



AGENDA
FLOWER MOUND PARKS BOARD
REGULAR MEETING

APRIL 4, 2019

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

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

- Turn in form by 6:40 p.m. to Administrative Secretary
- Speakers are limited to 3 minutes, a tone will sound at 30 seconds left and when time has expired
- Please state your name and address when speaking

The purpose of this item is to allow the public an opportunity to address the Parks Board on issues that are not indicated as a "Public Hearing" on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling Parks & Recreation 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 March 7, 2019.

G. REGULAR ITEMS

2. Public Hearing to consider recommendation of a conceptual master plan for Bella Lago Park to the Town Council.
3. Consider recommending to Town Council credit for park improvements for Magnolia Court residential development generally located north of Spinks Rd. and west of Gerault Rd.

H. RECESS REGULAR MEETING

I. CALL WORK SESSION TO ORDER

J. WORK SESSION ITEMS

4. Presentation and discussion of an ordinance amending Chapter 90 of the Town's Land Development Regulations (LDR19-0003 – Park Credit Option), adding minimum park land dedication requirements for multi-family and senior housing uses; clarifying park development fee requirements; providing options for privately maintained and publicly accessible parks and open space; clarifying park land dedication and park development fee requirements for the (MU) mixed use district and (PD) planned development district; and deleting existing provisions in conflict therewith.

K. ADJOURN – WORK SESSION

L. RECONVENE REGULAR MEETING

5. Consider approval of a recommendation of parks projects to be funded by the Community Development Corporation in fiscal year 2019-2020 using 4B sales tax revenue, and incorporate park projects for FY 2021-2024 into the Town's Five Year Capital Improvement Projects list.

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- The next regular meeting of the Parks Board is scheduled for May 2, 2019.

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: April 1, 2019 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: April 4, 2019

FROM: Jade Olson, Administrative Secretary

ITEM: Consider approval of the minutes from a regular meeting of the Parks Board held on March 7, 2019.

BACKGROUND INFORMATION: The Parks Board held a regular meeting March 7, 2019.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES/OPTIONS: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Draft minutes from the March 7, 2019 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 7th DAY OF MARCH 2019, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:30 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
Jennifer Romaszewski	Place 9 – Alternate
Dale Olson	Place 10 – Alternate

The following Board members were not in attendance:

Andrew Cummings	Place 8 – Alternate
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The following members of Town Staff were in attendance:

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

- A. CALL REGULAR MEETING TO ORDER – 6:30 P.M.**
- B. INVOCATION – Mike Liles**
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**
- D. PUBLIC COMMENTS**

N/A
- E. DIRECTOR’S REPORT**

Chuck Jennings, Director of Parks and Recreation had the following announcements:

- Heritage Park Phase 4 Ribbon Cutting Ceremony will be March 30, 2019.
- Leonard John’s Park has official been renamed to Leonard and Helen John’s Community Park.
- Stone Creek Park and Bluebonnet Park had irrigation installed on the practice fields.
- Town staff at the Atrium has moved to the new Town Hall.

- Chimney Rock has signed the contract for a gate.
- Upcoming Recreation events were announced.
- The Tennis Agreement was signed by the Town Manager.
- Upcoming Seniors In Motion events were announced.

Kari Biddix, Park Development Manager gave an update on CIP Projects:

- The current CIP projects are Bella Lago Master Plan, Canyon Falls Park, and Rheudasil Park.
- The Pink Evening Primrose Trail Segment 1 is complete.
- Heritage Park Phase 4 is complete. The Ribbon Cutting Ceremony is scheduled for March 30, 2019.
- Stone Creek Park playground is under construction
- Thrush Park (West) playground will be the next playground under construction.

F. CONSENT AGENDA

1. **Consider approval of minutes from a regular meeting of the Parks Board held on February 7, 2018.**

Board Deliberation

Board member Pichon moved to approve as presented in the agenda caption. Vice Chair Thomason seconded the motion.

VOTE ON THE MOTION

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

G. REGULAR ITEMS

2. **Consider recommending to Planning and Zoning Commission and Town Council Park Land Dedication and Park Development Fee requirements for Lakewood planned development generally located east of Silveron Blvd. and north of 2499.**

Staff Presentation

John Habern – Park, Trails and Landscape Specialist

Board Deliberation

Board member Kenyon moved to approve as presented in the agenda caption. Board member Winfield seconded the motion.

VOTE ON THE MOTION

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

H. RECESS REGULAR MEETING

I. CALL WORK SESSION TO ORDER

J. WORK SESSION ITEMS

Board Member Allen Pichon officially recused himself for items 3 and 4.

3. Review and discuss two preliminary conceptual plans for the Master Planning of Bella Lago Park a 9.07 acre park located within the Bella Lago subdivision.

Staff Presentation

Chuck Jennings – Director of Parks and Recreation

MHS Planning & Design

Hunter Rush

Arthur Fagundes

The following individuals spoke in opposition of development at Bella Lago Park, or had questions/comments related to the item: *Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

John Cashman – 2101 Lake Lugano

Sandra Benedetto – 5200 Coral Springs

Michael Benedetto – 5200 Coral Springs

Eric Schaffer – 5404 Lake Victoria Ct

Rick Benet – 2209 Paradise

Frank Antonacci – 2212 Bella Lago Ct

Jim Musil – 2205 Paradise Ln

Mel Stockwell – 2105 Paradise Ln

Leigh Stockwell – 2105 Paradise Ln

Steve Easley – 2208 Bella Lago Dr

John Ratliff – 2101 Beachview Dr

Mellany Lamb – 5109 Prince Edward Ct

Cindy Easley – 2208 Bella Lago Dr

Jim Sherman – 2100 Beachview Dr

Janet Takacs – 2101 Beachview Dr

Elaine Takacs – 2101 Beachview Dr

Richard Ratliff – 2101 Beachview Dr

4. Review and discuss a recommendation of park projects for FY 2020-2024 to be incorporated in to the Town's Five Year Capital Improvement Projects list.

Staff Presentation

Chuck Jennings – Director of Parks and Recreation

Mark Long – Recreation Superintendent

K. ADJOURN – WORK SESSION

L. RECONVENE REGULAR MEETING

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- The next Parks Board Special Meeting is scheduled for April 4, 2019.

N. ADJOURNMENT

Board Member Kenyon made a motion to adjourn the meeting. Vice Chair Thomason seconded the motion.

Chair Gloria Jones adjourned the Regular Meeting at 10:40 p.m.

TOWN OF FLOWER MOUND, TEXAS

ATTEST:

Gloria Jones, Chair

Jade Olson, Administrative Secretary



PARKS BOARD AGENDA ITEM NO. 2

DATE: April 4, 2019

FROM: Chuck Jennings, Director of Parks and Recreation
Kari Biddix, Park Development Manager

WORK SESSION ITEM: Public Hearing to consider recommendation of a conceptual master plan for Bella Lago Park to the Town Council.

Background Information: The purpose of this item is to discuss and evaluate the attached conceptual master plan and make a recommendation for Town Council consideration. MHS Planning and Design (MHS) has utilized the feedback provided by the Parks Board during their March work session item to create a conceptual design. Town staff and MHS will take the Parks Board's recommendation to the Town Council on May 6, 2019, for their consideration and approval. The item will be a public hearing in which residents will again have an opportunity to comment on the proposed master plan.

Bella Lago Park Master Plan key meetings and dates:

- January 24, 2019 – Public Input meeting
- March 7, 2019 – Parks Board Work Session
- April 4, 2019 – Parks Board Public Hearing
- May 6, 2019 – Town Council Public Hearing

The creation of a master plan for the park will provide staff with clear direction on how the park will be maintained and what (if any) amenities will be planned for future development within the park. The proposed plan shows the removal of the trail designation and park sign, leaving the park to be left as open space with routine maintenance only being performed in one small area, and very minimally in other areas (i.e. tree pruning at bridge & board replacement).

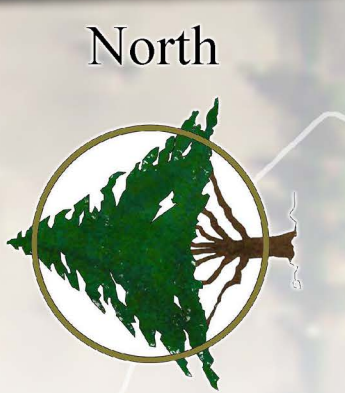
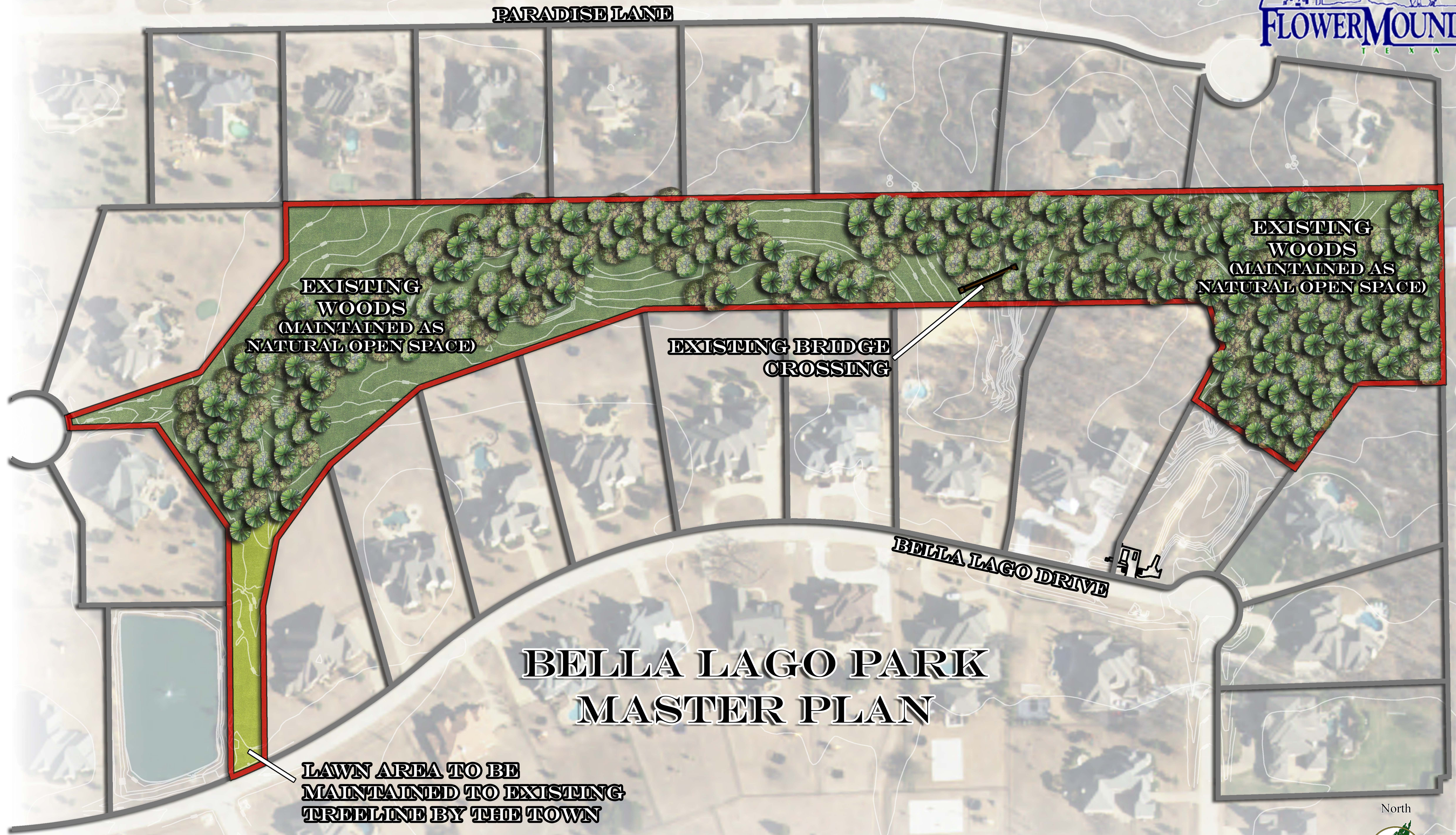
Fiscal Impact: N/A

Legal Review: N/A

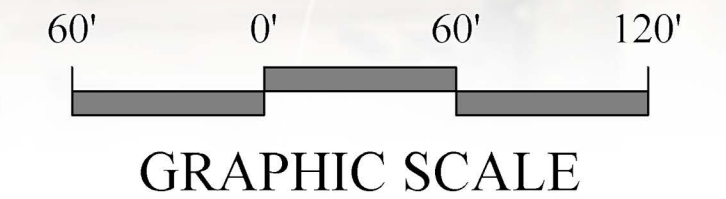
Attachments:

1. Proposed Conceptual Master Plan
2. Summary Report of Public Input meeting
3. Summary Report of Parks Board Work Session

Recommendation: Move to approve as presented in the agenda caption.



-NOT FOR CONSTRUCTION -
CONCEPTUAL DRAWING



Updated 3/25/19



On Thursday, January 24, 2019, The Department of Parks and Recreation of the Town of Flower Mound hosted a public input meeting to discuss a possible development of the Bella Lago Park. More than 50 residents from Bella Lago and Emerald Bay attended the meeting. Each attendee had the opportunity to speak for 3 minutes and give their opinion regarding the development of the Park.

Before the public input started, Chuck Jennings, Director of Parks and Recreation, gave a brief history of the park and presented the schedule for the next public meetings regarding Bella Lago Park. After that, Hunter Rush, MHS Planning and Design, gave a presentation about the company, the scope of work within this project, and the site analysis-which included some design opportunities and concerns.

The following residents from Bella Lago and Emerald Bay were heard: Kathy Schmitt, Jim Musil, Debora Musil, Mel Stockwell, Julie Weems, Eric Schaffer, Frank Antonacci, Andrew Terry, Joyce Taylor, John Cashman, Mellany Lahm, Steve Easley, Susan Young, Jim Harycki, Dana Smith, Troy Pentecost, Fred Pretzer, Dr. Jim Sherman, Patrick McClain, and Elaine Takacs.

A total of 18 of the 20 residents were against any sort of development or improvement in Bella Lago Park. Two residents were understanding and open to the idea of making small improvements to the existing property such as widening the trail or clearing some underbrush for visibility but were not particularly advocating for development. Below is a summary of the comments from these residents:

- The land is not suited for this development given that it is a very narrow property.
- The residents from Bella Lago and Emerald Bay have an easy and quick access to Post Oak Park, which is approximately 1 mile away. Therefore, another park in that area is not needed at the moment.
- This development can be a risk to the existing wildlife in the area.
- The privacy of the residents who live adjacent to the park property is a concern, given the fact that the residents located in the USACE flowage easements in Emerald Bay are not allowed to build a fence or wall around their properties.
- The development could increase criminal activity in that area.
- The property value of the houses adjacent to the park would be significantly reduced.
- A property owner located in Emerald Bay started having drainage issues after the development of the Bella Lago subdivision. Further development of the park would increase storm runoff even more in the area.
- Most of the residents were told that this would remain as an undeveloped natural area when they bought their properties.

Based on the above information, it appears that many residents are not in favor of the development of Bella Lago Park. More discussion is recommended to determine what will be the decision regarding the improvements within the park.



**Town of Flower Mound Parks Board Meeting
Bella Lago Park Presentation Summary**

On March 07, 2019, The Parks Board of the Town of Flower Mound held their monthly meeting and discussed the possible development and master planning of Bella Lago Park. During the meeting, multiple residents from Bella Lago and Emerald Bay presented their opinions on this development to the Parks Board.

Before the public input, Chuck Jennings, Director of Parks and Recreation, presented the history of the park and the schedule for future meetings. Following Mr. Jennings, Hunter Rush, from MHS Planning and Design, gave a presentation showing the existing site survey, site slope analysis, site tree density analysis and site drainage area analysis.

Based on the previously collected public input data, MHS developed two different conceptual site plans. The first site plan involves enhanced and additional trails, bridges, seating areas, nature play and picnic areas. The second layout consists of a trail clean-up along the existing nature path and the installation of a culvert on the Northwest side of the property for easy maintenance access. These two layouts were displayed to the Parks Board and to the residents who were present at the meeting.

After the presentation, multiple residents from Bella Lago and Emerald Bay had the opportunity to give their opinions regarding this subject. All the residents who spoke or filled out a public comment card at the meeting were opposed to any development at the Bella Lago Park. The feedback from the residents were similar to the previous public meeting. The following is a summary of their comments and thoughts:

- The privacy of the residents who live adjacent to the park property is a concern, given the fact that the residents located in the USACE flowage easements in Emerald Bay are not allowed to build a fence or wall around their properties.
- The development could increase criminal activity in that area.
- The land is not suited for this development given that it is a very narrow property.
- The residents from Bella Lago and Emerald Bay have quick and easy access to Twin Coves Park and Post Oak Park, which are approximately 1 mile away, therefore another park in the area is not needed or desired.
- This development can be a risk to the existing wildlife in the area.
- The property value of the houses adjacent to the park would be significantly reduced.
- The area already has drainage issues and any possible development would increase the water runoff even more.
- Most of the residents were told by their realtors that this would remain as an undeveloped natural area when they bought their properties.

The residents are in favor of master planning this property as a land conservation area and requesting that no development occur onsite. In addition, many of the residents requested that the existing Bella Lago Park sign be removed.

These alternatives will be analyzed and based on all the public input received the Parks Board will develop a recommendation regarding the future of this property at their April 4th, 2019 Parks Board Meeting. It is anticipated that the Park Board's recommendation will be presented and voted on by The Town Council on May 6th, 2019. Both of these items will be Public Hearings allowing for additional public input.

MHS Planning & Design, LLC
212 W. Ninth Street • Tyler, Texas 75701 • (903) 597-6606
Fax (903) 597-0517 • TBPE No. F-14571



Parks Board AGENDA ITEM NO. 3

DATE: April 4, 2019

FROM: John Habern, Parks, Trails and Landscape Specialist

ITEM: Consider recommending to Town Council credit for park improvements for Magnolia Court residential development generally located north of Spinks Rd. and west of Gerault Rd.

Background Information: Magnolia Court's zoning application was approved by the Town Council on December 17, 2018. The development includes 29 single-family lots and a 3.5 acre open space lot. Detention is the main purpose of the open space lot. The open space also possesses many utility easements that make development problematic.

Magnolia Court came before the Parks Board on March 1, 2018. The Parks Board recommended fees in lieu of parkland dedication and park development fees for 58 single-family lots. Since the March 1 Parks Board meeting, the developer has reconfigured the layout and reduced the number of single-family dwelling units to 29.

Adjustments to the fees in lieu of parkland dedication and park development fees are as followed: \$131,544.00 for fees in lieu of parkland dedication and \$40,252.00 for park development fees. The developer is asking for \$138,226.33 credit against park development fees and fees in lieu of parkland dedication for park improvements with the 3.5 acre privately maintained and publicly accessible open-space lot.

Alternatives or Options: The Board may wish to recommend credit for Park improvements for amenities shown on attachment 1 (Open Space Rendering).

-Or-

The Board may wish to recommend Park Fees be retained for future park development as determined by the Town.

For further details of the Town's Land Development Regulations regarding Park Fee Reimbursement, please review The Flower Mound Code of Ordinances; Subpart B - Land Development Regulations; Chapter 90 – Subdivisions; Article VI. – Standards; Division 8. - Parks and Recreational Areas; Sections 90-441 through 90-448.

Link to the Flower Mound Code of Ordinances:

https://www2.municode.com/library/tx/flower_mound/codes/code_of_ordinances?no_deld=SPBLADERE_CH90SU_ARTVIST_DIV8PAREAR

Fiscal Impact: N/A

Legal Issues: N/A

Attachments:

1. Open Space Rendering
2. Parks Board Letter



Parks Board AGENDA ITEM NO. 3

Draft Motion:

Move to recommend approval to Town Council credit for park improvements in the amount not to exceed \$138,226.33

- OR -

Move to recommend Park Development Fees be retained for future park improvements as determined by the Town.



DETENTION POND EDGE

COMMON BERMUDA SEED

BERMS WITH LOVEGRASS

OUTDOOR FITNESS EQUIP.,
±8'x12' CONCRETE PADS

PROPOSED 5' WIDE
CONCRETE TRAIL

BERMS WITH LOVEGRASS

LEUDER STONE BENCH (2)
3' SOD MOW STRIP
TRASH RECEPTACLE

RETENTION POND

POTENTIAL TRAIL EXTENSION
TO BELLA STRADA
±200 LF

3FT SOD MOW STRIP

REQUIRED 8FT MULTI-USE TRAIL,
±430 LF

MAGNOLIA COURT
DEVELOPMENT

3FT SOD MOW STRIP

GERAULT ROAD (120' ROAD)

25FT STREET
LANDSCAPE BUFFER

25FT STREET
LANDSCAPE BUFFER

SPINKS ROAD (90' ROAD)

Contour Real Estate & Development, LLC

March 27, 2019

John Habern
Parks, Trails and Landscape Specialist
Town of Flower Mound
2121 Cross Timbers Road (Town Hall)
Flower Mound, TX 75028

Re: Magnolia Court Park Fees

Mr. Habern-

Town Council approved the zoning for Magnolia Court on December 17, 2018. The community includes 29-lots and a 3.5-acre open space. The community has been designed with the potential of having a 3.5-acre park setting at the corner of Spinks Road and Gerault Road. As part of the development Contour will be constructing an 8' trail on its northern, eastern and southern borders as well as an additional 8' trail that bisects the community connecting to Bella Strada. The trails are on the Town of Flower Mound Trail Master Plan as part of the trail system. Contour is also required to pay \$171,796 in Park Fees.

Contour is requesting that the Town of Flower Mound allow Contour to apply \$138,226.33 of the park fee to improve the 3.5-acre open space with additional trail, benches, exercise stations, irrigation, trees and landscape to serve as a gateway into Flower Mound. As part of the construction of this park Contour would like to continue the trail an additional 206' into the Bella Strada Community to give access through the open space and complete the trail network to our neighbors. Contour will be responsible for any additional costs above the \$138,226.33 associated with a final mutually approved plan. The HOA of Magnolia Court will also be responsible for the maintenance of the improvements.

Attached, please find an illustrative graphic of the proposed improvements as well as a cost estimate. We look forward to our upcoming Park Board Meeting to discuss our request and please don't hesitate contacting me with any comments or questions.

Sincerely,



Jim Tchoukaleff
Contour Land
Partners 11, LTD



Parks Board AGENDA ITEM NO. 4

DATE: April 4, 2019

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 an ordinance amending Chapter 90 of the Town's Land Development Regulations (LDR19-0003 – Park Credit Option), adding minimum park land dedication requirements for multi-family and senior housing uses; clarifying park development fee requirements; providing options for privately maintained and publicly accessible parks and open space; clarifying park land dedication and park development fee requirements for the (MU) mixed use district and (PD) planned development district; and deleting existing provisions in conflict therewith.**

Background Information: 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 to research and review potential options.

During the August 6 update to Council, staff discussed the concept of mixed-use developments obtaining credits toward satisfying the Town's park land requirements. Staff presented the credit concept to the Parks Board on November 1, 2018 ([video link](#) – FF to 3:50 / [packet link](#) – pg. 32). Overall, the board provided positive feedback on the proposed changes, but had the following concerns. A brief summary of how the proposed ordinance addresses the concern is also provided.

1. Impact on Parks Board recommendation if plan substantially changes at P&Z or Council
 - a. *The proposed ordinance outlines the review and approval process, whereby the Parks Board recommendation is forwarded directly to Council as part of the development application. The Planning and Zoning Commission will consider the recommendation of the Parks Board when making their recommendation to the Town Council on the zoning application. In the event there is a conflict, it will need to be reconciled at the Council meeting, or Council will have the option to table the item, or remand back to the Parks Board and/or Planning and Zoning Commission.*
2. Maintenance of the open space
 - a. *The proposed ordinance requires the developer to submit a maintenance plan that will be reviewed by staff and the Parks Board.*
3. Concerned with open space that isn't usable (i.e. floodplain and steep grades)
 - a. *The proposed ordinance provides limits on the amount of these areas that can be credited.*
4. Developer feedback
 - a. *Staff has made developers in the Lakeside Business District aware of the proposed changes, but has not solicited specific feedback.*
5. Providing for youth sport options (practice fields and courts)



Parks Board AGENDA ITEM NO. 4

- a. *Youth sports is not an identified open space type, but that does not prevent a developer from proposing it.*
6. Routing draft ordinance back through Parks Board prior to adoption
 - a. *The purpose of this work session item is to get feedback from the Parks Board prior to formal adoption.*

Another component of this review is establishing a formula to determine how many acres are required to be dedicated, or cash in lieu paid, based on the number of dwelling units for multi-family and senior housing. The current ordinance has the same requirements for all types of housing of 3.36 acres per 100 dwelling units. Direction was given by Council to look at multi-family and senior multi-family dedication requirements that would not decrease the Town's level of service, but at the same time provide a quantitative calculation.

Staff provided an update to the Council on January 31, 2019.

- Video Link:
 - o <http://flowermoundtx.swagit.com/play/01312019-741/3/>
- Packet Link:
 - o https://www.flower-mound.com/AgendaCenter/ViewFile/Agenda/_01312019-3252

The proposed ordinance does not change the minimum amount of park area that is dedicated for standalone single-family development (3.36 acres per 100 dwelling units for single-family detached, and single-family attached uses). It proposes 2.78 acres per 100 dwelling units for multi-family uses, and 2.4 acres per unit for age-restricted senior family residential uses.

In order to implement the credit option, several sections of the code need to be amended. The attached summary table provides which sections are proposed for amendment, what is being amended, and why.

The concepts and credit calculations discussed with the Parks Board during the November meeting haven't changed. However, several sections have been added to the ordinance for implementation purposes. The new sections cover the following and are followed by a brief description:

- **Purpose and intent:** A general statement on the purpose and intent of the park credit option.
- **Definitions:** Provides specific definitions for the ordinance.
- **Applicability:** Describes which projects the ordinance is applicable.
- **Dedication options:** A developer has the option to dedicate land to the Town as any other development does, pay the dedication fee, pursue the credit option, or propose a combination.
- **Submittal Requirements:** Provides submittal requirements for development proposing the credit option.
- **Open space types and credit calculation:** Defines the allowed open spaces and the credits. (This was the focus of the November Park Board meeting.)
- **Review and approval process:** Provides the review and approval process for developments requesting the credit option.



Parks Board AGENDA ITEM NO. 4

- **Park Development Fee:** Identifies that developments proposing the credit option may ask for park fee reimbursement for structured recreation, internal extensions of the Town's required trail system, and pedestrian bridges. Pedestrian bridges were included upon the direction of Town Council.
- **Phasing and Timing:** Requires that a phasing plan for the open space be submitted, along with a completion schedule.
- **Amendments to approved plans or regulations:** Allows minor modifications to be approved administratively.

Attachment 2, the proposed ordinance, captures all of the sections of town code that need to be amended along with the new standards for the park credit option. Following the April 4 Parks Board meeting, the ordinance will be heard by the Planning and Zoning Commission on April 8, and Town Council on April 15.

Attachments:

1. Summary table
2. Draft ordinance

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

Summary table of ordinance amendments

Chapter	Article	Division	Section	Existing Language	Proposed Language	Why Amend
90	VI	9 – Park and Recreational Areas	90-443(d)	The minimum amount of park and recreational area that shall be dedicated pursuant to this division shall be 3.36 acres per 100 dwelling units. Land within floodplain and floodway designated areas shall not be counted toward meeting the requirement of this subsection.	The minimum amount of park and recreational area that shall be dedicated pursuant to this division shall be 3.36 acres per 100 dwelling units for single-family detached, and single-family attached uses, 2.78 acres per 100 dwelling units for multi-family uses, and 2.4 acres per unit for age-restricted senior family residential uses . Land within floodplain and floodway designated areas shall not be counted toward meeting the requirement of this subsection, subject to Section 90-449-	This section is being amended to add the multi-family and senior housing dedication requirements.
90	VI	9 – Park and Recreational Areas	90-446(b)	<i>Basis.</i> Park development fees shall be based on an assumed cost of typical improvements for a five-acre neighborhood park of \$206,800.00. Based upon the park land requirement of 3.36 acres per 100 dwelling units, a five-acre park equates to 149 units. The proportional park development fee is calculated by apportioning the total cost for improvements for a five-acre park by 149 units. Therefore, the park development fee is as listed in appendix A of this Code per unit.	<i>Fee.</i> Park development fees shall be \$1338.00 per unit as listed in appendix A of this Code.	This section is being amended to remove superfluous information and explicitly identify the park development fee.
90	VI	9 – Park and Recreational Areas	90-449	New	Park credit option. See section 90-449 in Attachment 2	This is the park credit option standard.
98	III	25 – Mixed Use District	98-902(c)	Table 3, Section 3.0: *Overall open/civic space allocations in the MU district shall be a minimum of 5 percent of the gross area of the entire site included in the MU concept plan and shall be distributed appropriately between the MU components. Higher open space allocations may be eligible for height bonuses outlined in section 7 (i). The location and design of appropriate open spaces shall be based on section 7(g) of this chapter. Dedicated open spaces in the MU may be applied as a credit up to 100 percent of the park dedication requirements in section 90-44 only with Town Council approval.	*Overall open/civic space allocations in the MU district shall be a minimum of 5 percent of the gross area of the entire site included in the MU concept plan and shall be distributed appropriately between the MU components. Higher open space allocations may be eligible for height bonuses outlined in section 7 (i). The location and design of appropriate open spaces shall be based on section 7(g) of this chapter. Dedicated open spaces in the MU may be applied as a credit up to 100 percent of the park dedication requirements in section 90-44 only with Town Council approval.	This is being amended to remove conflicts with the new park credit option.
98	III	25 – Mixed Use District	98-905 (b)	Park land dedication and park development fees requirements.	Park land dedication and park development fee requirements shall conform to Section 90-449 of Chapter 90 (Park Dedication Credit Option).	This is being amended to remove conflicts with the new park credit option.
98	III	25 – Mixed Use District	98-905 (1-3)	Delete	N/A	This is being amended to remove conflicts with the new park credit option.
98	III	21 – PD Planned Development District	98-815	New	Park land dedication and park development fee requirements shall conform to Chapter 90, Division 8 – Parks and Recreational Areas, Section 90-441 through Section 90-449.	This is being added to explicitly identify that PDs must follow the Town’s park development standards.

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 90-443(d) "CHARACTER AND MINIMUM DEDICATION" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES BY ADDING MINIMUM PARK LAND DEDICATION REQUIREMENTS FOR MULTI-FAMILY AND SENIOR HOUSING USES; BY AMENDING SECTION 90-446(b) "PARK DEVELOPMENT FEES" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK DEVELOPMENT FEE REQUIREMENT; BY ADDING AN NEW SECTION 90-449 "PARK CREDIT OPTION" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES TO PROVIDE OPTIONS FOR PRIVATELY MAINTAINED AND PUBLICLY ACCESSIBLE PARKS AND OPEN SPACE; BY AMENDING SECTION 98-902(c) "DEVELOPMENT STANDARDS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY AMENDING THE NOTE CONTAINED IN SECTION 3.0 OF TABLE 3; BY AMENDING SECTION 98-905(b) "MODIFICATIONS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK LAND DEDICATION AND PARK DEVELOPMENT FEE REQUIREMENTS FOR THE MU MIXED USE DISTRICT; BY AMENDING SECTION 98-905(b), SUBSECTIONS 1-3 "MODIFICATIONS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY DELETING SAID SUBSECTIONS; BY ADDING A NEW SECTION 98-815, "PARK DEDICATION AND PARK DEVELOPMENT FEES" OF DIVISION 21, "PD PLANNED DEVELOPMENT DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK STANDARDS FOR PD PLANNED DEVELOPMENT DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Town Council previously adopted Chapters 90 and 98 to the Code of Ordinances establishing comprehensive regulations for the subdivision and zoning of land with the development of real property within in the Town; and

WHEREAS, the Town Council finds and determines that park and open space regulations related to multi-family and senior housing should be established to allow options for privately maintained and publicly accessible open space; and,

ORDINANCE NO.

WHEREAS, the Town has complied with all requirements of Chapter 211 of the Texas Local Government Code, Chapter 78 of the Town's Land Development Regulations, and all other laws dealing with notice, publication and procedural requirements for the approval of a Land Development Regulations Amendment; and,

WHEREAS, the Town Council finds that the amendment to Chapters 90 and 98 as outlined herein is in the best interest of the Town of Flower Mound and will promote the health, safety, and general welfare of the citizens of the Town of Flower Mound and the general public.

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

SECTION 1

That Section 90-443(d) "Character and minimum dedication" of Chapter 90 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by to read as follows:

Sec. 90-443. - Character and minimum dedication.

(d) The minimum amount of park and recreational area that shall be dedicated pursuant to this division shall be 3.36 acres per 100 dwelling units for single-family detached, and single-family attached uses, 2.78 acres per 100 dwelling units for multi-family uses, and 2.4 acres per unit for age-restricted senior family residential uses. Land within floodplain and floodway designated areas shall not be counted toward meeting the requirement of this subsection, subject to Section 90-449.

SECTION 2

That Section 90-446(b) "Park development fees" of Chapter 90 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by to read as follows:

Sec. 90-446. - Character and minimum dedication.

(b) *Fee.* Park development fees shall be \$1,338.00 per unit as listed in appendix A of this Code.

SECTION 3

That Section 90-449 “Park dedication credit option” of Chapter 90 of the Code of Ordinances, Town of Flower Mound, Texas, is added to read as follows:

Sec. 90-449. – Park credit option.

- a) *Purpose and Intent*: The Town provides various applications of open space to create a place of recreation and relaxation for its residents. An opportunity exists between the Town, property owners, and developers to enhance the resident's quality of life by providing options for privately maintained and publicly accessible open space. This will ensure new residential development augments the publicly accessible parks and facilities provided and maintained by the Town.
- b) *Definitions*: In addition to the definitions contained in Subpart B of the Town's Code of Ordinances, the following definitions shall also apply to development utilizing the Credit Option:
- *Credit Option* means the alternative option of providing privately maintained and publically accessible open space under this section otherwise required by the park land dedication requirements outlined in Sections 90-444, and 90-445.
 - *Director of Planning Services* means the Director of Planning Services or their designee.
 - *Enhanced paving* is paving treatment that includes stamped concrete, stained concrete, brick or stone paving, or any combination of said treatments.
 - *Integral to* means open space that cannot otherwise be constructed without also constructing an associated building. Examples include courtyards that are integrated into the design of a building or set of buildings, or a square that cannot remain open and accessible, or undamaged during the construction of an adjacent building.
 - *Structured recreation* means larger recreational components such as playground equipment, sport courts, splash pads, adult and youth fitness stations, natural and interactive playgrounds, and outdoor classrooms.
 - *Mixed-use development* means development that proposes vertical mixed use that combines different uses in the same building. Lower floors should have more public uses with more private uses on the upper floors.
 - *Multi-use development* means development that proposes a horizontal mix of uses that combines single-use buildings on distinct parcels in a range of land uses within a block.
- c) *Applicability*: The credit option only applies to residential uses in a mixed or multi-use development.
- 1) Except as provided in this section, the credit option for privately maintained and publicly accessible open space is allowed for residential development with the following zoning designations:
- a) A PD Planned Development District, approved by the Town Council after April 15, 2019, and that permits residential uses in a mixed or multi-use development.
 - b) A MU Mixed Use District, approved by the Town Council after April 15, 2019.

ORDINANCE NO.

- 2) The following are exempt from utilizing the credit option and the requirements of this ordinance.
 - a) Any property zoned as a Multi-Family District as provided for in Section 98-481 of the Town Code of Ordinances before April 15, 2019.
 - b) A PD Planned Development approved by the Town Council before April 15, 2019, unless the Planned Development is amended to permit residential uses.
 - c) Any property zoned a MU Mixed Use District as provided for in Section 98-896 of the Town Code of Ordinances before April 15, 2019.
- 3) Standalone single-family detached, single-family attached, and multi-family residential projects not proposed as part of a mixed or multi-use development are subject to Sections 90-441 – 90-448 above and are ineligible to utilize the credit option.
- d) *Required Parkland Dedication Options:* Development of residential uses subject to Section 90-449(c), has the following options to satisfy the Town's park land dedication requirements:
 - 1) Dedicate land pursuant to Section 90-441 – 90-448.
 - 2) Pay cash in lieu of the required parkland dedication pursuant to Section 90-445.
 - 3) Credit Option – This option is when the applicant requests the Town to consider privately built and maintained open space that is publically accessible to be considered as credit toward the otherwise required park land dedication requirements.
 - 4) A combination of the above.
- e) *Submittal Requirements for the Credit Option:* The following are required for development applications utilizing the Credit Option:
 - 1) Open Space Plan: An Open Space Plan is required with any application for development where the applicant's request includes the Credit Option. The applicant shall submit an open space plan with the zoning application for the subject property. The Open Space Plan shall include the following:
 - a) Conceptual landscaping associated with the applicant's zoning application that conforms with the Town's Concept Landscape Plan requirements;
 - b) Location, description, open space type, and minimum area of all open spaces;
 - c) Location and description of natural features listed in 90-449(f) or identified in the Environmentally Sensitive Area Survey, which may be provide as a separate plan sheet for clarity purposes;
 - d) Location and area of all proposed publically accessible open spaces;
 - e) Location, dimension, and type of pedestrian connections between open space amenities;
 - f) Location and preliminary design details of all proposed open space amenities;
 - g) Details of the perpetual maintenance for each open space area, which must be feasible and appropriate for each open space type;
 - h) Phasing and location of open space associated with the overall development and open space associated, and integral to, specific buildings.
 - i) The open space plan shall include the information requested in the Open Space Plan Checklist. Information listed on the Open Space Plan Checklist, shall be established and maintained by the Director of Planning Services.

- 2) **Open Space Easement:** All publically accessible open space counted toward open space credit shall be dedicated as a permanent public access easement on the face of a plat to be maintained by the property owner(s), or the property owner's association. Changes to an open space easement are allowed only after Town Council approval following a recommendation by the Town's Park Board. Changes to an open space easement may not reduce the amount of open space, the amount of land that is publically accessible, or the accessibility standards outlined in the easement.
- f) ***Open Space Types and Credit Calculation:*** Each open space that meets the requirements specific to that open space type shall be eligible to receive the Credit Option outlined for each. Additional credit may be given for each open space by the Town Council, after review by the Parks Board, and shall only be given to open space that has met the specific open space type credit eligibility requirements and has provided additional or enhanced amenities. Maximum credit shall not exceed the calculations provided in the credit option for each open space type. Each open space in which the developer requests to receive credit shall be designated by type in the Open Space Plan and meet the credit eligibility requirements of the open space types below. The Planning Department shall maintain representative examples of each open space type to provide illustrative guidance, the Guide to Open Space Types, on the design, development, character, activation, and location for each open space type.
- 1) ***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.
- a) **Required Amenities:**
 - 1) Enhanced paving.
 - 2) Seating and associated shade.
 - 3) Focal point in the form of a fountain, sculpture, art installation, or landscape feature.
 - b) **Lighting:** Accent lighting.
 - c) **Signage:** None if open to a public street, appropriate directional signage if not open to a public street.
 - d) **Landscape Design:** Coordinated planting scheme.
 - e) **Credit Option:** 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.
- 2) ***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.
- a) **Required Amenities:**
 - 1) Connection to internal trails proposed with the development, and connection to town required trail system if present on site, and within 300 feet of the natural area

- 2) Paved and/or natural trails that traverse the natural area, including defined entrance and signage.
 - 3) May include wildlife viewing areas, mountain biking, disc golf, interpretation and education facilities where conditions permit.
 - b) Lighting: None, or low voltage accent lighting where appropriate.
 - c) Signage: May include interpretive kiosks as deemed appropriate.
 - d) Landscape Design: Areas to incorporate landscaping include entryways or around structures. In these situations, sustainable design is preferred.
 - e) Credit Option: 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.
- 3) *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.
- a) Required Amenities:
 - 1) Seating and associated shade.
 - b) Lighting: Street lighting, or ambient accent and bollard lighting as appropriate.
 - c) Signage: None if open to a public street. Appropriate directional signage if not open to a public street.
 - d) Landscape Design: Predominately turf with a coordinated planting scheme.
 - e) Credit Option: 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.
- 4) *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.
- a) Required Amenities:
 - 1) Connection to internal trails proposed with the development, and connection to a town required trail system if the park is located within 300 feet of the required town trail system.
 - 2) Seating and associated shade.
 - 3) Structured recreation; playground, splash pad, or other type of recreational use as approved by the Parks Director.
 - b) Lighting: None, or low voltage accent lighting where appropriate will be considered.
 - c) Signage: Signage to be placed by entrances, appropriate directional signage if not open to a public street.
 - d) Landscape Design: Coordinated planting scheme.
 - e) Credit Option: 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.
- 5) *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.

- a) Required Amenities:
 - 1) Enhanced paving that defines the space through the change in material or colors.
 - 2) Seating and associated shade. Buildings may provide shading requirements if the plaza is situated to utilize building shade during the summer months.
 - b) Lighting: None, or low voltage accent lighting where appropriate will be considered.
 - c) Signage: None if open to a public street, appropriate directional signage if not open to a public street.
 - d) Landscape Design: Coordinated planting scheme. Planters that incorporate seating are encouraged and appropriate.
 - e) Credit Option: 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
- 6) *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.
- a) Required Amenities:
 - 1) Enhanced paving that defines the space through the change in material or colors.
 - 2) Seating and associated shade. Buildings may provide shading requirements if the plaza is situated to utilize building shade during the summer months.
 - 3) Focal point in the form of a fountain, sculpture, art installation, or landscape feature.
 - b) Lighting: Perimeter lighting, accent lighting where appropriate will be considered.
 - c) Signage: None if open to a public street. Appropriate directional signage if not open to a public street.
 - d) Landscape Design: Turf, trees, and coordinated planting scheme. Planters that incorporate seating are encouraged and appropriate.
 - e) Credit Option: 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
- 7) *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.
- a) Required Amenities:
 - 1) Natural stone or brick veneer complementary to the development is required on headwalls, bridges, culverts, retaining walls, and like structures.

- 2) A minimum 8ft trail is required around the facility where conditions such as excessive slope, or outfall structures do not prohibit the construction of the trail. The trail shall connect to internal trails proposed with the development, and connect to a town required trail system, if the facility is located within 300 feet of the required town trail system.
 - 3) Seating and associated shade.
 - b) Site Specific Required Amenities:
 - 1) Detention basins must be a multi-purpose use that provides access to the basin for active and passive recreation activities.
 - 2) Retention basins must provide at least one overlook with at least one bench and trash receptacle and three shade trees.
 - c) Lighting: Perimeter lighting, accent lighting where appropriate will be considered.
 - d) Signage: None if open to a public street. Appropriate directional signage if not open to a public street.
 - e) Landscape Design: Shade trees planted a minimum of 30ft on center, staggered on each side of the trail surrounding the retention/detention facility.
 - f) Engineering standards:
 - 1) Meets the Town's Engineering Standards.
 - 2) Slope of a retention pond 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.
 - g) Credit Option: 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.
- 8) *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.
 - a) Credit Option: 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.
- 9) *Calculation.* Calculation of the open space eligible for credit shall be exclusive of all rights-of-way or easements for streets or alleys, required buffers and setbacks, required screening and landscaping, parking, parking lot tree islands, utility yards, town trail extensions as outlined in the Parks and Trails Master Plan, and all Area Plan requirements as set out in the Master Plan, to include the following:
 - a. Floodplain or water impoundments as identified under Section 98-148 shall only be eligible for credit in the Natural Area open space type. The maximum amount of floodplain or water impoundment allowed to count toward open space credit shall be 50% of the total area of open space credit applied to the project and any amount of floodplain or water impoundment above the 50% allowed shall not count toward the open space credit calculation.

- b. In an effort to preserve its natural features, a Natural Area open space type that is not located in the floodplain and contains grades protected under Section 98-147 Topographical slope protection, which limits public access, shall be allowed to have a maximum of 50% of the total open space credit area protected under Section 98-147 Topographical slope protection. The minimum 50% of the open space credit area not protected by Sec. 98-147 Topographical slope protection must be publicly accessible and may include amenities that meet the Natural Area credit eligibility requirements.

g) *Review and Approval Process for the Credit Option:*

- 1) The Open Space Plan shall be reviewed by the Director of Planning Services in conjunction with the zoning application for conformance with the standards contained in this section, and is considered a component of the zoning application for the property. Where open space type requirements and amenities are required based on their appropriateness, the Director of Planning Services or their designee, shall make a recommendation to the Park Board about the appropriateness of the open space type requirements and amenities based on the plans and details submitted with the development application. The Park Board recommendation shall be provided to the Town Council as part of the zoning application. The Planning and Zoning Commission will consider the recommendation of the Parks Board when making their recommendation to the Town Council on the zoning application.

h) *Park Development Fee:*

- 1) Applicability. Development utilizing the Credit Option shall pay park development fees in accordance with Section 90-446 except as provided below:
 - a. Credit for park improvements. Credit for park improvements as identified in Section 90-446(c) is limited to structured recreation, internal extensions of the Town's required trail system, and pedestrian bridges as approved by the Town Council and subject to conformance with departmental park standards and approval by the director of parks and recreation or their designee.

i) *Phasing and Timing:*

- 1) A phasing plan shall be submitted with the zoning application, as part of the project's development standards. The phasing plan shall include the following:
 - a. Phasing of each open space associated with the overall development.
 - b. Phasing of open space associated, and integral to, specific buildings.
 - c. Phasing of all perimeter landscaping and trails.
 - d. Phasing of trails and sidewalks that provide pedestrian connectivity between open space amenities.
 - e. Proposed conditions for acceptance of open space areas proposed under the credit option, subject to the review and approval of the Director of Planning Services.
 - f. Any mapping necessary to illustrate the proposed phasing plan as required by the Director of Planning Services.

- 2) A completion schedule for the open spaces proposed by the applicant shall be submitted at the time of site plan application for the development.
- 3) Detention/Retention open space credit types and associated amenities shall be completed prior to the acceptance of the subdivision. If the development requires more than one detention/retention pond, then the ponds associated with the phase under construction must be completed prior to the acceptance of that phase of the subdivision.
- 4) Construction/installation of open space and enhancements associated and integral to specific buildings shall be completed prior to issuance of a Certificate of Occupancy or Building Final of that building.

j) *Amendments to approved plans or regulations to developments with a credit option:*

- 1) The concept plans, open space plan, and development standards establish the regulatory framework of land uses, building location and design, open space type, locations and amenities, access, parking, and trail and sidewalk connectivity as established by the applicant in conjunction with the zoning application. Any changes to the Open Space Plan that are beyond the range of flexibility provided in the ordinance establishing the zoning district, or as provided below, shall be considered as major change and shall constitute a zoning amendment to be reviewed by staff and subject to planning and zoning commission recommendation and town council approval. The Director of Planning Services may approve minor changes to and deviations from the Open Space Plan with the applicant's written justification for such changes. Minor changes may be approved administratively by the director and a revised Open Space Plan shall be filed with the town. Any changes shall be reviewed cumulatively from the last town council approved Open Space Plan. Major changes to the approved Open Space Plan include any of the following:
 - a. Elimination of trail connectivity shown on the approved plans.
 - b. Any changes to the development standards for open space that were approved with the ordinance creating the zoning district.
 - c. Any reductions in excess of ten percent (10%) in the open space type areas in any phase of the development that was approved as part of the Open Space Plan.

SECTION 4

That Section 98-902(c) "Development Standards" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, specifically the note contained in Section 3.0 of Table 3 is hereby amended by to read as follows:

*Overall open/civic space allocations in the MU district shall be a minimum of 5 percent of the gross area of the entire site included in the MU concept plan and shall be distributed appropriately between the MU components. Higher open space allocations may be eligible for height bonuses outlined in section 7 (i). The location and design of appropriate open spaces shall be based on section 7(g) of this chapter.

SECTION 5

ORDINANCE NO.

That Section 98-905(b) "Modifications" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by to read as follows:

Sec. 90-905. - Modifications.

(b) Park land dedication and park development fee requirements shall conform to Section 90-449 of Chapter 90 (Park credit option).

SECTION 6

That Section 98-905(b), specifically subsections 1-3, "Modifications" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, be deleted in their entirety,

SECTION 7

That Section 98-815 "Park dedication and park development fees" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, is added to read as follows:

Sec. 98-815. – Park dedication and park development fees.

Park land dedication and park development fee requirements shall conform to Chapter 90, Division 8 – Parks and Recreational Areas, Section 90-441 through Section 90-449.

SECTION 8

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 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 9

All rights and remedies of the Town of Flower Mound are expressly saved as to any and all violations of the provisions of the Code of Ordinances as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10

All ordinances, orders or resolutions heretofore passed the adopted by the Town Council of the Town of Flower Mound, Texas are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

SECTION 11

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

SECTION 12

This Ordinance shall take effect and be in full force from and after the date of its passage and publication.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF _ TO _, ON THIS THE 15 DAY OF APRIL, 2019.

APPROVED:

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY



Parks Board AGENDA ITEM NO. 5

DATE: April 4, 2019

FROM: Chuck Jennings, Parks and Recreation Director

ITEM: **Consider approval of a recommendation of parks projects to be funded by the Community Development Corporation in fiscal year 2019-2020 using 4B sales tax revenue, and incorporate park projects for FY 2021-2024 into the Town's Five Year Capital Improvement Projects list.**

Background Information: The Community Development Corporation (CDC) was organized to expend revenues collected from the 4B sales tax. Each year the Parks Board recommends a list of parks projects to the CDC to be funded utilizing the 4B sales tax revenues. In FY 2018-2019, \$2,745,100 was authorized by the CDC for park projects, debt service, and operations & maintenance (O&M) expenses:

• Park and Trail Amenities	\$ 50,000
• Park and Trail O&M	\$ 200,000
• Twin Coves Debt Service	\$ 270,100
• Bakersfield Park Restroom & Concrete Walkways	\$ 500,000
• Rheudasil Improvements	\$ 200,000
• Playground Replacements	\$1,000,000
• Lakewood Pavilion	\$ 75,000
• Canyon Falls Park Design	\$ 150,000
• Bella Lago Master Plan	\$ 50,000
• Peters Colony Memorial Park Master Plan	\$ 50,000
• Cortadera Park – Improvements	\$ 200,000

It is projected that approximately \$3.2 million dollars in funding will be available for FY 2019-2020. The proposed projects for next fiscal year, as well as FY 21-24, were reviewed by the Board at their March 2019 regular meeting to be considered as part of the Town's Five Year CIP Plan. These projects were selected from a list of projects that were identified through the 2017 Parks and Trails Master Plan, requested by citizens, staff recommendations, and Town Council initiatives.

Staff has prepared the following list of park projects for recommendation to the CDC for funding in FY 2019-2020:

• Park and Trail Amenities	\$ 50,000
• Bakersfield Park - Enhancements	\$ 150,000
• Lightning Detection System Replacement	\$ 90,000
• Playground Replacements (Chinn Chapel & Pecan Orchid)	\$ 350,000
• Peters Colony Memorial Park - Design	\$ 150,000
• Trails Master Plan	\$ 300,000
• Rheudasil Park Improvements	<u>\$1,600,000</u>
Total:	\$2,690,000

These projects will be designed and/or developed after October 1, 2019.

The CIP is a vital tool used in projecting capital projects and expenditures in the near future. Only projects in FY 2019-2020 will be considered by both the CDC and Town Council for funding and construction, as only the first year of the 5-Year CIP is adopted on an annual basis. This process



Parks Board AGENDA ITEM NO. 5

allows for annual review of the projects to determine current needs of the community. The remaining four years (FY 2021-2024) are included in the attachment for review and approval.

Fiscal Impact: N/A

Legal Issues: N/A

Attachment:

1. Proposed Five Year CIP for FY 2020-2024

Recommendation: Move to approve as presented in the agenda caption.

Draft Recommended - CIP Park Funding / Projects

PARK PROJECTS	Prior Year	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	Total
Bakersfield Park Improvements Phase I - Add sports field lighting to the 5 acre multipurpose field, retro fit parking lot lights to LED, and retro fit soccer sports lights to LED					\$1,500,000		\$1,500,000
Bakersfield Park Improvements Phase II - Upgrade Lighting to LED at baseball fields (1-8)						\$1,200,000	\$1,200,000
Bakersfield Park Restroom and concrete walkway	\$500,000						\$500,000
Bakersfield Park - Enhancements (shade fabric & scoreboard replacements, and concrete drive)		\$150,000					\$150,000
Bella Lago - Master Plan	\$50,000						\$50,000
Canyon Falls - Park Design	\$150,000						\$150,000
Canyon Falls - Park Development	Park Development Fees FY19-20						\$2,500,000
Chinn Chapel - Upgrade Ballfield Lighting to LED lights, ADA, drainage; fence improvements						\$650,000	\$650,000
Cortadera Park - Loop trail; irrigation; fence upgrades and basketball pad improvements	\$200,000						\$200,000
Dixon Park - Add Picnic pavilion and amenities; Signage					\$100,000		\$100,000
Dunham Ranch Master Plan						\$150,000	\$150,000
Gerault Park - Pavilion Update, Electricity, grill and trash receptacles				\$250,000			\$250,000
Glenwick Park - Lighting Upgrade to LED for baseball and tennis, landscape and irrigation improvements				\$250,000			\$250,000
Hilltop Scoreboard Additions			\$50,000				
Leonard & Helen Johns Park - ADA accessibility, Upgrade Tennis Court LED Lighting & Controls, Landscaping				\$225,000			\$225,000
Lightning Detection System Replacement - (Bakersfield, Gerault, Chinn Chapel, Hilltop, Glenwick, Tiger)		\$90,000					
Heritage Park Improvements - Utilities, lighting improvements; restroom and parking at Dog Park; Upgrade surface at Fort Wildflower Playground; Shade and security lighting at playground				\$1,000,000			\$1,000,000
Individual Park Improvements (Bluebonnet, & Colony)			\$425,000				\$425,000
Lakewood Park - Add Pavilion	\$75,000						\$75,000
Park & Trail Amenities	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$300,000
Park & Trail O&M	\$200,000	\$250,000	\$250,000	\$275,000	\$275,000	\$300,000	\$1,550,000
Peters Colony - Master Plan	\$50,000						\$50,000
Peters Colony Park - Constuction			\$1,000,000				\$1,000,000
Peters Colony Park - Design		\$150,000					\$150,000
Playground Replacements (Chinn Chapel, Pecan Orchard)		\$350,000					\$350,000
Playground Replacements (Cortadera, Wilkerson, Possum)					\$750,000		\$750,000
Playground Replacements (Northshore, Jake's Hilltop, Rustic Timbers)						\$750,000	\$750,000
Playground Replacements (Grand with pavilion, 2 picnic tables, grill, trash)			\$300,000				\$300,000
Playground Replacements (Lakewood, Stone Creek, Thrush, Gerault)	\$1,000,000						\$1,000,000
Playground Replacements (Peacock)				\$250,000			\$250,000
Individual Park Improvements (Resurface playgrounds at Culwell, Shadow Ridge, Prairie Creek, Colony)			\$550,000				\$550,000
Rheudasil Improvements***	\$400,000	\$1,600,000					\$2,000,000
Tealwood Oaks Park - ADA accessibility; pavilion w 2 picnic tables, grill; upgrade bridges & amenities				\$400,000			\$400,000
Town Lake Property - Master Plan (Toll Brothers Dedication)			\$100,000				\$100,000
Trails Master Plan		\$300,000					\$300,000
Twin Coves Park Debt Service		\$271,250	\$272,300	\$273,250	\$270,950	\$270,200	\$1,357,950
Total	\$2,675,000	\$3,211,250	\$2,997,300	\$2,973,250	\$2,945,950	\$3,370,200	\$20,532,950

***\$200K from Previous Years \$200K from 18-19