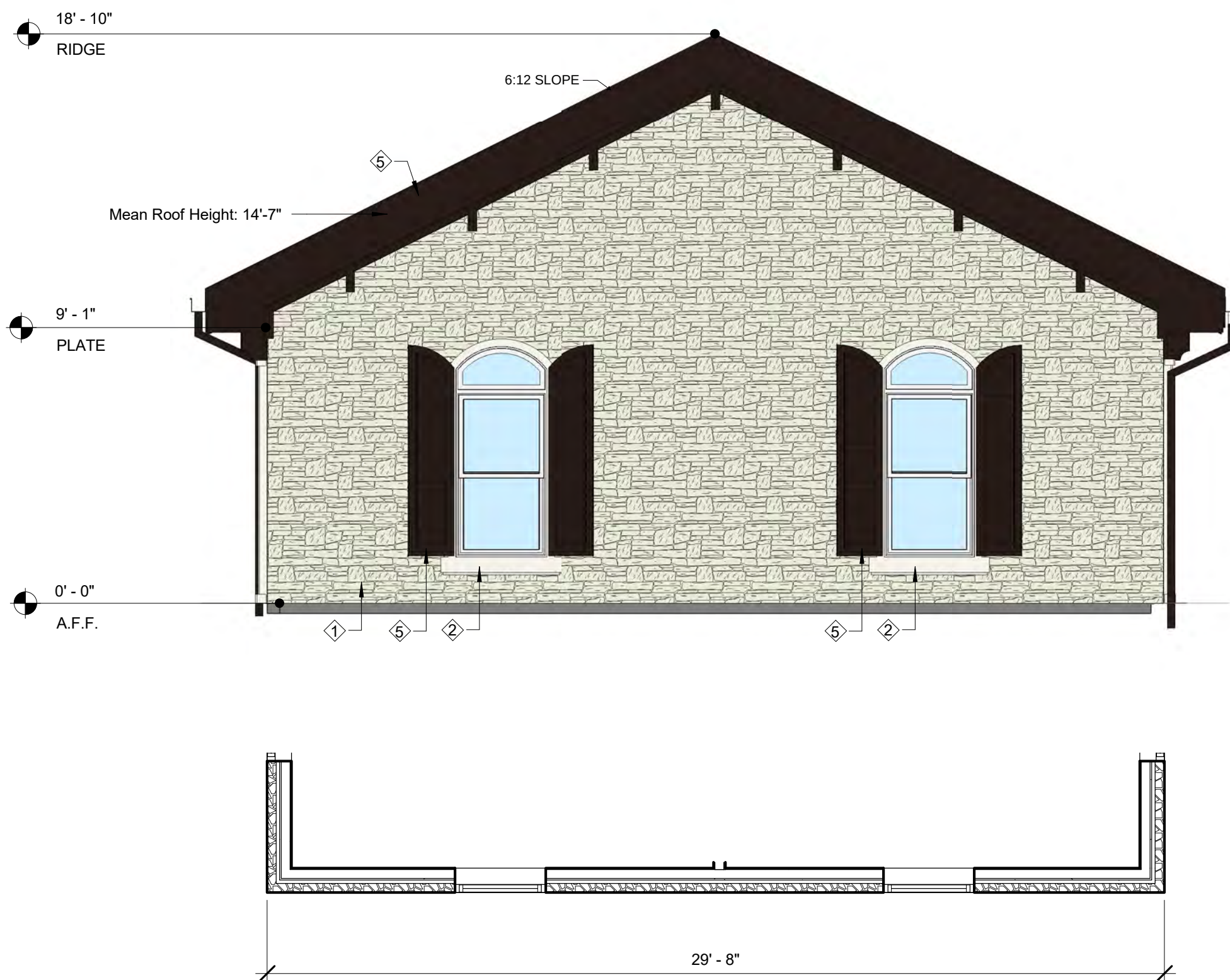
⑧ Perimeter Side Fence Elevation  
1/4" = 1'-0"



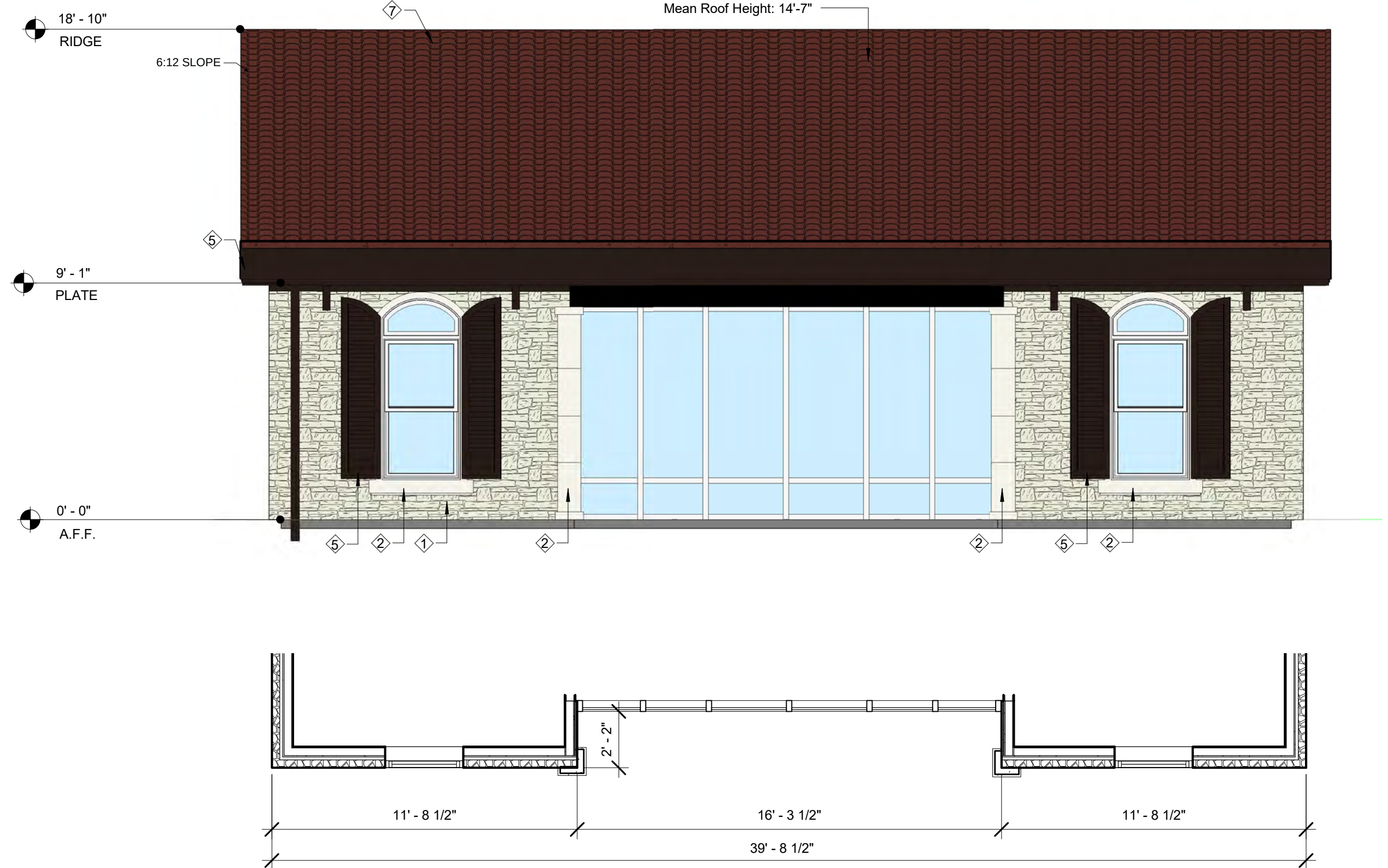
⑦ Privacy Fence Elevation  
1/4" = 1'-0"



⑤ Dumpster Wall Elevations  
1 1/2" = 1'-0"



③ Office South Elevation  
1/4" = 1'-0"



① Office East Elevation  
1/4" = 1'-0"

CaCo  
architecture

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Windhaven Senior Living Center

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Project Number  
1470.001  
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Author  
Issue Date  
02/07/2019  
Revised:

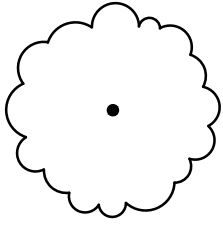
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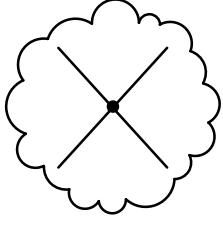
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Windhaven Management, LLC  
3801 Cross Timbers Rd.  
Flower Mound, TX 75028



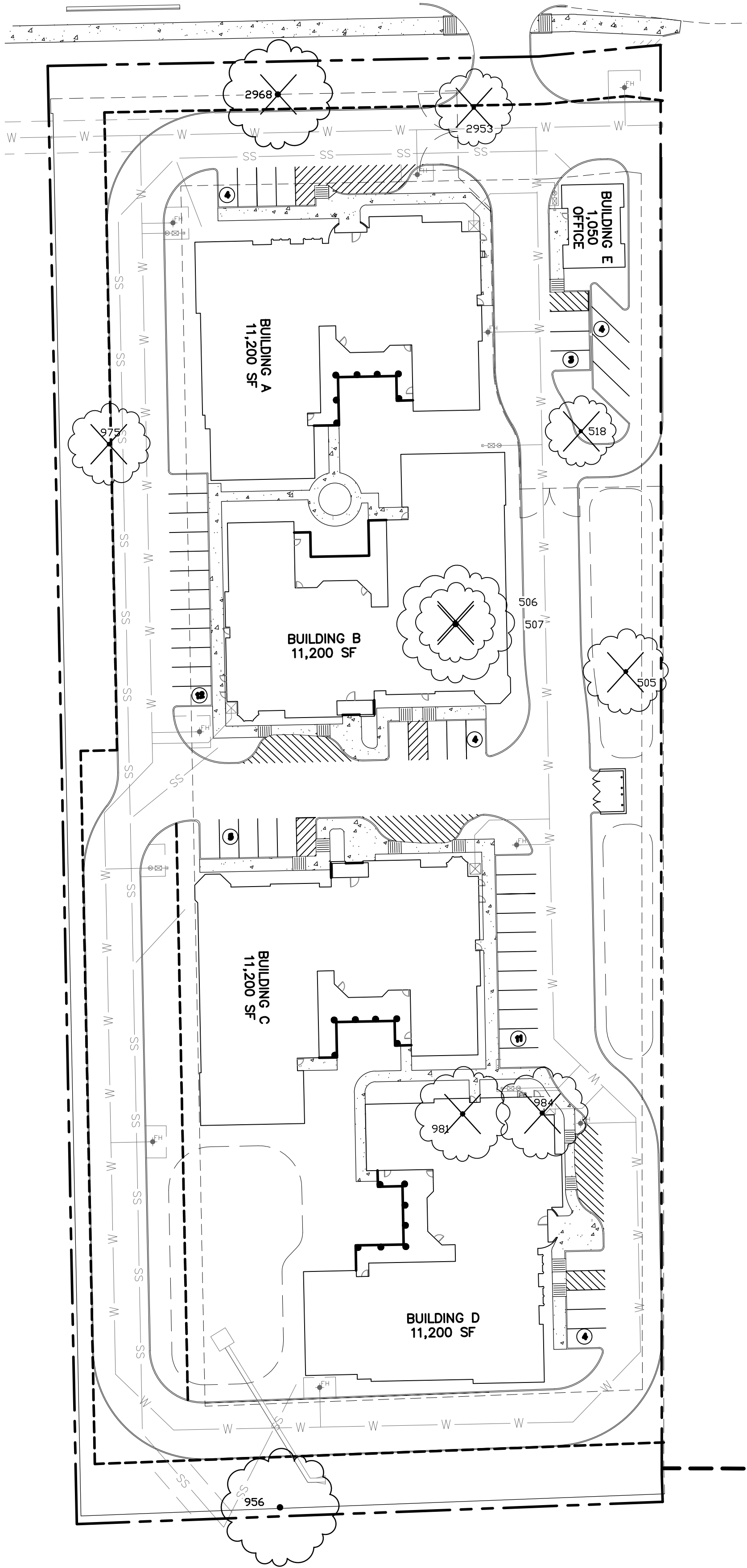
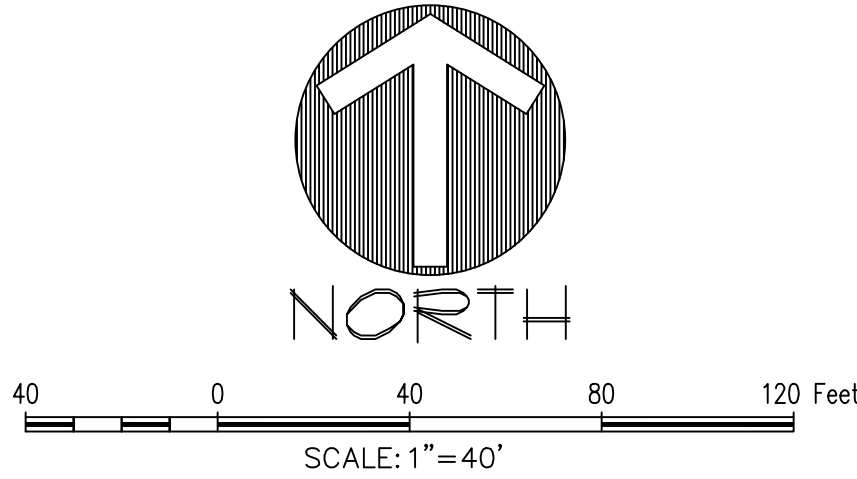
LEGEND

 SPECIMEN TREE  
TO REMAIN

 SPECIMEN TREE  
TO BE REMOVED

TREE CHART

| TREE #                       | CALIPER (") | COMMON NAME   | BOTANICAL NAME             | PROTECTED | REMARKS                                     | REMOVED | MITIGATION |
|------------------------------|-------------|---------------|----------------------------|-----------|---------------------------------------------|---------|------------|
| 505                          | 26          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, BA,<br>measured<br>3' above grade | Yes     | 52         |
| 506                          | 25          | American Elm  | <i>Ulmus americana</i>     | Yes       | Specimen, BA                                | Yes     | 50         |
| 507                          | 31          | American Elm  | <i>Ulmus americana</i>     | Yes       | Stressed, in Decline                        | Yes     | 62         |
| 518                          | 22          | Blackjack Oak | <i>Quercus marilandica</i> | Yes       | Specimen, BA                                | Yes     | 44         |
| 956                          | 31          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, OBA                               | No      |            |
| 975                          | 25          | American Elm  | <i>Ulmus americana</i>     | Yes       | Specimen, BA                                | Yes     | 50         |
| 981                          | 30          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, BA                                | Yes     | 60         |
| 984                          | 29          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, BA                                | Yes     | 58         |
| 2953                         | 24          | Post Oak      | <i>Quercus stellata</i>    | Yes       | Specimen, OBA                               | Yes     | 48         |
| 2968                         | 33          | Post Oak      | <i>Quercus stellata</i>    | Yes       | Specimen, OBA                               | Yes     | 66         |
| TOTAL SPECIMEN TREES ON SITE |             |               |                            |           |                                             |         | 10         |
| TOTAL SPECIMENS REMOVED      |             |               |                            |           |                                             |         | 9          |
| TOTAL INCHES TO MITIGATE     |             |               |                            |           |                                             |         | 490        |



5054 Franklin Avenue  
Suite A  
Waco, TX 76710  
Ph: 254-776-1519  
www.1519LLC.com  
TBPLS # 10193968  
TBPE # F-17299

**1519**

SURVEYING & ENGINEERING

WINDHAVEN ASSSISTED LIVING  
4.36 ACRES  
3801 GROSS TIMBERS RD.  
FLOWER MOUND, DENTON COUNTY, TEXAS

SPECIMEN TREE SURVEY

**PRELIMINARY PLANS**  
THIS DOCUMENT IS FOR INTERIM REVIEW  
AND IS NOT INTENDED FOR CONSTRUCTION,  
BIDDING, OR PERMIT PURPOSES.  
RON STEWART LANDSCAPE ARCHITECT  
DATED 3/1/2019



DRAWN: VC  
DATE: 03/01/2019  
1519 JOB#: 41669  
SHEET NO:  
T1.0

## Exhibit “B”

### Development Standards

#### Planned Development District - 173 (PD-173) Windhaven Assisted Living

The development on the property comprising approximately 4.364 acres of land within the corporate limits of the Town of Flower Mound (“Town”) shall be in accordance with the Town of Flower Mound *Master Plan* and the Land Development Regulations of the Town of Flower Mound, Texas, as amended, and shall be subject to the following conditions and requirements:

#### A. EXHIBITS.

1. The following Exhibits are incorporated into this planned development.
  - i. Exhibit “C”: Conceptual Site Plan.
  - ii. Exhibit “D”: Conceptual Landscape Plan.
  - iii. Exhibit “E”: Conceptual Elevations.

#### B. PERMITTED USES.

1. Except as provided in this section, the uses listed as Permitted Uses in Agricultural District (A) in the Town’s Zoning Ordinance may be permitted in the area designated on Exhibit “C”.
2. Nursing or congregate care facility.

#### C. SPECIFIC USES.

1. Except as provided in this section, the uses listed as Specific Uses in Agricultural District (A) in the Town’s Zoning Ordinance may be permitted in the area designated on Exhibit “C” with a Specific Use Permit (SUP) approved by the Town Council.
2. Nursing or congregate care facility does not require a Specific Use Permit.

#### D. TEMPORARY USES. The uses listed as Temporary Uses in the Agricultural District (A) in the Town’s Zoning Ordinance may be permitted in the area designated on Exhibit “C” as only upon approval of a temporary use permit in accordance with the procedures and standards of 78-87 of the Land Development Code, “Temporary Use Permits”.

#### E. DIMENSIONAL REGULATIONS. Except as provided in this section, the dimensional regulations listed for Agricultural District (A) in the Town’s Zoning Ordinance shall be required for this Planned Development.

1. Nursing or congregate care facility.
  - a. Front yard. A maximum fence height of six feet is permitted in the front yard as designated on Exhibit “C”.
  - b. Side yard. A minimum setback of 15 feet from the eastern property line shall be provided for any portion of Building E as designated on Exhibit “C”.

F. EXCEPTIONS. The following exceptions to the Town's Ordinances shall apply to this Planned Development.

1. Driveway Spacing. An exception to the access management policy and criteria regarding driveway spacing contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances.
2. Compatibility Buffer-Section 82-302.
  - a. Except as provided in this section, the compatibility buffer applies to this Planned Development.
  - b. Nursing or congregate care facility.
    - i. Except as provided in this subparagraph, a 25-foot-wide compatibility buffer along the northernmost 320 feet (approximate) of the western property line shall be provided as designated on Exhibit "D".
 

AA. A 25-foot-wide compatibility buffer, consisting of eight-foot-wide and 17-foot-wide sections along the southernmost 360 feet (approximate) of the western property line shall be provided as designated on Exhibit "D".
    - ii. A minimum of 38 native shade trees, each a minimum three-inch caliper, shall be provided within the compatibility buffer along the western property line.
    - iii. A minimum of 17 native shade trees, each a minimum three-inch caliper, shall be provided within the compatibility buffer along the southern property line.
    - iii. A minimum eight-foot-tall wood fence, board-on-board construction, along the southern property line and the southernmost 13 feet of the eastern property line shall be provided as designated on Exhibit "D".
3. Compatibility Setback-Section 82-303.
  - a. Except as provided in this section, the compatibility setback applies to this Planned Development.
  - b. Nursing or congregate care facility.
    - i. A minimum setback of 50 feet from the southern property line shall be provided.
4. Design Standards.
  - i. The overall design of buildings as well as the various fence and wall sections shown on the conceptual site plan shall be in general compliance with Exhibit "E".



**TOWN OF FLOWER MOUND, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 4.364 ACRES OF LAND SITUATED IN THE PERRY MALONE SURVEY, ABSTRACT NO. 836, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 173 (PD-173) WITH AGRICULTURAL DISTRICT (A) USES AND A NURSING OR CONGREGATE CARE FACILITY, IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Flower Mound is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the Town Council of the Town of Flower Mound heretofore adopted the Land Development Regulations of the Town of Flower Mound, as amended, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and,

**WHEREAS**, in accordance with Chapter 78 of the Land Development Regulations, the owner of the property described as approximately 4.364 acres of land situated in the Perry Malone Survey, Abstract No. 836, has filed an application for a Zoning Planned Development amendment to change the zoning from Agricultural District (A) to Planned Development District No. 173 (PD-173) with Agricultural District (A) uses and a nursing or congregate care facility; and,

**WHEREAS**, the Planning and Zoning Commission of the Town of Flower Mound, Texas held a public hearing on May 13, 2019, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on May 20, 2019, with respect to the proposed planned development district as described herein; and,

**WHEREAS**, the Town has complied with all requirements of Chapter 211 of the Local Government Code, Chapter 78 of the Land Development Regulations, and all other laws dealing with notice, publication and procedural requirements for the approval of a planned development district on the property;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

## **SECTION 1**

The Land Development Regulations of the Town of Flower Mound, Texas, as amended, are hereby amended on the hereinafter described property and area to establish a planned development district as shown below:

Approximately 4.364 acres of land situated in the Perry Malone Survey, Abstract No. 836, Denton County, Texas, and more fully described in Exhibit "A" hereto.

Planned Development District No. 173 (PD-173) with Agricultural District (A) uses and a nursing or congregate care facility.

## **SECTION 2**

The development standards, conceptual site plan, conceptual landscape plan, conceptual elevations of the proposed Planned Development District No. 173 (PD-173), attached hereto as Exhibits "B," "C," "D," and "E," each incorporated herein for all purposes allowed by law, are hereby approved as the development standards, conceptual site plan, conceptual landscape plan, and conceptual elevations for this Planned Development District No. 173 (PD-173).

## **SECTION 3**

The official map of the Town of Flower Mound is amended and the Director of Development Services is directed to revise the official zoning map to reflect the approved Planned Development District No. 173 (PD-173), as set forth above.

## **SECTION 4**

The use of the property described above shall be subject to all restrictions, terms and conditions contained in "B," "C," "D," and "E," attached hereto, as well as the applicable regulations contained in the Land Development Regulations and all other applicable and pertinent ordinances of the Town of Flower Mound.

## **SECTION 5**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

## **SECTION 6**

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

## **SECTION 7**

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Flower Mound shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

#### **SECTION 8**

All rights and remedies of the Town of Flower Mound are expressly saved as to any and all violations of the provisions of the Land Development Regulations or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 9**

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

#### **SECTION 10**

This Ordinance shall take effect and be in full force from and after the date of its passage and publication as required by law, and it is so ordained.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**APPROVED:**

\_\_\_\_\_  
Steve Dixon, **MAYOR**

**ATTEST:**

\_\_\_\_\_  
Theresa Scott, **TOWN SECRETARY**



Being a 4.364 acre tract of land situated in the Perry Malone Survey, Abstract No. 836, City of Flower Mound, Denton County, Texas, and being all of the called 4.367 acre tract of land described in the deed to Mark S. Thompson, Trustee of the Mark S. Thompson Heritage Trust recorded in Document No. 2016-85607 of the Official Records of Denton County, Texas, said 4.364 acre tract of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod with cap stamped "Arthur Surveying" found for the common southwest corner of said 4.367 acre tract of land and northwest corner of Lot 3R, Block D of Lots 1R Through 4R, Block D and Lots 1R Through 3R, Block E, Flower Mound Woods, an addition to the City of Flower Mound, Denton County, Texas recorded in Document No. 2010-94 of the Plat Records of Denton County, Texas, said 1/2 inch iron rod also being in the east line of a called 4.952 acre tract of land described in the deed to Joe H. Keahey and wife, Judy Keahey recorded in Volume 562, Page 48 of the Deed Records of Denton County, Texas;

**THENCE** North 01 degree 08 minutes 22 seconds West, with the common west line of said 4.67 acre tract of land and east line of said 4.952 acre tract of land, a distance of 681.45 feet to a 3.5 inch Texas Department of Transportation right-of-way monument found for the common northwest corner of said 4.367 acre tract of land, southwest corner of a called 0.0607 acre tract of land described in the deed to Denton County recorded in Document No. 2006-103588 of said Official Records of Denton County, Texas, and southeast corner of a called 0.0932 acre tract of land described in the deed to Denton County, recorded in Document No. 2006-103589 of said Official Records of Denton County, Texas, said 3.5 inch Texas Department of Transportation right-of-way monument also being in the south right-of-way line of FM 1171 (Cross Timbers Road) (a variable width right-of-way);

**THENCE** North 88 degrees 54 minutes 55 seconds East, with the common north line of said 4.367 acre tract of land, south line of said 0.0607 acre tract of land, and south right-of-way line of said FM 1171 (Cross Timbers Road), passing at a distance of 144.34 feet, a 3.5 inch Texas Department of Transportation right-of-way monument found for the common southeast corner of said 0.0607 acre tract of land and southwest corner of a called 0.0761 acre tract of land described in the deed to Denton County, recorded in Document No. 2006-103587 of said Official Records of Denton County, Texas, in all, a distance of 229.58 feet to a 3.5 inch Texas Department of Transportation right-of-way monument found for and angle point in the common north line of said 4.367 acre tract of land, south line of said 0.0761 acre tract of land, and south right-of-way line of said FM 1171 (Cross Timbers Road);

**THENCE** North 84 degrees 30 minutes 00 seconds East, with the common north line of said 4.367 acre tract of land, south line of said 0.0761 acre tract of land, and south right-of-way line of said FM 1171 (Cross Timbers Road), a distance of 56.96 feet to a 3.5 inch Texas Department of Transportation right-of-way monument found for the common northeast corner of said 4.367 acre tract of land southeast corner of said 0.0761 acre tract of land, and southwest corner of a called 0.1468 acre tract of land described in the deed to Denton County, recorded in Document No. 2011-101915 of said Official Records of Denton County, Texas, said 3.5 inch Texas Department of Transportation right-of-way monument also being in the west line of a called 5.2185 acre tract of land described in the deed to Gary Johnson recorded in Document No. 99-R012887 of said Official Records of Denton County, Texas;

**THENCE** South 00 degrees 03 minutes 02 seconds East, with the common east line of said 4.367 acre tract of land and west line of said 5.2185 acre tract of land, a distance of 667.81 feet to a 3/8 inch iron rod found for the northwest corner of Lot 5, Block D of Flower Mound Woods, an addition to the City of Flower Mound, Denton County, Texas recorded in Document No. 2009-228 of said Plat Records of Denton County, Texas;

**THENCE** South 01 degree 53 minutes 57 seconds East, with the common east line of said 4.367 acre tract of land and west line of said Lot 5, a distance of 12.92 feet to a 1/2 inch iron rod found for the common southeast corner of said 4.367 acre tract of land and northeast corner of Lot 4R, Block D of said Lots 1R Through 4R, Block D and Lots 1R Through 3R, Block E, Flower Mound Woods;

**THENCE** South 87 degrees 49 minutes 33 seconds West, with the common south line of said 4.367 acre tract of land and north line of said Block D, a distance of 273.90 feet to the **POINT OF BEGINNING**, and containing 190,093 square feet or 4.364 acres of land, more or less.

## **Exhibit “B”**

### **Development Standards**

#### **Planned Development District - 173 (PD-173) Windhaven Assisted Living**

The development on the property comprising approximately 4.364 acres of land within the corporate limits of the Town of Flower Mound (“Town”) shall be in accordance with the Town of Flower Mound *Master Plan* and the Land Development Regulations of the Town of Flower Mound, Texas, as amended, and shall be subject to the following conditions and requirements:

##### **A. EXHIBITS.**

1. The following Exhibits are incorporated into this planned development.
  - a. Exhibit “C”: Conceptual Site Plan.
  - b. Exhibit “D”: Conceptual Landscape Plan.
  - c. Exhibit “E”: Conceptual Elevations.

##### **B. PERMITTED USES.**

1. Except as provided in this section, the uses listed as Permitted Uses in Agricultural District (A) in the Town’s Zoning Ordinance may be permitted in the area designated on Exhibit “C”.
2. Nursing or congregate care facility.

##### **C. SPECIFIC USES.**

1. Except as provided in this section, the uses listed as Specific Uses in Agricultural District (A) in the Town’s Zoning Ordinance may be permitted in the area designated on Exhibit “C” with a Specific Use Permit (SUP) approved by the Town Council.
2. Nursing or congregate care facility does not require a Specific Use Permit.

##### **D. TEMPORARY USES.** The uses listed as Temporary Uses in the Agricultural District (A) in the Town’s Zoning Ordinance may be permitted in the area designated on Exhibit “C” as only upon approval of a temporary use permit in accordance with the procedures and standards of 78-87 of the Land Development Code, “Temporary Use Permits”.

##### **E. DIMENSIONAL REGULATIONS.** Except as provided in this section, the dimensional regulations listed for Agricultural District (A) in the Town’s Zoning Ordinance shall be required for this Planned Development.

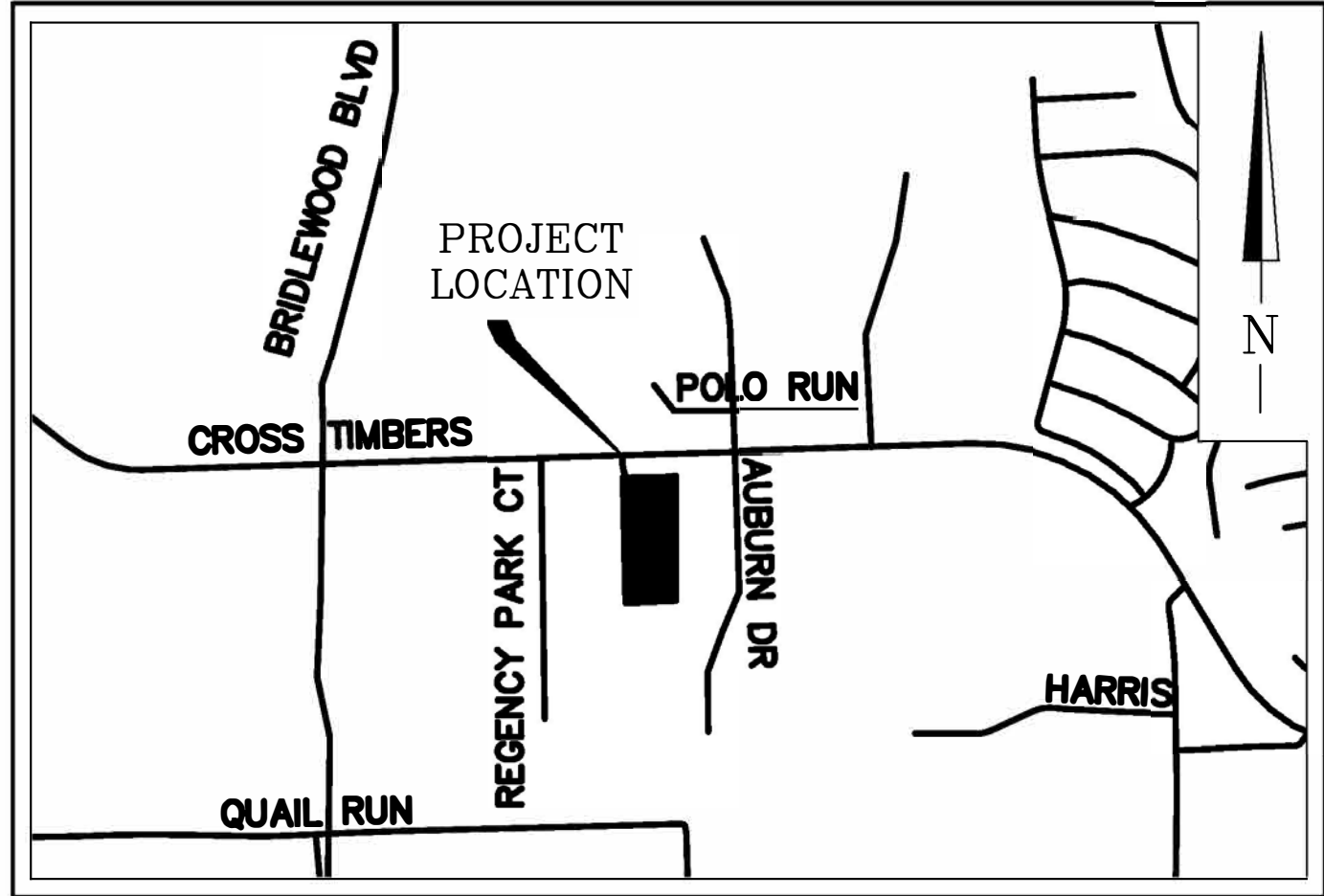
1. Nursing or congregate care facility.
  - a. Front yard. A maximum fence height of six feet is permitted in the front yard as designated on Exhibit “C”.
  - b. Side yard. A minimum setback of 15 feet from the eastern property line shall be provided for any portion of Building E as designated on Exhibit “C”.

F. EXCEPTIONS. The following exceptions to the Town's Ordinances shall apply to this Planned Development.

1. Driveway Spacing. An exception to the access management policy and criteria regarding driveway spacing contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances.
2. Compatibility Buffer-Section 82-302.
  - a. Except as provided in this section, the compatibility buffer applies to this Planned Development.
  - b. Nursing or congregate care facility.
    - i. Except as provided in this subparagraph, a 25-foot-wide compatibility buffer along the northernmost 320 feet (approximate) of the western property line shall be provided as designated on Exhibit "D".

AA. A 25-foot-wide compatibility buffer, consisting of eight-foot-wide and 17-foot-wide sections along the southernmost 360 feet (approximate) of the western property line shall be provided as designated on Exhibit "D".
    - ii. A minimum of 38 native shade trees, each a minimum three-inch caliper, shall be provided within the compatibility buffer along the western property line.
    - iii. A minimum of 17 native shade trees, each a minimum three-inch caliper, shall be provided within the compatibility buffer along the southern property line.
    - iii. A minimum eight-foot-tall wood fence, board-on-board construction, along the southern property line and the southernmost 13 feet of the eastern property line shall be provided as designated on Exhibit "D".
3. Compatibility Setback-Section 82-303.
  - a. Except as provided in this section, the compatibility setback applies to this Planned Development.
  - b. Nursing or congregate care facility.
    - i. A minimum setback of 50 feet from the southern property line shall be provided.
4. Design Standards.
  - a. The overall design of buildings as well as the various fence and wall sections shown on the conceptual site plan shall be in general compliance with Exhibit "E".





Vicinity Map 1"=1000'

NOTES:

1. THIS PROPERTY IS LOCATED WITHIN A FEMA ZONE "X", PER FEMA MAP PANEL 48121C0540G, DATED 04/18/2011.
2. ALL RETAINING/DETAINING WALLS, TURN-DOWN CURBS, TREE RETAINING WALLS SHALL BE CLAD IN A MATERIAL TO COMPLIMENT THE MATERIALS AND COLORS WITHIN THIS DEVELOPMENT
3. ALL GROUND BASED HVAC SHALL BE SCREENED WITH LIVE SCREENING OR A MASONRY ENCLOSURE. ANY MASONRY ENCLOSURE SHALL BE CLAD IN THE SAME MATERIAL AS THE MAIN BUILDING
4. ALL ROOF-MOUNTED MECHANICAL UNITS AND/OR EQUIPMENT SHALL BE SCREENED FROM VIEW.
5. DUMPSTER SCREENING WALL SHALL BE CLAD IN A MATERIAL TO MATCH THE MATERIALS ON THE MAIN BUILDING.
6. DUMPSTER SCREENING WALL REQUIRES A SEPARATE BUILDING PERMIT.
7. SIGNS REQUIRE A SEPARATE BUILDING PERMIT. ANY SIGNS DEPICTED ON THE SITE PLAN OR ELEVATIONS ARE NOT APPROVED AS A PART OF THIS REVIEW AND MUST COMPLY WITH ALL APPLICABLE TOWN REGULATIONS.
8. THE FDC WILL BE LOCATED REMOTELY, NOT ON THE BUILDING. THESE MUST BE WITHIN FIFTY FEET OF A HYDRANT LOCATED ON THE SAME SIDE OF THE FIRE LANE. THESE MAY BE LOCATED IN THE ABOVEGROUND FREEZE PROTECTED ENCLOSURES IF THE SPACING REQUIREMENTS ARE MET.
9. ANY GATE THAT CROSSES THE FIRE LANE WILL BE EQUIPPED WITH AN APPROVED 3M BRAND OPTI-COM OPENING DEVICE. KNOX LOCKS WILL BE PROVIDED FOR USE IN THE EVENT OF A POWER FAILURE

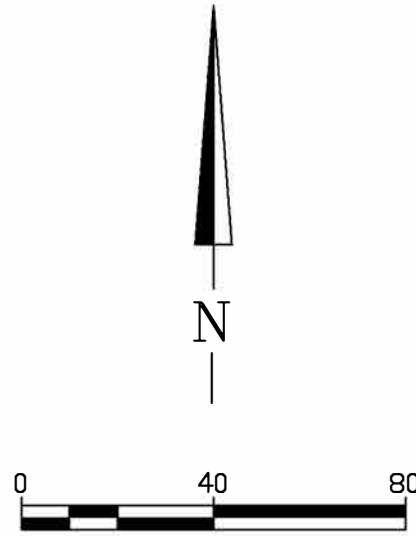
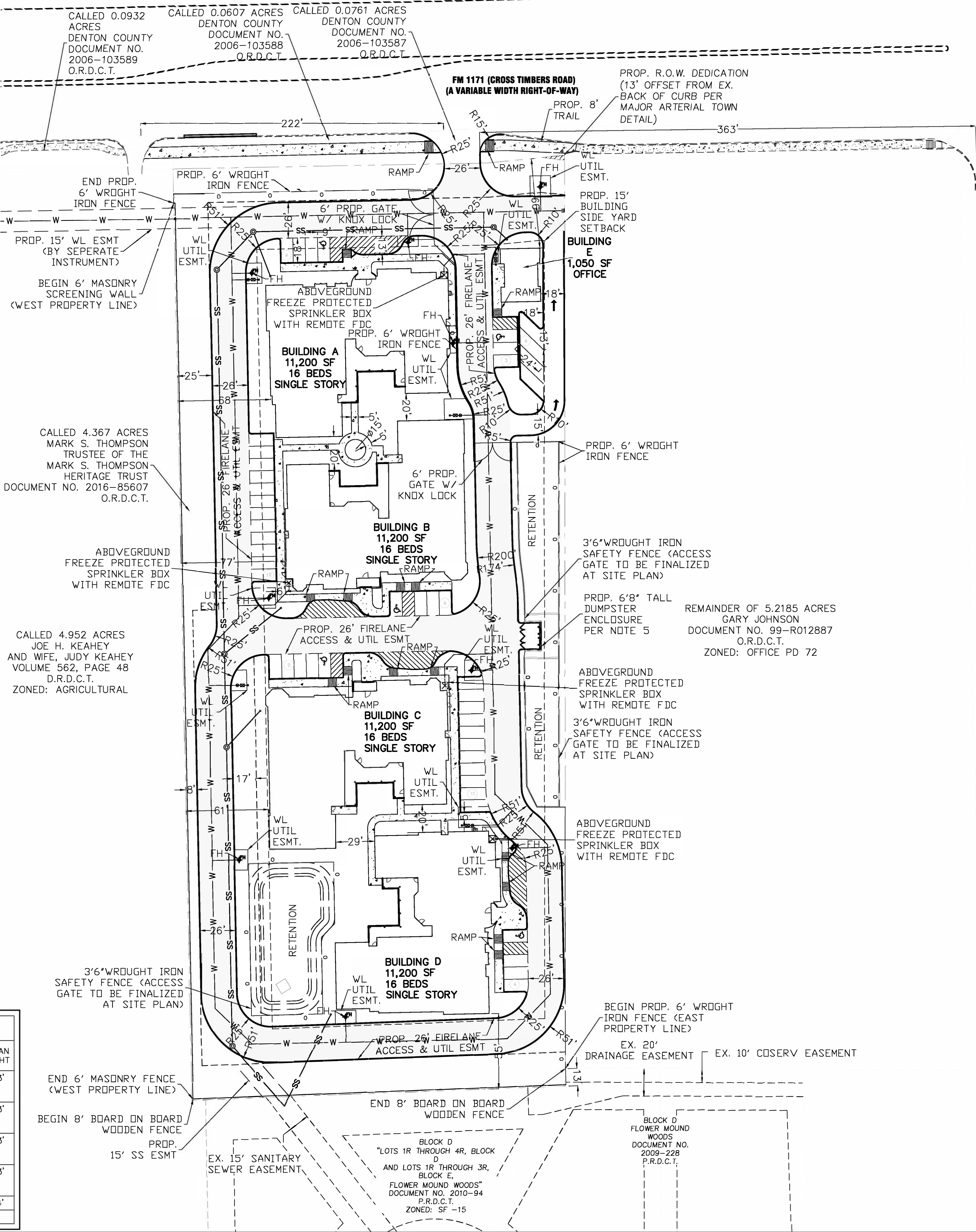
SITE DATA:

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| PHYSICAL ADDRESS                  | 3801 CROSS TIMBERS RD               |
| GROSS SITE AREA                   | 4.36 ACRES 190,035 S.F.             |
| NET SITE AREA                     | 3.64 ACRES 158,595 S.F.             |
| ZONING:                           | AGRICULTURAL                        |
| CURRENT USE:                      | MOBILE HOMES                        |
| PROPOSED USE:                     | NURSING OR CONGREGATE CARE FACILITY |
| LOT COVERAGE DATA:                |                                     |
| PROPOSED TOTAL BUILDING COVERAGE: | 45,850 S.F.                         |
| PROPOSED IMPERVIOUS AREA          | 125,663 S.F.                        |
| PROPOSED PERVIOUS AREA            | 64,402 S.F.                         |

|                                                                |                            |
|----------------------------------------------------------------|----------------------------|
| PARKING SUMMARY:                                               |                            |
| OFFICE                                                         | REQUIRED: 04, PROVIDED: 07 |
| NURSING OR CONGREGATE CARE FACILITY                            | REQUIRED: 43, PROVIDED: 40 |
| TOTAL PARKING:                                                 | REQUIRED: 47, PROVIDED: 47 |
| HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH ADA STANDARDS. |                            |

BUILDING DATA

| BUILDING |                          | RESIDENTIAL UNITS | OFFICE UNITS | TOTAL UNITS | TOTAL FLOOR AREA (SF) | STORIES | PEAK HEIGHT | MEAN HIGHT |
|----------|--------------------------|-------------------|--------------|-------------|-----------------------|---------|-------------|------------|
| A        | NURSING /CONGREGATE CARE | 16                | NONE         | 16          | 11,200                | 1       | 34'         | 23'        |
| B        | NURSING /CONGREGATE CARE | 16                | NONE         | 16          | 11,200                | 1       | 34'         | 23'        |
| C        | NURSING /CONGREGATE CARE | 16                | NONE         | 16          | 11,200                | 1       | 34'         | 23'        |
| D        | NURSING /CONGREGATE CARE | 16                | NONE         | 16          | 11,200                | 1       | 34'         | 23'        |
| E        | OFFICE                   | NONE              | 1            | 1           | 1,050                 | 1       | 19'         | 14'        |
| TOTALS:  |                          | 48                | 1            | 49          | 45,850                |         |             |            |



LEGEND

- ABOVEGROUND FREEZE-PROTECTED SPRINKLER VALVE ENCLOSURES WITH REMOTE FDC
- SSMH SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WM WATER METER

ENGINEER

1519 LLC  
5054 FRANKLIN AVENUE  
STE. A, WACO, TEXAS 76710  
CONTACT: CLINT LANNEN P.E.  
PHONE: 254-776-1519

DEVELOPER/OWNER

WINDHAVEN SENIOR LIVING, LTD  
4500 RATLIFF LANE, SUITE 115  
ADDISON, TEXAS 75001  
CONTACT: DAVID GOLDSTEIN  
PHONE: 214-244-2945

SURVEYOR

1519 LLC  
5054 FRANKLIN AVENUE  
STE. A, WACO, TEXAS 76710  
CONTACT: DAVID DOSSEY, R.P.L.S  
PHONE: 254-776-1519

PRELIMINARY PLANS

THIS DOCUMENT IS PROVISIONAL AND FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.  
CLINT D. LANNEN, PE # 107845  
DATE: 01/09/2019

5054 Franklin Avenue  
Suite A  
Waco, TX 76710  
Ph: 254-776-1519  
www.1519LLC.com  
TBPLS # 10193968  
TBPE # F-17299



SURVEYING & ENGINEERING

WINDHAVEN ASSISTED LIVING

4.367 ACRES

3801 CROSS TIMBERS RD.

FLOWER MOUND, DENTON COUNTY, TEXAS

CONCEPTUAL  
SITE PLAN

DRAWN: TDC

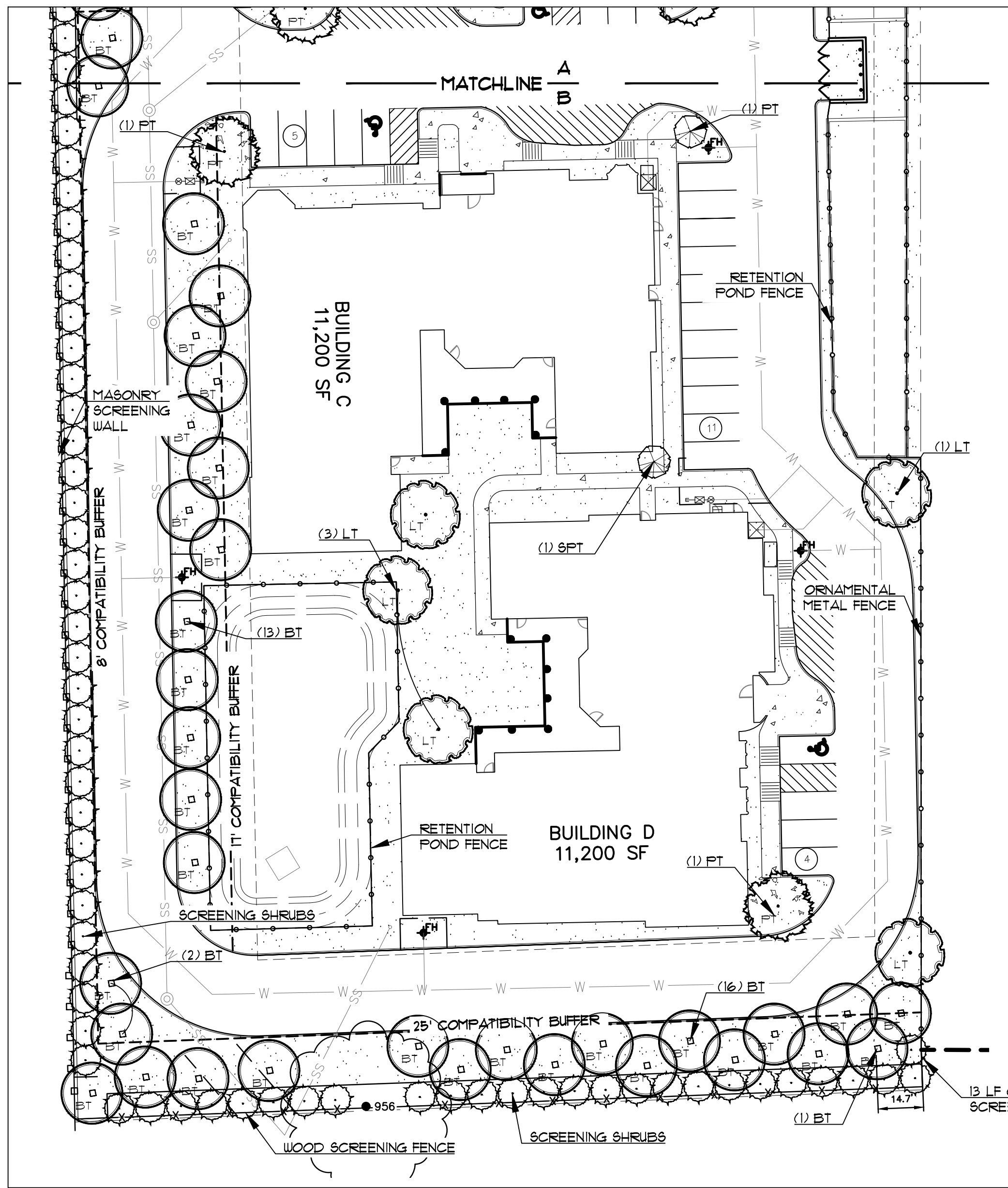
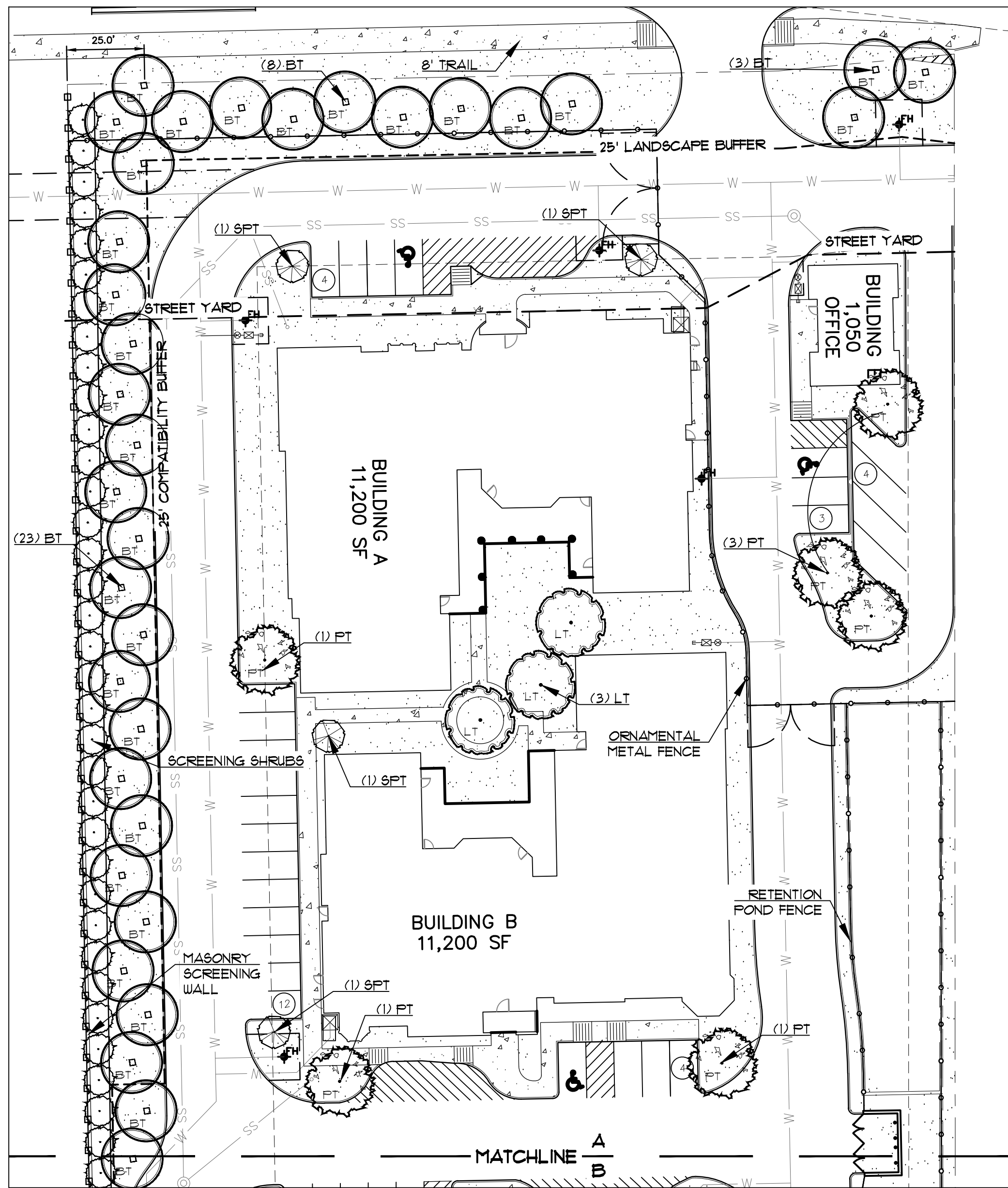
DATE:02/05/2018

1519 JOB#: 41669

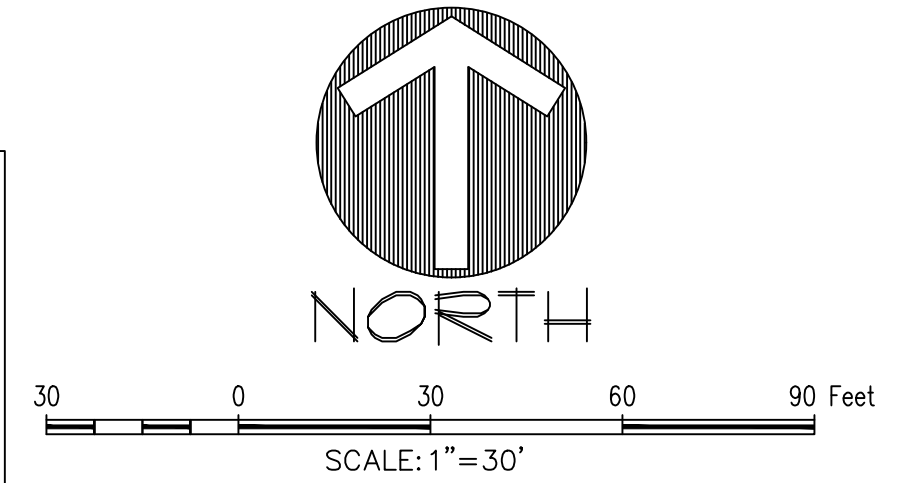
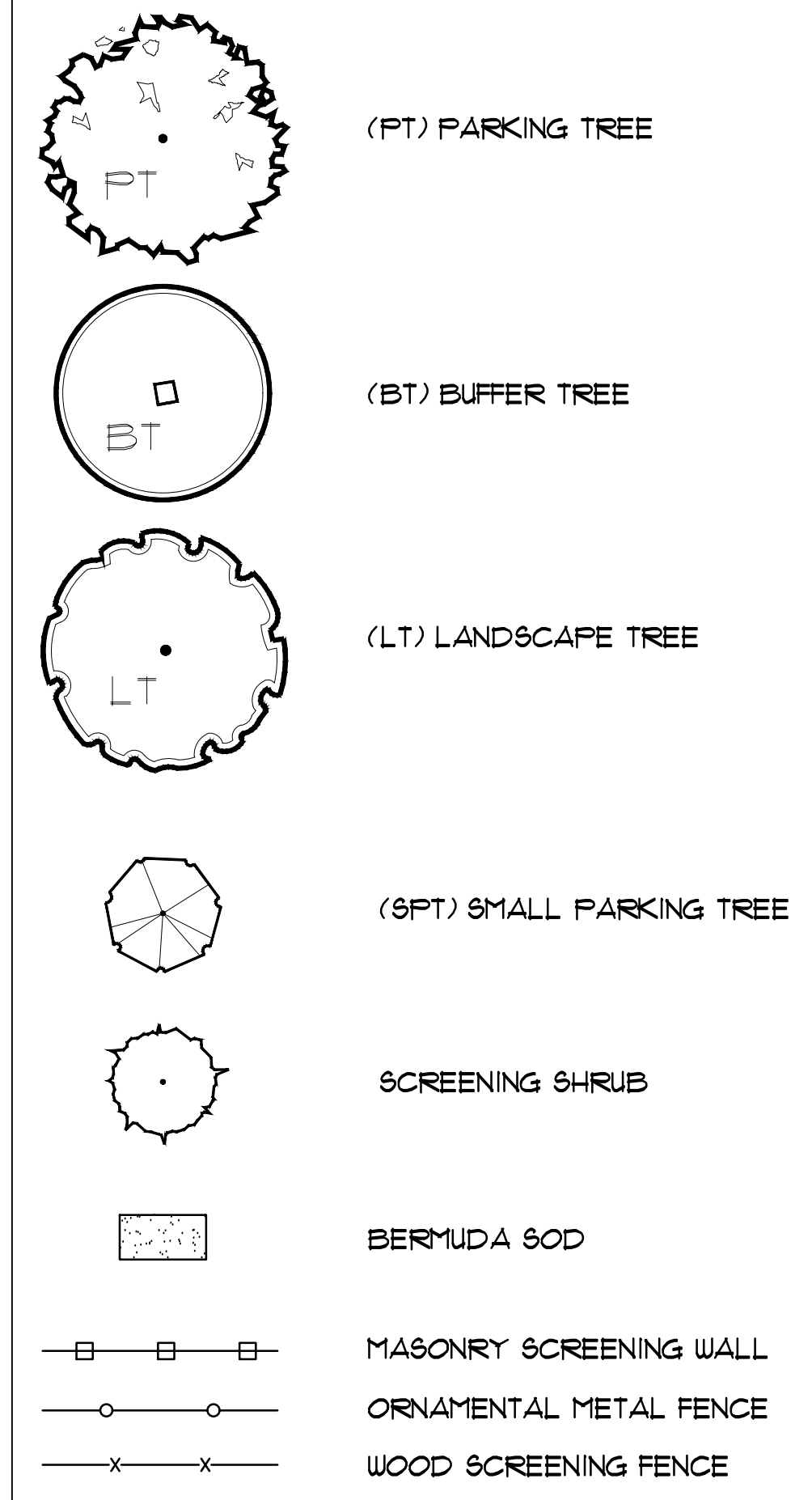
SHEET NO:

EXHIBIT





LEGEND



LANDSCAPE REQUIREMENT COMPLIANCE  
TOWN OF FLOWER MOUND  
Windhaven Assisted Living

| STREET BUFFER LANDSCAPING                                                          |                                 |                       |                                            |
|------------------------------------------------------------------------------------|---------------------------------|-----------------------|--------------------------------------------|
| STANDARD                                                                           |                                 | REQUIRED BUFFER WIDTH | PROVIDED                                   |
| Cross Timbers Rd                                                                   |                                 | 25 ft.                | 25 ft.                                     |
| STREET BUFFER TREES                                                                |                                 |                       |                                            |
| STANDARD                                                                           | STREET FRONTAGE (LINEAR FEET)   | REQUIRED              | PROVIDED                                   |
| 1 per 30 l.f.                                                                      | Cross Timbers - 287 l.f.        | 10 trees (3" cal.)    | 11 trees (3" cal.)                         |
| STREET YARD TREES                                                                  |                                 |                       |                                            |
| STANDARD                                                                           | TOTAL STREET YARD (SQUARE FEET) | REQUIRED              | PROVIDED                                   |
| Between 10,000 and 110,000 s.f.=10 + 1 tree for every 2,500 s.f. after 10,000 s.f. | 21,874 s.f. of street yard      | 15 trees (3" cal.)    | 18 trees (3" cal.)                         |
| COMPATIBILITY BUFFER TREES                                                         |                                 |                       |                                            |
| STANDARD (SOUTH PROPERTY)                                                          | TOTAL AREA                      | REQUIRED              | PROVIDED                                   |
| 1 per 400 s.f.                                                                     | 6,850 s.f.                      | 18 trees (3" cal.)    | 1 existing tree and 16 new trees (3" cal.) |
| STANDARD (EAST PROPERTY)                                                           | TOTAL AREA                      | REQUIRED              | PROVIDED                                   |
| 1 per 400 s.f.                                                                     | 325 s.f.                        | 1 tree (3" cal.)      | 1 tree (3" cal.)                           |
| STANDARD (WEST PROPERTY)                                                           | TOTAL AREA                      | REQUIRED              | PROVIDED                                   |
| 1 per 400 s.f.                                                                     | 17,050 s.f.                     | 43 trees (3" cal.)    | 38 trees (3" cal.)                         |
| PARKING AREA LANDSCAPING                                                           |                                 |                       |                                            |
| STANDARD                                                                           | # OF PARK. SPACES               | REQUIRED              | PROVIDED                                   |
| 90 s.f. per 12 spaces                                                              | 47 parking spaces               | 352.5 s.f.            | 3,207 s.f.                                 |
| PARKING AREA TREES                                                                 |                                 |                       |                                            |
| STANDARD                                                                           | # OF PARK. SPACES               | REQUIRED              | PROVIDED                                   |
| 1 per 10 parking spaces                                                            | 47 parking spaces               | 5 trees (3" cal.)     | 10 trees (3" cal.)                         |

\*\*All parking spaces to be located within 50 ft. of parking lot tree.

5054 Franklin Avenue  
Suite A  
Waco, TX 76710  
Ph: 254-776-1519  
www.1519LLC.com  
TBPLS # 10193968  
TBPE # F-17299



WINDHAVEN ASSISTED LIVING  
4.36 ACRES  
3801 CROSS TIMBERS RD.  
FLOWER MOUND, DENTON COUNTY, TEXAS

CONCEPT LANDSCAPE PLAN

PRELIMINARY PLANS  
THIS DOCUMENT IS FOR INTERIM REVIEW  
AND IS NOT INTENDED FOR CONSTRUCTION,  
BIDDING, OR PERMIT PURPOSES.  
RON STEWART LANDSCAPE ARCHITECT  
DATED 5/9/2019

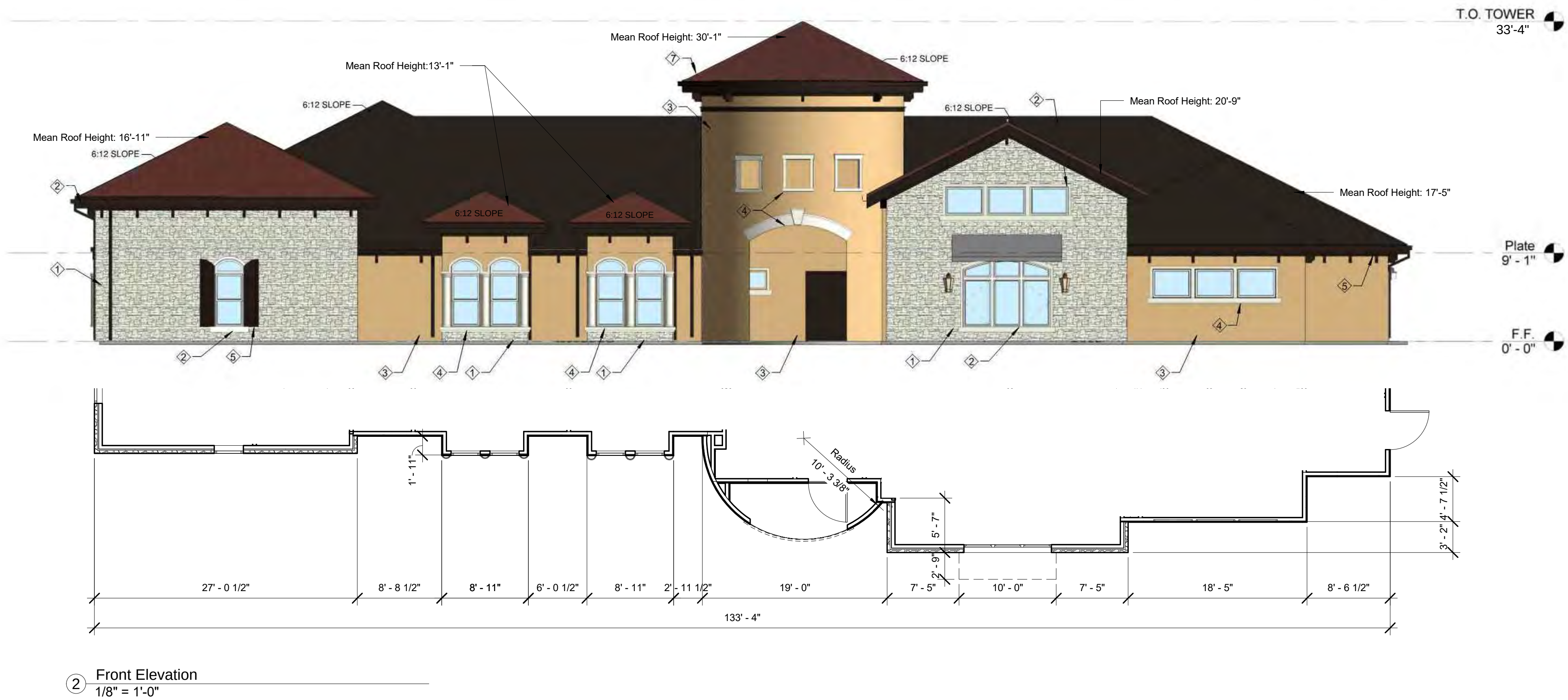
DRAWN: VC  
DATE: 5/9/2019  
1519 JOB#: 41669  
SHEET NO:  
CL1.0



| MATERIAL LEGEND |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| ①               | STONE- SALADO QUARRY. "SONOMA CAVE".                                                         |
| ②               | CAST STONE- STONE LEGENDS. "WHITE".                                                          |
| ③               | STUCCO- SHERWIN WILLIAMS EXT. PAINT. "GOLDEN FLEECE" (SW 6388)                               |
| ④               | STUCCO TRIM- BENJAMIN MOORE EXT. PAINT. "MUSLIN" (1037).                                     |
| ⑤               | WOOD TRIMSHUDDERS- SHERWIN WILLIAM EXT. PAINT. "BLACK BEAN".                                 |
| ⑥               | SHINGLE ROOF- CERTAIN TEED. "CLASSIC WEATHERED WOOD".                                        |
| ⑦               | TERRA COTTA ROOF- BORAL ROOFING. "TEJAS ESPANA".                                             |
| ⑧               | CORRUGATED METAL- SHERWIN WILLIAMS EXT. PAINT. "BLACK BEAN".                                 |
| ⑨               | METAL- FENCE. PAINT BLACK.                                                                   |
| ⑩               | PRECAST CONCRETE PANEL WITH STONE MOLD. PAINTED TO MATCH SALADO QUARRY STONE. "SONOMA CAVE". |
| ⑪               | WOOD- FENCE. STAINED.                                                                        |

| Material Tabulation Chart                  |                       |                       |                       |                       |
|--------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
|                                            | North Elevation       | East Side Elevation   | South Elevation       | West Side Elevation   |
| Total Façade SF                            | 1958                  | 1471                  | 1268                  | 1217                  |
| Façade SF (Exclusive of Doors and Windows) | 1685                  | 1273                  | 966                   | 986                   |
| Doors and Windows SF                       | 273                   | 198                   | 302                   | 231                   |
| Primary Masonry Materials (Min 80%)        |                       |                       |                       |                       |
| Stucco                                     | 837 SF and 49.7% of 2 | 847 SF and 66.5% of 2 | 868 SF and 89.9% of 2 | 842 SF and 85.5% of 2 |
| Stone                                      | 763 SF and 45.3% of 2 | 376 SF and 29.5% of 2 | 31 SF and 3.2% of 2   | 104 SF and 10.5% of 2 |
| Cast Stone                                 | 31 SF and 1.8% of 2   | 20 SF and 1.6% of 2   | 0 SF and 0% of 2      | 0 SF and 0% of 2      |
| Secondary Masonry Materials (Max 20%)      |                       |                       |                       |                       |
| Other Materials                            | 54 SF and 3.2% of 2   | 30 SF and 2.4% of 2   | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |
| Wood Trim                                  | 54 SF and 3.2% of 2   | 30 SF and 2.4% of 2   | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |

- NOTE:
1. All retaining/ detaining walls, turn- down curbs, tree retaining walls shall be clad in a material to match the material of the building.
  2. All ground based HVAC shall be screened with live screening or masonry enclosure. Masonry enclosure shall be clad in the same material as the main building.
  3. All electrical panels and associated components shall be painted/textured to match the color of the building.
  4. Dumpster screening wall requires a separate building permit.
  5. Signs require a separate building permit. Any signs depicted on the subject site plan/ elevations are not approved as part of this review and must comply with all applicable town regulations.
  6. Reference to directional orientation for each façade for all buildings will be clarified at site plan application.
  7. The Conceptual Site Plan provides for four residential buildings. The architecture, design, colors, and construction of all subsequent buildings will substantially conform to the elevations depicted on this plan.



CaCo  
architecture

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1412 Main St. Suite 1600  
Dallas, TX 75202  
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## Windhaven Senior Living Center

Windhaven Management, LLC  
3801 Cross Timbers Rd.  
Flower Mound, TX 75028

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Project Number  
1830.001  
Drawn By  
Author  
Issue Date  
02/07/2019  
Revised:

Sheet Title  
CONCEPTUAL ELEVATIONS-  
CONGREGATE CARE  
Sheet Number

A 2.1





| MATERIAL LEGEND |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| ①               | STONE- SALADO QUARRY, "SONOMA CAVE".                                                         |
| ②               | CAST STONE- STONE LEGENDS "WHITE.                                                            |
| ③               | STUCCO- SHERWIN WILLIAMS EXT. PAINT, "GOLDEN FLEECE" (SW 6388)                               |
| ④               | STUCCO TRIM- BENJAMIN MOORE EXT. PAINT, "MUSLIN" (1037).                                     |
| ⑤               | WOOD TRIM/SHUDDERS- SHERWIN WILLIAM EXT. PAINT, "BLACK BEAN".                                |
| ⑥               | SHINGLE ROOF- CERTAIN TEED, "CLASSIC WEATHERED WOOD".                                        |
| ⑦               | TERRA COTTA ROOF- BORAL ROOFING, "TEJAS ESPANA".                                             |
| ⑧               | CORRUGATED METAL- SHERWIN WILLIAMS EXT. PAINT, "BLACK BEAN".                                 |
| ⑨               | METAL- FENCE, PAINT BLACK.                                                                   |
| ⑩               | PRECAST CONCRETE PANEL WITH STONE MOLD, PAINTED TO MATCH SALADO QUARRY STONE, "SONOMA CAVE". |
| ⑪               | WOOD- FENCE, STAINED.                                                                        |

| Material Tabulation Chart                  |                         |                        |                       |                       |
|--------------------------------------------|-------------------------|------------------------|-----------------------|-----------------------|
|                                            | North Elevation         | East Side Elevation    | South Elevation       | West Side Elevation   |
| Total Facade SF                            | 1958                    | 1471                   | 1268                  | 1217                  |
| Façade SF (Exclusive of Doors and Windows) | 1685                    | 1273                   | 966                   | 986                   |
| Doors and Windows SF                       | 273                     | 198                    | 302                   | 231                   |
| Primary Masonry Materials (Min 80%)        | 1631 SF and 96.8 % of 2 | 1243 SF and 97.6% of 2 | 899 SF and 93.1% of 2 | 946 SF and 96% of 2   |
| Stucco                                     | 837 SF and 49.7% of 2   | 847 SF and 66.5% of 2  | 868 SF and 89.9% of 2 | 842 SF and 85.5% of 2 |
| Stone                                      | 763 SF and 45.3% of 2   | 376 SF and 29.5% of 2  | 31 SF and 3.2% of 2   | 104 SF and 10.5% of 2 |
| Cast Stone                                 | 31 SF and 1.8% of 2     | 20 SF and 1.6% of 2    | 0 SF and 0% of 2      | 0 SF and 0% of 2      |
| Secondary Masonry Materials (Max 20%)      | -                       | -                      | -                     | -                     |
| Other Materials                            | 54 SF and 3.2% of 2     | 30 SF and 2.4% of 2    | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |
| Wood Trim                                  | 54 SF and 3.2% of 2     | 30 SF and 2.4% of 2    | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |

Note:

1. All retaining/ detaining walls, turn- down curbs, tree retaining walls shall be clad in a material to match the material of the building.
2. All ground based HVAC shall be screened with live screening or masonry enclosure. Masonry enclosure shall be clad in the same material as the main building.
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5. Signs require a separate building permit. Any signs depicted on the subject site plan/ elevations are not approved as part of this review and must comply with all applicable town regulations.
6. Reference to directional orientation for each façade for all buildings will be clarified at site plan application.
7. The Conceptual Site Plan provides for four residential buildings. The architecture, design, colors, and construction of all subsequent buildings will substantially conform to the elevations depicted on this plan.



① Rear Elevation  
1/8" = 1'-0"

Windhaven Senior Living Center

Windhaven Management, LLC  
3801 Cross Timbers Rd.  
Flower Mound, TX 75028

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Project Number  
1630.001  
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Author  
Issue Date  
02/07/2019  
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CONCEPTUAL ELEVATIONS-  
CONGREGATE CARE  
Sheet Number

A 2.2





| MATERIAL LEGEND |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| ①               | STONE- SALADO QUARRY. "SONOMA CAVE".                                                         |
| ②               | CAST STONE- STONE LEGENDS. "WHITE.                                                           |
| ③               | STUCCO- SHERWIN WILLIAMS EXT. PAINT. "GOLDEN FLEECE" (SW 6388)                               |
| ④               | STUCCO TRIM- BENJAMIN MOORE EXT. PAINT. "MUSLIN" (1037).                                     |
| ⑤               | WOOD TRIMSHUDDERS- SHERWIN WILLIAM EXT. PAINT. "BLACK BEAN".                                 |
| ⑥               | SHINGLE ROOF- CERTAIN TEED. "CLASSIC WEATHERED WOOD".                                        |
| ⑦               | TERRA COTTA ROOF- BORAL ROOFING. "TEJAS ESPANA".                                             |
| ⑧               | CORRUGATED METAL- SHERWIN WILLIAMS EXT. PAINT. "BLACK BEAN".                                 |
| ⑨               | METAL- FENCE. PAINT BLACK.                                                                   |
| ⑩               | PRECAST CONCRETE PANEL WITH STONE MOLD. PAINTED TO MATCH SALADO QUARRY STONE. "SONOMA CAVE". |
| ⑪               | WOOD- FENCE. STAINED.                                                                        |

| Material Tabulation Chart                  |                         |                        |                       |                       |
|--------------------------------------------|-------------------------|------------------------|-----------------------|-----------------------|
|                                            | North Elevation         | East Side Elevation    | South Elevation       | West Side Elevation   |
| Total Façade SF                            | 1958                    | 1471                   | 1268                  | 1217                  |
| Façade SF (Exclusive of Doors and Windows) | 1685                    | 1273                   | 966                   | 986                   |
| Doors and Windows SF                       | 273                     | 198                    | 302                   | 231                   |
| Primary Masonry Materials (Min 80%)        | 1631 SF and 96.8 % of 2 | 1243 SF and 97.6% of 2 | 899 SF and 93.1% of 2 | 946 SF and 96% of 2   |
| Stucco                                     | 837 SF and 49.7% of 2   | 847 SF and 66.5% of 2  | 868 SF and 89.9% of 2 | 842 SF and 85.5% of 2 |
| Stone                                      | 763 SF and 45.3% of 2   | 376 SF and 29.5% of 2  | 31 SF and 3.2% of 2   | 104 SF and 10.5% of 2 |
| Cast Stone                                 | 31 SF and 1.8% of 2     | 20 SF and 1.6% of 2    | 0 SF and 0% of 2      | 0 SF and 0% of 2      |
| Secondary Masonry Materials (Max 20%)      | -                       | -                      | -                     | -                     |
| Other Materials                            | 54 SF and 3.2% of 2     | 30 SF and 2.4% of 2    | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |
| Wood Trim                                  | 54 SF and 3.2% of 2     | 30 SF and 2.4% of 2    | 67 SF and 6.9% of 2   | 40 SF and 4% of 2     |

- Note:
1. All retaining/ detaining walls, turn- down curbs, tree retaining walls shall be clad in a material to match the material of the building.
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① Right Side Elevation  
1/8" = 1'-0"

Windhaven Senior Living Center

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Flower Mound, TX 75028

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Project Number  
1630.001  
Drawn By  
Author  
Issue Date  
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Revised:

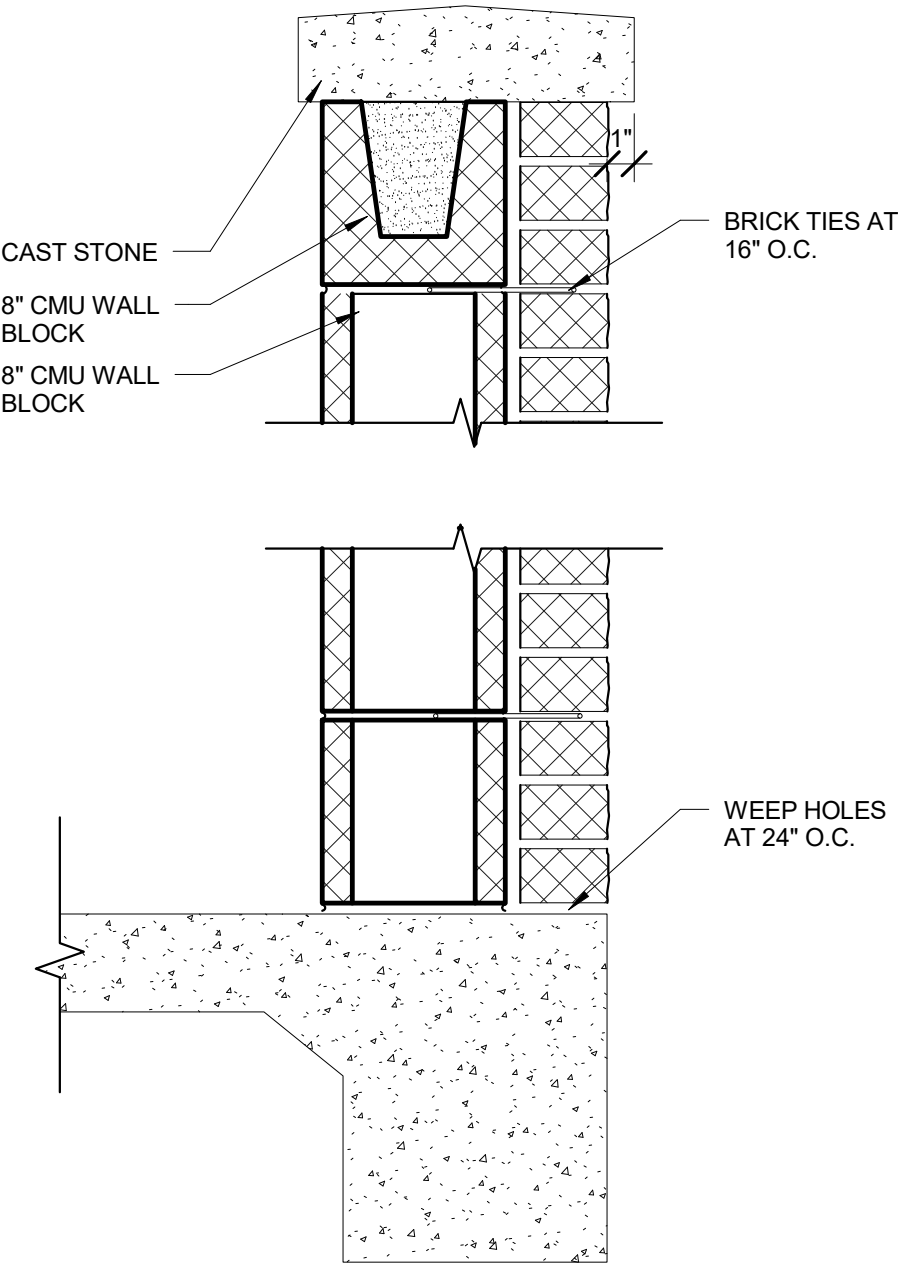
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CONGREGATE CARE  
Sheet Number

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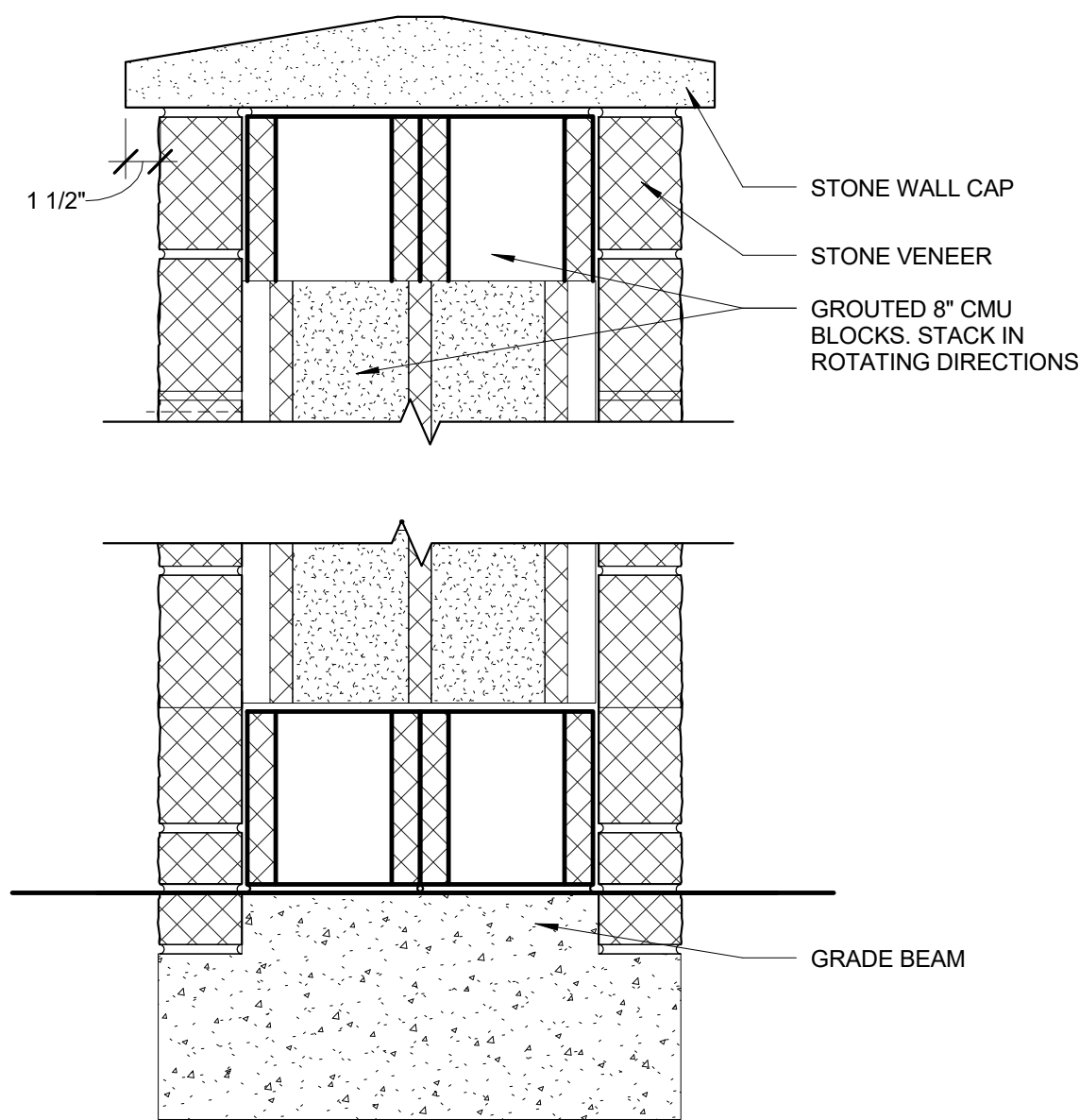


| MATERIAL LEGEND |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| ①               | STONE- SALADO QUARRY. "SONOMA CAVE".                                                         |
| ②               | CAST STONE- STONE LEGENDS. "WHITE".                                                          |
| ③               | STUCCO- SHERWIN WILLIAMS EXT. PAINT. "GOLDEN FLEECE" (SW 6388)                               |
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| ⑤               | WOOD TRIM/SHUDDERS- SHERWIN WILLIAM EXT. PAINT. "BLACK BEAN".                                |
| ⑥               | SHINGLE ROOF- CERTAIN TEED. "CLASSIC WEATHERED WOOD".                                        |
| ⑦               | TERRA COTTA ROOF- BORAL ROOFING. "TEJAS ESPANA".                                             |
| ⑧               | CORRUGATED METAL- SHERWIN WILLIAMS EXT. PAINT. "BLACK BEAN".                                 |
| ⑨               | METAL- FENCE. PAINT BLACK.                                                                   |
| ⑩               | PRECAST CONCRETE PANEL WITH STONE MOLD. PAINTED TO MATCH SALADO QUARRY STONE. "SONOMA CAVE". |
| ⑪               | WOOD- FENCE. STAINED.                                                                        |

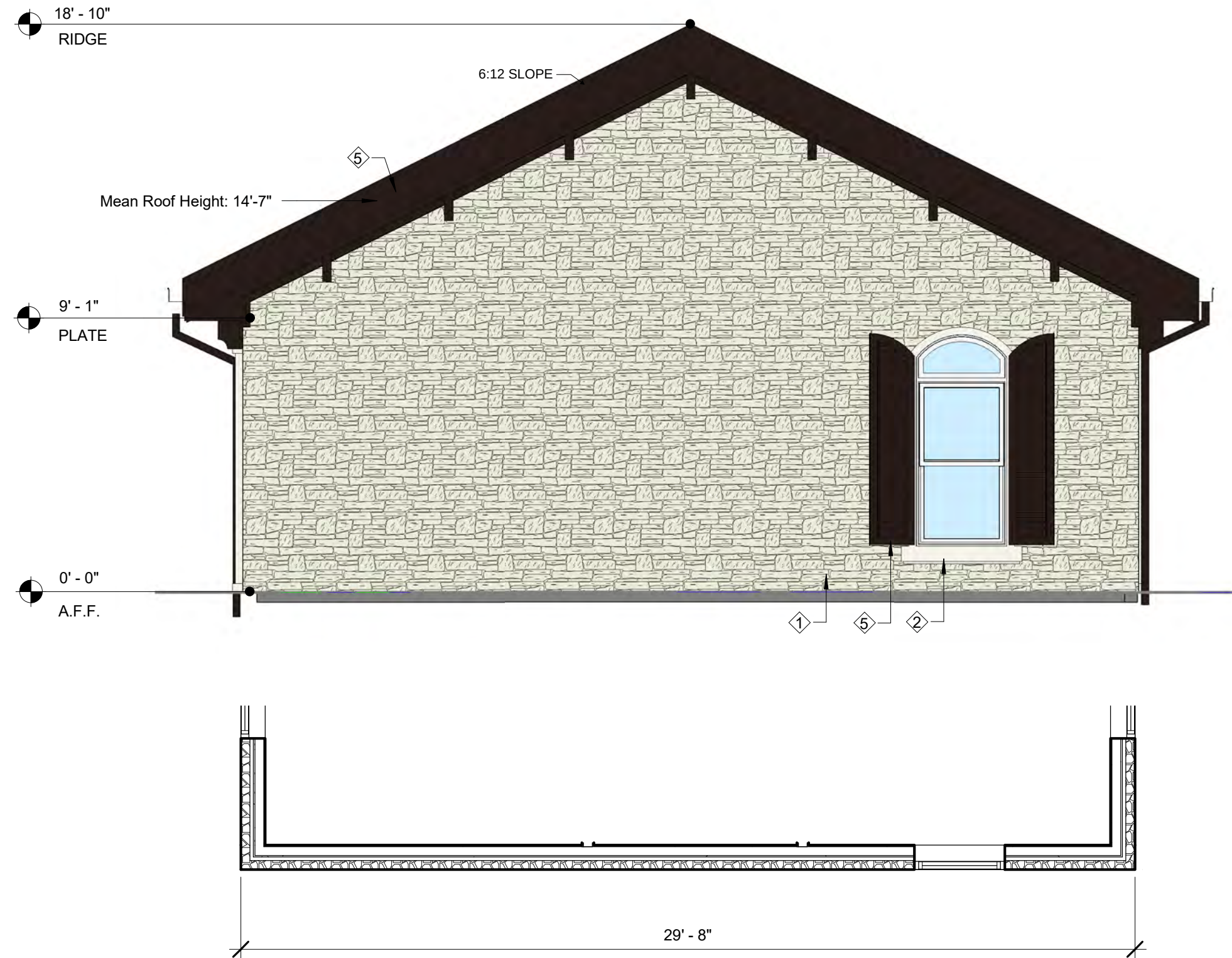
| Office Material Tabulation Chart           |                       |                       |                       |                       |
|--------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
|                                            | North Side Elevation  | East Side Elevation   | South Elevation       | West Elevation        |
| Total Façade SF                            | 459                   | 412                   | 459                   | 412                   |
| Façade SF (Exclusive of Doors and Windows) | 439                   | 235                   | 419                   | 235                   |
| Doors and Windows SF                       | 20                    | 177                   | 40                    | 177                   |
| Primary Masonry Materials (Min 80%)        | 378 SF and 86.1% of 2 | 221 SF and 94% of 2   | 336 SF and 80.2% of 2 | 221 SF and 94% of 2   |
| Stucco                                     | 0 SF and 0% of 2      | 0 SF and 0% of 2      | 0 SF and 0% of 2      | 0 SF and 0% of 2      |
| Stone                                      | 372 SF and 84.7% of 2 | 193 SF and 82.1% of 2 | 324 SF and 77.3% of 2 | 193 SF and 82.1% of 2 |
| Cast Stone                                 | 6 SF and 1.4% of 2    | 28 SF and 11.9% of 2  | 12 SF and 2.9% of 2   | 28 SF and 11.9% of 2  |
| Secondary Masonry Materials (Max 20%)      | -                     | -                     | -                     | -                     |
| Other Materials                            | 61 SF and 13.9% of 2  | 14 SF and 6% of 2     | 83 SF and 19.8% of 2  | 14 SF and 6% of 2     |
| Wood Trim                                  | 61 SF and 13.9% of 2  | 14 SF and 6% of 2     | 83 SF and 19.8% of 2  | 14 SF and 6% of 2     |



⑪ Dumpster Wall Section  
1 1/2" = 1'-0"



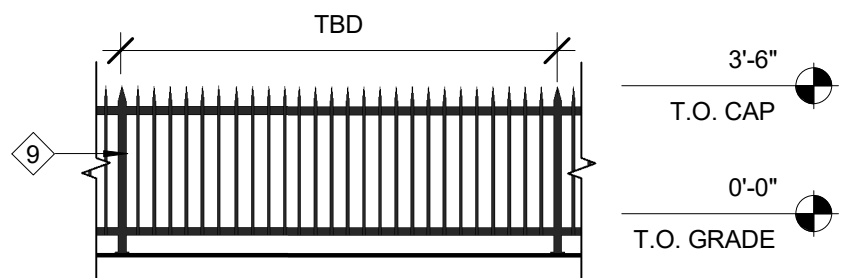
⑥ Perimeter Fence Section  
1 1/2" = 1'-0"



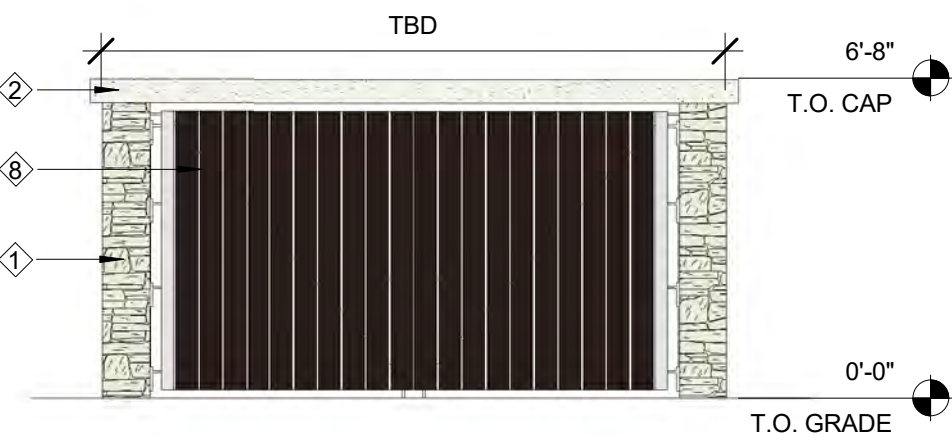
④ Office North Elevation  
1/4" = 1'-0"



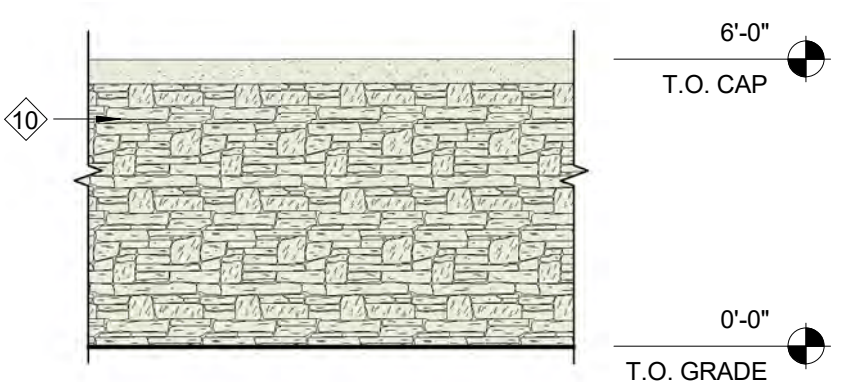
② Office West Elevation  
1/4" = 1'-0"



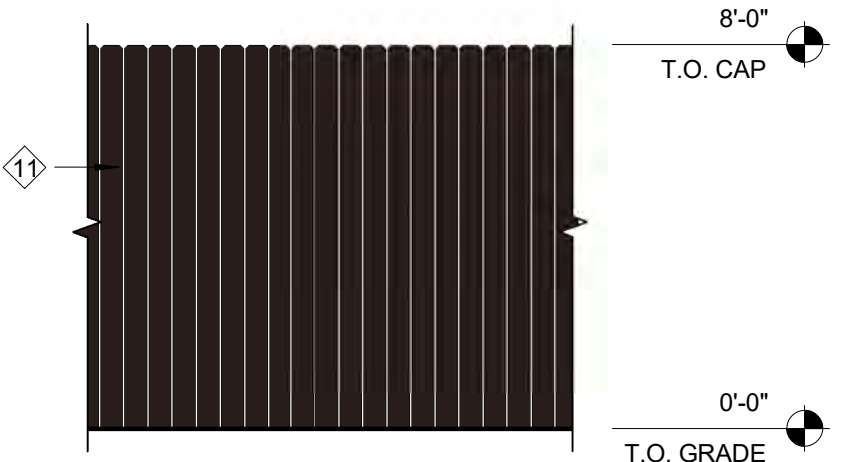
⑩ Retention Pond Fence  
1/4" = 1'-0"



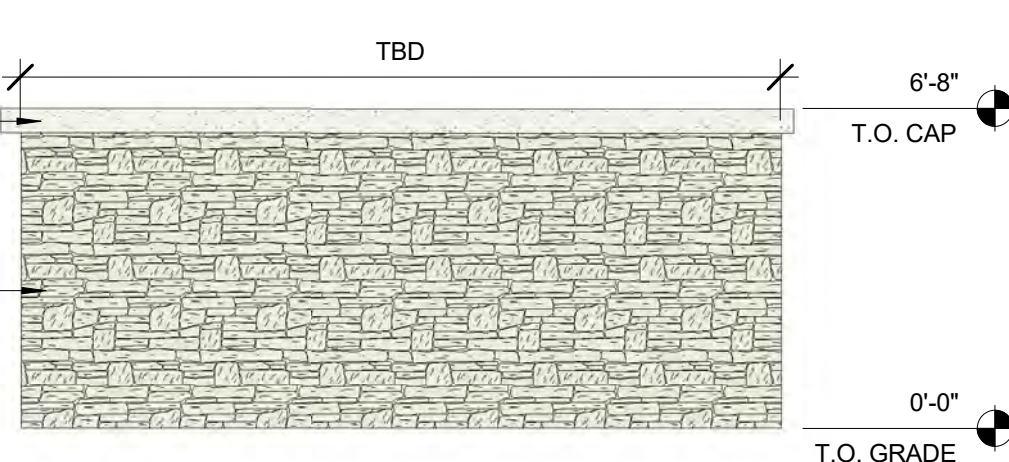
⑨ Perimeter Fence Elevation  
1/4" = 1'-0"



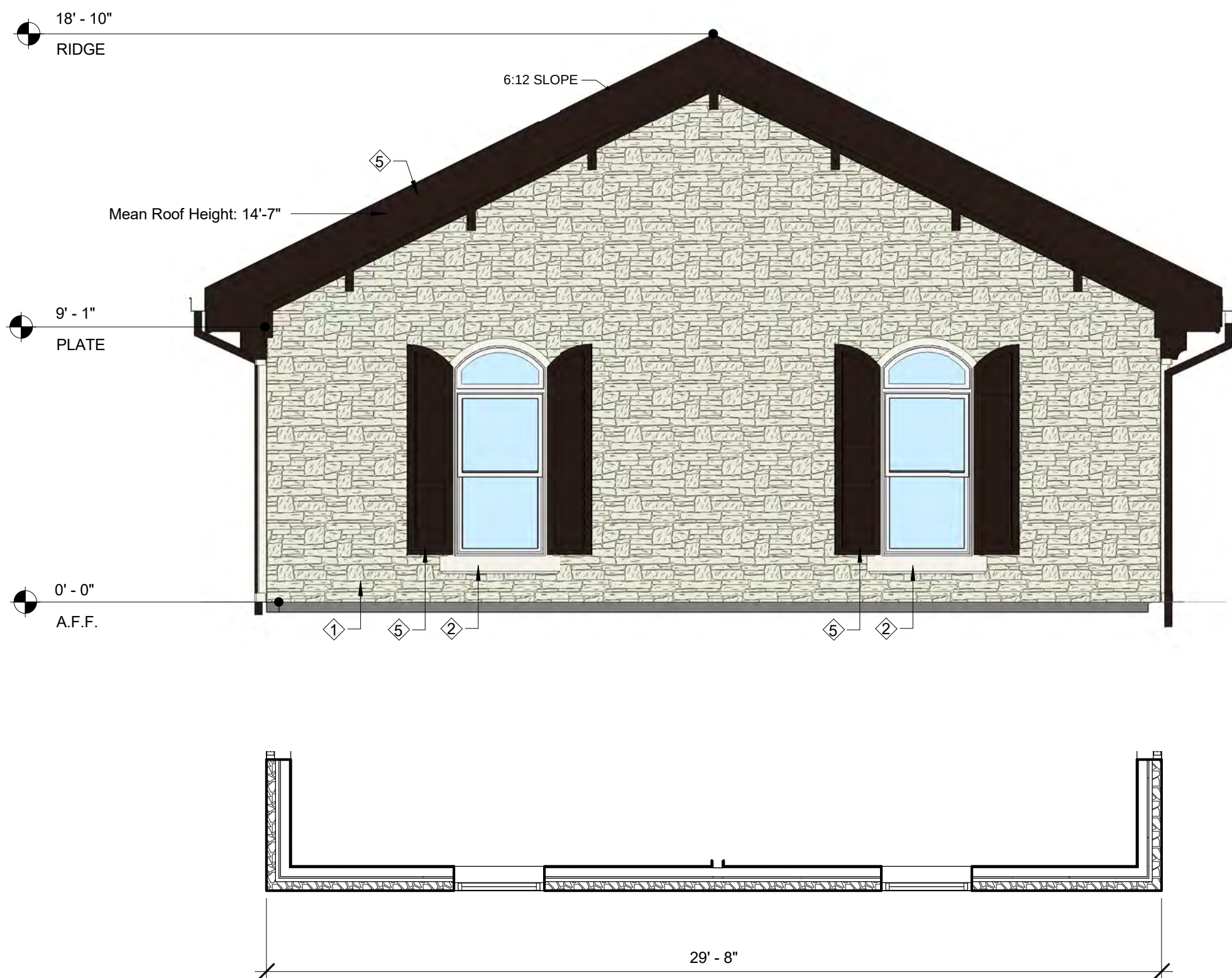
⑧ Perimeter Side Fence Elevation  
1/4" = 1'-0"



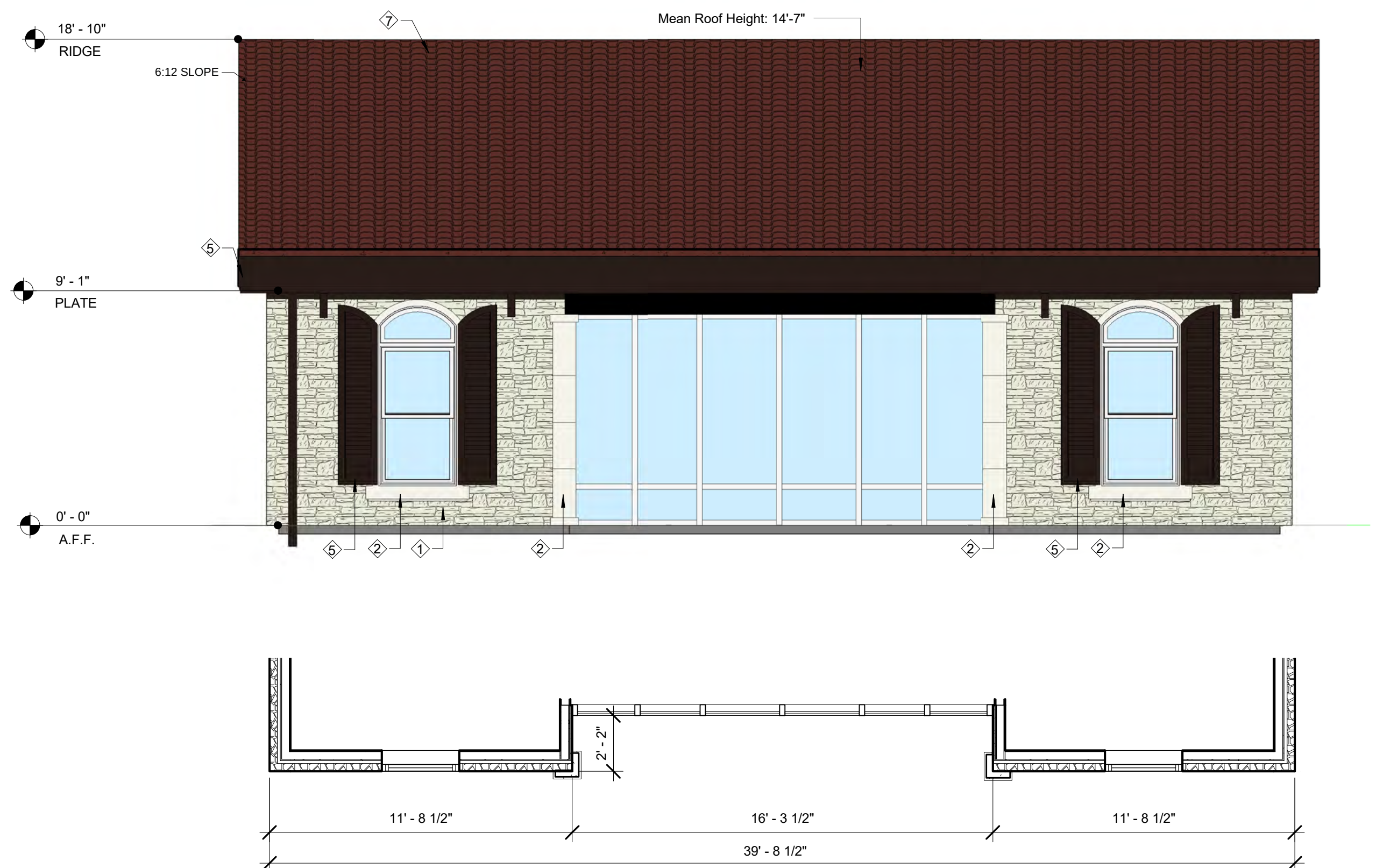
⑦ Privacy Fence Elevation  
1/4" = 1'-0"



⑤ Dumpster Wall Elevations  
1 1/2" = 1'-0"



③ Office South Elevation  
1/4" = 1'-0"



① Office East Elevation  
1/4" = 1'-0"

CaCo  
architecture

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Windhaven Senior Living Center

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Flower Mound, TX 75028

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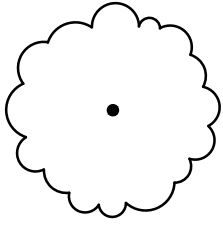
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14770.001  
Drawn By  
Author  
Issue Date  
02/07/2019  
Revised:

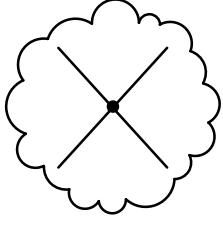
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ELEVATIONS  
Sheet Number

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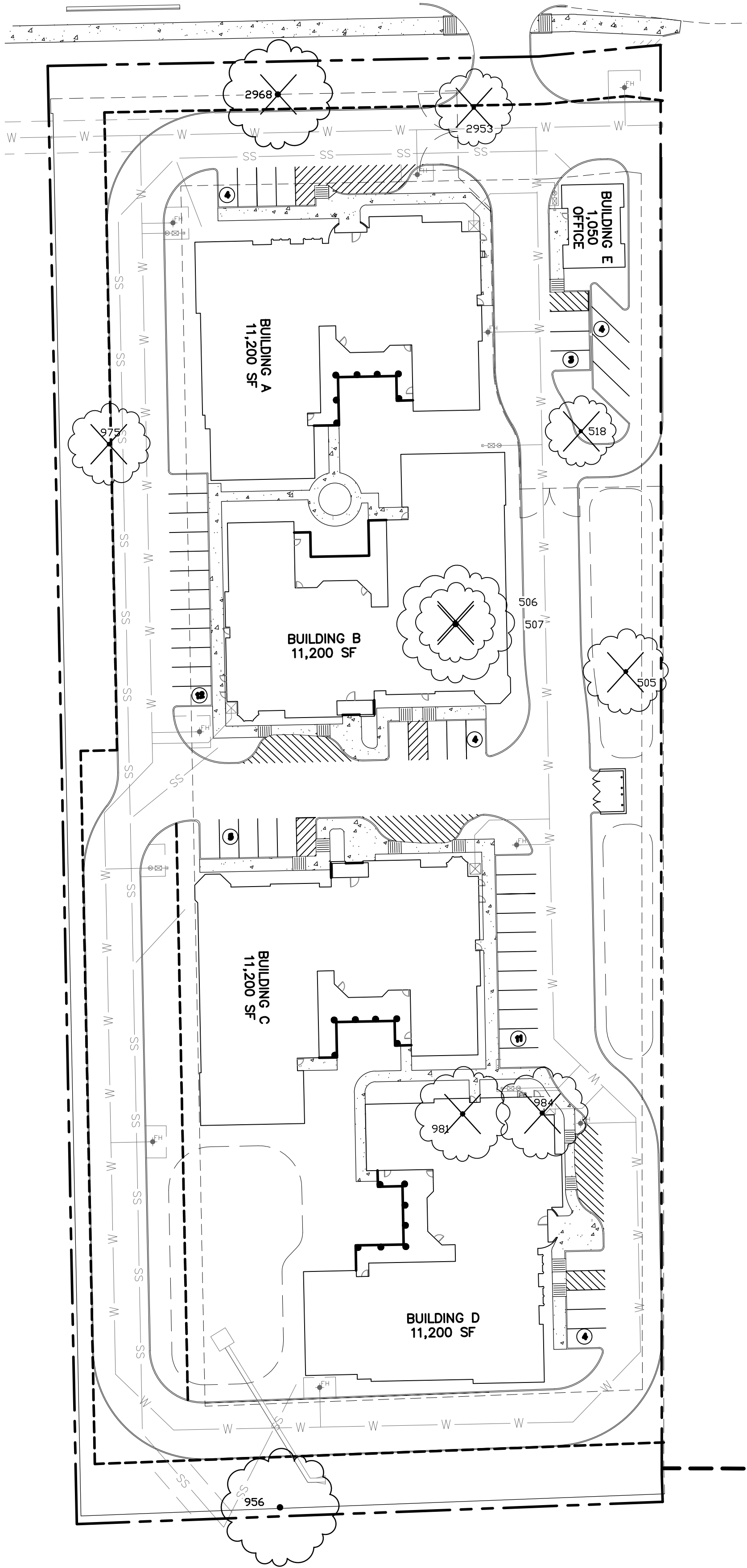
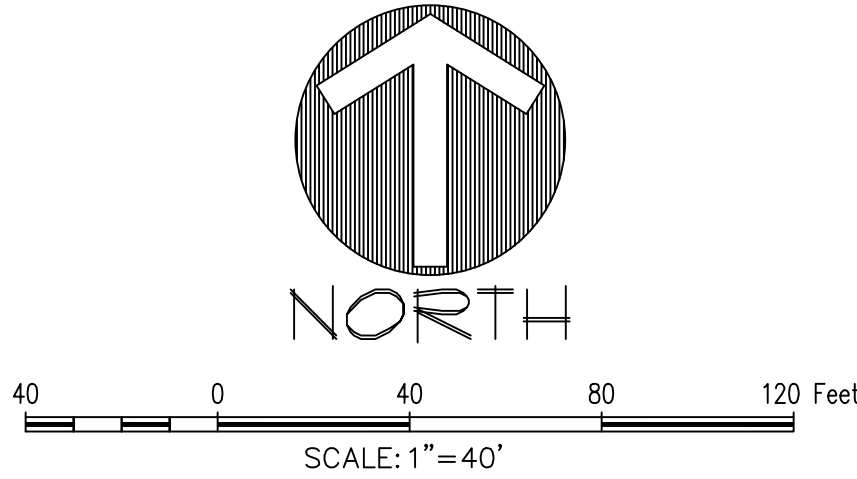
LEGEND

 SPECIMEN TREE  
TO REMAIN

 SPECIMEN TREE  
TO BE REMOVED

TREE CHART

| TREE #                       | CALIPER (") | COMMON NAME   | BOTANICAL NAME             | PROTECTED | REMARKS                                     | REMOVED | MITIGATION |
|------------------------------|-------------|---------------|----------------------------|-----------|---------------------------------------------|---------|------------|
| 505                          | 26          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, BA,<br>measured<br>3' above grade | Yes     | 52         |
| 506                          | 25          | American Elm  | <i>Ulmus americana</i>     | Yes       | Specimen, BA                                | Yes     | 50         |
| 507                          | 31          | American Elm  | <i>Ulmus americana</i>     | Yes       | Stressed, in Decline                        | Yes     | 62         |
| 518                          | 22          | Blackjack Oak | <i>Quercus marilandica</i> | Yes       | Specimen, BA                                | Yes     | 44         |
| 956                          | 31          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, OBA                               | No      |            |
| 975                          | 25          | American Elm  | <i>Ulmus americana</i>     | Yes       | Specimen, BA                                | Yes     | 50         |
| 981                          | 30          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, BA                                | Yes     | 60         |
| 984                          | 29          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, BA                                | Yes     | 58         |
| 2953                         | 24          | Post Oak      | <i>Quercus stellata</i>    | Yes       | Specimen, OBA                               | Yes     | 48         |
| 2968                         | 33          | Post Oak      | <i>Quercus stellata</i>    | Yes       | Specimen, OBA                               | Yes     | 66         |
| TOTAL SPECIMEN TREES ON SITE |             |               |                            |           |                                             |         | 10         |
| TOTAL SPECIMENS REMOVED      |             |               |                            |           |                                             |         | 9          |
| TOTAL INCHES TO MITIGATE     |             |               |                            |           |                                             |         | 490        |

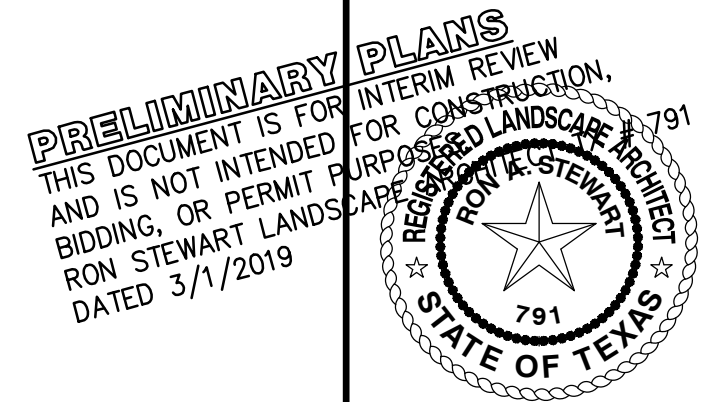


5054 Franklin Avenue  
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Waco, TX 76710  
Ph: 254-776-1519  
www.1519LLC.com  
TBPLS # 10193968  
TBPE # F-17299



WINDHAVEN ASSSISTED LIVING  
4.36 ACRES  
3801 GROSS TIMBERS RD.  
FLOWER MOUND, DENTON COUNTY, TEXAS

SPECIMEN TREE SURVEY



DRAWN: VC

DATE: 03/01/2019

1519 JOB#: 41669

SHEET NO:  
T1.0



## TOWN COUNCIL AGENDA ITEM NO. 9

### REGULAR ITEM

**DATE:** May 20, 2019

**FROM:** James Hoefert, Environmental Review Analyst

**ITEM:** Public Hearing to consider an application for a tree removal permit for nine (9) specimen trees on property proposed for development as Windhaven Assisted Living. The property is generally located south of Cross Timbers Road and west of Auburn Drive. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its March 5, 2019, meeting).

**BACKGROUND INFORMATION:** The Windhaven Assisted Living development is generally located south of Cross Timbers Road and west of Auburn Drive. The site is approximately 4.36 acres in size. The site is currently zoned for Agriculture (A) uses, with a current use as a mobile home park and master planned for Low Density Residential within the Cross Timbers Protection Area. The applicant is requesting a Specific Use Permit for a nursing or congregate care facility. According to the tree survey for the project, the site contains ten (10) specimen trees. The applicant is requesting to remove nine (9) specimen trees from the site in order to build an assisted living facility. The nine (9) specimen trees proposed for removal are in good to fair condition and located within the proposed buildable area.

The following is a list of the nine (9) specimen trees being requested for removal: Tree #505 – 26” pine; Tree #506 – 25” American elm; Tree #507 – 31” American elm; Tree #518 – 22” blackjack oak; Tree #975 – 25” American elm; Tree #981 – 30” pine; Tree #984 – 29” pine; Tree #2953 – 24” post oak; and Tree #2968 – 33” post oak.

The Town’s tree ordinance requires that specimen trees removed from the site be replaced at a rate of two times their caliper inches. Based on their size, 492” of replacement trees, equaling 164 three-inch caliper trees, will be required for the removal of the nine (9) specimen trees that are located on this site. In addition, protected trees removed from the buildable area will also require replacement at a tree-for-tree rate. Protected tree mitigation / replacement will be determined with the record plat application once final engineering has been completed for the project.

**BOARD REVIEW/CITIZEN FEEDBACK:** This application was considered by the Environmental Conservation Commission (ECC) at its March 5, 2019, meeting. The ECC recommended approval of the requested permit to remove the specimen trees. A link to the ECC meetings can be found at: <https://tx-flowermound.civicplus.com/index.aspx?NID=969>

As of May 8, 2019, staff has not received feedback related to this item.

**ALTERNATIVES/OPTIONS:** The Town Council may approve or deny the requested tree removal permit, or may choose to approve the permit with conditions or changes.

**FISCAL IMPACT:** N/A

**LEGAL REVIEW:** N/A

**ATTACHMENTS:**

1. Letter from the applicant indicating the reason(s) for the tree removal permit request.
2. Specimen tree removal permit application.
3. Photographs of the specimen trees proposed for removal.
4. Project Tree Survey.

**DRAFT MOTION:** Move to approve as presented in the agenda caption.



March 1, 2018

Jimmy Hoefert, Environmental Review Analyst  
Town of Flower Mound  
1001 Cross Timbers Road, Suite 2330  
Flower Mound, TX 75028

Reference: Tree Removal Permit Application  
Lots 13 and 14  
4.36 Acres P. Malone Survey, Abstract No. 836  
3801 FM 1171  
Town of Flower Mound  
Denton County, Texas

Dear Mr. Hoefert:

On behalf of the owner/developer on the aforementioned property, we are requesting that (9) specimen trees (as outlined on the attached tree removal exhibit), as defined in the TOFM Tree Preservation Code, be removed. The trees are being requested to be removed due to site and design conditions which thereby mean the subject development cannot reasonably be developed, based on economic and/or practical considerations, without removal of the trees included in the permit application.

#### TREE TABULATIONS FROM THE SPECIMEN TREE SURVEY

|                              |          |
|------------------------------|----------|
| Total specimen trees         | 10 Trees |
| Total specimen trees removed | 9 Trees  |

Several plans were generated with various renditions of each based on saving the specimen trees as per the owner. Due to preexisting conditions, grading, Town of Flower Mound Engineering Standards, and site conditions, the specimen trees are not able to be saved. The site plan before you appears to be the most beneficial for taking into account all the site constraints and opportunities.

The following are the specimen trees we are requesting to be removed:

- |              |                           |
|--------------|---------------------------|
| 1. Tree #505 | 26" caliper Pine          |
| 2. Tree #506 | 25" caliper American Elm  |
| 3. Tree #507 | 31" caliper American Elm  |
| 4. Tree #518 | 22" caliper Blackjack Oak |
| 5. Tree #975 | 25" caliper American Elm  |

Tree Removal Permit Letter of Intent  
Flower Mound Church of Christ  
Page 2

- |               |                      |
|---------------|----------------------|
| 6. Tree #981  | 30" caliper Pine     |
| 7. Tree #984  | 29" caliper Pine     |
| 8. Tree #2953 | 24" caliper Post Oak |
| 9. Tree #2968 | 33" caliper Post Oak |

These trees are being removed due to existing conditions and site constraints.

Based on the above data, I respectfully ask that the trees enumerated above be allowed to be removed from the site.

Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Ron Stewart', followed by a long, sweeping horizontal line that extends across the page.

Ron Stewart, ASLA  
Landscape Architect, TX #791

**Town of Flower Mound**  
Application for:  
**TREE REMOVAL PERMIT**

(Effective for Developments submitted 10/6/08 - present)

Check one:    ☐ Protected Tree    ☒ Specimen Tree    ☐ Historic Tree

**1. Applicant-** Note: Must be a licensed Landscape Architect or Registered Arborist

**Name:**

Ron Stewart

**Address:**

111 Hillside Dr.  
Lewisville, TX 75057

**Phone:**

972-436-9712

**Applicant's Legal Interest in the Property:**

Landscape Architect on project

**2. Property Owner(s)**

**Name(s):** Windhaven Senior Living

**Address:** 4500 Ratliff Ln, Suite 115  
Addison, TX 75001

**3. Location and Legal Description of Property:**

Lots 13 & 14  
4.36 Acres P. Malone Survey, Abstract No. 436  
Town of Flower Mound, Denton County, Texas

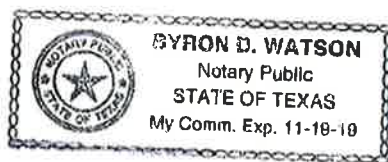


Page 2 of 3.

**4. Owner's Authorization of Representation**

I, Edward Sedacca, the owner of the above described real property, do hereby authorize 1519 to represent my interests and to file an Application for Tree Removal Permit for said real property, pursuant to the terms and provisions of Chapter 94 (Trees), of the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances.

[Signature]  
Signature of Owner



Given Under My Hand and Seal of Office  
This the 11 Day of February, 20 19

[Signature]  
Notary Public  
In and For Denton County, Texas.

**5. Applicants Affidavit-** Note: Applicant must be a licensed Landscape Architect or Registered Arborist.

Subject to criminal penalties contained in Subpart B, the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances, I \_\_\_\_\_, do hereby swear or affirm that all of the Information contained herein and submitted herein is, to the best of my knowledge, true, correct and complete and that no false, misleading or incomplete information has been intentionally provided or submitted with this Application for a Tree Removal Permit.

[Signature]  
Signature of Applicant

Landscape Architect License No. #791  
State of Licensure TX  
Or ISA Certified Arborist No. \_\_\_\_\_



Given Under My Hand and Seal of Office  
This the 11 Day of February, 20 19

[Signature]  
Notary Public  
In and For Denton County, Texas

6. Received by Town of Flower Mound on (Date) 2/11/2019 by (initials) JRH.

Windhaven Assisted Living -  
Specimen trees proposed for removal

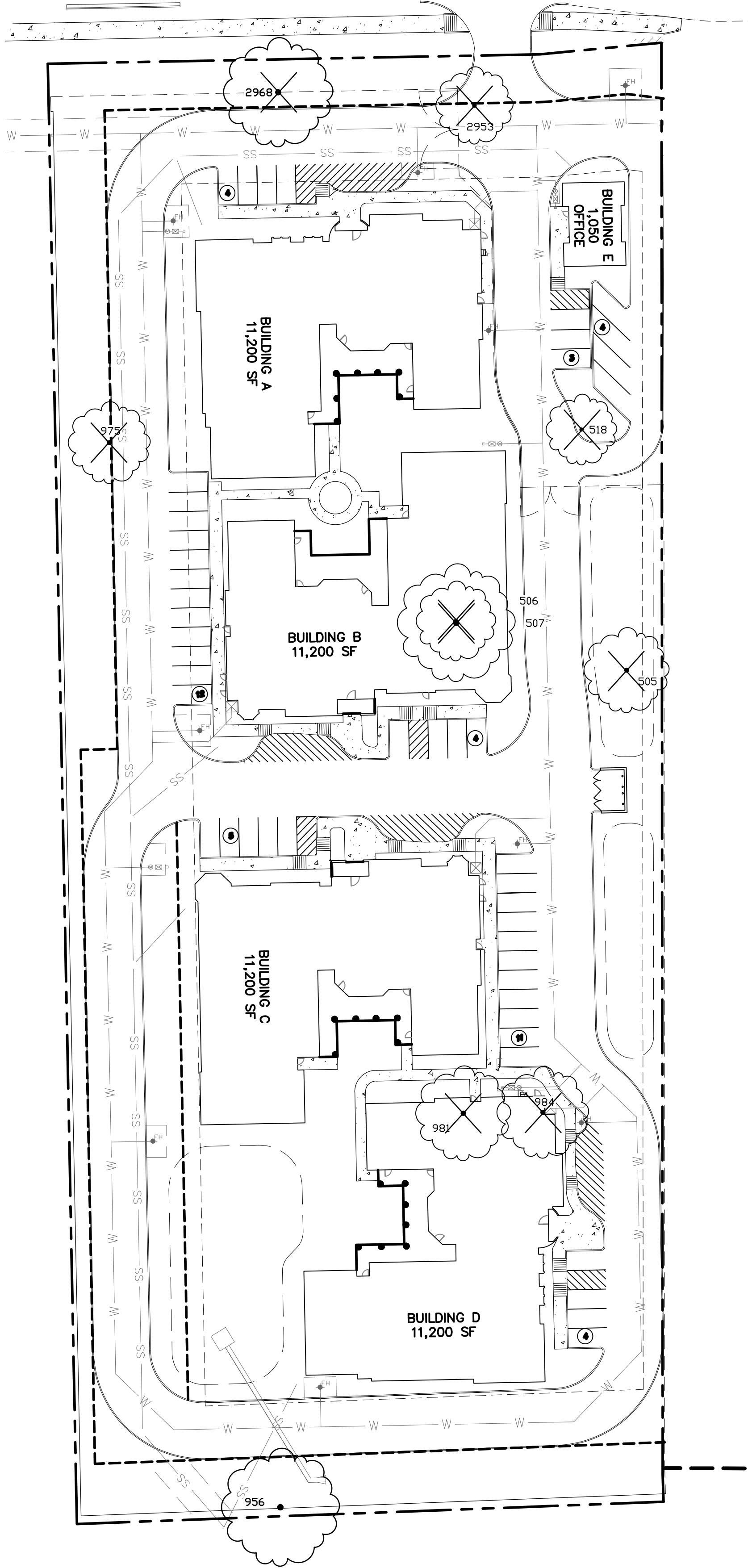




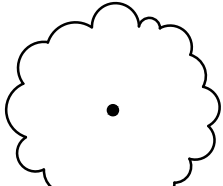




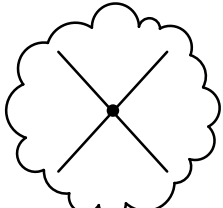
File: J:\2018\1519\Drawings\VP & Civil\Plan\SPV\TREE TREE SURVEY  
Plotted: 2/7/2019 11:10 AM, by: Wendy Cox, Date: 2/7/2019 11:10 AM, by: Wendy



LEGEND



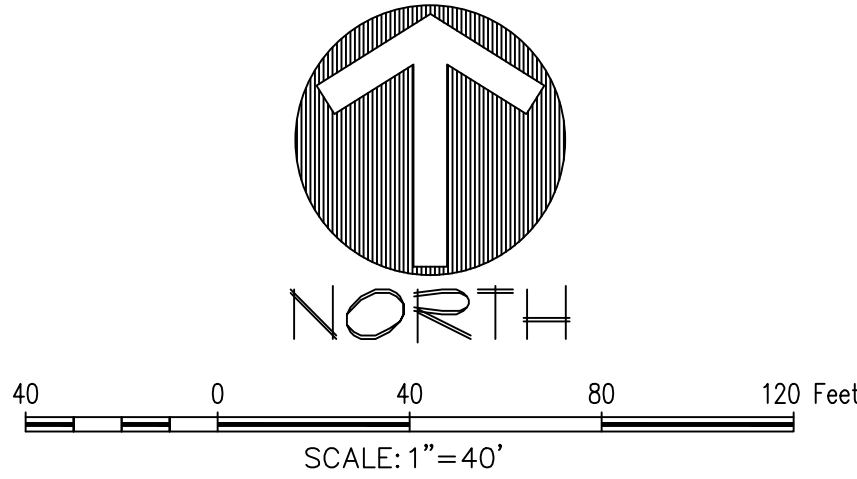
SPECIMEN TREE  
TO REMAIN



SPECIMEN TREE  
TO BE REMOVED

TREE CHART

| TREE #                       | CALIPER (") | COMMON NAME   | BOTANICAL NAME             | PROTECTED | REMARKS                                  | REMOVED | MITIGATION |
|------------------------------|-------------|---------------|----------------------------|-----------|------------------------------------------|---------|------------|
| 505                          | 26          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, BA, measured<br>3' above grade | Yes     | 52         |
| 506                          | 25          | American Elm  | <i>Ulmus americana</i>     | Yes       | Specimen, BA                             | Yes     | 50         |
| 507                          | 31          | American Elm  | <i>Ulmus americana</i>     | Yes       | Stressed, in Decline                     | Yes     | 62         |
| 518                          | 22          | Blackjack Oak | <i>Quercus marilandica</i> | Yes       | Specimen, BA                             | Yes     | 44         |
| 956                          | 31          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, OBA                            | No      |            |
| 975                          | 25          | American Elm  | <i>Ulmus americana</i>     | Yes       | Specimen, BA                             | Yes     | 50         |
| 981                          | 30          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, BA                             | Yes     | 60         |
| 984                          | 29          | Pine          | <i>Pinus taeda</i>         | Yes       | Specimen, BA                             | Yes     | 58         |
| 2953                         | 24          | Post Oak      | <i>Quercus stellata</i>    | Yes       | Specimen, OBA                            | Yes     | 48         |
| 2968                         | 33          | Post Oak      | <i>Quercus stellata</i>    | Yes       | Specimen, OBA                            | Yes     | 66         |
| TOTAL SPECIMEN TREES ON SITE |             |               |                            |           |                                          |         | 10         |
| TOTAL SPECIMENS REMOVED      |             |               |                            |           |                                          |         | 9          |
| TOTAL INCHES TO MITIGATE     |             |               |                            |           |                                          |         | 490        |

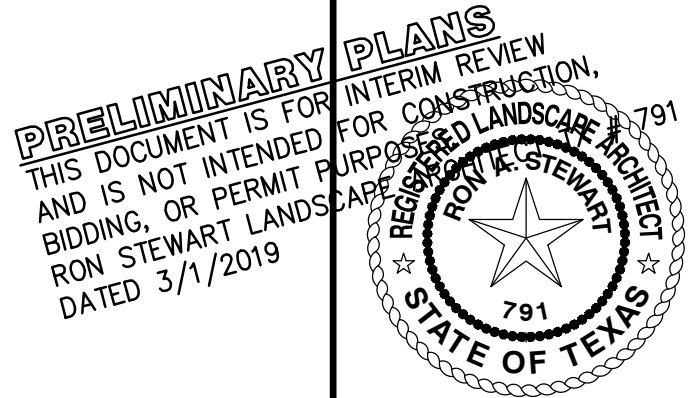


5054 Franklin Avenue  
Suite A  
Waco, TX 76710  
Ph: 254-776-1519  
www.1519LLC.com  
TBPLS # 10193968  
TBPE # F-17299



WINDHAVEN ASSSISTED LIVING  
4.36 ACRES  
3801 GROSS TIMBERS RD.  
FLOWER MOUND, DENTON COUNTY, TEXAS

SPECIMEN TREE SURVEY



DRAWN: VC  
DATE: 03/01/2019  
1519 JOB#: 41669  
SHEET NO:  
T1.0



## TOWN COUNCIL AGENDA ITEM NO. 10

### REGULAR ITEM

**DATE:** May 20, 2019

**FROM:** James Hoefert, Environmental Review Analyst

**ITEM:** Public Hearing to consider an application for a tree removal permit for ten (10) specimen trees on property proposed for development as Townlake Phase 4. The property is generally located south of Cross Timbers Road and east of Flower Mound Road. (The Environmental Conservation Commission recommended approval by a vote of 4-2-0 at its April 2, 2019, meeting).

**BACKGROUND INFORMATION:** The Townlake Phase 4 development is generally located south of Cross Timbers Road and east of Flower Mound Road. The site is approximately 89.924 acres in size. The site is currently zoned for a cluster development within Planned Development District No. 166 (PD-166) and is master planned for the Cross Timbers Conservation Development District. According to the tree survey for the project, the site contains one hundred and five (105) specimen trees. The applicant previously received approval from Town Council on October 1, 2018, to remove five (5) specimen trees from the site in order to build a residential subdivision. The applicant is now requesting to remove ten (10) additional specimen trees. The additional specimen trees proposed for removal are all in good to fair condition and are located within the proposed buildable area.

The following is a list of the ten (10) specimen trees being requested for removal: Tree #903 – 27” post oak; Tree #919 – 29” post oak; Tree #1356 – 27” post oak; Tree #1363 – 37.25” post oak; Tree #1458 – 28” pecan; Tree #1499 – 30” post oak; Tree #1500 – 28.5” post oak; Tree #1501 – 23.5” post oak (fair condition – slight canopy dieback on north side); Tree #1504 – 25.5” post oak; and Tree #1518 – 30” post oak.

The developer will attempt to save Tree #s 919, 1363, 1499, 1501 and 1504; however, they are requesting the removal of those five (5) specimen trees since grading will occur well within the drip line of those trees.

The Town’s tree ordinance requires that specimen trees removed from the site be replaced at a rate of two times their caliper inches. Based on their sizes, 570” of replacement trees, equaling 190 three-inch caliper trees, will be required for the removal of the ten (10) additional specimen trees being requested for removal on this site. In addition, protected trees removed from the buildable area will also require replacement at a tree-for-tree rate. Protected tree mitigation / replacement will be determined with the record plat application once final engineering has been completed for the project. The developer is proposing to preserve a significant number existing protected and specimen trees on the site, so there will be credits available for the preservation of those trees.

**BOARD REVIEW/CITIZEN FEEDBACK:** This application was considered by the Environmental Conservation Commission (ECC) at its April 2, 2019, meeting. The ECC recommended approval of the requested permit to remove the specimen trees. A link to the ECC meetings can be found at: <https://tx-flowermound.civicplus.com/index.aspx?NID=969>

As of May 8, 2019, staff has not received feedback related to this item.

**ALTERNATIVES/OPTIONS:** The Town Council may approve or deny the requested tree removal permit, or may choose to approve the permit with conditions or changes.

**FISCAL IMPACT:** N/A

**LEGAL REVIEW:** N/A

**ATTACHMENTS:**

1. Letter from the applicant indicating the reason(s) for the tree removal permit request.
2. Specimen tree removal permit application.
3. Photographs of the specimen trees proposed for removal.
4. Project Tree Survey.

**DRAFT MOTION:** Move to approve as presented in the agenda caption.



March 29, 2019

James Hoefert  
Environmental Review Analyst  
1001 Cross Timbers Road  
Flower Mound, Texas 75028



LANDSCAPE ARCHITECTURE  
SITE PLANNING  
TREE MITIGATION

Re: Townlake, Phase 4 : Tree Removal Application

Mr. Hoefert,

As required, we are submitting this document explaining the reasons for the tree removal at Townlake, Ph. 4. The purpose of the removal of (10) ten Specimen Trees is for single family development.

**Tree 903** – 27” Post Oak: Tree is proposed to be removed due to its close proximity to proposed building pad and approximate grade changes. (Lot 6, Block B)

**Tree 919** – 29” Post Oak: Tree is proposed to be removed due to the location of the critical root zone being next to and affected by significant grade changes. (Lot 4, Block B). \*The owner will attempt to save this tree by re-aligning the 6” depth swale. All grading within tree canopy will be by hand.

**Tree 1356** – 27” Post Oak: Tree is proposed to be removed due to its close proximity to proposed building pad and approximate grade changes. (Lot 2, Block B)

**Tree 1363** – 37.25” Post Oak: Tree is proposed to be removed due to the location of the critical root zone being next to and affected by adjacent right-of-way, utility easement, and approximate grade changes. (Lot 1, Block C). \*The owner will attempt to save this tree by adjusting the grade of the road and bar ditch. All grading within tree canopy will be by hand.

**Tree 1458** – 28” Pecan: Trees is proposed to be removed due to its close proximity to adjacent grading changes and proposed lot pad location. (Lot 27, Block A)

**Tree 1499** – 30” Post Oak: Tree is proposed to be removed due to the location of the critical root zone being next to and affected by adjacent right-of-way, utility easement, and approximate grade changes. (Lot 1, Block C). \*The owner will attempt to save this tree by adjusting the grade of the road and bar ditch. All grading within tree canopy will be by hand.

**Tree 1500** – 28.5” Post Oak: Tree is proposed to be removed due to the location of the critical root zone being next to and affected by adjacent right-of-way, utilities & utility easement, and significant grade changes. (Lot 13, Block A)

Studio 13 Design Group  
386 W. Main Street  
Lewisville, Texas 75057  
469-635-1900  
www.studio13.bz

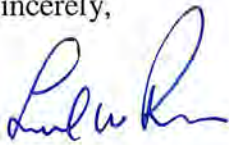
**Tree 1501** – 23.5" Post Oak: Tree is proposed to be removed due to the location of the critical root zone being next to and affected by adjacent right-of-way, utilities & utility easement, and significant grade changes. (Lot 23, Block A). \*The owner will attempt to save this tree by boring franchise utilities as well as adjusting the grade of the bar ditch. All grading within the tree canopy will be by hand.

**Tree 1504** – 25.5" Post Oak: Tree is proposed to be removed due to the location of the critical root zone being next to and affected by adjacent right-of-way, utilities & utility easement, and significant grade changes. (Lot 24, Block A). \*The owner will attempt to save this tree by boring franchise utilities as well as adjusting the grade of the bar ditch. All grading within the tree canopy will be by hand.

**Tree 1518** – 30" Post Oak: Tree is proposed to be removed due to the location of the critical root zone being next to and affected by significant grade changes.  
(Lot 13, Block A)

If you should have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Leonard Reeves', with a stylized, flowing script.

Leonard Reeves, RLA, ASLA, PLA  
Studio 13 Design Group  
386. West Main Street  
Lewisville, TX 75057

**Town of Flower Mound**  
Application for:  
**TREE REMOVAL PERMIT**

(Effective for Developments submitted 10/6/08 - present)

Check one: ☐ Protected Tree ☒ Specimen Tree ☐ Historic Tree

1. Applicant- Note: Must be a licensed Landscape Architect or Registered Arborist

Name:

LEONARD REEVES

Address:

386 WEST MAIN STREET  
LEWISVILLE, TEXAS 75057

Phone:

469.635.1900

Applicant's Legal Interest in the Property:

DESIGN CONSULTANT FOR OWNER OF PROPERTY

2. Property Owner(s)

Name(s): TOLL DALLAS TX, LLC

Address: 2557 S.W. GRAPEVINE PARKWAY, SUITE 100  
GRAPEVINE, TEXAS 76051

3. Location and Legal Description of Property:

89.925 ACRES, 56 RESIDENTIAL LOTS, 8 OPEN SPACE LOTS  
AN ADDITION TO THE TOWN OF FLOWER MOUND J. MALONE SURVEY ~ ABSTRACT  
NO. 857 M.E.D. & P.R.B. SURVEY ~ ABSTRACT NO. 935  
DENTON COUNTY, TEXAS



**4. Owner's Authorization of Representation**

I, Robert G. Paul, P.P., the owner of the above described real property, do hereby authorize Studio 13 Design Group to represent my interests and to file an Application for Tree Removal Permit for said real property, pursuant to the terms and provisions of Chapter 94 (Trees), of the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances.

[Signature]  
Signature of Owner



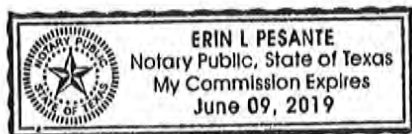
Given Under My Hand and Seal of Office  
This the 27 Day of February, 20 19  
Meghan Lee Metcalf  
Notary Public  
In and For Tarrant County, Texas.

**5. Applicants Affidavit- Note: Applicant must be a licensed Landscape Architect or Registered Arborist.**

Subject to criminal penalties contained in Subpart B, the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances, I LEONARD REEVES, do hereby swear or affirm that all of the Information contained herein and submitted herein is, to the best of my knowledge, true, correct and complete and that no false, misleading or incomplete information has been intentionally provided or submitted with this Application for a Tree Removal Permit.

[Signature]  
Signature of Applicant

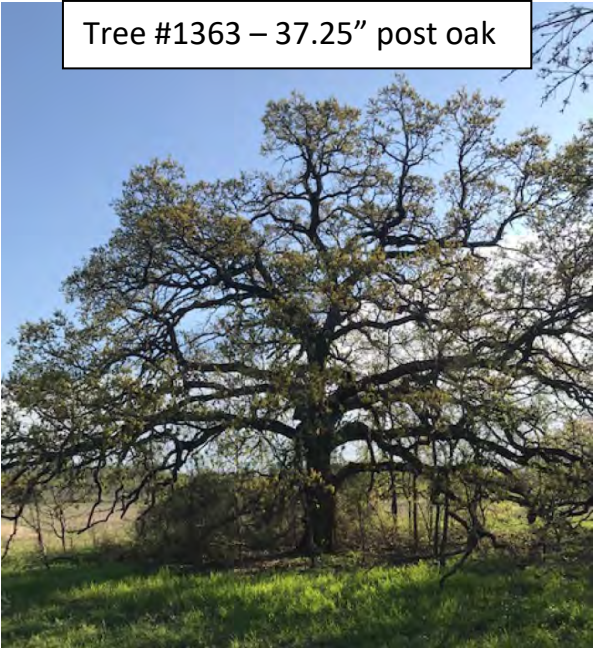
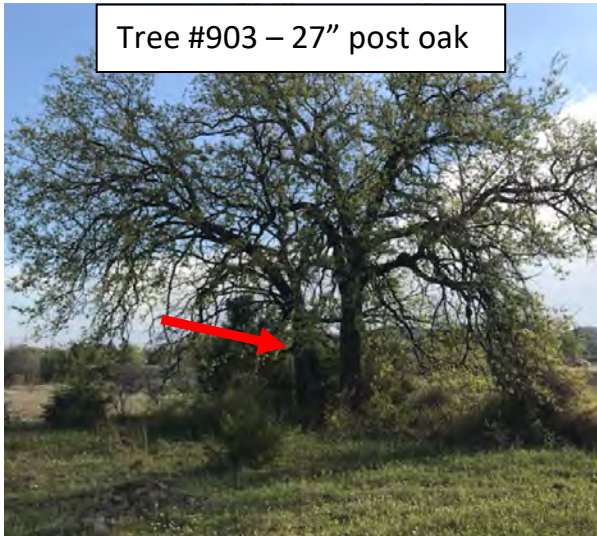
Landscape Architect License No. 1977  
State of Licensure TX  
Or ISA Certified Arborist No. —



Given Under My Hand and Seal of Office  
This the 28 Day of February, 20 19  
Erin L. Pesante  
Notary Public  
In and For Denton County, Texas

6. Received by Town of Flower Mound on (Date) 3/13/19 by (initials) JRH.

Townlake Phase 4 -  
Specimen trees proposed for removal





Tree #1458 – 28" pecan



Tree #1499 – 30" post oak



Tree #1500 – 28.5" post oak



Tree #1501 – 23.5" post oak



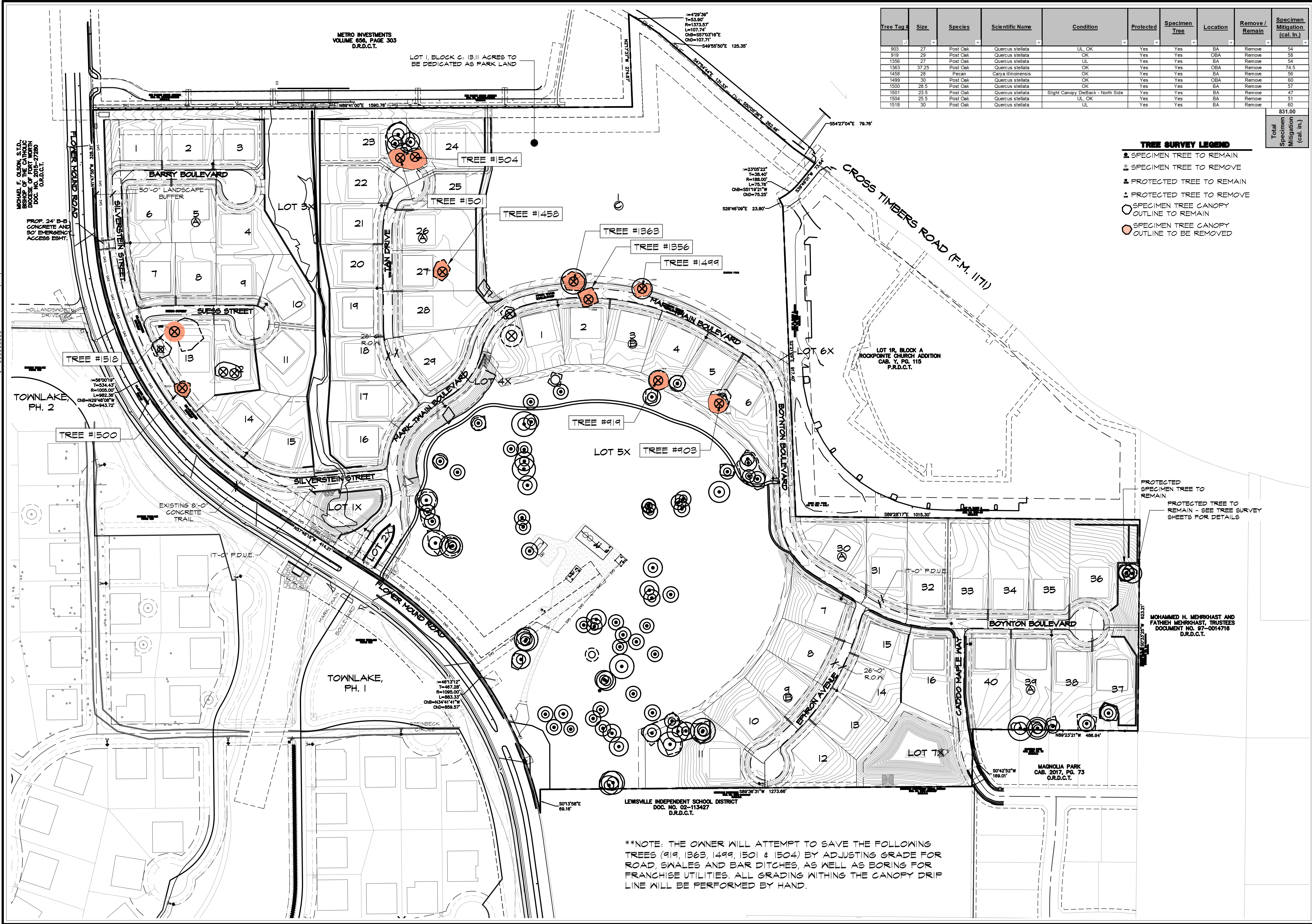






Plotted by: ##### Plot Date: 3/29/2019 10:41 AM

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**STUDIO 13 DESIGN GROUP**

Studio 13 Design Group, PLLC.  
386 W. Main Street  
Lewisville, Texas 75057  
469-635-1900

TBAE Firm #BR643

THESE DOCUMENTS ARE FOR INTERIM REVIEW ONLY AND NOT INTENDED FOR CONSTRUCTION OR BIDDING PURPOSES.

March 15, 2019

**NORTH**

120 60 0 60 120

1" = 120' - 0"

Bar is one inch on original drawing. If not one inch on this sheet, adjust scale as necessary.

One Inch

**TREE SURVEY PLAN**

Overall Tree Survey Layout Plan

Townlake, Ph. 4

Town of Flower Mound, Denton County, Texas

| # | PLAN REVIEW REVISIONS           | BY  | DATE       |
|---|---------------------------------|-----|------------|
| 1 | Revised Trees per town comments | MRH | 08/02/2018 |

PROJECT

**TBI016**

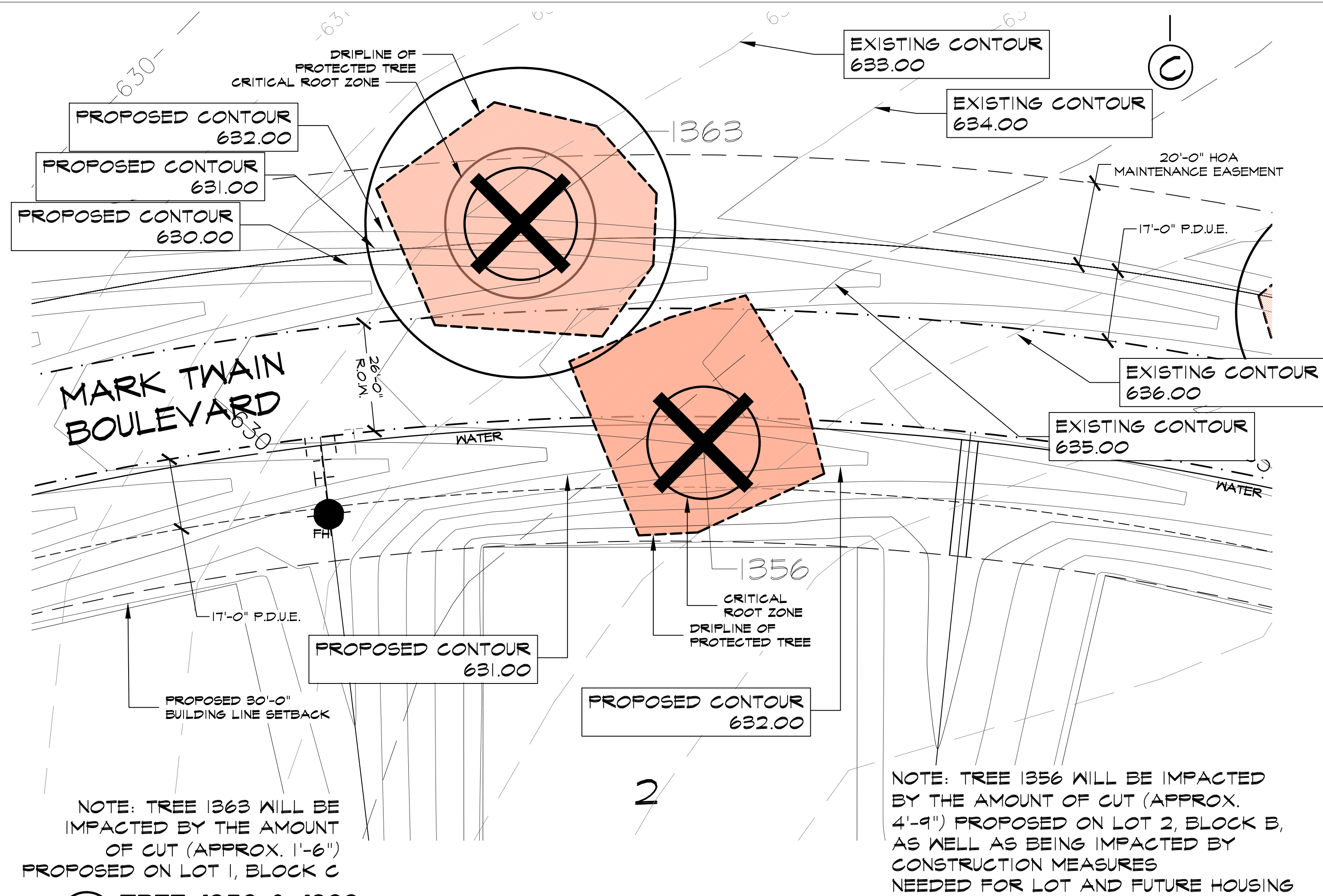
SHEET

**OVERALL - TS**



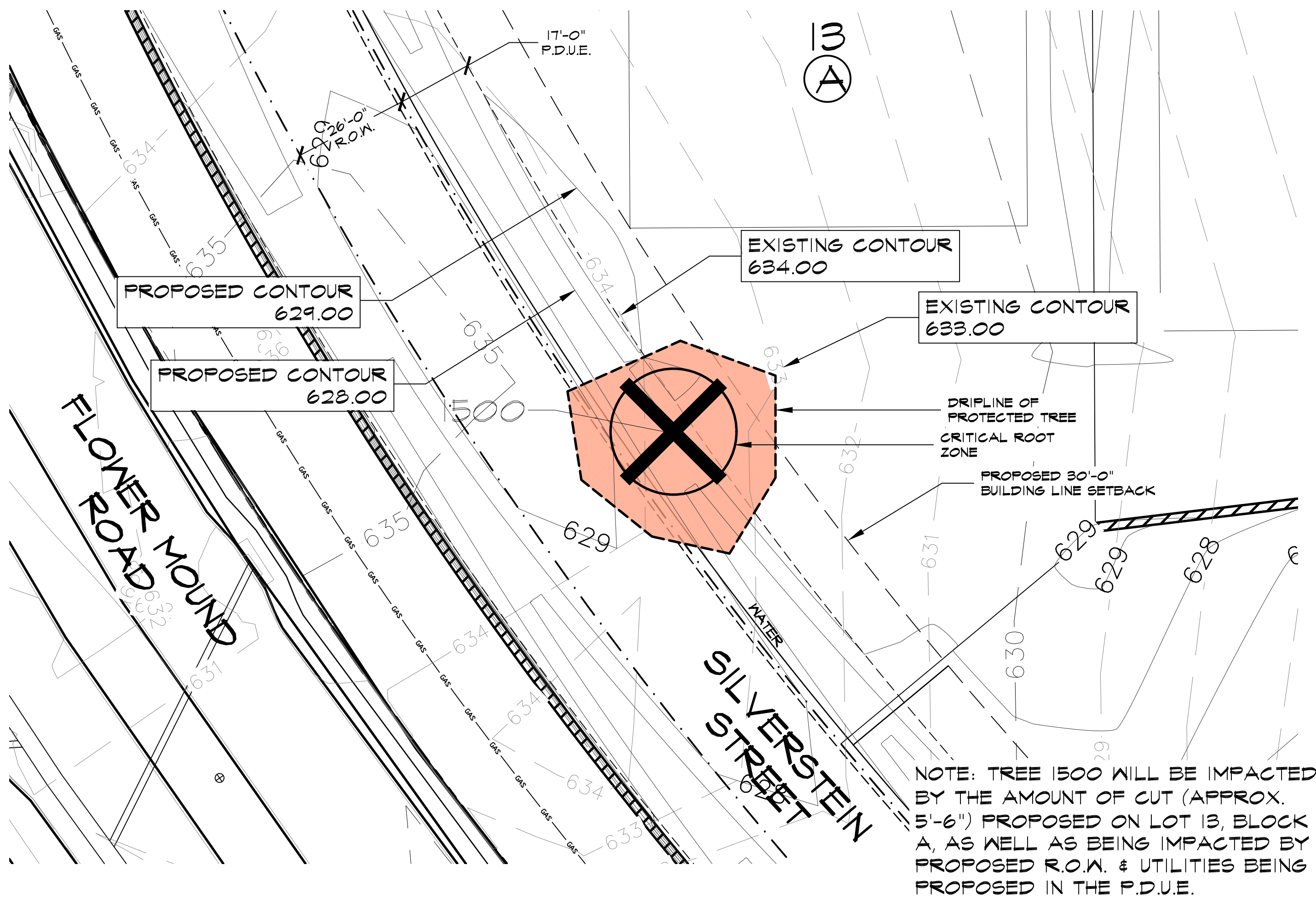
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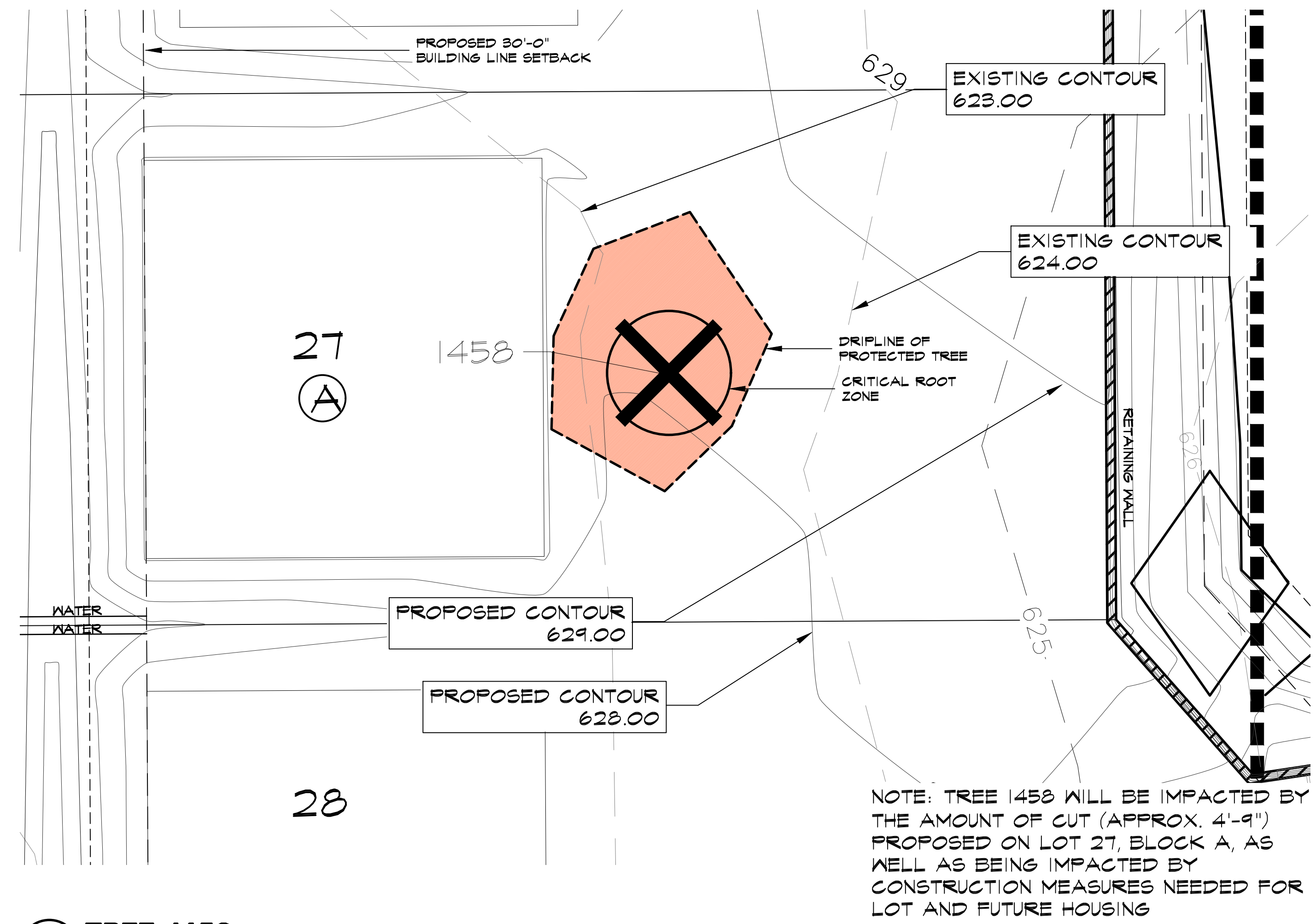
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1 TREE 1356 & 1363



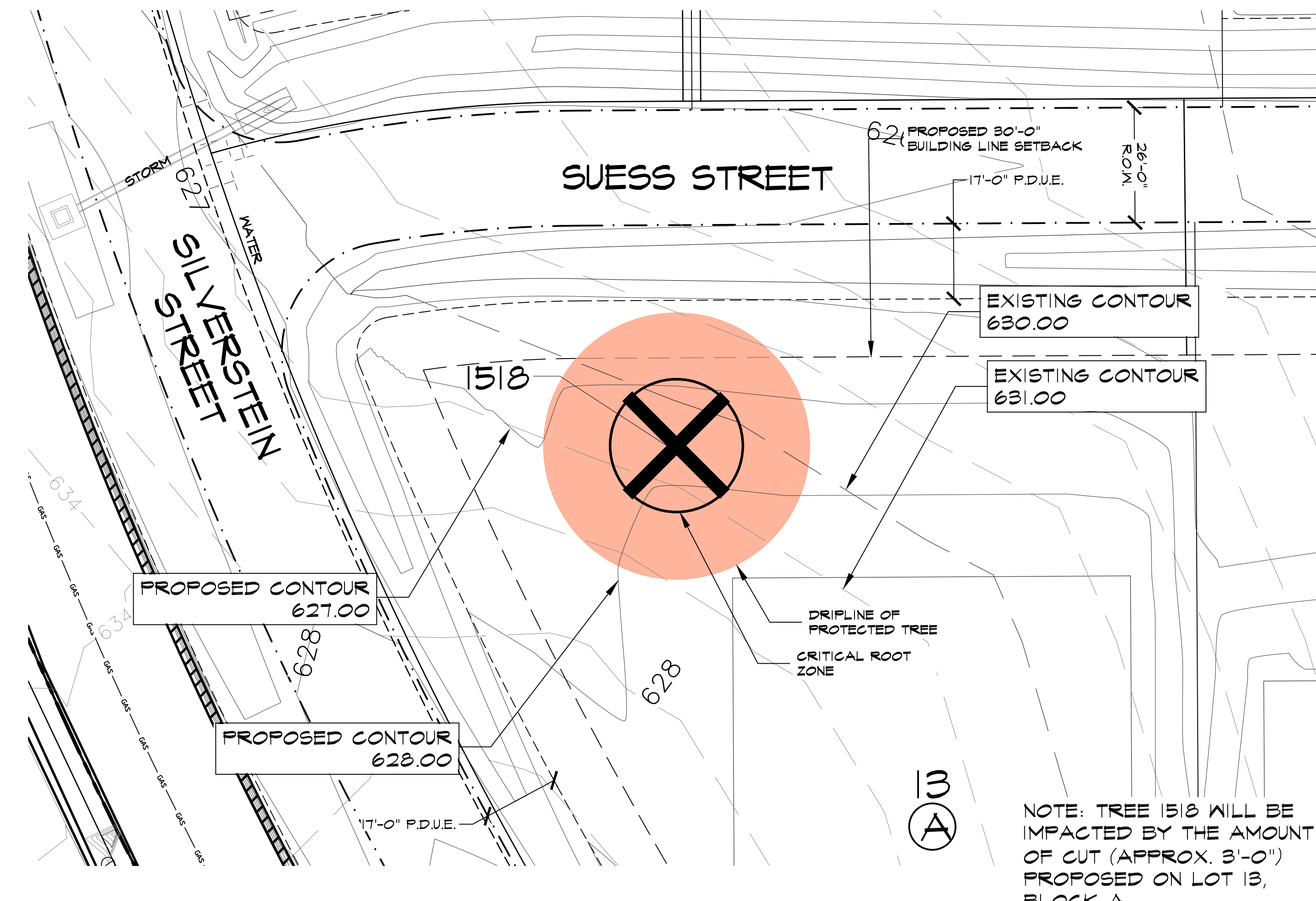
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3 TREE 1500



SCALE: 1" = 20'-0"

2 TREE 1458

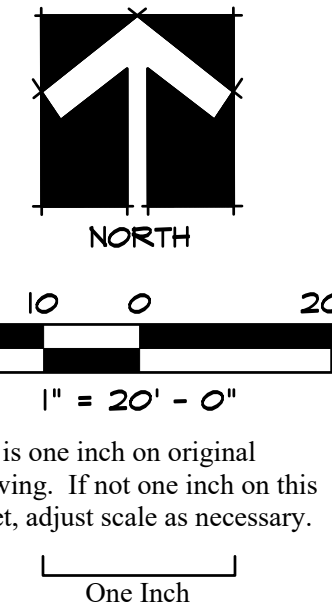


SCALE: 1" = 20'-0"

4 TREE 1518

THESE DOCUMENTS ARE  
FOR INTERIM REVIEW  
ONLY AND NOT INTENDED  
FOR CONSTRUCTION OR  
BIDDING PURPOSES.

March 15, 2019



TREE SURVEY PLAN  
Enlarged Specimen Tree Locations  
Townlake, Ph. 4  
Town of Flower Mound, Denton County, Texas

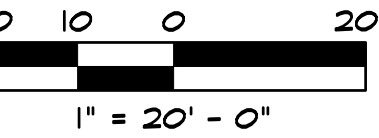
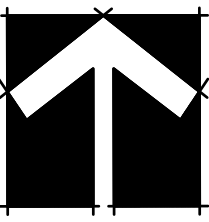
| PLAN REVIEW REVISIONS           | DATE       | BY  |
|---------------------------------|------------|-----|
| 1                               | 08/02/2018 | MRH |
| Revised Trees per town comments |            |     |

PROJECT  
TBI016  
SHEET  
OVERALL - TS



THESE DOCUMENTS ARE  
FOR INTERIM REVIEW  
ONLY AND NOT INTENDED  
FOR CONSTRUCTION OR  
BIDDING PURPOSES.

March 15, 2019



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drawing. If not one inch on this  
sheet, adjust scale as necessary.

One Inch

TREE SURVEY PLAN

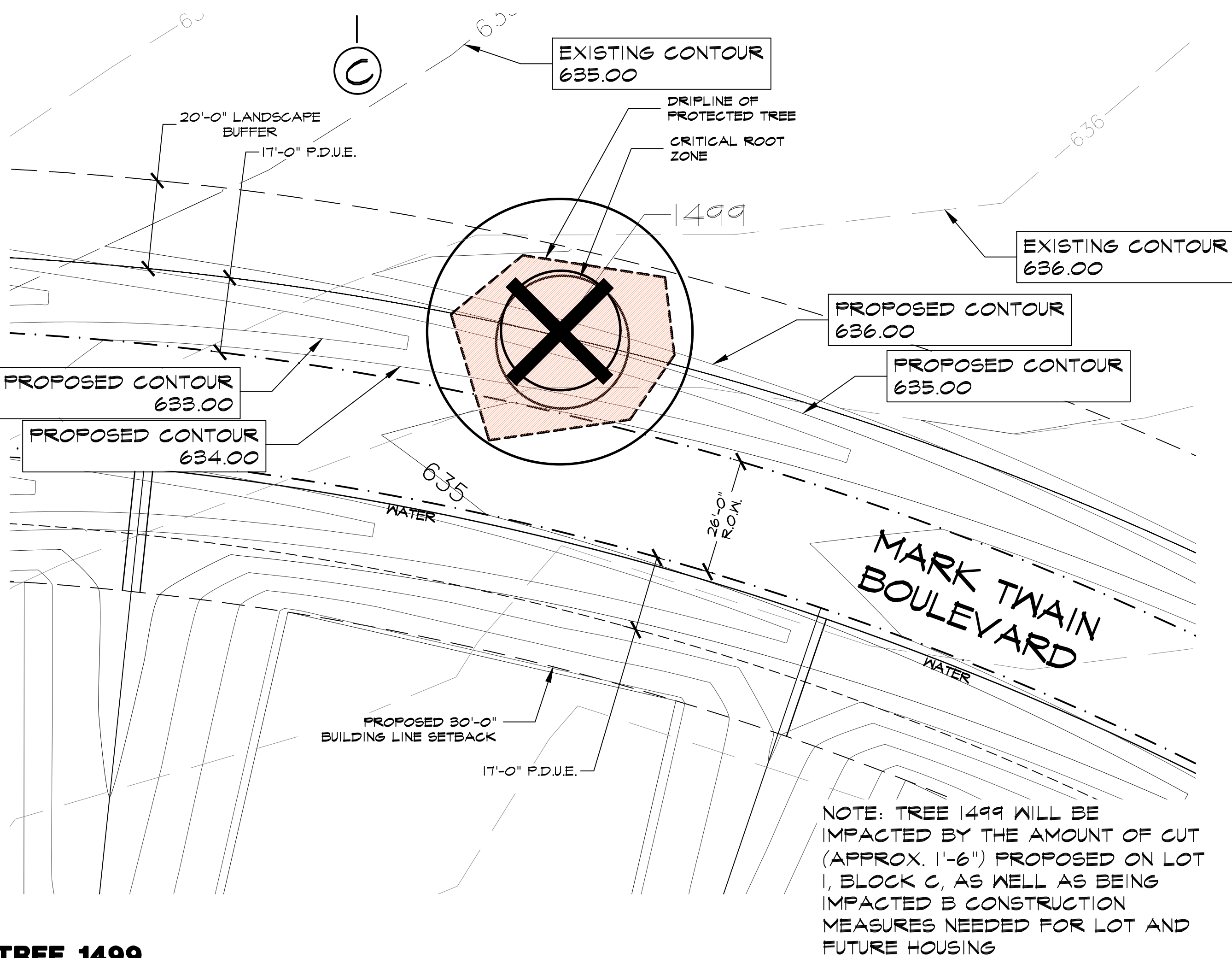
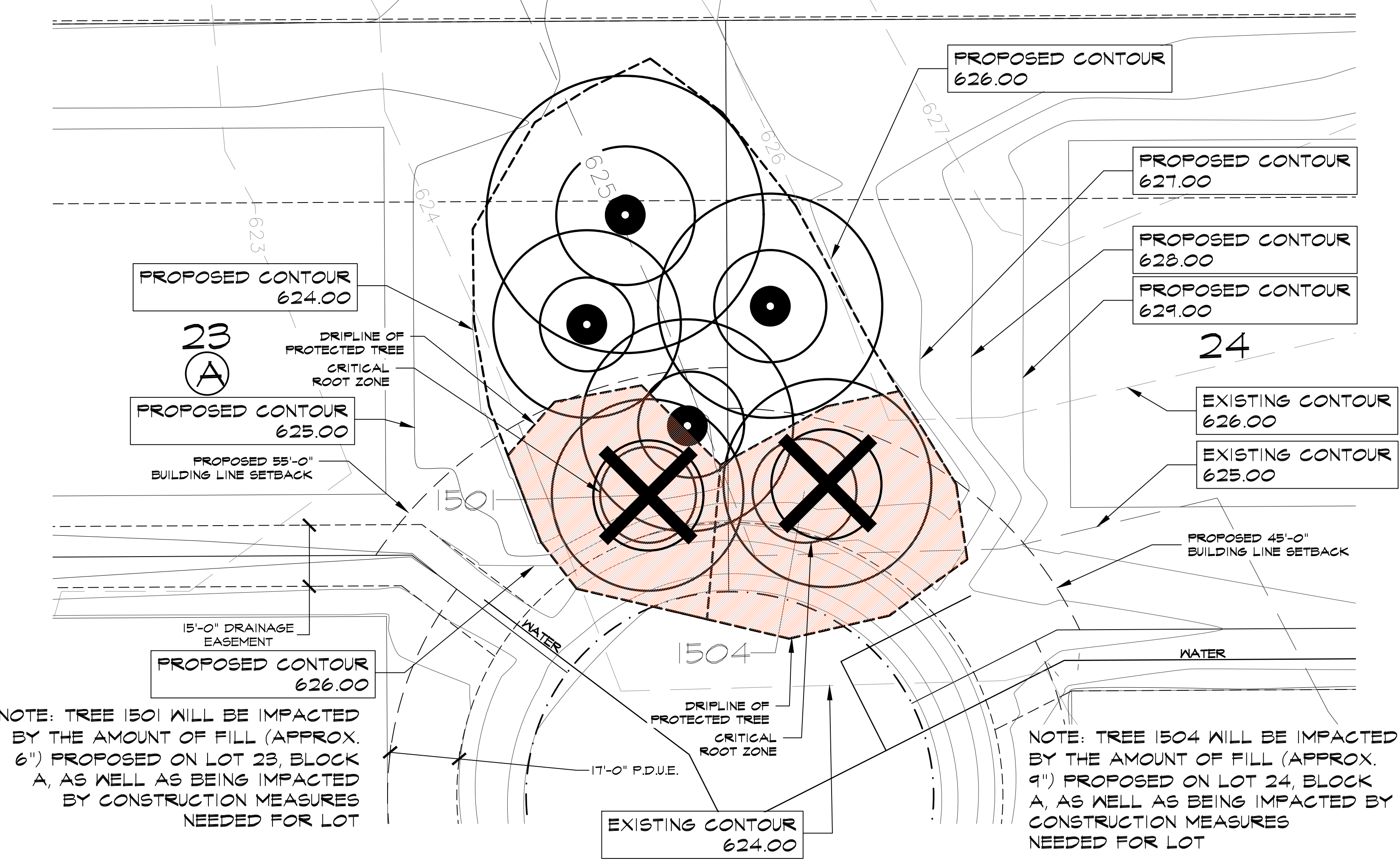
Enlarged Specimen Tree Locations

Townlake, Ph. 4

Town of Flower Mound, Denton County, Texas

| PLAN REVIEW REVISIONS             | BY  | DATE       |
|-----------------------------------|-----|------------|
| 1 Revised Trees per town comments | MRH | 08/02/2018 |

|         |              |
|---------|--------------|
| PROJECT | TBI016       |
| SHEET   | OVERALL - TS |

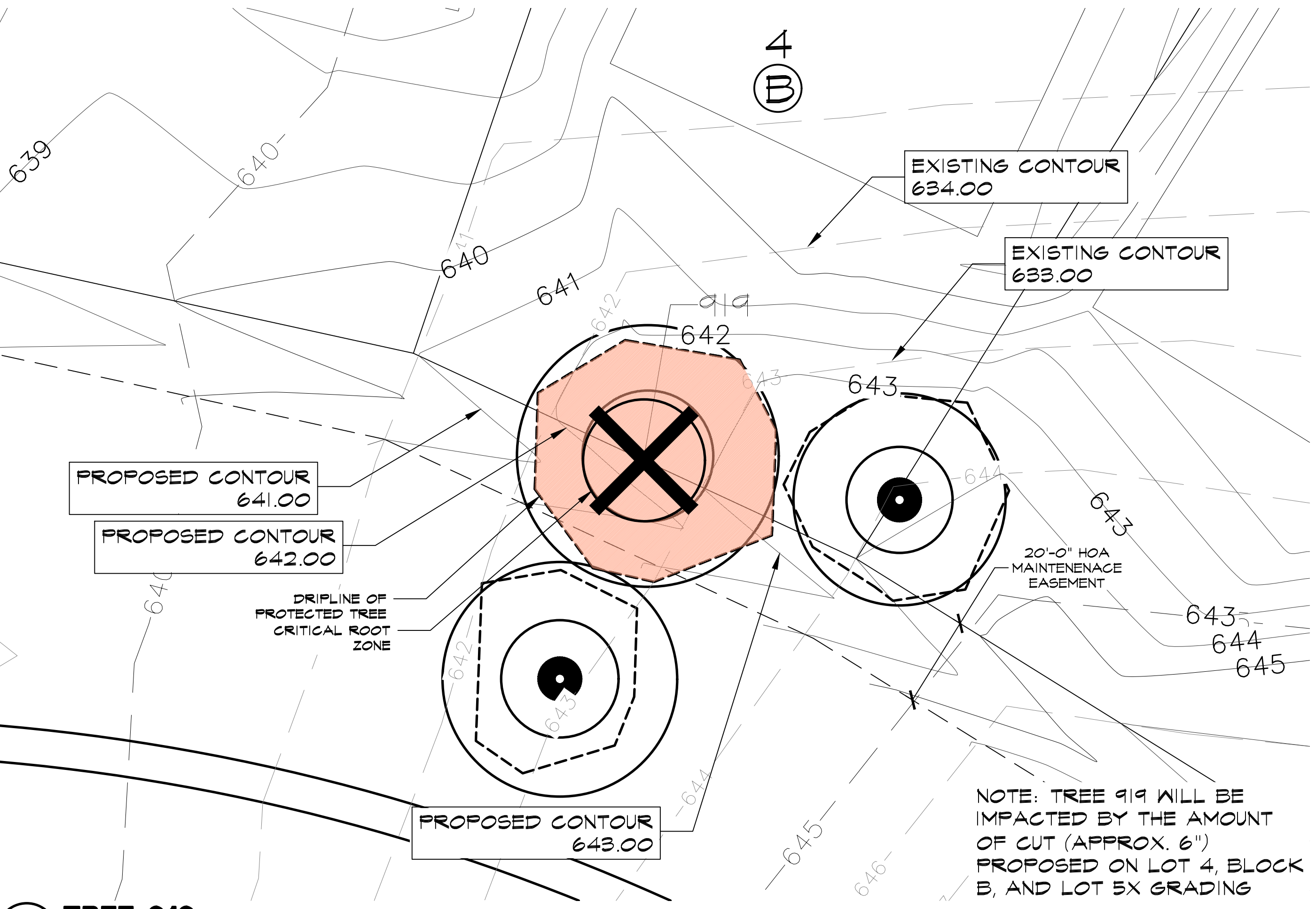


1 TREES 1501 & 1504

SCALE: 1" = 20'-0"

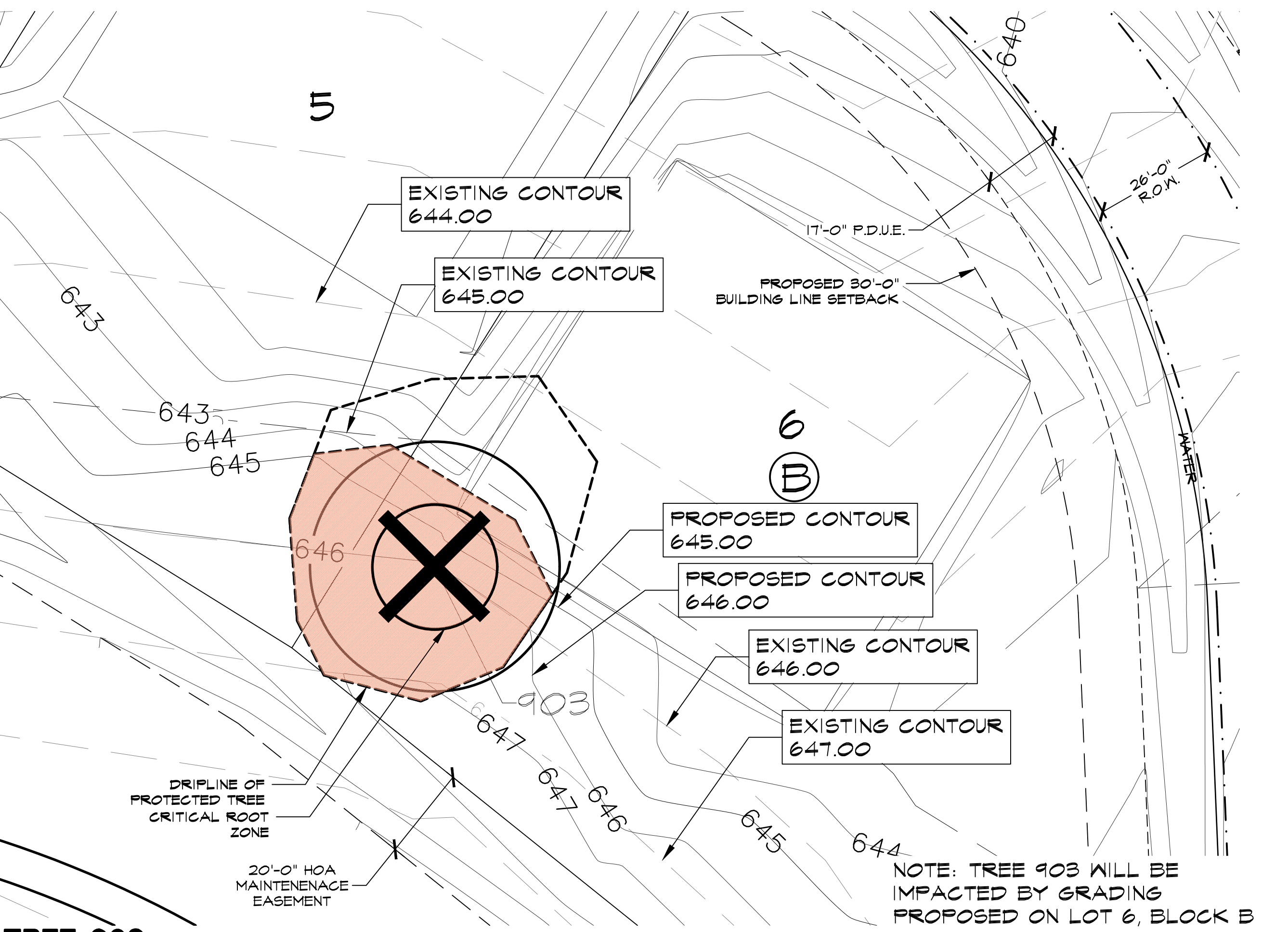
2 TREE 1499

SCALE: 1" = 20'-0"



3 TREE 919

SCALE: 1" = 20'-0"



4 TREE 903

SCALE: 1" = 20'-0"



# Town Council Future Agenda Items



|           |           |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------|-----------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SCHEDULED | 6/3/2019  | Consent      | Consider approval of a resolution accepting the Jeanette & Jim Larson Grant from the Texas Library Association for the purchase of mystery books for the Library                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|           |           | Consent      | CoServ to Install Street Lights @ Forest Vista @ Garden Street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|           |           | Consent      | Consider approval of a Food Service Sales Agreement between the Town of Flower Mound and Ben E. Keith, to provide food and beverage supplies for the Community Activity Center and the Seniors In Motion program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|           |           | Consent      | Consider approval of Amendment No. 4 to the Fiscal Year 2018-2019 Capital Improvement Program..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|           |           | Consent      | Consider approval of the minutes from a regular meeting of the Town Council held on May 20, 2019.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|           |           | Regular      | Consider approval of a resolution approving and authorizing publication of notice of intention to issue Certificates of Obligation, Series 2019, in the principal amount not to exceed \$30,500,000.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|           | 6/17/2019 | Presentation | Proclamation for National Parks and Recreation Month                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|           |           | Consent      | Sidewalk Links (407 - Morriss to Browning) - Design Award.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           |           | Consent      | Upper Timber Creek Interceptor Ph 3&4 - Testing Award                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|           |           | Consent      | Consider approval of Whyburn Farm Drainage and Easement Agreement; and authorization for the Mayor to execute the same on behalf of the Town.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|           |           | Regular      | Upper Timber Creek Interceptor Ph 3&4 - Construction Award                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           |           | Regular      | Public Hearing to consider a request for rezoning (ZPD17-0013 - Lakewood) from Planned Development District No. 31 (PD-31) with Campus Commercial District (CC) uses to Planned Development District No.163 (PD-163) with both non-residential and residential uses in compliance with the Campus Commercial land use designation within the Lakeside Business District Area Plan, including a Comprehensive Sign Package, and with an exception to the Architectural Standards of the Town's Urban Design Plan for meritorious design, and a waiver to the Architectural Standards in the Town's Urban Design Plan for roof pitch for certain buildings less than 15,000 square feet in size, a request for an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, and with certain waivers, exceptions and modifications to the Code of Ordinances including but not limited to an exception to Section 98-147, "Topographical Slope Protection". The property is generally located north of Long Prairie Road and east of Silveron Boulevard. |
|           | 6/21/2019 | Regular      | Strategic Planning Session                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|           |           |         |                                                                           |
|-----------|-----------|---------|---------------------------------------------------------------------------|
| SCHEDULED | 7/15/2019 | Consent | FM 1171 @ Riverwalk Drive - Testing Award                                 |
|           |           | Consent | FM 1171 @ Riverwalk Drive Intersection Improvements - Construction Award. |
|           |           | Consent | Valley Ridge Blvd @ Morriss Rd - Construction Award.                      |
|           |           | Consent | Valley Ridge Blvd @ Morriss Rd - Testing Award.                           |
|           | 8/5/2019  | Consent | FM 2499 @ Silveron Traffic Signal Construction Award.                     |
|           | 8/19/2019 | Consent | Red Bud Point Water Service Relocation - Testing Award.                   |
|           |           | Consent | Red Bud Point Water Service Relocation - Construction Award.              |
|           |           | Consent | Grady Court Reconstruction - Construction Award.                          |
|           |           | Consent | Windsor Roundabout Connection - Construction Award.                       |
|           |           | Consent | Windsor Roundabout Connection - Testing Award.                            |
|           |           | Consent | Grady Court Reconstruction - Testing Award.                               |