

Planning & Zoning Commission



October 23, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

Comments regarding any agenda item can be sent to the Planning Department at planning@flower-mound.com or by calling 972.874.6350 and leaving a message.

AGENDA

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Board/Commission regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972- 874-6000 during business hours. To speak to the Board/Commission during public comment, please fill out a comment form, which is located in the lobby of Town Hall.

In accordance with the Texas Open Meetings Act, the Board/Commission is restricted from discussing or acting on items not listed on the agenda.

- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the Chair depending on the number of speakers.
- Speakers must address their comments to the Board/Commission.
- Please state your name and address when speaking.

E. COORDINATION OF CALENDARS

1. November 13, 2023
2. December 11, 2023

F. FUTURE AGENDA ITEM(S)

G. STAFF/DIRECTOR REPORT

1. Changes to meeting schedules

H. CONSENT ITEM(S)

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

1. Minutes of October 9, 2023 - Consider approval of the minutes from the October 9, 2023, Planning & Zoning Commission Meeting.

I. NON-DISCRETIONARY ITEM(S)

This part of the agenda consists of items that are in compliance with all applicable development standards; are not requesting waivers, exceptions, or deviations, and do not require a Public Hearing.

1. SP23-0013 - Landshark Car Wash - Consider a Site Plan (SP23-0013 – Landshark Car Wash) to develop a car wash. The property is generally located east of Long Prairie Road and south of Merriweather Lane.

J. REGULAR ITEM(S)

This part of the agenda consists of discretionary items either relating to zoning or a requested variation from the Town’s development standards. If a public hearing is required, it will be noted in the item caption on the agenda. Typically, the Planning & Zoning Commission will make a recommendation to Town Council on these types of projects.

1. CSP23-0002 - Chippenhook Addition Lot 1, Block A and Premier Addition - Public Hearing to consider a request for a Comprehensive Sign Package (CSP23-0002 – Chippenhook Addition Lot 1, Block A and Premier Addition) to allow additional wall signs on three buildings. The property is generally located south of Justin Road and east of Long Prairie Road. (This item was tabled at the October 9, 2023, Planning & Zoning Commission meeting by a vote of 6 to 0.)
2. Z20-0005 - The River Walk at Central Park - Public Hearing to consider an ordinance for rezoning (Z20-0005 - The River Walk at Central Park) to amend the development standards for The River Walk at Central Park related to Article II - Uses and Article XI - Signage and to update the Concept Ground Sign Location exhibit. The property is generally located north of Cross Timbers Road, west of Morriss Road, and east of Long Prairie Road.
3. ZPD23-0003 - Bryn Mar Estates Accessory Building Amendment - Public Hearing to consider an ordinance for rezoning (ZPD23-0003 – Bryn Mar Estates Accessory Building Amendment) to amend Planned Development No. 62 (PD-62) with Single-Family District-15 uses to modify development standards to increase the allowed size of accessory buildings. The property is generally located south of Flower Mound Road and west of Red Oak Lane.
4. LDR23-0004 - Legislative Update - Public hearing to consider an ordinance amending the Land Development Regulations (LDR23-0004 – Legislative Update) by amending Chapter 74 “General,” Chapter 78 “Administration,” Chapter 82 “Development Standards,” and Chapter 90 “Subdivisions,” for the purpose of updating subdivision and site plan requirements and platting review authority to comply with recently adopted state legislation.

K. ADJOURN REGULAR MEETING

L. WORK SESSION

Public Comment Guidelines for Work Sessions

- Work Sessions are not Public Hearings; the Commission cannot take action.
- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time expires.
- Times may be adjusted by the Chair depending on the number of speakers.
- Donated time will not be recognized.
- Please state your name and address when speaking, and direct comments to the Commission.

1. CON23-0002 - Smith Foundation Conservation

M. ADJOURN WORK SESSION

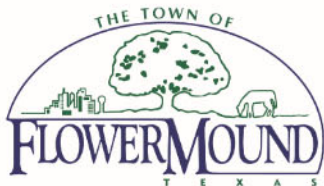
Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

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: October 19, 2023, at 5:00 p.m., at least 72 hours prior to the scheduled time of said meeting.

LauriAnn Cash, Staff Liaison

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting by contacting Town Hall at 972.874.6000. Additional time limits will be provided for members of the public that need to address the Town Council through a translator.

Planning & Zoning Commission



October 9, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

DRAFT MINUTES

A. CALL TO ORDER

Commissioner Gilmore called the meeting to order at 6:30 p.m. with the following members present:

Gregory Schultz, Place 1
Jason Hobbs, Place 2
Janvier Werner, Place 3
Scott Langley, Place 5
Donald Gilmore, Place 6
Scott Jostes, Place 7
Cheryl Moore, Place 8 Alternate
Todd Bayuk, Place 9 Alternate

with the following member(s) absent:

Brady Kilpper, Place 4

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

Rachel Raggio, Town Attorney
Lexin Murphy, Director of Development Services
Bob Pegg, Assistant Director of Engineering
Poornima Kashyap, Planning Manager
Claire Barnes, Planner
LauriAnn Cash, Executive Assistant

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. ELECTION OF OFFICERS

1. Chair

ACTION: Commissioner Werner nominated Commissioner Gilmore to serve as the Planning & Zoning Commission Chair. Commissioner Langley seconded the motion.

AYES: Jostes, Werner, Gilmore, Hobbs, Langley, Schultz, Moore

NAYS: None

RESULT: 7 : 0

2. Vice-Chair

ACTION: Commissioner Gilmore nominated Commissioner Werner to serve as the Planning & Zoning Commission Vice-Chair. Commissioner Jostes seconded the motion.

AYES: Jostes, Werner, Gilmore, Hobbs, Langley, Schultz, Moore

NAYS: None

RESULT: 7 : 0

At 6:32 p.m. Chair Gilmore called a recess before proceeding with Public Comments.

At 6:37 p.m. Chair Gilmore called the meeting back to order.

E. PUBLIC COMMENT

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- Speakers must address their comments to the Board/Commission.
- Please state your name and address when speaking.

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.

Speaker name and address	Subject (as written on the form)
None	

** Indicates person did not wish to speak*

F. COORDINATION OF CALENDARS

1. October 23, 2023

2. November 13, 2023

G. FUTURE AGENDA ITEM(S)

None

H. STAFF/DIRECTOR REPORT

1. Planning Manager Position

I. CONSENT ITEM(S)

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

1. Minutes of September 25, 2023 - Consider approval of the minutes from the September 25, 2023, Planning & Zoning Commission Meeting.

ACTION: Commissioner Langley moved to approve Item I.1. as presented in the agenda caption. Vice-Chair Werner seconded the motion.

AYES: Jostes, Werner, Hobbs, Langley, Schultz, Moore

NAYS: None

RESULT: 6 : 0

J. NON-DISCRETIONARY ITEM(S)

This part of the agenda consists of items that are in compliance with all applicable development standards; are not requesting waivers, exceptions, or deviations, and do not require a Public Hearing.

1. SP23-0006 – Dutch Bros, Embree 2499 - Consider a Site Plan (SP23-0006 – Dutch Bros, Embree 2499) to develop a fast food restaurant with a drive through window. The property is generally located south of Sagebrush Road and west of Long Prairie Road.

STAFF PRESENTATION:
Poornima Kashyap, Planning Manager

APPLICANT PRESENTATION:
Gene Colley, Embree Group; present for questions, no presentation
Ashton Miller, McAdams; present for questions, no presentation
Brittany Youngblood, McAdams; present for questions, no presentation

ACTION: Commissioner Hobbs moved to approve Item J.1. as presented in the agenda caption. Commissioner Jostes seconded the motion.

AYES: Jostes, Werner, Hobbs, Langley, Schultz, Moore

NAYS: None

RESULT: 6 : 0

2. SP23-0007 - Slim Chickens, Embree 2499 - Consider a Site Plan (SP23-0007 – Slim Chickens, Embree 2499) to develop a fast food restaurant with a drive through window. The property is generally located south of Sagebrush Road and west of Long Prairie Road.

STAFF PRESENTATION:
Poornima Kashyap, Planning Manager

APPLICANT PRESENTATION:
Gene Colley, Embree Group; present for questions, no presentation
Ashton Miller, McAdams; present for questions, no presentation
Brittany Youngblood, McAdams; present for questions, no presentation

ACTION: Commissioner Hobbs moved to approve Item J.2. as presented in the agenda caption. Commissioner Langley seconded the motion.

AYES: Jostes, Werner, Hobbs, Langley, Schultz, Moore

NAYS: None

RESULT: 6 : 0

K. **REGULAR ITEM(S)**

This part of the agenda consists of discretionary items either relating to zoning or a requested variation from the Town's development standards. If a public hearing is required, it will be noted in the item caption on the agenda. Typically, the Planning & Zoning Commission will make a recommendation to Town Council on these types of projects.

1. SP23-0004 - Dragon Kim's Tae Kwon Do - Consider a Site Plan (SP23-0004 – Dragon Kim's Tae Kwon Do) to develop a health or athletic club, with a request for a waiver to Architectural Standards in the Town's Urban Design Plan for roof pitch. The property is generally located east of Jernigan Road and north of Justin Road along Bryce Lane.

STAFF PRESENTATION:
Claire Barnes, Planner

APPLICANT PRESENTATION:
Angie Contreras, Pistil Consortia

ACTION: Commissioner Hobbs moved to recommend approval of Item K.1. presented in the agenda caption. Commissioner Langley seconded the motion.

AYES: Jostes, Werner, Hobbs, Langley, Schultz, Moore

NAYS: None

RESULT: 6 : 0

2. CSP23-0002 - Chippenhook Addition Lot 1, Block A and Premier Addition - Public Hearing to consider a request for a Comprehensive Sign Package (CSP23-0002 – Chippenhook Addition Lot 1, Block A and Premier Addition) to allow additional wall signs on three buildings. The property is generally located south of Justin Road and east of Long Prairie Road.

ACTION: Commissioner Schultz moved to table Item K.2. to the October 23, 2023, meeting. Commissioner Langley seconded the motion.

AYES: Jostes, Werner, Hobbs, Langley, Schultz, Moore

NAYS: None

RESULT: 6 : 0

3. ZPD23-0005 - Embree 2499 - Public Hearing to consider an ordinance for rezoning (ZPD23-0005– Embree 2499) to amend Planned Development District No. 186 (PD-186) with Retail-2 District (R-2) and Office District (O) uses to modify phasing and maintenance requirements and to request certain modifications and exceptions to the Code of Ordinances. The property is generally located south of Sagebrush Drive and west of Long Prairie Road.

STAFF PRESENTATION:
Poornima Kashyap, Planning Manager

APPLICANT PRESENTATION:
Gene Colley, Embree Group; present for questions, no presentation
Ashton Miller, McAdams; present for questions, no presentation
Brittany Youngblood, McAdams; present for questions, no presentation

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.

	SUPPORT	OPPOSITION	QUESTIONS OR COMMENTS ONLY
1.		Tad Marko, 2829 Sagebrush Dr.	
2.		Curt Anderson, 3632 Bonanza Ln.	

** Indicates person did not wish to speak*

ACTION: Commissioner Hobbs moved to recommend denial of Item K.3. as presented in the agenda caption. Vice-Chair Werner seconded the motion.

AYES: Jostes, Werner, Hobbs, Langley, Moore

NAYS: Schultz

RESULT: 5 : 1

4. ZPD23-0009 - Townlake Phase Four (PD-166) Text Amendment - Public Hearing to consider a request for rezoning (ZPD23-0009 – Townlake Phase Four (PD-166) Text Amendment) to amend Planned Development District No. 166 (PD-166) for a cluster development by adding a Public Park or Playground as a permitted use. The property is generally located south of Cross Timbers Road and east of Flower Mound Road.

STAFF PRESENTATION:
Poornima Kashyap, Planning Manager

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.

	SUPPORT	OPPOSITION	QUESTIONS OR COMMENTS ONLY
	None	None	None

** Indicates person did not wish to speak*

ACTION: Vice-Chair Werner moved to recommend approval of Item K.3. as presented in the agenda caption. Commissioner Schultz seconded the motion.

AYES: Jostes, Werner, Hobbs, Langley, Schultz, Moore

NAYS: None

RESULT: 6 : 0

L. ADJOURN

TOWN OF FLOWER MOUND, TEXAS

DONALD GILMORE, CHAIR

ATTEST:

LAURIANN CASH, EXECUTIVE ASSISTANT



PLANNING & ZONING COMMISSION AGENDA I.1. NON-DISCRETIONARY ITEM(S)

DATE: October 23, 2023
FROM: Claire Barnes, Planner
ITEM: **Consider a Site Plan (SP23-0013 – Landshark Car Wash) to develop a car wash. The property is generally located east of Long Prairie Road and south of Merriweather Lane.**

BACKGROUND:

I. ITEM SUMMARY

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 Planning and Zoning Commission.

II. APPLICATION ANALYSIS

The purpose of this request is to obtain site plan approval to develop an approximately 10,010 square-foot enclosed car wash to be located on Lot 2RA-1, Block A of Windsor Ridges Addition. The property is zoned Planned Development District-114 (PD-114) for Retail District-2 (R-2) uses. The existing zoning for this lot was amended by Town Council on June 19, 2023, to allow a car wash use by right. The lot is approximately 0.983 acres.

Access to the site is primarily from Merriweather Lane to the north and via mutual access easements. The parking for the proposed use is calculated at the ratio of one space for every 750 square feet of the car wash tunnel/trash enclosure and one space per 250 for the office/lounge area. Based on this requirement, the proposed use would require eight parking spaces. The site plan depicts eight on-site parking spaces.

The car wash use requires a minimum of five stacking spaces. The site plan depicts two queuing lanes with four spaces each (eight total) and one queuing lane with seven spaces after the first point of service prior to the tunnel.

The landscape plan depicts required street buffer, street yard, and parking lot trees that are in conformance with the Town's landscaping requirements. There is also a pedestrian area located along Long Prairie Road on the western frontage of the property in conformance with PD-114.

The proposed elevation utilizes a combination of brick, stone, stucco, and EIFS and is consistent with the approved concept elevations for PD-114 and complements other buildings within this PD.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

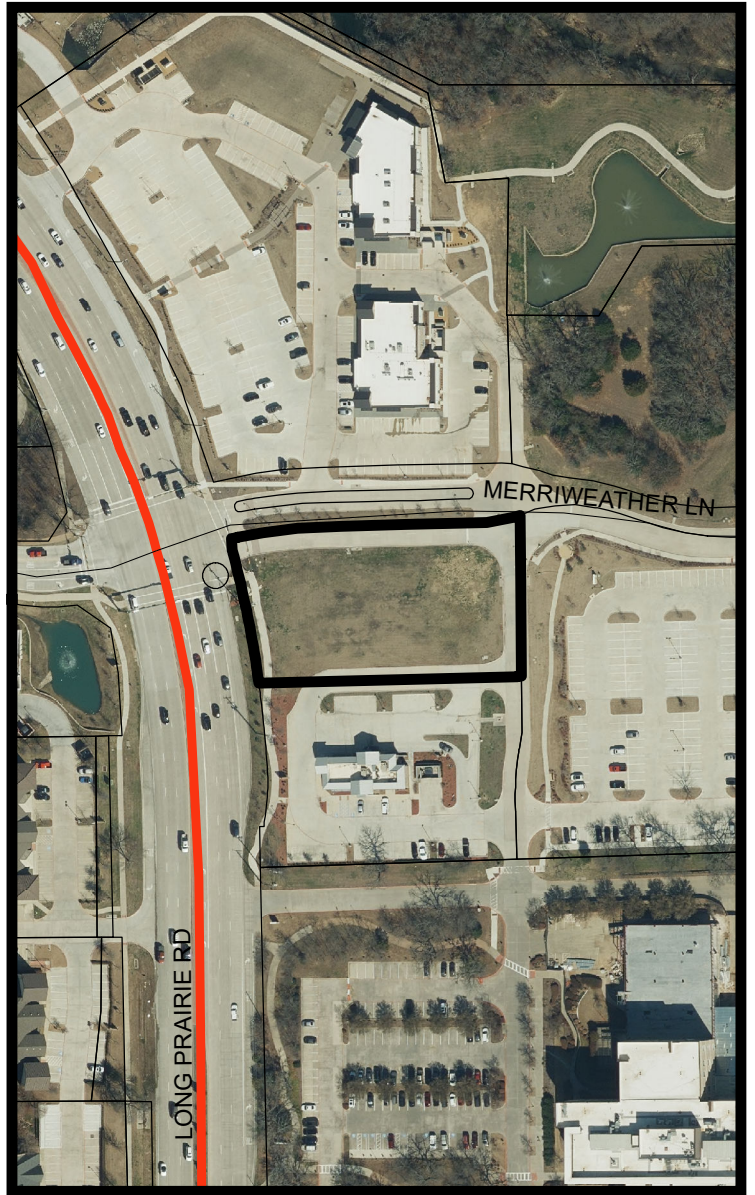
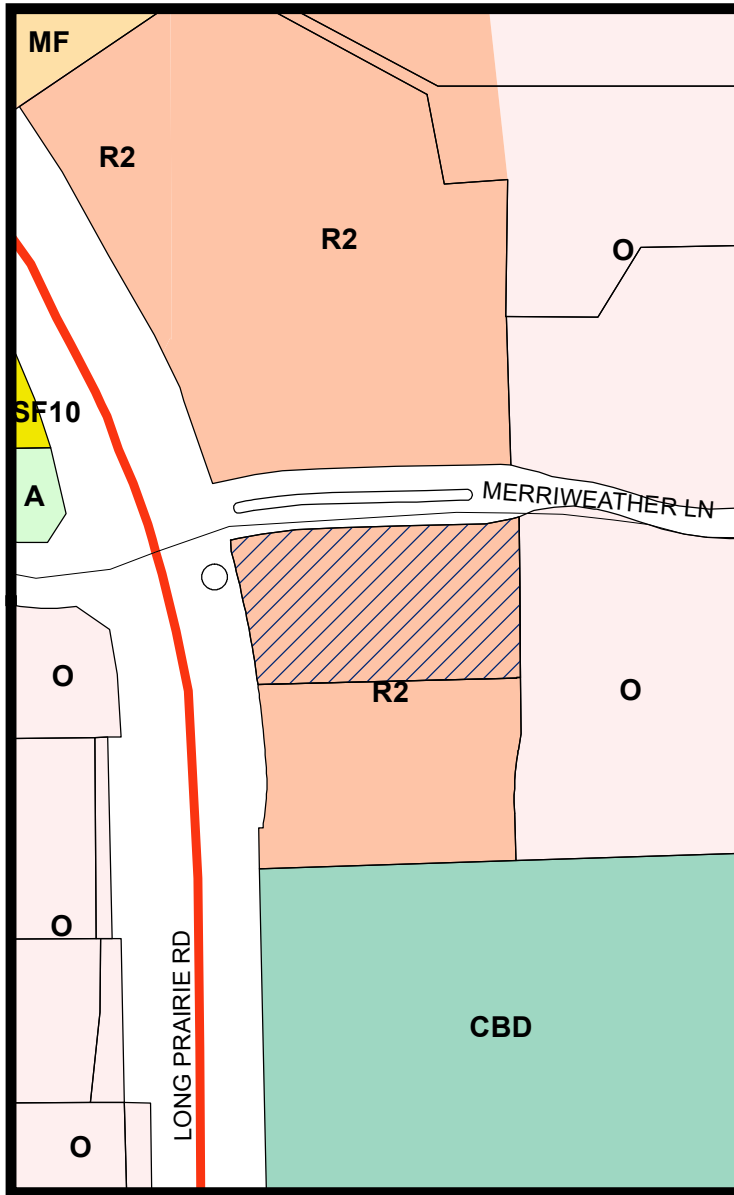
ATTACHMENTS:

1. Map - Zoning & Aerial
2. Letter of Intent
3. Site Plan Package

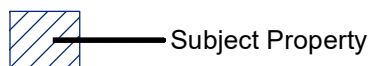
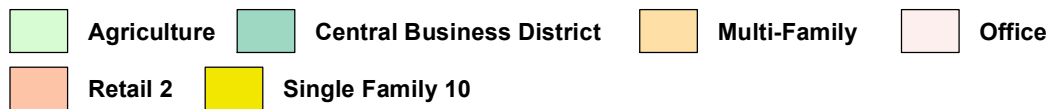
DRAFT MOTION: Move to approve as presented in the agenda caption.

Vicinity Map

Reference Project: SP23-0013

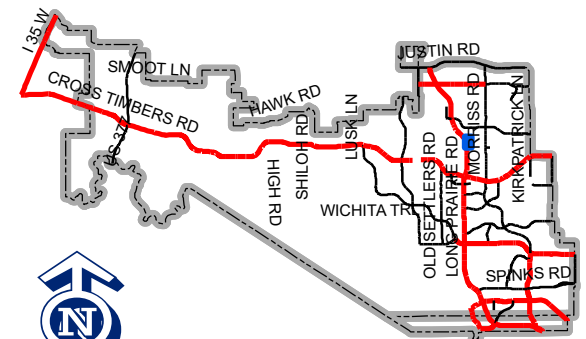


LEGEND

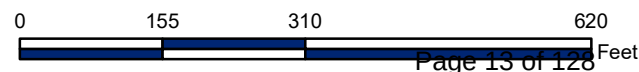


Visit www.fmdevmap.com to learn more about this project.

Visit <https://www.flower-mound.com/notifyme> to sign up for text message and/or email alerts for future projects.



Map Location





8/18/23

Letter of Intent

Town of Flower Mound
Claire Barnes
Planning Services Division

SEC Merriweather Lane & Long Prairie Lane:

- .98 corner lot - 42,825 sq ft / Proposed building square feet: 4,200 sq ft
- PD-114 - Retail / ZPD21-0016 - Landshark Car Wash / Ordinance 22-23

Claire,

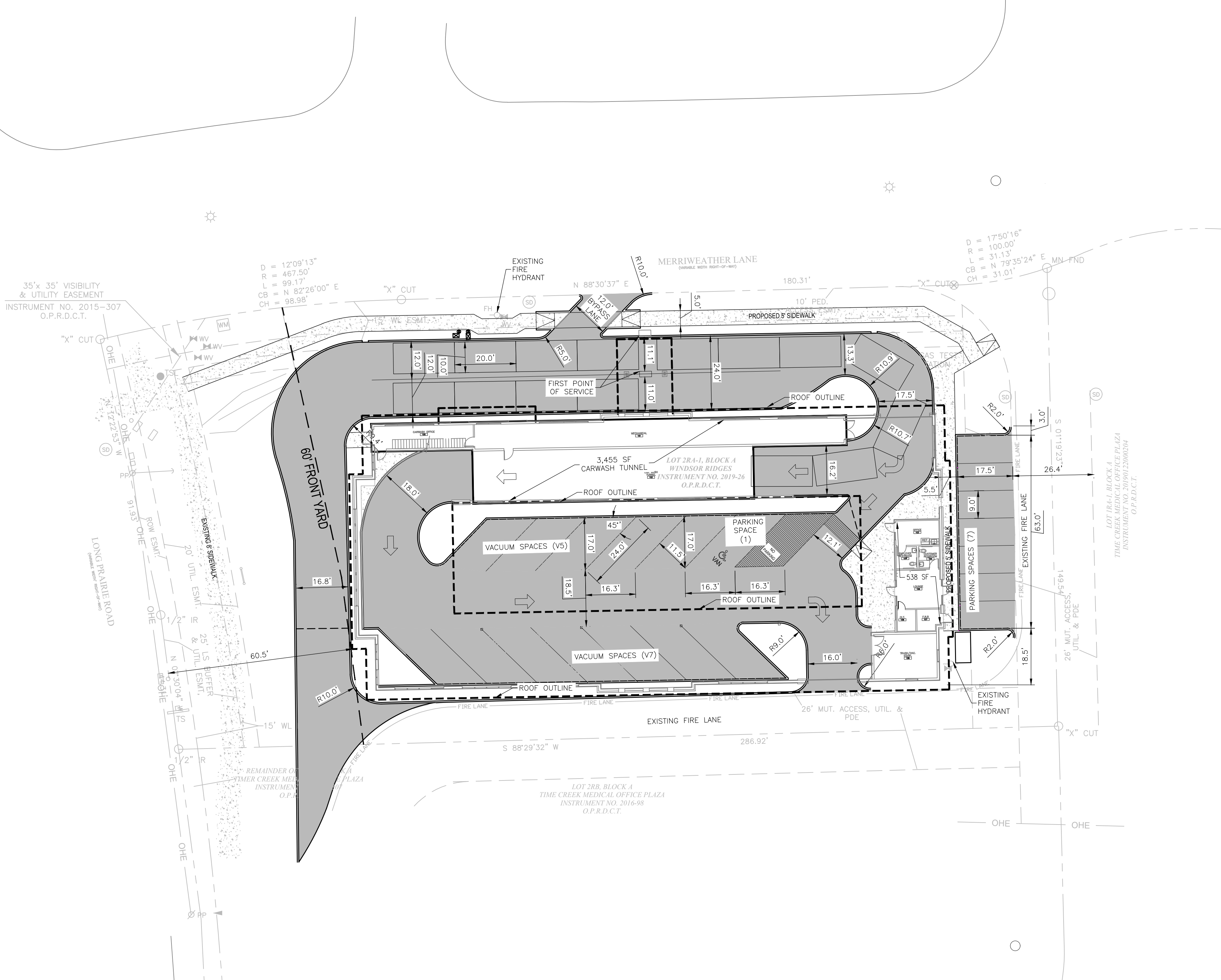
This letter of Intent is part of our site plan submittal package, as a follow up submittal to our ZPD21-0016 approved PD zoning amendment allowing car wash us on Lot 2RA-1, Block A, of the Windsor Ridges Addition.

Please see the attached "Ord_22-23_ZPD21-0006_Landshark_Car" showing our conceptual site plan and elevation. Our site plan submittal package conforms and matches the previously submitted conceptual plans.

Our project will be built in one phase and does not include any other uses other than a car wash. Our proposed hours of operation are 8 - 8pm Daily, and our dumpster is also encapsulated in the building to avoid a unsightly dumpster enclosure and any possible smell.

Sincerely,

Doug Galloway Managing Partner
doug@viaductdev.com 512.698.9494



FIRE LEGEND	
---	FIRE HOSE LAY

DRAWING LEGEND	
---	PROPERTY LINE
---	ADJOINING PROPERTY LINE
---	PROP. EDGE OF PAVEMENT
---	CURB LINE
---	PROP. STRIPING
---	EASEMENT/SETBACK LINES
(#)	PARKING COUNT LABEL
(V#)	VACUUM PARKING COUNT LABEL
[Pattern]	PROP. CONCRETE SURFACE (SIDEWALK OR PAD)
[Pattern]	PROP. CONCRETE PAVING PER PROJECT CIV PLANS.
EXIST. PROP. BFR RW TYP. HC T.A.S. MFR	EXISTING PROPOSED PROP. BARRIER FREE RAMP RETAINING WALL TYPICAL HANDICAP TEXAS ACCESSIBILITY STANDARDS MANUFACTURER

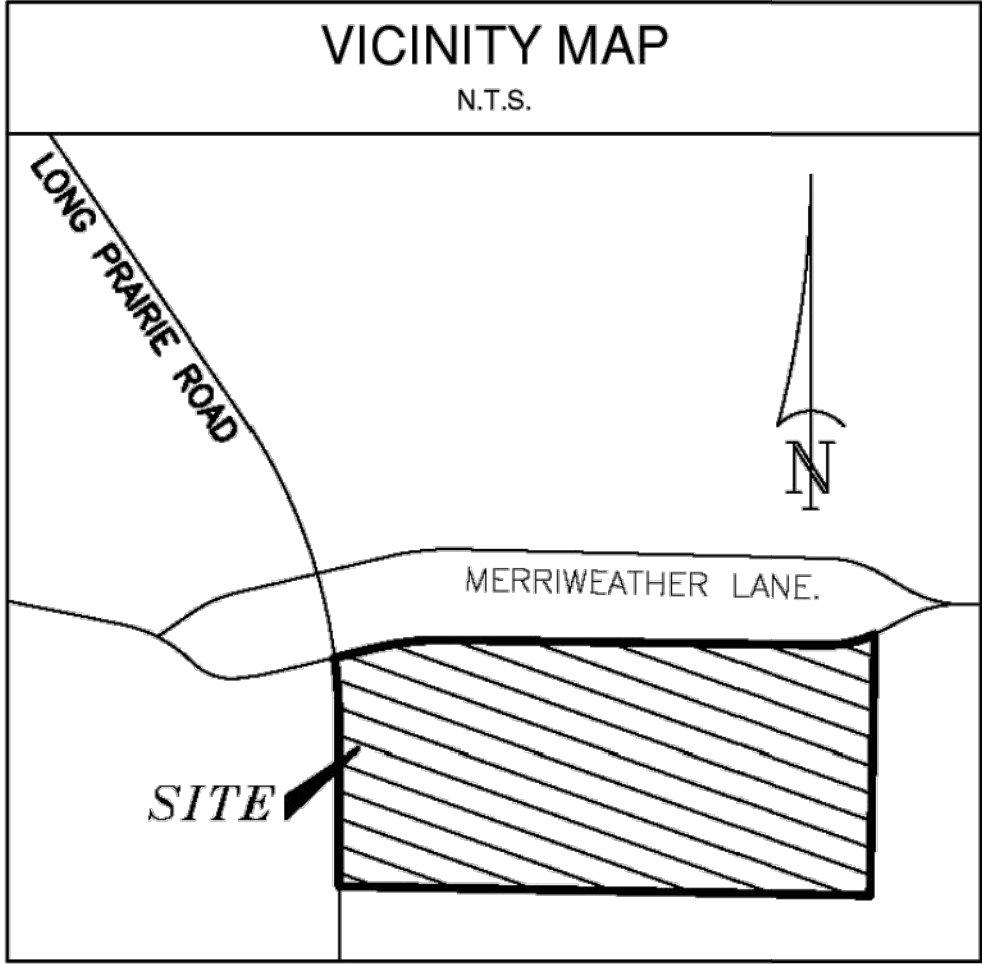
ENGINEERING NOTES:
1. ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THESE PLANS AND THE TOWN OF FLOWER MOUND STANDARDS AND SPECIFICATIONS.
2. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
3. ALL ROAD WORK AND UTILITY WORK IN TXDOT RIGHT-OF-WAY SHALL REQUIRE A TXDOT PERMIT.
4. THE TOWN OF FLOWER MOUND STANDARDS APPLY WHETHER INDICATED ON THESE PLANS OR NOT.
FLAG POLES MUST COMPLY WITH THE REGULATIONS IN SECTION 86-4. - PROHIBITED SIGNS.

- NOTES:
- ALL PROP. STRIPING (INCLUDING THE FIRE LINE STRIPING) SHALL CONFORM TO CITY STANDARDS AND REQUIREMENTS.
 - ALL REQUIRED PERMITS/APPROVALS SHALL BE OBTAINED BY THE CONTRACTOR PRIOR TO COMMENCING AND DURING CONSTRUCTION.
 - ALL CURVE RADII ARE 3.0'R UNLESS NOTED OTHERWISE ON THE PLAN.
 - RE: ARCH PLANS FOR EXACT BUILDING DIMENSIONS.
 - UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE TO FACE OF CURB OR EDGE OF PAVING.
 - IF THE DIMENSIONS SHOWN ON THE PLANS ARE INCONSISTENT WITH MEASUREMENTS FOUND IN THE FIELD, PLEASE CONTACT THE ENGINEER IMMEDIATELY.
 - SIGN LOCATION AND DIMENSIONS SHALL BE VERIFIED WITH THE SIGN MFR AND ARCH.

SITE DATA TABLE		
Physical Address	TBD	
Gross Site Area	42825/0.9831	S.F./acres
Net Site Area	42825/0.9831	S.F./acres
Zoning	R-2	
Current Use	Vacant	
Lot Coverage Data		
Building Coverage	23.3/10,010	%/S.F.
Total Impervious Area	80/34,705.90	%/S.F.
Pervious Area	20/8,119.14	%/S.F.
Parking Summary		
	Required	Provided
Surface Parking	1/750 sf for carwash building area of 3,455 S.F.	
Carwash	5	5
Surface Parking	1/250 sf for office/lounge building area of 538 S.F.	
Carwash	3	3
Total Parking	8	8
Building Data		
Building Data	One (1)	Story
Peak Height	34'-0"	FT.
Mean Height	24'-0"	FT.
Total Square Footage	3,993	S.F.

YARD SETBACKS PER SECTION 98-605
FRONT YARD SETBACK - 60'
SIDE YARD SETBACK - 0'
REAR YARD SETBACK - 15'

- SITE NOTES:
- RETAINING WALLS ARE NOT PROPOSED FOR THIS PROJECT.
 - 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 ROOF-MOUNTED MECHANICAL UNITS AND/OR EQUIPMENT SHALL BE SCREENED FROM VIEW.
 - DUMPSTER SCREENING WALL SHALL BE CLAD IN A MATERIAL TO MATCH THE MATERIALS ON THE MAIN BUILDING.
 - DUMPSTER SCREENING WALLS REQUIRE A SEPARATE PERMIT.
 - 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.



BENCHMARK NOTES

The Benchmarks and elevations shown are based on the North American Vertical Datum 1988 (NAVD83) by using GPS observations in conjunction with the AllTerra RTK Network, adjusted to the Town of Flower Mound Benchmark No. 7.

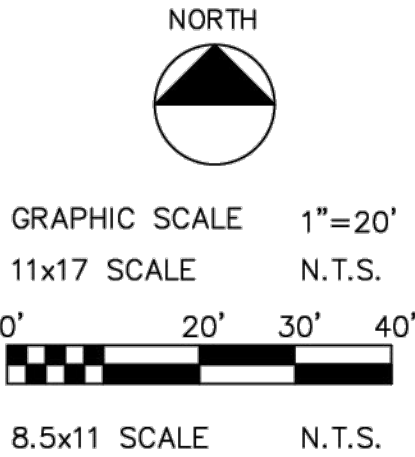
Benchmark No. 1
Square with an "X" cut in the top of curb inlet, east side of Long Prairie Road, approximately 38' +/- south of the northwest corner of the subject property.
Elevation: 585.34

Benchmark No. 2
Square with an "X" cut in the top of curb, west side of drive, east side of property, approximately 48' +/- southwest of the northeast corner of the subject property.
Elevation: 584.46

FLOOD NOTES

No portion of the subject property shown hereon lies within the 100 year flood hazard area according to the Flood Insurance Rate Map, Community Panel No. 48121C2546G, dated April 18, 2011. The subject property is located in the area designated as Zone "X" (areas determined to be outside the 0.2% annual chance floodplain).

MASTER PLAN FEATURES	
Land Use Plan	Retail
Urban Design Plan	Long Prairie District
Parks and Trails	8' Town Trail along FM 2499 and Timber Creek
Open Space Plan	
Thoroughfare Plan	FM 2499 - Major Arterial
Water Plan	Long Prairie District
Wastewater Plan	Long Prairie District
Economic Impact	

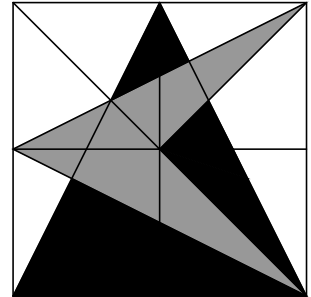


OWNER/DEVELOPER	WOODMONT FLOWER MOUND CAR WASH LLC. STEPHEN COSLIK 2100 WEST 7TH STREET FORT WORTH, TX 76107 (817) 377-7710
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PROPOSED CARWASH
SEC OF MERRIWEATHER & LONG PRAIRIE LN.
FLOWER MOUND DENTON COUNTY, TEXAS

SITE PLAN

ISSUED FOR PERMIT



CARNEY
ENGINEERING,
PLLC.

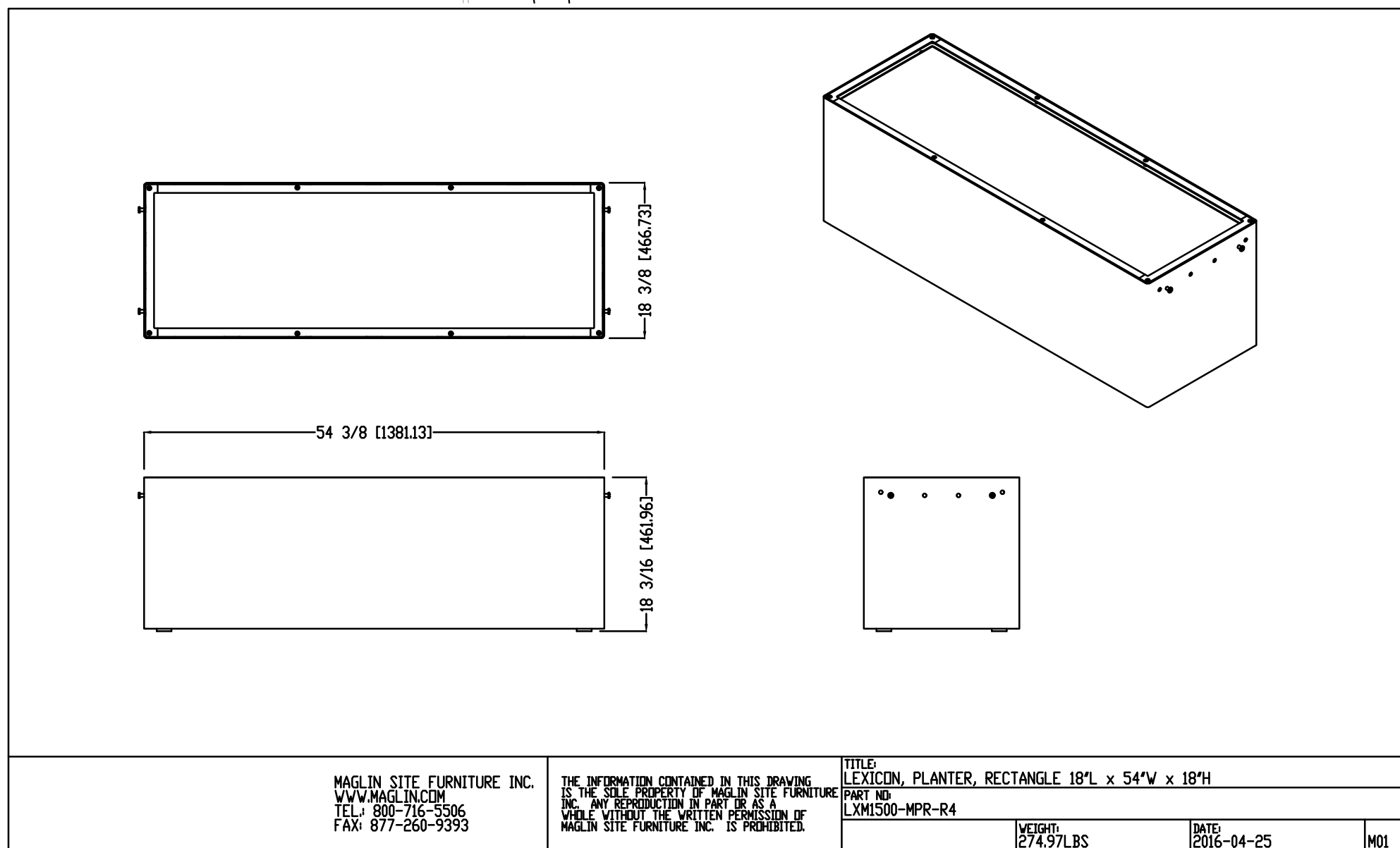
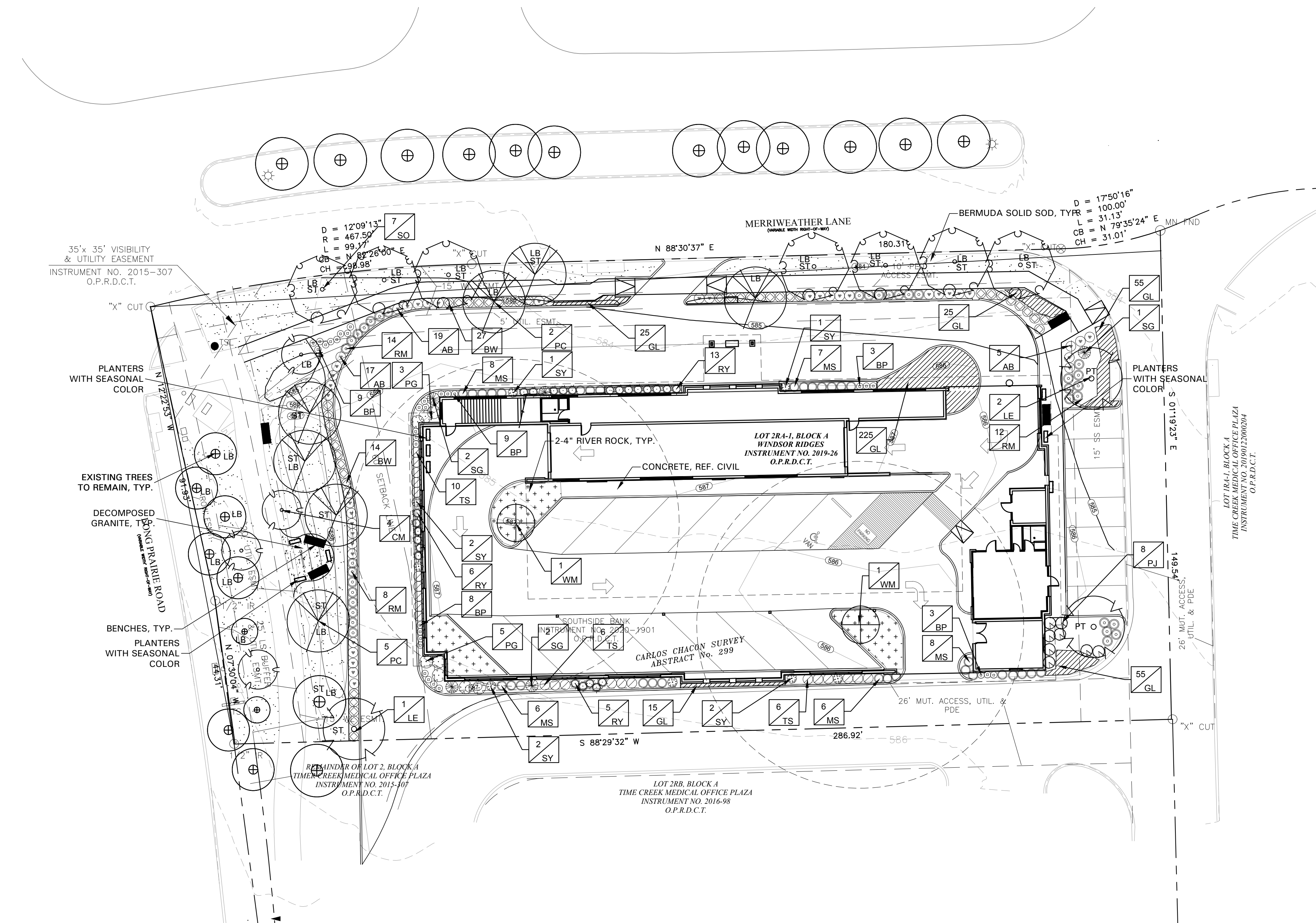
5465 LEGACY DRIVE, SUITE 650
PLANO, TEXAS 75024
PH (469) 443-0861
FAX (469) 443-0863



TYPE FIRM REGISTRATION NO. F-6553

DRAWN BY:	JMC
CHECKED BY:	JAH
START DATE:	11/17/2022
ISSUE DATE:	10-12-2023
SCALE:	AS SHOWN
PROJECT NO.	2068-231

SHEET
C-3.0



PLANT SCHEDULE					
QTY	LABEL	COMMON NAME	SCIENTIFIC NAME	SIZE	NOTES
SHADE TREES					
3	LE	'Bosque' Lacebark Elm (PT)	<i>Ulmus parvifolia</i> 'UPMT'	3" cal.	12' ht., 5' spread
7	PC	Pond Cypress (ST)	<i>Taxodium ascendens</i>	3" cal.	12' ht., 5' spread
7	SO	Shumard Oak (ST)	<i>Quercus shumardii</i>	3" cal.	12' ht., 5' spread
ORNAMENTAL TREES					
4	CM	Crepe Myrtle 'Natchez'	<i>Lagerstromia indica</i> 'Natchez'	30 gal.	8' ht. 3' spread, matching
2	WM	Wax Myrtle (PT)	<i>Myrica cerifera</i>	30 gal.	8' ht. 3' spread, matching
SHRUBS					
41	AB	Abelia 'Twist of Lime'	<i>Abelia x grandiflora</i> 'Hopley's'	5 gal.	full, 24" spread, 36" o.c.
32	BP	Big Pink Texas Sage	<i>Salvia greggii</i> 'Big Pink'	3 gal.	full, 24" o.c.
41	BW	Bridal Wreath Spirea	<i>Spiraea x vanhouttei</i>	5 gal.	full, 24" spread, 36" o.c.
32	MS	Morning Light Miscanthus	<i>Miscanthus sinensis</i> 'Morning Light'	5 gal.	full, 20" spread, 36" o.c.
8	PG	Pampas Grass	<i>Cortaderia selloana</i>	7 gal.	full, 30" sprd, 42" o.c.
8	PJ	Primrose Jasmine	<i>Jasminum mesnyi</i>	5 gal.	full, 24" sprd, 42" o.c.
34	RM	Tuscan Blue Rosemary	<i>Rosmarinus officinalis</i> 'Tuscan Blue'	5 gal.	full, 24" sprd, 36" o.c.
24	RY	Red Yucca	<i>Hesperaloe parvifolia</i>	5 gal.	full, 24" sprd, 30" o.c.
5	SG	Switchgrass	<i>Panicum virgatum</i>	5 gal.	full, 24" spread, 48" o.c.
8	SY	Soffleaf Yucca	<i>Yucca recurvifolia</i>	5 gal.	full, 30" o.c.
22	TS	Texas Sage 'Green Cloud'	<i>Leucophyllum frutescens</i> 'Green Cloud'	5 gal.	full, 24" sprd, 36" o.c.
GROUND COVER/VINES/GRASS					
400	GL	Giant Liriope	<i>Liriope gigantea</i>	1 gal.	full, 18" o.c.
80	SC	Seasonal Color	(in planter boxes - mix of height and color)	4" pots	full, 12" o.c. /24" o.c.
		2-4" River Rock			
		Bermuda Solid Sod	<i>Cynodon dactylon</i>		

Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. Trees shall have a strong central leader and be of matching specimens. All plant material shall meet or exceed remarks as indicated.

TOWN OF FLOWER MOUND CONSTRUCTION STANDARDS APPLY WHETHER INDICATED ON THESE PLANS OR NOT.

GENERAL LAWN NOTES

- CONTRACTOR SHALL COORDINATE OPERATIONS AND AVAILABILITY OF EXISTING TOPSOIL WITH ON-SITE CONSTRUCTION MANAGER
- LAWN AREAS SHALL BE LEFT 1" BELOW FINAL FINISHED GRADE PRIOR TO TOPSOIL INSTALLATION.
- CONTRACTOR TO FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS SHOWN ON CIVIL DRAWINGS. POSITIVE DRAINAGE SHALL BE PROVIDED AWAY FROM ALL BUILDINGS, ROUNDING AT TOP AND BOTTOM OF SLOPES SHALL BE PROVIDED AND IN OTHER BREAKS IN GRADE. CORRECT AREAS WHERE STANDING WATER MAY OCCUR.
- ALL LAWN AREAS SHALL BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED AND FINISH GRADE APPROVED BY THE OWNERS CONSTRUCTION MANAGER OR LANDSCAPE ARCHITECT PRIOR TO LAWN INSTALLATION.
- CONTRACTOR SHALL REMOVE ALL ROCKS 3/4" IN DIAMETER AND LARGER REMOVE ALL DIRT CLODS, STICKS, CONCRETE SPOILS, TRASH ETC PRIOR TO PLACING TOPSOIL AND GRASS INSTALLATION.
- CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE.
- CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT IF NECESSARY.

SOLID SOD:

- SOLID SOD SHALL BE PLACED ALONG ALL IMPERVIOUS EDGES, AT A MINIMUM. THIS SHALL INCLUDE CURBS, WALKS, INLETS, MANHOLES AND PLANTING BED AREAS. SOD SHALL COVER OTHER AREAS COMPLETELY AS INDICATED BY PLAN.
- SOD SHALL BE STRONGLY ROOTED DROUGHT RESISTANT SOD, NOT LESS THAN 2 YEARS OLD, FREE OF WEEDS AND UNDESIRABLE NATIVE GRASS AND MACHINE CUT TO PAD THICKNESS OF 3/4" (1-1/4"), EXCLUDING TOP GROWTH AND THATCH.
- LAY SOD BY HAND TO COVER INDICATED AREAS COMPLETELY, ENSURING EDGES ARE TOUCHING WITH TIGHTLY FITTING JOINTS. NO OVERLAPS WITH STAGGERED STRIPS TO OFFSET JOINTS.
- TOP DRESS JOINTS IN SOD BY HAND WITH TOPSOIL TO FILL VOIDS IF NECESSARY.
- SOD SHALL BE ROLLED TO CREATE A SMOOTH EVEN SURFACE. SOD SHOULD BE WATERED THOROUGHLY DURING INSTALLATION PROCESS.
- SHOULD INSTALLATION OCCUR BETWEEN 1ST AND MARCH 1ST, OVERSEED BERMUDAGRASS SOD WITH WINTER RYEGRASS AT A RATE OF 4 POUNDS PER 1000 S.F.

HYDROMULCH:

- SCARIFY AND LOOSEN ALL AREAS TO BE HYDROMULCHED TO A MINIMUM DEPTH OF 4" PRIOR TO TOPSOIL AND HYDROMULCH INSTALLATION.
- BERMUDA GRASS SEED SHALL BE EXTRA HULLED, TREATED LAWN TYPE. SEED SHALL BE DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER AND SHALL MEET ALL STATE LOCAL LAW REQUIREMENTS.
- FIBER SHALL BE 100% WOOD CELLULOSE FIBER, DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER AS MANUFACTURED BY 'CONWEB' OR EQUAL.
- FIBER TACK SHALL BE DELIVERED TO THE SITE IN ITS UNOPENED CONTAINER AND SHALL BE 'TERRO-TACK ONE', AS MANUFACTURED BY GROWERS, INC. OR APPROVED EQUAL.
- HYDROMULCH WITH BERMUDA GRASS SEED AT A RATE OF 2 POUNDS PER 1000 S.F.
- USE A BATTER BOARD AGAINST ALL BED AREAS TO PREVENT OVER SPRAY.
- IF INADEQUATE MOISTURE IS PRESENT IN SOIL, APPLY WATER AS NECESSARY FOR OPTIMUM MOISTURE FOR SEED APPLICATION.
- IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1ST AND MAY 1ST, ALL HYDROMULCH AREAS SHALL BE OVER-SEEDDED WITH WINTER RYE GRASS AT A RATE OF FOUR POUNDS PER ONE THOUSAND SQUARE FEET.
- CONTRACTOR SHALL BE REQUIRED TO RE-HYDROMULCH WITH BERMUDA GRASS THE FOLLOWING GROWING SEASON AS PART OF THIS CONTRACT.
- AFTER APPLICATION, NO EQUIPMENT SHALL OPERATE OVER APPLIED AREAS. WATER SEED AREAS IMMEDIATELY AFTER INSTALLATION TO SATURATION.
- ALL LAWN AREAS TO BE HYDROMULCHED SHALL ACHIEVE 100% COVERAGE PRIOR TO FINAL ACCEPTANCE.

LANDSCAPE NOTES

- CONTRACTOR TO VERIFY AND LOCATE ALL PROPOSED AND EXISTING ELEMENTS. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE FOR ANY LAYOUT DISCREPANCIES OR ANY CONDITION THAT WOULD PROHIBIT THE INSTALLATION AS SHOWN. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
- CONTRACTOR SHALL CALL 811 TO VERIFY AND LOCATE ANY AND ALL UTILITIES ON SITE PRIOR TO COMMENCING WORK. LANDSCAPE ARCHITECT SHOULD BE NOTIFIED OF ANY CONFLICTS. CONTRACTOR TO EXERCISE EXTREME CAUTION WHEN WORKING NEAR UNDERGROUND UTILITIES.
- A MINIMUM OF 2% SLOPE SHALL BE PROVIDED AWAY FROM ALL STRUCTURES.
- CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN PLANTING AREAS AND 1" BELOW FINAL FINISHED GRADE IN LAWN AREAS.
- LANDSCAPE ISLANDS SHALL BE CROWNED, AND UNIFORM THROUGHOUT THE SITE.
- PLANTING AREAS AND SOD TO BE SEPARATED BY STEEL EDGING. NO STEEL EDGING SHALL BE INSTALLED ADJACENT TO BUILDINGS, WALKS OR CURBS. EDGING NOT TO BE MORE THAN 1/2" ABOVE FINISHED GRADE. EDGING SHALL BE CUT AT 45 DEGREE ANGLE WHERE IT INTERSECTS WALKS AND/OR CURBS.
- MULCH SHALL BE INSTALLED AT 1/2" BELOW THE TOPS OF SIDEWALKS AND CURBING.
- QUANTITIES ON THESE PLANS ARE FOR REFERENCE ONLY. THE SPACING OF PLANTS SHOULD BE AS INDICATED ON PLANS OR OTHERWISE NOTED. ALL TREES AND SHRUBS SHALL BE PLANTED PER DETAILS.
- CONTAINER GROWN PLANT MATERIAL IS PREFERRED HOWEVER BALL AND BURLAP PLANT MATERIAL CAN BE SUBSTITUTED IF NEEDED BE AND IS APPROPRIATE TO THE SIZE AND QUALITY INDICATED ON THE PLANT MATERIAL LIST.
- TREES SHALL BE PLANTED AT A MINIMUM OF 5' FROM ANY UTILITY LINE. SIDEWALK OR CURB. TREES SHALL ALSO BE 10' CLEAR FROM FIRE HYDRANTS.
- 4" OF SHREDDED HARDWOOD MULCH (2" SETTLED THICKNESS) SHALL BE PLACED OVER WEED BARRIER FABRIC. MULCH SHALL BE SHREDDED HARDWOOD MULCH OR APPROVED EQUAL. PINE STRAW MULCH IS PROHIBITED.
- WEED BARRIER FABRIC SHALL BE USED IN PLANT BEDS AND AROUND ALL TREES AND SHALL BE MIRAFI 1405 WEED BARRIER OR APPROVED EQUAL.
- CONTRACTOR TO PROVIDE UNIT PRICING OF LANDSCAPE MATERIALS AND BE RESPONSIBLE FOR OBTAINING ALL LANDSCAPE AND IRRIGATION PERMITS.

IRRIGATION:

- ALL REQUIRED LANDSCAPE AREAS SHALL HAVE AN AUTOMATIC IRRIGATION SYSTEM WITH A FREEZE-RAM SENSOR. SYSTEM SHALL ALSO HAVE AN ET WEATHER BASED CONTROLLER AND BE DESIGNED AND INSTALLED BY A LICENSED IRRIGATOR.

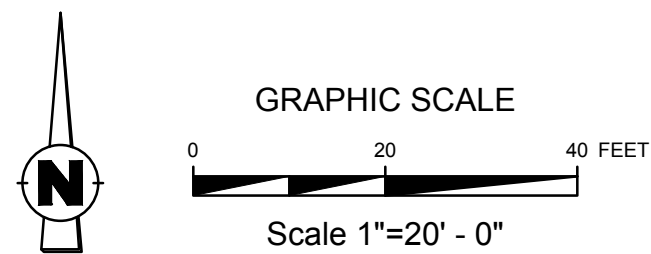
MAINTENANCE REQUIREMENTS:

- VEGETATION SHOULD BE INSPECTED REGULARLY TO ENSURE THAT PLANT MATERIAL IS ESTABLISHING PROPERLY AND REMAINS IN A HEALTHY GROWING CONDITION APPROPRIATE FOR THE SEASON. IF DAMAGED OR REMOVED, PLANTS MUST BE REPLACED BY A SIMILAR VARIETY AND SIZE.
- MOWING, TRIMMING, EDGING AND SUPERVISION OF WATER APPLICATIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR UNTIL THE OWNER OR OWNER'S REPRESENTATIVE ACCEPTS AND ASSUMES REGULAR MAINTENANCE.
- ALL LANDSCAPE AREAS SHOULD BE CLEANED AND KEPT FREE OF TRASH, DEBRIS, WEEDS AND OTHER MATERIAL.

MISCELLANEOUS MATERIALS:

- STEEL EDGING SHALL BE 3/16" X 4 X 16" DARK GREEN DURAEDGE STEEL LANDSCAPE EDGING UNLESS NOTED OTHERWISE ON PLANS/DETAILS.
- RIVER ROCK SHALL BE ARIZONA RIVER ROCK 2" - 4" DIAMETER. RIVER ROCK SHALL BE COMPACTED TO A MINIMUM OF 3" DEPTH OVER FILTER FABRIC.

LANDSCAPE TABULATIONS			
Streetyard Landscaping			
Standard	Total Street Yard (Square Feet)	Required	Provided
Minimum 20% of street yard	19,625 s.f.	3925 s.f.	7992 s.f.
Street Buffer Landscaping			
	Street Frontage	Required	Provided
Minimum Landscape Buffer	Long Prairie Road	25'	40'
Minimum Landscape Buffer	Merriveather Lane	15'	15'
Parking Area Landscaping			
Standard	No. of Parking Spaces	Required	Provided
90 s.f. per 12 parking spaces	8	60	1258 s.f.
SCREENING			
Parking Areas			
Standard	Street Frontage	Required	Provided
3' ht. parking/drive screen	Long Prairie Road	YES	berm and evergreen planting
3' ht. parking/drive screen	Merriveather Lane	YES	evergreen planting
Outdoor Storage Areas			
Standard	Street Frontage	Required	Provided
6' ht. screening device from street view	all sides	YES	YES
Loading and Service Bays			
Standard	Street Frontage	Required	Provided
6' ht. screening device from street view	YES	YES	YES
PLANTING STANDARDS			
Street Yard Trees			
Standard	Total Street Yard (square feet)	Required	Provided
10,000 - 110,000 s.f. = 1 tree per 2,500 s.f. +10 trees	19,625 s.f.	14 trees, 3" cal.	14 trees, 3" cal.
Trees required by other provisions of this division and lying within the street yard may be used to satisfy the requirements of this section.			
Street Buffer Trees			
Standard	Street Frontage (Linear Feet)	Required	Provided
1 tree, 3" cal., per 30 l.f.	Long Prairie Road- 136 l.f.	5 trees, 3" cal.	5 trees, 3" cal.
1 tree, 3" cal., per 30 l.f.	Merriveather Lane - 310 l.f.	10 trees, 3" cal.	10 trees, 3" cal.
Parking Area Trees			
Standard	No. of Parking Spaces	Required	Provided
1 tree, 3" cal., per 10 Parking Spaces	8 exterior parking spaces; all other spaces are located within the building	1 trees, 3" cal.	2 located within back parking area
All parking spaces are located withing 50 ft. of a tree.			



PD - 114

PROPOSED CARWASH

SEC OF MERRIWEATHER & LONG PRAIRIE LN.
FLOWER MOUND, TX



Project Number: 22230

Drawn By: AWR

Checked By: AWR

Issue Date: 7.31.23

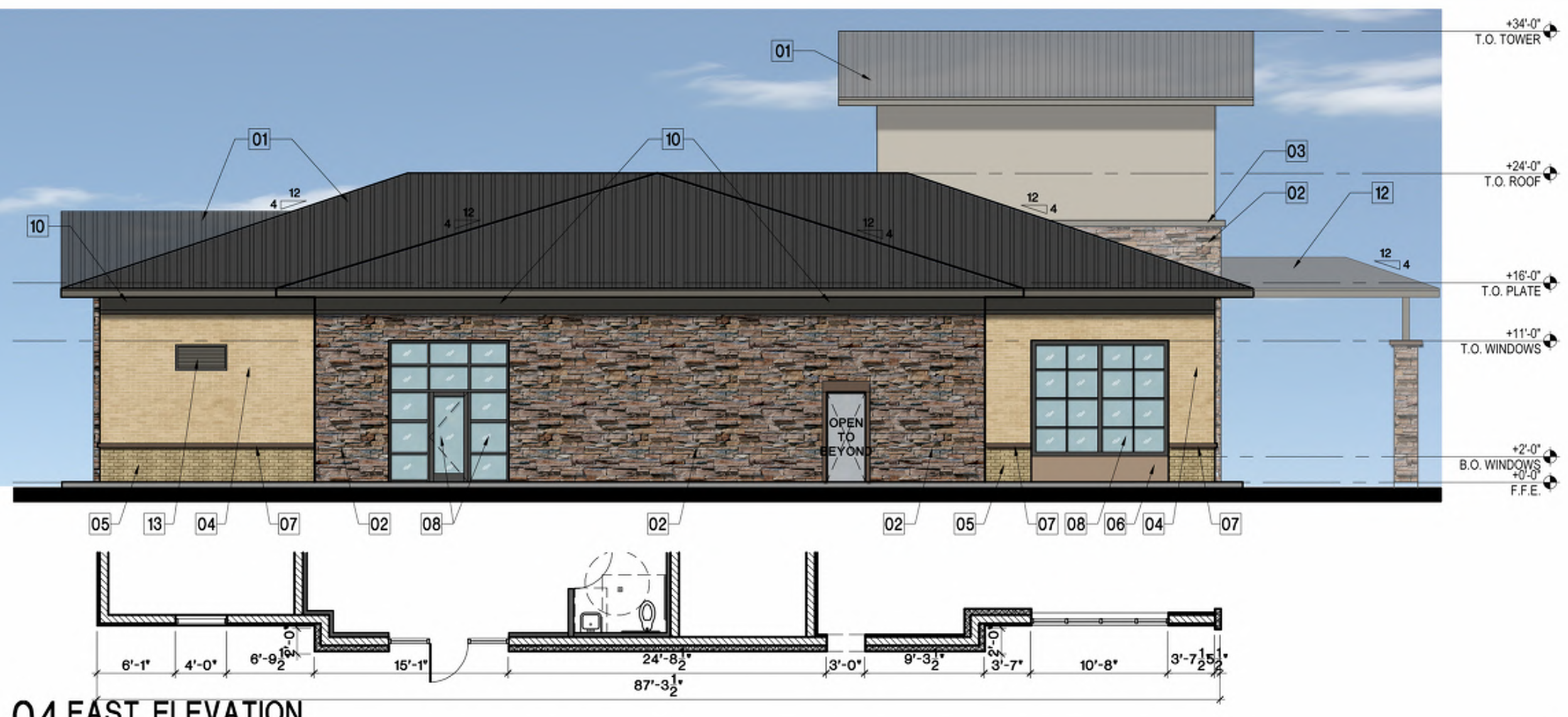
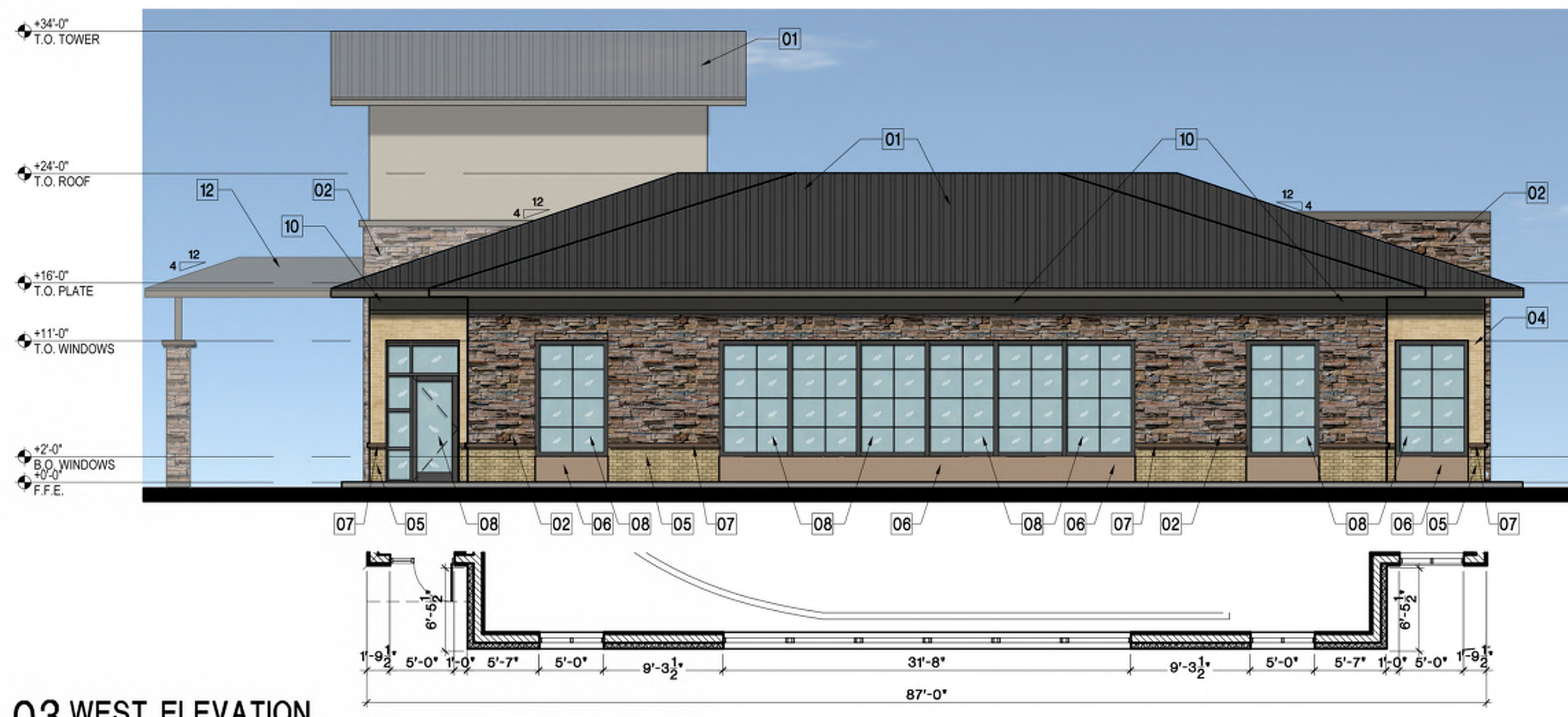
Revisions

Sheet Title:

LANDSCAPE
PLAN

Sheet Number:

L1.02



EXTERIOR MATERIALS LEGEND				
		N. ELEVATION	S. ELEVATION	E. ELEVATION
1	TOTAL FACADE AREA	3,120 S.F.	2,716 S.F.	1,244 S.F.
2	FACADE S.F. (EXCLUDING DOORS AND WINDOWS)	2,388 S.F.	2,120 S.F.	964 S.F.
3	DOORS & WINDOWS	732 S.F.	596 S.F.	280 S.F.
4	PRIMARY MASONRY TOTALS (MIN. 80%)			
	STONE S.F.	1,920 S.F. & 80.4% OF 2	1,950 S.F. & 92.0% OF 2	870 S.F. & 90.0% OF 2
	BRICK S.F.	1,075 S.F. & 45.0% OF 2	925 S.F. & 43.6% OF 2	520 S.F. & 54.0% OF 2
5	EIFS SECONDARY MASONRY TOTALS (MAX. 20%)			
	BRICK S.F.	845 S.F. & 35.4% OF 2	1,025 S.F. & 48.4% OF 2	350 S.F. & 36.0% OF 2
	EIFS S.F.	468 S.F. & 19.6% OF 2	170 S.F. & 8.0% OF 2	94 S.F. & 10.0% OF 2

- NOTES BY NUMBER
- 01 STANDING SEAM METAL ROOF
 - 02 STONE VENEER/WAINSCOT
 - 03 CAST STONE CAP
 - 04 BRICK VENEER FIELD COLOR
 - 05 BRICK VENEER - ACCENT COLOR
 - 06 EIFS ASSEMBLY - FIELD COLOR
 - 07 CAP OVER WAINSCOT
 - 08 ALUM/GLASS WINDOW/DOOR
 - 09 OPENING IN WALL
 - 10 CORNICE/SOFFIT TRIM
 - 11 PAY STATION KIOSK
 - 12 AWNING FOR PAY STATION
 - 13 LOUVERS
 - 14 EIFS ASSEMBLY - ACCENT COLOR



NOTE
ALL COLORS SHALL BE PER PROVIDED MATERIAL BOARD.

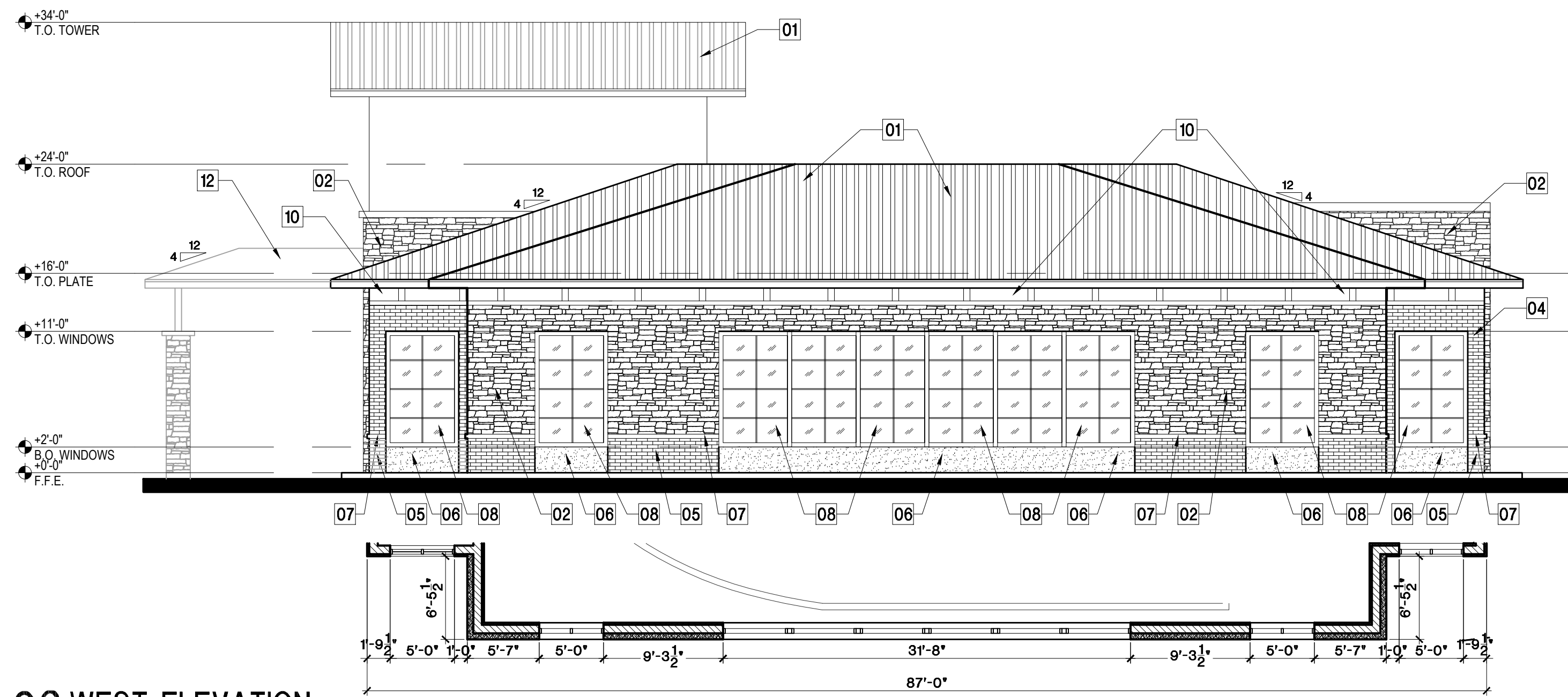
NOTE
ANY EXTERNAL ELECTRICAL PANELS WILL BE PAINTED/TEXTURED TO MATCH THE MATERIAL AND COLOR OF THE BUILDING.

PROPOSED MATERIALS

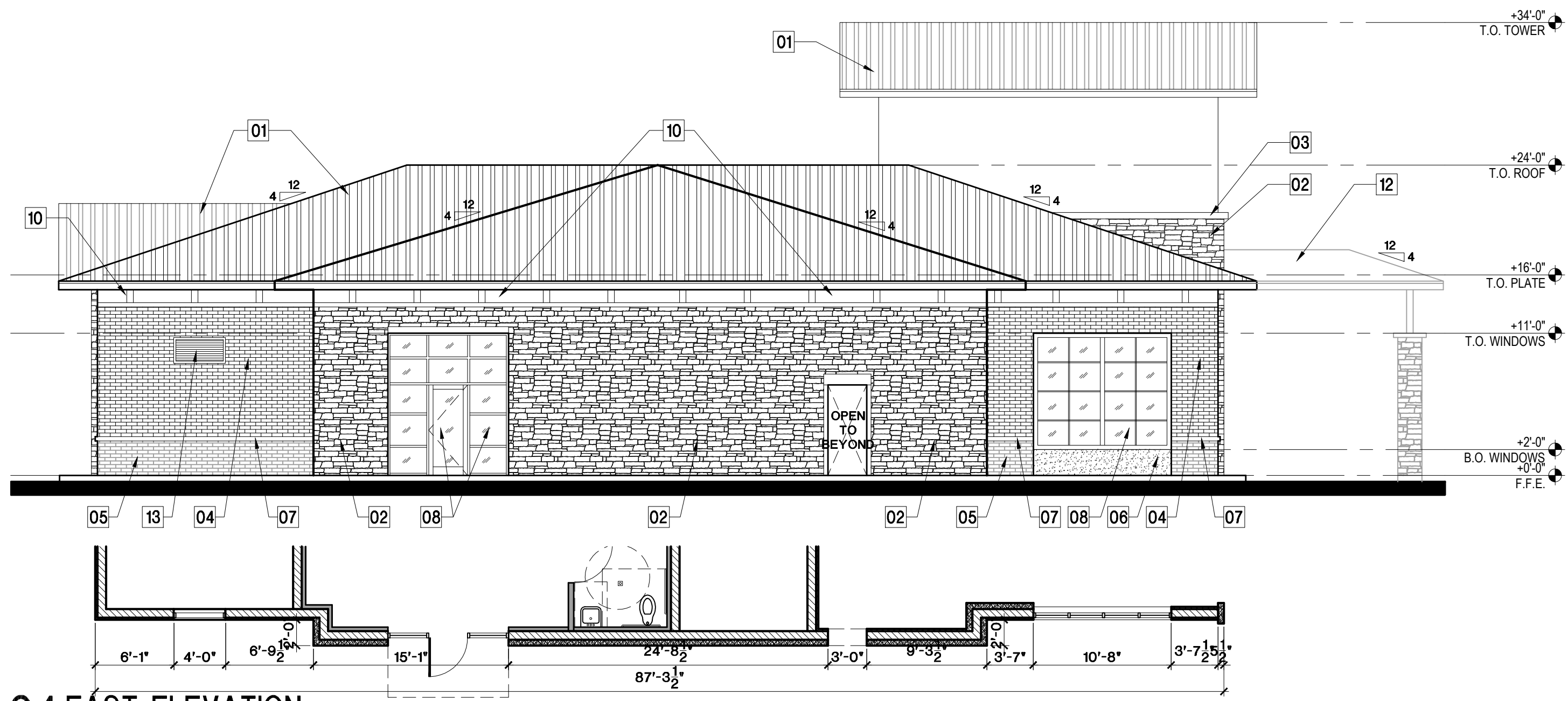
- STANDING SEAM METAL ROOF: MBCI LOKSEAM COLOR - SLATE GRAY
- STONE: EL DORADO MOUNTAIN LEDGE (YUKON)
- FIELD COLOR BRICK: ACME BRICK COLOR - WEATHERWOOD
- ACCENT COLOR BRICK: ACME BRICK COLOR - DRIFTWOOD
- FIELD COLOR EIFS/STUCCO: COLOR - SW6157-FAVORITE TAN
- ACCENT COLOR EIFS/STUCCO: COLOR - SW6427-SPROUT
- STOREFRONT SYSTEM: COLOR - KAWNEER - DARK BRONZE



LANDSHARK
4550 MERRIWEATHER LN
FLOWER MOUND, TX 75028

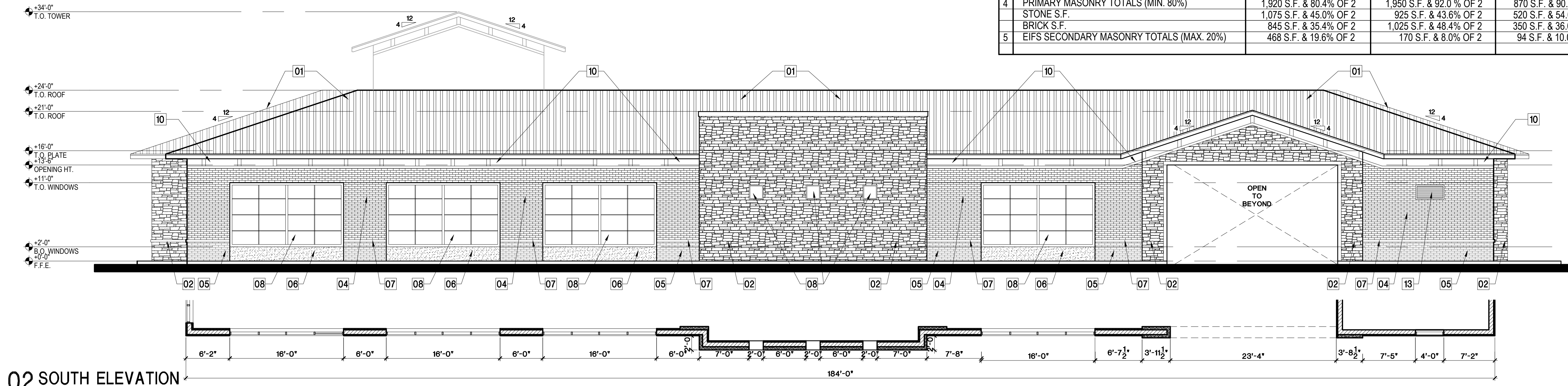


03 WEST ELEVATION
SCALE: 1/8" = 1'-0"

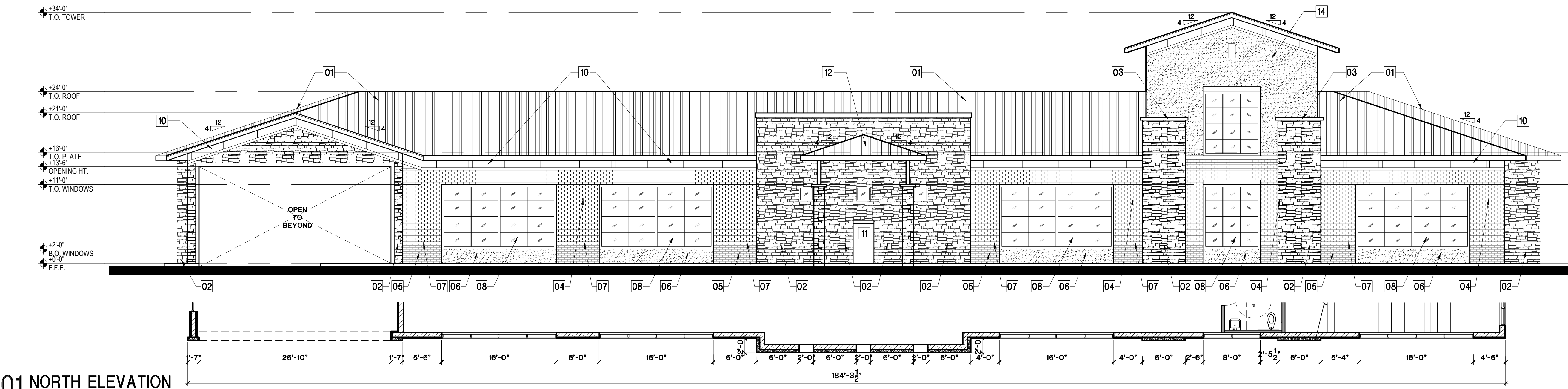


04 EAST ELEVATION
SCALE: 1/8" = 1'-0"

EXTERIOR MATERIALS LEGEND		N. ELEVATION	S. ELEVATION	E. ELEVATION	W. ELEVATION
1	TOTAL FACADE AREA	3,120 S.F.	2,716 S.F.	1,244 S.F.	1,244 S.F.
2	FACADE S.F. (EXCLUDING DOORS AND WINDOWS)	2,388 S.F.	2,120 S.F.	964 S.F.	814 S.F.
3	DOORS & WINDOWS	732 S.F.	596 S.F.	280 S.F.	430 S.F.
4	PRIMARY MASONRY TOTALS (MIN. 80%)	1,920 S.F. & 80.4% OF 2	1,950 S.F. & 92.0 % OF 2	870 S.F. & 90.0% OF 2	704 S.F. & 86.5% OF 2
	STONE S.F.	1,075 S.F. & 45.0% OF 2	925 S.F. & 43.6% OF 2	520 S.F. & 54.0% OF 2	502 S.F. & 61.7% OF 2
	BRICK S.F.	845 S.F. & 35.4% OF 2	1,025 S.F. & 48.4% OF 2	350 S.F. & 36.0% OF 2	202 S.F. & 24.8% OF 2
5	EIFS SECONDARY MASONRY TOTALS (MAX. 20%)	468 S.F. & 19.6% OF 2	170 S.F. & 8.0% OF 2	94 S.F. & 10.0% OF 2	110 S.F. & 13.5% OF 2



02 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



01 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

NOTES BY NUMBER

- 01 STANDING SEAM METAL ROOF
- 02 STONE VENEER/WAINSCOT
- 03 CAST STONE CAP
- 04 BRICK VENEER FIELD COLOR
- 05 BRICK VENEER - ACCENT COLOR
- 06 EIFS ASSEMBLY - FIELD COLOR
- 07 CAP OVER WAINSCOT
- 08 ALUM/GLASS WINDOW/DOOR
- 09 OPENING IN WALL
- 10 CORNICE/SOFFIT TRIM
- 11 PAY STATION KIOSK
- 12 AWNING FOR PAY STATION
- 13 LOUVERS
- 14 EIFS ASSEMBLY - ACCENT COLOR

NOTES:
ALL COLORS SHALL BE PER
PROVIDED MATERIAL BOARD.

DATE: 02.15.2023
JOB NO: 21016
DRAWN: STAFF
CHECKED: CM



LANDSHARK
4550 MERRIWEATHER LN
FLOWER MOUND, TX 75028

REVISIONS

CONCEPTUAL
ELEVATIONS

SHEET NUMBER

A5.01



PLANNING & ZONING COMMISSION AGENDA J.1. REGULAR ITEM(S)

DATE: October 23, 2023
FROM: Poornima Kashyap, Planning Manager
ITEM: **Public Hearing to consider a request for a Comprehensive Sign Package (CSP23-0002 – Chippenhook Addition Lot 1, Block A and Premier Addition) to allow additional wall signs on three buildings. The property is generally located south of Justin Road and east of Long Prairie Road. (This item was tabled at the October 9, 2023, Planning & Zoning Commission meeting by a vote of 6 to 0.)**

BACKGROUND:

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.

This application will require final action by the Town Council.

Upon posting the P&Z packet for the October 9, 2023, P&Z meeting, staff noticed that one of the properties located within 200 feet of the subject site was not captured in the 200-foot buffer map. Hence, staff requested P&Z to table the item until October 23, 2023, P&Z meeting in order to allow time for re-noticing the project to meet the Town and State noticing requirements.

II. APPLICATION ANALYSIS

The purpose of the request is to obtain approval of a Comprehensive Sign Package (CSP) in order to allow additional wall signs for three buildings located within the Chippenhook Addition and Premier & Weaver Addition. The properties are zoned for Industrial District-1 (I-1) uses.

Per the Town's sign ordinance, the building is allowed to have one primary and two secondary wall signs not to exceed 300 square feet, to be placed on the building façade facing Justin Road or on the building façade where the main entrance to the business is located. The Town's sign standards had been communicated to the business owners prior to issuance of a Certificate of Occupancy (CO) for the buildings.

All three buildings have the main entrance to the business located on the side of the buildings not facing Justin Road. The purpose of this application is to request signs to be allowed on the side facades where the main entrance is located, in addition to the already permitted/installed signs on building facades facing Justin Road.

The applicant has indicated in the letter of intent that the purpose of requesting additional signs is to gain visibility of businesses from Justin Road and to direct patrons and vendors to the front entrance. The sign request for the three buildings is explained below:

1. EGAP: Everybody's Got a Project

The applicant is requesting one wall sign not to exceed 40 square feet to be permitted on the west façade where the main entrance to the business is located. The business has an existing sign installed on the north façade facing Justin Road that is also 40 square feet.

2. EVA: Esports Virtual Arenas

The applicant is requesting one wall sign not to exceed 38 square feet to be permitted on the east façade where the main entrance to the business is located. The business has one primary and two secondary signs totaling approximately 157 square feet installed on the north façade facing Justin Road.

3. Classic Recreation and Shelby Garage:

The applicant is requesting two wall signs to be permitted on the west façade where the main entrance to the business is located. The requested signs are approximately 45 square feet and 23 square feet in size. There are two existing signs totaling approximately 77 square feet installed on the north façade facing Justin Road. The business also has one ground sign located on Justin Road.

The Town's Sign Code states that the purpose of a Comprehensive Sign Package is to "allow for a specialized review of signs which may have a meritorious design and seek to promote a unique quality for an existing or proposed development, but which require special consideration."

BOARD REVIEW/CITIZEN FEEDBACK:

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200ft of the subject property for all zoning application requests. CSP23-0002 had a total of 20 Property Owner Notifications mailed. At the time this report was written, staff had not received any correspondence regarding this item.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

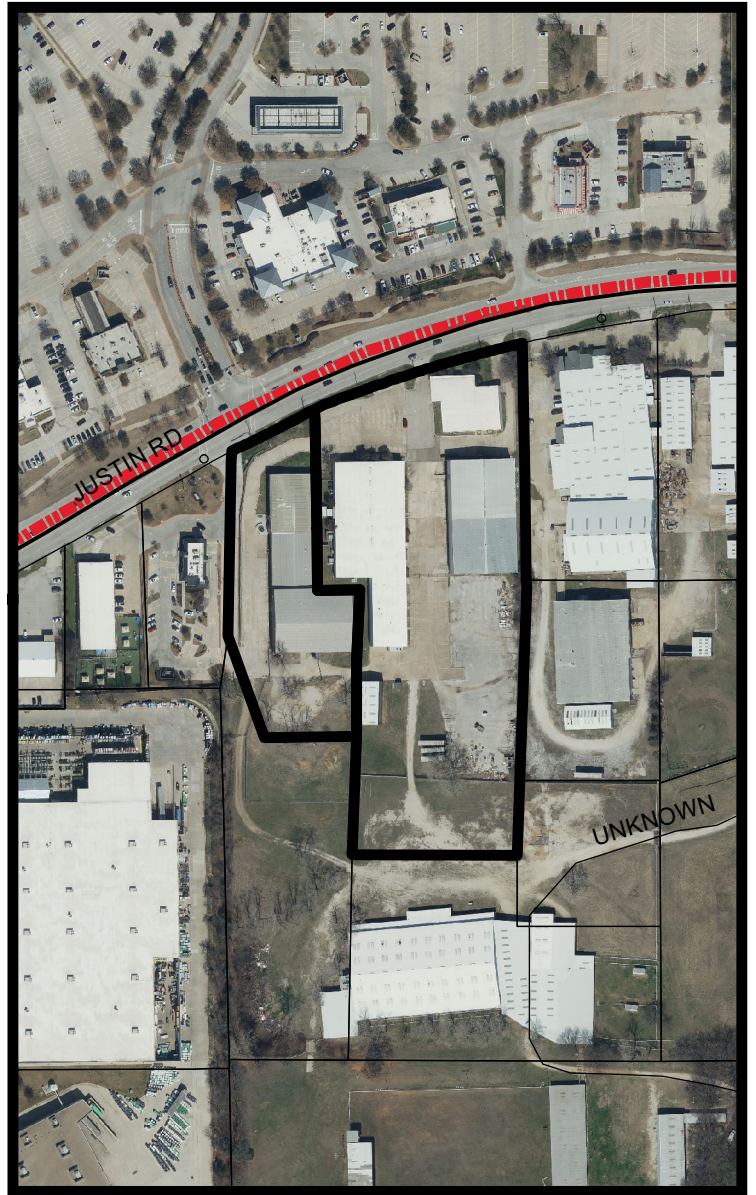
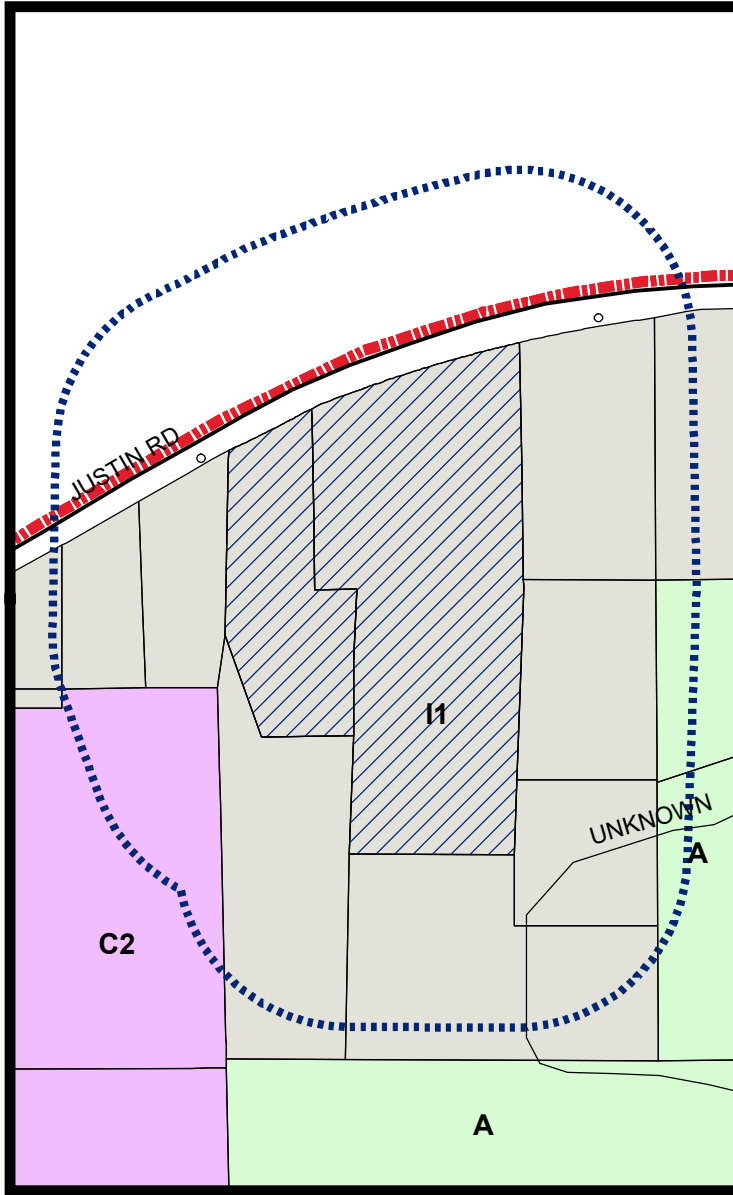
ATTACHMENTS:

1. Map - Zoning & Aerial
2. Letter of Intent
3. Comprehensive Sign Package

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

Vicinity Map

Reference Project: CSP23-0002



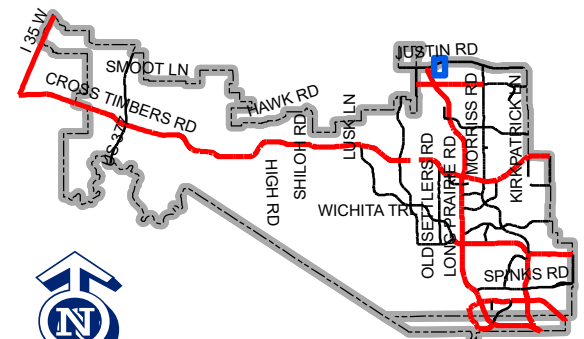
LEGEND

Agriculture Commercial 2 Industrial 1

— Subject Property
 — 200 ft Notification Buffer around Property

Visit www.fmdevmap.com to learn more about this project.

Visit <https://www.flower-mound.com/notifyme> to sign up for text message and/or email alerts for future projects.



0 250 500 1,000 Feet

Map Location

Letter of Intent,

We, RSKK Stone Realty (Classic Recreations et al), are the owners of the property situated at 3151 Justin Road and 3105 Justin Road, Flower Mound, TX 75028. Our principal tenants are EGAP (dba Everybody's Got A Project) and EU Flower Mound, LLC (EVA) in Buildings A and C respectively. We are jointly requesting a CSP to each place one additional sign on the sides of the buildings with the main entrances. Total three signs - one additional each.

In addition, we, RSKK Stone Realty, are requesting that the existing smaller legacy sign above our main entrance be allowed to remain in place. This sign has been there since the building was constructed and only required a change of graphics. No structural changes or lighting were made or added.

The sign guidelines allow for frontage facing signs (towards 407) which have been approved, but the locations of the signs vs the entrances do not guide customers in the parking lot to locate the businesses or their main entrances. The approach from 2499 is on a bend so the visible front of Building A from the west is on the side of the building. See Google Photo attached). In addition, due to the positioning and visibility of 3151 to Justin Road and the light at Marketplace, the absence of signs on the west side inhibits potential emergency vehicles, customers, vendors, city and/or utility companies from easily identifying Classic Recreations et al, EGAP and EVA, respectively.

The zoning district for this property is I-1.

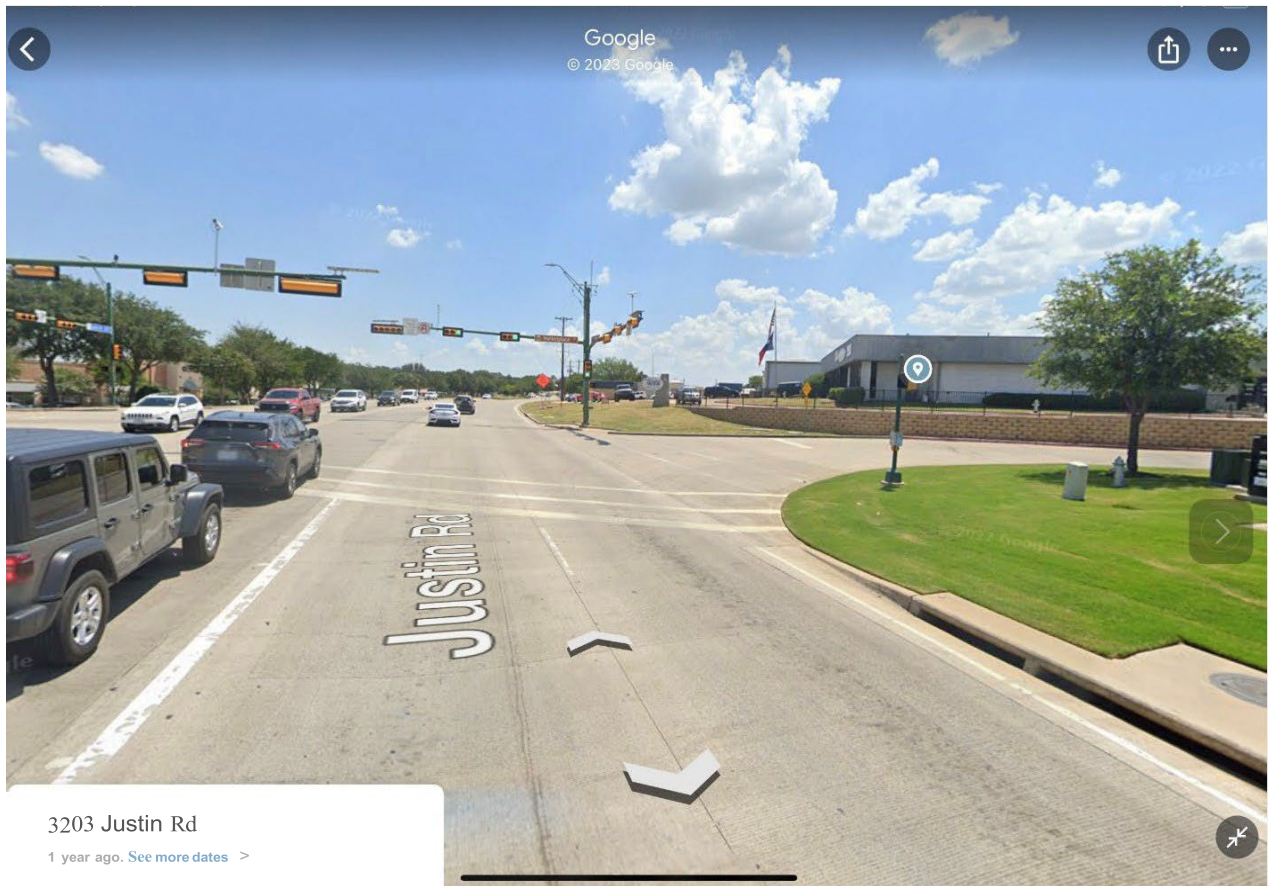
The acreage of the affected properties is approximately 8 acres.

We feel it is critical to the success of our enterprises that customers be able to easily identify our respective entrances.

EVA, which stands for Esports Virtual Arenas, currently occupies 3105 Justin Road, Building C. They have approved signage on the North side of the building facing FM 407. Now, they are requesting permission to install additional signage on the East side of the building. The purpose of this signage is to guide patrons, vendors, and emergency services to the front entrance. The proposed signage includes an arrow with the word "Entrance" that directs individuals toward the entrance located further south on the East side of the building. Additionally, there will be a sign above the doorway clearly indicating the building's entrance. It is important to clearly mark the entrance on the East side because it is the only access point, and people get confused when it's not properly labeled. It's worth noting that this signage will only be visible in the parking lot facing West and cannot be seen from FM 407. Therefore, we kindly request special consideration under the provision that addresses the need for signs that are sufficient in number, size, and suitable location to ensure business identification without causing visual clutter.

EGAP occupies Building A which has a permitted sign on the North side of the building facing 407. This sign is not visible when approaching the building from the West (2499). It is also not visible from the parking lot. Because of the bend in 407, the West side of building A is the visible side when traveling East on Justin Road. We are asking for special consideration under the element "signs sufficient in number / size and suitably located to provide for business identification without creating visual clutter." A West facing sign would be the only sign visible on building A when driving East (away from 2499) or when in the parking lot. It also meets the Elements of "promoting uniformity" because it is identical to North facing sign and "appropriate Text size to be legible to passing motorists."

Bldg	Sign	Sign	Permit Status	Dimensions (sf)
Classic	F1	North Elevation Roof Façade	Permit Issued	73.5 sf
Classic	F2	North Elevation Roof Façade	Permit Issued	31.5 sf
Classic	F3	Monument Sign	Existing Sign	22'8 sf
Classic	E1	West Elevation Roof Façade	Requesting CSP	45 sf
Classic	E2	West Elevation Roof Façade	Requesting CSP	22'8 sf
EVA	C1	East Elevation Above Entry door	Requesting CSP	36 sf
EVA	C2	East Elevation North end of wall	Requesting CSP	5 sf
EVA	D1	North Elevation East end of wall	Permit Issued	5 sf
EVA	D2	North Elevation East middle	Permit Issued	39 sf
EVA	D3	North Elevation Middle	Permit Issued	76 sf
EVA	D4	North Elevation West Middle	Permit Issued	39sf
EGAP	A1	North Elevation Wall	Permit Issued	40 sf
EGAP	B1	West Elevation Wall	Requesting CSP	40 sf





Sign Legend

● Permitted/ Sign Approved

● Requested Sign

Permitted



ILLUMNIATED BOX SIGN DIRECTLY MOUNTED

10FT X 4FT

40 SQ.FT.

DATE: 3-6-2023

DESTINATIONS:

3105 FM 407 #A

Flowermound TX 75028

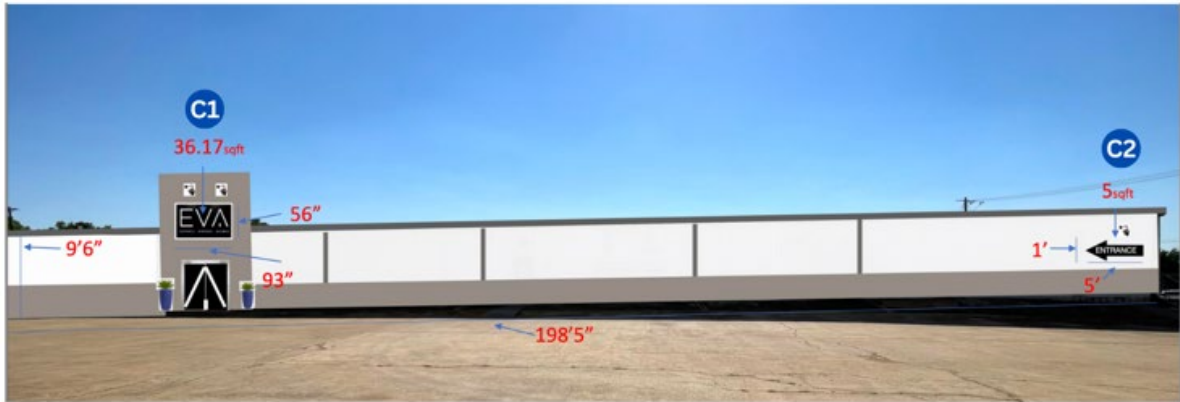
Version: 0001
Artist: Frankie J.
Email: signdesigner99@gmail.com

- **Face:** 3/16" Acrylic w/ translucent vinyl
- **Trimcap:** Black 1" Aluminum Jewelite
- **Returns:** Black Aluminum, 5" depth
- **Back:** Aluminum
- **LED Power Supplies**
(Mounted Remotely behind Fascia in Transformer Boxes with Disconnect Switch)
- **Electric wire** extended only 6"
- 3/8" by 6" hex tap bolts, 3/8-16 Toggle bolt anchors
- 6 thru bolts per sign. 3 bolts for the logo piece

UL Switch

LANDLORD APPROVAL

Property Owner/Authorized Agent _____ Date _____









PLANNING & ZONING COMMISSION AGENDA J.2. REGULAR ITEM(S)

DATE: October 23, 2023
FROM: Poornima Kashyap, Planning Manager
ITEM: **Public Hearing to consider an ordinance for rezoning (Z20-0005 - The River Walk at Central Park) to amend the development standards for The River Walk at Central Park related to Article II - Uses and Article XI - Signage and to update the Concept Ground Sign Location exhibit. The property is generally located north of Cross Timbers Road, west of Morriss Road, and east of Long Prairie Road.**

BACKGROUND:

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 modification requests to the Town's regulations which necessitate special consideration by the Commission (see Analysis below).

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

The River Walk at Central Park (TRWCP) development contains approximately 158 acres and was originally approved on August 4, 2008. On January 15, 2015, the Town Council approved Ordinance No. 05-15 that amended the previously approved River Walk ordinance. Since the original approval, the Development Standards have been amended several times. The history of the development, including the supporting documents and approvals, can be viewed on this dedicated Town [web page](#).

The purpose of this request is to amend Article II – Uses and Article XI – Signage sections of TRWCP development standards and to include updated sign exhibits.

Article II – Uses: The proposed amendments to this section of the ordinance are listed below:

1. Boutique Vendor Market and Food Truck, Accessory use: The applicant is proposing to include these two uses subject to the Town's code of ordinances to be allowed by right within Town Center, Community Mixed-Use, and Community Retail subdistricts. Both the uses were recently added to the Town's code of ordinances and hence the applicant is requesting to update the River Walk use chart to allow the uses within this development as well.

Boutique vendor market means an establishment providing facilities for more than one vendor, primarily for the distribution and sale of food and unique nonfood articles, including custom, high-quality merchandise, which may be upcycled or repurposed, directly to consumers. Such establishments shall not be deemed to include a secondhand store or pawn shop.

Food truck, accessory, means onsite accommodations for one mobile food establishment providing

food and beverage sales designed and arranged to serve the customers of the primary use.

2. Artisan Hut: The applicant is proposing to remove the use from the list as the developer does not intend to build these within the Town Center district.
3. Carnival or circus: The applicant is requesting to comply with the Town's regulations for a carnival or circus use except for the duration of the event and the number of times the event would be allowed per year. The Town allows carnival or circus as a part of six special event permits for a property that is valid for a maximum period of five days per event. The applicant is requesting that carnival or circus be permitted twice a year on the site for three week runs excluding move-in and pack-out. These events are being requested to be excluded from the annual special event count.
4. Outdoor music: The applicant is requesting outdoor music to be permitted as an ancillary use to farmers' market, restaurants, and within the restaurant row area with certain restrictions regarding the hours of operation and requiring compliance with the Town's noise ordinance. A site plan for Farmers' Market was approved by the P&Z in 2017, however, Farmers' Market building has not been constructed yet. As outdoor music is being requested as an ancillary use, it can only be permitted upon construction of the buildings.
5. Special event, temporary – The Town's ordinance allows for a maximum of six special events per year on a site. The applicant is requesting to allow up to 15 events within the development (not including carnivals or circuses) subject to the Town's regulations. In addition to requiring the property owner consent letter as a part of the permit submittal, the applicant has proposed standards that would require the permit to be additionally authorized by the River Walk Property Owners' Association.

Article XI – Signage: The proposed amendments to this section of the ordinance are listed below:

1. The developer is requesting to add a few sign types to be allowed within this development.
 - a. Waterfront sign – This sign is being proposed at the south end of restaurant row in order to allow the display of the names of restaurants. The maximum height is 25 feet, and the maximum width is 10 feet.
 - b. Promenade Terminus Signage – This sign identifies the name of the development without advertising a business and is proposed to be located at the eastern end of Promenade Way. The maximum height is 24 feet, and the maximum width is 35 feet. Staff has concerns that the proposed design and color scheme is not harmonious with the design theme of the River Walk development.
 - c. Picture Spot Signage – This sign identifies the development without advertising a business and the main purpose of this sign, as the name suggests, is for taking pictures with the sign as a backdrop. The maximum height is 10 feet and the maximum width is 50 feet. Since the developer has not identified a location for this sign type on the sign exhibit, approval of a zoning amendment by the Town Council showing the location and design is required at a future date.
 - d. Wall Murals – The developer is requesting to allow wall murals to be permitted on non-residential building walls. Since the developer has not identified a location for this sign type on the sign exhibit, approval of a zoning amendment by the Town Council showing the location and design is required at a future date.

e. Marquee – The River Walk ordinance allows this type of sign to identify hotels and theaters. The developer is requesting to expand this type of sign to be placed at the entrance to the River Walk development on the building located at the southeast corner of Central Park and Long Prairie Road. The maximum height is 27', and the maximum width is 2'6".

2. The amendment to sign standards within the development is outlined below:

a. Multifamily and mixed-use buildings:

- Current standards – One 'for lease' sign on each side of the building that faces a street.
- Proposed – One 'for lease' sign on each side of the building that faces a street, Block Break or Block Interior.

b. Nonresidential Buildings with Multi-Tenant Interior Access:

- Current standards – Two signs for each side of the building facing a street and one wall sign per building wall with street frontage, and one additional sign shall be permitted at each building corner.
- Proposed – One sign for each side of the building and one wall sign per building wall with street or private drive frontage, and one additional sign for a side of the building with a public entrance facing a Block Interior.

c. Non-residential Building (others):

- Current standards – For identification of the building, a maximum of two signs shall be permitted for each side of the building facing a street, which signs shall be of the following types: (i) building identification wall sign; (ii) ground sign ((iii) blade sign; (iv) awning sign; (v) window sign; or (vi) canopy sign.
- Proposed: For identification of the building, a maximum of three signs shall be permitted for each side of the building facing a street, which signs shall be of the following types: (i) building identification wall sign; (ii) ground sign (for a maximum of one per street frontage); (iii) blade sign; (iv) awning sign; (v) window sign; or (vi) canopy sign.

d. Hospital sign:

- Current standards – A maximum of two building identification ground signs to be located along Long Prairie Road (FM 2499) at the main entry driveway and the emergency entry driveway.
- Proposed – A maximum of three building identification ground signs to be located along Long Prairie Road (FM 2499) at the main entry driveway and the emergency entry driveway.

e. Ground signs:

- Current standards – There is no maximum dimension for ground signs in the current ordinance.
- Proposed - The maximum height shall be 10 feet and the maximum width shall be 10 feet, however the total square footage of any one side of the sign shall not exceed 70

square feet. The developer is also clarifying that a masonry border is not required around the perimeter of ground signs.

f. Off-Premises Signs; Directional Signs:

- Current standards – Off premise signs are prohibited except as provided in certain sections of the River Walk ordinance.
- Proposed – Off premise signs shall be permitted to advertise developments and businesses within The River Walk CBD, as permitted by Article XI Signage and the ground sign location exhibit.

g. Window signs:

- Current standards – The Town's sign ordinance does not allow neon signs.
- Proposed – Neon signs shall be allowed as window signs.

BOARD REVIEW/CITIZEN FEEDBACK:

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 zoning application requests. Z20-0005 had a total of 478 Property Owner Notifications mailed. At the time this report was written, staff had received 1 item of correspondence in opposition and 2 items of correspondence requesting additional information.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

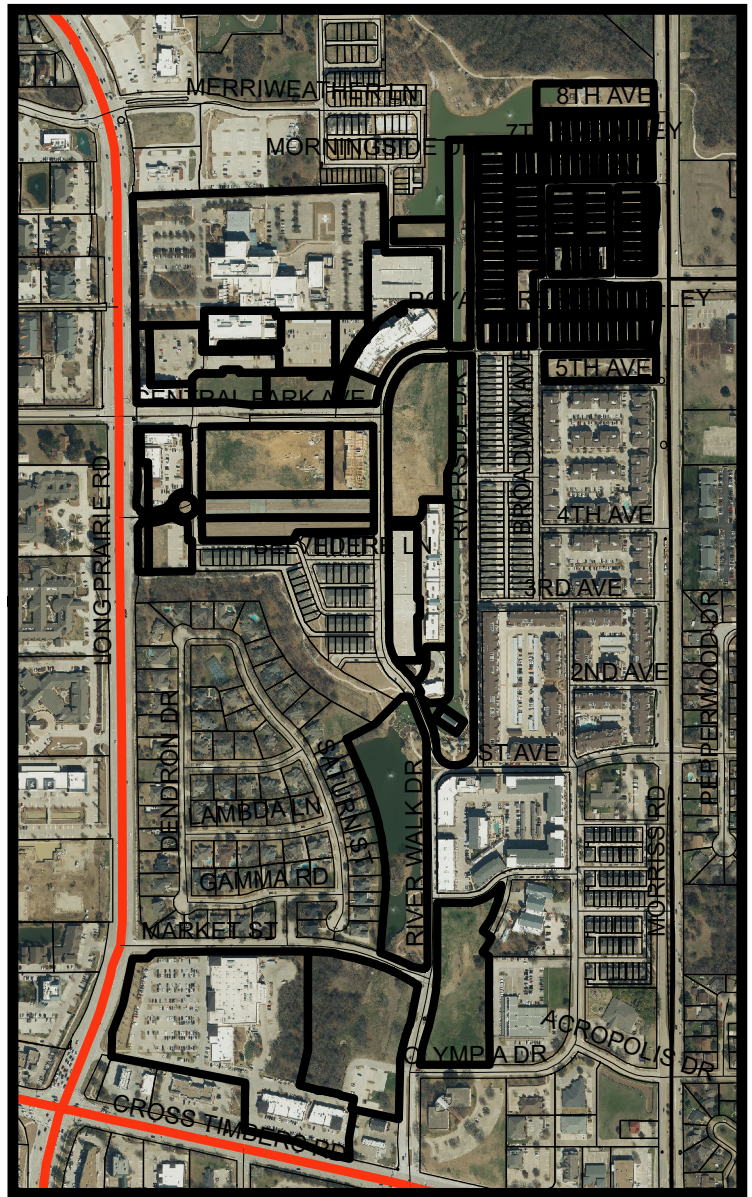
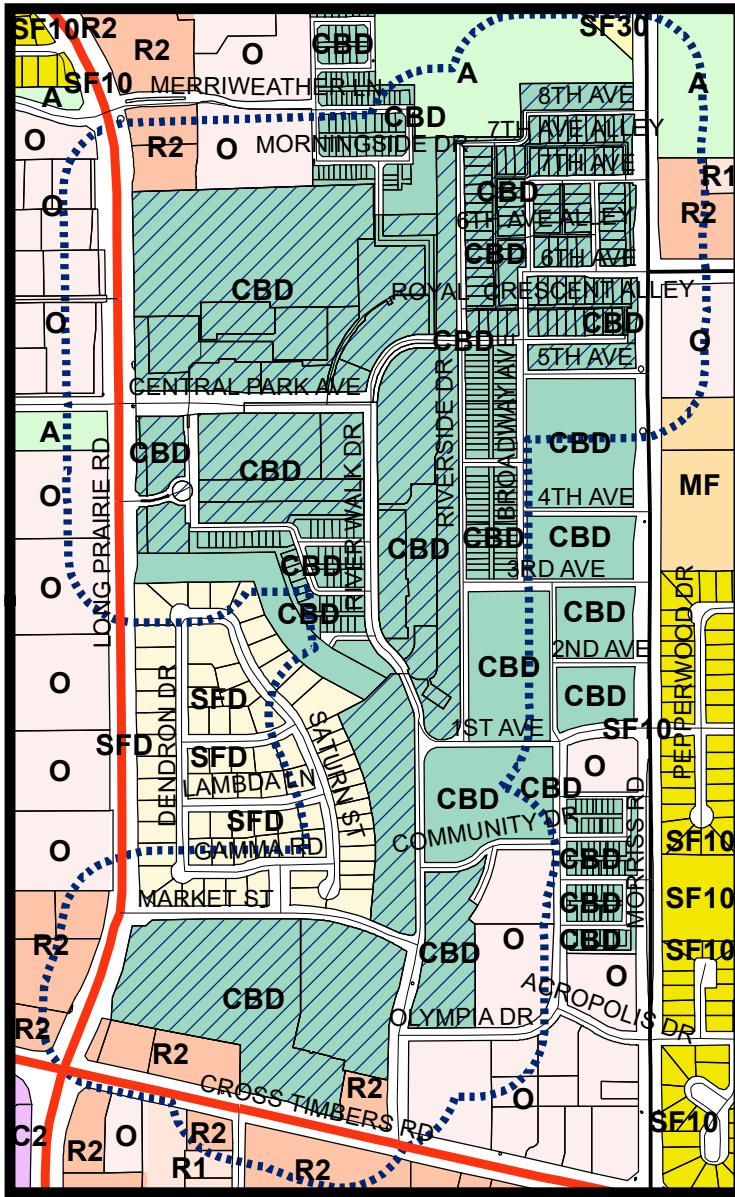
ATTACHMENTS:

1. Map - Zoning & Aerial
2. Letter of Intent
3. DRAFT Development Standards
4. Ground Sign Location Exhibit
5. Waterfront Alley Sign Exhibit

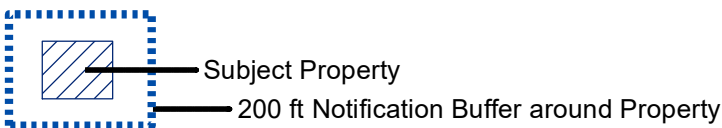
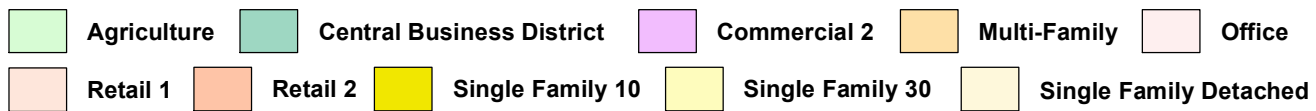
DRAFT MOTION: Move to approve as presented in the agenda caption.

Vicinity Map

Reference Project: Z20-0005

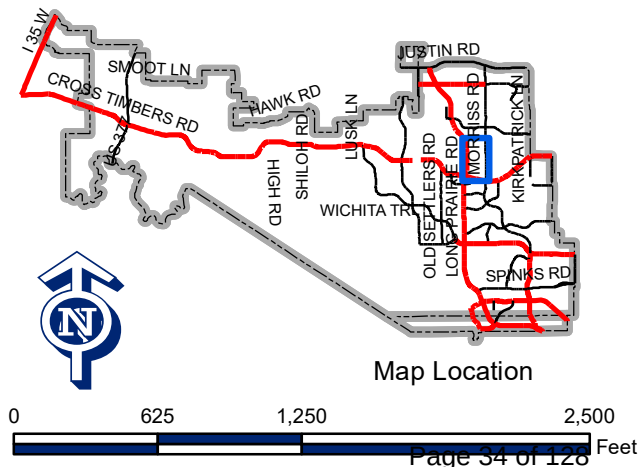


LEGEND



Visit www.fmdevmap.com to learn more about this project.

Visit <https://www.flower-mound.com/notifyme> to sign up for text message and/or email alerts for future projects.





LETTER OF INTENT > THE RIVER WALK AT CENTRAL PARK

October 18, 2023

Poornima Kashyap, AICP
Planning Services
Town of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028

**RE: THE RIVER WALK AT CENTRAL PARK
Sign Amendments, Z20-0005
Letter of Intent**

Mrs. Kashyap:

Please accept this letter, on behalf of MRW Investors, LLC., as an explanation of the proposed Zoning Change Request to amend the current zoning for The River Walk at Central Park. The following is a list of the requests being brought forward at this time;

1. Change the sign requirements, including allowing an attached marquee sign at Central Park Ave and FM 2499.
2. Allow 15 Special Events per year such as fall festival, Christmas event, Duck Derby, and other community organization and/or non profit events.
3. Allow outdoor activities such as live music as ancillary uses to the restaurants and the Farmer's Market areas, subject to the Town's noise ordinance.
4. Change the following land uses;
 - a. Add Boutique Vendor Market
 - b. Add Refreshment Stand or Food Truck, Accessory
 - c. Amend Circus – allowing twice a year, three week runs excluding move-in and pack-out. The circus will have to meet all of the conditions of a special event permit, but will not count as one of the 15 'allowed' special events a year.
 - d. Delete Artisan Hut from list of uses.

Sincerely,

MCADAMS

Randi Rivera, AICP
Director, Planning + Entitlements

ARTICLE II
USES

SCHEDULE OF USE REGULATIONS

<u>Use</u>	TC (2.2(i))	CR (2.2(h)), (2.2(i))	CMU (2.2(i))	CRC (2.2(i))
Accessory retail/service uses	P	P	P	P
Accessory use, general, subject to sec. 98-972	P	P	P	P
Amusement and recreation (outdoors)	S			
Amusement and recreation (indoors), subject to sec. 98-973	P	P	P	P
Antique shop	P	P	P	P
Art gallery or handicraft sales	P	P	P	P
Art supply store	P	P	P	P
Artisan hut	P			
Asphalt/concrete batch plant, temporary	S	S	S	S
Assembly hall	S		S	S
Auto leasing or rental	P			
Bakery or confectionery shop, retail	P	P	P	P
Bank or savings and loan	P	P	P	P
Bank or savings and loan with drive-through facility	S	S	S	P
Boardinghouse or roominghouse (2.2(a))	P	P		
Book store or stationery store	P	P	P	P
Bottling works (microbrewery)	P	P	P	P
Boutique Vendor Market, subject to Section 98-1006	P		P	P
Building material sales or storage (indoors)	P		P	P
Building material yard and construction office, temporary	T	T	T	T

<u>Use</u>	TC (2.2(i))	CR (2.2(h)), (2.2(i))	CMU (2.2(i))	CRC (2.2(i))
Carnival or circus, temporary, subject to sec. 98-976 2.2.1	T	T	T	T
Church or rectory	P		P	P
Cleaning/laundry shop, pickup station only	P	P	P	P
College or university	P		P	
Communication tower, commercial, subject to sec. 98-977	S	S	S	S
Community center, public	P	P	P	P
Convenience store	P	P	P	P
Custom personal service	P	P	P	P
Day camp for children	S			
Day care center	S	S	S	S
Drugstore or pharmacy	P	P	P	P
Dwelling, multifamily (including either or both MF Loft and MF Traditional)	P	P	P	
Dwelling, townhome	P	P	P	
Dwelling, single family detached		P		
Electrical energy generating plant	S	S		
Electrical line/substation, high voltage, subject to sec. 98-979	S	S	S	S
Exhibition area or fairgrounds	T	T	T	T
Farmers' market subject to 2.2.2.	P		P	
Field office, temporary	T	T	T	T
Fire station	P		P	P
Florist	P	P	P	P
Food processing, retail	P	P	P	P
Fraternal club or lodge	P		P	P
Garage sale, subject to sec. 98-982 (2.2(b))		P		
Hardware store	P		P	P
Health club, athletic club	P	P	P	P

<u>Use</u>	TC (2.2(i))	CR (2.2(h)), (2.2(i))	CMU (2.2(i))	CRC (2.2(i))
Heliport	S			
Helistop (2.2(c))	P			
Hospital	P			
Hotel (2.2(d))	P	P	P	
Institution, drug or psychiatric treatment	P			
Laboratory, medical or dental	P		P	P
Laboratory, scientific or research	P			
Lithographic or print shop	P	P	P	P
Live-work unit	P	P	P	
Local utility line	P	P	P	P
Maintenance service	P		P	P
Model home (2.2(e))	P	P	P	
Museum, library or art gallery, public	P	P	P	P
Newsstand	P	P	P	P
Nursing or congregate care facility (2.2(f))	S	S	S	
Off-street parking, accessory	P	P	P	P
Office, general business or professional	P	P	P	P
Office, medical or dental	P	P	P	P
Open space common area	P	P	P	P
Optical sales	P	P	P	P
Parking lot, commercial	P	P	P	P
Parking structure, commercial	P	P	P	P
Parking, podium	P	P	P	
Personal improvement services	P	P	P	P
Pet store, subject to sec. 98-988	P	P	P	P
Plant nursery or garden shop	P	P	P	P
Private franchise utility	S	S	S	S
Public building, shop or yard	P	P	P	P
Recreation center	P	P	P	P

<u>Use</u>	TC (2.2(i))	CR (2.2(h)), (2.2(i))	CMU (2.2(i))	CRC (2.2(i))
Recreational equipment rental	P	P	P	
Recycling drop-off center, subject to sec. 98-990	S	S	S	S
Refreshment Stand or Food Truck, Accessory, subject to Sec-98-991	T P	T	T P	T P
Repair services, limited	P	P	P	P
Restaurant, general (indoors), subject to 2.2.2.	P	P	P	P
Restaurant, fast food	P		P	P
Restaurant, fast food with drive-through facility	S	S	S	P
Restaurant Row, subject to 2.2.2.	P			
Retail, general (indoors)	P	P	P	P
Retail, single tenant	P	P	P	P
Sales, temporary or seasonal, subject to sec. 98-992	T		T	T
Sales trailer, temporary, subject to sec. 98-993 (2.2(g))	T	T	T	
School, business	P		P	
School, commercial trade	P		P	
School, elementary or secondary	P	P	P	
Sewage pump station	P	P	P	P
Special event, temporary, subject to sec. 98-976 2.2.3.	T	T	T	T
Sporting goods sales	P	P	P	P
Stadium or playfield, public	S	S	S	
Studio, television or radio	P		P	
Supermarket (2.2 (k))	P		P	P
Swimming pool, private, subject to sec. 98-996	P	P	P	
Swimming pool, public	P		P	
Telephone equipment station	P	P	P	P

<u>Use</u>	TC (2.2(i))	CR (2.2(h)), (2.2(i))	CMU (2.2(i))	CRC (2.2(i))
Theater	P		P	P
Tool rental (domestic equipment)	P			P
Town hall	P		P	
Transmission pipeline, subject to sec. 98-997	P	S	S	S
Transportation stop	S	S	S	S
Travel bureau or consultant	P	P	P	P
Veterinary hospital (indoor pens), subject to sec. 98-998	P		S	P
Water well, storage or pump station (2.2(j))	P	P	P	P
Wine retail establishment	P	P	P	P

- 2.2.1 Carnival or circus, temporary use is subject to the provisions of Sec. 98-976 except for paragraph 11. The use is allowed twice a year on the site, for three week runs excluding move-in and pack-out. The use will not count towards one of the allowed special events a year.
- 2.2.2 Ancillary use to Restaurant General, Restaurant Row and Farmers Market: Outside music can be played subject to Sec. 34-181 Noise standards. The music shall not extend past 10:00 PM. The music band setup shall not impede pedestrian circulation and accessible routes.
- 2.2.3 Special event, temporary – Up to 15 events shall be allowed within the development subject to Sec. 98-976. The permit must be additionally authorized by the River Walk POA.

ARTICLE XI SIGNAGE

11.1 General

- (a). Chapter 86 of the Code of Ordinances. Signage in The River Walk CBD shall comply with Chapter 86 of the Code of Ordinances, as in effect on the date of this Ordinance, except as amended, modified or excluded in this Article XI.
- (b). Purpose and Intent. The intent and purpose of Development Standards for signage at The River Walk CBD are not to encourage the maximum signage permitted but, rather, to allow flexibility for more variety of sign types and locations. The following drawing depicts the usage of various types of signs permitted by these Development Standards, **including but not limited to** a building identification wall sign, a tenant identification wall sign, banner signs, an awning sign, a canopy sign, a blade sign and window signs.



- (c). Permitted Signs. All signs and outdoor advertising displays permitted under Chapter 86 of the Code of Ordinances, as of the date of this Ordinance, shall be permitted in The River Walk CBD, and the following types of signs shall also be permitted in The River Walk CBD:
- (i) Marquees, subject to Section 11.2 (f) hereof;
 - (ii) Waterfront signage, subject to Section 11.2 (g) hereof;**
 - (iii) Awning signs, subject to Section 11.3 (d) hereof;
 - (iv) Canopy signs, subject to Section 11.3 (f) hereof;
 - (v) Banner signs, subject to Section 11.3(g) hereof;
 - (vi) Blade signs, subject to Section 11.3(h) hereof;
 - (vii) Sandwich board signs, subject to Section 11.3(i), hereof;
 - (viii) Umbrella signs, subject to Section 11.3(j) hereof;

- (ix) Promenade Terminus Signage, subject to Section 11.2 (h) hereof;
- (x) Picture Spot Signage, subject to Section 11.3 (k) hereof;
- (xi) Wall Murals, subject to Section 11.3 (l) hereof; and
- (xii) Electronic/digital signs, subject to 11.3 (n) hereof.

(d). Signs Permits.

- (i) For all signs that require a permit, a copy of the permit shall be maintained on premises and be available for viewing during normal business hours.
- (ii) Sec. 86-63 shall apply to directional signs in The River Walk CBD, except that the sign area may be up to twelve (12) square feet and the height of the sign may be up to five feet six inches (5' 6").
- (iii) Sec. 86-64 shall apply to menu signs in The River Walk CBD. Further, no permit shall be required for signs within storefronts or adjacent to the entrance for a restaurant that display the establishment's menu, provided that such signs do not exceed four (4) square feet in sign area and are located no higher than six feet (6') above the adjacent grade or floor elevation.

- (e). Abandoned Signs and Removed Message. Sec. 86-7 shall apply to signs in The River Walk CBD, except that (i) an abandoned sign need not be removed until the lapse of ninety (90) days after abandonment and (ii) the period for replacing a removed message or removing the shell of a sign shall be one hundred eighty (180) days after the removal of the message. Placement of "for lease," "for rent" or comparable signage in the sign shell shall be effective to replace the message.

11.2 Regulations Pertaining To Certain Uses

(a). Multifamily and Mixed Use Buildings.

- (i) Multifamily buildings with eight (8) residential units or more and mixed use buildings shall be permitted one (1) sign for identification purposes for each side of the building ~~facing a street~~, which sign shall be of the following types: (i) ~~building identification~~ ground sign; (ii) building identification wall sign; (iii) blade sign; (iv) awning sign; (v) window sign or (vi) canopy sign.
- (ii) A multifamily or mixed use building with residential use shall be permitted one (1) "for lease" wall sign with a maximum sign area of nine (9) square feet on each side of the building that faces a street, **Block Break or Block Interior**.
- (iii) For multifamily and mixed use buildings with nonresidential ground floor uses with exterior access, clauses (i) and (ii) of this subsection (a) shall apply to the building, and Section 11.2(c) hereof shall also apply so as to permit the signs thereunder in addition to the signs permitted under this Section 11.2(a).
- (iv) Following is an example of a blade sign used for identification of a multifamily building, with a first-floor restaurant identified by a canopy sign:



(b). Nonresidential Buildings with Multi-Tenant Interior Access.

- (i) ~~A nonresidential building with multi-tenant interior access shall be permitted two (2) signs for identification purposes for each side of the building facing a street, which signs shall be of the following types: (i) building identification wall sign; ii) blade sign; (iii) awning sign; (iv) window sign and (v) canopy sign. In addition thereto, one (1) additional sign from this list shall be permitted for each entrance to the building located along a Block Break or at the Block Interior.~~
- (i) A nonresidential building with multi-tenant interior access shall be permitted one (1) sign for identification purposes for each side of the building, which signs shall be of the following types: (i) building identification wall sign; (ii) blade sign; (iii) awning sign; (iv) window sign and (v) canopy sign.
- ii) ~~For identification of interior tenants, one (1) wall sign shall be permitted per building wall with street frontage, and one (1) additional sign shall be permitted at each building corner.~~
- (ii) For identification of interior tenants, one (1) wall sign shall be permitted per building wall with street or private drive frontage, and one additional sign shall be allowed for a side of the building with a public entrance facing a Block Interior. The aggregate of all signs must comply with the maximum allowable sign area specified in Section 11.2 (c) (iii).

- (iii) Sec. 86-68(2)(b) shall apply to directory signs, except that it will be permitted that such directory signs are visible from any street, private drive, Block Interior or sidewalk. Following is an example of a directory sign:



- (iv) For multistory buildings with interior tenants on upper floors, window signs and awning signs shall be permitted, in lieu of signs permitted in clause (ii) of this Section 11.2(b), to identify upper story tenants, subject to Sections 11.3(c) and (d), respectively, of these Development Standards. Following is an example of a wall sign identifying a ground-floor retail tenant and a wall sign identifying an upper floor tenant with interior access:



- (v) For multistory, nonresidential buildings with interior tenants on upper floors and tenants with exterior access on the ground floor, the regulations in this Section 11.2(b) shall apply to the building and interior tenants, and Section 11.2(c) shall apply to tenants on the ground floor .
- (vi) Real estate signs advertising the sale, lease or rental of a nonresidential building shall be permitted on each side of the building that faces a street.

(c). Buildings with Tenants with Exterior Access.

- (i) Section 11.2(a) of these Development Standards shall apply to signs identifying buildings with nonresidential uses that have exterior access.
- (ii) Tenants with exterior access shall be permitted the following types of signs for their identification: (i) wall signs; (ii) blade signs; (iii) awning signs; (iv) canopy signs; (v) window signs; and (v) banner signs.
- (iii) A combination of sign types may be used, with the sum of the areas of all signs attached to the building not to exceed the maximum area of signage permitted per length of the building wall with street frontage occupied by a tenant. The maximum allowable area shall be determined using the following table, by multiplying maximum width by maximum height.

MAXIMUM ALLOWABLE SIGN AREA

Lineal Footage of the Building Wall (occupied by the tenant)	Maximum Sign Width	Maximum Sign Height
Less than 20 feet	80 percent of lineal footage	36 inches
20 feet up to 25 feet	75 percent of lineal footage	42 inches
25 feet up to 35 feet	70 percent of lineal footage	48 inches
35 feet up to 45 feet	65 percent of lineal footage	54 inches
45 feet up to 60 feet	60 percent of lineal footage	60 inches
60 feet or more	55 percent of lineal footage	72 inches

Example of signage for a tenant with exterior access, using a variety of signs including a wall sign, a window sign, a blade sign and a sandwich board:



- (iv) A corner or end tenant may utilize the maximum area permitted on two (2) walls. A sign may be located at the corner, but the area of the corner sign will be counted against the maximum area of signage permitted for one of the walls. Following is an example of signage for a corner tenant:



- (v) The area of window signs shall not be included in the maximum area of signage permitted in clause (iii) of this subsection (c) but shall be limited by the regulations in Section 11.3(c) of these Development Standards.
- (vi) Blade signs less than nine (9) square feet in area will not count against the maximum area of signage permitted. This provision is to encourage the use of blade signs that are pedestrian-friendly.
- (vii) For a tenant entrance from a Block Break or Block Interior, two (2) of the sign types permitted in clause (iii) of this subsection (c) shall be permitted, the area of which may not exceed fifty percent (50%) of the maximum area permitted in clause (iii) of this subsection (c).
- (viii) One (1) portable sandwich board sign shall be permitted per tenant in addition to the signage permitted in this subsection (c).
- (ix) For restaurants, in addition to the signage permitted in this subsection (c), a menu board sign shall be permitted according to the standards set forth in Section 11.3(i) of these Development Standards. For food service uses with outdoor seating areas, umbrella signs shall be permitted in addition to the signage permitted in this subsection (c).
- (x) Real estate signs advertising the sale, lease or rental of a nonresidential building shall be permitted on each side of the building that faces a street.

(d). Nonresidential Buildings (other).

- (i) The provisions of this subsection (d) shall apply to buildings in The River Walk CBD that do not fall into the categories of buildings described in subsections (a) through (c) above, including, without limitation, hotels and theaters.
- (ii) For identification of the building, a maximum of ~~two (2)~~ **three (3)** signs shall be permitted for each side of the building facing a street, which signs shall be of the following types: (i) building identification wall sign; (ii) ~~building identification ground sign~~ **(for a maximum of one per street frontage)**; ~~(iii) business/office park ground signs;~~ (iii) blade sign; (iv) awning sign; (v) window sign; or (vi) canopy sign. One (1) additional sign of the listed types shall be permitted for each entrance to the building located along a Block Break or at the Block Interior. Following is an example of a wall sign for identification of a retail tenant at the Block Interior:



- (iii) For nonresidential buildings (other) with tenants with exterior access on the ground floor, the regulations in this Section 11.2(d) shall apply to the building and interior tenants, and Section 11.2(c) shall apply to tenants on the ground floor.
- (iv) Real estate signs advertising the sale, lease or rental of a nonresidential building shall be permitted on each side of the building that faces a street.

(e). Hospital Signage.

- (i) A hospital in The River Walk CBD shall be permitted signage at its main entry driveway, its emergency entry driveway and at Central Park Avenue that meets the requirements of applicable federal and state laws for the hospital itself, its emergency room and other facilities, including, without limitation, these signs:
 - (1) A maximum of ~~two (2)~~ **three (3)** building identification ground signs to be located along Long Prairie Road (FM 2499) at the main entry driveway and the emergency entry driveway.

- (2) A maximum of four (4) additional ground signs as directional signs within the site.
- (3) A maximum of two (2) signs shall be permitted for each side of the building with a public entrance, which signs shall be of the following types: wall signs, building identification wall signs, canopy signs, awning signs or blade signs.
- (ii) A medical office building adjacent and attached to the hospital building shall be permitted signs according to Section 11.2(b) hereof.
- (iii) Figure XI-A is an example of sign locations permitted for the hospital, such signs being of the following type: items 1-2, building identification ground signs; items 3-6, directional ground signs; items 7-8, building identification signs for medical office building; items 9-10, wall signs identifying the emergency room.

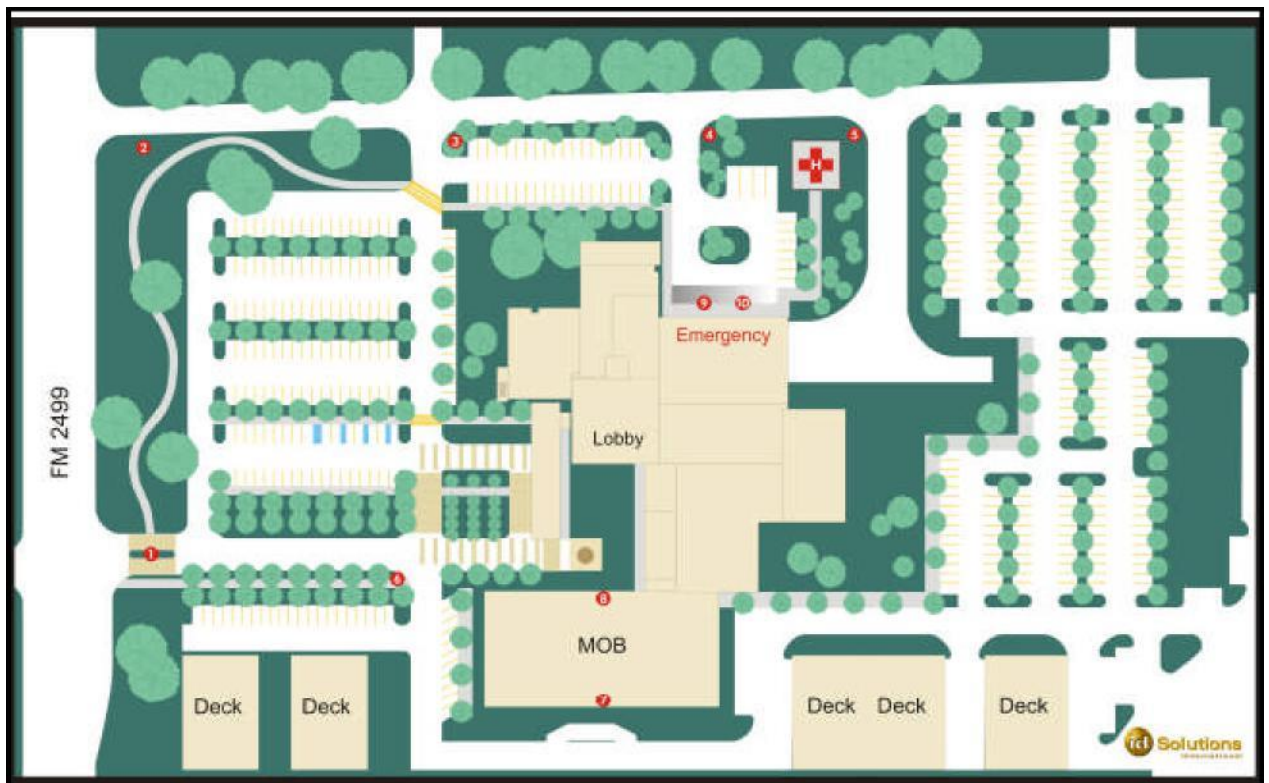


Figure XI-A

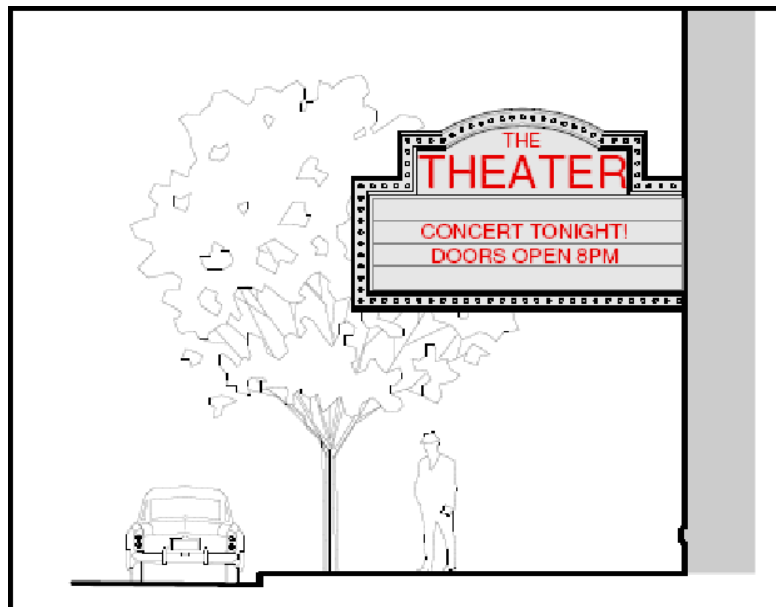
Subject to the foregoing, such signage shall comply with these Development Standards, including, without limitation, the design principles and standards for signage.

- (iv) Without limitation of clause (i) of this subsection (e) and in addition to the signage permitted thereunder, if the hospital's site is adjacent to Long Prairie Road (FM 2499), signage shall be permitted to be affixed to the principal hospital building, notwithstanding the buffer required by Section 5.1 of these Development Standards
- (f). Marquee Signage.
 - (i) Hotel or Theater Marquee Signage.

- (1) A marquee sign may be used to identify hotels or theatres. Following is an example of a marquee sign identifying a theatre:



- (2) The following drawing depicts a marquee sign:



- (3) The regulations for a marquee sign shall be as follows:
- a) The total area of all signs on the marquee shall not exceed the maximum area of signage permitted in Section 11.2(c)(iii) hereof.
 - b) Maximum height of letters identifying the tenant or building shall be limited to twenty-four inches (24").

- c) Maximum height of letters identifying information on reader boards shall not exceed twelve inches (12").
 - d) Marquee signs may be illuminated by unshielded light sources above fifteen (15) watts, but not in excess of seventy-five (75) watts. Blinking, flashing, or scrolling lights shall not be permitted on marquees.
 - e) The design of a marquee sign shall be consistent with the design of the building, to which it will be affixed. ~~Further, any marquee sign shall be subject to approval in connection with the Site Plan for the development proposing to use a marquee sign.~~
 - f) **Marquee sign shall have a vertical clearance of at least 10 feet above the sidewalk.**
- (ii) **Central Park Marquee Signage.**
- (1) **A Central Park marquee sign identifying the development with no advertising may be permitted on the building located at the southeastern corner of Central Park and Long Prairie Road. The maximum height shall be 27' and the maximum width shall be 2'6".**
 - (2) **Central Park marquee sign shall comply with regulations 11.2(f)(i)3.(b-f) except that illumination shall be internal.**



(g). Ground Signage

(i) **Development Ground Signage.**

- (1) A sign identifying the development and businesses is permitted at the locations shown on the Ground Sign Locations map. The maximum height shall be 10 feet and the maximum width shall be 10 feet, however the total square footage of any one side of the sign shall not exceed 70 square feet. Following is an example of a Multi-Tenant sign:



(ii) **Ground Signs.** The following shall apply to ground signs in The River Walk CBD:

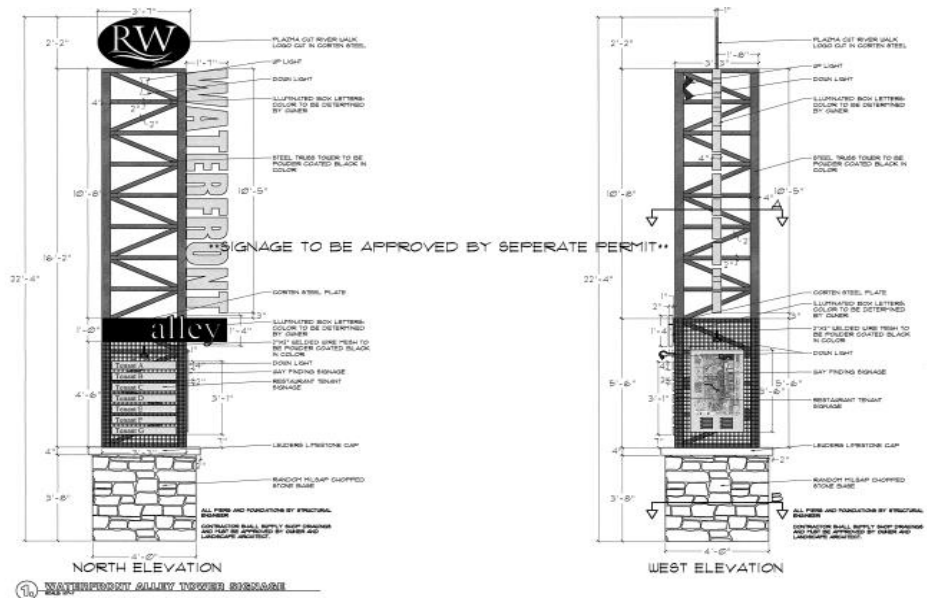
- (1) A complex comprised of more than one building, with exterior or interior access, shall be permitted one (1) ground sign per building.
- (2) A multifamily building or a mixed use building with eight (8) or more residential units shall be permitted a ground sign for identifying the building and its address. Following is an example of a ground sign identifying a multifamily building:



- (3) Ground signs shall have no setback requirements provided that they may not be placed on any sidewalk and that they will not be within a visibility clip/triangle.
- (4) Except as otherwise shown on Figure XI-D in Section 11.2(h) hereof, ground signs shall be placed at least thirty feet (30') apart.
- (5) Ground signs are not required to have a masonry border.

(iii) Waterfront Signage.

- (1) A sign identifying the development with restaurant names may be permitted at the southern end of the Waterfront. The maximum height shall be 25 feet and the maximum width shall be 10 feet. The sign will be internally illuminated for the 'Waterfront' and 'alley' portions of the signs. A external light will illuminate the 'RW' portion of the sign and at the top of the tenant signs. Following is a Waterfront sign:



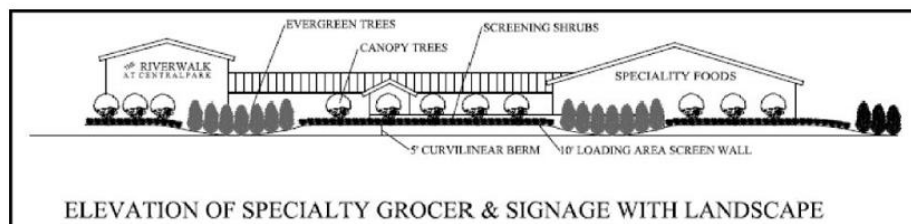
(iv) Promenade Terminus Sign.

- (1) A sign identifying the development with no advertising may be permitted at the eastern end of the Promenade. The maximum height shall be 24 feet and the maximum width shall be 35 feet.
- (2) The base support of the sign shall include masonry materials. The sign face and posts may be metal and may have internally illuminated lettering.
- (3) Sign colors shall be similar to shown below.



- (h). Traffic Signage. The developer shall pay the costs of purchasing and installing traffic signs at each street intersection, which traffic signs and posts shall comply with the design principles and standards for signage set out in these Development Standards and the standards set out in the Texas Manual on Uniform Traffic Control Devices (TMUTCD). Traffic signs and posts shall be of the same types throughout The River Walk CBD but need not be of the same type as used throughout the Town. Traffic signs that do not conform to the type of traffic signs used throughout the Town shall be perpetually maintained by the property-owners' association.
- (i). Rear of Supermarket. If the rear of any supermarket in the CRC Community Retail Center subdistrict faces Long Prairie Road (FM 2499), signage shall be permitted to be affixed to the rear of the supermarket, notwithstanding the buffer required by Section 5.1 of these Development Standards, as shown on Figure XI-B following:

Figure XI-B



- (j). Signage for the CBD Itself. The following signs may be installed by owners and/or developers in The River Walk CBD:

- (i) Ground signs, complying with the design principles and standards for signage set out in these Development Standards, generally at the locations shown on the Concept Plan Ground Sign Locations included in Exhibit C to this Ordinance; ground signs for the CBD can be located in the medians of public streets as shown on Exhibit C and can be located within 20 feet of the property line, so long as the ground sign does not obstruct the stopping sight distance at an intersection;
- (ii) Ground signs used as project directory signs located throughout The River Walk CBD, which signs may have a listing of tenants and map on one side and a changeable message on the other;
- (iii) Banner signs attached to light poles within The River Walk CBD and on light poles along Long Prairie Road (FM 2499), Cross Timbers Road (FM 1171) and Morriss Road and within twenty-five feet (25') of the proposed Hospital Drive, Central Park Avenue, Market Street (Euclid Avenue), Riverwalk Drive, Park Avenue, 1st Avenue, 2nd Avenue, 3rd Avenue, 4th Avenue, 5th Avenue, 6th Avenue or 7th Avenue, subject to Section 11.3(g) of these Development Standards; and
- (iv) The signs set out above will be perpetually maintained by the property owners association.

11.3 Regulations Pertaining to Certain Types Of Signs.

- (a). Off-Premises Signs; Directional Signs. ~~Off-premises signs are prohibited~~ **shall be permitted to advertise developments and businesses within** The River Walk CBD, ~~except for signage for The River Walk CBD as permitted under Section 11.2(h), signage permitted a hospital under Section 11.2(e) and directional signs~~ **as permitted by Article XI Signage and the ground sign location exhibit.**
- (b). Wall Signs. Mixed use buildings that have exterior access to more than two (2) office and/or retail tenants shall be permitted more than two (2) wall signs for tenant identification, provided that the sum of the areas of all wall signs is within the maximum area of signage permitted in Section 11.2(c)(iii) hereof. The following drawing depicts multiple wall signs used for tenant identification:



(c). Window Signs.

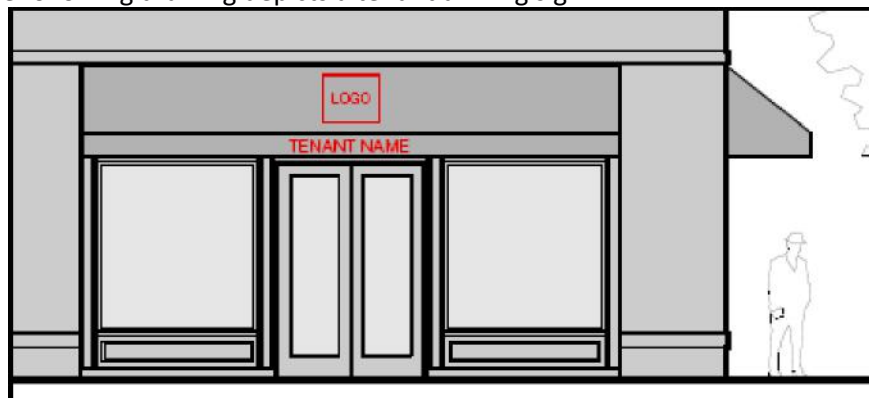
(i) The following drawing depicts various window signs:



- (ii) The area of window signs shall be limited to a maximum of twenty percent (20%) of the glass area per opening. This requirement applies only to those signs that are permanently fixed in the window area and does not prevent the use of temporary signs in the window area. Following is an example of the use of window signs:



- (iii) Electronic reader board signs and video display signs shall be permitted as interior signs and shall be counted in the maximum area allowed set forth in clause (ii) of this subsection (c). Other types of blinking, flashing or moving signs shall not be allowed as window signs.
- (iv) Neon signs are allowed as window signs. These signs will count towards the standards set forth in (ii) above.
- (d). Awning Signs. Awning signs shall be permitted in accordance with Section 11.2 of these Development Standards, subject to the following:
- (i) The following drawing depicts a tenant awning sign:



- (ii) The maximum height of lettering of an awning sign placed on the valance (vertical face) shall not exceed eight inches (8").

- (iii) One (1) logo per awning shall be permitted to be centered on the slope portion or primary face of the awning.
- (iv) The total sign area for an awning shall not exceed fifty percent (50%) percent of the exterior surface area of the awning.
- (v) There shall be no limitation on the typefaces that can be utilized for awning signs.
- (vi) Following is an example of an awning sign:



- (e). Building Identification Wall Signs.
 - (i) Multi-building complexes and single buildings shall be allowed one building identification wall sign ~~per building~~ **per each side of a building.**
 - (ii) ~~Sec. 86-207(4) and sec. 86-207(8) of the Code of Ordinances shall not apply to building identification wall signs in The River Walk CBD.~~ **Sec.86-68(b)(4) of the Code of Ordinances shall apply to building identification wall signs in The River Walk CBD.**
 - (iii) ~~Building identification wall signs shall be permitted on building walls with street frontage. Corner buildings or end buildings shall be permitted building identification wall signs on both walls with street frontage. For entrances from a Block Break or Block Interior one (1) additional wall sign shall be permitted to be fifty percent (50%) percent of the size requirements set out in sec. 86-207(6) of the Code of Ordinances~~
 - (iv) Following is an example of a building identification wall sign:



- (f). Canopy Signs. Canopy signs shall be permitted in accordance with Section 11.2 of these Development Standards, subject to the following:
- (i) The following drawing depicts a canopy sign:



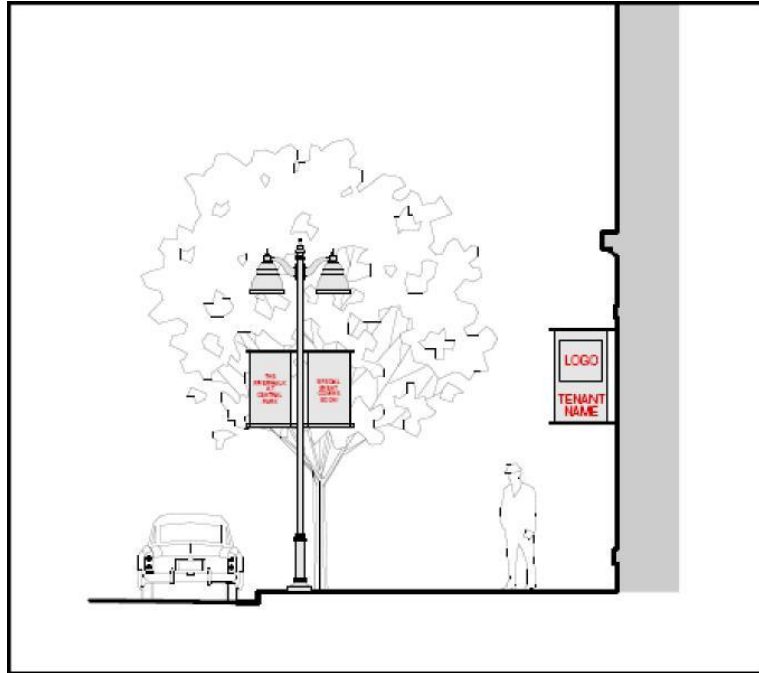
- (ii) The maximum height of lettering of a canopy sign placed within a face of the canopy shall not exceed twelve inches (12").
- (iii) The maximum height of lettering of a canopy sign supported above the canopy shall be eighteen inches (18"). The following drawing depicts a tenant canopy sign supported above the canopy:



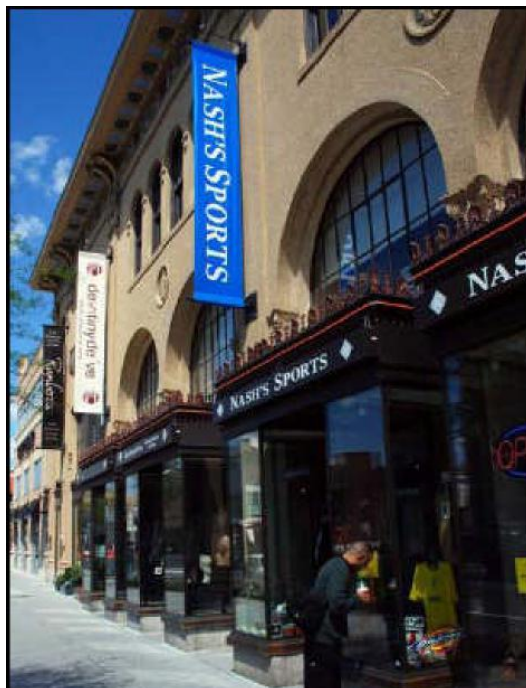
- (iv) Following is an example of a canopy sign used for building identification:



- (g). Banner Signs. Banner signs shall be permitted to be attached to buildings or light poles, subject to the following:
- (i) The following drawings depicts various banner signs:



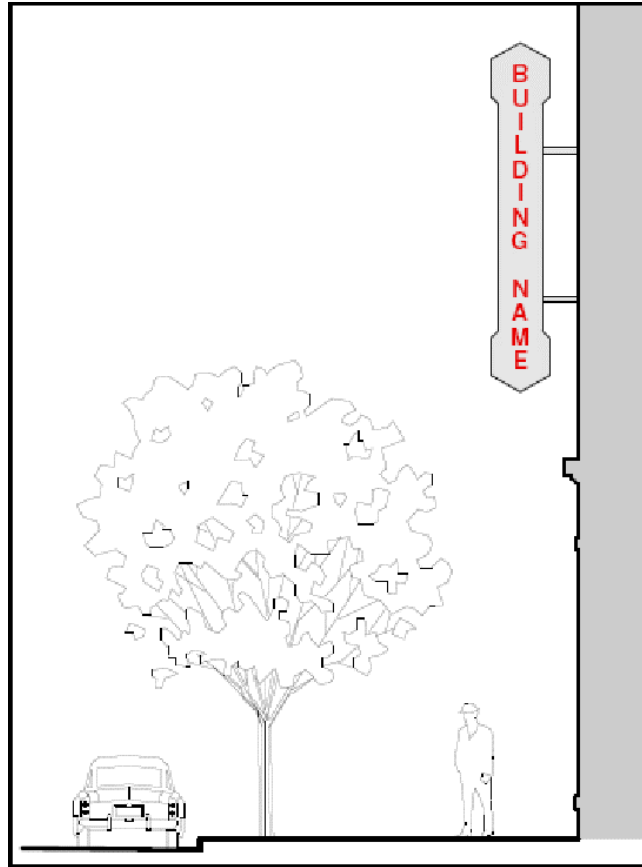
- (ii) For signs that are attached to a building and that identify a tenant, the maximum area permitted is sixteen (16) square feet per face. The maximum height or width of lettering shall be twelve inches (12").
- (iii) For signs attached to light poles, the maximum area permitted shall be nine (9) square feet per face. The maximum height or width of lettering shall be eight inches (8").
- (iv) For banner signs identifying a tenant, the area of one face shall be included in the maximum area of signage permitted in Section 11.2(c)(iii) hereof. Following is an example of the use of banner signs used to identify tenants:



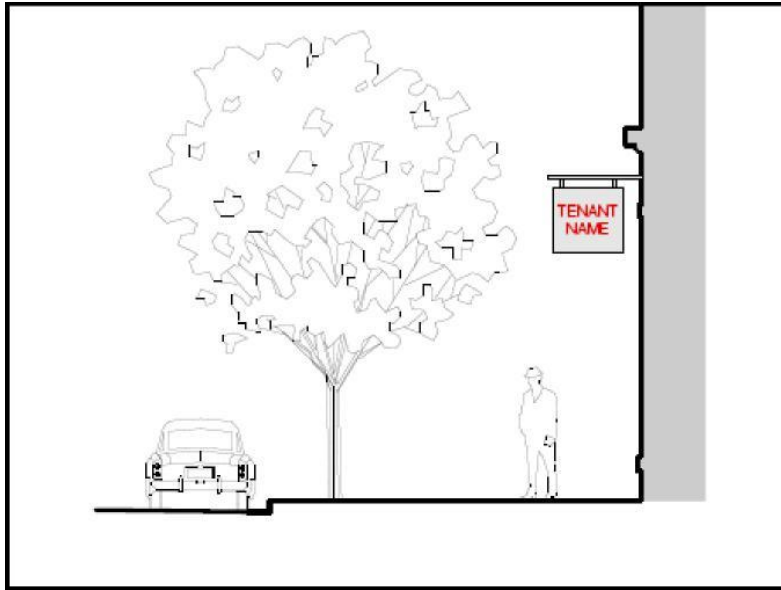
- (v) Banner signs must be made of a suitable material to withstand weather and have the same image on both sides.
- (vi) Banner signs must be supported by projecting poles at the top and bottom of the sign so as to prevent excessive movement caused by wind.
- (vii) Banner signs attached to light poles may be retail banners which identify retail tenants, district banners which identify the neighborhood or district in which it is located, special event or public announcement banners which identify events or pertain to matters occurring in or with regard to The River Walk CBD or seasonal banners which identify general seasons or holidays. Following is an example of a banner sign identifying a neighborhood:



- (viii) Sec. 86-107 shall not apply to banner signs pertaining to events or matters occurring in or with regard to The River Walk CBD or general seasons or holidays.
- (h). Blade Signs. Blade signs shall be permitted in accordance with Section 11.2 of these Development Standards, subject to the following:
- (i) The following drawing and example depict a blade sign identifying a building:



The following drawing depicts a blade sign identifying a tenant:



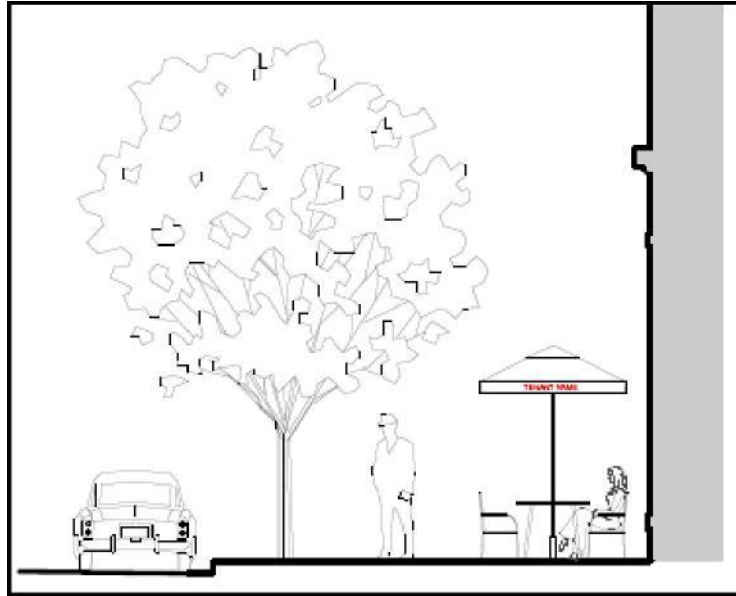
- (ii) For blade signs identifying a building two (2) stories or more, the maximum area permitted shall be forty (40) square feet per face. The maximum height or width of lettering shall be eighteen inches (18").
 - (iii) For blade signs identifying a tenant or one (1) story building, the maximum area permitted is sixteen (16) square feet per face.
 - (iv) For blade signs identifying a tenant, one face shall be included in the maximum area of signage permitted in Section 11.2(c)(iii) hereof.
 - (v) Sign supports shall not be counted in the area of the sign.
- (i). Sandwich Board Signs. Sandwich board signs shall be permitted for retail uses in accordance with Section 11.2 of these Development Standards, subject to the following:
- (i) The following drawing depicts a sandwich board sign:



- (ii) The maximum size for a sandwich board sign shall be three and one-half feet (3.5') in height by two and one-half feet (2.5') in width.
- (iii) A sandwich board sign shall be located near the entrance to business that it advertises and must not impede pedestrian traffic.
- (iv) Sandwich board signs must be professionally made, be constructed of durable materials and be sufficiently weighted to prevent movement by wind or other elements.
- (v) Sandwich board signs cannot be permanently attached to any object or the ground.
- (vi) All sandwich board signs must be moved indoors during times of heavy rain or high winds and after business hours.
- (vii) A sandwich board sign must be uncluttered, with a minimum of text. Logos and graphics are encouraged.
- (viii) Following is an example of a sandwich board sign for a restaurant, with umbrella signs:



- (j). Umbrella Signs. Umbrella signs shall be permitted for retail uses in accordance with Section 11.2 of these Development Standards, subject to the following:
 - (i) The following drawing depicts an umbrella sign:



- (ii) The maximum height of lettering on umbrella signs shall be twelve inches (12").
- (iii) The area of all signage on an umbrella sign shall not exceed four (4) square feet per face or a total of sixteen (16) square feet.

(k). Picture Spot Signage.

- (i) A sign identifying the development with no advertising may be permitted within the development for taking pictures. The maximum height shall be 10 feet and the maximum width shall be 50 feet. These signs require approval of a zoning amendment by the Town Council showing the location and design. Following is an example of a Picture Spot sign:



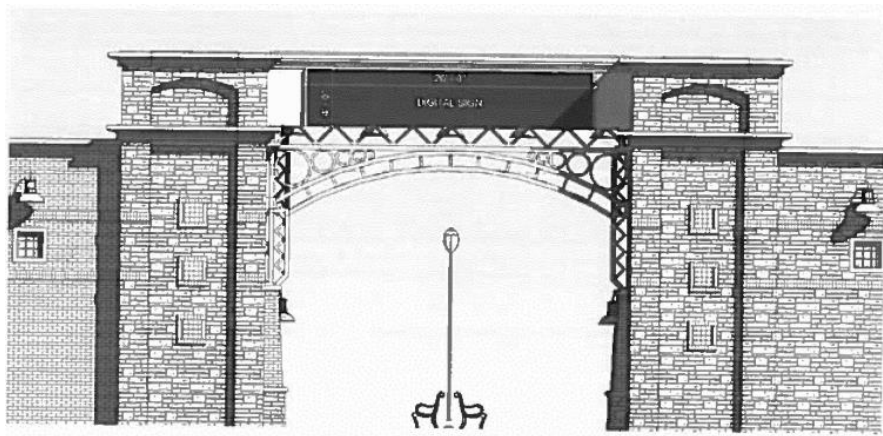
(l). Wall Murals.

- (i) Wall Murals. Wall murals without advertising may be permitted on non-residential buildings. These signs require approval of a zoning amendment by the Town Council showing the location and design. The following depicts a wall mural:



- (m). Sign Illumination. The light source shall be continuous and uninterrupted so as not to be flashing, ~~except that marquee signs and electronic reader board signs may be flashing.~~

- (n). Electronic/ Digital Signs. Electronic or digital signs may be permitted for restaurant row and the amphitheater. Each sign shall not exceed 80 square feet in size. There shall be no more than two (2) electronic signs at restaurant row and one (1) electronic sign for the amphitheater.

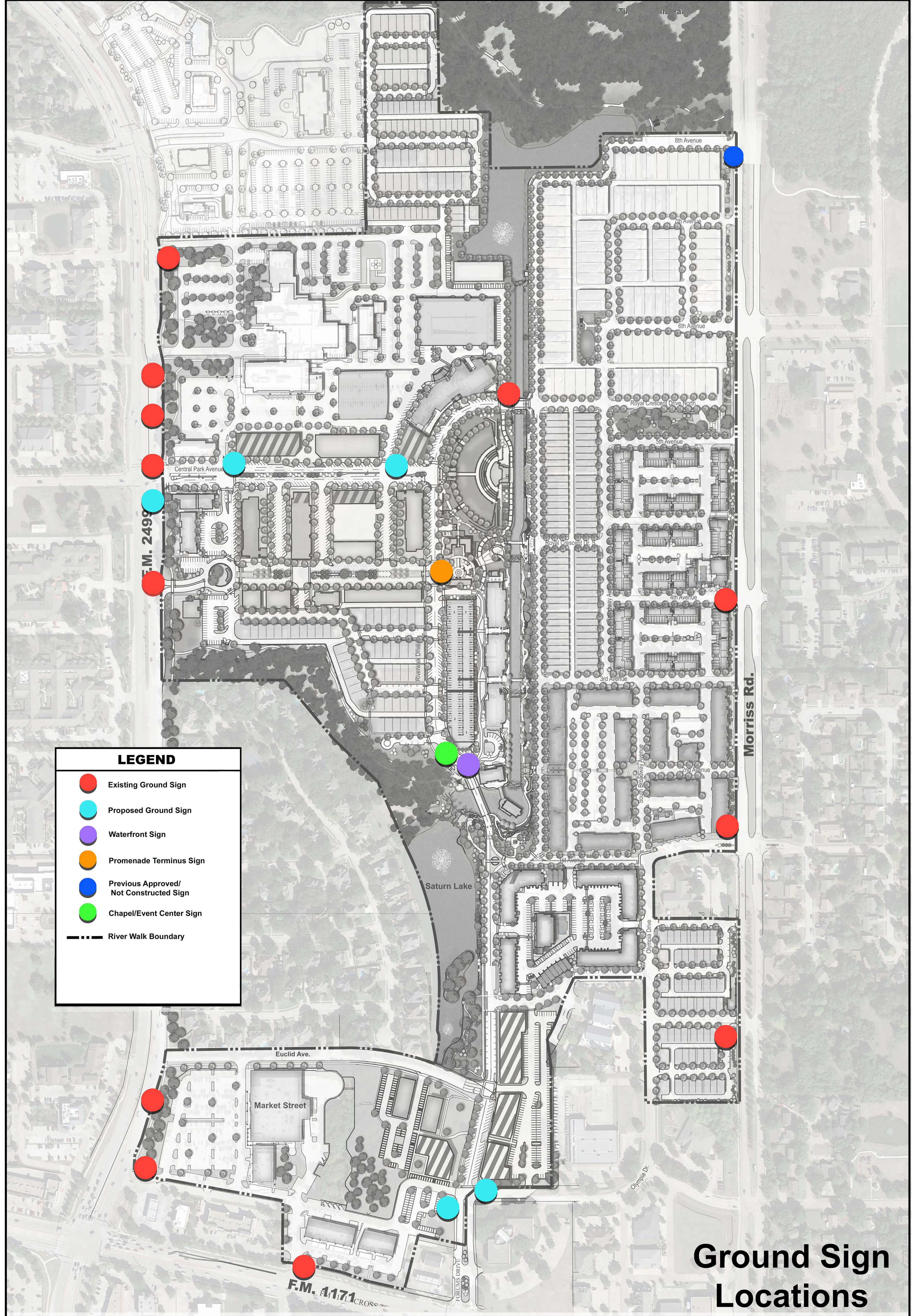


11.4 Temporary Signs.

- (a). Sec. 86-74(b)(2) of the Code of Ordinances shall apply to signs in The River Walk CBD advertising the sale, lease, or rental of nonresidential buildings, except that no more than one (1) sign shall be permitted per property for each street frontage.
- (b). Sec. 86-74(b)(4) of the Code of Ordinances shall apply to on-premises development or project signs in The River Walk CBD, except that one (1) sign shall be permitted for tracts

containing up to five (5) acres and that additional signs shall be permitted for each additional five (5) acres comprising the tracts up to a maximum of two (2) signs per each arterial or collector street frontage. Further, signs may be erected before a record plat has been approved for the project or for the first phase, if development is to be a multiphase project.

- (c). Sec. 86-74(b)(6) of the Code of Ordinances shall apply to model home signs in The River Walk CBD, except that one (1) sign advertising a model home shall be permitted per builder or developer in the subdivision and that, for multifamily buildings, one (1) sign advertising a model unit shall be permitted per building.
- (d). Sec. 86-74(b)(8) of the Code of Ordinances shall apply to “coming soon” or “now open signs” in The River Walk CBD, except that (i) one (1) sign per street frontage shall be permitted for each business; (ii) one (1) additional sign shall be permitted for businesses with entrances at the Block Interior; (iii) such signs shall be limited to a maximum sign area of twenty (20) square feet for buildings or for tenant space of less than 50,000 square feet; and (iv) the maximum sign area shall be fifty (50) square feet for buildings or for tenant space of 50,000 square feet or more.



Ground Sign Locations

LEGEND

- Existing Ground Sign
- Proposed Ground Sign
- Waterfront Sign
- Promenade Terminus Sign
- Previous Approved/ Not Constructed Sign
- Chapel/Event Center Sign

--- River Walk Boundary



McADAMS

The John R. McAdams
Company, Inc.
111 Hillside Drive
Lewisville, Texas 75057
972.436.9712

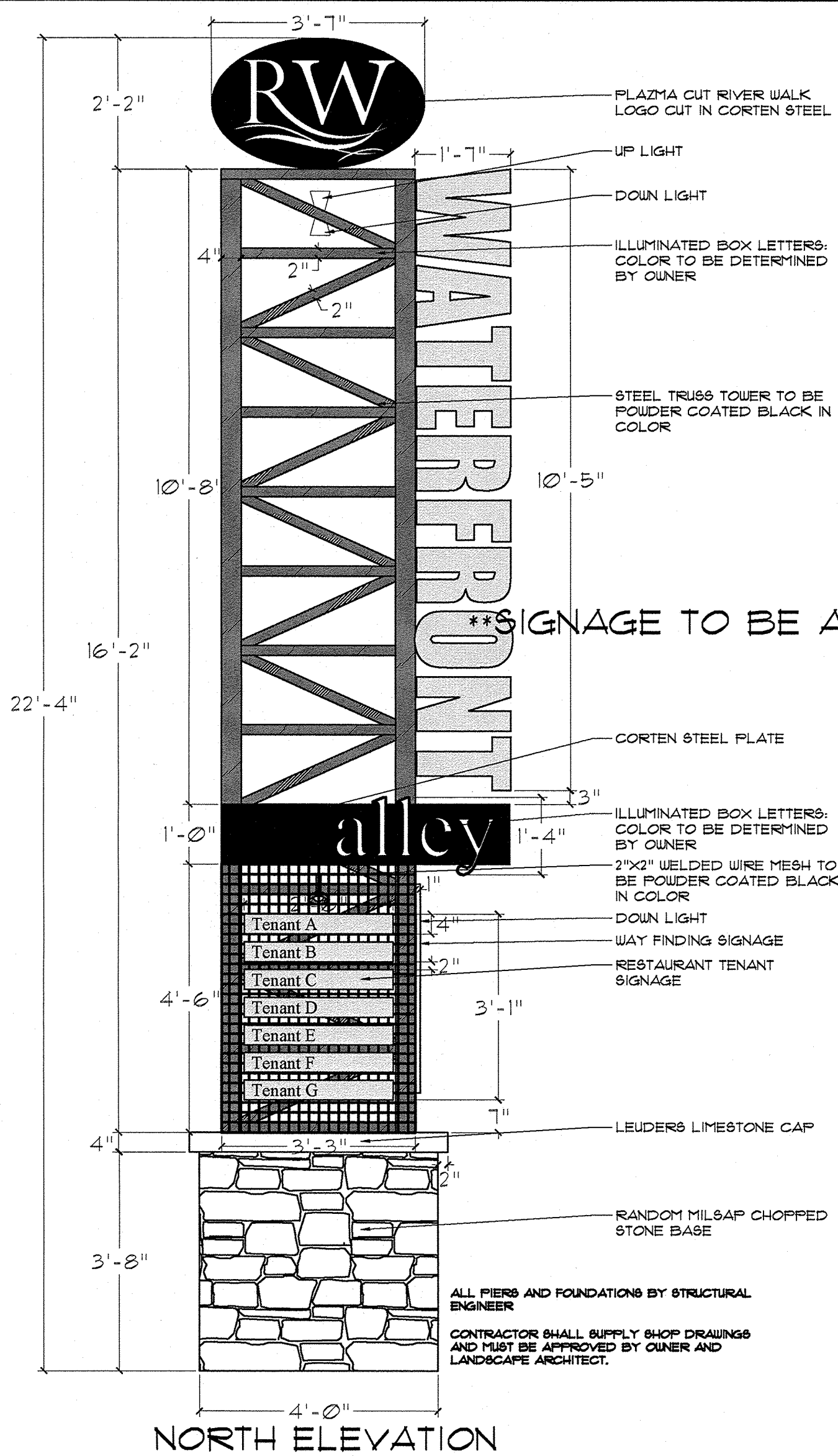
201 Country View Drive
Roanoke, Texas 76262
840.240.1012
www.gacon.com
www.mcadamsco.com

River Walk at Central Park

Town of Flower Mound
Denton County, Texas

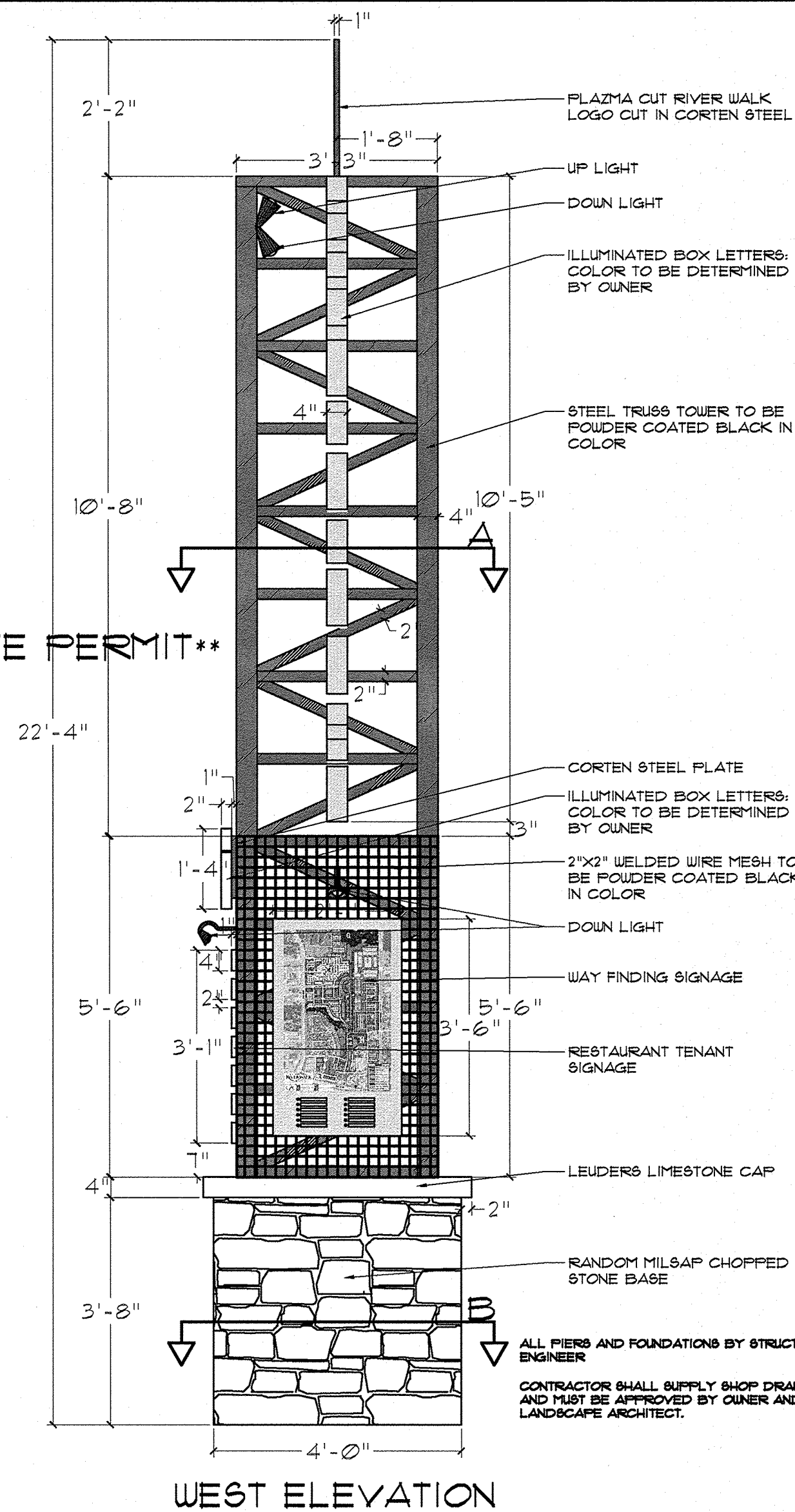
150 0 150 300 450 Feet N

Job No. MRW-20000 Date September 5, 2023 By: XX
M:\Projects\MRW\Investors\MRW-20000\Drawings\Exhibit\Overall River Walk Rendering\2020-05-01 Updated CAD Work.dwg
This concept plan is intended for conceptual developmental use and shall not be interpreted as an official or submitted document. All aerial and map images were attained from best available information. This plan is subject to change.



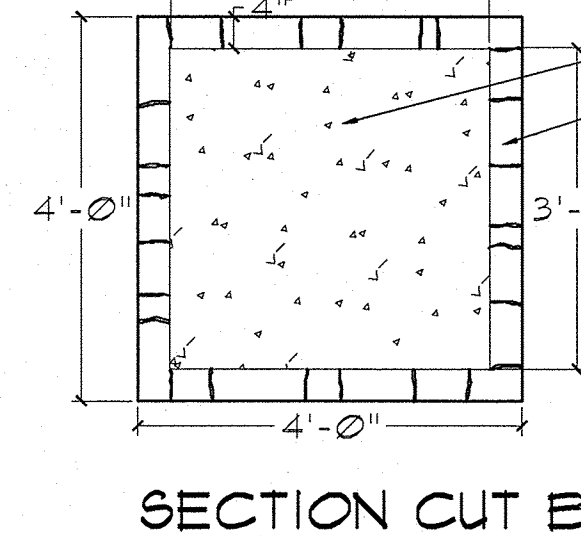
NORTH ELEVATION

1. WATERFRONT ALLEY TOWER SIGNAGE
SCALE 1/4" = 1'-0"



WEST ELEVATION

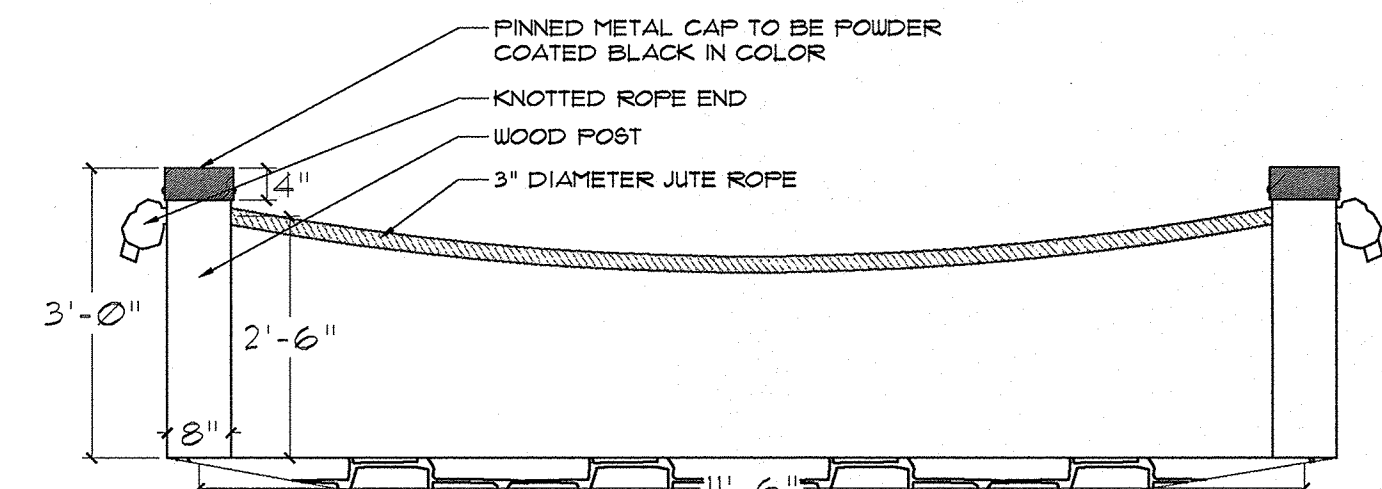
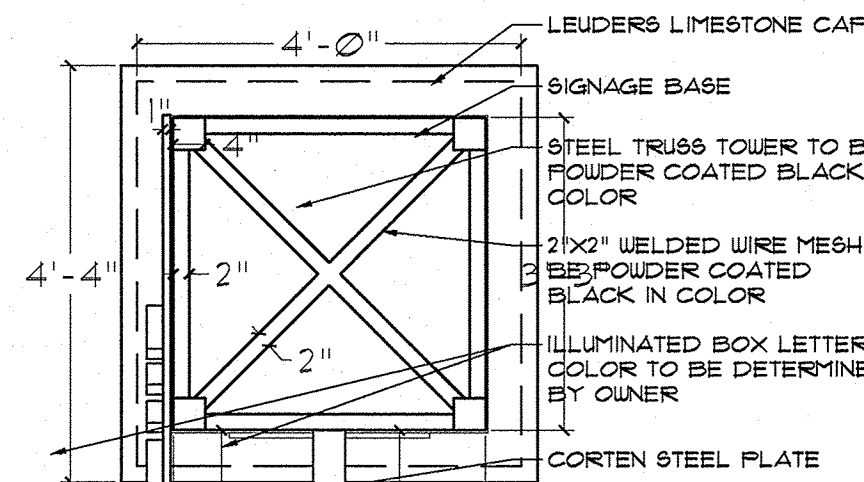
SECTION CUT A



SECTION CUT B

LANDSCAPE NOTES:

1. Plant material shall be measured and sized according to the latest edition of the Texas Nursery and Landscape Association (TNLA) grades and standards.
2. All plant beds shall be top-dressed with a minimum of 3 inches of hardwood or other mulch.
3. Trees shall be planted at least 4 feet from utility line, curb, walk, fire connection, and outside all utility easements.
4. Trees overhanging walks and parking shall have a minimum clear trunk height of 7 ft.
5. A visibility triangle must be provided at all intersections. Shrubs are not to exceed 30 inches in height. Trees shall have a minimum clear trunk height of 9 feet.
6. The owner, tenant, and/or their agents, if any, shall be jointly and severally responsible for the maintenance, establishment, and permanence of plant material. All landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not limited to, mowing, edging, pruning, fertilizing, watering, and other activities necessary for the maintenance of landscaped areas.
7. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant material that is damaged, destroyed, or removed shall be replaced with plant material of similar size and variety within 30 days unless otherwise approved in writing by the Town of Flower Mound.
8. Before construction, landscape contractor and general contractor shall verify and locate all existing utilities in areas of excavation.
9. Please refer to all landscape and irrigation specifications.
10. All landscape beds and turf areas to be separated with edging.
11. All landscape beds to be 6" below finished floor.
12. All hydromulch or sod areas to be brought to +/- 1/4" by site grading contractor. Landscape contractor to bring all areas to final grade and remove all clod, rocks or debris >1" in diameter.
13. All landscape to be 100% irrigated. All irrigation within Drip lines of existing trees to be hand dug, and line to be installed in a radial fashion toward the trunk.
14. Please note that the permeable areas under the drip line of specimen and protected trees should be left at natural grade. No cutting or filling are to occur in these areas.
15. All areas of grading disturbance are to have grass reestablished at 75% coverage prior to letter of acceptance from the Town of Flower Mound. Means and methods of grass establishment and application of water for grass establishment are at the discretion of the owner and contractor.



2. ROPE RAILING DETAIL
SCALE 1/4" = 1'-0"



RIVER WALK CHAPEL AND RECEPTION HALL
Lot 4, Block A
THE RIVER WALK AT CENTRAL PARK 06/2015
0.737 Acres
in the
JT. STEWART SURVEY, ABSTRACT NO. 1161
TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS

LANDSCAPE DETAILS



1/31/2017

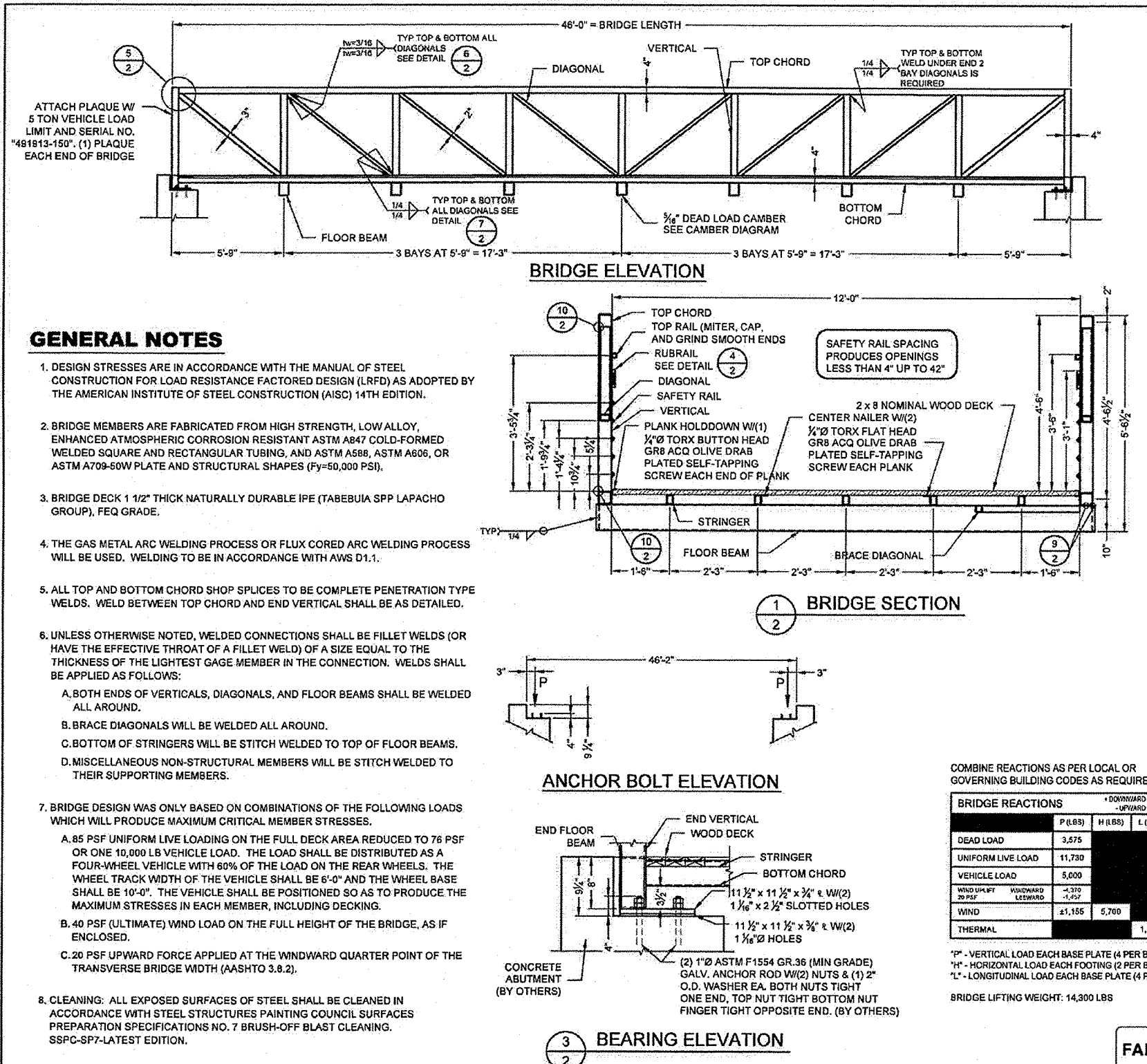
Drawn By: JPP
Date: 08/10/15
Scale:
Revisions:
08/11/15
10/19/15

OWNER/DEVELOPER
MRW INVESTORS, INC
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TEXAS 75234
Ph. 469-982-7200
Contact: MR. JACK DAWSON



14035

L3.2



BRIDGE ELEVATION

BRIDGE SECTION

ANCHOR BOLT ELEVATION

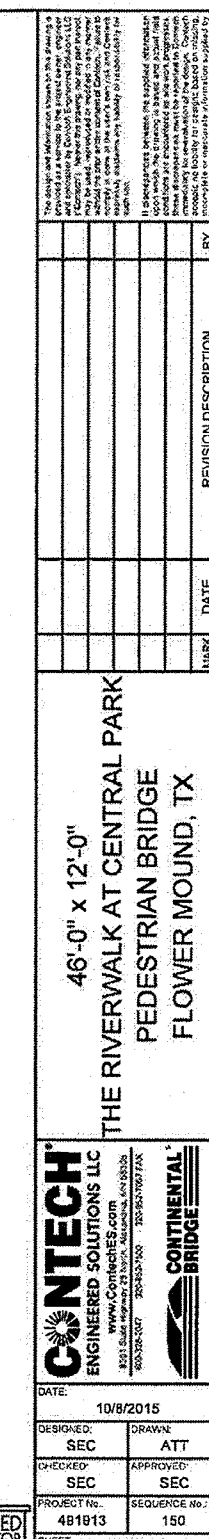
BEARING ELEVATION

SCHEDULE OF MEMBERS	
TOP CHORD	HSS 4 x 4 x 3/4
BOTTOM CHORD	HSS 4 x 4 x 3/4
VERTICAL	HSS 4 x 4 x 3/4
BRIDGE DIAGONAL	HSS 2 x 2 x 3/4
FLOOR BEAM	HSS 8 x 8 x 3/4
STRINGER	HSS 8 x 8 x 3/4
END FLOOR BEAM	HSS 8 x 8 x 3/4
PLANK SUPPORT	2 x 12 x 1/2
SAFETY RAIL	2 x 12 x 1/2
PLANK HOLDDOWN	2 x 12 x 1/2
CENTER RAILER	2 x 12 x 1/2
TOP RAIL	HSS 1 1/2 x 1 1/2 x 3/4

CAUTION:
WE ARE PROVIDING A WOOD DECK ON THIS STRUCTURE IN ACCORDANCE WITH THE SPECIFICATIONS AND/OR THE CONTRACT DOCUMENTS. BE AWARE THAT MOST PEDESTRIAN BRIDGE USABILITY CLAIMS ARE EXISTENTIALLY FLAT AND FULL CLAIMS. IT IS THE OWNER'S RESPONSIBILITY TO KEEP THE DECK FREE FROM SLIP OR TRIP HAZARDS DUE TO CUTTING, SPLITS, GAPS AND SMOOTH SURFACES.

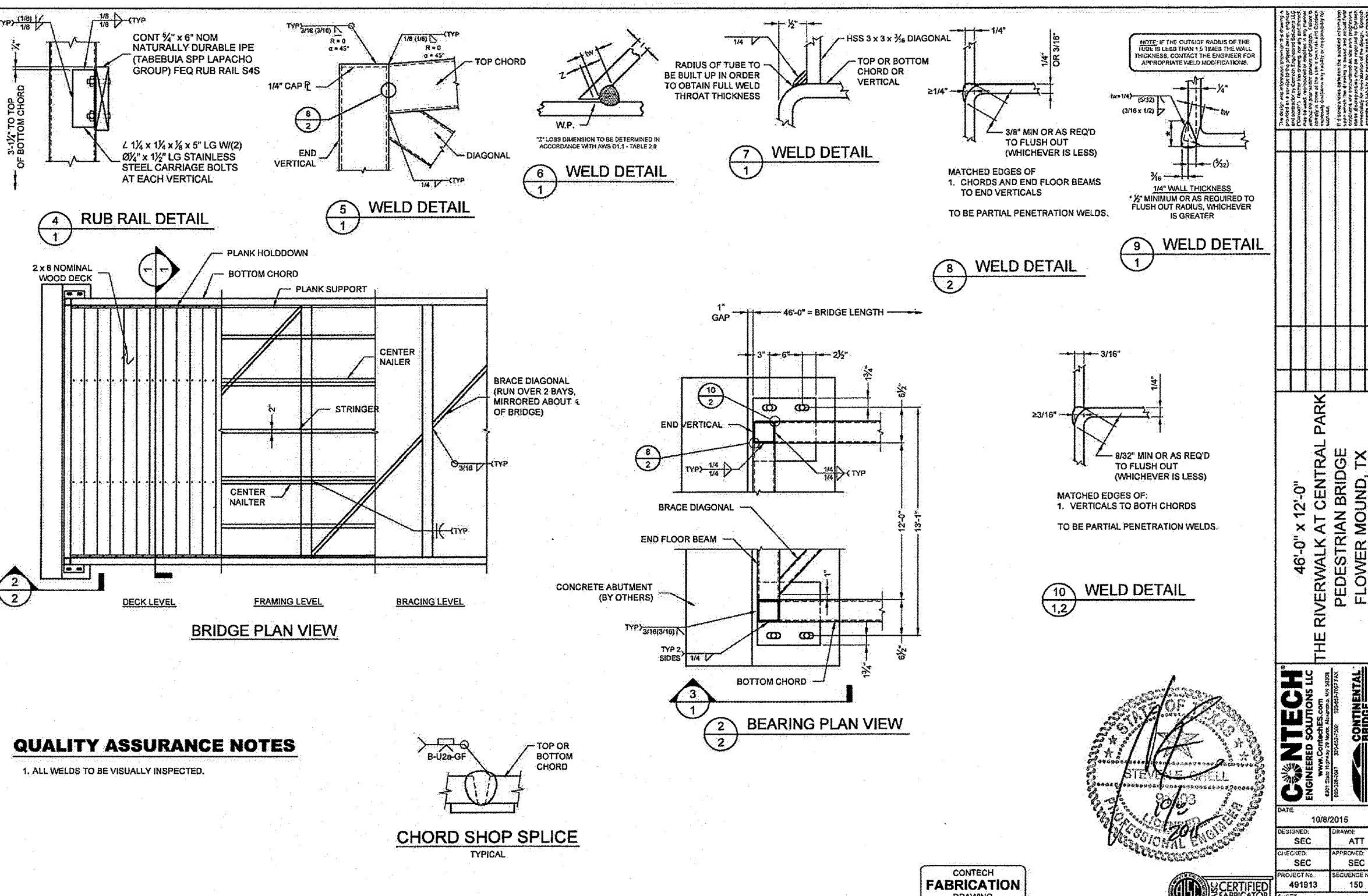
BRIDGE REACTIONS	
DEAD LOAD	3.275
IMPOSED LIVE LOAD	11.275
WIND LOAD	1.000
SEISMIC LOAD	2.500
WIND	15.100
SEISMIC	6.275
TOTAL	36.425

BRIDGE LIFTING WEIGHT: 14,300 LBS



QUALITY ASSURANCE NOTES

1. ALL WELDS TO BE VISUALLY INSPECTED.



BRIDGE PLAN VIEW

CHORD SHOP SPLICE

BEARING PLAN VIEW

CONTECH FABRICATION DRAWING



SCHEDULE OF MEMBERS	
TOP CHORD	HSS 4 x 4 x 3/4
BOTTOM CHORD	HSS 4 x 4 x 3/4
VERTICAL	HSS 4 x 4 x 3/4
BRIDGE DIAGONAL	HSS 2 x 2 x 3/4
FLOOR BEAM	HSS 8 x 8 x 3/4
STRINGER	HSS 8 x 8 x 3/4
END FLOOR BEAM	HSS 8 x 8 x 3/4
PLANK SUPPORT	2 x 12 x 1/2
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CAUTION:
WE ARE PROVIDING A WOOD DECK ON THIS STRUCTURE IN ACCORDANCE WITH THE SPECIFICATIONS AND/OR THE CONTRACT DOCUMENTS. BE AWARE THAT MOST PEDESTRIAN BRIDGE USABILITY CLAIMS ARE EXISTENTIALLY FLAT AND FULL CLAIMS. IT IS THE OWNER'S RESPONSIBILITY TO KEEP THE DECK FREE FROM SLIP OR TRIP HAZARDS DUE TO CUTTING, SPLITS, GAPS AND SMOOTH SURFACES.

BRIDGE REACTIONS	
DEAD LOAD	3.275
IMPOSED LIVE LOAD	11.275
WIND LOAD	1.000
SEISMIC LOAD	2.500
WIND	15.100
SEISMIC	6.275
TOTAL	36.425

BRIDGE LIFTING WEIGHT: 14,300 LBS

3. PEDESTRIAN BRIDGE DETAIL
NOT TO SCALE



PLANNING & ZONING COMMISSION AGENDA J.3. REGULAR ITEM(S)

DATE: October 23, 2023
FROM: Claire Barnes, Planner
ITEM: **Public Hearing to consider an ordinance for rezoning (ZPD23-0003 – Bryn Mar Estates Accessory Building Amendment) to amend Planned Development No. 62 (PD-62) with Single-Family District-15 uses to modify development standards to increase the allowed size of accessory buildings. The property is generally located south of Flower Mound Road and west of Red Oak Lane.**

BACKGROUND:

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.

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

The purpose of the request is to amend Planned Development District-62 (PD-62) to allow for accessory buildings up to 1,200 square feet in size in the Single-Family District-15 (SF-15) zoned portion of the development. Town Council approved PD-62 on October 7, 1996, for SF-15 and Single-Family Estate (SF-E) uses. The SF-E portion is a buffer zone and does not permit structures of any kind. Only the SF-15 portion of PD-62 would be impacted by this proposed amendment. Currently, the PD permits a maximum of two accessory buildings and the maximum combined floor area of all accessory buildings is 750 square feet or 25 percent of the floor area of the primary structure, whichever is less, subject to [section 98-1032](#). The proposed amendment would include the following language:

No more than two accessory buildings may be placed on any one residential lot. The combined floor area of all accessory buildings shall not exceed 1,200 square feet, subject to Section 98-1032.

The applicant provided a letter from the HOA supporting the amendment. The applicant also provided signatures in-support of the change from all property owners impacted by the zoning amendment.

BOARD REVIEW/CITIZEN FEEDBACK:

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 ft of the subject property for all zoning application requests. ZPD23-0003 had a total of 164 Property Owner Notifications mailed. At the time this report was written, staff had received five (5) items of correspondence in support and no items of correspondence in opposition.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

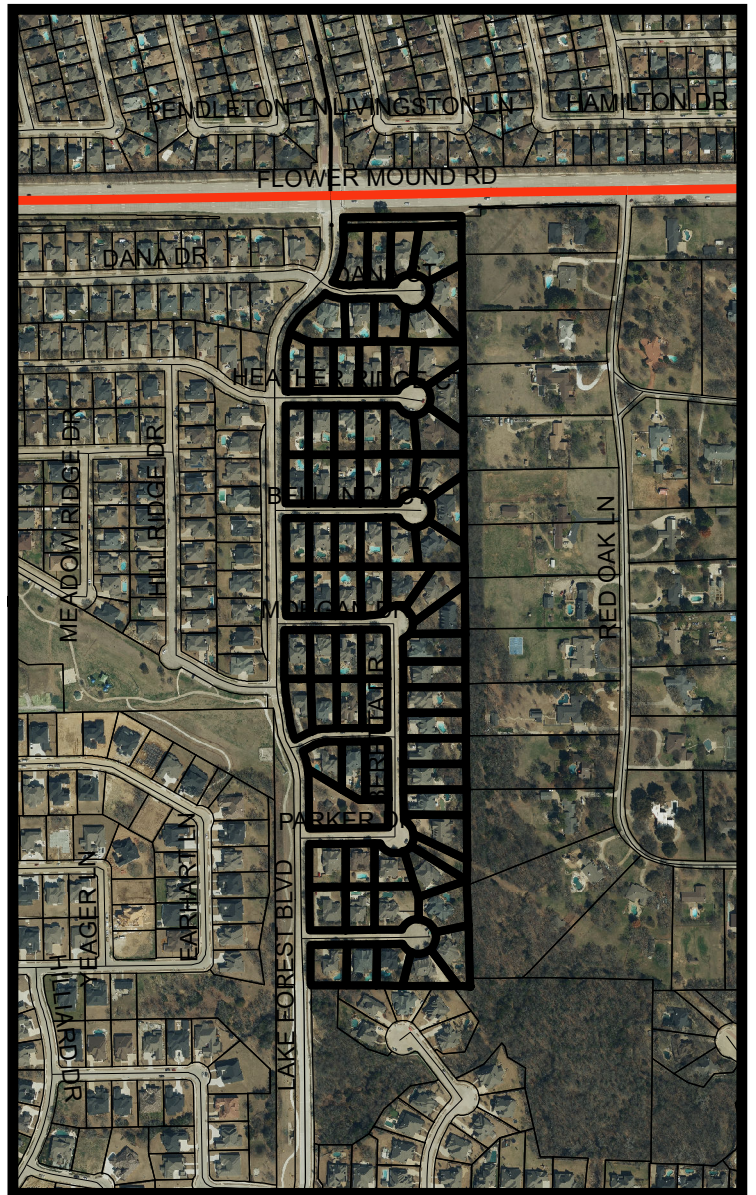
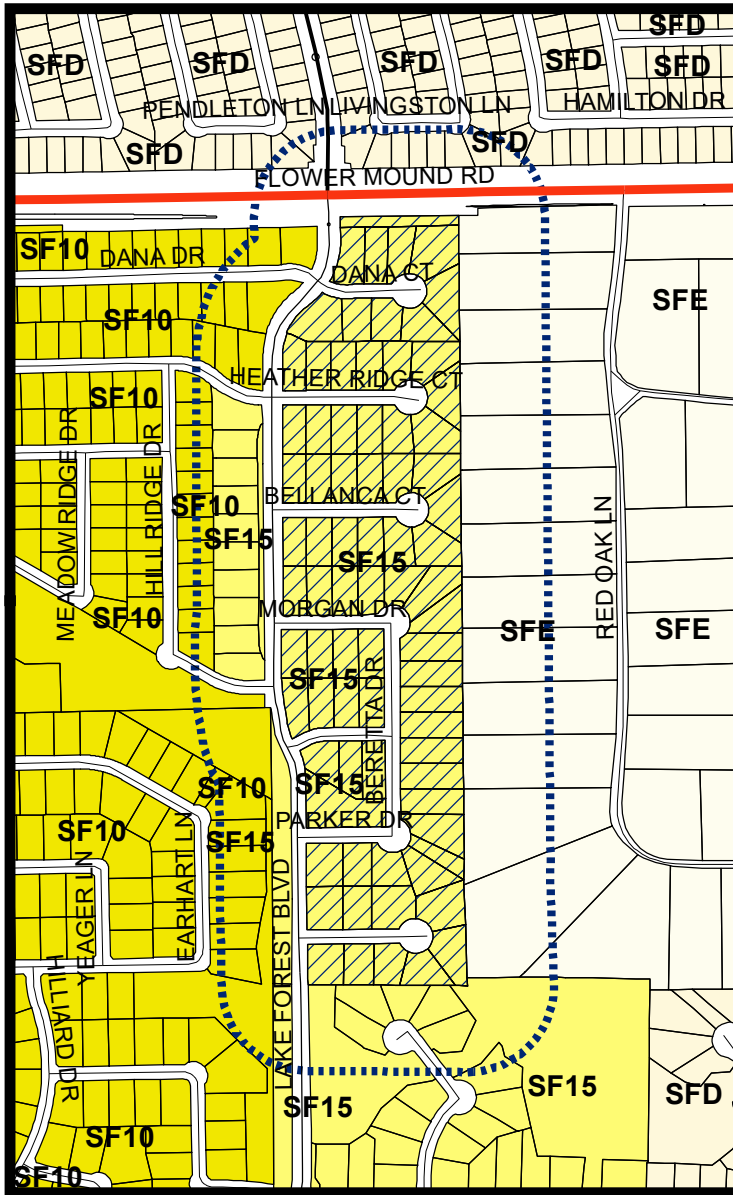
ATTACHMENTS:

1. Map - Zoning & Aerial
2. Letter of Intent

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

Vicinity Map

Reference Project: ZPD23-0003



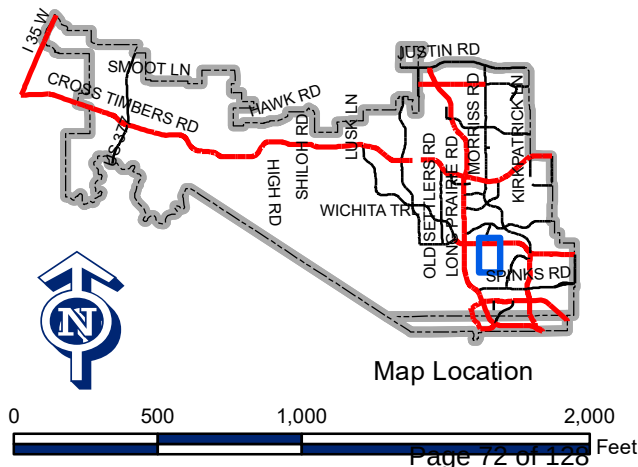
LEGEND

Single Family 10
 Single Family 15
 Single Family Detached
 Single Family Estate

Subject Property
 200 ft Notification Buffer around Property

Visit www.fmdevmap.com to learn more about this project.

Visit <https://www.flower-mound.com/notifyme> to sign up for text message and/or email alerts for future projects.



September 5, 2023

Town of Flower Mound
Planning Services

Re: Letter of Intent
Proposed Bryn Mar PD Amendment

Town of Flower Mound Planning Staff,

Thank you for your time in reviewing the submitted petition to amend PD #62 to increase the accessory building allowance to 1,200 square feet.

The Bryn Mar Estates development is Zoned PD #62 for SF-15 and consists of 74 single family residences, ranging from 15,000 square feet to 26,062 square feet, and its platted acreage is 42.322. The Bryn Mar community would like staff to consider the petitioned amendment to allow each resident to utilize more area in their respective yards for upgrades such as outdoor kitchens, pergolas and covered areas, or any combination thereof. The Bryn Mar community also is in favor (100% residents signed petition) of the positive impact on the neighborhood's property values.

To achieve this request. Bryn Mar Estates would like to amend the PD language to "No more than two accessory buildings may be placed on any one residential lot. The combined floor area of all accessory buildings shall not exceed 1,200 square feet, subject to Section 98-1032".

Additionally, as requested, photos of "Proposed Zoning Change" signs have been uploaded for review.

Thank you for your attention.



PLANNING & ZONING COMMISSION AGENDA J.4. REGULAR ITEM(S)

DATE: October 23, 2023
FROM: John Chapman, Principal Planner
ITEM: **Public hearing to consider an ordinance amending the Land Development Regulations (LDR23-0004 – Legislative Update) by amending Chapter 74 "General," Chapter 78 "Administration," Chapter 82 "Development Standards," and Chapter 90 "Subdivisions," for the purpose of updating subdivision and site plan requirements and platting review authority to comply with recently adopted state legislation.**

BACKGROUND:

I. ITEM SUMMARY

This Town-initiated item proposes to amend the Town's Land Development Regulations by updating language related to Site Planning and the establishment of subdivisions. The proposed amendment incorporates new subdivision requirements passed by the state legislature during their 2023 session, creates a Subdivision Site Plan process, and updates references from the Town's Engineering Design Criteria Manual and adopted Fire Code.

II. BACKGROUND

During the 2023 Texas legislative session, HB 3699 was adopted regarding municipal regulation and approval of subdivision plats. This legislation defines when a plat document is considered "filed" for the purpose of meeting statutory deadlines and streamlines and/or minimizes the materials that can be considered as part of a plat application.

In order to ensure that subdivisions and any new lots created within them still comply with the Town's minimum development regulations, the Town is incorporating a Subdivision Site Plan application that must be approved by the Town before a Record Plat, Minor Record Plat, or Replat application is submitted.

In addition, based on an approved resolution from the Town Council, plat applications that do not require exceptions will now be approved administratively. This will ensure the Town is able to meet the deadlines mandated by the new legislation.

All necessary changes to the Town's applications and review processes based on the referenced changes to state law have been included in the ordinance amendment, in addition to other minor updates based on input from the Development Review Committee and other state statutes.

III. ANALYSIS

Updates are proposed in Chapter 74 – General, Chapter 82 – Administration, and Chapter 90 – Subdivisions.

Section 74-3. Definitions.

- *Current Street*. Means a street that is necessary to serve a proposed development and that is not a Future Street.
- *Future street*. HB 3699 prohibits the town from requiring roadway dedication for a street that may be dedicated to the town at a future date and is not necessary to development. *See page 6 for more about this new regulation.*

Section 78-3. Development process.

- A list of all major applications, and requirements before applying, are being codified in a new section. This section will provide an overview of the development process to assist applicants.

Section 78-153. Review by planning and zoning commission.

- Codify current policy, which requires notice of public hearing 11 days before the Planning and Zoning Commission meeting in a newspaper of general circulation.
- Update notification requirements for text amendments to include affected property owners and business owners. This amendment is based on state law amended by SB 929.

Section 78-154. Action by town council.

- Codify state statute computing requirement for when a favorable vote of three-fourths (super majority) is required following protest.

Section 78-181. Application for comprehensive master plan amendment.

- Update section to better reflect requirements found in the Master Plan Amendment application packet.

Section 78-201. Application for zoning map amendment.

- Update section to better reflect requirements found in the Zoning Change application packet.

Section 78-315—78-318. Application completeness sections.

- Due to HB 3699, the application completeness requirements originally contained in chapter 90 – subdivisions, must be relocated and modified appropriately. This new section will apply to all zoning/master plan amendment applications and Subdivision Site Plan/Site Plan applications.

Section 82-31. Required.

- Updates to indicate nonresidential and residential Site Plan applicability requirements.
- *Nonresidential*. A Subdivision Site Plan will be required for projects including more than one lot, or when a tree removal permit is required, and must have been approved before the submittal of a Record Plat or Replat. Additionally, a Site Plan must have been approved before the issuance of a building permit.

- *Residential.* Though a Site Plan shall not be required, a Subdivision Site Plan must have been approved by the town prior to submitting a Record Plat or Replat if the subdivision contains four or more lots, commonly held properties, extension of public improvements, tree removal permits, or exceptions.

Section 82-33. Subdivision Site Plan application requirements.

- Requirements for a Subdivision Site Plan application, including engineering/construction plans previously required during the subdivision process.
- Residential development applications must include location and size of subdivision entrance sign(s).

Section 82-34. Site Plan application requirements.

- Originally known as “Site grading plan.” The site grading plan is now required as part of a Subdivision Site Plan application.
- Updated section now contains the requirements for a Site Plan application.

Section 82-35. Action of application.

- Updated to include references to Subdivision Site Plan.

Section 82-340. Subdivision Entrances.

- New section placed under a new division 6, Subdivision Entrances, under Chapter 82, Development Standards.
- Contains residential entry standards similar to standards approved for the Cross Timbers Conservation Development District.

Section 90-2. Creation of building sites.

- Updated to ensure the town receives verification that the plat and any associated covenants, conditions, and restrictions are filed with the appropriate county.

Section 90-4. Requirements for completeness determination and official filing date.

- Updated to comply with new state laws.
- A completed application for a Development Plan, Record Plat, Minor Record Plat, and Replat shall only include the written application for approval and the subdivision plat.
- The official filing date, the date after which the state requires municipal action within 30 days, is the submittal date of a complete application and all associated fees.

Section 90-5. Process for completeness determination.

- Section has been updated to comply with new state law and references the updated 90-4 section—requirements of a complete application.

Section 90-6. Expiration of incomplete application.

- Clarifies an application is incomplete if it fails the completeness determination described by the updated section 90-4. The 45-day expiration period doesn't include any proposed changes.

Section 90-7. Application Review.

- Remove duplicate standards now contained in section 90-4.

Section 90-8. Official filing date.

- Remove section; new official filing date based on state law now contained in section 90-4.

Section 90-31. Purpose and applicability of article provisions.

- Section relates to Development Plans.
- Updated applicability to only be required prior to the submittal of a Record Plat or Replat if a proposed project includes more than one phase of development.

Section 90-32. Submittal requirements.

- Includes Development Plan submittal requirements.
- Updated to comply with state law, meaning all additional documents and studies are no longer required as part of the application.

Section 90-50. Application review.

- Updated to reflect new state law. A Development Plan must be scheduled for review following a determination of completion.

Section 90-54. Comments, staff reports.

- Removing duplicate requirement.

Section 90-54. Approval procedures.

- Previously known as section 90-55, Review by planning and zoning commission.
- Contains administrative, Planning and Zoning, and Town Council approval procedures based on state law.

- Development Plans will be considered administratively, unless an exception is applied for.

Section 90-56. Review by town council.

- Section to be removed; information relocated to new section 90-54.

Section 90-91. Applicability of article provisions.

- Relates to Record Plats, Minor Record Plats, and Replats.
- Requires a Subdivision Site Plan be approved by the town prior to submitting a Record Plat.
- If a project includes four or fewer residential lots, requires no commonly held property (x-lots), extension of public improvements, tree removal permits, or exceptions, a Record Plat may be submitted without approval of a Subdivision Site Plan.

Section 90-93. Record Plat submittal requirements.

- Updated to comply with state law, meaning all additional documents and studies are no longer required as part of the application.

Section 90-94. Administrative approval of plats.

- Previously known as Section 90-94, Administrative approval of minor plats.
- As provided by new state law, and Town Council direction, Record Plats, Minor Record Plats, and Replats, requiring no exceptions, shall be acted on administratively.
- Per state law, applicants shall have the right to appeal an administrative disapproval to the Planning and Zoning Commission.

Section 90-122. Conformance with Development Plan or Subdivision Site Plan.

- Requires that the Record Plat be in general conformance with the Development Plan or Subdivision Site Plan, as approved.

Section 90-123. Review of construction plans.

- Removed due to construction plans no longer being required as part of a Record Plat application per new state law.

Section 90-123. Review by the town.

- Previously titled section 90-124, Review by planning and zoning commission.
- Describes actions taken by the Town, which includes administrative review.

Section 90-124. Review by town council.

- Updated action taken by Town Council based on state law.

Section 90-274. Large lots.

- Proposed to be removed since state law dictates that plats may only be considered using objectively-based standards.

Section 90-275. Multiple structure tracts.

- Proposed to be removed since it references platting “structure tracts,” which is not a defined term within the Town’s code.

Chapter 90—Subdivisions, Article IV—Standards, Division 3—Streets.

- Various sections are proposed to be amended within this division.
- To reduce duplicate, and potentially incorrect information, within the town’s Code, any requirement contained within the Engineering Design Criteria Manual or adopted Fire Code now references such manual/code.
- Sections 90-315 and 90-316, which include construction and dedication of certain street types, is proposed to be amended to comply with the state law for “future streets”.
- Section 90-319, railroad buffer, is proposed to include a 25-foot landscape buffer.

Section 90-443. Character and minimum dedication.

- Updated trail standards to comply with recently adopted Trails and Bikeways Master Plan.

BOARD REVIEW/CITIZEN FEEDBACK: The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle) land development regulation amendments. At the time this report was written, staff had received had not received any correspondence regarding this item.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

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

ATTACHMENTS:

1. Draft Ordinance Redline

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

Chapter 74 GENERAL

Sec. 74-3. Definitions.

The following words, terms and phrases, when used in subpart B of this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Street, current means a street that is necessary to serve a proposed development and that is not a Future Street.

Street, future means a street depicted on the Town's thoroughfare plan that is partially or fully located within a proposed development but that is not necessary to serve the proposed development.

Chapter 78 ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 78-1. Application fees.

- (a) All fees due to the town in relation to project application, review, or processing are set forth in the fee schedule contained within appendix A of this Code. There may be additional fees charged by third-party reviewers, but paid to the town by the applicant, as documented in the relevant sections of the Code.
- (b) Second round project review comments shall not be provided to the applicant until all outstanding applicable fees have been paid, unless otherwise provided herein.
- (c) No project shall be ~~deemed~~ approved administratively, or scheduled for consideration by the planning and zoning commission or town council, until the applicant has paid all required fees.

Sec. 78-2. Inactive projects.

A development application, such as a plat, site plan, subdivision site plan, master plan amendment, or ~~rezoning request~~ zoning map amendment, will be considered inactive, and therefore withdrawn, if there has been no activity by the applicant on the project for a period of 180 days.

1.(1) For the purposes of this section, activity is defined as response to comments, payments of fees, or submittal of supporting documentation or studies.

2.(2) To activate a development project that has been withdrawn, a new application must be submitted to the Town of Flower Mound in accordance with current standards and procedures at the time of submission.

3.(3) Being withdrawn due to inactivity does not necessarily impact the vested rights of a property in accordance with chapter 78, article VI of the Code of Ordinances.

Sec. 78-3. Development process.

Applications for development shall be submitted to the town for approval as shown in the order described below, and may, from time to time, follow an alternative process as approved by the town manager. The purpose of

this section is to ensure development meets all applicable ordinances, codes, and permitting requirements; to promote the health, safety, morals, and general welfare of the town, and that development within the town be safe, orderly, and healthful.

- (a) *Development review committee.* A meeting with the development review committee is encouraged before submitting a development application, so staff may review the development process based on the proposal and existing conditions with the applicant(s).
- (b) *Master plan amendment and zoning map amendment.* If required by this code, a master plan amendment application and zoning amendment shall be submitted in accordance with sections 78-181 and 78-201, respectively.
- (c) *Development plan.* Following the approval or confirmation of appropriate zoning, an application for a development plan shall be required in instances described by section 90-31 and must have been approved by the town prior to submitting a record plat application.
- (d) *Subdivision site plan.* A subdivision site plan shall be submitted to the town in accordance with section 82-31 and must have been approved by the town prior to submitting a record plat or replat application.
- (e) *Record plat.* A record plat application shall be submitted to the town in accordance with section 90-93; if required, a development plan and subdivision site plan must have been approved by the town prior to submitting a record plat.
- (f) *Site plan.* A site plan shall be submitted and must have been approved by the town prior to issuance of a building permit.
- (g) *Building permit.* Building permits shall comply with sections 82-36 and 90-2.
- (h) *Other applications.* Other applications, including amended site plan, amended plat, and plat vacation applications may be submitted to the town for consideration in accordance with the requirements herein.

Secs. 78-~~34~~—78-30. Reserved.

ARTICLE II. BOARDS, COMMITTEES, COMMISSIONS¹

DIVISION 2. PLANNING AND ZONING COMMISSION²

Sec. 78-53. Officers and procedures.

- (a) At the first scheduled commission meeting in ~~September~~ October of each year, or as soon thereafter as practicable, the first item of business shall be the selection of the commission's chairperson and vice-chairperson from among the membership of the commission. The alternate members of the commission are

¹Cross reference(s)—Boards, committees, commissions, § 2-91 et seq.

²Cross reference(s)—Boards, committees, commissions, § 2-91 et seq.; zoning, ch. 98.

not eligible to serve as the commission chairperson or vice-chairperson or to participate in the selection of said chairperson or vice-chairperson.

ARTICLE IV. AMENDMENTS

DIVISION 1. GENERALLY

Sec. 78-153. Review by planning and zoning commission.

- (a) *Generally.* Before taking action on any proposed comprehensive master plan, zoning map, or zoning text amendment, supplement, or change, the town council shall submit the same to the planning and zoning commission for its recommendation and report.
- (b) *Hearing.* The planning and zoning commission shall hold a public hearing on any application for any such amendment or change prior to making its recommendation and report to the town council.
- (c) *Notification requirements for comprehensive master plan or zoning map amendment.* When any such amendment or change relates to a change in the comprehensive master plan, the zoning classification of property or a change to the boundary of a zoning district, written notice of public hearing before the planning and zoning commission on the proposed amendment or change shall be mailed to all owners of real property lying within 200 feet of the property on which the change is requested. Such notice shall be given not less than ~~ten~~ eleven days before the date set for hearing by depositing in the mail such notice, properly addressed and postage paid to each taxpayer as the ownership appears on the last approved town tax roll. Additionally, notice of the public hearing before the planning and zoning commission shall be given by publication in a newspaper of general circulation in the town not less than eleven days before the date of the hearing.
- (d) *Notification requirements for text amendment.* When any such amendment relates to a change of a regulation or to the text of subpart B of this Code not affecting specific property, notice of the public hearing of the planning and zoning commission shall be given by publication in a newspaper of general circulation in the town, ~~without the necessity of notifying property owners by mail~~ and notify affected property owners and businesses owners as defined by state law. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than ~~ten~~ eleven days from the date of publication.

Sec. 78-154. Action by town council.

- (d) *Changes in zoning classifications.* When any such amendment or change relates to a change in the zoning classification of property or a change to the boundary of a zoning district, the following provisions shall apply:
 - (1) *Amendment over protest.* The rules governing an amendment over protest are contained in V.T.C.A. Local Government Code chapter 211 and are hereby adopted and restated as follows.
 - a. Upon receipt of a written protest, a proposed amendment, supplement, or change shall become effective only upon the favorable vote of three-fourths of all the members of the town council when such protest meets one or more of the following enumerated conditions:

iii. In computing the percentage of land area under subsection (d)(1)a., land to the centerline of abutting streets and alleys shall be included.

- (e) *Approval conditions.* From the effective date of subpart B of this Code, approval of a planned development district shall be subject to the following:

~~(2) If a record plat is not recorded within five years of the effective date of the ordinance granting a planned development district, the planning and zoning commission or the town council may, after public notice and hearing as required by subpart B of this Code, rezone the property to IH interim holding district.~~

Secs. 78-155—78-180. Reserved.

DIVISION 2. COMPREHENSIVE MASTER PLAN AMENDMENT

Sec. 78-181. Application for comprehensive master plan amendment.

No zoning change shall be approved to any zoning district that is inconsistent with the land use designation for the property in the comprehensive master plan. Consistency with the comprehensive master plan land use designations shall be determined based on the district purpose statements, the nature of the district regulations and the description of the land use category in the comprehensive master plan.

Comprehensive master plan amendments shall not be required for zoning changes proposing single-family detached residential land uses that are less dense than those allowed pursuant to the existing land use category and single-family detached zoning district; however, notwithstanding the foregoing, a zoning change proposing a single-family detached use in an existing multifamily, duplex or single-family attached zoning district located in a high density land use category shall not be approved without a comprehensive master plan amendment. Any person having a proprietary interest in any property within the corporate limits of the town, requesting a change or amendment to the comprehensive master plan shall file an application applying for such change or amendment with the department of community development.

Each application shall be accompanied by the following:

(1) Letter of consent. A letter of consent must be signed by all property owners.

~~(12)~~ A clear statement or description of the requested change or amendment letter of intent stating why the applicant is proposing to change the land use of the subject property, including the existing land use and zoning designation(s), total project acreage, and any special considerations (including waivers, variances, exceptions, unique characteristics of the subject property, and any other information the applicant believes would help inform the town).

~~(23)~~ A drawingmaster plan exhibit, at a scale of not less than one inch to 200 feet, indicating the following:

- a. Existing land use categories;
- b. Proposed land use categories in a format that identifies boundaries between different land use categories;
- c. Applicable ~~C~~comprehensive master plan features, whether existing or proposed, from any or all of the following elements: land use plan, area plans, urban design plan, parks and open space plan, trail network, and thoroughfare plan.

-
- (43) A vicinity map indicating the general location of the subject property.
 - (5) Metes and bounds description of the subject property and descriptions of different land use categories, if applicable.
 - (64) A filing fee in the amount established in appendix A of this Code.
 - (7) Current tax certificate(s) indicating all taxes for the subject property have been paid to the current year.
 - (85) If the town determines that the proposed amendment may have an impact on the water, wastewater or thoroughfare plan components of the comprehensive master plan, due to changes in population density or other factors, the town may require an evaluation of such impacts as it deems necessary.

Secs. 78-182—78-200. Reserved.

DIVISION 3. ZONING MAP AMENDMENT

Sec. 78-201. Application for zoning map amendment.

- (a) Any person having a proprietary interest in any property within the corporate limits of the town, requesting a change or amendment to the zoning classification of such property, shall file an application for such change or amendment with ~~the department of community development~~planning services. Such application may be processed in conjunction with the development plan, subject to all of the requirements contained in article II, chapter 90 of this Code, development plan ~~procedures~~, contained in subpart B of this Code. Any zoning change that is inconsistent with the comprehensive master plan shall be preceded by or accompanied by an application for an amendment to the comprehensive master plan. The zoning application shall clearly state the requested change or amendment and be accompanied by the following:
 - (1) Letter of consent. A letter of consent must be signed by all property owners.
 - (2) A letter of intent stating why the applicant is proposing to rezone the subject property, including the existing zoning designation(s), total project acreage, and any special considerations (including waivers, variances, exceptions, unique characteristics of the subject property, and any other information the applicant believes would help inform the town).
 - (13) A ~~drawing~~zoning exhibit, at a scale of not less than one inch to 200 feet, indicating the following:
 - a. Existing zoning district classifications;
 - b. Proposed zoning district classifications in a format that identifies boundaries between different zoning districts;
 - c. Comprehensive master plan features, whether existing or proposed, from any or all of the following elements: land use plan, urban design plan, parks and open space plan, trail network, area plans, and thoroughfare plan;
 - d. The location of high voltage electrical lines, transmission pipelines and associated easements.
 - (42) A vicinity map indicating the general location of the subject property.
 - (53) A metes and bounds description of the subject property typewritten on an 8½-inch by 11-inch sheet of paper.
 - ~~(4) An 8 1/12 by 11-inch photomatte (PMT) reduction of any of the above drawings.~~
 - (56) ~~Proposed development standards if the application is for a planned development.~~For planned developments, applications must also include documents and information required by section 98-814.

~~(7) Current tax certificate(s) indicating all taxes for the subject property have been paid to the current year.~~

~~(8) (b)~~—A filing fee shall be submitted with every application in accordance with the fee schedule found in appendix A of this Code.

~~(c) In addition to the filing fee required by subsection (b) of this section, a site plan review fee shall be submitted with every petition requesting a change or amendment that requires a site plan, in accordance with the fee schedule found in appendix A of this Code.~~

Secs. 78-202—78-230. Reserved.

ARTICLE V. NONCONFORMITIES³

Sec. 78-302. Plan amendment required.

(a) Plan amendments are required for substantive changes to approved plans. In this section, substantive changes are defined as those that require review and approval by more than one administrative department of the town, or those that impact how or whether a site complies with minimum zoning or development standards. Any previous plan amendments approved for a site will be reviewed in conjunction with the current request to determine whether the combination of changes has become a substantive plan amendment or exceeded the limits of a plan amendment's authority. Plan amendments can occur for the following:

(1) ~~Non-residential~~ Site plans, landscape plans, hardscape plans, amenity plans and elevations;

~~(2) Residential subdivision landscape plans, including any hardscape and amenity plans, and;~~

~~(23)~~ Changes to approved storm water detention/retention facilities and perimeter subdivision walls and entry features.

Secs. 78-305-78-314. Reserved.

ARTICLE VIII. APPLICATION COMPLETENESS

Sec. 78-315. Requirements for completeness determination.

~~(a) Applications under Subpart B, chapters 78, general, and 82, development standards, submitted to the town for approval shall be subject to a determination of completeness by the town manager as described by section 78-316.~~

~~(b) No application shall be deemed complete and accepted for review unless it is accompanied by all documents and information required herein and by other applicable ordinances.~~

³Ord. No. 33-20 , § 3, adopted Nov. 2, 2020, amended art. V in its entirety to read as herein set out. Former art. V, §§ 78-231—78-233, pertained to similar subject matter and derived from the 1989 Code, ch. 12, § 1.05.

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- (c) The town manager may, from time to time, impose additional requirements for a complete application that are not contained within Subpart B but are consistent with the application contents and standards set forth in this code.
 - (d) A determination of completeness shall not constitute a determination of compliance with substantive requirements.

Sec. 78-316. Process for completeness determination.

- (a) Not later than the tenth business day after the date an application for development is submitted, the town manager shall make a determination whether the application constitutes a complete application and that the developer has submitted the following required information for a:
 - 1. Subdivision site plan and site plan application. Documents and information specified in section 82-33 and 82-34, respectively;
 - 2. Zoning amendment application. Documents and information specified in section 78-201;
 - 3. Master plan amendment application. Documents and information specified in section 78-181; and
 - 4. For any other application type. Documents and information specified herein.
- (b) Fees. Fees shall be received by the town in accordance with 78-1.
- (c) The town manager shall provide written notice to the applicant that the application is incomplete, not later than the tenth business day after the application is submitted. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information is not submitted within 45 days after the date the application was submitted.

Sec. 78-317. Expiration of incomplete application.

- (a) An application shall be deemed expired on the 45th day after the application is submitted to the town for processing if the applicant fails to provide documents or other information necessary to meet the requirements of section 78-316 or such other applicable ordinances as specified in the determination provided to the applicant. Thereafter, a new application must be submitted.
- (b) No vested rights accrue solely from the submittal of an application that has expired pursuant to this section.

Sec. 78-318. Application review.

- (a) An application for development shall submit a written application for approval to the development services department on forms prepared by the town, together with all required documents, such as studies, drawing, exhibits, or other ordinance requirements, in sufficient size and number as required by the town's current submittal policies, and any reasonable information requested by the development services department to assist the town in its review of the application.
- (b) An application shall not be processed for review until after a determination of completeness has been issued. An application lacking required documentation or information shall be returned to the applicant by the development services department as provided in section 78-316.
- (c) After the town manager has determined that the application is complete, they shall compile a report of written comments regarding the compliance of the application with town ordinances and provide a copy of the report to the applicant.

Chapter 82 DEVELOPMENT STANDARDS

ARTICLE II. SITE PLANS

Sec. 82-31. Required.

- (a) Nonresidential development. Nonresidential development includes, but is not limited to, schools (elementary or secondary), religious institutions, community centers, and multifamily dwellings.
1. Subdivision site plan. A subdivision site plan shall be required for projects including more than one lot, or when a tree removal permit is required, and must have been approved by the town prior to the submittal of a record plat or replat.
 2. Site Plan. A site plan must have been approved prior to the issuance of a building permit.
- (b) Residential development. Residential development includes, but is not limited to, single-family detached, duplex, and single-family attached dwellings.
1. Subdivision site plan. A subdivision site plan must have been approved by the town prior to the submittal of a record plat or replat.
 - i. Notwithstanding the foregoing, a subdivision site plan shall not be required for developments complying with section 90-91(a).
 2. Site plan. A site plan shall not be required for residential development.
- ~~(a) Site plan approval shall be required prior to the issuance of a building permit for the following types of development:~~
- ~~(1) Approval of a site plan by the planning and zoning commission shall be required for the following types of development:~~
 - ~~a. Development in nonresidential zoning classifications.~~
 - ~~b. Planned developments, excluding areas of planned developments devoted exclusively to single family, single family attached, or duplex dwellings.~~
 - ~~c. Multifamily dwellings.~~
 - ~~d. Schools, elementary or secondary.~~
 - ~~e. Church or rectory.~~
 - ~~f. Community center, public.~~
 - ~~g. Mobile home park.~~
 - ~~h. Residential subdivisions.~~
 - ~~i. Recreational and entertainment uses.~~
- ~~(b) Approval of a site plan or subdivision site plan by the town council, after a recommendation by the planning and zoning commission, shall only be required when the site plan request is in conjunction with a request for a specific use permit includes an exception, modification, or waiver.~~

(de) A site plan shall be required to accompany any application for oil, natural gas, or combined permit, pursuant to section 34-421, "Oil and gas well permit application and filing fees." The ~~oil and gas inspector~~town manager shall review a submitted site plan and will determine if the site plan is administratively complete and in compliance with all applicable requirements detailed in section 82-~~3334~~, "Site plan A application requirements," and section 34-421~~(d)(12)~~, "Oil and gas well permit application and filing fees."

Sec. 82-33. Subdivision site plan Application requirements.

~~Each subdivision site plan package must include but not be limited to the following, as outlined in the subdivision site plan application packet prepared by the town, and must also include any additional materials required by the town manager. The site plan scale drawing shall include, where applicable, but not be limited to, the following, together with any other requirements provided for by this subpart B or other valid ordinances of the town:~~

- ~~(a) Letter of consent. A letter of consent must be signed by all property owners.~~
- ~~(b) Tax certificates. Submit current tax certificate(s) indicating there are not outstanding taxes due, excluding the current tax year.~~
- ~~(c) Letter of intent. Shall describe and/or include the information specified on the subdivision site plan application form prepared by the town. (1) — The applicant's name and address and his legal interest in the subject property.~~
- ~~(2) The owner's name and address and, if different than the applicant, the owner's signed consent to the filing of the application.~~
- ~~(3) Street address (or common description) of the property.~~
- ~~(4) The zoning classification and present use of the subject property.~~
- ~~(5) The particular provision of this subpart B requiring site plan approval.~~
- ~~(6) The proposed use or uses and a general description for the proposed development.~~
- ~~(7) A survey, certified by a registered professional land surveyor, showing property boundary lines and dimensions and easements, roadways, rail lines and public rights of way crossing and adjacent to the subject property.~~
- ~~(8) If the property is subject to a development plan or planned development or site plan, a statement showing that the proposed use is in substantial conformity thereto.~~
- ~~(9) Any proposed grading or regrading of the subject property; and significant natural topographical or physical features of the property, watercourses, marshes, trees in excess of six inches in caliper per division 4, article II, chapter 94 of this Code, tree preservation, rock outcroppings and existing contours in one-foot intervals, unless a smaller interval is otherwise required under this subpart B, or unless otherwise approved by the town engineer, and which may be two feet to five feet in extremely steep terrain.~~
- ~~(10) Maps showing the location, size, use and arrangements of all proposed buildings and computations showing height in stories and feet, total floor area, total square feet of ground area coverage of proposed and existing buildings which will remain, if any.~~
- ~~(11) Location, dimensions and number of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles; sidewalks, walkways and pathways; refuse areas (for nonresidential developments).~~
- ~~(12) The location and size of existing and proposed water and sewer public utilities on and adjacent to the site and fire hydrant locations.~~

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- ~~(13) All existing and proposed surface and subsurface drainage facilities, including culverts, drains and detention ponds, showing the size and direction of flow.~~
- ~~(14) Architectural renderings or elevations of proposed structures.~~
- ~~(15) Location, designation and total area of all open usable space.~~
- ~~(7) Note the location of any 100-year floodplain on the property.~~
- ~~(16) A detailed landscaping plan meeting the provisions of article V of this chapter, landscaping and screening.~~
- (d) *Supporting documents and materials.* The following must be submitted with any new subdivision site plan application, or for significant changes to an existing subdivision site plan:
1. *Construction plans.* Construction plans for required improvements 22 inches by 34 inches in size, along with all data and calculations related to utilities, drainage or other construction in the subdivision, shall be submitted with the site plan.
 2. *Permits from federal, state or local agencies.* Any applicable environmental permits required by any federal, state or local regulatory agency.
 3. *Mandatory homeowners' association documents.* Any mandatory homeowners' association documents, in accordance with the town's standard format and the requirements of article IV of chapter 90, mandatory homeowner's associations, shall be submitted with the subdivision site plan for review by the town attorney's office.
 4. *Business owners' association documents.* Any business owners' association documents must be submitted with the site plan for review by the town attorney's office.
 5. *FEMA/town stream hydraulic submittals.* Hydraulic study and hydraulic analysis shall be provided if the development abuts a Federal Emergency Management Agency (FEMA) designated floodplain. Town staff will forward this information to FEMA for their approval. Any reclamation must be approved by FEMA prior to consideration by the planning and zoning commission.
 6. *Tree survey.* A tree survey prepared in accordance with the requirements of section 94-23 is required.
 7. *Subdivision landscape plan.* A detailed subdivision landscaping plan meeting the provisions of article V of this chapter, landscaping and screening, and other applicable ordinances.
 8. *A survey, certified by a registered professional land surveyor, showing property boundary lines and dimensions and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property.*
- ~~(17) In the case of any use requiring a specific use permit any information necessary to demonstrate compliance with all conditions imposed thereby.~~
9. ~~(18)~~ In the case of any proposed development located within any specific plan area plan, any information necessary to demonstrate compliance with applicable specific plan area land use and planning guidelines set forth in the comprehensive master plan.
10. For residential development: identify the location and size of subdivision entrance signs.

Sec. 82-34. ~~Site grading~~ Site plan application requirements.

Each site plan package must include, but shall not be limited to, the following, as outlined in the site plan application packet prepared by the town, as well as any additional material required by the town manager:

- (a) *Letter of consent.* A letter of consent must be signed by all property owners.

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- (b) Tax certificates. Submit current tax certificate(s) indicating there are not outstanding taxes due, excluding the current tax year.
- (c) Letter of intent. Shall describe and/or include the information specified on the subdivision site plan application form prepared by the town.
- (d) Site plan. The site plan sheet must contain, but shall not be limited to the following:
1. The owner's name and address and, if different than the applicant, the owner's signed consent to the filing of the application.
 2. Street address (or common description) of the property.
 3. The zoning classification and present use of the subject property.
 4. The particular provision of this subpart B requiring site plan approval.
 5. The proposed use or uses and a general description for the proposed development.
 6. If the property is subject to a development plan or planned development, a statement showing that the proposed use is in substantial conformity thereto.
 7. For nonresidential development: Show the location, size, use and arrangements of all proposed buildings and computations showing height in stories and feet, total floor area, total square feet of ground area coverage of proposed and existing buildings which will remain, if any.
 8. Location, dimensions and number of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles; sidewalks, walkways and pathways; refuse areas (for nonresidential developments).
 9. The location and size of existing and proposed water and sewer public utilities on and adjacent to the site and fire hydrant locations.
 10. All existing and proposed surface and subsurface drainage facilities, including culverts, drains and detention ponds, showing the size and direction of flow.
 11. Location, designation and total area of all open usable space.
 12. Note the location of any 100-year floodplain on the property. Any site plan submitted for planning and zoning commission and/or town council approval shall include a site grading plan bearing the seal of a state licensed landscape architect, engineer or architect, as applicable, as part of the site plan to ensure preservation of large native trees, soil conservation and attention to drainage considerations. Additionally, the site plan shall generally indicate the location of all existing wooded areas and/or individual trees of six inches in caliper and larger. An accurate tree survey of existing trees of six inch caliper and larger may be required at the site plan approval stage if the planning and zoning commission and/or town council determines that the characteristics of the particular site warrants the survey.
- (e) Architectural renderings and elevations of proposed structures.
- (f) Location, designation and total area of all open usable space.
- (g) Landscape plan. A detailed landscaping plan meeting the provisions of article V of this chapter, landscaping and screening, and other applicable ordinances.
- (h) Parking agreement. The irrevocable consent agreement form, as required by section 82-75.
- (i) Construction plans. Construction plans for required improvements 22 inches by 34 inches in size, along with all data and calculations related to utilities, drainage or other construction in the subdivision, shall be submitted with the site plan.

(j) Tree survey. A tree survey prepared in accordance with the requirements of section 94-23 is required.

Sec. 82-35. Action on application.

- (a) When a subdivision site plan or site plan application has been reviewed and determined to be in conformance with all applicable provisions of this subpart B by the town manager, it shall be placed on the agenda for the next available regular planning and zoning commission meeting. Following a recommendation from the planning and zoning commission, if an~~the application that requires approval by the town council is recommended for approval by the planning and zoning commission, it shall~~may be placed on the agenda for the next available regular town council meeting.
- (b) The town planning and zoning commission and/or town council consideration shall include conformance with ~~specific plan~~ area planning guidelines set forth in the comprehensive master plan, if applicable; paving and layout of streets, alleys and sidewalks; means of ingress and egress, provisions for drainage, parking spaces, protective screening and open spaces; areas designated for landscaping; and other aspects deemed by the town planning and zoning commission necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare.
- (c) In the approval or disapproval of the subdivision site plan or site plan, the town planning and zoning commission and/or town council shall not be authorized to waive or vary conditions and requirements contained in this subpart B or other ordinances of the town, unless authority for such waiver or variation is specifically authorized by this subpart B.
- (d) Any motion for disapproval of the subdivision site plan or site plan shall state the reasons for the disapproval.
- (e) Any subdivision site plan or site plan application denied by the planning and zoning commission may be appealed to the town council.

Secs. 82-38—82-70. Reserved.

ARTICLE V. LANDSCAPING AND TREES

DIVISION 6. RESIDENTIAL ENTRANCES

Section 82-340. Subdivision entry and signage.

(a) Signage. Subdivision entries and signage shall be shown on a subdivision site plan.

1. Maximum height. Shall not exceed 6 feet.

2. Maximum sign face. Shall not exceed 60 square feet.

3. Visibility clearance. Height of subdivision signage and monuments within an entrance median shall be not taller than three feet.

(b) Conservation development. Signage shall comply with section 98-277.

Chapter 90 SUBDIVISIONS⁴

ARTICLE I. IN GENERAL

Sec. 90-2. Creation of building site.

No permit for the construction of a building upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

- (~~1a~~) The lot or tract is part of a plat of record, properly approved by the town and all documentation has been submitted to the town ~~for filing to verify the plat and any associated covenants, conditions, and restrictions have been filed with the appropriate county.~~
- (~~2b~~) The plot, tract or lot is an unplatted lot of record with frontage upon a dedicated public or private street or right-of-way.
- (~~3c~~) The plot, tract or lot is a portion of an unplatted lot of record, conveyed without the approval of a record plat after January 9, 1975, zoned A agricultural district, with frontage upon a dedicated public or private street or right-of-way (having a minimum area of one acre) and not served by a public or private sanitary sewer system or an on-site sewerage facility, for the construction of barns or other related accessory buildings for housing and maintenance of livestock or agricultural purposes, provided that such barns or accessory buildings shall comply with the minimum 50-foot setback from any property line.

Sec. 90-3. Annexation and subdivision.

- (a) The ~~planning and zoning commission of the~~ town shall not approve any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the town is pending before the town council, unless and until such annexation shall have been approved by ordinance by the town council.
- (b) If the planning and zoning commission holds a hearing on a proposed annexation, it may, at its discretion, at the same time hold a hearing upon the permanent zoning (other than IH interim holding) that is to be given to the area or tract to be annexed, and make a recommendation on both matters to the town council so that the town council can, if it desires, act on the matter of zoning and annexation at the same time.

Sec. 90-4. Requirements for completeness determination and official filing date.

- (a) Complete application. For a development plan, record plat, minor record plat, and replat, a complete application shall include:
 - 1. A written application for approval of a plat for development to the development services department on forms prepared by the town; and
 - 2. A subdivision plat.
- (b) Official filing date. A development plan, record plat, minor record plat, and replat shall be deemed filed with the town on the initial submittal date, or subsequent resubmittal date, whichever is later, once the

⁴Cross reference(s)—Any ordinance regarding plats or subdivisions saved from repeal, § 1-9(a)(12); buildings and building regulations, ch. 14; mobile homes, § 14-371 et seq.; environment, ch. 34; streets, sidewalks and other public places, ch. 58; utilities, ch. 70; development standards, ch. 82; vegetation, ch. 94; zoning, ch. 98; application of subdivision provisions, § 98-971 et seq.

forementioned documents and required fees from appendix A of this code are received by the town. Thereafter, the development plan or plat shall be scheduled for consideration as described herein.

- (b) For an amended plat or plat vacation, an applicant shall submit a written application for approval of such plat application to the development services department on forms prepared by the town, together with all required documents in sufficient size and number as required by the town's current submittal policies, and any reasonable information requested by the development services department to assist the town in its review of the application.
- ~~(a) Every application for approval of any type of plat or plan for development shall be subject to a determination of completeness by the town manager.~~
- ~~(b) No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this chapter or other applicable ordinances.~~
- ~~(c) The town manager may from time to time impose additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this chapter.~~
- ~~(d) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this chapter.~~

Sec. 90-5. Process for completeness determination.

- (a) *Determination of completeness.* Not later than the tenth business day after the date an application for approval of a plat ~~or plan for development~~ is submitted, the town manager shall make a determination whether the application constitutes a complete application as described by section 90-4, and that the developer has submitted the following required information:
- ~~(1) For an application for a development plan, the documents and information specified in section 90-33;~~
- ~~(2) For a record plat application, the documents and information specified in section 90-93; and~~
- ~~(3) For an application of any other type, the documents and information specified in applicable ordinances.~~
- (b) *Notice of incompleteness.* The town manager shall provide written notice to the applicant that the application is incomplete, not later than the tenth business day after the application is submitted. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire ~~if the documents or other information is not submitted within 45 days after the date the application was submitted in accordance with 90-6.~~
1. ~~The processing of an application by any town employee prior to the time the application is determined to be complete shall not be binding on the town as the date of filing.~~ The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.

Sec. 90-6. Expiration of incomplete application.

- (a) An application for approval of a plat ~~or plan~~ for development shall be deemed to expire on the 45th day after the application is submitted to the town for processing if the applicant fails to provide documents ~~or other information~~ necessary to meet the requirements for completeness determination of this chapter or such other applicable ordinances as specified by section 90-4 in the determination provided to the applicant. Thereafter, a new application must be submitted.
- (b) No vested rights accrue solely from the filing of an application that has expired pursuant to this section.

Sec. 90-7. Application review.

- ~~(a) An applicant for development shall submit a written application for approval of a plat or plan for development to the development services department on forms prepared by the town, together with all required documents, such as studies, drawing, exhibits, or other ordinance requirements, in sufficient size and number as required by the town's current submittal policies, and any reasonable information requested by the development services department to assist the town in its review of the application.~~
- (~~ba~~) An application shall not be processed for review until after a determination of completeness has been issued.
- (~~eb~~) After the town manager has determined that the application is complete, they shall compile a report of written comments regarding the compliance of the application with town ordinances and provide a copy of the report to the applicant.
- ~~(d) The development plan or plat shall be deemed filed with the town on the date that the town manager determines that the application and all supporting documents meet the requirements of this chapter and/or other applicable ordinances, where applicable, except for any variances requested in writing by the applicant. This shall constitute the filing date. Thereafter, the plat shall be scheduled for review by the commission.~~

Sec. 90-8. Official filing date.

The time period established by state law for processing or deciding a plat application shall commence on the filing date, as established by section 90-7(d).

~~(Ord. No. 12-20, § 4, 6-1-2020)~~

Secs. 90-~~96~~—90-30. Reserved.

ARTICLE II. DEVELOPMENT PLAN⁵

DIVISION 1. GENERALLY

Sec. 90-31. Purpose and applicability of article provisions.

- (a) Development plan. Development plan approval shall be required prior to the submittal of a record plat or replat when a proposed project includes more than one phase of development.

~~A development plan shall be submitted and must be filed pursuant to section 90-7 prior to the review of a record plat whenever a subdivision of five or more lots is proposed. Notwithstanding the foregoing, a development plan is not required prior to the submittal of a record plat for a nonresidential subdivision that is either being record-platted in conformity to a concept plan previously approved by the town council; or, is in general conformity with the town's master plan and associated development regulations.~~(b) Purpose. —The development plan is intended to show development phasing and all the planning factors necessary to enable the proper town approving authorities to determine whether the proposed plan for land development is satisfactory from the standpoint of public health, safety and welfare and is in accordance with the general guidance provided by the comprehensive master plan. ~~The development plan and its review are intended to produce a subdivision design in which all planning factors have been recognized and reconciled, as~~

⁵Cross reference(s)—Development standards, ch. 82.

~~distinguished from the record plat, in which the engineering factor of dimensional precision is the predominant objective. The record plat is the legal document filed of record with the county.~~

Sec. 90-32. Submittal requirements.

The subdivider or owner shall submit all necessary documents, as outlined in the development plan application packet. Each drawing shall measure 24 inches by 36 inches and shall be drawn to a scale of no less than 100 feet to one inch, unless otherwise approved by the town manager. ~~When necessary, the development plan may be on several sheets accompanied by an index sheet showing the entire subdivision. Such development plan shall be accompanied by a completed application and shall contain the following information:~~

(a) Required information. Development plans must include the following information:

- ~~1.(1)~~ *Boundary lines and bearings.* Boundary lines, bearings and distances sufficient to locate the exact area proposed for subdivision. At least one subdivision corner shall be referenced to a survey (abstract) corner. The area, in acres, of the subdivision shall also be shown.
- ~~2.(2)~~ *Adjacent subdivisions.* The name and location of a portion of all adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions. Where adjacent land is not subdivided, the owner's name of the adjacent tract shall be shown with the most recently recorded volume and page number from the appropriate county deed records.
- ~~3.(3)~~ *Intersecting streets.* The angle of intersection of the centerlines of all intersecting streets.
- ~~4.(4)~~ *Streets, alleys and easements.* The development plan shall indicate the location, dimension and name of all proposed streets, cul-de-sacs, alleys, easements and ways, and all known rights-of-way and/or easements within or affecting the area to be subdivided. Any easements shall clearly indicate to whom they are dedicated for public or private ownership, operation or maintenance purposes. Existing and proposed median breaks and distances between median breaks, both off-site and on-site, including left turn storage space and transition length shall also be required.
- ~~5.(5)~~ *Proposed phase lines.* If the proposed subdivision is to be developed in sections or phases, any proposed phase lines shall be indicated. Each phase indicated shall individually comply with section 90-304, street layout, and section 90-305, street connections.
- ~~6.(6)~~ *Proposed blocks, lots and zoning setback lines.* The subdivision shall show all proposed blocks, lots, front yard zoning setback lines, and rear or side yard zoning setback lines adjacent to rights-of-way, with principal dimensions.
- ~~7.(7)~~ *Preliminary lot and block analysis.* A preliminary lot and block analysis shall be provided indicating, at a minimum, that the square footage or acreage of each proposed lot meets the minimum applicable zoning standards. The plan shall also indicate the maximum number of lots in the proposed development.
- ~~8.(8)~~ *Contours.* Topographic contours at five-foot intervals and major physical features within the proposed development.
- ~~9.(9)~~ *Subdivision title, ownership and preparation.* The title under which the proposed subdivision is to be recorded, and the name, address and telephone number of the owner, all lenders or lienholders, and the engineer, surveyor or land planner who prepared the plat.
- ~~10.(10)~~ *Dedicated parks, playgrounds and other public uses.* Sites, if any, to be reserved or dedicated for parks, playgrounds, trails, pedestrian access easements, or other public uses. ~~Any parks, trails or pedestrian access easements~~ shall be indicated by a legal description (i.e., a lot and block designation)

and shall clearly indicate to whom they are dedicated for ownership, operating, and maintenance purposes. See also section 90-444.

~~11.(11)~~ Scale, north point arrow and date. ~~The scale of the development plan shall not be less than one inch equals 100 feet, unless otherwise approved by the town manager.~~ A north arrow shall be provided for plan orientation. The plan shall also indicate the date of preparation.

~~12.(14)~~ Proposed land uses. A designation of the proposed uses of land within the subdivision.

~~13.(15)~~ Vicinity map. A vicinity map on a smaller scale showing the proposed subdivision and its relationship to the surrounding area.

~~14.(16)~~ Subdivision master plan. If the proposed subdivision is a portion of a tract that is later to be subdivided in its entirety, then a tentative subdivision master plan of the entire subdivision may be required with the development plan of the initial phase to be subdivided. The subdivision master plan shall conform in all respects to the requirements of the development plan, except it may be on a scale of not more than one inch equal to 400 feet.

~~(17) Subdivisions outside town.~~ The information shown on a development plan for subdivisions located outside the corporate limits of the town, but within its extraterritorial jurisdiction, and the procedure for approval, modification or disapproval, shall be the same as required for development plans within the town.

~~(18) Adjacent jurisdiction acknowledgement.~~ If a subdivision abuts an adjacent entity or jurisdiction, a letter of acknowledgement from such adjacent entity or jurisdiction indicating receipt of a copy of the proposed subdivision.

~~15. Comprehensive master plan features.~~ All applicable features of the comprehensive master plan relative to the proposed subdivision, including land use plan, urban design plan, park and open space plan, water master plan, wastewater master plan, and drainage/stormwater master plan, if applicable.

~~16. Specimen trees.~~ All specimen trees, as defined by this code, shall be identified on the development plan.

~~ensure the project is taking into consideration all elements that could impact the project's design and layout prior to full engineering.~~

~~(12) Preliminary utility plans.~~ Preliminary water and sanitary sewer plans, including a preliminary layout of sanitary sewer and water lines to serve the subdivision, as well as connections or off-site extension to existing town systems. The water utility plan shall include, but not be limited to, existing/proposed water lines, pipe sizes, valves, lot service lines, easements, fire hydrants and related appurtenances. The sanitary sewer plan shall include, but not be limited to, existing/proposed gravity lines, pipe sizes, direction of flow, service laterals, manholes, cleanouts, lift stations, force mains, easements and related appurtenances. Both water and sanitary sewer layouts may be shown on the same drawing.

~~(13) Preliminary drainage plans.~~ A preliminary drainage plan shall accompany the development plan. This study shall show contours, acreages, runoff, existing/proposed storm drain lines, pipe sizes, direction of flow, inlet locations, headwalls, points of discharge, detention/retention features, channels, creekways, 100-year floodplain limits, fully developed 100-year floodplain limits, and connections to any existing systems. The engineer shall also analyze any off-site acreage that contributes to the subdivision, as well as any off-site storm drain extensions, grade to drain locations or required easements.

~~(14) Proposed land uses.~~ A designation of the proposed uses of land within the subdivision.

~~(15) Vicinity map.~~ A vicinity map on a smaller scale showing the proposed subdivision and its relationship to the surrounding area.

~~(16) Subdivision master plan.~~ If the proposed subdivision is a portion of a tract that is later to be subdivided in its entirety, then a tentative subdivision master plan of the entire subdivision may be required with

~~the development plan of the initial phase to be subdivided. The subdivision master plan shall conform in all respects to the requirements of the development plan, except it may be on a scale of not more than one inch equal to 400 feet.~~

~~(17) Subdivisions outside town. The information shown on a development plan for subdivisions located outside the corporate limits of the town, but within its extraterritorial jurisdiction, and the procedure for approval, modification or disapproval, shall be the same as required for development plans within the town.~~

~~(18) Adjacent jurisdiction acknowledgement. If a subdivision abuts an adjacent entity or jurisdiction, a letter of acknowledgement from such adjacent entity or jurisdiction indicating receipt of a copy of the proposed subdivision.~~

~~(19) Tax certificates. Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year.~~

~~(20) Specimen Tree survey. A tree survey subject to the requirements and conditions enumerated in article III of chapter 94, preservation.~~

~~(21) Landscape and screening plans. The type and location of all proposed landscaping and screening, including any areas to be irrigated.~~

~~(22) Comprehensive master plan features. All applicable features of the comprehensive master plan relative to the proposed subdivision, including land use plan, urban design plan, park and open space plan, water master plan, wastewater master plan, and drainage/stormwater master plan, if applicable.~~

Secs. 90-33—90-~~50~~49. Reserved.

DIVISION 2. REVIEW PROCEDURES

Sec. 90-50. Application review.

- (a) A development plan shall not be processed for review by the development review committee until after a determination of completeness has been issued by the town manager following the submittal of the documents described by 90-4(a).
- (b) After the town manager has issued a determination of completion, they shall compile a report of written comments regarding the compliance of the application with town ordinances and provide a copy of the report to the applicant.

Sec. 90-51. Scheduling and consideration.

The appropriate fees and required documentation, as described in section 90-~~324~~, shall be submitted to the town manager. The development plan shall be scheduled for consideration for a development plan to be considered by the town within the time period prescribed by law.

Sec. 90-52. Notation on development plans.

The following notice shall be included on the face of ~~the all~~ development plan sheets: "Development plan - for inspection purposes only; not an official document approved for County record purposes or building permits."

(Code 1989, ch. 12, § 6.03(d)(2); Ord. No. 06-12, § 19, 2-20-2012; Ord. No. 12-20, § 5, 6-1-2020)

Ord. No. 12-20, § 5, adopted June 1, 2020, changed the title of § 90-52 from "Distribution of development plans" to read as herein set out.

Sec. 90-53. Distribution to county.

Whenever a development plan involving land in the town's extraterritorial jurisdiction outside its corporate limits is submitted ~~to the planning and zoning commission~~ for approval, two additional copies shall be provided and forwarded for comment and review to the county commissioners court. One of the copies shall be specifically directed to the attention of the commissioner in whose district the subdivision is located. The submittal to the commissioners court shall specify the date at which the planning and zoning commission will act on the development plan and request a reply setting forth the improvement standards and other requirements essential to the acceptance of streets, roads and other public dedications proposed by the development plan.

~~Sec. 90-54. Comments; staff report.~~

~~Based on the development review committee's review analysis, a staff report and analysis shall be prepared and submitted to the planning and zoning commission relative to the proposed subdivision's compliance to the regulations of this article, the comprehensive master plan, and other master plans such as utility plans.~~

Sec. 90-54. ~~Review by~~ Approval procedures ~~planning and zoning commission.~~

(a) ~~Administrative review.~~

- ~~1. *Applicability.* Consideration of a development plan shall be required by the town manager, unless an exception, waiver, or modification is requested.~~
- ~~2. *Items for consideration.* The town manager shall, in their action on the development plan, consider the physical arrangement of the subdivision, including the alignment and configuration of street and thoroughfare rights-of-way and determine compliance with the land use plan, thoroughfare plan, and any other applicable components of the comprehensive master plan. The town manager shall also review and recommend that appropriate easements be proposed or future utility service and surface drainage are provided, and that the lot size and area comply with the minimum requirements of this Code according to the property's zoning classification and type of sanitary sewage disposal proposed.~~
- ~~3. *Action.* Following review of the development plan, including changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the town manager shall act thereon as submitted, and, if approved, the town manager shall express theirs approval as approved or conditionally approval and state the conditions of such approval, or if disapproved, shall express theirs disapproval and theirs reasons therefor.
 - ~~(i) The town manager shall act on the development plan within 30 days after the date that it is filed or such longer period as permitted by law. The date that the development plan is filed shall be determined in accordance with section 90-4 hereof.~~~~
- ~~4. *Conditional approval or disapproval.* Development plans that are conditionally approved or disapproved by the town manager shall be returned to the subdivider with a written statement that clearly articulates each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified may not be arbitrary, must be directly related to the requirements under subchapter A, regulation of subdivisions of V.T.C.A., Local Government Code ch. 212, and must include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval.~~
- ~~5. *Applicant response to conditional approval or disapproval.* After the conditional approval or disapproval of a development plan, the subdivider may submit a written response that satisfies each condition for the conditional approval or remedies each reason for the disapproval. The town~~

manager shall review any submitted revisions that were required under subsection (4) and determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved development plan, pursuant to the guidelines set forth in subsection (4). If the revised development plan is still not in compliance with town standards or requirements, a disapproval of the submittal must be issued no later than the 15th day after the date the response was submitted.

6. *Right to appeal.* Applicants shall have the right to appeal administrative decisions to the town's planning and zoning commission.

(b) Planning and Zoning Commission.

1. *Applicability.* Review of a development plan shall be required by the town's planning and zoning commission when an exception is requested.

a. 2. *Items for consideration.* The planning and zoning commission shall, in its action on the development plan, consider the physical arrangement of the subdivision, including the alignment and configuration of street and thoroughfare rights-of-way and determine compliance with the land use plan, thoroughfare plan, and any other applicable provisions of the comprehensive master plan, taking into consideration the recommendations of town staff. The planning and zoning commission shall also review and recommend that appropriate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area comply with the minimum requirements for the type of sanitary sewage disposal proposed. ~~Where connection to an approved sanitary sewage collection and treatment system is not proposed, all lots and building sites shall contain a minimum area of two acres, unless otherwise approved based upon Texas Administrative Code 285.4 or as allowed through cluster or conservation development standards.~~

b. 3. *Action.* Following review of the development plan and other materials submitted for conformity to the regulations of this article, including changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the planning and zoning commission shall act thereon as submitted or modified, and, ~~if approved, the planning and zoning commission shall express its approval recommendation as approval, conditional approval, or disapproval. Conditional approval and disapproval shall include and state the conditions of such approval or reasons for disapproval, if any, or if disapproved, shall express its disapproval and its reasons therefor.~~ The planning and zoning commission shall act on the development plan within 30 days after the date that it is filed or such longer period as permitted by law. For purposes of this article, the date that the development plan is filed shall be determined in accordance with section 90-7-6 hereof.

c. 4. *Notation of action.* A notation of the action taken and requisite reasons therefor shall be entered in the records of the planning and zoning commission.

(c) Town Council.

1. *Applicability.* Any development plan requesting an exception, following a recommendation from the town's planning and zoning commission.

2. *Submittal.* The town manager shall, within 30 days following recommendation by the planning and zoning commission, submit the development plan, with ~~any~~ the conditions established by the planning and zoning commission, to the town council for their consideration.

3. *Action.* The town council shall approve or disapprove the development plan, with or without special provisions, within 30 days following recommendation by the planning and zoning commission, or such longer period as permitted by law.

4. *Conditional approval or disapproval.* Development plans that are conditionally approved or disapproved by the town council shall be returned to the subdivider with a written statement that clearly articulates each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified may not be arbitrary, must be directly related to the requirements under subchapter A, regulation of subdivisions of V.T.C.A., Local Government Code ch. 212, and must include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval.

5. *Applicant response to conditional approval or disapproval.* After the conditional approval or disapproval of a development plan, the subdivider may submit a written response that satisfies each condition for the conditional approval or remedies each reason for the disapproval. The town manager shall review any submitted revisions that were required under subsection (c) and schedule the development plan for review by the appropriate governing body, which shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved development plan, pursuant to the guidelines set forth in subsection (c). If the revised development plan is still not in compliance with town standards or requirements, a disapproval of the submittal must be issued no later than the 15th day after the date the response was submitted.

(Code 1989, ch. 12, § 6.03(e); Ord. No. 12-20 , § 5, 6-1-2020)

~~Sec. 90-56. Review by town council.~~

~~*Submittal.* The town manager shall, within 30 days following recommendation by the planning and zoning commission, submit the development plan, with the conditions established by the planning and zoning commission, to the town council for their consideration.~~

~~*Action.* The town council shall approve or disapprove the development plan, with or without special provisions, within 30 days following recommendation by the planning and zoning commission, or such longer period as permitted by law.~~

~~*Conditional approval or disapproval.* Development plans that are conditionally approved or disapproved by the town council shall be returned to the subdivider with a written statement that clearly articulates each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified may not be arbitrary, must be directly related to the requirements under subchapter A, regulation of subdivisions of V.T.C.A., Local Government Code ch. 212, and must include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval.~~

~~*Applicant response to conditional approval or disapproval.* After the conditional approval or disapproval of a development plan, the subdivider may submit a written response that satisfies each condition for the conditional approval or remedies each reason for the disapproval. The town manager shall review any submitted revisions that were required under subsection (c) and schedule the development plan for review by the appropriate governing body, which shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved development plan, pursuant to the guidelines set forth in subsection (c). If the revised development plan is still not in compliance with town standards or requirements, a disapproval of the submittal must be issued no later than the 15th day after the date the response was submitted.~~

~~Sec. 90-57~~55. Effect of development plan approval.

- (a) *Not to constitute approval of plat.* Approval of a development plan shall not constitute approval of the record plat. Rather, it shall be deemed an expression of approval to the layout submitted on the development plan as a guide to the preparation of the record plat.

~~(b) —Lapse of approval. Approval of the development plan shall be valid for a period of 18 months from the date of approval, and the general terms and conditions under which the development plan approval was granted will not be changed. The town council shall withdraw its approval of a development plan unless the record plat is approved by the appropriate governing body within such 18-month period or unless the 18-month period is extended by the town council at the request of the subdivider.~~

Sec. 90-568. Preliminary grading release; bonding.

Upon approval of construction plans, but prior to approval of the record plat, right-of-way and lot grading may commence; provided, however, that such grading does not authorize any utility-related construction. Any such right-of-way and/or lot grading conducted prior to the approval of the record plat shall be entirely at the sole option and risk of the owner/developer. Such optional right-of-way or lot grading shall be subject to the following:

- (1) Submission of Texas Commission on Environmental Quality (TCEQ) stormwater pollution prevention plan (SWPPP);
- (2) Submission of a copy of the application to the TCEQ of a notice of intent (NOI) to begin lot grading;
- (3) Submission of grading plans to be approved by the town; and
- (4) Submission of a restoration bond to the town in the amount of \$20,000.00 per acre that is valid for a period of two years. The purpose of such bond is to provide the town with a mechanism to restore proper grading and vegetation to the job site if the developer/owner fails to complete the subdivision improvements after initial clearing has occurred. The town reserves the right to call the bond at any point during the two-year period that it appears the job site has been abandoned, the contractor fails to respond to written notice, and the time limits for maintaining or proceeding with such construction activity are in violation of TCEQ requirements. The bond shall be returned subsequent to the filing of a record plat for the subdivision.

Secs. 90-579—90-90. Reserved.

ARTICLE III. PLATS

DIVISION 1. GENERALLY

Sec. 90-91. Applicability of article provisions.

~~Once town staff has determined a development plansubdivision site plan must have been approved meets all town standardsby the town, the before an applicant may submitfor review a record plat to the town for approval conforming to the approved development plan that contains conforming all or a portion of the property contained in the approved development planto the approved subdivision site plan and section 90-93 (see section 90-122, conformance with development plan). Any application for a plat shall include all property under common ownership.~~

- (a) ~~An Application for a record plats for proposed subdivisions~~ containing four or fewer residential lots and ~~and~~ requiring no commonly-held properties or x-lots, extension of public improvements, tree removal permits, or exceptions, may be submitted without an approved ~~development plansubdivision site plan.~~

Sec. 90-92. Conveyance of land.

Notwithstanding any other provisions of divisions 1 and 2 of this article, record plats for the express purpose of conveying land to the town for municipal purposes and requiring no public improvements are not subject to approval of a ~~development plansubdivision site plan~~, and may be approved by the town manager without the approval of the planning and zoning commission and town council. The town may waive certain record plat submittal requirements as may be appropriate for such record plats.

Sec. 90-93. Record plat submittal requirements.

- (a) The owner(s) of land on which approval has been obtained for a ~~development plansubdivision site plan~~ may prepare, ~~unless otherwise provided by section 90-91~~, and submit a record plat ~~for review by~~ to the ~~planning and zoning commission~~town. ~~Any application for a plat shall include all property under common ownership, unless phasing is shown on an approved development plan.~~ The owner shall submit the ~~appropriate fees and~~ required documentation ~~and fees~~, as outlined in the town's record plat application packet. Each drawing shall measure ~~18-24~~ inches by ~~24-36~~ inches and shall be drawn to a scale of 100 feet to one inch, unless otherwise approved by the town manager. When necessary, the record plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the record plat may be submitted for approval progressively in ~~sections-phases~~ satisfactory to the ~~planning and zoning commission~~town as shown on the approved development plan.
- (b) The completed application for a record plat shall ~~contain or be accompanied by~~include the following information:
- ~~(1)~~1. *Control points; acres.* The primary control points, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred shall be placed on the record plat. The area of the subdivision, in acres, shall be shown.
 - ~~(2)~~2. *Boundary lines and bearings.* Tract boundary lines sufficient to locate the exact area proposed for subdivision, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves shall be placed on the record plat.
 - ~~(3)~~3. *Streets.* The name and right-of-way width of each street, or other right-of-way shall be placed on the record plat.
 - ~~(4)~~4. *Easements.* Location and dimensions of all proposed and existing easements, indicating volume and page numbers, both onsite and offsite, shall be placed on the record plat. Any proposed offsite easements shall be filed by separate instrument with the record plat.
 5. *Specimen trees.* ~~Specimen trees must be located within an x-lot, unless a tree removal permit has been approved. Specimen trees not to be removed as part of the approved tree removal permits shall not be required to be located within an x-lot.~~
 - ~~(5)~~6. *Lot and block numbers.* Numbers to identify each lot or site and each block, and the dimensions of lots and blocks, shall be placed on the record plat.
 - ~~7.~~(6) *Purpose of sites.* The purpose for which sites, other than residential lots, are dedicated or reserved shall be indicated on the record plat.
 - ~~8.~~(7) *Zoning setback lines.* Minimum zoning setback lines shall be placed on the record plat.
 - ~~9.~~(8) *Monuments.* Location and description of monuments shall be placed on the record plat.

~~10.(9)~~ *Adjacent land.* References to recorded subdivision plats or adjoining platted land by record name shall be placed on the record plat.

~~11.(10)~~ *Legal description.* A legal description together with a signed and sealed surveyor's or engineer's certificate, conforming to the form provided in the town's Standard Language Format Guide, shall be placed on the record plat.

~~12.(11)~~ *Approval certification.* Certification of approval by the ~~planning and zoning commission~~ approving body, conforming to the form provided in the town's Standard Language Format Guide, shall be placed on the record plat.

~~13.(12)~~ *Title; scale.* A title, scale and north point shall be placed on the record plat.

~~14.(13)~~ *Street intersections.* The location of the point of intersection and points of tangency of street intersections, and the bearing and distance of each street right-of-way centerline shall be placed on the record plat.

~~15.(14)~~ *Plat identification.* A positive reference and identification of the plat and date of the plat shall be placed on the record plat.

~~16.(15)~~ *Dedication in fee simple and certificate.* The property owner's certificate or deed of dedication shall be placed on the record plat. The dedication deed or certificate of dedication shall be in fee simple and executed by all persons owning an interest in the property subdivided and platted, including lenders and lienholders, and shall be acknowledged in the manner prescribed by the laws for the state for conveyances of real property. The spouse of all married persons executing such dedication deed or certificate of dedication shall join therein unless satisfactory proof be provided showing that the property to be subdivided does not constitute community property or any portion of such party's homestead, in which case the instrument of dedication shall state the fact that the property subdivided and platted does not constitute a part of such party's actual community property or homestead. In the case of surface lienholders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as being set aside for municipal uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

~~ia.~~ An accurate description of the tract of land being subdivided that is signed and sealed in accordance with state law.

~~iiib.~~ A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.

~~iiie.~~ An express dedication in fee simple without reservation to the town for municipal purposes of the streets, alleys, rights-of-way and any other public areas shown on the attached record plat.

~~ived.~~ A positive reference and identification of the record plat of such subdivision, date of record plat and engineer or surveyor.

~~ve.~~ Dedication language, substantially conforming to the form provided in the town's Standard Language Format Guide, shall be placed on the face of the record plat.

~~(16) Tax certificates.~~ ~~Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year shall be submitted with the record plat.~~ (c) Supplementary documents. The following documents are encouraged to be submitted as part of a record plat application to best assist projects through the development process. These documents, though not required as part of a record plat, will be required as part of a future application, which may require plat amendments if not submitted at time of record plat.

~~(17) Construction plans.~~ ~~Construction plans for required improvements 24 inches by 36 inches in size, along with all data and calculations related to utilities, drainage or other construction in the subdivision, shall~~

~~be submitted with the record plat. Such plans shall also show all existing or proposed surface and subsurface improvements and obstructions.~~

~~(18.)~~ *Permits from federal, state or local agencies.* Any applicable permits required by any federal, state or local regulatory agency, including the state department of transportation, shall be provided prior to the record plat being recorded with the county.

~~2.(19)~~ *Mandatory homeowners' association documents.* Any mandatory homeowners' association documents, in accordance with the town's standard format and the requirements of article IV of this chapter, mandatory homeowner's associations, ~~should~~ be submitted with the record plat for review by the town attorney's office. Applicants should be aware that the first building permit within the subdivision will not be issued until Covenants, Conditions and Restrictions (CC&Rs) have been filed.

~~3.(20)~~ *FEMA/town stream hydraulic submittals.* Hydraulic study and hydraulic analysis shall be provided if the development abuts a Federal Emergency Management Agency (FEMA) designated floodplain. Town staff will forward this information to FEMA for their approval. FEMA processing will take between three to nine months. Any reclamation must be approved by FEMA prior to consideration by the planning and zoning commission.

~~4.(21)~~ *Separate conveyance for dedicated public lands.* Dedicated public lands shall be separately conveyed to the town by a special warranty deed prior to the issuance of the first building permit within the subdivision.

~~(22) Digitized submittal. A copy of the record plat drawing must be submitted in a digitized format compatible with the town's geographic information system (GIS).~~

~~5.(23)~~ *Tree survey.* If a record plat is submitted, for which the submission of a development plan is not also required, then the record plat ~~should~~ be submitted with a specimen tree survey prepared in accordance with the requirements of article III of chapter 94 of this Code.

6. Tax certificates. Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year shall be submitted with the record plat.

~~(d) (22) Digitized submittal. A copy of the record plat drawing must be submitted in a digitized format compatible with the town's geographic information system (GIS).~~

Sec. 90-94. Administrative approval of ~~minor~~ plats.

~~(a)~~ Notwithstanding any other provisions of this article, ~~record plats, minor record plats, and replats involving four or fewer lots and requiring no public improvements exceptions, waiver, or modification may~~ shall be approved, approved with conditions, or disapproved by the town manager in accordance with 90-123 without the approval of the planning and zoning commission or town council.

1. If a plat is administratively disapproved, an applicant has the right to appeal such decision to the planning and zoning commission.

(b) Amended plats may be administratively approved in accordance with section 90-152.

Secs. 90-95—90-120. Reserved.

DIVISION 2. REVIEW PROCEDURES

Sec. 90-121. Scheduling.

After approval of the development plan or subdivision site plan by the ~~planning and zoning commission and town council~~town, or after staff's determination that the development plan is filed in accordance with section 90-7, and within 18 months of the approval date, unless extended by action of the town ~~council~~, the subdivider may submit for approval the record plat. Once the record plat is filed with the town, it will be scheduled for consideration ~~by the planning and zoning commission~~ within the time period prescribed by law. For purposes of this article, the date that the record plat is filed shall be determined in accordance with section 90-7 ~~4~~hereof.

Sec. 90-122. Conformance with development plan or subdivision site plan.

The record plat shall generally conform to the development plan or subdivision site plan, as approved, and, if desired by the subdivider, ~~it~~ may constitute only that portion or phase of the approved development plan that ~~the applicant~~ proposes to record and develop at the time; provided, however, that such portion or phase conforms to all requirements of the regulations of this article and to the phasing indicated on the development plan, ~~if any~~.

~~Sec. 90-123. Review of construction plans.~~

~~Town engineering staff shall review the construction plans in relation to the submitted plat, and the record plat shall not be considered filed pursuant to section 90-7 until all comments on the construction plans have been resolved.~~

Sec. 90-12~~3~~4. Review by ~~planning and zoning commission~~the town.

- (a) ~~Action.~~ The record plat shall be presented to the planning and zoning commission, along with any appropriate recommendations by staff. The ~~planning and zoning commission~~town shall act on the record plat within 30 days after the official filing date in accordance with ~~The date that the record plat is filed shall be determined in accordance with~~ section 90-~~57~~ hereof. If no action is taken by the ~~planning and zoning commission~~town within 30 days after the official filing date, or such longer period as permitted by law, the record plat shall be deemed approved. A certificate showing the official date and failure to take action thereon within 30 days of such date shall, on demand, be issued by the ~~planning and zoning commission~~town, and this certificate shall be sufficient in lieu of a written endorsement or other evidence of approval.

1. For the purpose of this section, review or action by "the town" shall include administrative review, per section 90-94, and the planning and zoning commission.

- (b) ~~Review.~~ A subdivider may obtain approval of a section or phase of a subdivision, provided that the application generally conforms to the phasing indicated on the development plan and meets all the requirements of this subpart B with reference to such section or phase in the same manner as is required for a complete subdivision. If a subdivision and its record plat is approved by the ~~planning and zoning commission~~town in sections or phases, each record plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subpart. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections or phases.

~~(c) Approval.~~

- ~~(1)~~ After the ~~planning and zoning commission~~town has determined that the record plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations, and that the subdivision complies with the provisions of this subpart B and is in general conformance with the approved development plan, it shall act to approve the record plat.

~~(2) If the planning and zoning commission determines that the record plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations and that the subdivision complies with the provisions of this subpart B, but is not in conformance with the development plan, it shall forward the record plat to the town council with a recommendation to approve, conditionally approve or disapprove such plat.~~

- (d) *Conditional approval or disapproval.* Record plats that are conditionally approved or disapproved by the ~~planning and zoning commission~~town shall be returned to the subdivider with a written statement that clearly articulates each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified may not be arbitrary, must be directly related to the requirements under subchapter A, regulation of subdivisions of V.T.C.A., Local Government Code ch. 212, and must include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval.
- (e) *Applicant response to conditional approval or disapproval.* After the conditional approval or disapproval of a plat, the subdivider may submit a written response that satisfies each condition for the conditional approval or remedies each reason for the disapproval. The town manager shall review any submitted revisions that were required under subsection (d) and ~~schedule the plat for review by the appropriate governing body, which shall determine whether to approve or disapprove the subdivi~~er's previously conditionally approved or disapproved plat, pursuant to the guidelines set forth in subsection (d). If the revised plat is still not in compliance with town standards or requirements, a disapproval of the submittal must be issued no later than the 15th day after the date the response was submitted.

Sec. 90-12~~45~~45. Review by town council.

~~(a) Applicability. Any record plat, minor record plat, or replat requesting an exception following a recommendation from the town's planning and zoning commission, shall be considered by the town council.~~

- ~~2. Submittal. The town manager shall, within 30 days following recommendation by the planning and zoning commission, submit the plat, with any conditions established by the planning and zoning commission, to the town council for their consideration.~~
- ~~3. Action. The town council shall approve or disapprove the plat, with or without special provisions, within 30 days following recommendation by the planning and zoning commission, or such longer period as permitted by law.~~
- ~~4. Conditional approval or disapproval. Plats that are conditionally approved or disapproved by the town council shall be returned to the subdivider with a written statement that clearly articulates each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified may not be arbitrary, must be directly related to the requirements under subchapter A, regulation of subdivisions of V.T.C.A., Local Government Code ch. 212, and must include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval.~~
- ~~5. Applicant response to conditional approval or disapproval. After the conditional approval or disapproval of a plat, the subdivider may submit a written response that satisfies each condition for the conditional approval or remedies each reason for the disapproval. The town manager shall review any submitted revisions that were required under subsection (4) and schedule the development plan for review by the appropriate governing body, which shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved development plan, pursuant to the guidelines set forth in subsection (4). If the revised development plan is still not in compliance with town standards or requirements, a disapproval of the submittal must be issued no later than the 15th day after the date the response was submitted.~~

~~When required, the town council shall consider all proposals with respect to the dedication of rights-of-way for municipal use, the construction of utilities, streets, drainage, and other improvements, and when satisfied with the proposals, shall authorize the establishment of agreements for same and ratify the approval action of the planning and zoning commission relative to the record plat.~~

Sec. 90-12~~65~~. Action following approval.

- (a) *Certification of approval.* The ~~planning and zoning commission~~town's approval and, if required, the town council's approval of the record plat shall authorize the town manager or chair of the planning and zoning commission to execute the certificate of approval on the original copy of the record plat.
- (b) *Plats within the town.* The record plat for any subdivision located within the corporate limits of the town shall then be filed of record in the plat records of the county, but only after the ~~planning and zoning commission~~town and the town council, if required, has officially acted upon the record plat with reference to improvements, dedications and utilities. Filing fees shall be paid by the developer.
- (c) *Plats within the county.* The record plat for any subdivision located outside the corporate limits of the town, but within its extraterritorial jurisdiction, shall be submitted for review and approval to the commissioners court of the county, including the approval and execution of any agreements required by the county, prior to such record plat being approved by the planning and zoning commission and town council, if required.
- (d) *No plat to be filed without approval.* The attention of each subdivider is directed to Vernon's Ann. Civ. St. art. 6626 and amendments, which state, in part:

"That in cases of a subdivision or resubdivision of real property, no map, plat of any such subdivision or resubdivision shall be filed or recorded unless and until the same has been authorized by the commissioners court of the county in which the real estate is situated, by order duly entered in the minutes of said court, except in cases of the partition or other subdivision through a court of record; provided that where the real estate is situated within the corporate limits or within the specified extraterritorial jurisdiction of the corporate limits of any incorporated city or town, the governing body thereof or the planning commission, as the case may be, as provided in V.T.C.A., Local Government Code ch. 212, shall perform the duties herein above imposed upon the commissioners court."

Secs. 90-12~~89~~—90-150. Reserved.

DIVISION 3. REPLATS AND PLAT AMENDMENTS

Sec. 90-152. Plat amendments.

Notwithstanding any other provision of this article, the town manager, upon the recommendation of staff, is authorized to approve and issue an amending plat that is signed by the applicants only, and that is for solely one or more of the following purposes, and such approval and issuance shall not require notice, hearing or approval of other lot owners:

~~(12) A public hearing and the approval of other lot owners are not required for the approval and issuance of an amending plat.~~

Secs. 90-153—90-180. Reserved.

ARTICLE IV. MANDATORY HOMEOWNERS' ASSOCIATIONS

Sec. 90-182. Approval.

If the establishment and creation of a mandatory homeowners' association is required by the town, a copy of the agreements, covenants and restrictions establishing and creating the association must be approved by the town attorney ~~and town council~~ prior to the approval of the ~~record plat~~ subdivision site plan of the subdivision and must be filed of record with such record plat in the map and plat records of the county. Such record plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by such association.

Sec. 90-185. Contents of agreements.

At a minimum, the agreements, covenants and restrictions establishing and creating a mandatory homeowners' association required in this article shall contain and/or provide for the following:

- (1) Definitions of terms contained therein;
- (2) Provisions acceptable to the town for the establishment and organization of the mandatory homeowners' association and the adoption of bylaws for such association, including provisions requiring that the owner of any lot within the applicable subdivision and any successive buyer shall automatically and mandatorily become a member of the association;
- (3) The initial term of the agreements, covenants and restrictions establishing and creating the association shall be for a 25-year period and shall automatically renew for successive ten-year periods, and the association may not be dissolved without the prior written consent of the town;
- (4) Provisions acceptable to the town to ensure the continuous and perpetual use, operation, maintenance, and/or supervision of all facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association and to establish a reserve fund for such purposes;
- ~~(5) Provisions prohibiting the amendment of any portion of the association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association without the prior written consent of the town;~~
- ~~(56)~~ The right and ability of the town or its lawful agents, after due notice to the association, to remove any landscape systems, features or elements that cease to be maintained by the association; to perform the responsibilities of the association if the association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the association or of any applicable town codes or regulations; to assess the association for all costs incurred by the town in performing such responsibilities if the association fails to do so; and/or to avail itself of any other enforcement actions available to the town pursuant to state law or town codes or regulations; and
- ~~(67)~~ Provisions indemnifying and holding the town harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the town's removal of any landscape systems, features or elements that cease to be maintained by the association

or from the town's performance of the operation, maintenance or supervision responsibilities of the association due to the association's failure to perform such responsibilities.

~~Sec. 90-186. Reserved.~~

~~Editor's note(s)—Ord. No. 06-12, § 21, adopted Feb. 20, 2012, deleted the former § 90-186 which pertained to specific use permits and derived from the Code of 1989, ch. 12, § 6.08; Ord. No. 12-08, § 2, 2-4-2008. In addition, Ord. No. 06-12, § 21, recodified the provisions pertaining to specific use permits as § 98-953 of this Code.~~

Secs. 90-18~~6~~⁷—90-209. Reserved.

ARTICLE V. IMPROVEMENTS

Sec. 90-221. Inspection fee.

Prior to the issuance of the development permit by the town for the construction of a subdivision, the subdivider shall pay a design review and inspection fee as provided for in the fee schedule found in appendix a of this Code. ~~The fee is based on the estimated construction costs of the water and sewer utilities, drainage facilities, fire lanes and streets in each subdivision.~~ If deemed necessary by staff, the subdivider shall provide certified copies of the executed construction contracts to the town manager for verification of the actual amount of the fee to be assessed against the subdivider prior to acceptance of the subdivision.

(Code 1989, ch. 12, § 6.06(k); Ord. No. 12-20 , § 7, 6-1-2020; Ord. No. 63-22 , § 2, 12-19-2022)

Sec. 90-222. Cash escrow.

At the discretion of the town, if extenuating circumstances exist beyond control of the developer/owner, the town may allow the developer/owner to provide a cash escrow in the amount equal to 125 percent of the cost of the installation of the landscaping. There shall be no interest paid on the cash escrow.

(Ord. No. 03-01, § 2, 1-4-2001; Ord. No. 12-20 , § 7, 6-1-2020)

Sec. 90-223. Acceptance of subdivision improvements.

Prior to the acceptance of a subdivision by the town, the developer/owner shall install all required perimeter screening, landscaping, irrigation, and fences adjacent and parallel to dedicated park, trail, or open space areas.

(Ord. No. 03-01, § 3, 1-4-2001)

Secs. 90-224—90-250. Reserved.

ARTICLE VI. STANDARDS

DIVISION 1. GENERALLY

Sec. 90-251. Reserved.

Ord. No. 12-20 , § 8, adopted June 1, 2020, repealed former § 90-251, which pertained to special roadway and area standards, and derived from the 1989 Code, ch. 12, § 4.02.

Secs. 90-252—90-270. Reserved.

DIVISION 2. LOTS AND BLOCKS

~~Sec. 90-274. Large lots.~~

~~Where the area is divided into larger lots than for normal urban building sites and, in the opinion of the planning and zoning commission, any or all of the tracts are susceptible of being resubdivided, the original subdivision shall be such that the alignment of future street dedications conform to the general street layout in the surrounding area, so that the larger tracts may be later subdivided in conformance with the requirements of this subpart B and the minimum standards specified by the zoning district.~~

~~(Code 1989, ch. 12, § 4.03(f))~~

~~Sec. 90-275. Multiple structure tracts.~~

~~Building tracts that are subject to site plan approval for the location of multiple structures in a planned development district, shopping center, housing project or similar complex may be platted as building tracts and are subject to the same standards of access, utility service and improvement as lots, except that the site plan for multiple structure use must be approved by the planning and zoning commission in accordance with the provisions of article II of chapter 82, site plans.~~

~~(Code 1989, ch. 12, § 4.03(g))~~

~~Sec. 90-276. Reserved.~~

~~Ord. No. 12-20 , § 8, adopted June 1, 2020, repealed former § 90-276 which pertained to exception for industrial lots, and derived from the 1989 Code, ch. 12, § 4.03(h).~~

Secs. 90-274—90-300. Reserved.

DIVISION 3. STREETS⁶

⁶Cross reference(s)—Streets, sidewalks and other public places, ch. 58.

Sec. 90-301. Exceptions to street standards.

- (a) The town council may grant an exception to the street design standards ~~as contained in this division~~, provided that the council finds and determines that such standards work a hardship on the basis of utility relocation costs, right-of-way acquisition costs, and other related factors.
- (b) Streets within certain specified subdivisions including, but not limited to, Franklin Hills, Twin Coves Estates, Roanoke Hills, Red Bud Acres, and Red Bud Point that are a part of a replat are hereby excepted from complying with the ordinance regarding street design standards for replats within existing residential subdivisions where the existing streets:
 - (1) Are constructed of asphalt or other approved paving material;
 - (2) Do not meet the current standards for any street design adopted by the town; and
 - (3) Were established and constructed with the development of the original subdivision.

(Code 1989, ch. 12, § 4.04(a); Ord. No. 18-10, § 2, 3-25-2010; Ord. No. 15-13, § 2, 4-1-2013)

Sec. 90-303. Access.

All platted lots shall have safe and reliable street access for daily use and emergency purposes as required by the adopted fire code. ~~Except for lots that are provided access from an approved cul de sac, all subdivisions shall have two means of access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the town council may accept a temporary street connection, a median divided entry or other appropriate means of access to satisfy the requirement of this section.~~

(Code 1989, ch. 12, § 4.04(c))

Sec. 90-304. Street layout.

~~Unless otherwise approved by the planning and zoning commission, p~~Provisions shall be made for the extension of arterial streets in accordance with the thoroughfare plan of the town. Collector streets shall be provided for the circulation of traffic through the subdivision and their connection to arterial streets. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. Local streets shall be laid out so that their use by through traffic will be discouraged and grid patterns avoided. Where the layout of streets is not shown in the thoroughfare plan, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
- (2) Conform to ~~a plan for a neighborhood subdivision site plan~~ or planned development approved or adopted by the ~~planning and zoning commission~~town to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

(Code 1989, ch. 12, § 4.04(d))

Sec. 90-305. Street connections.

The system of streets designated for the subdivision, ~~except in unusual cases,~~ must connect with streets already dedicated in adjacent subdivision; and where no adjacent connections are platted, must, in general, be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith.

Reserve strips of land controlling access to or egress from other property or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or that will not be taxable or accessible for special improvements, shall not be permitted in any subdivision, unless such reserve strips are conveyed to the town in fee simple.

(Code 1989, ch. 12, § 4.04(e))

Sec. 90-306. Half streets.

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the ~~planning and zoning commission~~ town finds it will be practicable to require the dedication of the other half of a street when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Half streets on bounding property lines shall be permitted for major or collector streets, and one-half of the street shall be required from each property.

(Code 1989, ch. 12, § 4.04(n))

Sec. 90-308. Street jogs.

Nonintersecting local streets with centerline offset of less than 150 feet and nonintersecting collector or arterial streets with centerline offset of less than 300 feet shall not be approved, ~~unless and exception is in special cases when~~ approved by the ~~planning and zoning commission and~~ town council after recommendation from the planning and zoning commission.

(Code 1989, ch. 12, § 4.04(g))

Sec. 90-309. Block lengths.

Block lengths shall ~~not exceed 1,200 feet without special approval of the planning and zoning commission-comply with the town's adopted fire code.~~

(Code 1989, ch. 12, § 4.04(h))

Sec. 90-310. Culs-de-sac.

Cul-de-sacs ~~shall comply with the town's adopted fire code. may be permitted and are encouraged where the subdivision design or the shape of the property makes such street design appropriate. Cul-de-sacs shall provide proper access to all lots and shall not exceed 600 feet in length, provided that a cul-de-sac shall not exceed 1,200 feet in the A and SF-E districts. A turnaround shall be provided at the closed end that has a minimum right-of-way radius of 60 feet and a minimum paved surface radius of 50 feet (measured from face of curbs), unless an equally safe and convenient form of paved space is approved by the town council in place of a turning circle.~~

(Code 1989, ch. 12, § 4.04(i))

Sec. 90-311. Street design standards.

~~(a) The criteria of this section shall be used as a guide in street design, subject to additional provisions in this section and the engineering design criteria and construction standards manual. Pavement width for major arterials and urban streets shall be measured from the face of the curb. Pavement standards for rural streets, where no curb is required, shall be measured from the edge of the pavement.~~

Design Feature	Major Arterial	Greenway	Greenway	Urban	Urban	Urban	Urban	Urban	Rural Collector	Local Res.	Local Res.	Local Com.	Local Cons.
Number of Lanes	6	4	4	4	4	4*	4	2-3	2	2	2	2-3	2
Lane Width	12'	12'	11'	12'	12'	10'	12'	12'	12'	15'	12'	12'	12'
Pavement Width	72'	48'	44'	48'	58'	76'	48'	36'	24'	30'	26'	36'	24'
Right-of-way Width	120'	90'	100'	90'	100'	120'	70'	60'	80'	50'	26'	60'	26'
Design Speed (mph)	45	45	40	40	40	30	35	40	40	30	30	40	30
Maximum Grade	5%	5%	7½%	7½%	7½%	7½%	7½%	7½%	7½%	8%	8%	7½%	8%
Min. Centerline Radius	800'	800'	640'	640'	640'	275'	475'	640'	640'	275'	275'	640'	275'
Median Width	20'	42'	40'	16'	16'	16'	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Median Break	530'	530'	530'	320'	320'	250'	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Drive Spacing	360'	360'	360'	250'	250'	200'	250'	200'	200'	n/a	n/a	200'	n/a

~~* Also has 18' angled parking lane on the outside of cross-section on both sides of the street. Access management will follow the local road standards.~~

~~(a)~~ Local residential streets in the A₁ and SF-E, and SF-30 districts shall conform to the standards shown for "local residential estate" streets in the above table, subject to the ~~following criteria~~engineering design manual. If the criteria are not met, 60 feet of right-of-way shall be provided.

- (1) The lots are located within a subdivision platted subsequent to September 14, 1987; and
- (2) The lots are adjacent to a street having a minimum street pavement width of 24 feet and which street shall be:
 - a. A residential street;

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(Supp. No. 32)

-
- b. Dedicated to the town subsequent to September 14, 1987; and
 - c. Not designated on the thoroughfare plan for future expansion;
- (3) An ~~178~~-foot street, utility, drainage, construction and maintenance easement shall be dedicated, at the time the subdivision is platted, on each lot adjacent to the residential street described in subsection (~~ba~~) of this section. The maintenance easement shall be provided for utility and street maintenance. The ~~1817~~-foot street, utility, drainage, construction and maintenance easement shall be maintained by and at the expense of the owner of the lot over and across which the easement lies; and
- ~~(4) The front yard building lot line shall be measured from the edge of the 18-foot easement that is farthest from the street pavement.~~
- (~~be~~) The spacing of median breaks and drive approaches shall be as set forth in subsection (a) of this section, unless otherwise approved by the town engineering staff. In addition to the above criteria, no residential drive shall be closer than 35 feet from any intersection.

(Code 1989, ch. 12, § 4.04(j); Ord. No. 70-08, §§ 2—4, 11-5-2008; Ord. No. 57-11, §§ 2—4, 11-7-2011; Ord. No. 06-12, § 22, 2-20-2012; Ord. No. 21-12, § 3, 6-18-2012; Ord. No. 51-12, § 3, 10-1-2012; Ord. No. 12-20, § 8, 6-1-2020)

Sec. 90-313. Street grade and curves.

~~Street grade and curves shall conform to the engineering design manual. Major streets may have a maximum grade of five percent, unless the natural topography is such as to require steeper grades, in which case a 7½ percent grade may be used for a maximum continuous distance of 200 feet. Secondary streets may have a maximum grade of 7½ percent. Minor or local residential streets may have a maximum grade of ten percent. All streets must have a minimum grade of at least one-half of one percent. Vertical curves are required where algebraic grade differences exceed one percent. Curve design should be in accordance with the engineering standards manual, or as approved by the town.~~

(Code 1989, ch. 12, § 4.04(l))

Sec. 90-315. Construction and dedication of internal streets.

When the street is within a ~~subdivision~~proposed development or industrial area, the following shall apply:

- (1) ~~Local and collector streets.~~ Local ~~and collector~~ streets shall be constructed by the developer and dedicated to the town, along with all necessary rights-of-way, with no cost participation from the town.
- (2) ~~Major and minor Collectors and~~ arterials. If a planned ~~major or minor collector or~~ arterial street is shown on the thoroughfare plan passing through the proposed development, such street shall be dedicated to the town, along with all necessary rights-of-way.
 - (a) ~~Nsubdivision or industrial area, no development plan or record plat shall be approved and no~~ development permits shall be issued until such arterial street is constructed or until agreement is reached between the town and the developer on the financing and construction of such collector or arterial.

(Code 1989, ch. 12, § 4.04(n))

Sec. 90-316. Construction and dedication of boundary streets.

Where a ~~subdivision or industrial area~~proposed development abuts a street that does not meet the minimum design standards of this division, the following shall apply:

- (1) ~~Local and collector~~ streets. Abutting substandard local ~~and collector~~ streets "future streets" shall be constructed or reconstructed as necessary by the developer to bring them up to minimum standards, and all rights-of-way from the centerline of such roadway necessary to meet minimum right-of-way requirements dedicated to the town, with no cost participation from the town. The federal government, the state and political subdivisions of the state may be exempt from the provisions of this subsection.
- (2) ~~Major and minor~~Collector and arterial streets. If the ~~subdivision or industrial area~~proposed development:
 - (a) ~~proposes Abuts access to a~~ future street~~planned major or minor arterial,~~ shown on the thoroughfare plan, an x-lot necessary to meet minimum right-of-way requirements of the planned collector or arterial street shall be included on the plat, noted as future right-of-way and comply with section 90-378,~~no development plan or record plat shall be approved and~~
 - (b) Abuts an existing collector or arterial street, all rights-of-way from the centerline of such roadway necessary to meet minimum right-of-way requirements shall be dedicated to the town. no development permits shall be issued until such arterial is constructed or until agreement is reached between the town and the developer on the financing and construction of such arterial.

(Code 1989, ch. 12, § 4.04(o))

Sec. 90-317. Street names.

Street names shall be subject to the approval of the ~~planning and zoning commission~~town and shall be in accordance with the town's street naming plan. No street names shall be used that will duplicate or be confused with the names of existing streets.

(Code 1989, ch. 12, § 4.04(p))

~~Sec. 90-318. Reserved.~~

~~Editor's note(s)—Ord. No. 06-12, § 23, adopted Feb. 20, 2012, deleted the former § 90-318 which pertained to thoroughfare buffers and derived from the Code of 1989, ch. 12, § 4.04(q).~~

Sec. 90-319. Railroad buffers.

Where a subdivision borders on or contains a railroad right-of-way, ~~the planning and zoning commission and/or town council may require the provision of landscaping, buffers and other screening and separation measures that are deemed necessary to protect adjacent properties from the adverse visual, noise and pollution effects associated with railroad installations and rail traffic and to ensure adequate separation of the same from adjacent properties. The protection measures required by the planning and zoning commission and/or town council may include, but shall not be limited to, the protection measures identified in section 90-318~~the railroad right-of-way shall be considered a primary street for purposes of street buffer landscaping.

(Code 1989, ch. 12, § 4.04(r))

Secs. 90-321—90-340. Reserved.

DIVISION 4. ALLEYS AND EASEMENTS⁷

~~Sec. 90-342. Minimum width.~~

~~The minimum right-of-way width of an alley or utility easement shall be 20 feet and 15 feet, respectively.
The minimum pavement width of alleys shall be 12 feet.~~

(Code 1989, ch. 12, § 4.05(b))

Sec. 90-~~343~~342. Utility easements.

Utility easements shall be provided within the proposed subdivision as may be necessary to ensure the proper design, installation and maintenance of either underground or aerial utilities. Easement widths shall be determined by the type of utility; however, an easement shall not normally be required along the rear of any lots served by a dedicated alley.

(Code 1989, ch. 12, § 4.05(c))

Sec. 90-~~344~~343. Drainage easements.

When a proposed subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the line for such watercourse. The easement for such watercourse shall be determined by good engineering practice and may require improvement or realignment to ensure proper drainage of stormwater. The drainage easement may include park or open space dedication of any floodplain or low area involving hazard if built upon.

(Code 1989, ch. 12, § 4.05(d))

Sec. 90-~~345~~344. Adjoining areas.

When the town manager finds that easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage or to serve such subdivisions with utilities, the subdivider shall obtain such easements.

(Code 1989, ch. 12, § 4.05(e))

Secs. 90-~~345~~346—90-370. Reserved.

DIVISION 5. PRIVATE STREETS AND ALLEYS⁸

⁷Cross reference(s)—Streets, sidewalks and other public places, ch. 58.

⁸Cross reference(s)—Streets, sidewalks and other public places, ch. 58.

Sec. 90-371. Applicability of division provisions.

The town ~~council~~ may allow a subdivision of land into residential lots that do not abut public streets, provided that such subdivision provides access for each lot to and from a public street by means of a private street shown on the plat. The town ~~council~~ may approve private alleys where private streets are allowed.

(Code 1989, ch. 12, § 4.06(a))

Sec. 90-374. Construction.

Prior to recommendation of approval of the ~~record plat~~ site plan by the town staff, the subdivider shall have provided construction plans of the proposed private streets and private alleys that meet the standards of this chapter for streets and alleys dedicated to public use. In addition, the construction of the private streets and private alleys shall be inspected by the town and inspection fees shall be paid to the town just as if such private streets and private alleys were public streets and public alleys. Water and sanitary sewer mains and sidewalks must be installed in accordance with the applicable ordinances of the town.

(Code 1989, ch. 12, § 4.06(d))

Sec. 90-378. Setback and frontage.

All private streets, ~~and~~ private alley easements, and future streets shall be treated as public streets and public alley rights-of-way for purposes of determining the building setback required from such private street or private alley easements, as well as determining lot frontage.

(Code 1989, ch. 12, § 4.06(h))

Sec. 90-379. Access.

Private streets and private alleys shall be labeled as such on the plat, and such plat shall provide access easements over the private streets and private alleys to the owners and residences served by such private streets and private alleys. In addition, such plat shall provide access and service easements over the private streets and private alleys including, but not limited to, the following easements: utilities, fire lane, street lighting, government vehicle access, ambulances and other emergency care, vehicles, mail collection and delivery access, utility meter reading access and school buses. A subdivision served by private streets ~~and containing more than 20 dwelling units~~ shall have ~~a minimum of two~~ the number of access points required by the town's fire code to a public street. All private entrances must be constructed to permit opening of the passageway in emergencies as required by the adopted fire code.

(Code 1989, ch. 12, § 4.06(i))

Sec. 90-380. Maintenance.

- (a) The plat shall provide for perpetual maintenance of the private streets and private alleys through restrictive covenants ~~that may not be altered without the approval of the town~~. Private streets and private alleys shall be maintained to the standards for public rights-of-way and easements and shall be subject to the approval of

the town. A legal entity must be created that is responsible for street lighting, street maintenance and cleaning, and the installation and maintenance of interior traffic control devices. The legal instruments establishing the responsibility for a private street or private alley shall ~~be submitted to the planning and zoning commission and the town council for approval,~~ be approved as to legal form by the town attorney, and recorded in the office of the county clerk prior to any building permit being issued within the subdivision.

- (b) The town shall have no obligation to maintain a private street ~~or~~, private alley, ~~and future street~~. If a private street or private alley is not maintained in compliance with the requirements of this chapter, the town shall have the right, but not the obligation, to send written notice to the legal entity responsible for maintaining the private street or private alley that failure to comply with requirements in this chapter within 30 days shall entitle the town to take those actions necessary to put the private street or private alley in compliance. The legal entity responsible for maintaining the private street or private alley shall pay the town for the work performed within a period of 120 days from the presentation of the bill. Failure to pay the bill within the required time shall be deemed an intent by the owners of the private street or private alley to dedicate such private street or private alley to the town for public use.

(Code 1989, ch. 12, § 4.06(j))

Sec. 90-382. Restricted entry.

A gate and a guard house may be constructed at the entrance of any private street from a public street. The gate provided shall incorporate the use of fire department approved rapid access locking hardware. The guard house shall be at least 25 feet from the public right-of-way, and shall provide a passageway ~~of at least 25 feet in width and at least 14 feet in height~~ at a minimum height as required by the adopted fire code.

(Code 1989, ch. 12, § 4.06(l))

Secs. 90-383—90-400. Reserved.

DIVISION 7. UTILITIES⁹

Sec. 90-421. Water supply.

Proposed subdivisions shall have access to an approved public water supply or have approved plans for such access. Water lines shall be ~~looped wherever possible, and in no case should a dead-end water main exceed 600 feet in length~~ designed to meet the town's engineering design manual and TCEQ standards.

- (a) Groundwater. If a person submits a plat for approval where the source of water supply for the intended subdivision is groundwater under that land, such plat application shall include a statement that is:

1. Prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and

⁹Cross reference(s)—Utilities, ch. 70.

2. Certifies that adequate groundwater is available for the proposed subdivision.

(b) Exception. The Town Engineer may waive the requirement prescribed by subsection (a) that a plat application include a statement described by that subsection if:

1. Based on credible evidence of groundwater availability in the vicinity of the proposed subdivision, the municipal authority determines that sufficient groundwater is available and will continue to be available to the subdivided tract of land; and

2. The proposed subdivision creates ten or less buildable lots.

Secs. 90-424—90-440. Reserved.

DIVISION 8. PARKS AND RECREATIONAL AREAS¹⁰

Sec. 90-443. Character and minimum dedication.

(g) *Trail standards.* Trails constructed within public or private open space and park and recreational areas, or trails providing access to such areas, shall conform to the following standards:

(1) *General.* Unless specified otherwise, all such trails shall be constructed of concrete and shall conform to the requirements of the Americans with Disabilities Act, as may be amended. Specifications for concrete, bollards and signs shall be provided by the town's parks and recreation division.

(2) Installation.

(23) Multipurpose trails. Trails designated as multipurpose trails in the parks and trails plan shall be a minimum of eight feet in width.

(34) Transmission pipeline trails. Trails within a transmission pipeline easement linking to an existing or proposed multipurpose trail shown in the parks and trails plan shall be a minimum of ten feet in width.

(54) Auxiliary trails. Walkways within open space areas not linking to a multipurpose trail shown in the parks and trails plan shall be a minimum of six feet in width.

(65) Access walkways. All access walkways linking to the multipurpose trail network shown in the parks and trails plan shall be a minimum of six feet in width.

(76) Equestrian trails. Equestrian trails shall meet the following standards:

a. Equestrian trails shall be a minimum of 15 feet in width.

b. Equestrian trails shall be cleared of all obstructions for a minimum of eight feet in width and ~~ten~~ twelve feet in height.

c. Generally, equestrian trails should not have a grade steeper than 15 percent.

d. The preferred surface material for equestrian trails shall be decomposed granite.

¹⁰Cross reference(s)—Parks and recreation, ch. 54.

~~de.~~ Equestrian trails may be subject to additional standards as determined by the town.
(Code 1989, ch. 12, § 4.07(c); Ord. No. 13-00, § 2, 2-17-2000; Ord. No. 13-19, § 1, 4-15-2019; Ord. No. 66-19, § 1, 12-16-2019)

Sec. 90-444. Platting requirements for dedicated park land.

Any land dedicated for park and recreational areas shall be shown on the face of a development plan submitted for approval by the ~~planning and zoning commission and town council~~town. Simultaneously with the filing of the development plan, the land proposed to be dedicated shall be submitted by the developer or owner to the parks board of the town for recommendation to the planning and zoning commission and the town council. Upon approval, the record plat shall be filed of record with the county.

(Code 1989, ch. 12, § 4.07(d); Ord. No. 13-00, § 2, 2-17-2000; Ord. No. 13-09, § 2, 4-6-2009; Ord. No. 66-16, § 2, 12-19-2016)

Sec. 90-449. Park credit option.

- (b) *Definitions.* In addition to the definitions contained in subpart B of the town's Code of Ordinances, the following definitions shall also apply to development electing to pursue the credit option:

Director of ~~planning-development~~ services means the town's director of ~~planning-development~~ services or the director's designee.

- (e) *Submittal requirements for the credit option.* The following is required for eligible applicants seeking the credit option alternative:

- (1) *Open space plan.* Eligible applicants shall submit an open space plan with the zoning application for the subject property. The open space plan shall include all of the following details:

- i. A checklist of all required information to be depicted on an open space plan shall be maintained by the director of ~~planning-development~~ services.

- (g) *Review and approval process for the credit option.*

- (1) The open space plan shall be reviewed by the director of ~~planning-development~~ services in conjunction with a zoning application for conformance with the standards contained in this section. An open space plan shall be considered a component of the zoning application for the development. The park board shall evaluate the recommendations of the director of ~~planning-development~~ services on all matters related to this section and shall render a recommendation to the planning and zoning commission and town council regarding the application for the credit option, prior to the planning and zoning commission's consideration of the zoning case.
- (2) Where open space type requirements and amenities are required based on their appropriateness, the director of ~~planning-development~~ services, shall make a recommendation to the park board about the

appropriateness of the open space type requirements and amenities, based on the plans and details submitted with the application. All questions regarding the appropriateness of amenities and compliance with the requirements for each open space type shall be finally decided by the town council.

(i) *Phasing and timing.*

- f. Any maps or other graphic depictions necessary to illustrate the proposed phasing plan, as required by the director of ~~planning services~~development services.

(j) *Amendments to approved plans or regulations associated with developments containing approved open space.*

- (2) The director of ~~planning services~~development services may approve minor changes to and deviations from the open space plan, based upon the applicant's written justification for such changes. Upon approval, a revised open space plan shall be filed with the town and any associated fee adjustments shall be calculated. The director of ~~planning services~~development services may deny a minor change or deviation from the open space plan regardless of the applicant's written justification. In the event of such denial, an applicant may instead seek approval of the change or deviation by filing an application to amend the zoning ordinance governing the development.
- (3) Any requested minor change or deviation shall be reviewed in the context of prior and pending minor changes. If a pending request for a minor change or deviation, when taken together with the development's prior minor changes, would constitute a major change in the opinion of the director of ~~planning services~~development services, the requested minor change or deviation shall be processed as a major change necessitating an amendment to the zoning ordinance governing the development.



PLANNING & ZONING COMMISSION AGENDA L.1. WORK SESSION

DATE: October 23, 2023
FROM: Chuck Russell, Principal Planner
ITEM: **CON23-0002 - Smith Foundation Conservation**

BACKGROUND:

I. ITEM SUMMARY

The purpose of this request is to rezone approximately 446.95 acres of land to create a planned development district with Agricultural (A) uses for a conservation development.

This application will require a future public hearing and recommendation from the Planning and Zoning Commission, and final action by the Town Council.

II. WORK SESSION CRITERIA

With respect to this application, the proposed development meets the following work session criteria:

- Over 20 acres in size
- Requires three or more exceptions, modifications, or waivers

The Planning and Zoning Commission had previously indicated their interest in conducting a work session for conservation developments meeting work session criteria prior to the public hearing.

III. APPLICATION ANALYSIS

The applicant is requesting a zoning change from Agricultural District uses to develop a conservation development.

Currently, the property is master planned for Agricultural District uses within the Cross Timbers Conservation Development District (CTCDD), which allows for the development of a residential subdivision under the conservation district regulations.

On January 18, 2022, Town Council gave staff direction to begin reviewing standards and provide recommendations for the Cross Timbers Conservation Development District (CTCDD). Following a ten-month process, which included open houses, surveys, nine meetings with several boards and commissions, and Town Council, amendments to the Town's [Master Plan](#) and [Land Development Regulations](#) (LDR) were approved on November 7, 2022.

The highlights of the Conservation Development standards are listed below:

- Density of one residential unit per two acres.

- The development standards:

1. Minimum 0.75 acre or 32,670 square-foot lot size
2. Minimum lot width of 150 feet
3. Minimum 25% of proposed lots must be at least 1 acre or 43,560 square feet
4. No less than 45 percent open space based on the project's gross area

- A scenic corridor buffer measuring 200 feet from Cross Timbers Road
- Open space design and dedication
- Requirements for an Open Space Management Plan
- Acceptable active parks within open space
- Eco-fringe requirements between residential lots and open space
- Outdoor lighting within the CTCDD
- Enhanced public notification requirements

The concept plan depicts 223 residential lots, which is the maximum allowable residential density of one residential unit per two acres. The proposed lots are at least 0.75 acres, and approximately 63 lots are greater than one-acre in size (28%). The applicant is working on an open space plan identifying different classifications according to its existing condition or its intended or future uses. The plan must meet the minimum 45 percent open space requirement without counting the drainage easements located adjacent to the internal streets.

Two points of access to this property are being proposed from Shiloh Road and one from Scenic Road. The conceptual landscape plan is still being drafted but the preliminary plan depicts necessary buffers along the perimeter of the site.

The project will need to receive recommendations from the Environmental Conservation Commission (ECC) and the Parks Board prior to Planning and Zoning Commission public hearing. If, after public hearing, the Conservation Development request is approved, the project will still require approval of a Development Plan and Record Plat applications.

IV. REQUESTED EXCEPTIONS AND MODIFICATIONS

The applicant's request for a Planned Development includes various modifications to the development standards:

- Topographical slope exception
- Modification to Agricultural zoning district dimensional regulations including front yard setbacks and side yard setbacks.
- Exception to not place overhead utilities underground along Cross Timbers Road.

V. ITEMS UNDER DISCUSSION

Currently, the applicant and staff are continuing to work through various components of the request. As such, the following represents the specific areas of entitlements continuing to be discussed:

- Open Space Management Plan

- Park Land Dedication

BOARD REVIEW/CITIZEN FEEDBACK:

As a part of the conservation development process, an enhanced public notification process is required that mandates a minimum of two neighborhood meetings be held to discuss the project prior to the application being considered by the Planning and Zoning Commission. The first informational meeting was held on April 4, 2023, and the second informational meeting was held on October 23, 2023. The Town Code requires notification of the property owners within 200 feet of the subject property as a part of the enhanced public notification. CON23-0002 had a total of 121 Property Owner Notifications mailed. Adjacent property owners, HOAs, and anyone who has signed up online is invited to these meetings.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A
N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Conservation Development Package

DRAFT MOTION: No action is required by the Commission on this item.

September 8, 2023

Chuck Russell, AICP
Planning Manager
Town Of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028

RE: Smith Tract (No. 70254-00)
LOI for Zoning Planned Development

Dear Mr. Russell,

On behalf of our client, Toll Brothers, please accept this letter as our Letter of Intent to describe and explain the requested Zoning Planned Development.

The Smith Tract is a 447-acre tract located within the Cross Timbers Conservation Development District (CTCDD). The property was amended to the Town's Master Plan in December 2013 in the Cross Timbers Conservation Development District Area Plan, Paragraphs 8(a-e) in Section 2.0, Area Plans, of the Master Plan; Ordinance No. 64-13. The tract is identified on the Town's Master Land Use Plan for Agriculture in the Cross Timbers Conservation Development District. The existing zoning is AG, and the use is consistent with the existing zoning.

The attached Concept Plan proposes 223 residential lots and a minimum of 45% open space comprised of multiple common area lots across the site's 447 acres and conforms to the corresponding Zoning Concept Plan under review. The plan closely follows the Town's Development Code, but we are asking for a Topographical Slope Exception request. We have provided for landscape buffers, future right-of-way dedications and multiple points of access for safety considerations.

The concept has been designed to preserve the 100-year flood plain. Significant stands of trees have been preserved. There shall be a minimum of 45% of the site dedicated to open space. Much of the open space will be held within a conservation easement by a qualified nonprofit entity or organization that manages open space. HOA land will be platted into an X-lot and maintained by the HOA.

The subject property has numerous protected trees, both specimen and non-specimen, as indicated on the tree survey included with our application. Any potential specimen trees identified on the site for a removal permit request to the Flower Mound Town ECC Board shall accompany the Concept Plan review process. We view the trees as an asset and we have worked extensively to preserve them, where possible, through creative planning and engineering.

We are requesting an exception that the powerlines along 1171 remain above ground. These lines are major transmission lines and they are not feasible to be relocated underground.

This project will meet the standards within Section 98-277(c) (1). The flood plain will be preserved but may be adjusted with a detailed flood study. Many of the existing trees and other natural features will remain onsite due to the fact that we are preserving a minimum of 45% open space. A portion of this land will be held within a conservation easement by a qualified nonprofit entity or organization that manages open space, such as a land trust, or other qualified entity. Land will also be preserved and maintained within an HOA X-lot. Land proposed to be used as parkland must be approved and accepted by the town. The open space areas shall be a minimum of 4.46 acres and no dimension shall be less than 40' wide. Utility easements shall be counted toward open space if a trail and/or appropriate amenity is proposed, or if vegetation within the utility easement is native and not required to be manicured. Open spaces must be linked to any existing and planned public open space and conserved areas to provide an overall open space system within the CTCDD. Eco-fringe buffers that are 40' in width may count toward the open space requirement. Open spaces divided by necessary roadways, as determined by the town manager or their designee, shall be considered linked for the purpose of this subsection. Open spaces shall be arranged to maximize reasonable access, equity, and utilization for all residential lots within the proposed development. Trees planted within open space areas associated within this development must only include trees denoted as appropriate from section 94-68. Parks may be proposed and approved as part of this development. If an active park is developed onsite the park must be limited to an area no greater than the minimum parkland area required. Examples of appropriate active parks include fishing piers and neighborhood playgrounds. Restricted parks such as playing fields, motorized vehicle trails, and campgrounds are not permitted. Passive parks such as walking, running, and equestrian trails shall be permitted throughout the development as appropriate. Such trails should be planned to minimize disturbances to environmentally sensitive areas. An eco-fringe buffer extending at least 20' from all exterior side and rear residential property lines adjacent to open spaces is required. Maintenance for eco-fringe buffers must be documented within the required open space management plan.

Please contact me should you have any questions regarding this request.

Sincerely,



Aaron Hunsaker

