



AGENDA
FLOWER MOUND PARKS BOARD
REGULAR MEETING
NOVEMBER 1, 2018
FLOWER MOUND TOWN HALL
2121 CROSS TIMBERS ROAD
FLOWER MOUND, TEXAS
6:30 P.M.

AN AGENDA INFORMATION PACKET IS AVAILABLE FOR PUBLIC INSPECTION
ONLINE AT WWW.FLOWER-MOUND.COM/AGENDA/AGENDA.PHP

All pagers and cell phones must be turned off in the Council Chambers.

A. CALL REGULAR MEETING TO ORDER

B. INVOCATION

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

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

D. PUBLIC COMMENTS

Please fill out an "Appearance before Parks Board" form in order to address the Board, and turn the form in prior to Public Comments to Administrative Secretary Jade Olson. Speakers are normally limited to three minutes. Time limits can be adjusted by the Chair to accommodate more or fewer speakers.

The purpose of this item is to allow the public an opportunity to address the Parks Board on issues that are not the subject of a public hearing. Any item requiring a Public Hearing will allow the public to speak at the time that item appears on this agenda as indicated as a "Public Hearing". Parks Board members may not deliberate and may only cite facts or current policy in response to public comments. Issues regarding daily operational or administrative matters should first be dealt with at the administrative level by calling the Parks and Recreation Division at 972.874.6300 during business hours.

E. DIRECTOR'S REPORT

- Update and status report related to Parks and Recreation issues.

F. CONSENT AGENDA – Consent Items

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

1. Consider approval of the minutes from a regular meeting of the Parks Board held on October 4, 2018.

G. REGULAR ITEMS

2. Consider recommending for Town Manager consideration an amended agreement with the Greater Lewisville Area Soccer Association (GLASA) for the addition of adult soccer leagues.
3. Public Hearing to consider recommending for Town Council consideration, Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.

H. RECESS REGULAR MEETING

I. CALL WORK SESSION TO ORDER

J. WORK SESSION ITEMS

4. Review and discuss appointment of a Parks Board committee whose charge is to review the naming request and make a recommendation for renaming Leonard John's Park.
5. Presentation and discussion of amending the Town's Park Land Dedication ordinance in order to establish park/open space standards for multi-family uses.

K. ADJORN – WORK SESSION

L. RECONVENE REGULAR MEETING

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- The next regular meeting of the Parks Board is scheduled for December 6, 2018.

N. ADJOURN REGULAR MEETING

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: October 29, 2018 at 5:00 P.M. at least 72 hours prior to the scheduled time of said meeting.



Jade Olson, Administrative Secretary



PARK BOARD AGENDA ITEM NO. 1

CONSENT ITEM

DATE: November 1, 2018

FROM: Jade Olson, Administrative Secretary

ITEM: Consider approval of the minutes from a regular meeting of the Parks Board held on October 4, 2018.

BACKGROUND INFORMATION: The Parks Board held a regular meeting October 4, 2018.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES/OPTIONS: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Draft minutes from the October 4, 2018 Regular Meeting of the Park Board

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

THE TOWN OF FLOWER MOUND PARKS BOARD REGULAR MEETING HELD ON THE 4TH DAY OF OCTOBER 2018, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:30 P.M.

The Parks Board met in a regular session with the following members present:

Gloria Jones	Place 1 – Chair
Allen Pichon	Place 2
Teresa Thomason	Place 3 – Vice Chair
Rick Kenyon	Place 4
Jodi Seay	Place 5
Mark Mayer	Place 6
Ike Winfield	Place 7
Andrew Cummings	Place 8 – Alternate
Jennifer Romaszewski	Place 9 – Alternate
Dale Olson	Place 10 – Alternate

The following members of Town Staff were in attendance:

Chuck Jennings	Director of Parks and Recreation
Clayton Litton	Parks Superintendent
Kari Biddix	Park Development Manager
John Habern	Park, Trails and Landscape Specialist
Mark Long	Recreation Superintendent
Matt Chutchian	Athletics Supervisor
Jade Olson	Administrative Secretary

- A. CALL REGULAR MEETING TO ORDER – 6:30 P.M.**
- B. INVOCATION – Geoffrey Dennis**
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**
- D. ANNUAL ELECTION OF A CHAIR AND VICE-CHAIR FOR THE PARKS BOARD**

Board member Kenyon made a motion to nominate Gloria Jones for Chair person. Board member Thomason seconded the motion.

VOTE ON THE MOTION

AYES: Pichon, Kenyon, Seay, Thomason, Mayer, Winfield
NAYS: None

Chair Jones made a motion to nominate Teresa Thomason for Vice Chair. Board member Kenyon seconded the motion.

VOTE ON THE MOTION

AYES: Winfield, Mayer, Thomason, Seay, Kenyon, Pichon
NAYS: None

E. PRESENTATIONS

Matt Chutchain, Athletics Supervisor, introduced General Manager Tracy Black to represent FMYSA. The Board was updated with FMYSA's operations in regards to youth baseball and youth softball.

F. PUBLIC COMMENTS

Angie Cox, 7616 Emerson Ln. asked the board to consider renaming Leonard John's Park to Leonard and Helen John's Park

G. DIRECTOR'S REPORT

Chuck Jennings, Director of Parks and Recreation reported the following:

- Welcomed the new Parks Board members, Allen Pichon, Andrew Cummings, Jennifer Romaszewski, and Dale Olson. He also thanked previous Board members Ann Handren and Firoz Vohra for their service.
- Last Monday night's Town Council meeting a new Cultural Arts Master plan was approved.
- Town Council approved to accept 13.11 acres of land from Toll Brothers.
- Canyon Falls Park and Rheudasil Park designs were approved by Town Council.

Mark Long, Recreation Superintendent reported the following:

- The Pumpkin Dive will take place at the CAC on October 27 from 1 p.m. 3 p.m. The event will feature hundreds of pumpkins floating in the indoor pool. There will be a craft station set-up so you are able to decorate your pumpkin. Other events offered will be a cake walk and bounce houses. The cost is \$5 for CAC members and \$6 for non-members.
- The Fangtacular Family Camp Out will take place on October 20th at Twin Coves Park. The event will feature a tent decorating contest, marshmallow roast crafts and games and both a catered dinner and breakfast. Staff will also show "It's the great pumpkin Charlie Brown" on our inflatable screen.
- Elvis impersonator Kraig Parker will be performing at the Senior Center tomorrow night as part of a fundraiser for the Seniors in Motion Program. The event will take place between 7pm and 9pm and is \$15 per person.
- On Saturday, Oct 27 SIM will hold its annual craft fair from 10am-2pm. 50 vendors have registered and will sell a wide variety of hand-made crafts.
- Many of the area youth and adult sports leagues have been adversely affected by the rainy weather the area has seen over the last month and are in make-up mode. Staff is working with all leagues to make sure we are making every effort to get fields playable. Thanks to the Parks Division athletics crews for working hard to get fields playable.
- FMYSA will hold their 10th annual wood bat Costume tournament at Bakersfield Park on Oct 27 & 28. This is a cool event as players are able to dress up in their costumes for games.
- Adult coed flag football league will begin this coming Monday.
- TCP-Lake levels are up and the weather is beautiful. Come on out and enjoy everything the park has to offer.

A few events that will take place in early November:

- The fifth annual Veterans Day Relay Run will be held on Friday, November 9. All running spots have been filled and we actually have extra runners signed-up.
- Dorothy's Dash will take place on Saturday, November 10 at Flower Mound High School. Registration is now open and runs through the day of the event. There will be the Kids 1K and it begins at 8 a.m. All others will run at 8:30 a.m. The proceeds benefit the MS Society. The Kids 1K is \$15, 5K is \$20 and goes up to \$40 on the Oct 28th. The cost will be \$35 on race day.

Kari Biddix, Park Development Manager reported the following:

- Canyon Falls Park is currently in design. A Professional Services Agreement with MESA Design Group was approved by Town Council on October 1, 2018.
- Rheudasil Park is currently in design. A Professional Services Agreement with Studio Outside was approved by Town Council on October 1, 2018.
- The Pink Evening Primrose trail segment 1 is still under construction.
- Heritage Park Phase IV is still under construction. The majority of the nature trail on the west side is complete. The anticipated completion date is set for December 2018.
- Prairie Trail Park and Lawson Park received new signage.

Sweetie Bowman, Local Artist showed the Board the completed bronze sculptures of the coyote, bobcat, and armadillo that will be installed along the wildlife encounter trail at Heritage Park. She also described the mold making process from start to finish, and provided the Board pictures of the other artwork still being made from an art company out of New York.

H. CONSENT AGENDA

1. **Consider approval of minutes from a regular meeting of the Parks Board held on September 6, 2018.**

Board Deliberation

Board member Kenyon moved to approve the minutes of a regular meeting of the Parks Board held on September 6, 2018. Board member Mayer seconded the motion.

VOTE ON THE MOTION

AYES: Pichon, Kenyon, Seay, Mayer
NAYS: None
ABSTAINS: Thomason, Winfield

I. REGULAR ITEMS

2. **Consider recommending to Planning and Zoning Commission and Town Council Park Land Dedication and Park Development Fee requirements for Lakeside Center development generally located west of FM 2499 and north of Lakeside Village Blvd.**

Staff Presentation

John Habern – Park, Trails and Landscape Specialist

Board Deliberation

Board member Thomason moved to recommend approval to Planning and Zoning Commission and Town Council cash, in the amount of \$101,068.80, be accepted in lieu of otherwise required Park Land Dedication, and Park Develop Fees in the amount of \$11,104.00 for the Lakeside Center development generally located west of FM 2499 and north of Lakeside Village Blvd. Board member Kenyon seconded the motion.

VOTE ON THE MOTION

AYES: Winfield, Mayer, Seay, Kenyon, Thomason, Pichon

NAYS: None

3. Consider recommending approval for Town Council consideration the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park during the 2019 Independence Fest.

Staff Presentation

Mark Long – Recreation Superintendent

Board Deliberation

Board member Pichon made a motion to recommend approval for Town Council consideration the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park during the 2019 Independence Fest. Board member Thomason seconded the motion.

VOTE ON THE MOTION

AYES: Pichon, Thomason, Kenyon, Seay, Mayer, Winfield

NAYS: None

J. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- The next Parks Board Special Meeting is scheduled for November 1, 2018.

K. ADJOURNMENT

Board Member Thomason made a motion to adjourn the meeting. Board member Seay seconded the motion.

Chair Gloria Jones adjourned the Regular Meeting at 8:09 p.m.

TOWN OF FLOWER MOUND, TEXAS

ATTEST:

Gloria Jones, Chair

Jade Olson, Administrative Secretary



PARKS BOARD MEETING AGENDA ITEM NO: 2

DATE: November 1, 2018

FROM: Matt Chutchian, Athletics Supervisor

ITEM: Consider recommending for Town Manager consideration an amended agreement with the Greater Lewisville Area Soccer Association (GLASA) for the addition of adult soccer leagues.

Background Information: In July of 2018, GLASA President Mark Grommesh made a formal request to the Parks and Recreation Department to amend the current GLASA agreement to include adult soccer leagues. The GLASA organization has offered an adult program since 2015 and has played these games at Rail Road Park and Lake Park in Lewisville. GLASA is requesting to utilize the Chinn Chapel Soccer Complex as their primary game location for the adult leagues during the spring and fall seasons.

GLASA has utilized the Chinn Chapel Soccer Complex in the past for adult league make-up games. Currently, GLASA is required to follow the Town's Sports Field Reservation/Allocation and Use Policy to reserve fields for adult league games. The policy requires an association representative to come to the Parks and Recreation administrative offices in person to reserve a field(s) and pay a rental fee. Under the terms of the amended agreement, staff is proposing that GLASA now be responsible for paying a participation fee per individual player based on residency. The participation fee for the adult program will be \$2 for resident, and \$14 for non-residents, and is in accordance with the current agreement in place for youth participation. If approved, GLASA will be able to schedule adult games on Town fields without going through the Reservation/Allocation policy process, and will be required to pay the participation fee to the Town within sixty (60) days of the conclusion of the current season.

Per the terms of the agreement, GLASA will be required to provide a certificate of insurance naming the Town as an additional insured. Other aspects of the agreement will remain in place which include addressing such issues as refunds, bad checks, registration process, addressing grievances, quality of services rendered, indemnification, termination of Agreement, and payment schedule of fees owed to the Town. With approval, GLASA will become the Town's youth and adult soccer provider through August 31, 2022.

FISCAL IMPACT: \$3,280.00 annually from resident and non-resident participation fees.

LEGAL REVIEW: Stacie White, with Taylor, Olson, Adkins, Sralla, Elam, LLP has reviewed the proposed Amended Agreement as to form and legality.

ATTACHMENTS:

1. Proposed Amended Agreement

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

**TOWN OF FLOWER MOUND
PARKS AND RECREATION DIVISION**

FIRST AMENDED YOUTH SPORTS FACILITY AGREEMENT

THIS FIRST AMENDED AGREEMENT is made and entered into on this ____ day of _____, 2018, by and between the Town of Flower Mound Parks and Recreation Division (“TOWN”), and the Greater Lewisville Area Soccer Association (“ORGANIZATION”) by and through its authorized representative for the following TOWN owned or leased soccer facilities: Bakersfield Park and the Chinn Chapel Soccer Complex. Other facilities may be added to this Agreement upon approval of the TOWN.

WHEREAS, TOWN and ORGANIZATION entered into a Lease Agreement on August 17, 2017, (“AGREEMENT”) under which TOWN would allow ORGANIZATION the use of TOWN owned or leased soccer facilities to provide youth soccer leagues.

WHEREAS, the parties now desire to amend the Agreement to allow ORGANIZATION to provide adult recreational soccer leagues.

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

I.

Section III. “Obligations of ORGANIZATION” of the Agreement is amended as follows:

8. Acknowledge that TOWN may wish to undertake a survey or other similar instrument to gauge various user issues with regard to services, schedules, and other items related to ORGANIZATION'S operations. TOWN and ORGANIZATION will work cooperatively on mutually acceptable survey language. The results of the surveys will be shared with the ORGANIZATION to ensure parent, youth participant and adult participant satisfaction and shall be made public at a regularly scheduled Parks Board meeting. Consequently, in an effort to protect the identity of juveniles to the greatest extent permitted by law, in the event TOWN determines to undertake a survey, ORGANIZATION will provide its participant data base to a mutually agreed upon Mailing House whereby a survey can be conducted at the TOWN’S expense.
13. Ensure all youth head coaches are certified for coaching youth by a national, state, or local accredited coaching certification program that is recognized by the TOWN. Examples of recognized/approved coaching certification programs include National Youth Sports Coaches Association (NYSCA), Kids Sports Network (KSN), and the Texas Amateur Athletic Federation (TAAF). ORGANIZATION may develop its own youth coaching certification program so long as it educates coaches regarding their responsibilities when working with children in youth sports and hold them accountable for inappropriate behavior. ORGANIZATION is encouraged to provide additional educational resources for youth coaches to assist

them in providing the best possible youth sports experience for each child. The ORGANIZATION shall keep updated records of certified coaches and, if requested, submit a list of all youth coaches with certifications to the TOWN no later than fifteen (15) business days from the date of request.

16. Ensure both the Code of Conduct and the grievance/dispute resolution process for the youth league conforms to the National Alliance for Youth Sports (NAYS) standards as a minimum (or equivalent).
17. Ensure adult supervision is present in an official capacity for every youth league/non-league tournament game, clinics, skills sessions, and camps.
20. Adopt a non-discrimination policy that ensures participation for all participants regardless of race, creed, sex, economic status, or athletic ability.
21. Develop balanced teams within youth recreational leagues through team selection process. Youth recreational teams shall not be scheduled to play select or competitive teams unless both teams agree to the game.

II.

Section IV. "Obligations of TOWN" is amended to read as follows:

1. Authorize ORGANIZATION to be the adult and youth soccer league provider of the TOWN. Thus, during the period of February 1 to June 15 and August 1 to December 15, ORGANIZATION shall have the right to use TOWN owned or leased soccer facilities, as assigned by TOWN, during ORGANIZATION'S regular spring and fall seasons, league playoffs, league tournaments, and make-up games. At any time TOWN owned or leased soccer facilities are not being utilized by the ORGANIZATION, TOWN may assign such facilities to other parties.

All other terms and conditions of the Agreement shall remain unchanged.

TOWN OF FLOWER MOUND:

**GREATER LEWISVILLE AREA
SOCCER ASSOCIATION:**

Jimmy Stathatos, Town Manager

Mark Grommesh, President

ATTEST:

Theresa Scott, Town Secretary



PARKS BOARD MEETING AGENDA ITEM NO: 3

DATE: November 1, 2018

FROM: Michael Davenport, Community Activity Center Manager

ITEM: **Public Hearing to consider recommending for Town Council consideration, Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.**

Background Information: The State of Texas Department of Family and Protective Services administer state regulations and general licensing procedures for all child-care facilities. Municipalities are exempted from the licensing requirement for programs provided for elementary age youth provided the Town Council annually adopts standards of care by ordinance after a public hearing. Additionally, the following criteria must be met in order to receive the exemption:

- Standards of care are provided to the parents of each program participant.
- Ordinance includes at a minimum: staffing ratios; staff qualifications; facility, health, and safety standards; and mechanisms for monitoring and enforcing the adopted local standards.
- Parents are informed that the program is not operated or advertised as a licensed day care.

The request for the exemption is necessary as the Town currently offers different day camps and programs throughout the year for youth ages 6 – 14 years.

At the November 2, 2017 regular meeting, the Parks Board recommended for Town Council approval the proposed Standards of Care. On December 18, 2017, the Town Council enacted Ordinance No. 44-17, which adopted Standards of Care for the Town's Parks and Recreation youth recreation programs. The Town originally received exemption from the State on February 11, 2011.

As part of the State's requirement for the exemption, the Town will annually hold a public hearing on the Standards of Care and the Town Council will formally adopt the standards as part of an ordinance. A representative from the Texas Department of Family and Protective Services was contacted to confirm that there had not been any newly mandated Standards of Care changes that the Town needed to make.

The proposed Standards of Care reflect no changes from last year in accordance with Section 42.041(b)(14) of the Texas Human Resources Code, and Section 54-206 of the Code of Ordinances, Town of Flower Mound, Texas.

FISCAL IMPACT: N/A

LEGAL REVIEW: No alterations to the legal content of this ordinance, which was originally approved by Taylor, Olson, Adkins, Sralla, Elam, LLP were made.

ATTACHMENTS:

1. Proposed Ordinance

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

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; AMENDING CHAPTER 54, "PARKS AND RECREATION," SECTION 54-202, "ADOPTION;" ADOPTING UPDATED STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas ("Town") is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Home Rule Charter, adopted November 3, 1981; and

WHEREAS, the Town operates a recreation program for elementary age children as a service to residents of the Town, and surrounding communities; and

WHEREAS, the State of Texas has adopted licensing requirements and regulations under Chapter 42 of the Texas Human Resources Code for facilities providing care to children, with which all facilities must comply, unless an exemption under Section 42.041(b) applies; and

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code provides an exemption from the requirements of Chapter 42 to a municipality operating a recreation program for elementary age children (5-13 years); and

WHEREAS, on February 11, 2011, the Town received an exemption from the requirements of Chapter 42 of the Texas Human Resources Code from the Texas Department of Family and Protective Services ("TDFPS"); and

WHEREAS, the TDFPS will not monitor the Town's Parks and Recreation's youth recreation programs because the exempt status has been granted, and the TDFPS will not be responsible for investigating complaints regarding the Town's Parks and Recreation's youth recreation programs, so that any complaints shall be made to the Town Parks and Recreation Department; and

WHEREAS, the Town adopted Ordinance No. 44-17 on December 18, 2017 setting forth the standards of care for the Town Parks and Recreation's youth recreation programs; and

WHEREAS, the Town's standards of care for the Town Parks and Recreation's youth recreation programs must be adopted annually by the Town of Flower Mound Town Council, after public hearing, in order to maintain the exemption under Section 42.041(b)(14) of the Texas Human Resources Code; and

WHEREAS, the Director of the Town Parks and Recreation Services Department has recommended a few minor clerical changes be made to the standards of care adopted on December 18, 2017, in accordance with Section 42.041(b)(14) of the Texas Human Resources Code and Section 54-206 of the Code of Ordinances, Town of Flower Mound, Texas; and

WHEREAS, a public hearing was held on November 1, 2018, by the Parks Board regarding the revised standards of care, and the adoption of such revised standards of care by

the Town Council of the Town of Flower Mound ("Town Council") has been recommended by the Parks Board; and

WHEREAS, the Town Council finds that it is in the best interest of the Town of Flower Mound and will promote the health, safety and general welfare of the citizens of the Town of Flower Mound and the general public to adopt the revised standards of care as recommended by the Parks Board.

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

SECTION 1

All the above premises are found to be true and correct legislative and factual determinations of the Town of Flower Mound, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

The Town Council hereby adopts local standards of care for the Parks and Recreation Services Department ("Department") youth recreation programs in compliance with the requirements of Texas Human Resources Code Section 42.041(b)(14) and pursuant to Section 54-206 of the Code of Ordinances of the Town of Flower Mound. The standards of care adopted by this Ordinance are available for inspection in the office of the Town Secretary and in the Town Parks and Recreation Services Department office.

SECTION 3

That Section 54-202, "Adoption," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to read as follows:

"Sec. 54-202. Adoption.

The local standards of care ("Standards of Care"), as set forth in Exhibit "A" which is attached to the ordinance adopting the Standards of Care are incorporated by reference for all purposes as if written word for word herein, and are hereby adopted by the Town Council as the Standards of Care for the Parks and Recreation Services Department of the Town of Flower Mound. The Standards of Care are available for inspection in the office of the Town Secretary and in the Town Parks and Recreation Services Department office."

SECTION 4

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause,

sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section, and said remaining portions shall remain in full force and effect.

SECTION 6

This Ordinance shall take effect and be in full force on and after its passage.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF
FLOWER MOUND, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE 3RD DAY
OF DECEMBER, 2018.**

Steve Dixon, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

Parks & Recreation Department



Standards of Care For Youth Programs

Parks and Recreation Department
1200 Gerault Road
Flower Mound, TX 75028
972.874.6300
972.874.6471 (Fax)
www.flower-mound.com

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FLOWER MOUND YOUTH PROGRAMS

STANDARDS OF CARE

The following Standards of Care have been adopted by the Town Council of the Town of Flower Mound, Texas, to comply with Chapter 42 of the Texas Human Resources Code, specifically Section 42.014(b)(14) regarding an exemption for the Town of Flower Mound's Youth Programs, as defined herein. These Standards of Care are intended to be minimum standards by which the Town of Flower Mound Parks and Recreation Department will operate the Town's youth programs. The Youth Programs are recreational in nature and are not child-care facilities or day care programs.

General Administration

1. Organization

- A. The governing body of the Town of Flower Mound youth programs is the Town of Flower Mound Town Council.
- B. Implementation of the Youth Programs Standards of Care ("Standards of Care") is the responsibility of the Director of Parks and Recreation and departmental employees.
- C. These Standards of Care apply to all Youth Programs operated by the Department, including but not limited to: the Summer Day Camp Program, Holiday Day Camp Program, and Spring Break Day Camp Program.
- D. Each Program Site will have available for public and staff review a current copy of the Standards of Care.
- E. Parents of participants may obtain a copy of the Standards of Care from the Town during the registration process or the Standards of Care can be accessed on the Town's website at: www.flower-mound.com/cac.
- F. Criminal background checks are conducted on all prospective Program Employees. If the results of a criminal background check indicate that a prospective Program Employee has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) A felony or a misdemeanor classified as an offense against a person or family member.
 - (2) A felony or misdemeanor classified as public indecency.
 - (3) Any offense involving moral turpitude.

- (4) Any offense that, in the Director's sole opinion, would place the participants of the Youth Programs at risk.

2. Definitions

- A. Camp Director: A temporary Department employee who is assigned responsibility to implement and direct a Youth Program, and oversee the Program Employees that are assigned to the corresponding Youth Program.
- B. Community Activity Center or CAC: Town of Flower Mound Community Activity Center located at 1200 Gerault Road, Flower Mound, TX, 75028, 972.874.7275.
- C. Department: Parks and Recreation Department of the Town of Flower Mound.
- D. Employee(s): Term used to describe people who have been hired to work for the Town of Flower Mound and have been assigned responsibility for managing, administering, or implementing some portions of the Youth Programs.
- E. Parent(s): This term will be used to represent one or both parent(s) or legal guardian(s) who have legal custody and authority to enroll their child(ren) in the Youth Programs.
- F. Participant: A Youth whose parent(s) or legal guardian(s) have completed all required registration procedures and determined to be eligible for the Youth Programs.
- G. Program Coordinator or Coordinator: A full-time Department employee who has been assigned administrative responsibility for the Youth Programs and oversees the Camp Directors.
- H. Program Employee: A temporary Department employee who is assigned to work with participants of a Youth Program at a Program Site.
- I. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Youth Programs.
- J. Program Site: The facilities and surrounding property where Youth Programs are held, consisting of, but not limited to, the Community Activity Center.
- K. Program Supervisor: A full-time Department employee who oversees the Program Coordinator and operations of all Youth Programs.
- L. Director: Town of Flower Mound Parks and Recreation Director, or his or her designee.

- M. Town: Town of Flower Mound, Texas.
- N. Town Council: Town Council of the Town of Flower Mound.
- O. Youth: A school aged person between the ages of 5 and 13 as of the enrollment date of the Youth Program.
- P. Youth Programs: The Town of Flower Mound youth programs consisting of the Summer Day Camp Programs, Holiday Day Camp Programs, and Spring Break Day Camp Program. A single camp may be referred to as a Youth Program.

3. Objectives of Youth Programs

- A. To provide Youth with the opportunity of recreational activities which may include sports, games, arts and crafts, education, dance, drama, special events, field trips, tournaments, etc.
- B. To provide an encouraging atmosphere by emphasizing the positive development of physical skills, emotional development and growth of self-confidence.
- C. To provide a safe environment by promoting good health and welfare for all participants.
- D. To teach Youth how to spend their leisure time wisely in an effort to meet the emotional, physical and social needs of the Youth.

4. Inspections/Monitoring/Enforcement

- A. The Town has established these Standards of Care in order to obtain an exemption from the State regarding the Youth Programs. Once the exemption is established, the State will not monitor the Youth Programs. These Standards of Care will be reviewed annually and brought before the Town Council for consideration, regarding any amendments recommended by the Director, and approval after a public hearing regarding the Standards of Care is held, pursuant to Texas Human Resources Code § 42.041(b)(14).
- B. A monthly inspection report will be prepared and submitted to the Program Supervisor by the Coordinator to confirm the Standards of Care are being adhered to.
 - (1) Monthly inspection reports will be sent to the Director for review and maintained by the Town in accordance with applicable record retention policies.

- (2) The Director will review the monthly inspection report and shall establish deadlines and criteria for compliance with the Standards of Care where failure to comply is noted.
- C. The Director will make visual inspections of the Youth Programs based on the following schedule.
 - 1. Youth Programs operating during the summer will be inspected no less than twice during the Youth Program's summer schedule.
 - 2. Youth Programs which operate during the regular Lewisville Independent School District school year, for two (2) weeks or less, will be inspected at least once during the Youth Program's schedule.
- D. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to address the complaint and resolve the problem, if any. Complaints regarding enforcement of the Standards of Care and resolution of complaints arising under the Standards of Care will be recorded by the Coordinator. All complaints regarding enforcement of the Standards of Care where a deficiency is noted will be forwarded to the Director with the complaint and the resolution noted.

5. Enrollment

Before a child may be enrolled in a Youth Program, the parents must sign registration forms that contain the following information about the child:

- (1) Name, home address, home telephone number;
- (2) Name and address of parent(s) and contact telephone number(s) during Youth Program hours;
- (3) The names and telephone numbers of people to whom the child can be released;
- (4) If requested, a statement of the child's physical health, including a physician's signed statement detailing any special needs the child may have;
- (5) Emergency medical authorization, current shot records, and valid insurance information;
- (6) Proof of CAC Membership or Non-Membership, when appropriate; and

- (7) A signed liability waiver.

6. Suspected Abuse

Program Employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In a situation where an Employee is involved in an incident with a child that could be considered to be child abuse, the incident shall be immediately reported to the Program Supervisor. The Program Supervisor will immediately notify the Police Department and any other agency, as may be appropriate.

Texas State law requires the Employees of the Youth Programs to report any suspected abuse or neglect of a child to the Texas Department of Family and Protective Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1000 and/or confinement up to one hundred eighty (180) days. Confidential reports may be made by calling 1.800.252.5400.

A complete copy of the Texas Family Code regulations regarding child abuse can be found at www.statutes.legis.state.tx.us/docs/FA/htm/FA.261.htm.

Staffing - Responsibilities and Training

1. Camp Director

A. Qualifications. A Camp Director must:

- (1) Consistently exhibit competency, good judgment, and self-control when working with Youth and other Town employees.
- (2) Interact with Youth with courtesy, respect, tolerance, and patience.
- (3) Successfully complete a course in first aid, CPR, and AED, in compliance with American Red Cross standards.
- (4) Pass a background investigation and testing for illegal substances.
- (5) Be mature, responsible, and able to complete duties with minimal supervision.
- (6) Communicate effectively with the public.
- (7) Possess a valid Texas driver's license.

- (8) Have previous experience in supervising Youth of varying age levels in a group setting and possess knowledge of recreational games, crafts, and activities.
- (9) Complete Town-mandated training.
- (10) Be at least eighteen (18) years of age.

B. Job Functions. A Camp Director shall endeavor to:

- (1) Direct and supervise Program Employees. Hiring and training of staff shall be the responsibility of the Coordinator with assistance from the Camp Director.
- (2) Complete and submit proper records, including Youth Program schedules, Program Employee schedules, accident/incident reports, and participant attendance.
- (3) Schedule appropriate activities in accordance with the philosophy of the Youth Program and coordinate with Coordinator to ensure appropriate reservations and transportation are secured in order to complete activities.
- (4) Maintain an orderly, clean and safe environment for the Youth while promoting a non-competitive program directed toward accentuating positive behaviors, physical development, and emotional growth.
- (5) Maintain supplies, equipment and all necessary documentation for the operation of the Youth Program.
- (6) Communicate with Parent(s) as necessary.
- (7) Conduct on-going evaluations regarding the Youth Program and implement approved recommendations as needed.
- (8) Provide reports to Coordinator on a weekly basis regarding Youth Program activities.
- (9) Know and follow all Town, Department, and Program Manual standards, policies, and procedures that apply to Youth Programs.
- (10) Ensure that participants are released only to a Parent or an adult designated by the Parent. All Program Sites will have a copy of the

Department approved plan to verify the identity of a person authorized to pick-up a participant if that person is not known to the Camp Director.

2. Program Employees

A. Qualifications. A Program Employee must:

- (1) Consistently exhibit competency, good judgment, and self-control when working with Youth.
- (2) Interact with Youth with courtesy, respect, tolerance, and patience.
- (3) Successfully complete a course in first aid, CPR, and AED, in compliance with American Red Cross standards.
- (4) Pass a background investigation and testing for illegal substances.
- (5) Be mature, responsible, and able to complete duties with minimal supervision.
- (6) Possess a valid Texas driver's license.
- (7) Have previous experience in working with Youth of varying age levels in a group setting and possess knowledge of recreational games, crafts, and activities.
- (8) Complete Town-mandated training.
- (9) Be at least sixteen (16) years of age.

B. Essential Job Functions. A Program Employee shall endeavor to:

- (1) Promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.
- (2) Directly lead activities using a method that will provide opportunities for the involvement of all participants on an equal basis.
- (3) Exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.
- (4) Follow procedures for Youth Programs drop off and pick-up and preparation of accident/incident reports.

- (5) Follow guidelines for safety and storage of equipment and notify Camp Director regarding supply inventories.
- (6) Ensure safety of Youth at Program Site and on field trips.
- (7) Provide and adhere to Standards of Care.

3. Personnel Restriction

A person will not be employed as an Employee in a Youth Program if:

- (1) The person would be permanently barred from being present at a child care operation while children are in care under the Texas Administrative Code Title 40, Part 19, Chapter 745 (Licensing); or
- (2) The Director determines that, based on the criminal history and other relevant and credible information, the person poses a risk to the safety or health of participants.

4. Training/Orientation

- A. The Department is responsible to provide training and orientation to all Youth Programs employees who work with children regarding their specific job responsibilities. Coordinators will provide each Camp Director with a staff program manual specific to each Youth Program.
- B. Employees must be familiar with these Standards of Care for Youth Programs.
- C. Employees will be trained in appropriate procedures to handle emergencies.
- D. Employees will be trained in Town, Department, and Program Manual policies and procedures applicable to Youth Programs.
- E. Employees will be required to sign an acknowledgment that they received the required training.

Service Standards

1. Appearance

- A. Youth Programs shirts and name badges will be worn and clearly visible.

- B. The Town's dress code policy shall be adhered to at all times. Failure to comply with the dress code will result in an Employee being sent home.
2. Interaction with Parents and Participants
- A. Participants and Parents will be treated with respect at all times.
 - B. Program Employees and Camp Directors will keep Parents continuously informed of activities and schedules. A weekly schedule will be distributed and copies will be kept with the daily sign in sheets.
 - C. Staff will note details of behavior of participants (accomplishments, discipline problems, general activities, etc.) and update Parents as much as possible.
 - D. The Camp Director will listen to complaints and forward to Coordinator as appropriate. All complaints will be followed up on within 24 hours, if they are not resolved on site. All complaints must be recorded, including resolution, and forwarded to Coordinator.
3. Additional Staff Responsibilities
- A. Program Employees will monitor the sign in/out log at all times.
 - B. Program Employees will spend 100% of their time actively involved with Participants and/or Parents.
 - C. Program Employees will pick-up the area used by their group after each activity.
 - D. Prior to beginning work each day all staff will check in at the appointed location for any messages, instructions, or information.

Operations

1. Staff/Participant Ratio
- A. Pursuant to Texas mandated standards, the maximum ratio of Participants to Program Employees will be 12 to 1. In the event an employee is unable to report to the Program Site, a replacement will be assigned.
 - B. Each Participant shall have a Program Employee who is responsible for him or her and who is aware of the Participant's habits, interests, and any special needs, as identified by the Participant's parent(s) during the registration process.

2. Discipline

- A. Program Employees will implement discipline and guidance in a consistent manner based on the best interests of the program participants.
- B. There must be no cruel, harsh or corporal punishment used as a method of discipline.
- C. Program Employees may use brief, supervised separation from the group if necessary. Participants will be informed of Youth Program rules.
- D. As necessary, Program Employees will initiate discipline reports to the Parent(s) of Participants. Parents will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the program manual may result in a Participant being suspended or removed from the Youth Programs. Parents will be contacted to pick up their Youth immediately.
- F. In instances where there is a danger to Participants or Employees, offending Participants will be removed from the Program Site immediately.
- G. Any person(s) creating a nuisance, causing a disturbance, or creating an unsafe environment at any Program Site will be subject to ejection from the site and possible arrest and legal action.

3. Programming

- A. Program Employees will attempt to provide activities for each group according to the Participant's age, interests, and abilities. The activities must be appropriate to Participants' health, safety, and well-being. The activities also must be flexible and promote the Participants' emotional, social, and mental growth.
- B. Program Employees will attempt to provide indoor and outdoor time periods, weather permitting, that include:
 - (1) Alternating active and passive activities; and
 - (2) Opportunity for individual and group activities.
- C. Program Employees will be attentive and considerate of the Participants' safety on field trips and during any transportation provided by the Youth Programs. Participants must be counted before leaving the Program Site and before boarding the transportation to return to the Program Site.

- (1) During trips, Program Employees supervising Participants must have immediate access to Participant forms and emergency contact information for each Participant;
- (2) Program Employees must have a written list of the Participants in the group and must check the attendance frequently; and
- (3) Program Employees must have First Aid supplies, a guide to First Aid and emergency care available on field trips.

4. Communication

The Program Site will have a telephone to allow the Program Employees to be contacted by Parks and Recreation personnel or for making emergency calls.

5. Transportation

- A. First Aid supplies and a First Aid and emergency care guide will be available in all Youth Program vehicles that transport Youth.
- B. All Program vehicles used for transporting Participants must have available a 6-BC portable fire extinguisher in the vehicle which must be accessible to the adult occupants.

Facility Standards

1. Safety

- A. Program Employees will inspect the Program Site daily to detect sanitation and safety concerns that might affect the health and safety of the Participants. A daily inspection report will be completed by Camp Director and kept on file by the Program Coordinator.
- B. Buildings, grounds, and equipment on the Program Site will be inspected, cleaned, repaired, and maintained to protect the health of the Participants.
- C. Program equipment and supplies must be safe for Participants use.
- D. Program Employees must have First Aid supplies available at the Program Site, during transportation, and for the duration of any off-site activity.
- E. Program Employees must have First Aid supplies and a guide to First Aid and emergency care readily available in a designated location.

2. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program Employee's first priority is to evacuate the Participants to a designated safe area. Emergency evacuation and relocation plans will be posted within the Program Site.
- B. The Program Site will have an annual fire inspection by the local Fire Marshal, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Director who will review and establish deadlines and criteria for compliance.
- C. Each Program Site must have at least one (1) fire extinguisher approved by the Fire Marshal readily available to all Program Employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Program Supervisor who will keep the report on file for a minimum of two (2) years. All Employees will be trained in the proper use of a fire extinguisher.
- D. Fire drills shall be conducted monthly.

3. Health

- A. Illness or Injury
 - (1) Participants shall have and maintain immunizations in accordance with those required by the Texas Department of Health for public school attendance according to age.
 - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees. Parents will be notified in cases of illness or injury. Paramedics will be notified in the event of an injury that cannot be remedied through basic first aid. An accident report shall be completed for all injuries and forwarded to the Camp Director.
 - (3) An ill Youth will not be allowed to attend or participate if the Youth is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until a medical evaluation indicating that the Youth can return to the Youth Program.
 - (4) Employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any Participant after a communicable disease.

B. Program Employees will administer medication only if:

- (1) Parent(s) complete and sign a Medicine Dispensation Form that provides authorization for Employees to dispense medication with details as to time(s) and dosage(s).
- (2) Prescription medications are in original containers labeled with the Youth's name, a date, directions, and the prescribing physician's name. Employees will administer the medication only as stated on the label. Employees will not administer medication after the expiration date.
- (3) Non-prescription medications are labeled with the Youth's name and the date the medication was brought to the Youth Program. Non-prescription medication must be in the original container. The Employees will administer non-prescription medications only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program Employees.
- (5) Program Employees must ensure medications are inaccessible to Participants.

C. Toilet Facilities

- (1) The Program Site will have adequate indoor toilets and lavatories located and equipped so Youth can use them independently and Program Employees can supervise as needed.
- (2) There must be one (1) flush toilet for every thirty (30) participants. Urinals may be counted in the ratio of toilets to participants, but must not exceed fifty percent (50%) of the total number of toilets.

D. Sanitation

- (1) The Program Site must have adequate light, ventilation, and heat.
- (2) The Program Site must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the Participants in a safe and sanitary manner.
- (3) Program Employees must see that garbage is removed from buildings daily.

Participants

1. General

- A. All Participants must wear tennis shoes daily. Sandals or thongs are not permitted unless approved by Program Employees on certain occasions.
- B. Shoes must be worn at all times, unless the Youth is in the swimming pool or participating in an activity that requires shoes to not be worn.
- C. Youth must respect the Employees, the Program Site, Program Rules, and each other.
- D. Youth may not use the Youth Programs telephone unless it is an emergency with the permission of a Program Employee.



Parks Board AGENDA ITEM NO. 5

DATE: November 1, 2018

FROM: Tommy Dalton, Assistant Town Manager
John Habern, Parks, Trails and Landscape Specialist
JP Walton, Assistant to the Town Manager

ITEM: **Presentation and discussion of amending the Town's Park Land Dedication ordinance in order to establish park/open space standards for multi-family uses.**

At the July 17, 2018, Strategic Planning Session the Town Council directed staff to examine park/open space standards for multi-family uses. An update was provided to the Council on [August 6, 2018](#) (FF to 12:20). An internal committee was formed consisting of planning staff, the Assistant to the Town Manager, and the Town's Parks, Trails, and Landscape Specialist to research and review potential options.

The following analysis is broken into several parts including the Committee's mission, the issue it's trying to address, the concept, research completed, discussion of the attached draft standards, and next steps.

The Mission: To establish reasonable and consistent parkland dedication requirements for multi-family uses that provide for quality parks and open spaces.

The committee worked to develop new standards that will establish rules to engage the Park Board to provide predictable parkland dedication requirements that maintain the Town's current level of service, and provides open space that is high quality, publically accessible, privately maintained, and useable.

The Issue: Applying consistent standards that provide high quality and usable open spaces in context to mixed-use multi-family development.

The Town currently has standards for typical suburban single-family development:

- Park Land Dedication: 3.36 acres of land per 100 dwelling units
- Park Development Fees: \$1,388.00 fee per dwelling unit

For further details of the Town's Land Development Regulations regarding Park Land Dedication and Park Development Fees, please review [Sections 90-441 through 90-448](#) of the Town's Land Development Regulations (LDR).

The Town also has standards for development that is zoned under the Town's Mixed Use Zoning District Regulations (MUZDR) found in [Section 98-905](#) of the Town's LDR.

The Lakeside DFW/Lakeside Village Development is the only development currently zoned under the Town's MUZDR. The Town's mixed-use regulations require a mixture of uses to be proposed for any development application. Also, a minimum of 5% open space is required for the development. This open space can perform as a park, but the intent is to require traditional open spaces found in urban areas such as



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plazas, squares, and pocket parks that fit within the urban context. These open space areas are developed and maintained by the developer, but are open to the public.

The MUZDR also require that each multi-family unit provide for 200 square feet of open space per unit that shall be provided as courtyards, forecourts, roof-top terraces, recreational amenities such as pools, play courts, etc., or any other private common open space that is accessible to all residents of the building or development. Approximately 50 percent of the required private common open space may be provided as private personal open space that includes balconies, patios, and similar spaces that are located within individual units. Definitions of “private common open space,” and “private personal open space” is provide in the Section 98-905 link above. The adoption and discussion of the MUZDR open space standards are attached (Attachments 1-3).

It's important to note that approximately 1,300 acres at the intersection of FM 1171 and US 377 is master planned, but not zoned for Mixed Use, and is currently undeveloped.

Many developments utilize the Town's Planned Development District (PD) regulations to zone property for development. Several “mixed-use” developments have utilized a PD to zone property:

1. Southgate (PD 134)
2. Lakeside Crossing (PD 153)
3. The Point (PD 156)
4. The River Walk at Central Park (although not technically a PD, functions just the same)

For discussion purposes, the term “mixed-use” will be separated into two concepts:

1. **Horizontal Mixed Use:** Typical suburban development generally characterized by the location of different land uses, including commercial, retail, office, residential, public, and other uses in proximity to one another in separate buildings but in the same development or block. Examples include:

- a. The Pines of Flower Mound (Kroger at FM 3040 and Gerault Road)
- b. Cross Timbers Village (Tom Thumb at FM 1171 and Bruton Orand)
- c. The Highlands (Target Center)
- d. Highland Ranch (Lowe's Center)
- e. Highlands Plaza (Academy Center)
- f. Robson Ranch (Belk/JC Penny/Dicks Center)

2. **Vertical Mixed Use:** Urban development characterized by a building or structure in which at least one of the upper floors of a commercial building has residential uses (live-work units or lofts) with a mixture of retail or office uses at the other levels of the building or structure, or office uses above ground floor retail uses. Examples include:

- a. Lakeside DFW (primarily the buildings along Lakeside Parkway)



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- b. The River Walk at Central Park (primarily the buildings along Central Park Drive.)
- c. Parker Square (various buildings)
- d. Southlake Town Square (various buildings)
- e. Frisco Town Square (various buildings)
- f. Legacy Center, Plano (various buildings)

Aside from portions of The River Walk at Central park, the mixed-use PDs mentioned above are characterized as horizontal mixed use developments. However, Southgate and The Point have the ability to develop vertical mixed-use buildings.

The issue is complicated by PD requests incorporating MUZDR for parks and open space, since the review process and conditions for approval are strikingly different. A development proposal under the MUZDR requires a third party consultant review and results in a comprehensive zoning ordinance primarily based on the form and design of buildings and public spaces within. The MUZDR encourage urban compact vertical development while allowing horizontal mixed-use areas.

Whereas a development proposal under a PD does not require, or warrant, a third party consultant review and results in prototypical suburban land patterns with site specific zoning regulations along with concept plans.

Developing under the MUZDR is more challenging and the process is more robust than a PD process. As such, simply borrowing standards from the MUZDR to place in a PD creates inconsistencies. Some standards can translate; however, the open space requirements in the MUZDR are nuanced, and specific sections shouldn't be transferred by themselves.

Another issue has been raised about the adequacy of the MUZDR open space standards regardless of the robust review process in place. Criticisms raised include:

1. Usability and quality of the open spaces (i.e. drainage areas that are largely inaccessible, linear parks that are extensions of front yards)
2. Lack of recreational opportunities
3. Amount of open space

The Concept: As discussed during the update to the Council, the concept includes the ability for a developer to receive credit that reduces the required land dedication in exchange for quality publically accessible and privately maintained open spaces.

The Town Council directed staff to evaluate multi-family dedication requirements during the strategic planning session. Park land dedication fees should be based on a quantitative approach. A formula is used to determine how many acres are required to be dedicated, or cash in lieu paid, based on the number of dwelling units. Based on information from North Central Texas Council of Governments, person per households (PPH) is:

- 3.11 PPH Single Family
- 2.085 PPH Multi-family



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Using the PPH's as a multiplier to calculate number of acres per 100 units equates to the following:

- Single Family: 3.36 acres for 100 dwelling units
- Multi-family: 2.78 acres per 100 dwelling units

Using this calculation quantitatively determines the number of acres required while maintaining the current level of service. Therefore, the Committee is also recommending that the Town establish a multi-family dedication requirement of 2.78 acres per 100 units. This doesn't change the single-family dedication requirement.

Research: The Committee reviewed park standards from the Town's benchmark cities, as well as Dallas, Austin, Fort Worth, Plano, Cedar Park, Pearland, Heath, Round Rock, Redmond Washington, Denver Colorado, and St. Paul Minnesota.

Staff also researched resources from the American Planning Association, Congress for the New Urbanism, and the Form Based Code Network. Overall, there was not a standout standard for establishing parkland dedication requirements for multi-family uses. However, some of the regulations reviewed included some percentage of land upfront to be dedicated to open space (ranging from 5% to 20%), and a per unit square foot requirement for multi-family uses (typically 200 sq. ft.). Generally, the researched standards that contained regulations for vertical mixed use developments reflected the Town's current MUZDR.

The concept and standards that will be discussed during the work session appear to be unique.

The Standards: Attachment 4 contains the draft standards, and the bulk of the work session will focus on this language along with the process if they are implemented. The significant pieces of the standards are as follows:

1. *Types of open space allowed:* The Committee evaluated the existing open space/park definitions contained in the MUZDR as well as the Town's Parks and Trails Master Plan. Those two documents contain a wide spectrum of options ranging from natural areas to active parks. Most of the proposed open spaces are found in urban vertical mixed used developments (courtyards, greens, plazas, squares, etc.), but also include natural areas, parks, and enhanced detention/retention areas. Finally, there is a general open space category that could include open spaces that do not fit any of the others. This category provides flexibility for unique open space opportunities that don't fit neatly into another category.

Each open space category is provided a definition and various standards, along with a credit value for meeting the base standards and a credit cap for additional enhancements that may be recommended by the Park Board and approved by the Council.

2. *Credit System:* Initially, the committee developed standards that applied a one-for-one credit system. For each acre of open space provided the developer could receive a one acre credit towards the required dedication.



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However, in examining previous development applications (Lakeside DFW/Village, The Point, Southgate, and The River Walk), this system still required an exorbitant amount of land to be set aside as open space. This system does not address quality or function of the open space.

The committee then looked at scaling the credit to incentivize the developer to provide quality enhancements to the open spaces. The first step was defining a hierarchy. The Committee assigned greater credit towards urban parks/open spaces to be consistent with the types of spaces found in urban vertical mixed use developments that contribute toward placemaking. The credits were arrived at by reviewing previous developments and deemed reasonable to provide quality and consistent open spaces.

3. *The Process:* If the new standards are implemented the process is critical. Part of those standards will include that the developer provide an open space plan as part of their development application.

The open space plan would include:

- Delineation of each type of open space including location, size, physical attributes, required amenities, proposed enhanced amenities, materials, timing, and level of maintenance.

Once the project has been reviewed by Town staff, the project and open space plan will be reviewed by the Parks Board. Staff presentations will focus on the open space plan and the details of each open space type in context with the proposed development. Staff would provide an analysis of the open space plan and identify which open spaces qualify for the credit. Staff will also recommend which open space, if any, qualify for additional credit. The Parks Board may also recommend amenities that would grant the developer more credit for a specific open space type (up to the max allowed). Any remaining balance would be paid by the developer.

Those recommendations would then be forwarded to the Planning and Zoning Commission and ultimately Town Council.

Staff is seeking input from the Parks Board on the concept proposed along with the draft standards.

Next Steps: The next steps include incorporating the Parks Board's comments into the draft standards and finalizing them. Once final, an amendment to the LDR is required by adding the standards to the Town's code of ordinances. Amending the LDR requires a public hearing and recommendation by the Planning and Zoning Commission, and a public hearing at Town Council. It's important to note that any current development application will not be subject to these standards regardless if the LDR amendment is approved before the development application(s) come forward.

In conclusion, the work session will frame the Council's initiative to establish multi-family parkland dedication requirements and discuss and receive feedback on the draft standards from the Parks Board.



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Attachments:

1. Mixed Use Zoning District Park Standards: October 1, 2012, Town Council Agenda Item
2. Mixed Use Zoning District Park Standards: October 1, 2012, Town Council Minutes
3. Mixed Use Zoning District Park Standards: September 24, 2012, P&Z Minutes
4. Draft Standards

Draft Motion:

This is a work session item. No formal action is required. However, staff encourages direction and feedback on the draft standards.



Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item

TOWN COUNCIL MEETING

AGENDA ITEM NO: 15

OCTOBER 1, 2012

[] CONSENT ITEM [] REGULAR ITEM [] WORK SESSION ITEM

FROM: Doug Powell, Executive Director of Development Services

THROUGH: Chuck Springer, Interim Town Manager *CWS*
Kent Collins, P.E., Assistant Town Manager *KC*

PRESENTER: Doug Powell, Executive Director of Development Services

ITEM: Public Hearing to consider a request to amend the Land Development Regulations (LDR 05-12) through the amendment of Chapter 98, "Zoning," by the amendment of Division 25, "Mixed Use District", by amending Section 98-905, entitled "Modifications," of the Code of Ordinances to allow the Town Council to (1) modify the requirements of the park land dedication ordinances; (2) modify the park development fees ordinances; and (3) modify the tree preservation ordinances for those Mixed Use Development projects that meet certain specified criteria identified in such amendments, and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its September 24, 2012, meeting.)*

I. APPLICATION CONTACT INFORMATION

Applicant	Town of Flower Mound
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II. ITEM SUMMARY

A. Outstanding Issues

There are no outstanding issues associated with this request.

B. Planning and Zoning Commission Recommendation

Move to recommend denial of a request to amend the Land Development Regulations (LDR 05-12).

C. Draft Motions

1. Move to approve a request to amend the Land Development Regulations (LDR 05-12) through the amendment of Chapter 98, "Zoning," by the amendment of Division 25, "Mixed Use District", by amending Section 98-905, entitled "Modifications," of the Code of Ordinances to allow the Town Council to (1) modify the requirements of the park land dedication

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item

ordinances; (2) modify the park development fees ordinances; and (3) modify the tree preservation ordinances for those Mixed Use Development projects that meet certain specified criteria identified in such amendments, and adopt an ordinance providing for said amendment.

2. Move to deny a request to amend the Land Development Regulations (LDR 05-12).

III. BACKGROUND INFORMATION

On October 6, 2008, the Town Council adopted amendments to the Master Plan and Land Development Regulations that encompassed the Town's Mixed-Use Regulations. The Mixed-Use Regulations were the result of a series of meetings and discussions of the Lakeside Stakeholders Committee who were charged with developing new regulations for mixed-use projects. The Committee was supported by Gateway Planning, who was hired by the Town to provide technical expertise. Although the effort led to the adoption of regulations that allowed for the creation of mixed-use developments within the Town, the Committee finished their work without addressing two policy issues related to the current park and tree regulations.

Specifically, the nature of mixed-use regulations allow for a development pattern that, by its very nature, is not suburban in form or function. The Town's development regulations are designed for suburban development and have served the Town well to create a place that is known for its high quality of life. However, most of these suburban development standards are not conducive to the creation of pedestrian-oriented, mixed-use developments. The review of the first development to apply under the mixed-use regulations has shown that amendments to the regulations are appropriate to address the issue of suburban regulations being applied to mixed-use developments.

IV. PLANNING ANALYSIS

The Town's mixed-use regulations require a mixture of uses to be proposed for any development application. Also, a minimum of 5% open space is required for the development. This open space can perform as a park, but the intent is to require traditional open spaces found in urban areas such as plazas, squares, and pocket parks that fit within the urban context. These open space areas are to be developed and maintained by the developer, but would be open to the public. Again, the nature of urban development requires all aspects of the development standards to be reviewed for appropriateness.

The proposal is to amend the mixed-use regulations, specifically the Mixed-Use Zoning District, to allow the Town Council to approve modifications to the Town's park land dedication, park development fees, and tree preservation regulations. The proposal to allow for these modifications includes criteria that specify additional standards if these modifications are granted.

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item

The intent of the criteria is to provide for parks and tree preservation requirements based on the type of residential; single-family detached versus all other residential. The type of residential is used as a basis as it differentiates between what can be considered urban versus suburban in nature. The single-family detached areas will resemble other residential areas in the Town, while the other residential areas will be designed to be the pedestrian-oriented, mixed-use areas envisioned as the core areas of the mixed-use developments.

The specifics of the criteria for the two areas of amendments are as follows:

Parks

The Town's current regulations require that residential developments provide 3.36 acres per 100 units for park development and \$1,388 per unit for park development purposes. No park fees are imposed on non-residential development. The proposed amendment calls for allowing a 50% reduction in the park dedication fees when an additional 5% open space is provided based on the amount of area dedicated to single-family-detached development. Further, the design must provide at least two parks within a quarter-mile radius of each single-family block; one of the parks may be a public park outside the development. Also, the non-single-family residential development would need to provide 200 square feet of open space per unit.

The park development fees could be used by the developer for the on-site parks and open spaces within the development.

Trees

The Town's current regulations require that residential developments mitigate tree removal and require a Tree Removal Permit for specimen trees planned to be removed. Further, the current regulations exempt non-residential development within the Lakeside Business District, Denton Creek Business District and all Specific Plan Areas (SPAs). The proposed criteria would allow for any trees to be removed; the mitigation for any removal within the single-family-detached residential areas would be by the planting of new trees within the balance of the mixed-use development or payment of a mitigation fee. The non-single-family-detached areas would be exempted as all non-residential development currently is.

V. CORRESPONDENCE

At the time this staff report was written, no correspondence had been received in support of, or opposition to, this request.

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item

VI. ATTACHMENTS

A. Background Information

1. DRAFT Ordinance Language

B. Notices and Correspondence

1. Newspaper Notification

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item**TOWN OF FLOWER MOUND, TEXAS****ORDINANCE NO.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SUBPART B, CHAPTER 98 OF THE CODE OF ORDINANCES, ENTITLED "ZONING," THROUGH THE AMENDMENT OF ARTICLE III, ENTITLED "DISTRICT REGULATIONS," THROUGH THE AMENDMENT OF DIVISION 25, "MU MIXED USE DISTRICT," BY DELETING EXISTING SECTION 98-905, "MODIFICATIONS," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 98-905 ALSO ENTITLED "MODIFICATIONS"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the Town of Flower Mound, Texas, has recommended denial of the amendment of Chapter 98 of the Code of Ordinances, entitled "Zoning," by and through the amendment of Division 25, "MU Mixed Use District," by deleting Section 98-905, "Modifications," in its entirety and replacing said section with a new Section 98-905, also entitled "Modifications"; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the Town Council of the Town of Flower Mound; and

WHEREAS, the Town Council of the Town of Flower Mound, after public notice and public hearing as required by law and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission of the Town of Flower Mound and of all testimony and information submitted during said public hearings, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town, to amend the Town Code of Ordinances as set forth herein.

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

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual determinations of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item**SECTION 2**

From and after the effective date of this Ordinance, existing Section 98-905, entitled "Modifications," is hereby deleted in its entirety and replaced with a new Section 98-905, also entitled "Modifications," to read as follows:

"98-905. – Modifications

(a) *Mixed use standards.* The town council may approve modifications to any of the standards in the MU after a recommendation by the planning and zoning commission based on unique site conditions and development context at the time of the application. In granting a modification, the town council may impose any conditions that it deems necessary or desirable to protect the public interest and implement the goals of the town's master plan with respect to mixed use. However, an applicant may submit to the zoning board of adjustment a request for a variance and the board may grant variances to any specifically established standards approved by the town council in the ordinance establishing the particular MU. All such requests will be subject to the standards imposed upon the zoning board of adjustment in section 78-85.

(b) *Park land dedication and park development fees requirements.*

(1) *General.* In Mixed Use development projects, park land dedication (including the payment of cash in lieu of dedication) requirements and park development fee requirements shall be evaluated in regard to the following standards.

(2) The development plan, in addition to meeting the standards for public civic/open space above, shall be analyzed based on the following standards:

a. Provision of Private Common and Private Personal Space for all non-single-family detached residential units proposed in the development shall meet the following standards:

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item

- i. A minimum of 200 sq.ft. per unit shall be provided as courtyards, forecourts, roof-top terraces, recreational amenities such as pools, play courts, etc., or any other private common open space that is accessible to all residents of the building or development.
 - ii. Approximately 50% of the required Private Common Open space may be provided as private personal open space that includes balconies, patios, and similar spaces that are located within individual units.
 - b. All single-family detached residential units may be eligible for up to a 50% reduction of the Town's park land dedication (including the payment of cash in lieu of dedication) requirements and park development fee requirements by meeting the following standards:
 - i. An additional 5% of open space is provided (measured as a percentage of the gross area dedicated to attached and detached single-family residential uses in all character zones);
 - ii. The additional open space provided meets the criteria under 98-903(g)(3) above; and
 - iii. The additional open space provides access to at least two types of public open space (pocket park, playground, green, linear green, etc.) within a ¼-mile radius of each single-family residential (attached and detached) block. If convenient public access is provided within a ¼-mile radius of an existing significant adjacent public open space for the majority of those residential blocks, only one public open space will be required.
- (3) For the purposes of this section, the following definitions shall be used:
- a. "Private common open space" means a privately-owned outdoor or unenclosed area, located on the

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item

ground or on a roof, balcony, deck, porch, or terrace, which is designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, and intended for use by the residents, employees, and/or visitors to a development.

- b. "Private personal open space" means a privately-owned outdoor or unenclosed area, located on the ground or on a roof, balcony, deck, porch, or terrace, which is designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, and intended for use solely by the individual residents of a condominium or multi-family dwelling unit.

(c) *Tree preservation.*

- (1) *General.* In Mixed Use development projects, tree mitigation shall be evaluated in regard to the district as a whole based on the tree survey. Tree survey and planting requirements shall comply with Chapter 94 "Trees." Compliance with the requirements regarding tree removal and mitigation within the Mixed Use development shall comply with the following standards.

(2) *Tree removal.*

- a. *Undergrowth and unprotected trees.* A property-owner/developer may, in its discretion, remove understory growth, including but not limited to vines, shrubs, briars and bushes, and trees that are 3 caliper inches or less in diameter, however neither protected nor specimen trees as shown on the tree survey shall be removed without the submittal and approval by the Town of a tree removal permit.
- b. *Removal of protected or specimen trees.* The removal of specimen or protected trees located within a lot or site do not require a tree removal permit, however; such trees shall not be removed from a lot or site prior to all of the

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item

conditions listed in this subsection being met. No protected or specimen trees may be removed from a lot or site prior to the approval of a development plan, Site Plan, plat or replat. In addition, a pre-construction meeting with appropriate Town staff shall occur prior to the removal of any protected or specimen tree and/or the authorization of grading and construction activities to begin on the lot or site.

(3) *Mitigation requirements for authorized tree removal.*

Tree mitigation requirements for Mixed Use districts shall not apply to non-residential uses within the Mixed Use project. Mitigation requirements for residential uses for Mixed Use districts shall comply with the following provisions.

- a. *Protected trees on-site.* It shall be the responsibility of any person removing a protected tree from a lot or site to replace each protected tree so removed with one (1) tree having a caliper of 2½ - 3 inches, measured in accordance with the terms of Chapter 94 "Trees."
- b. *Specimen trees on-site.* It shall be the responsibility of any person removing a specimen tree from a lot or site to replace each specimen tree removed with one (1) or more trees that total twice the caliper inches of the specimen tree(s) removed as measured in accordance with the terms of Chapter 94 "Trees." For example, if a thirty-inch (30") specimen tree is removed, it would be replaced with sixty (60) caliper inches comprised of twenty (20) three-inch (3") caliper trees, five (5) twelve-inch (12") caliper trees or some other combination of trees the caliper measurement of which equates to sixty (60) caliper inches.
- c. *Mitigation payments.* Mitigation payments in lieu of planting replacement trees shall be calculated and submitted to the Town for approval. Fees in lieu of planting shall be paid to the Town's Tree Preservation Fund.

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item

- d. *Mitigation credits and incentives for preservation of protected and specimen trees.* If any protected or specimen tree is preserved on a lot or site, credits for said preservation shall be given that will count toward the replacement or mitigation requirements within the lot or site. Credits will accrue only for those trees whose measured drip lines are left predominantly in their natural state. Minimal cutting, filling or other construction-related activities are allowed within the drip line of trees eligible for credits to the extent only that such trees are not damaged or killed by such activity within their drip line. Said credits will accrue as follows.
- i. For each protected tree preserved or transplanted within a lot or site or transplanted elsewhere in the site, one (1) tree credit shall be given.
 - ii. For each specimen tree preserved or transplanted within a lot or site or transplanted elsewhere within the site, credit for caliper width equivalent to the caliper width of the tree preserved or transplanted shall be given. *For example, preserving or transplanting a specimen tree having a thirty-inch (30") caliper width would result in thirty (30) caliper inches of credit, or ten (10) three-inch (3") caliper trees.*
 - iii. For purposes of this section, one (1) credit shall be given for landscaping trees planted in compliance with the Mixed Use district landscaping standards.

SECTION 3

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item**SECTION 4**

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

SECTION 5

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

SECTION 6

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

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE ____ DAY OF _____, 2012.

APPROVED:

Thomas E. Hayden, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, TOWN ATTORNEY

Attachment 1: MUZDR Park Standards: October 1, 2012, Town Council Agenda Item

PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Flower Mound, Texas, will hold a Public Hearing on October 1, 2012, at 6:00 p.m. in the Flower Mound Town Hall, 2121 Cross Timbers Road. The purpose of the hearing is to consider a request to amend the Land Development Regulations (LDR 05-12) through the amendment of Chapter 98, "Zoning," by the amendment of Division 25, "Mixed Use District", by amending Section 98-905, entitled "Modifications," of the Code of Ordinances to allow the Town Council to (1) modify the requirements of the park land dedication ordinances; (2) modify the park development fees ordinances; and (3) modify the tree preservation ordinances for those Mixed Use Development projects that meet certain specified criteria identified in such amendments.

To Run in Denton Record-Chronicle: Wednesday, September 12, 2012

To Run in LV/FM/HV Neighborhood News: Friday, September 14, 2012

Denton Record-Chronicle:

FAX: 1-940-566-6818

ATTN: Melissa / Sherry / Natalie

Email: classads@dentonrc.com

ANY QUESTIONS OR PROBLEMS PLEASE CALL JAMES HOEFERT AT 972-874-6380

Town of Flower Mound Account # 100041137

Councilmember Levenick moved to approve a request for rezoning (ZPD 08-12 - Cross Timbers Village - West) to amend Planned Development District No. 103 (PD-103), as previously amended, by amending the Development Standard(s) requiring completed installation of perimeter and buffer landscaping prior to the issuance of a Certificate of Occupancy (CO) for the first building constructed on the southwestern corner of the intersection encompassed by PD-103, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Wise seconded the motion.

ORDINANCE NO. 52-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 27-07, WHICH ORDINANCE ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 103 (PD-103) WITH RETAIL DISTRICT-2 (R-2) USES SUBJECT TO SPECIFIC USE PERMIT NO. 348 (SUP 348), BY AMENDING EXHIBIT "B," THERETO, ENTITLED "DEVELOPMENT STANDARDS," THROUGH THE AMENDMENT OF PARAGRAPH C, "MISCELLANEOUS STANDARDS," BY DELETING EXISTING SUBPARAGRAPH 1 AND REPLACING SAID SUBPARAGRAPH WITH A NEW SUBPARAGRAPH 1 THAT ALLOWS THE INSTALLATION OF CERTAIN REQUIRED LANDSCAPING TO BE DEFERRED IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Council Deliberation

Mayor Pro Tem Stephenson noted that the Mayor mentioned these are not things we can fix right away; however, she believes there are some things that she heard that can be fixed right away. For example, the request for letters as that's not based on Ordinances. She pointed out to staff that this is an example of some of the things Council has been talking about and something that can be fixed right away. When development agreements are written staff needs to be provided room to exercise judgment when things come up. She urged staff to take a look at this situation and find the things that can be fixed right away and hoped that Council doesn't have to go through this again.

Mayor Hayden commented that given staff are there on a day-to-day basis, they should have the opportunity to make common sense decisions so people like Mr. Watson don't have to wait a month to go before Council so this can be done.

VOTE ON THE MOTION

AYES: Levenick, Webb, Stephenson, Dixon, Wise.

NAYS: None.

- 15. Public Hearing to consider a request to amend the Land Development Regulations (LDR 05-12) through the amendment of Chapter 98, "Zoning," by the amendment of Division 25, "Mixed Use District", by amending Section 98-905, entitled "Modifications," of the Code of Ordinances to allow the Town Council to (1) modify the requirements of the park land dedication ordinances; (2) modify the park development fees ordinances; and (3) modify the tree preservation ordinances for those Mixed Use Development projects that meet certain specified criteria identified in such amendments, and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its September 24, 2012, meeting.)***

Staff Presentation

Mr. Powell provided a presentation including or pointing out:

- there was insufficient background provided to P & Z last week
- mixed use regulations history, referencing the Lakeside area
- description of mixed use as described in the master plan
- examples of mixed use centers to provide examples as to how there is not one set standard with regard to open space
- roadway functions within a mixed use project and a need for different standards
- the issue of parks was brought up as a standard at the creation of the mixed use regulations, however, there was an agreement that it would be something that would have to be dealt with later
- what is before Council is standards that would be in the mixed use ordinance that would allow some flexibility as it related to parks and trees, and not necessarily related to any particular project . He noted it doesn't give a developer a right to do anything but it gives the Council the right to provide for alternative standards as it relates to parks and trees.
- the mixed use code as it exists today indicates the developer has to give a minimum of 5% open space. He indicated what is before Council tonight adds to that

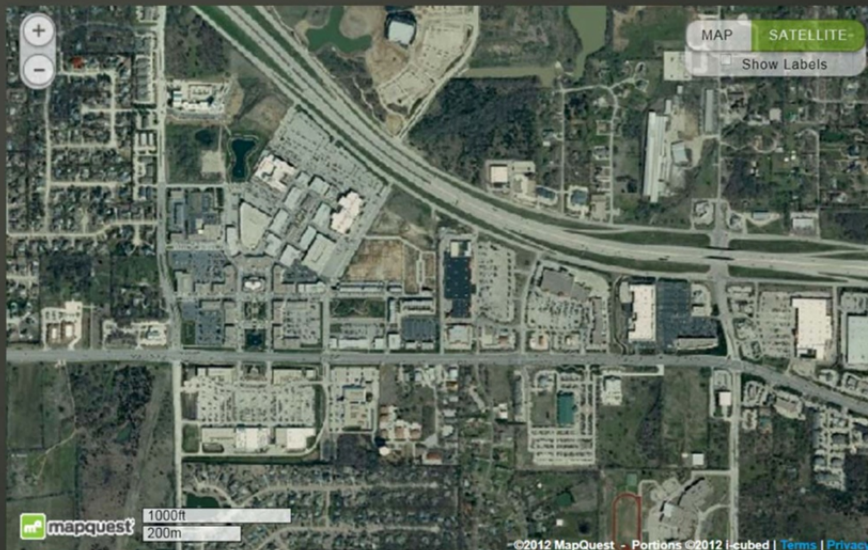
His presentation is as follows:

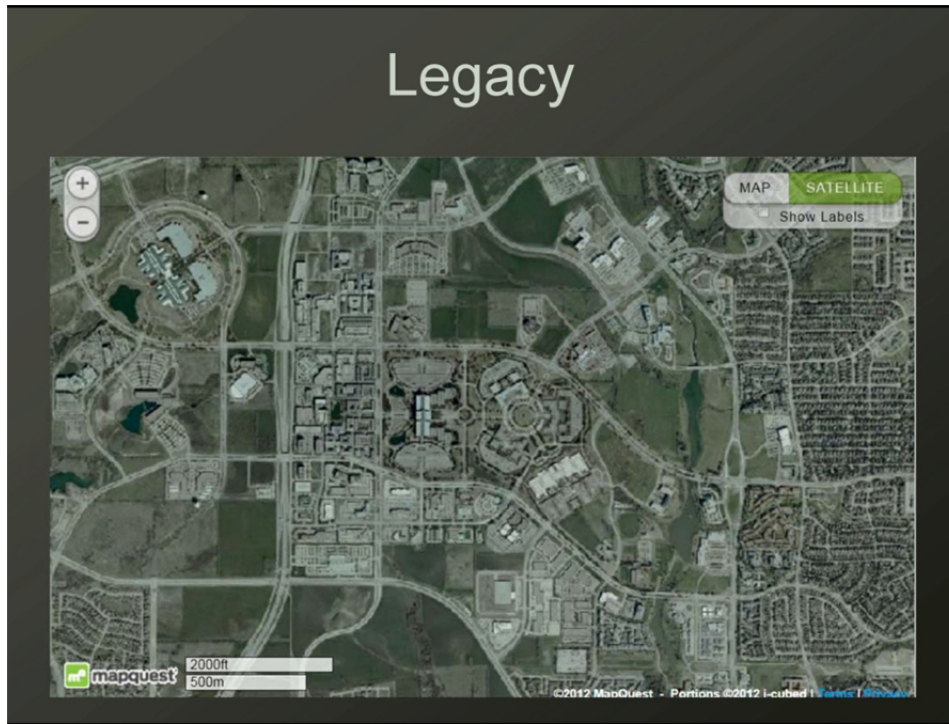


Mixed Use Description

- The Mixed Use land use category is intended to allow for the flexibility and creativity in the development of pedestrian oriented, vertical and horizontal mixed use environments. The standards and criteria established under this land use category constitute general guidelines for the staff, Planning & Zoning Commission, and Town Council to evaluate comprehensive development proposals for specific properties within the Town of Flower Mound.
- **Overall Character & Design:** Development in the Mixed Use land use category should generally meet the Town's vision for mixed use:
 - Establish a high level of development standards to create development of exemplary and enduring quality, and design.
 - Emphasize vehicular and pedestrian connectivity to adjacent opportunities that balances neighborhood integrity, market demand for development and regional access.
 - Use of both vertical and horizontal design that facilitates flexibility.
 - Creation of a variety of connected community gathering places and entertainment opportunities of differing scales and character to make walking easy from one place to another.
 - Design of streets, squares, plazas, parks, opens spaces and other civic spaces that facilitate easy walking both inside the development and to adjoining uses where appropriate.
 - Emphasis on building form, mix of uses, and site design that can accommodate changing market conditions while creating a high quality of life.
 - Include a range of residential options that reflect changing lifestyles while balancing market demand and community preferences.
 - Provide appropriate transitions to protect any existing adjacent neighborhoods and to promote sustainable value.
 - Leverage any significant environmental features on the site and treat them as "features" and not constraints.

Southlake Town Center





Mixed Use Zoning District

1. Purpose and Intent
2. Applicability & Location
3. Definitions
4. General District Standards
5. Schedule of Uses
6. Development Standards
7. Performance & Design Standards
8. Application & Development Review Process

Section 6. Development Standards

- Requires a “Master Plan” approach to development standards
- Establishes a framework within which each applicant shall propose a set of detailed development standards specifically tailored for each mixed use project
- In order to facilitate unique mixed use and pedestrian-oriented projects, certain sections of the Town's Zoning Ordinance shall not apply to development within this district (such as exterior building material standards, residential compatibility, etc.)

Section 6. Development Standards

Intended to address all elements of the built environment comprehensively:

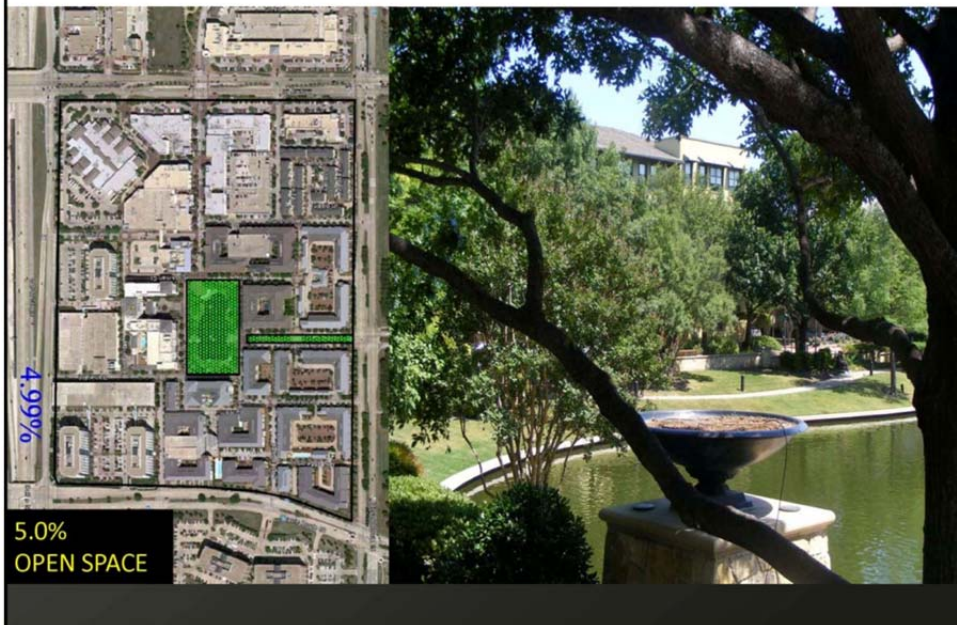
- Street Design
- Streetscape
- Open/Civic Space
- Block & Lot
- Building
- Site Design
 - Parking
 - Screening
 - Landscaping
 - Signs
 - Lighting



SOUTHLAKE TOWN SQUARE



LEGACY TOWN CENTER



FIREWHEEL, GARLAND



WATTERS CREEK, ALLEN



National Recreation & Park Association (NRPA)

- For 50 years, standard defined as 10-acres of parkland for every 1,000 people
- Communities are unique:
 - They have different climates, different geographies, different fiscal capacities, and different demographics
- Current methodology suggests each community determine their own standards or Level of Service (LOS) through detailed analysis:
 - Including surveying of park usage and resident interests combined with an introspective insight into its own defining blend of natural, social and economic characteristics

Brad Lonberger, Gateway Planning, 101 Summit Ave, Fort Worth, TX

Mr. Lonberger provided a presentation identifying research they conducted in relation to proposed park standards. His presentation identified current Town requirements against a general case study, which is indicated as follows:

Proposed Park Standards

Requirement	Case Study:	Modification Allowed	Case Study with modifications:
Public Open Space 5% of Total Area	7.75 Acres	None	7.75 Acres
3.36 acres per 100 units	73.92 Acres	Single Family: 50% reduction of requirement for SFD (240 units*50%) as long as the following are followed:	8.06 Acres
		Additional 5% of SFR Area and ¼ mile adjacency requirements	2.75 Acres
		Multi-Family: 3.36 acres per 100 units does not apply. 200 SF/unit for Non-SFR (private and private common) with 50% restriction on Private Space	9.00 Acres (Private and Private Common)
TOTAL	81.37 Acres	TOTAL	27.56 Acres
Percentage of Area	52.5%	Percentage of Area	17.8%

He pointed out various recommendations related to open space in various situations such as transitional and multifamily. He pointed out differences between "private" versus

“private common” space.

Mayor Hayden clarified the situation is, for example, if Lakeside takes the park dedication fees as what's on the Town's books today, almost half their development is going to have to be parks.

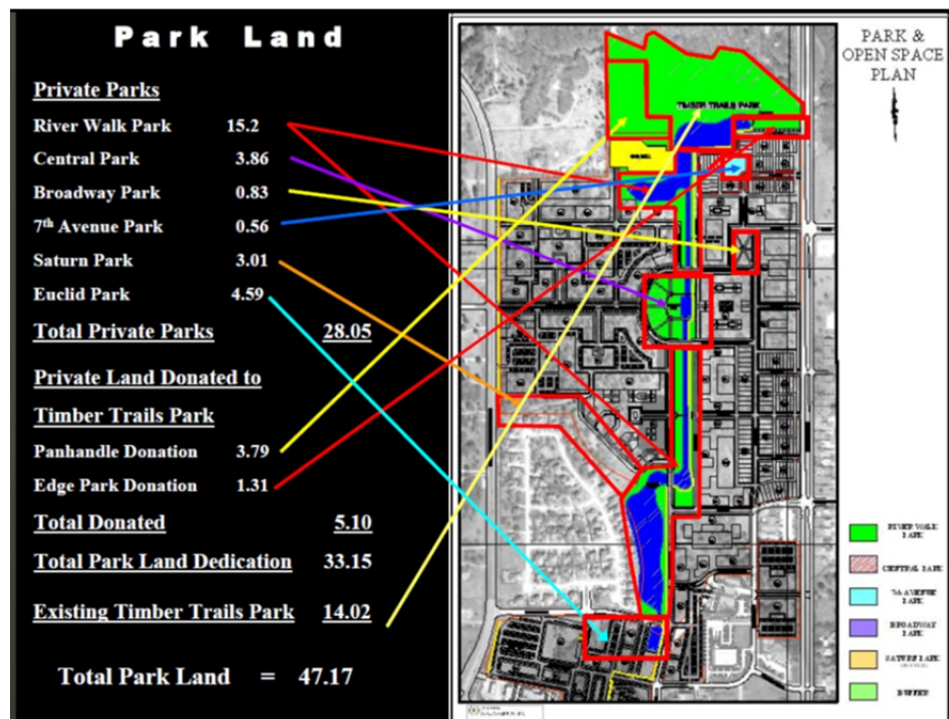
Mr. Lonberger indicated that is correct.

Mayor Hayden asked Mr. Powell what's to prevent everyone from saying their a mixed use development project since the standard is not as stringent. In addition, he asked how was the situation handled with Riverwalk.

Mr. Powell noted Riverwalk exempted themselves from everything and wrote their own zoning ordinance.

Mayor Hayden commented he doesn't know how many mixed used projects will be in Flower Mound, however, this might be the standard that applies to Canyon Falls so the changes made now impacts every mixed use project. He questioned if what is presented is too stringent or too relaxed, however, indicated that 17.5% seems like quite a bit. He asked of Mr. Powell if he knows what was done in the way of park dedication.

Mr. Powell presented the following slide in relation to what was counted for open space with regard to the Riverwalk project:



Mr. Powell provided city comparison information related to the broad range of park dedication standards as follows:

Park Regulation Comparison

	Park Dedication		Park Development	
	Residential	Non-Residential	SF Residential	MF
Flower Mound	3.36 acres / 100 DU	N/A	\$1,388 / DU	
Allen	1 acre / 100 DU	N/A	\$645/ DU	
Carrollton	Determined by P&Z, based on Comprehensive Plan	N/A	N/A	
Colleyville	4 acres / 100 DU (min. of 7 acres)	1 acre / 56 gross acres	N/A	
Coppell	1 acre / 100 DU	N/A	N/A	
Denton	(1 acre X (# of units) X (persons / unit)) / 400	N/A	\$291 / SF DU	\$187 / MF DU
Frisco	2 acres / 100 DU	N/A	N/A	
Grapevine	.69 acres / 100 DU	N/A	N/A	
Irving				
Lewisville	N/A	N/A	\$750 / DU	
McKinney	2 acres / 100 DU	N/A	N/A	
North Richland Hills	2.50 acres / 100 DU	2 acres / 100 gross acres	\$600 / DU	\$1,000/acre
Plano	N/A	N/A	\$467.47 / SF DU	\$323.96 / MF DU
Richardson				
Rowlett	Determined by Dir. of Parks & Rec and approved by CC	N/A	\$594 /SF DU	\$306 / MF DU
Southlake	2.50 acres / 100 DU	2 acres / 100 gross acres	N/A	

Mr. Powell summarized the ten concerns from P & Z as identified below. He addressed each of the concerns and compliance levels in relation to a mixed use development.

P&Z Concerns

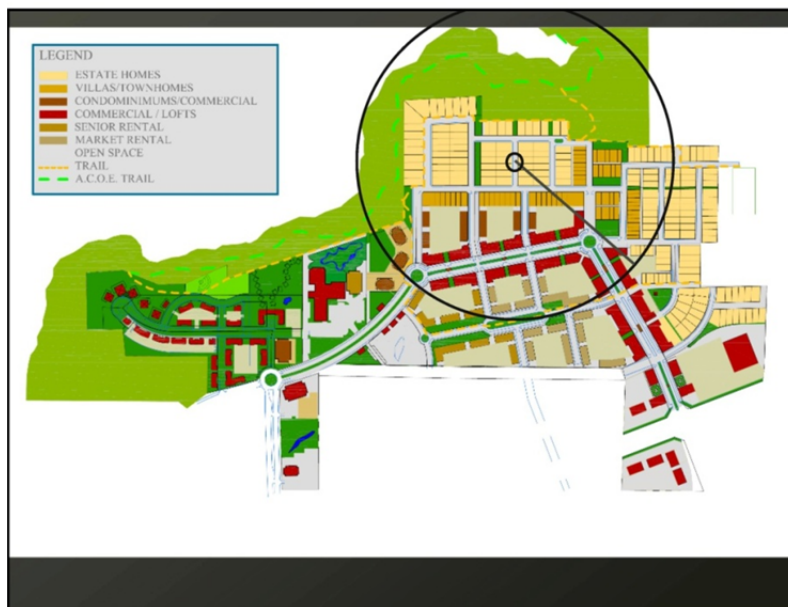
1. Impact on other development standards
 - If SFD "will resemble other residential areas in the Town," how will other standards apply such as setbacks, screening walls, perimeter landscaping, buffers, etc.
2. How large / % of SFD in project
 - Not just Lakeside, but any MU project
 - Concerned it is not scaled depending on size of SFD
3. ¼-mile radius
 - What could be interpreted as public park, so don't have to provide another one
 - Whether Corps property could be deemed park land
4. MU is to be a community draw, to include recreational opportunities
 - Appropriateness of allowing roof top terraces / patios count toward 200 sf / unit if those are private not public
 - Concerned it's 100 sf for average visitor from outside, or 50% not available to general public
5. 50% reduction in fees, may be used in parks within the development
 - No accounting that the Town or citizens will get value from fees
 - Would like to see an arrangement like in River Walk, where credits escrowed

P&Z Concerns

6. Giving park development fees back to developer denies parks board the effective use of those dollars. It's a subsidy to developer
7. MU projects are large and take a long time to develop, different product types and maybe different developers
 - Whether new developers are locked into this alternative
 - Concern about how future changes in the plan will reflect park expectations
8. The language too global and not specific
 - Needs to be tighter due to it being a Town-wide application
 - If this localized to Lakeside, they could see details and agree to what want, but they're not there yet
9. If other similar projects paid fees, concerned why offering these alternatives
10. If rest of residential can clear cut trees without mitigation, will this eliminate requirement for landscaping in those areas

Park Land SMARTGrowth

- Total Park Land Capacity 933.6 acres
- Total Park Land Demand 736.7 acres
- Total Park Land Reserve 196.9 acres
 - 3.36 acres per 100 DU 5,860 DU



Mr. Powell indicated currently the Town and SMARTGrowth doesn't count the lake or conservation areas as open space.

Mayor Pro Tem Stephenson commented this is a topic that needs to be taken to the Development Review Committee as there are current and future projects that will have private parks that are open to the public and that should count somehow and be incorporated into SMARTGrowth to gain a realistic picture in relation to park goals in total.

Mr. Powell mentioned there was a lot of discussion at P & Z about the 3.36 number and he views this as context and the standard that served the Town well for suburban development, and there are standards presented tonight for mixed used development, and at the end of the day the mixed used developments will have more open space and public areas than what he's seen across the country. He noted it's not about voting on what fits certain plans, it's about asking the Council for the alternative standards and Council doesn't have to say yes in the end.

Councilmember Webb stated several things were mentioned at different times. One was this ordinance applies to the whole Town and the other was this is specific to Lakeside. He pointed out neither of that is accurate as this is applicable to multiple locations in Town, recognizing this wouldn't apply to a residential subdivision going in off Garden Ridge. He clarified it's not a situation where every developer could use that template. In addition, he noted it's not about giving away the Corp land and everything else, however, it's more about recognizing the lake is right there and give credit where credit is due.

Mr. Powell commented yes, the mixed use ordinance is zoning, however, it's also a master plan. He pointed out the particular areas where it applies. He pointed out that regulations define what is a mixed use ordinance and there are certain provisions that are only applicable to a mixed use development, meaning developers can't pick and choose provisions from the mixed use regulations.

Mayor Hayden opened the Public Hearing at 9:21 p.m.

Public Participation

Paul Stone, 709 Lake Bluff Dr, Flower Mound, TX

Mr. Stone spoke in support of the item and noted there is a need for balance within the mixed use regulations.

Carol Kohankie, 4312 Lauren Way, Flower Mound, TX

Ms. Kohankie commented having just attended an event at the Library and being impressed with the speaker (Heather Venhaus - Regenerative Environmental Design). She encouraged Council to have her come and speak to Council or ECC given the ideas presented related to sustainability, and how it is important and could benefit the environment. She encouraged Council to make sure and incorporate flexibility for the long term because developments like Lakeside aren't going to happen in a year.

Robert First, 4215 Beverly Dr, Dallas, TX

Mr. First stated there is a lot in the Ordinance that is comprehensive. He encouraged Council to give staff the flexibility to tailor make requirements for the landscape and use by exercising common sense judgment calls because some of those requirements go contra to mixed use.

Mayor Hayden closed the Public Hearing at 9:29 p.m.

Council Deliberation

Councilmember Dixon stated there is a need to exercise caution in the situation where the Town is doing a Town initiated land development regulation change because of the

public perception related to a Town initiated Ordinance change with the land. He pointed out Mr. First said there are other parts of Town this is appropriate to and that is true. He indicated having watched the P & Z meeting and several times they were talking about it being Town wide and it is applicable only to mixed use applications. He commented that "in a perfect world the situation would be where we would be looking at this and working out a situation where we were dealing with this specific Lakeside DFW project and later down the road talk about the Ordinance. In this situation I find it a necessity to actually make a judgment call on the Ordinance." He stated having wished that P & Z Commissioners could have heard tonight's presentation as Mr. Powell's presentation provided answers to many of their questions.

Councilmember Webb commented that "with regard to where the ordinance applies and how thought processes go, a lot of this is coming from a shift in perspective. We all live in suburban neighborhoods and the mixed use ordinance was worked on by a lot of people over time to create not another suburban neighborhood, but to create something completely different for Flower Mound and it's an honest struggle for some in our community to change the perspective on how they are looking at it. I think many know what they want but trying to make that connection how to get there is difficult. The quarter mile radius, and if there is an existing park within that quarter mile radius, that isn't to give a developer a free ride – that's to ensure the people who live within the mixed use community to make sure they have usability of the area in which they live and I didn't feel that last week. The goal is to create an ordinance that allows a developer to come in and build something that creates a walkable and enjoyable environment not only for the residents that live there but for others to come and enjoy. We just need to hold that as the goal. Someone is going to invest capital and they are going to build it. Council is simply trying to set the framework and have something positive come at the end of it. A couple of the items in the presentation reflected how we did things in the past in relation to fees, and if we are always going to hold ourselves to how we did things yesterday we will never get beyond yesterday and won't go forward."

Mayor Pro Tem Stephenson commented "one of the things that is nice about the Mixed Use Ordinance is that it allows flexibility but it tries to protect us from ourselves. One of the protections in the ordinance that wasn't talked about tonight is the independent consultant review. What happens is they come forward with their concept plan (which includes park areas and accessibility to them) and the Town hires a guy to second guess them. And that is a layer of protection that I hope everyone understands it really has improved in the current application we're going through and improved the open space plans. The fees being escrowed should go in the list of things that goes into the developer agreement as it's important for the Town. It's the right place to make sure we get value for what they are claiming credit for. The things shown on the presentation tonight showed the maximum credit that could be attained with single family detached (50%). I have a feeling when we go out to the west it might not be possible to get to that 50% credit. That is the maximum we can go and sometimes when you put that out there (up to 50%) people sometimes assume that it's 50." She recalled when staff approached Gateway to design it, it was really more with the properties out west in mind than the current applicant and that is where it works very well to ensure we have adequate parks developed at the time residents start to move into mixed use developments out to the west.

Councilmember Dixon pointed out that "over the long period of time that he and others on the mixed use steering committee worked on this, some of the things mentioned

tonight were mentioned many times at every meeting – flexibility, which the mixed use ordinance provides the tool box for such. Multiple layers of protection was talked about just as much. The mixed use ordinance is different than the norm that is talked about in Flower Mound. So we knew that back when it was proposed to the then Council and many public hearings were held. The issue of parks was worked on for a long time and they saw it but didn't tackle it. He indicated after we get through this application staff is going to have a lot of work to do to make sure we tie up the loose ends. There is an opportunity there. Another point Tom made was about open space as there is a lot of open space and the perception of Corp land adjacent to the lake and the lake gives the perception of vast openness. He noted the Lakeside DFW land is very unique and it's one of the few pieces of land in North Texas that provides this type of view and opportunity. In addition, other places in Flower Mound will have unique characteristics to their land as well."

Mr. Welch stated it was discussed earlier about adding some additional whereas clauses in the Ordinance and recollected having a conversation with Mayor Pro Tem Stephenson on the subject. He indicated having draft whereas clauses that addresses the distinction between traditional land development and mixed use.

Mayor Pro Tem Stephenson pointed out the discussion was to make it very clear that this is different and we don't have the bleed over into other parts of our zoning code, and that this would not be applied in a single family estate (SF10/SF15).

Mr. Welch indicated there can be some whereas clauses that make that even more clear than what was talked about tonight in that it is specifically for mixed use and would not relate to traditional suburban codes.

As requested by Councilmember Webb Mr. Welch recited the whereas language for incorporation into the mixed use ordinance.

Mayor Hayden asked Mr. Welch for confirmation that those whereas clauses would be added to the proposed ordinance when the motion is made.

Mr. Welch confirmed that they would be included followed by the three that are already in the proposed ordinance.

Councilmember Webb moved to approve a request to amend the Land Development Regulations (LDR 05-12) through the amendment of Chapter 98, "Zoning," by the amendment of Division 25, "Mixed Use District", by amending Section 98-905, entitled "Modifications," of the Code of Ordinances to allow the Town Council to (1) modify the requirements of the park land dedication ordinances; (2) modify the park development fees ordinances; and (3) modify the tree preservation ordinances for those Mixed Use Development projects that meet certain specified criteria identified in such amendments, and adopt an ordinance providing for said amendment including the whereas language of Whereas, Mixed Use provides different and unique residential and non-residential land use options that are distinct from traditional residential and non-residential land development and uses; and

Whereas, as a result of the nontraditional land uses associated with Mixed Use, it is recognized that certain accommodations must be made relative to park

requirements, and tree mitigation obligations; and

Whereas, it is recognized that Mixed Use projects will be subject to detailed development agreements that will address park requirements and tree mitigation requirements; and

Whereas, it is the intent and purpose of the Mixed Use Ordinance to foster such unique land use development options not associated with traditional land uses and development.

Councilmember Dixon seconded the motion.

ORDINANCE NO. 49-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SUBPART B, CHAPTER 98 OF THE CODE OF ORDINANCES, ENTITLED "ZONING," THROUGH THE AMENDMENT OF ARTICLE III, ENTITLED "DISTRICT REGULATIONS," THROUGH THE AMENDMENT OF DIVISION 25, "MU MIXED USE DISTRICT," BY DELETING EXISTING SECTION 98-905, "MODIFICATIONS," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 98-905 ALSO ENTITLED "MODIFICATIONS"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Wise, Dixon, Stephenson, Webb, Levenick.

NAYS: None.

16. Public Hearing to consider a request for a Master Plan Amendment (MPA 08-12 – Urban Minor Arterial with On-Street Parking) to add a street classification of Urban Minor Arterial with On-Street Parking by amending certain provisions of and Section 7.0, "Thoroughfare Plan," of the Town's Master Plan. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 24, 2012, meeting. The Transportation Commission recommended approval by a vote of 6 to 0 at its September 18, 2012, meeting.)*

Mayor Hayden opened items 16 and 17 at the same time.

Staff Presentation

Mr. Collins provided a presentation summarizing both items 16 and 17, noting that the first one is a text amendment to the Thoroughfare Plan proposing a new cross section and to be included on the Town's Thoroughfare Plan map, and a companion land development regulation item to address how those changes are applied. He indicated the master plan amendment is to add new street classification of urban minor arterial with on-street parking and he outlined the type of environment this cross section is targeted for. He pointed out various ways in which low speed of 30 mph is achieved to make a safe environment for drivers and pedestrians. He further outlined footages associated with parkway and pedestrian areas. He provided an example of on-street parking. He also provided a schedule in relation to the time line for the work done to date.

AYES: Whittaker, McCall, Lamb, McKaige, Forest

NAYS: Levonius

ABSTAIN: None

ABSENT: Vandug

The motion passed with a vote of 5-1.

Commission Deliberation (DP 03-12)

Commissioner Forest moved to recommend approval of a Development Plan (DP 03-12 - Legends) to develop a residential subdivision. Commissioner McCall seconded the motion.

VOTE ON THE MOTION (DP 03-12)

AYES: Forest, McKaige, Lamb, McCall, Whittaker

NAYS: Levonius

ABSTAIN: None

ABSENT: Vandug

The motion passed with a vote of 5-1.

5. Public Hearing to consider a request for rezoning (ZPD 08-12 - Cross Timbers Village - West) to amend Planned Development District No. 103 (PD-103), as previously amended, by amending the Development Standard(s) requiring completed installation of perimeter and buffer landscaping prior to the issuance of a Certificate of Occupancy (CO) for the first building constructed on the southwestern corner of the intersection encompassed by PD-103. The property is generally located at the southwestern corner of Cross Timbers Road and Bruton Orand Boulevard.

Staff Presentation

Chuck Russell, Planning Manager

Questions and Answers

Commissioner Lamb asked if they heard from residents that backed up to the development.

Mr. Russell said no, only the church.

Chair Goss asked if the CO was issued when the building was finished, or when somebody leased the building. If the building sat empty for months, that might preclude them from putting in landscaping during the ideal planting season.

Mr. Russell said with a shell building, where there could be individual COs for each tenant, it would be the first CO for a tenant within the building. In theory, the building could sit without landscaping, but that was not the intent of the owner.

Chair Goss asked the developer about the leasing for the buildings.

David Watson, Direct Development, Dallas

Mr. Watson said the leasing was going well. If not full, there was 1,000 feet left. It would be within 90 days on the outside.

In Opposition – None

In Favor – None

Close Public Hearing

Commission Deliberation

Commissioner Whittaker moved to recommend approval of a request for rezoning (ZPD 08-12 - Cross Timbers Village - West) to amend Planned Development District No. 103 (PD-103), as previously amended, by amending the Development Standard(s) requiring completed installation of perimeter and buffer landscaping prior to the issuance of a Certificate of Occupancy (CO) for the first building constructed on the southwestern corner of the intersection encompassed by PD-103. Commissioner McCall seconded the motion.

VOTE ON THE MOTION

AYES: Whittaker, McCall, Lamb, McKaige, Forest, Levonius

NAYS: None

ABSTAIN: None

ABSENT: Vandug

The motion passed with a vote of 6-0.

6. Public Hearing to consider a request to amend the Land Development Regulations (LDR 05-12) through the amendment of Chapter 98, "Zoning," by the amendment of Division 25, "Mixed Use District", by amending Section 98-905, entitled "Modifications," of the Code of Ordinances to allow the Town Council to (1) modify the requirements of the park land dedication ordinances; (2) modify the park development fees ordinances; and (3) modify the tree preservation ordinances for those Mixed Use Development projects that meet certain specified criteria identified in such amendments.

Staff Presentation

Doug Powell, Executive Director

Questions and Answers

Vice Chair McKaige asked what was meant by single-family detached “will resemble” other residential areas, and whether the rules for subdivisions elsewhere would apply, such as screening walls, perimeter landscaping, buffering, etc. He also asked about the number of lots.

Mr. Powell said it meant the SFD land use in mixed use most mirrored what could be found in other areas of town, not only by look, but also by the people who lived there and their recreation needs. In the mixed use ordinance, there were different standards, depending on adjacency or transition zone.

Vice Chair McKaige asked for the percentage of the SFD piece to the total. He said this was a global proposal, and they did not have a sense of the impact.

Mr. Powell said it would be a relatively small portion of the development. It would be set up so Council could consider it on a case-by-case basis.

Vice Chair McKaige asked how many SFD there were in Lakeside.

[A gentleman in the audience replied 200-240.]

Vice Chair McKaige said, so 10%, and with the non-SFD, they could clear cut with no mitigation. He asked if this eliminated the landscaping requirements.

Mr. Powell answered no.

Vice Chair McKaige asked about the ¼ mile radius, and whether Corps property could be deemed park.

Mr. Powell said a ¼ mile was the distance people were generally willing to walk to recreational opportunities. Yes, Corps property could be considered.

Vice Chair McKaige asked why rooftop terraces counted toward the 200 square feet/unit. He was concerned 50% was not available to the general public/non-residents, which would be a big part of the success of the project.

Mr. Powell explained half of the 200 square feet had to be public and half could be private. It was to provide open space relief to people living in higher density residential areas.

Brad Lonberger, Gateway Planning, Fort Worth

Mr. Lonberger explained the amount of units required was so much greater than any single-family development that might occur, the requirement was actually much higher than what it would be if they kept the existing regulations. The amount

of land horizontally could not fit within the urbanization. In an urban environment, there were highly programmed public spaces for outside visitors to enjoy.

Mr. Powell added this was for the multi-family piece. The visitors would primarily be in the mixed use core or commercial areas, and there would be 5% of open space as plazas, parks, linear parks, etc.

Chair Goss said on the 50% relief of the \$1,388/unit, there was language that the park development fees "may" be used for parks in the development. He would like to see an arrangement similar to The River Walk, where the money was dedicated and as development occurred, credits were given back to the developer.

Mr. Powell said that was in The River Walk development agreement, so he imagined it would be part of a development agreement. It was important to not only tie specific dollar amounts of improvements for parks, but also to establish triggers for when the parks were put in.

Commissioner Whittaker said mixed use projects were large and took a long time to develop, with different product types and developers. He asked if they would be locked into this.

Mr. Powell explained a zoning ordinance would be adopted, along with a companion development agreement to specify the details, and those standards would have to be met. If a new owner wanted relief, they would have to go back through the process. Only minor changes could be approved administratively.

In Opposition – None

In Favor – None

Close Public Hearing

Commission Deliberation

Vice Chair McKaige said the language needed to be tighter for a Town-wide application. He was concerned about phasing, when they got it and how; about the ¼ mile rule; and about giving park development fees back to the developer, which denied the parks board effective use of those dollars. If it was localized to Lakeside, they could see the detail; this was too global and not specific.

Commissioner McCall said he had the same feelings. It needed to be flushed out more to get approval.

Commissioner Whittaker said the first project heard that evening could fit into mixed use, and they paid fees. He was concerned why they were offering alternatives. It was not specific enough.

Commissioner McCall moved to recommend denial of a request to amend the Land Development Regulations (LDR 05-12). Vice Chair McKaige seconded the motion.

VOTE ON THE MOTION

AYES: Levonius, Forest, McKaige, Lamb, McCall, Whittaker

NAYS: None

ABSTAIN: None

ABSENT: Vandug

The motion passed with a vote of 6-0.

7. Public Hearing to consider a request for a Master Plan Amendment (MPA 08-12 – Urban Minor Arterial with On-Street Parking) to add a street classification of Urban Minor Arterial with On-Street Parking by amending certain provisions of Section 7.0, "Thoroughfare Plan," of the Town's Master Plan..
8. Public Hearing to consider a request to amend the Land Development Regulations (LDR 06-12) to add a street classification of Urban Minor Arterial with On-Street Parking by amending, in whole or in part, certain provisions of Section 74-3, "Definitions," and Section 90-311, "Street Design Standards," of the Code of Ordinances and by amending certain provisions of the Town's Engineering Design Criteria and Construction Standards Manual through Chapter 32 of the Code of Ordinances .

Staff Presentation

Matt Hotelling, Traffic Engineer

Questions and Answers

There were none.

In Opposition – None

In Favor – None

Close Public Hearings

Commission Deliberation (MPA 08-12)

Commissioner McCall moved to recommend approval of an amendment to the Master Plan to add a street classification of Urban Minor Arterial with On-Street Parking by amending certain provisions of Section 7.0, "Thoroughfare Plan," of the Town's Master Plan. Vice Chair McKaige seconded the motion.

VOTE ON THE MOTION (MPA 08-12)

AYES: Whittaker, McCall, Lamb, McKaige, Forest, Levonius

NAYS: None

ABSTAIN: None

ABSENT: Vandug

The motion passed with a vote of 6-0.

Commission Deliberation (LDR 06-12)

Commissioner McCall moved to recommend approval of a request to amend the Land Development Regulations (LDR 06-12) to add a street classification of Urban Minor Arterial with On-Street Parking by amending, in whole or in part, certain provisions of Section 74-3, "Definitions," and Section 90-311, "Street Design Standards," of the Code of Ordinances and by amending certain provisions of the Town's Engineering Design Criteria and Construction Standards Manual through Chapter 32 of the Code of Ordinances. Commissioner Forest seconded the motion.

VOTE ON THE MOTION (LDR 06-12)

AYES: Levonius, Forest, McKaige, Lamb, McCall, Whittaker

NAYS: None

ABSTAIN: None

ABSENT: Vandug

The motion passed with a vote of 6-0.

F. ADJOURNMENT

Chair Goss adjourned the regular meeting at 8:15 p.m.

i. WORK SESSION – 8:25 P.M.

- a. Presentation and discussion regarding Lakeside DFW's application for a mixed-use development project and the Town's mixed-use regulations.**

Presenters

Doug Powell, Executive Director
Dan Quinto, Roaring Brook Development Company
Richard Myers, Realty Capital

Discussion, Questions and Answers

Commissioner Whittaker said he sent an email with 13 questions.

Mr. Myers responded:

Open Space Credit Requirements

- a. *Courtyard.* A courtyard is an unoccupied space, open to the sky, which is bound on two or more sides by the exterior walls of the building or by two or more exterior walls, lot lines or yards. Courtyards may be totally enclosed on all sides by the exterior walls of a building that provides an open pedestrian connection to a public sidewalk, public street, or platted access easement in order to be considered for open space credit.
- Required Amenities:
 - Enhanced paving
 - Seating and shade as appropriate
 - Focal point in the form of a fountain, sculpture, art installation, or landscape feature.
 - Lighting: Accent lighting
 - Signage: None if open to a public street, appropriate directional signage if not open to a public street
 - Landscape Design: Coordinated planting scheme
 - Credit: If the development meets the standards above they are eligible for 1.75x the amount of land provided, the Town Council may approve additional credit that shall not exceed more than 2.5x the amount of land provided
- b. *Natural Area.* A natural area is open space which consists of areas in the flood plain, upland habitat, creeks, water bodies, topographical slopes, and other environmentally sensitive areas. Activities in the environmental preserve shall be limited to nature trails, paths, and equestrian trails. If significant lake access is available, canoe put-ins or other passive water recreation activities may be permitted. The size of a natural area may vary depending upon the environmental element being preserved. Natural areas may also be in or part of conservation easements.
- Required Amenities:
 - Connection by trail
 - Paved and/or natural trails that traverse the natural area, including defined entrance and signage
 - May include wildlife viewing areas, mountain biking, disc golf, interpretation and education facilities where conditions permit
 - Lighting: None, or low voltage accent lighting where appropriate
 - Signage: May include interpretive kiosks as deemed appropriate
 - Landscape Design: Generally none. Some areas may include landscaping, such as entryways or around buildings. In these situations, sustainable design is preferred.
 - Credit: If the development meets the standards above they are eligible for 1.5x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 2.25x the amount of land provided

- c. *Green or Lawn.* A green or Lawn is an open space available for unstructured recreation and as a gathering place. It may be defined by landscaping rather than buildings and should be adjacent to active uses. Its landscape consists of land and trees in a natural arrangement, requiring minimal maintenance. The size of a green shall range from .5 acre to 2 acres.
- Required Amenities:
 - Required seating and shade as appropriate
 - Lighting: Street lighting, ambient accent and bollard lighting as appropriate
 - Signage: None if open to a public street. Appropriate directional signage if not open to a public street
 - Landscape Design: Predominately turf with coordinated planting scheme
 - Credit: If the development meets the standards above they are eligible for 1.75x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 2.5x the amount of land provided
- d. *Park.* A park is a natural preserve available mainly for unstructured recreation. Any structured recreation shall be limited to less than ten percent of the park. A park is usually independent of surrounding building frontages. Its landscape consists of natural paths, trails, meadows, woodlands, and open shelters. Its size shall be greater than 1 acre.
- Required Amenities:
 - Connection by trail
 - Seating and shade as appropriate
 - Structured recreation; playground, splash pad, or other type of recreational use as approved by the Parks Director.
 - Lighting: None, or low voltage accent lighting where appropriate will be considered
 - Signage: Signage to be placed by entrances, appropriate directional signage if not open to a public street
 - Landscape Design: Coordinated planting scheme
 - Credit: If the development meets the standards above they are eligible for 1.5x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 2.25x the amount of land provided
- e. *Plaza.* A plaza is an open space available for civic purposes and limited commercial activities. A plaza is spatially defined by buildings and its landscape shall consist primarily of enhanced pavement with trees being optional. Plazas are to be located in the core or transition areas of the development no larger than 1 acre in size. Plazas can be wider sidewalks or extensions of sidewalks for the purpose of providing outdoor seating for restaurants and cafes.

- Required Amenities:
 - Enhanced paving that defines the space
 - Seating and shade as appropriate, buildings may provide shading requirements
 - Lighting: None, or low voltage accent lighting where appropriate will be considered
 - Signage: None if open to a public street, appropriate directional signage if not open to a public street
 - Landscape Design: Coordinated planting scheme
 - Credit: If the development meets the standards above they are eligible for 1.75x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 2.5x the amount of land provided
- f. *Square*. A square is generally a geometrically symmetrical open space of one half; to two acres, available for unstructured recreation and civic purposes. A square is spatially defined by streets and buildings, at least on three sides. Its landscape consists of paths, lawns, and trees, all formally arranged.
- Required Amenities:
 - Enhanced paving
 - Seating and shade as appropriate
 - Focal point in the form of a fountain, sculpture, art installation, or landscape feature
 - Lighting: Perimeter lighting, accent lighting where appropriate will be considered
 - Signage: None if open to a public street. Appropriate directional signage if not open to a public street
 - Landscape Design: Turf, trees, and coordinated planting scheme
 - Credit: If the development meets the standards above they are eligible for 1.75x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 2.5x the amount of land provided
- g. *Retention/Detention facilities*. Retention/detention facilities are storm water management basins meant to collect storm water and slowly release it at a controlled rate so that downstream areas are not flooded or eroded. These facilities must be designed for multiple uses, and include low impact design principals for credit towards parkland dedication requirements.
- Required Amenities:
 - Accessible by the public
 - Natural stone or brick veneer complementary to the development is required on headwalls, bridges, culverts, retaining walls, and like structure
 - Surrounded by a minimum 8ft trail where conditions permit

Attachment 4: DRAFT Standards

- Seating and shading as appropriate
 - Site Specific Required Amenities:
 - Detention
 - Multi-purpose use that provides access to the basin
 - Retention
 - Overlook
 - Lighting: Perimeter lighting, accent lighting where appropriate will be considered
 - Signage: None if open to a public street. Appropriate directional signage if not open to a public street
 - Landscape Design: Shade trees planted a minimum of 30ft on center, staggered on each side of the trail
 - Engineering standards:
 - Meets the Town's Engineering Standards
 - Slope of the pond area does not exceed three (3) percent; allowable to twenty five (25) percent, but requires stone terracing for any slope exceeding three (3) percent. Terracing or the cutting of a sloped plane into a series of successively receding flat surfaces or platforms, shall have a maximum shelf depth of three feet with maximum 6 inch risers, and shall not negatively impact environmentally sensitive areas.
 - Credit: If the development meets the standards above they are eligible for 1x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 1.75x the amount of land provided
- h. *General Open Space.* Open spaces that do not fit into any of the definitions above that may be considered by the Park Board for qualifying open space credit. General Open Space must follow the intent of this section, and the determination will be made by the Town Council, following the recommendation of the Parks Board.
- Credit: If the development meets the standards above they are eligible for 1x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 1.75x the amount of land provided