



AGENDA

TOWN OF FLOWER MOUND PLANNING AND ZONING COMMISSION MEETING

FEBRUARY 22, 2016

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

.....
AN AGENDA INFORMATION PACKET IS AVAILABLE FOR PUBLIC INSPECTION
ONLINE AT www.flower-mound.com/AgendaCenter
.....

A. CALL TO ORDER: 6:30 P.M.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CITIZEN'S COMMENTS

The purpose of this item is to allow citizens an opportunity to address the Commission on issues that are not the subject of a public hearing. Items requiring a public hearing are clearly marked as such on the agenda, and citizens and visitors will be allowed to speak on those items during the public hearing.

D. REGULAR ITEMS

1. *Minutes of February 8, 2016*

Consider approval of the minutes of the February 8, 2016, Planning and Zoning Commission Regular Session.

2. *RC15-0016 – Southgate, Phase I – Northeast Tract*

Consider a request for a Record Plat to create one open space lot, one non-residential lot, and dedicate certain rights-of-way and easements. The property is generally located north of Long Prairie Road and east of Gerault Road.

3. *ZPD15-0014 – Red Hawk*

Public Hearing

Public Hearing to consider a request for rezoning from Agricultural District (A) uses to Planned Development District No. 144 (PD-144) with Single-Family Estate (SF-E) uses, with certain modifications, exceptions and waivers to the Code of Ordinances. The property is generally located west of Simmons Road and south of Wichita Trail.

4. *ZPD16-0003 – Hillside of Flower Mound*

Public Hearing

Public Hearing to consider a request for rezoning to amend Planned Development District No. 143 (PD-143) for a cluster development to modify the exception to Section 98-147, "Topographical Slope Protection." The property is generally located south of Cross Timbers Road and west of Shiloh Road.

5. *LDR16-0001 – Farmer's Market*

Public Hearing

Public Hearing to consider a request to amend the Land Development Regulations by amending Section 98-2, entitled "Definitions," and Section 98-980, entitled "Farmer's market," of the Town's Code of Ordinances to allow a farmer's market to operate on any Town-owned property and to provide that all farmer's markets must abide by Town regulations and applicable provisions of state law.

E. ADJOURNMENT – REGULAR SESSION

i. WORK SESSION

- a. Presentation and discussion regarding the Flower Mound Board and Commission Input Process, to include an exchange of ideas and discussion on planning and zoning related initiatives for the Town Council to consider for the next fiscal year strategic plan. Discussion may include land use, land development regulations, architectural standards, landscape standards, Town infrastructure (transportation, water, and wastewater master plans), SMARTGrowth, development processes, growth, and housing.

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, on the following date and time: Feb. 18, 2016, at 11:00 AM at least 72 hours prior to the scheduled time of said meeting.



Cindi Price, Executive Assistant

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

The Flower Mound Town Hall and Council Chambers are wheelchair accessible. Requests for accommodations or interpretive services must be made at least 48 hours prior to this meeting by contacting Planning Services at (972) 874-6350.

THE FLOWER MOUND PLANNING & ZONING COMMISSION MEETING HELD ON THE 8TH DAY OF FEBRUARY, 2016, 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 PM

The Planning & Zoning Commission met in a regular session with the following members present:

Claudio Forest	Chair
Don McDaniel	Vice Chair
Emily Strittmatter	Commissioner, Place 5
Brian Smiley	Commissioner, Place 6
Perfecto Solis	Commissioner, Place 7
Freddie Guerra	Commissioner, Place 8
Brad Ruthrauff	Commissioner, Place 9

Constituting a quorum with the following members absent:

Sandeep Sharma	Commissioner, Place 2
Mike McCall	Commissioner, Place 3

Places 8 and 9 of the Commission do not vote on items unless they sit in place of one of the regular members, Places 1-7.)

And the following members of Town staff present:

Ashley Dierker	Town Attorney
Doug Powell	Executive Director
Tommy Dalton	Director of Strategic Services
Chuck Russell	Town Planner
Robert Pegg	Engineering Manager
Poornima Srinarasi	Senior Planner
Cindi Price	Executive Assistant

A. CALL TO ORDER: 8:01 P.M. *[following SMARTGrowth Commission]*

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CITIZENS/VISITORS COMMENTS

Shyron Shenko, 5001 Rippy Road, Flower Mound
Don McDaniel, 3801 Hide-A-Way Lane, Flower Mound

D. REGULAR ITEMS

1. Consider approval of the minutes of the January 25, 2016, Planning and Zoning Commission Regular Session.

Commission Deliberation

Vice Chair McDaniel moved to approve the January 25, 2016, minutes as presented. Commissioner Solis seconded the motion.

VOTE ON THE MOTION

AYES: Solis, Smiley, McDaniel, Ruthrauff, Strittmatter

NAYS: None

ABSTAIN: Guerra

ABSENT: McCall, Sharma

The motion passed with a vote of 5-0-1.

2. Consider a request for a Record Plat (RC15-0008 – Townlake, Phase 1) to create a residential subdivision. The property is generally located north of River Hill Drive and west of Flower Mound Road.

Staff Presentation

Poornima Srinarasi, Senior Planner

Commission Deliberation

Vice Chair McDaniel moved to approve RC15-0008 – Townlake, Phase 1. Commissioner Ruthrauff seconded the motion.

VOTE ON THE MOTION

AYES: Strittmatter, Ruthrauff, Guerra, McDaniel, Smiley, Solis

NAYS: None

ABSTAIN: None

ABSENT: McCall, Sharma

The motion passed with a vote of 6-0.

3. Public Hearing to consider a request for a Replat (RP15-0008 - Timber Creek Medical Office) to create two non-residential lots. The property is generally located south of College Parkway and east of Long Prairie Road.

Staff Presentation

Poornima Srinarasi, Senior Planner

Applicant Presentation

Kendra Stephenson, Portmanteau Consulting

In Favor – None

In Opposition – None

Close Public Hearing

Commission Deliberation

Vice Chair McDaniel moved to approve RP15-0008 - Timber Creek Medical Office.
Commissioner Solis seconded the motion.

VOTE ON THE MOTION

AYES: Solis, Smiley, McDaniel, Guerra, Ruthrauff, Strittmatter

NAYS: None

ABSTAIN: None

ABSENT: McCall, Sharma

The motion passed with a vote of 6-0.

4. Consider a request for a Site Plan (SP15-0018 -Taco Bueno) to develop a fast food restaurant with a drive-through window. The property is generally located south of College Parkway and east of Long Prairie Road.

Staff Presentation

Poornima Srinarasi, Senior Planner

Commission Deliberation

Vice Chair McDaniel moved to approve SP15-0018 – Taco Bueno. Commissioner Ruthrauff seconded the motion.

VOTE ON THE MOTION

AYES: Strittmatter, Ruthrauff, Guerra, McDaniel, Smiley, Solis

NAYS: None

ABSTAIN: None

ABSENT: McCall, Sharma

The motion passed with a vote of 6-0.

5. Public Hearing to consider a request for a Replat (RP15-0016 - The River Walk Retail Addition) to create a non-residential subdivision. The property is generally located south of Central Park Avenue and east of Long Prairie Road.

6. Consider a request for a Site Plan (SP15-0027 - River Walk Retail) to develop two non-residential buildings. The property is generally located south of Central Park Avenue and east of Long Prairie Road.

Staff Presentation

Poornima Srinarasi, Senior Planner

Applicant Presentation

Monica Concien, G & A Consultants
Scott Minnis, G & A Consultants

In Favor – None

In Opposition – None

Close Public Hearing

Commission Deliberation (RP15-0016)

Vice Chair McDaniel moved to approve RP15-0016 – The River Walk Retail Addition. Commissioner Solis seconded the motion.

VOTE ON THE MOTION (RP15-0016)

AYES: Solis, Smiley, McDaniel, Guerra, Ruthrauff, Strittmatter

NAYS: None

ABSTAIN: None

ABSENT: McCall, Sharma

The motion passed with a vote of 6-0.

Commission Deliberation (SP15-0027)

Vice Chair McDaniel moved to approve SP15-0027 – River Walk Retail. Commissioner Solis seconded the motion.

VOTE ON THE MOTION (SP15-0027)

AYES: Strittmatter, Ruthrauff, Guerra, McDaniel, Smiley, Solis

NAYS: None

ABSTAIN: None

ABSENT: McCall, Sharma

The motion passed with a vote of 6-0.

7. Consider a request for a Development Plan (DP14-0009 – Hawks Hill) to develop a non-residential subdivision. The property is generally located south of Waketon Road and west of Long Prairie Road.

Commissioner Strittmatter recused herself from Item 7 and left Council Chambers.

Staff Presentation

Chuck Russell, Town Planner

Commission Deliberation

Vice Chair McDaniel moved to recommend approval of DP14-0009 – Hawks Hill. Commissioner Solis seconded the motion.

VOTE ON THE MOTION

AYES: Solis, Smiley, McDaniel, Guerra, Ruthrauff

NAYS: None

ABSTAIN: None

ABSENT: McCall, Sharma, Strittmatter

The motion passed with a vote of 5-0.

Commissioner Strittmatter returned to Council Chambers.

8. Consider a request for a Site Plan (SP15-0028 - Mi Dia) to develop a restaurant, and a waiver to certain Architectural Standards in the Town's Urban Design Plan. The property is generally located on the west side of Long Prairie Road and south of West Windsor Drive.

Staff Presentation

Poornima Srinarasi, Senior Planner

Applicant Presentation

Drew Martin, DM2, LLC
Tyler Duncan, Duncan Design Group
Doug Weaver, G & A Consultants

Commission Deliberation

Vice Chair McDaniel moved to approve SP15-0028 – Mi Dia, as presented, with the exception of the agreement to add some articulation to the south wall that faces the adjacent property to the south. Commissioner Solis seconded the motion.

VOTE ON THE MOTION

AYES: Strittmatter, Ruthrauff, Guerra, McDaniel, Smiley, Solis

NAYS: None

ABSTAIN: None

ABSENT: McCall, Sharma

The motion passed with a vote of 6-0.

9. Public Hearing to consider a request for a Master Plan Amendment (MPA16-0002 – Land Use Definitions) to amend Section 1, Land Use Plan, by modifying the Medium Density and High Density definitions, and by creating two new residential land use categories, “Medium High Density” and “High Density Single-Family Detached.”

Staff Presentation

Doug Powell, Executive Director
Tommy Dalton, Director of Strategic Services

In Favor – None

In Opposition –

Janvier Scott, 2829 Bob White Lane, Flower Mound
Shyron Shenko, 5001 Rippy Road, Flower Mound
Katie Lowe, 3113 Springwood Road, Flower Mound
Sandy Fambrough, 4105 Spring Meadow Lane, Flower Mound
Sharon Gentry, 2750 Bob White Lane, Flower Mound
Jim Engel, 5110 Bayberry Street, Flower Mound
Paul Stone, 709 Lake Bluff Drive, Flower Mound
Warner Watkins, 2800 London Lane, Flower Mound

Close Public Hearing

Commission Deliberation

Vice Chair McDaniel moved to recommend denial of MPA16-0002 – Land Use Definitions. Commissioner Ruthrauff seconded the motion.

VOTE ON THE MOTION

AYES: McDaniel, Ruthrauff, Strittmatter, Forest

NAYS: Solis, Smiley, Guerra

ABSTAIN: None

ABSENT: McCall, Sharma

The motion passed with a vote of 4-3.

E. ADJOURNMENT: 10:38 P.M.

TOWN OF FLOWER MOUND, TEXAS

DOUGLAS S. POWELL, AICP
Executive Director, Development Services

ATTEST:

Cindi Price, Executive Assistant

DRAFT



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 2

DATE: February 22, 2016

FROM: Poornima Srinarasi, Senior Planner

ITEM: Consider a request for a Record Plat (RC15-0016 – Southgate, Phase I – Northeast Tract) to create one open space lot, one non-residential lot, and to dedicate certain rights-of-way and easements. The property is generally located north of Long Prairie Road and east of Gerault Road.

I. ITEM SUMMARY

This application has been reviewed by DRC and has been found to be in conformance with all applicable Town regulations.

This application will require final action by the Planning and Zoning Commission.

II. APPLICATION ANALYSIS

The purpose of this application is to create one non-residential lot and one open space lot within the Northeast Tract of the Southgate development. The site is undeveloped and contains approximately 6.86 acres. The property is zoned Planned Development District-134 (PD-134) with both non-residential and residential uses in compliance with the Campus Commercial land use designation within the Lakeside Business District Area Plan.

This record plat will create Lot 1X, an open space lot with approximately 2.16 acres, to be used for a retention pond and associated landscape improvements. Lot 2 is a buildable lot of approximately 3.98 acres and is the site for the proposed Crossfire indoor shooting facility, for which the Town Council approved a Specific Use Permit (SUP-442) on February 1, 2016.

The plat depicts necessary easements, buffers, and setbacks. The plat also depicts right-of-way for the proposed Patriot Way, an east-west roadway that connects Gerault Road and Enterprise Drive. Access to Lot 2 is provided from Patriot Way. The proposed record plat is consistent with the development plan (DP15-0008) that was approved by the Town Council on September 21, 2015, for the Northeast Tract of the Southgate development.

III. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

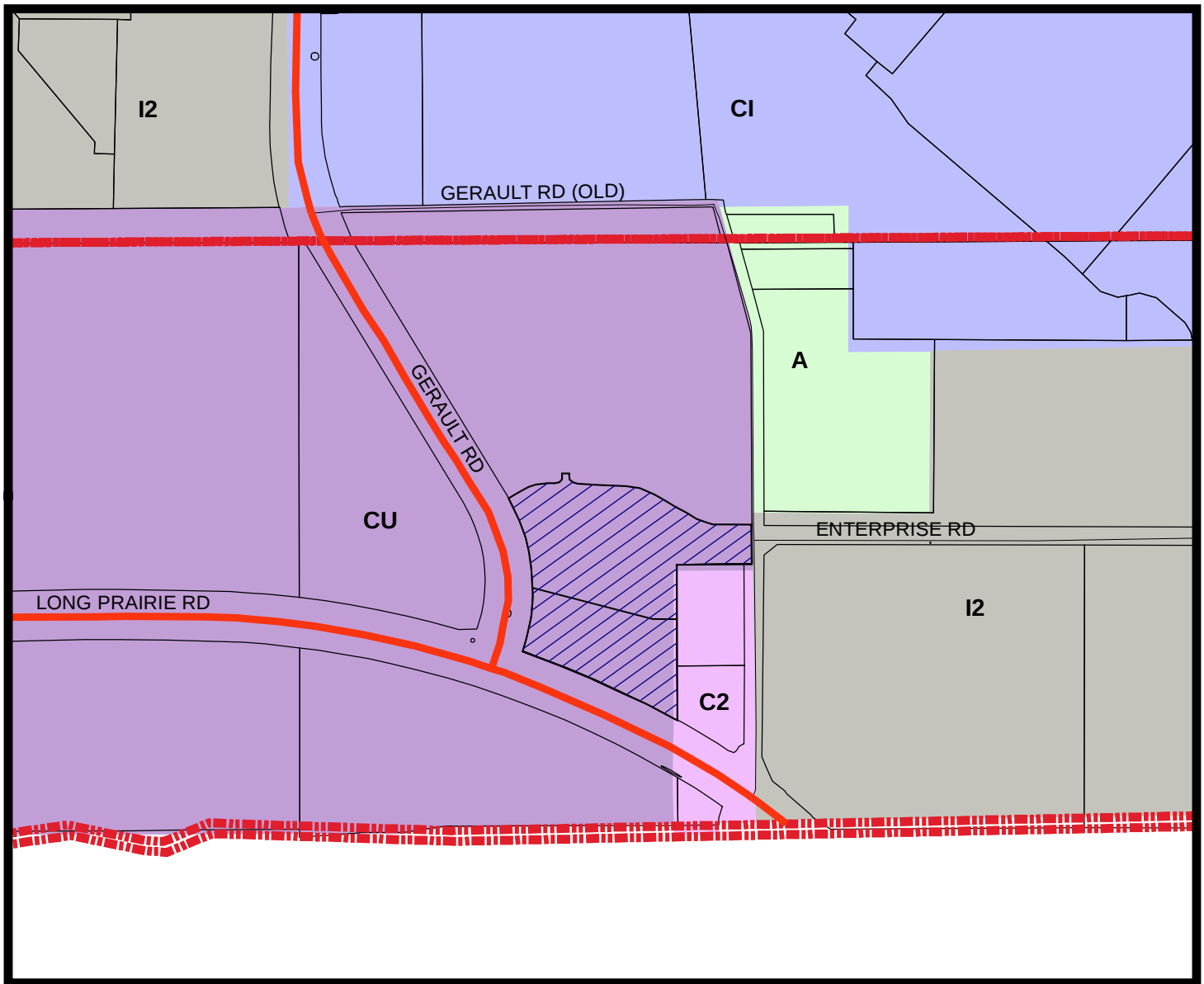
B. Application Details

1. Record Plat Package

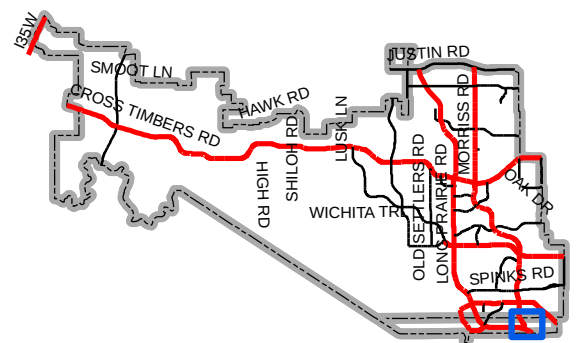
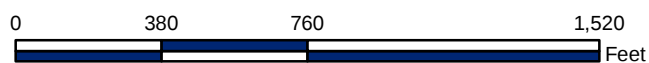
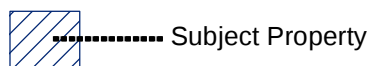
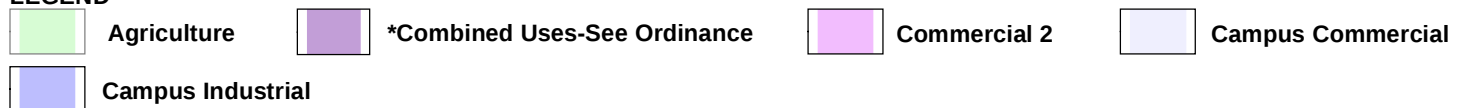


Vicinity Map

Reference Project: RC15-0016



LEGEND



Map Location



December 8, 2015

Mr. Doug Powell
Executive Director of Development Services
Town of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028

**RE: Southgate – Northeast Tract – Record Plat Application
G&A Job Number 15103**

Dear Doug:

Please accept this letter, on behalf of our client, as an explanation of the proposed application. We are submitting, for review and approval, a Record Plat Application for the Northeast Tract of the Southgate Development. The purpose of the record plat is to create the necessary lots for retention pond and the right-of-way for the main east/west street shown on the approved development plan. In addition we are submitting the construction plans for the infrastructure to serve the retention pond and street improvements.

The record plat will create an “X” lot, of 2.165 acres, for the retention pond and associated landscape improvements, as well as Lot 2, Block a to be used for future development, and the right-of-way for Street J, now Margaret Avenue, the aforementioned east-west roadway approved with the development plan. The infrastructure is being coordinated with the development plan submitted by the remainder of the property to the north.

The submitted plans comply with the standards for area identified as SG-M2 in the approved PD for Southgate. The PD stipulates that this area shall have 1 “linear park” and 1 “buffer front” to create a minimum of 5% open space. It is important to note that the drafter of the PD mistakenly labeled that a “pocket park” is required in SG-M2 (page 13 of the PD) and it should state that a “linear park” is required since the SG-M2 section describes the “linear park” requirement in greater detail (see page 32 of the PD). The following describes the open space requirements:

1. Gerault Road: Linear Park: 2,063 Square Feet

The PD stipulates that a “buffer front” is not required when a “linear park” is used instead (page 61 of the PD). The “linear park” requirement is a minimum of 5,000 square feet in area, at least 15-feet wide of the entire SG-M2 area, with trees spaced at 30-foot intervals which would equate to 5 required trees. The “linear park” is required in conjunction with the required Town trail, which is provided in this SG-M2 area only along Gerault. Therefore, along Gerault, we are proposing a 15-foot landscape buffer to act as the “linear park” with 5 trees to meet the requirements of the PD on Lot 1X. The Site Plan for the Gun Range property will also need to comply with these requirements as it comes forward for approval.

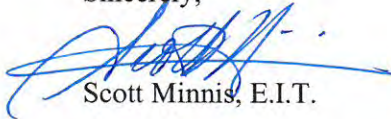
2. FM 2499: Buffer Front: 7,393 Square Feet

Along FM 2499, the PD stipulates that a “buffer front” is required and shall be a minimum of 15 feet in width with trees spaced at 40-foot intervals, which would equate to 13 required trees. Therefore, we are providing 14 trees.

In addition to meeting the separate requirements for each street frontage, the minimum open space requirement of 5% has also been met and we are proposing 9,456 SF total square feet or 10% of “linear park” and “buffer front” accumulatively.

Feel free to contact me if you have any questions or comments regarding this submittal.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott Minnis', with a stylized flourish extending to the right.

Scott Minnis, E.I.T.

cc. Mr. Robert J. Dollak, Jr, P.E.
Mr. Stephen Williamson, Beverly Development

APPROVED:
TOWN OF FLOWER MOUND
PLANNING AND ZONING COMMISSION

Claudio Forest, Chairman Planning
and Zoning Commission

_____, 2016

Date

SIGNED AND SEALED:
TOWN OF FLOWER MOUND

Theresa Scott, Town Secretary
Town of Flower Mound

_____, 2016

Date

I, Mark Paine, a Registered Professional Land Surveyor in the State of Texas, have prepared this plat of the above property from an actual survey on the ground, and this plat represents that survey made by me or under my supervision.

RECORD PLAT
Lots 1X & 2, Block A
SOUTHGATE, PHASE
6.864 Acres
in the
J. TURNER SURVEY, ABSTRACT NO. 1251
TOWN OF FLOWER MOOD
DALLAS COUNTY, TEXAS

111 Hillside Drive Lewisville, TX 75057 QP: 972.436.9712 QF: 972.436.9715
144 Old Town Blvd. North, Ste 2 Argyle, TX 76226 QP: 940.240.1012 QF: 940.240.1021
TBPE Firm No. 1798 TBPLS Firm No. 10047700

OWNER/DEVELOPER
FLST, LTD,
BEVERLY DEVELOPMENT
PO BOX 190746
DALLAS, TX 75219
Ph. (214) 377-8466
Contact: MR. STEPHEN WILLIAMSON

OWNER'S CERTIFICATE AND DEDICATION

BEING all that certain lot, tract or parcel of land, situated in the J. Tuner Survey, Abstract Number 1251 in the Town of Flower Mound, Tarrant County, Texas, and being part of that certain called 29.009 Acre tract of land, described as Tract B, in deed to FLCT, LTD., FLSC, LTD. & FLST, LTD., recorded in Document Number 2007-102876 of the Deed Records of Denton County, Texas, and recorded in Instrument Number D207302377 of the Real Property Records of Tarrant County, Texas, and being more particularly described as follows:

THENCE Northwesternly with the north line of said Parcel 4 and said F.M. 2499, with the arc of a curve to the left, having a radius of 3330.00 feet, a central angle of 790/340, an arc length of 417.07 feet and whose chord bears N 64°46'58" W, 416.80 feet to a 1/2" capped rebar set (G&A Consultants) at the southeast corner of that certain called 0.317 acre tract of land, described in Lis Pendens in favor of Town of Flower Mound, Texas, recorded in Document Number 2010-66592 of the Real Property Records Of Denton County, Texas, and recorded in Instrument Number D210031839 of the Real Property Records of Tarrant County, Texas;

THENCE Northwesternly with the east line of said 0.317 acre tract and said Gerault Road, with the arc of a curve to the left, having a radius of 600.00 feet, a central angle of 33°36'27", an arc length of 351.94 feet and whose chord bears N 08°57'26" W, 346.91 feet to a 1/2" capped rebar set (G&A Consultants);

N 66°04'50" E, 17.62 feet to a 1/2" capped rebar set (G&A Consultants) at a point of curvature of a curve to the right;

Northeasterly with the arc of said curve, having a radius of 25.00 feet, a central angle of $89^{\circ}40'16''$, an arc length of 39.13 feet and whose chord bears N $44^{\circ}21'6''$ E, 35.25 feet to a 1/2" capped rebar set (G&A Consultants);

Southeasterly with the arc of said curve, having a radius of 25.00 feet a central angle of 90°00'00", an arc length of 39.27 feet and whose chord bears S 45°00'00" E, 35.36 feet to a 1/2" capped rebar set (G&A Consultants);

Southeasterly with the arc of said curve, having a radius of 295.00 feet, a central angle of 30°00'00", an arc length of 154.46 feet and whose chord bears S 75°00'00" E, 152.70 feet to a 1/2" capped rebar set (G&A Consultants);

Southeasterly with the arc of said curve, having a radius of 255.00 feet, a central angle of 30°33'45", an arc length of 136.02 feet and whose chord bears S 75°16'53" E, 134.41 feet to a 1/2" capped rebar set (G&A Consultants);

NCE S 00°48'35" W, 72.13 feet to a 1/2" capped rebar set (G&A Consultants) at an outer elle corner of said Tract B, and being the east corner of Lot 1, of said Southpoint Addition;

THENCE S 00°42'35" W, with the east line of said Tract B, and the west line of said Lot 1, passing at 320.49 feet, a 1/2" capped rebar found (G&A Consultants) at the southwest corner thereof, and being the northwest corner of said Lot 2, continuing with the west line thereof, a total distance of 471.73 feet, to the POINT OF BEGINNING and containing approximately 6.864 acres of land.

All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, reconstruction, maintenance or efficiency of its respective system on the utility easements, and all public utilities shall at all times have the right of ingress and egress to and from and upon the said utility easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining or adding to or removing all or parts of its respective system without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress to private property for the purposes of reading meters and any maintenance and service required or ordinarily performed by that utility.

WITNESS MY HAND this _____ day of _____, 2016.

STATE OF TEXAS :
COUNTY OF DENTON : BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____,
known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the
purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2016.

Notary Public State of Texas

My commission expires the _____ day of _____, _____.

LIENHOLDER'S RATIFICATION OF PLAT DEDICATION

STATE OF _____;
COUNTY OF _____; Whereas, _____, acting by and through the undersigned, its duly authorized agent, is a lienholder of a portion of the property described hereon, does hereby ratify all dedications and provisions of this plat as shown.

Lienholder: _____
Authorized Representative

Date: _____

STATE OF _____;
COUNTY OF _____;
BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____, known
to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose and
consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2016.

Notary Public

NOTES:

1. Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.
2. Coordinates for Highlands Plaza are grid values referred to the Texas Coordinate System, North Central Zone expressed in NAD '83 projection. The monuments were tied using GPS to station Numbers 18 & 19 of the Town of Flower Mound official control monument system with coordinates thereof provided by the Town of Flower Mound.

Northwest Corner: N=7,045,276.0'; E=2,415,052.4'
Bearing and distance from the Northwest corner to Geo Point 18: N 48°49'45" W, 6308.7'
Northeast Corner: N=7,045,191.2'; E=2,415,790.5'
Bearing and distance from the Northeast to Geo Point 19: N 16°28'30" W, 5114.5'
3. Surveyor has made no investigation or independent search for easement of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.
4. No flood zone area analysis has been performed on the subject property G&A Consultants, LLC.
5. Lot 1X, Block A shall be dedicated and maintained by the POA as a Drainage Easement.
6. All X-lots are unbuildable and shall be dedicated to and maintained by the POA
7. Any fence constructed adjacent and/or parallel to open space shall consist of wrought iron or tubular steel.

DRAINAGE EASEMENT NOTES:

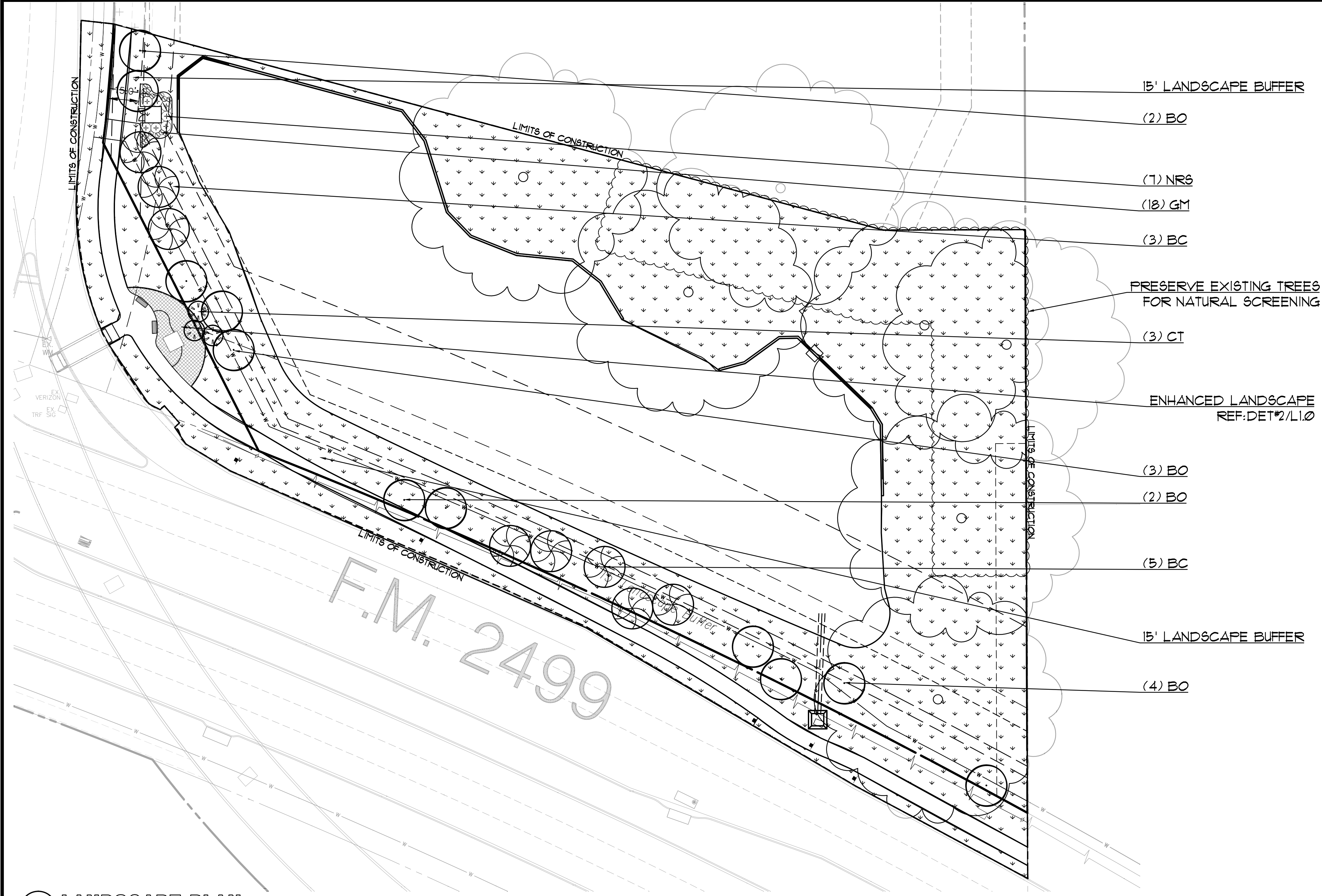
1. Upkeep and maintenance of the private drainage easement is the responsibility of the property owner.
2. Upkeep and maintenance shall include but not be limited to the following items:
 - a. Grass and ground cover shall be kept to a height required by the Town ordinance.
 - b. The detention facility shall be kept free of debris and litter, with particular attention given to keeping the outlet structure clear at all times.
 - c. Accumulated sediment shall be removed from the facility as required to ensure that there is no reduction in function or detention capacity.
3. All electrical and mechanical systems associated with the retention function of the facility shall be kept in working order at all times.
3. No dumping of any type is permitted within the easement area.

AVIGATION EASEMENT AND RELEASE

STATE OF TEXAS:
COUNTY OF DENTON : WHEREAS WE, FLCT, LTD., FLSC, LTD., & FLST, LTD, hereinafter called "Owner"
(whether one or more), is the owner of that certain parcel of land situated in the Town of Flower Mound, Tarrant County,
Texas, being particularly described on the subdivision plat, incorporated by reference herein, as the case may be;

NOW THEREFORE, in consideration of the sum of One DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby fully acknowledged and confessed, Owner does hereby waive, release, remise, acquit and surrender to the Dallas-Fort Worth Regional Airport Board, the Cities of Dallas, Texas and Fort Worth, Texas and the State of Texas, their successors and assigns, their heirs, assigns, agents, attorneys-in-fact, officers, directors, employees, and "Cities" for the use and benefit of the public and its agencies, any and all claims for damages of any kind that Owner may now have or may hereafter have in the future by reason of the passage of all aircraft ("aircraft" being defined for the purposes of this instrument as any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air) by whomsoever owned and operated, in the air space over Owner's property above a level measured 150 feet from the surface of the ground, or the causing in all air space above the surface of Owner's property noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on the Dallas-Fort Worth Regional Airport; and Owner does hereby fully waive, remise and release any right or cause of action which it may now have or which it may in the future have against Cities, their successors and assigns, their heirs, assigns, agents, attorneys-in-fact, officers, directors, employees, and assigns, for damages caused by noise and lubricant particles, and all other effects that may be caused or may be caused by the operation of aircraft landing at, or taking off from, or operating and/or maintenance of aircraft landing at, or taking off from, or the operation and/or maintenance of aircraft or aircraft engines at or on said Dallas-Fort Worth Regional Airport. This instrument does not release the owners or operators of aircraft from liability for damage or injury to person or property caused by falling aircraft or physical objects from aircraft, except as stated herein with respect to noise, fumes, dust, fuel and lubricant particles.

It is agreed that this Release shall be binding upon Owner's heirs and assigns, and successors in interest to said property described on the subdivision plat or in Exhibit "A" attached hereto, as the case may be, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the deed records of Denton County, Texas.



PLANT LEGEND

- (BO) BUR OAK
Quercus macrophylla
- (BC) BALD CYPRESS
Taxodium distichum
- (CT) CHASTE TREE
Taxodium distichum
- (NRS) NELLIE R STEVENS
Ilex x 'Nellie R. Stevens'
- (AMG) ADAGIO MAIDEN GRASS
Miscanthus sinensis 'Adagio'
- (GM) PINK GULF MUHLY GRASS
Muhlenbergia capillaris
- (BG) BLUE GRAMA GRASS
Bouteloua gracilis 'Blonde Ambition'
- (MS) MEADOW SAGE
Salvia nemorosa 'East Friesland'
- (BES) BLACK-EYED SUSAN
Rudbeckia fulgida 'Goldstrum'
- BERMUDA SOD



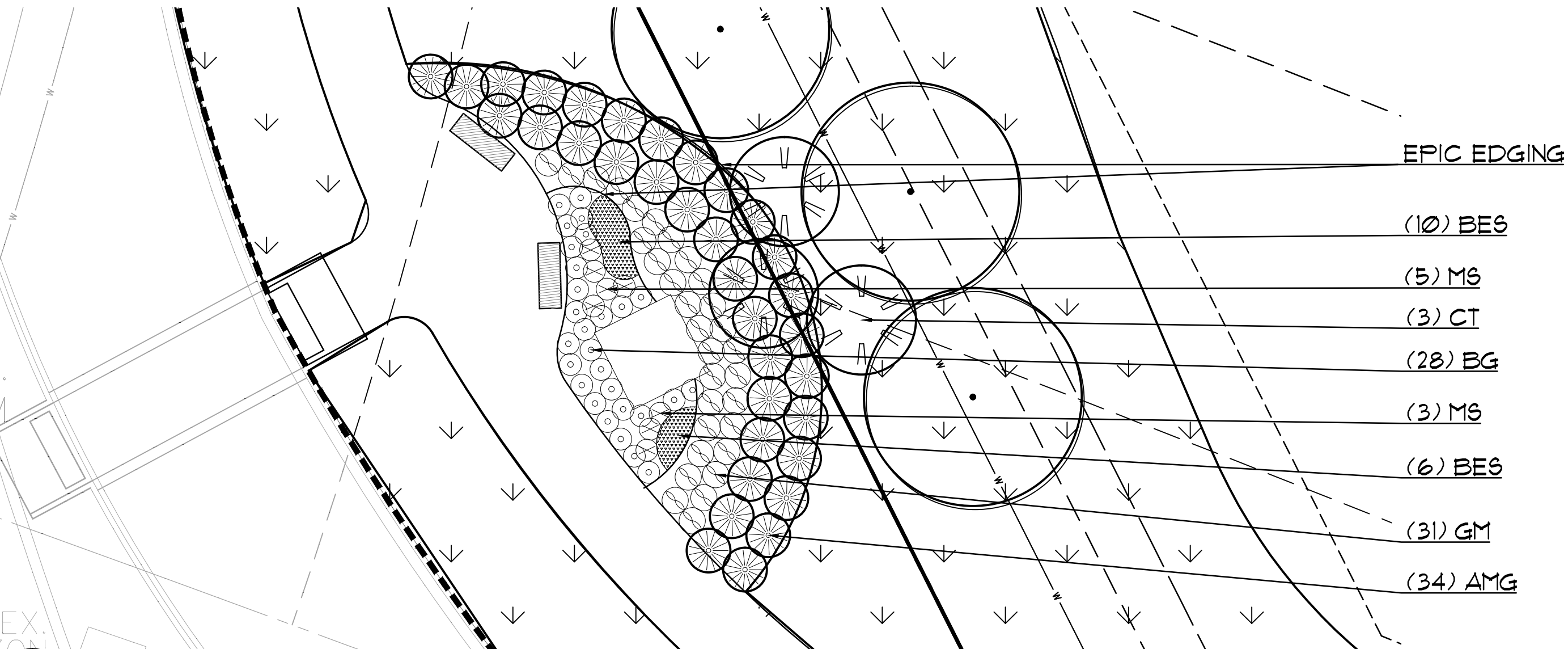
PRESERVE EXISTING TREES
FOR NATURAL SCREENING

ENHANCED LANDSCAPE
REF:DET#2/L10

LANDSCAPE NOTES:
Town of Flower Mound

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

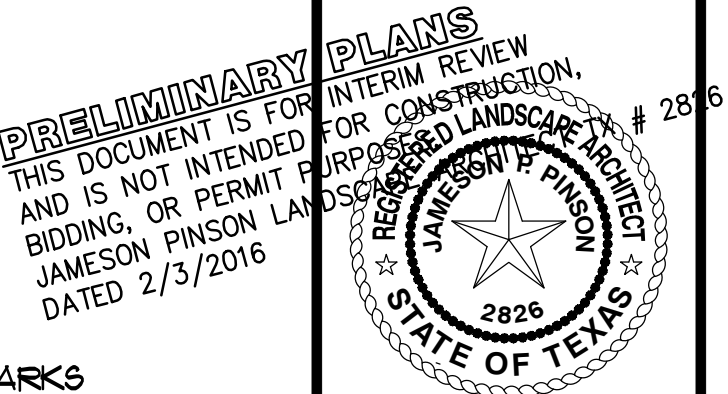
1 LANDSCAPE PLAN
SCALE: 1"=30'



2 ENHANCED MONUMENT LANDSCAPE PLAN
SCALE: 1"=10'

PLANT LIST

QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	MIN. HT.	SPACE	REMARKS
11	BUR OAK	<i>Quercus muhlenbergi</i>	3" cal.	10'-12'	Per Plan	Single Trunk
8	BALD CYPRESS	<i>Taxodium distichum</i>	3" cal.	10'-12'	Per Plan	Single Trunk
3	CHASTE TREE	<i>Vitex agnus-castus</i>	30gal.	7'-8'	Per Plan	Full
7	NELLIE R STEVENS	<i>Ilex x 'Nellie R. Stevens'</i>	15gal.	5'-6'	Per Plan	Full
34	ADAGIO MAIDEN GRASS	<i>Miscanthus sinensis 'Adagio'</i>	5gal.	36"	Per Plan	Full
49	PINK MUHLY	<i>Muhlenbergia capillaris</i>	3gal.	24"	3'-0"	Full
28	BLUE GRAMA GRASS	<i>Bouteloua gracilis</i>	1gal.	12"	12"	Full
8	MEADOW SAGE	<i>Salvia pratensis</i>	1gal.	12"	12"	Full
16	BLACKEYED SUSAN	<i>Rudbeckia hirta</i>	1gal.	12"	12"	Full



Drawn By: RLS
Date: 10/19/2015
Scale: #####
Revisions:
12/08/2015
01/08/2016

15103

OWNER/DEVELOPER
FLST, LTD / BEVERLY DEVELOPMENT
P.O. BOX 190748
DALLAS, TEXAS 75219
Ph. 214-377-8486
Contact: MR. STEPHEN WILLIAMSON

L1.0

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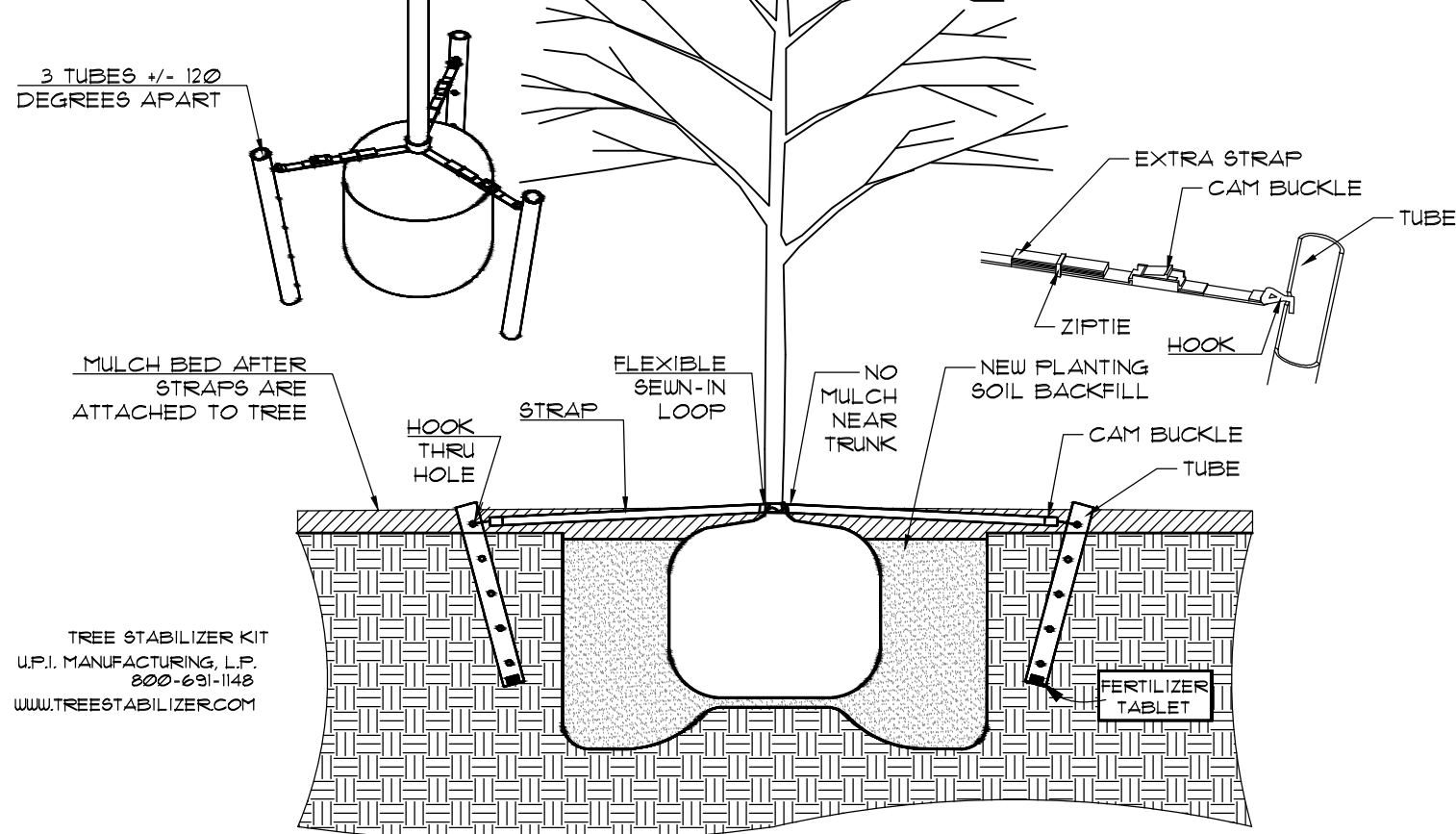
SOUTHGATE - NORTHEAST TRACT
CONSTRUCTION PLANS
Lot 1X & 2, Block A
SOUTHGATE
28.691 Acres
in the
J. TURNER SURVEY, ABSTRACT NO. 1251
TOWN OF FLOWER MOUND
DENTON & TARRANT COUNTY, TEXAS

SOUTHGATE - NORTHEAST TRACT CONSTRUCTION PLANS

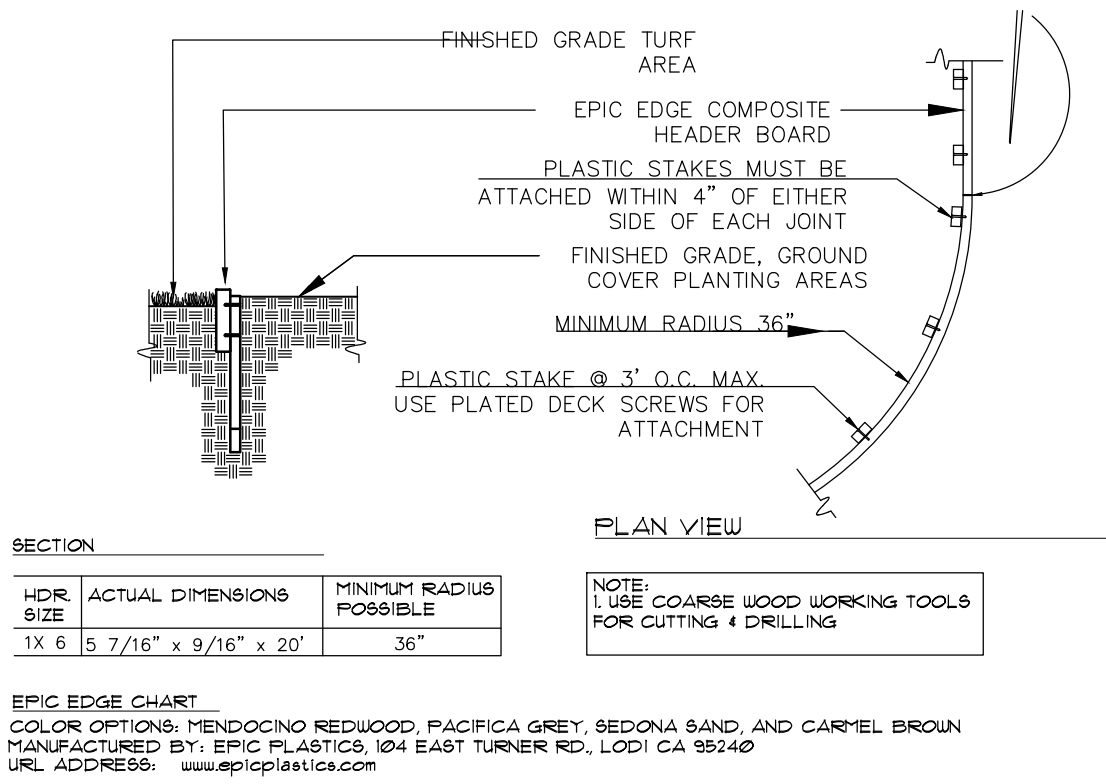
LANDSCAPE PLAN

SPECIFICATIONS:

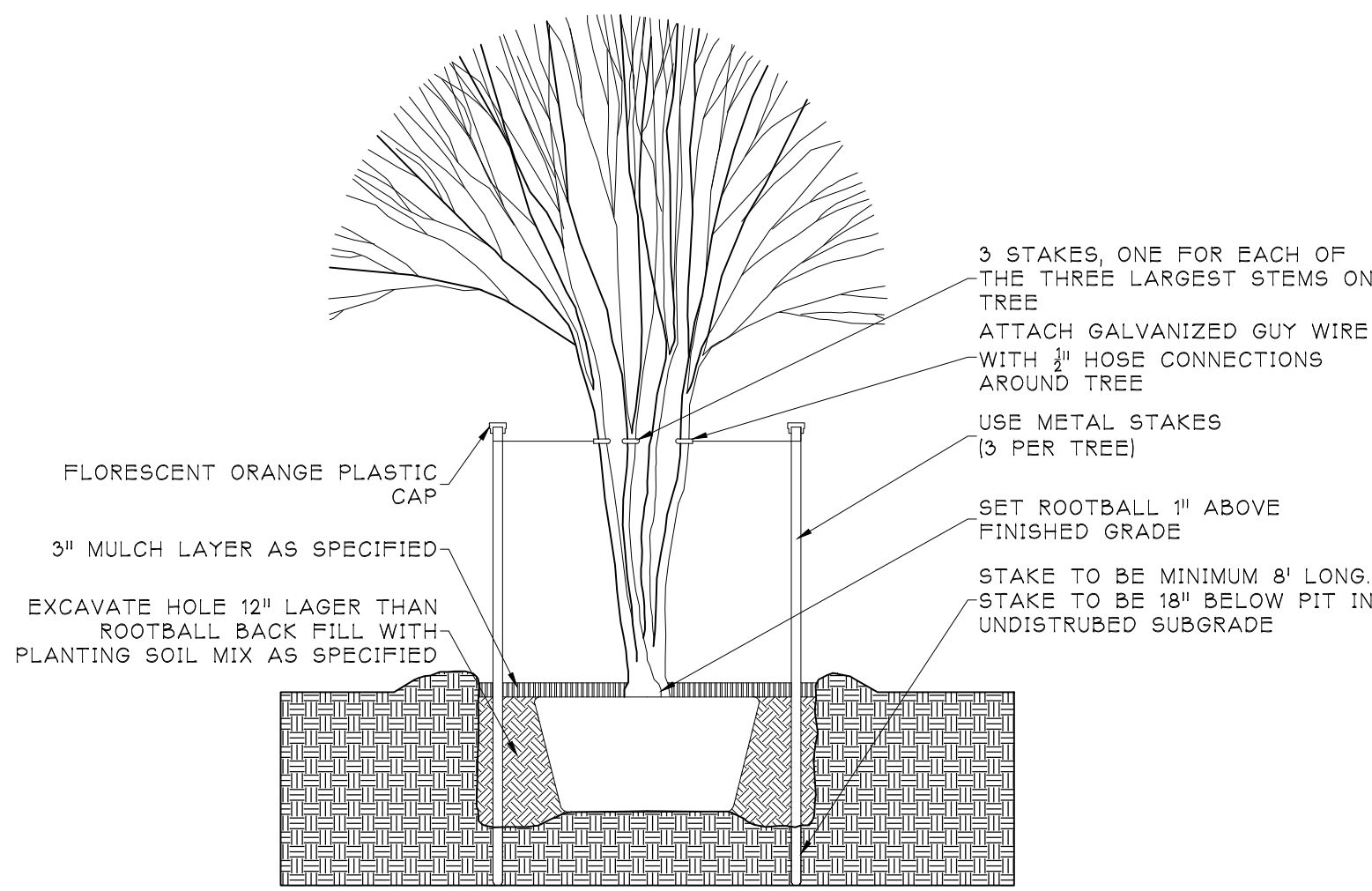
- TKS 120
3- 20" PERFORATED SCH. 40 PVC TUBES
3- 6' HARNESSES WITH BEU-N-IN LOOP
3- CAM BUCKLES W/ HOOK
3- ZIP TIES
3- 20-10-5 2 YEAR TIME RELEASE FERTILIZER TABLETS
- TKS 36
3- 36" PERFORATED SCH. 40 PVC TUBES
3- 6' HARNESSES WITH BEU-N-IN LOOP
3- CAM BUCKLES W/ HOOK
3- ZIP TIES
3- 20-10-5 2 YEAR TIME RELEASE FERTILIZER TABLETS



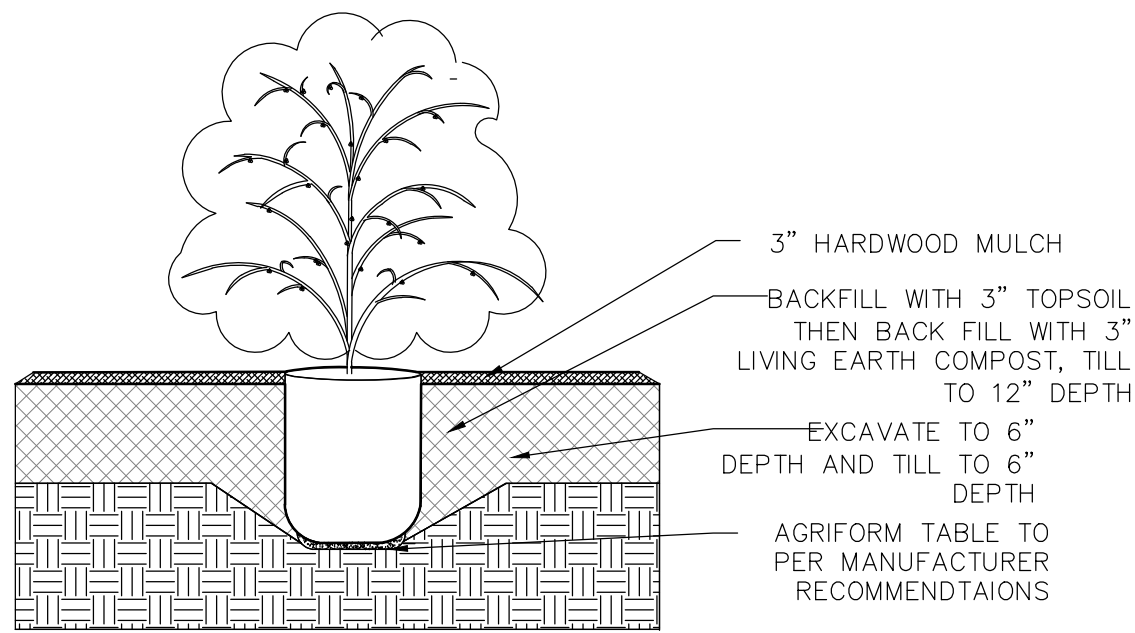
3 TREE STAKING DETAIL
SCALE: NOT TO SCALE



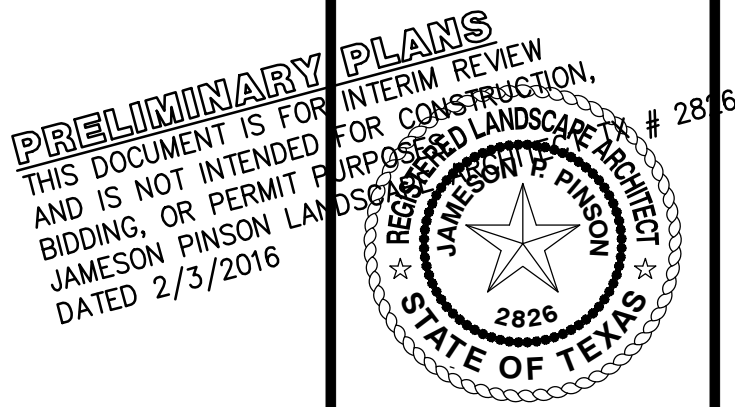
3 EPIC EDGING DETAIL
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3 MULTI-TRUNK TREE STAKING DETAIL
SCALE: NOT TO SCALE



3 SHRUB DETAIL
SCALE: NOT TO SCALE

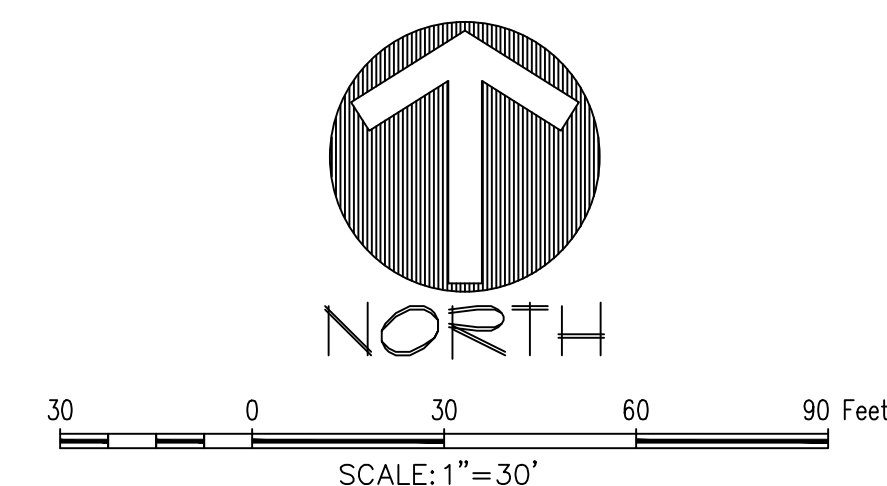


Drawn By: RLS
Date: 10/19/2015
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Revisions:
12/08/2015
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OWNER/DEVELOPER
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DALLAS, TEXAS 75219
Ph. 214-377-8486
Contact: MR. STEPHEN WILLIAMSON

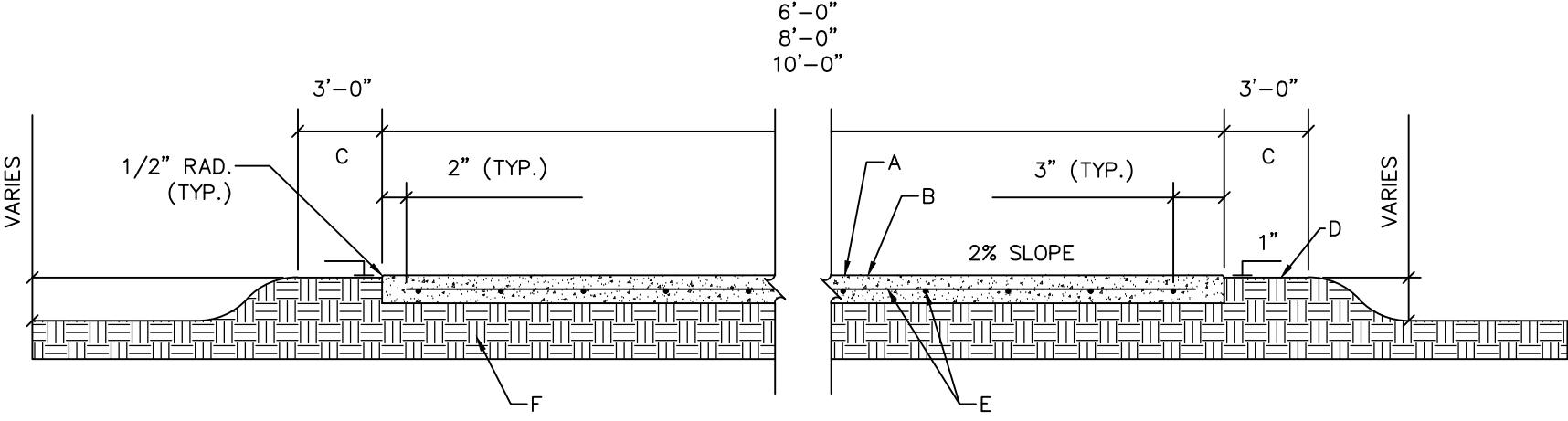
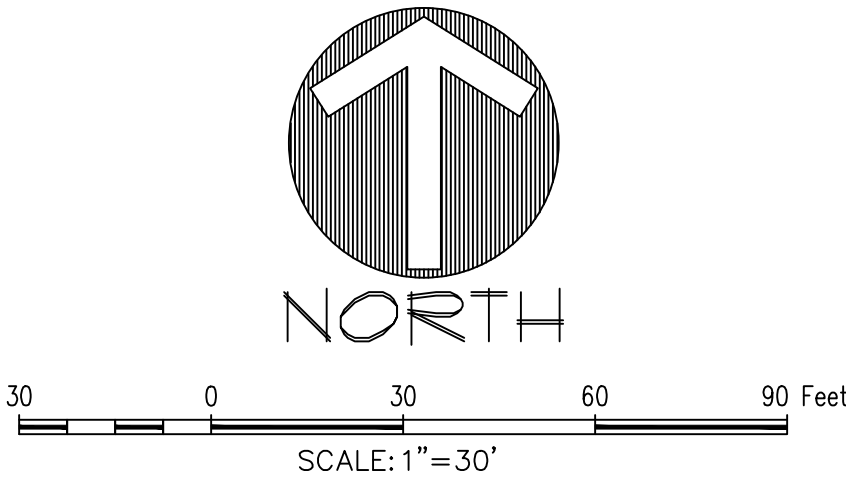
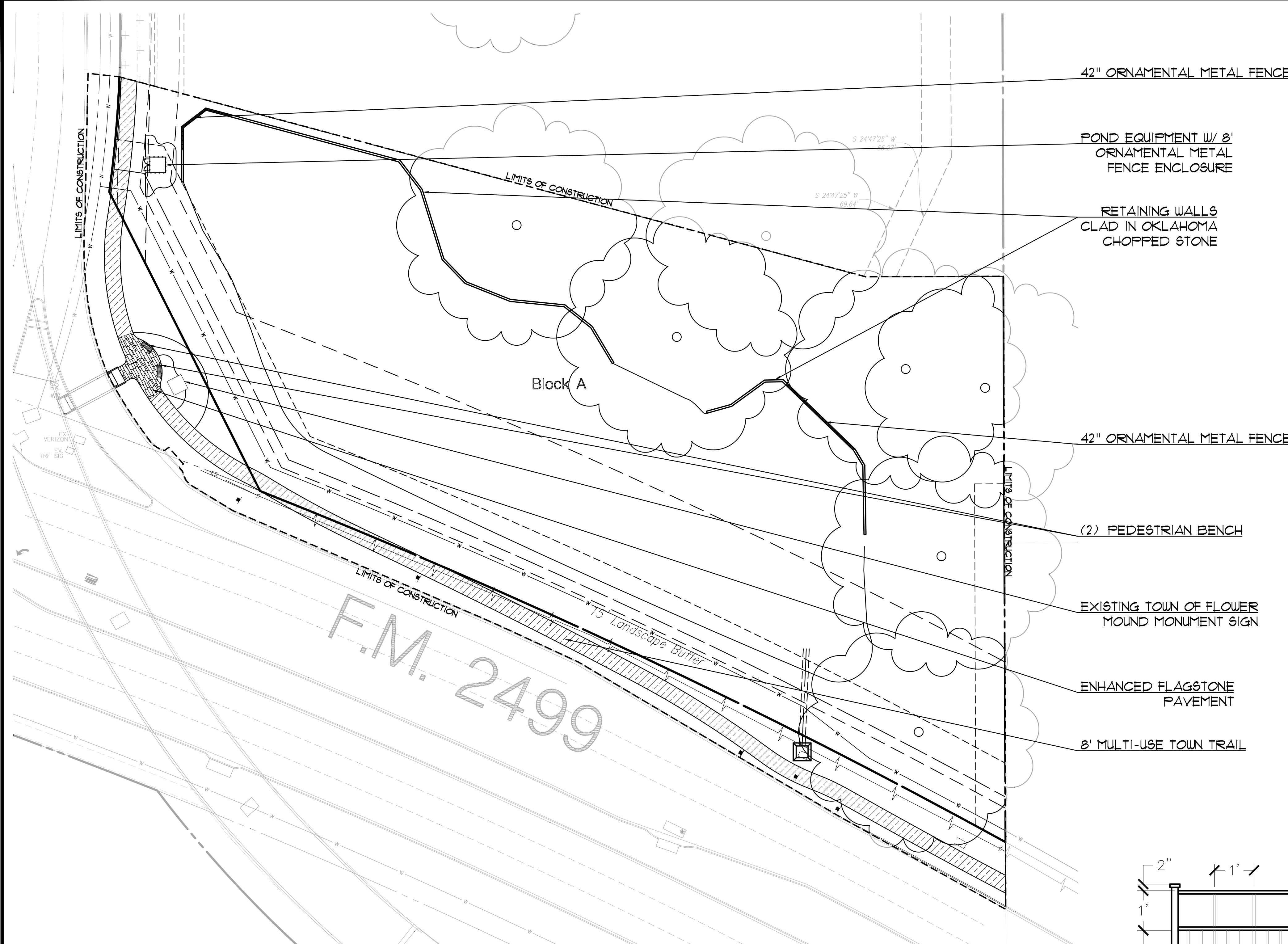
L1.1



AIR DIFFUSERS
(DETAIL "E")

5 Landscape Buffer

OWNER/DEVELOPER
FLST, LTD / BEVERLY DEVELOPMENT
P.O. BOX 190746
DALLAS, TEXAS 75219
Ph. 214-377-8466
Contact: MR. STEPHEN WILLIAMSON

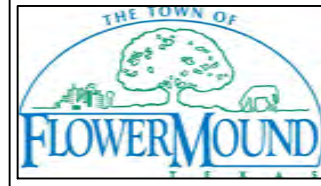


- GENERAL NOTES:
- GRADE TRAIL WITH DRAINAGE SWALES ON BOTH SIDES AND DIVERT FLOWS UNDER TRAIL SECTIONS WITH PVC WHEN NEEDED. DO NOT GRADE TRAIL OR LOCATE TRAIL IN SITUATIONS THAT IT WILL RECEIVE FLOWS OVER THE TRAIL.
 - THE MATERIALS AND WORKMANSHIP FOR CONCRETE PAVING SHALL BE IN ACCORDANCE WITH N.C.T.C.O.G. SPECIFICATIONS AS MODIFIED BY THE TOWN OF FLOWER MOUND.
 - CONSTRUCTION JOINT SPACING SHALL BE WIDTH OF PAVING.
 - CONSTRUCTION JOINTS AT LOCATIONS WHERE TRAIL AND WALL ARE MONOLITHIC SHALL HAVE THE JOINT CONTINUOUS ACROSS THE TRAIL, TOP OF WALL, AND FACE OF WALL.
 - DO NOT ASSUME A CUT AND FILL BALANCE. INSTALL TRAIL ALONG EXISTING GRADE WHEREVER POSSIBLE. CREATE DRAINAGE SWALES AND CONDUIT UNDER TRAIL WHEN NECESSARY TO AVOID DRAINING OVER THE TRAIL. HOLD TO 2% CROSS SLOPE FOR DRAINAGE AND NO MORE THAN 5% SLOPE ALONG TRAIL ALIGNMENT.

- CONSTRUCTION NOTES:
- 5 1/2" THICK 3600 PSI CONCRETE TRAIL
 - HEAVY BROOM FINISH
 - RESEED ALL DISTURBED AREA WITH APPROPRIATE SEASONAL GRASS
 - FINISH GRADE
 - #3 BARS 1'-6" O.C. (MAX.) BOTH WAYS
 - COMPACT SUBGRADE TO 95% STANDARD PROCTOR DENSITY

DOWELED EXPANSION JOINTS

- GENERAL NOTES:
- LOCATE DOWELED EXPANSION JOINTS ON:
 - 30' CENTERS (MAX) FOR 6' TRAIL
 - 40' CENTERS (MAX) FOR 8' TRAIL
 - 50' CENTERS (MAX) FOR 10' TRAIL
 - USE #4 SMOOTH DOWEL 1'-6" LONG & LUBRICATED ON ONE END.
 - 4 PER JOINT FOR 6' TRAIL @ 1'-6" O.C. WITH CAP.
 - 5 PER JOINT FOR 8' TRAIL @ 1'-6" O.C. WITH CAP.
 - 6 PER JOINT FOR 10' TRAIL @ 1'-6" O.C. WITH CAP.
 - INSTALL REDWOOD EXPANSION JOINT 1/2" BELOW FINISHED GRADE OF TRAIL. FILL DOWELED EXPANSION JOINTS WITH SILICONE JOINT SEALANT DOW CORNING 890 SL, OR APPROVED EQUAL, GREY IN COLOR.



PARKS & RECREATION CONSTRUCTION DETAILS

6'-0", 8'-0", 10'-0" WIDE MULTI-USE CONCRETE TRAIL

NOT TO SCALE

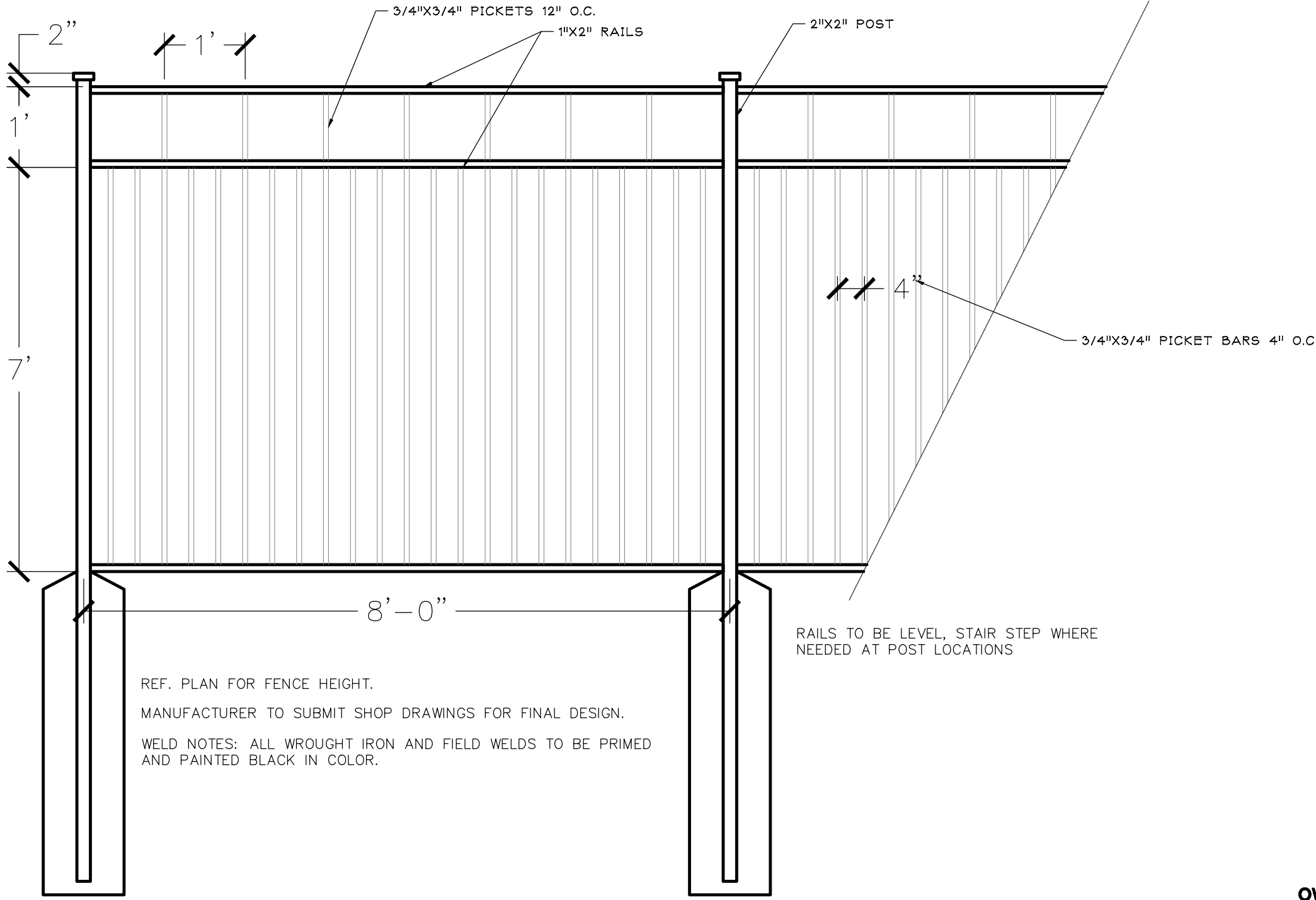
DATE: OCT 2009

SHEET 1 OF 3

SHEET: P-1

1 MULTI-USE TRAIL

SCALE: NOT TO SCALE

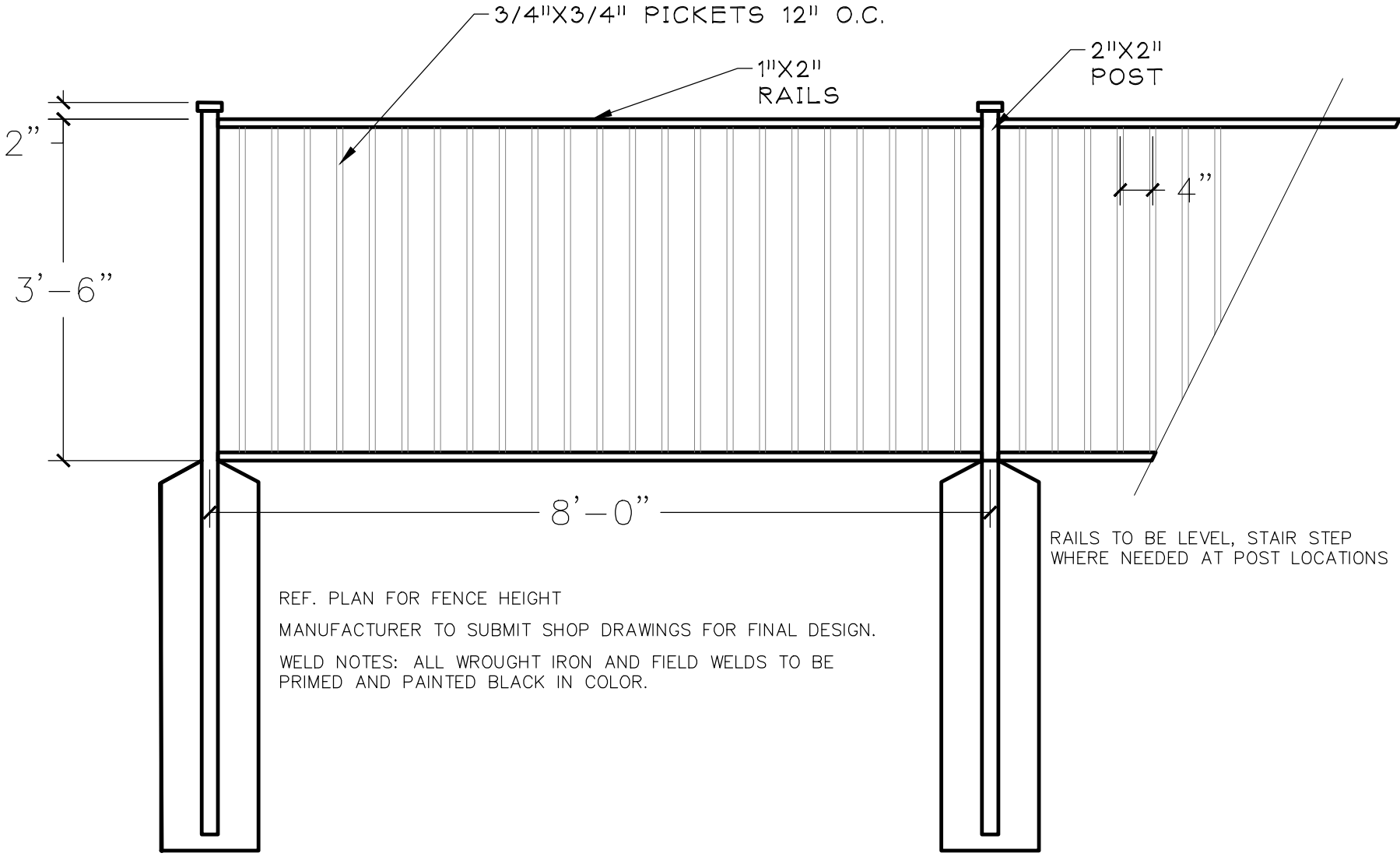


3 8' ORNAMENTAL METAL FENCE

SCALE: NOT TO SCALE

LEGEND

- MULTI-USE TRAIL:
OF 3,600 PSI CONC. PAVEMENT W/ #3 BARS @ 18" O.C.E.W.
ON SUB-BASE COMPACTED TO 65% STD. PROCTOR DENSITY.
- ENHANCED PAVEMENT:
RANDOM MILSAP FLAGSTONE AS PER ALLIANCE MATERIALS
ON TOP OF 5" 3,600 PSI CONC. PAVEMENT W/ #3 BARS @ 18"
O.C.E.W. ON SUB-BASE COMPACTED TO 65% STD. PROCTOR
DENSITY.



2 42" ORNAMENTAL METAL FENCE

SCALE: NOT TO SCALE

ENVIRONS GROUP
LANDSCAPE ARCHITECTURE
a division of G & A Consultants, L.L.C.
111 Hillside Drive • Lewisville, TX 75067
P: 972.317.0276 • F: 972.538.9715

SOUTHGATE - NORTHEAST TRACT CONSTRUCTION PLANS

SOUTHGATE - NORTHEAST TRACT CONSTRUCTION PLANS
Lot 1X & 2, Block A
SOUTHGATE
28.691 Acres
in the
J. TURNER SURVEY, ABSTRACT NO. 1251
TOWN OF FLOWER MOUND
DENTON & TARRANT COUNTY, TEXAS

HARDSCAPE PLAN

PRELIMINARY PLANS
THIS DOCUMENT IS FOR INTERIM REVIEW
AND IS NOT INTENDED FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSES. LANDSCAPE
JAMESON PINSON LANDSCAPE ARCHITECT
DATED 2/3/2015

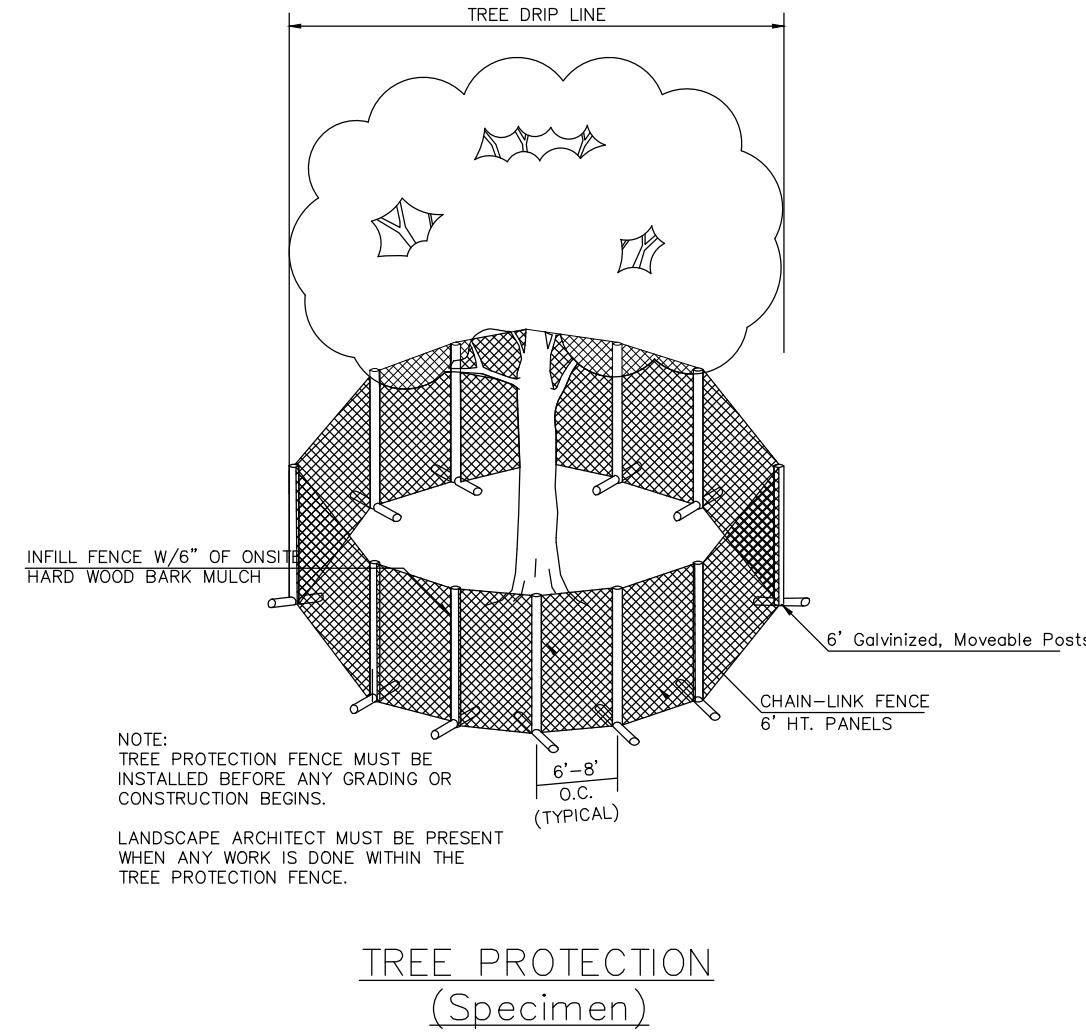
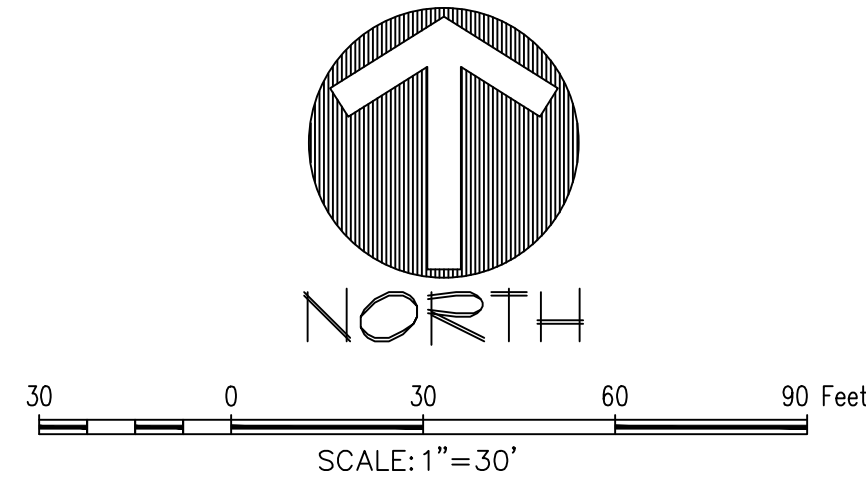
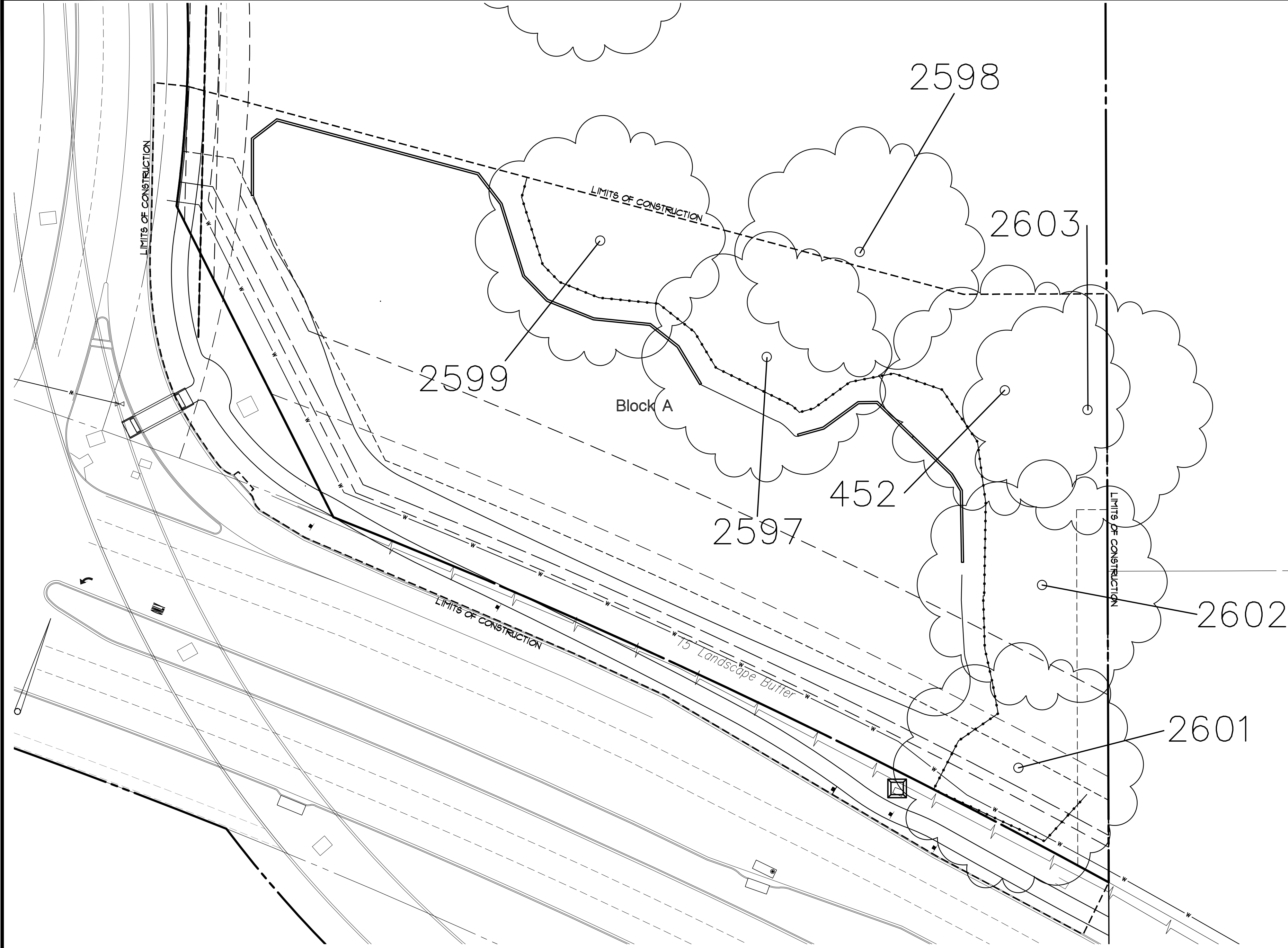
STATE OF TEXAS
2826
2816

Drawn By: RLS
Date: 10/19/2015
Scale: #####
Revisions:
12/08/2015
01/08/2016

15103

L2.0

OWNER/DEVELOPER
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P.O. BOX 190746
DALLAS, TEXAS 75219
Ph. 214-377-8486
Contact: MR. STEPHEN WILLIAMSON

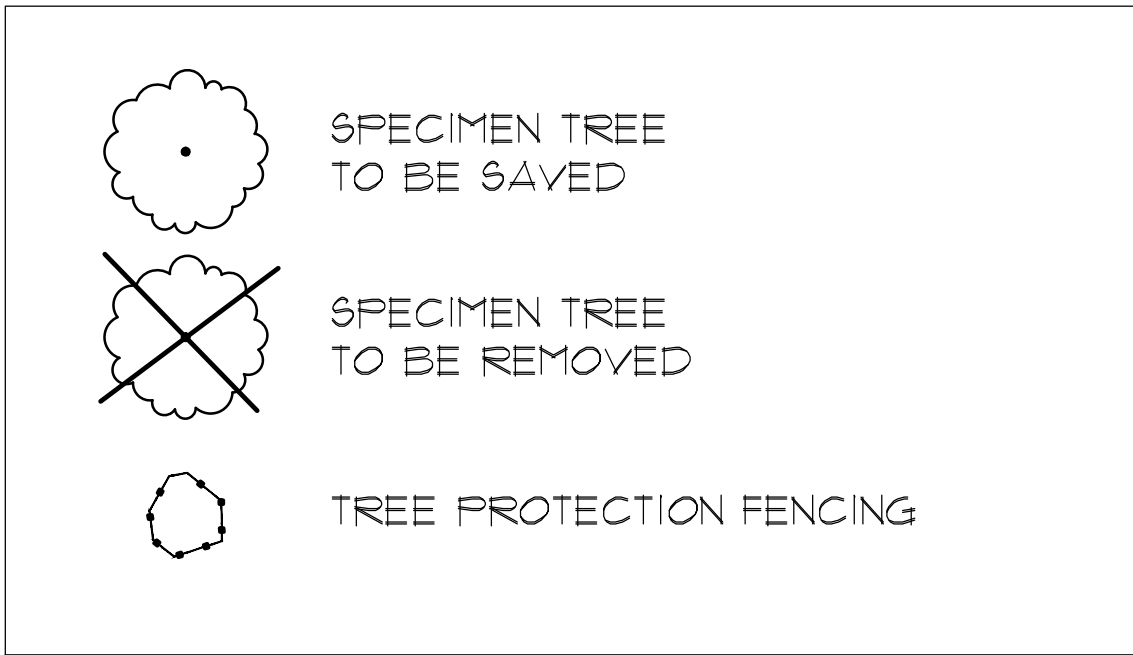


TREE PRUNING, REMOVAL AND PROTECTION MEASURES

- A. QUALITY ASSURANCE
- 1) Comply with applicable Federal, state, county and local regulations governing landscape work.
 - 2) Employ only experienced personnel. Provide adequate supervision by qualified foreman.
- B. JOB CONDITIONS
- 1) Coordination: Coordinate and cooperate with other contractors to enable the work to proceed as rapidly and efficiently as possible.
 - 2) In order to minimize conflict, secure from the Construction Manager copies of layout drawings showing the location of all underground utility lines and other structures.
- C. PRODUCTS
- 1) MULCH: Double shredded hardwood mulch free of sticks, dirt and other debris as derived from the site clearing.
- D. DEFINITIONS
- 1) CRZ: Critical Root Zone: The soil space directly under the canopy of any tree, extending out at least 7 feet from the trunk or 2/3 the distance to the dripline, whichever is greater.
 - 2) TPZ: Tree Protection Zone: The entire soil space located directly under the dripline of any tree (the entire dripline).
 - 3) CRS: Complete Root System: The soil space directly under the dripline of any tree and an additional 7 feet beyond said dripline.
 - 4) TPF: Tree Protection Fence: The orange safety barrier netting that shall extend around the entire circumference of the tree at the TPZ.
- E. PRE - CONSTRUCTION TREE PRUNING
- 1) Personnel Qualifications: All pruning shall be performed under the supervision of an International Society Arboriculture (ISA) Certified Arborist.
 - 2) All trees within the project area shall be pruned to:
 - i) Clear the crown of diseased, crossing, weak and dead wood to a minimum of 1 ½ inches in diameter.
 - ii) Provide 14 feet of vertical clearance over streets and 8 feet over sidewalks.
 - iii) Remove stubs, cutting outside the woundwood tissue that has formed around the branch.
 - iv) Reduce end weight on heavy, horizontal branches by selectively removing small diameter branches, no greater than 2 to 3 inches, near the ends of the scaffolds.
 - 3) Pruning cuts shall be made in accordance with ANSI 300 Pruning Standard and work shall be performed in accordance with ANSI Z133.1 Safety Standard. Pruning shall be in accordance with ISA's Best Management Practices: Tree Pruning
 - 4) No more than 20 percent of live foliage shall be removed from any tree.
 - 5) Brush shall be chipped and chips shall be spread underneath trees within the tree protection zone to a maximum depth of 6 inches, leaving the trunk clear of mulch.
- F. TREE REMOVAL
- 1) Trees preservation requires a commitment to preserving and maintaining retained trees, as well as removal of any unsuited trees within the Project Area.
 - 2) All wood debris from all tree removals at the Project Site is to be chipped and stored on site for use on site in the tree preservation efforts at the discretion of the Landscape Architect.
 - 3) The limits of all tree protection zones shall be staked in the field and observed by all contractors.
 - 4) Any brush clearing required within the tree protection zone shall be accomplished with hand operated equipment.
 - 5) Trees to be removed from within the tree protection zone shall be removed under the supervision of a Certified Arborist. The trees shall be cut near ground level and the stump ground out.
- G. TREE PROTECTION
- 1) Before beginning work, the Project Manager, Landscape Architect and/or Owner or their agents are required to meet at the site to review all work procedures, access routes, storage areas, and tree protection measures. Any intended construction activities inside the TPZ shall be clearly outlined.
 - 2) Fences shall be erected to protect trees to be preserved prior to construction equipment arriving on the Project Site. Fences will define the specific protection zone for each tree or group trees. Fences are to be maintained and remain until all site work has been completed and final landscape operations begin. Fences may not be relocated or removed without written permission from the Landscape Architect. Fences may be constructed from 6" "T" stakes and orange web fence material.
 - 3) All trees to be preserved shall have 6 inches of hardwood mulch applied inside the tree protection zone. This hardwood mulch shall be replenished as necessary to maintain a 6 inch depth.
 - 4) Construction trailers, traffic and storage areas must remain outside fenced areas at all times.
 - 5) Tree roots extend out in a straight, radial direction from the tree much like spokes on a wheel (to a depth generally not exceeding 24"). All underground utilities and drain or irrigation lines shall be routed outside the tree protection zone. If lines must traverse the protection area, they shall be tunneled or bored under the tree. Trench es "airdug" with Air Spade (registered trademark) or similar technology are the only exceptions. Irrigation line may be routed in any direction outside the dripline of retained trees. Irrigation lines inside the dripline must be in a straight, radial direction towards the tree trunk and terminate in a dead end sprinkler head no greater than 7 feet from a tree trunk. (Irrigation lines shall not in any way bisect and therefore damage the "spoke-like" root system).
 - 6) No materials, equipment, spoil, or waste or washout water may be deposited, stored, or parked within the tree protection zone.
 - 7) If unintentional injury should occur to any tree during construction, it shall be reported to the Landscape Architect within six hours so that remedial action can be taken. Timeliness is critical to tree health. The cost of any remedial treatments will become the burden of the offending contracting company.
 - 7) Any grading, construction, demolition, or other work that is expected to encounter tree roots must be monitored by the Landscape Architect. Specific locations or tree tag numbers should be identified.

TREE CHART

LEGEND:

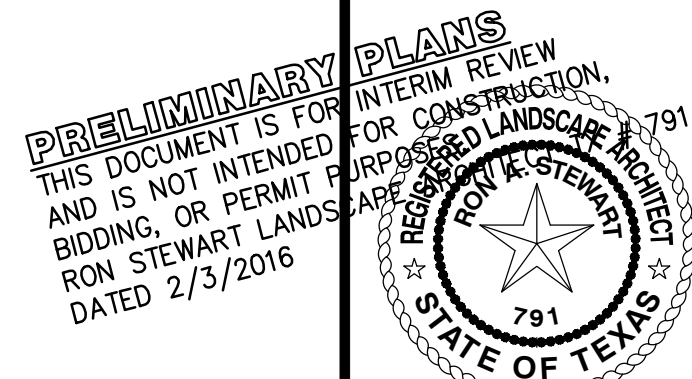


LIST	TREE NUMBER	CALIPER	TREE TYPE	BOTANICAL	PROTECTED TREE	TO REMOVE	SPECIMEN TREE
1	452	25"	POST OAK	Quercus Stellata	YES	NO	YES
2	2597	27"	PECAN	Carya illnoensis	YES	NO	YES
3	2598	27.5"	POST OAK	Quercus Stellata	YES	NO	YES
4	2599	27"	PECAN	Carya illnoensis	YES	NO	YES
5	2601	33.5"	PECAN	Carya illnoensis	YES	NO	YES
6	2602	28"	PECAN	Carya illnoensis	YES	NO	YES
7	2603	25"	POST OAK	Quercus Stellata	YES	NO	YES

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SOUTHGATE - NORTHEAST TRACT CONSTRUCTION PLANS
Lot 1X & 2, Block A
SOUTHGATE
28.691 Acres
in the
J. TURNER SURVEY, ABSTRACT NO. 1251
TOWN OF FLOWER MOUND
DENTON & TARRANT COUNTY, TEXAS

TREE SURVEY



Drawn By: RLS
Date: 10/19/2015
Scale: #####
Revisions:
12/08/2015
01/08/2016

15103

L3.0

OWNER/DEVELOPER
FLST, LTD / BEVERLY DEVELOPMENT
P.O. BOX 190746
DALLAS, TEXAS 75219
Ph. 214-377-8466
Contact: MR. STEPHEN WILLIAMSON



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 3

DATE: February 22, 2016

FROM: Poornima Srinarasi, Senior Planner

ITEM: Public Hearing to consider a request for rezoning (ZPD15-0014 – Red Hawk) from Agricultural District (A) uses to Planned Development District No. 144 (PD-144) with Single-Family Estate (SF-E) uses, with certain modifications, exceptions and waivers to the Code of Ordinances. The property is generally located west of Simmons Road and south of Wichita Trail.

I. ITEM SUMMARY

This application has been reviewed by DRC and, aside from the requested exceptions, has been found to be in conformance with all applicable Town regulations.

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

The purpose of this request is to rezone approximately 4.16 acres to allow the development of four single-family homes under the requirements of the Single-Family Estate (SF-E) zoning district which requires a minimum one-acre lot size. The existing Agricultural (A) zoning requires a minimum single-family lot size of two acres. The requested SF-E zoning is in conformance with the property's Master Plan land use designation of Estate Residential.

A. Exception to Underground Utilities

The applicant is requesting an exception to Section 90-423, Underground utilities, of the Code of Ordinances to allow approximately 152 linear feet of the overhead electric lines located within the property near the intersection of Wichita Trail and Simmons Road.

At the Town's request, the applicant has provided email correspondence from Oncor Electric stating the estimated cost to relocate 152 feet of overhead power line underground would be approximately \$150,000 (Attachment A(3)).

B. Exception to Access Management Policy and Criteria

1. The driveway spacing requirement along Minor Arterials & Collectors is a minimum of 250 feet. Simmons Road is classified as an Urban Minor

Arterial and Wichita Trail is classified as a Rural Collector. The proposed residential driveway for Lot 2 on Simmons Road will be located not less than 150 feet from the curb line of the Wichita Trail right turn lane and will, therefore, require an exception to the Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances. Driveways for Lots 1, 3, and 4 will be required to meet the minimum 250 feet driveway spacing requirement.

2. Driveway cuts or entrances to a residential lot with four or fewer dwelling units or less than one acre are not permitted on arterial or collector streets. All ingress and egress to such residential lots are required to be from an alley or local street. The applicant is requesting an exception to allow access to three of the proposed lots to have driveway access from Simmons Road and for one of the lots to have driveway access from Wichita Trail.

C. Requested Modifications

1. Modification to Section 98-272 to allow lot depth to exceed two and a half times the lot width for all lots.
2. Modifications to Minimum Lot Dimensions
As a part of the proposed PD standards, the applicant is requesting the following modifications to the maximum and minimum dimensional regulations of the SF-E zoning district:
 - a. To decrease the minimum side setback from 12 feet to 10 feet.
 - b. To decrease the minimum lot width from 150 feet to 100 feet.

Development Standard	Required SF-E standards	Proposed (PD-139)
Min. Lot Size	43,560 sq. ft.	43,560 sq. ft. (no change)
Min. Lot Width	150 ft.	100 ft.
Min. Floor Area/unit	2,400 sq. ft.	2,400 sq. ft. (no change)
Min. Front Yard	40 ft.	40 ft. (no change)
Min. Side Yard	20 ft.	10 ft.
Min. Rear Yard	20 ft.	30 ft.

On April 27, 2015, Planning and Zoning Commission recommended denial of a Master Plan Amendment (MPA14-0009) to change the current land use designation from Estate Residential uses to Low Density and a companion rezoning request (Z14-0012) to allow the development of approximately eight single-family homes under the requirements of the Single-Family District-15 (SF-15) zoning district. The applicant later withdrew both applications.

III. CORRESPONDENCE

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all zoning change requests. At the time this report was written, staff had received no correspondence regarding the project.

IV. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent
3. Correspondence from Oncor Electric

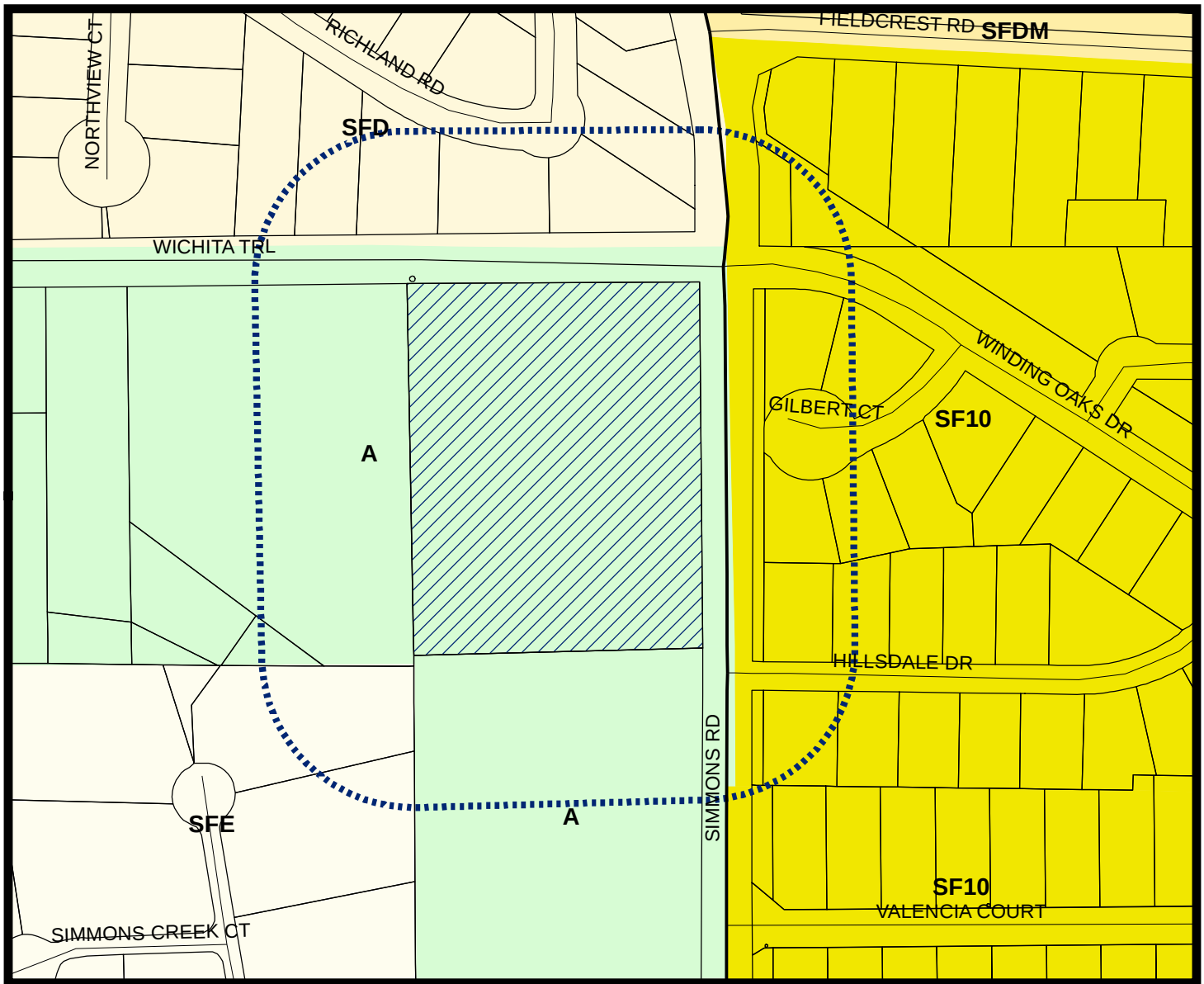
B. Application Details

1. Planned Development Zoning Package
2. Draft Planned Development (PD) Standards

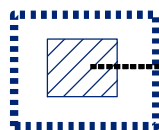
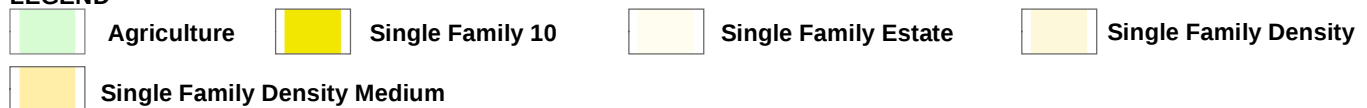


Vicinity Map

Reference Project: ZPD15-0014

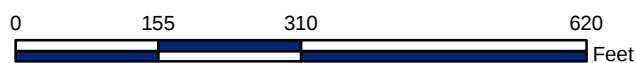
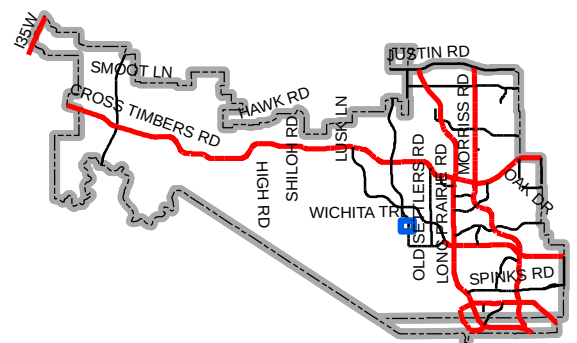


LEGEND



Subject Property

200 ft Notification Buffer around Property



Map Location



January 22, 2016

Town of Flower Mound
Mayor and Town Council
2121 Cross Timbers Road
Flower Mound, Texas 75028

RE: Red Hawk Application for a Planned Development

Dear Mayor and Council Members:

Homeyer Engineering, Inc., on behalf of Vaquero Development, is submitting this planned development request for Red Hawk 4.16 acres, located on the southwest corner of Wichita Trail and Simmons Road. This application is seeking a zoning for a Planned Development 144 with SF-E uses. Exceptions are listed below. All other standards meet or exceed current criteria. Also included with this amendment is a proposed detention pond. The pond is designed to reduce runoff from the whole area (all four lots) to near or below current flow rates at the historic discharge point, for 2.46 acres, thereby decreasing the existing flows by approximately thirty five percent (35%).

Exceptions include the following:

- Driveway access from collector and/or arterial roadways.
- Driveway spacing exception for Lot 2 to be located less than 250 feet from the intersection of Simmons Road and Wichita Trail.
- Overhead power lines to remain as-is.
- Modifications to minimum and maximum lot dimensions in terms of lot width and side setback.
- An exception for lot depth to exceed 2½ times the lot width.

I would like to thank you in advance for your consideration of this request and would respectfully ask that you support our application for this zoning request.

Sincerely,

HOMEYER ENGINEERING, INC.
TBPE Firm Registration No. F-8440

Steven R. Homeyer, P.E.
President

xc: Project File

Matthew Haskin

From: Alford, Michael <Michael.Alford@oncor.com>
Sent: Wednesday, January 27, 2016 3:22 PM
To: Matthew Haskin
Subject: RE: Bury electric line for Redhawk Development.

Matthew, it look as though you would be in the \$150,000 ballpark to bury the lines in question. That is an estiamted ballpark number only.

Thanks,

Michael Alford
Oncor Electric Delivery
4600 State Hwy 121
McKinney, TX 75070
972-569-1295

From: Matthew Haskin [<mailto:mhaskin@hei.us.com>]
Sent: Friday, January 22, 2016 11:49 AM
To: Alford, Michael
Subject: Bury electric line for Redhawk Development.

Michael

We were asked by the Town of Flower Mound to provide a cost estimate and statement for burying the lines along our site. I have attached our concept plan which also has an example of the statement. The statement shows COSERV, but apparently the line belongs to ONCOR. Also attached is an exhibit showing the different lines. Would you please provide me with a cost estimate to bury the overhead utility lines along our project? Also, please let me know if you would like me to change the statement in any way. Please feel free to contact me with any questions. Should I need to contact anyone else please let me know. Thank you for your help.

Sincerely,
Matt Haskin, P.E.



TX FIRM REGISTRATION NO. F-8440
OK FIRM LICENSE NO. CA-6112
PHONE: 972-906-9985
FAX: 972-906-9987
WWW.HEI.US.COM

Meets and Bounds Description Red Hawk - 4.16 Acres

FIELD NOTES to all that certain lot, tract or parcel of land situated in the B. Waters Survey, Abstract Number 1378, Denton County, Texas, and being the remainder of Tract 5 of Northlake Estates, an addition to the Town of Flower Mound, according to the plat thereof recorded in Cabinet B, Page 154, Plat Records, Denton County, Texas, the subject tract being more particularly described as follows;

COMMENCING from a 1/2" iron rod found in the south line of Wichita Trail being the northwest corner of a 1.422 acre tract of land described in a deed to Jeffrey J. Jutte and Melanie C. Jutte, as recorded in County Clerk File Number 2006-75879, Real Property Records, Denton County, Texas and being the northeast corner of a tract of land described in a deed to Clyde B. Carter III, as recorded in County Clerk File Number 2005-15810 of said Real Property Records.

THENCE North 89 degrees 32 minutes 19 seconds East with the south line of said Wichita Trail, the north line of said 1.422 acre tract and the north line of Tracts 3 and 4 of Northlake Estates, an addition to the Town of Flower Mound, according to the plat thereof recorded in Cabinet B, Page 154, Plat Records, Denton County, Texas, at a distance of 109.18 feet passing a 1/2" iron rod found for the northeast corner of said 1.422 acre tract and the northwest corner of said Tract 3, continuing along said course and the north line of said Tract 4, at a distance of 375.90 feet for a total distance of 485.08 feet to a point, said point being the POINT OF BEGINNING.

THENCE North 89 degrees 32 minutes 19 seconds East a distance of 204.83' along the south line of Wichita Trail to a capped iron rod found stamped "Half" on the north line of said Tract 5 and being the beginning of a curve to the right having a radius of 164.00 feet and a chord bearing and distance of South 82 degrees 16 minutes 02 seconds East, 45.14 feet;

THENCE southeasterly, departing the North line of said Tract 5, with the arc of said curve and the south line of Wichita Trail, an arc distance of 45.29 feet to a capped iron rod found stamped "Half" at the beginning of a curve to the left having a radius of 221.00 feet and a chord bearing and distance of South 82 degrees 12 minutes 55 seconds East, 61.62 feet;

THENCE southeasterly with the arc of said curve and the south line of Wichita Trail, an arc distance of 61.82 feet to a capped iron rod found stamped "Half" for a corner on the north line of the herein described tract;

THENCE North 89 degrees 43 minutes 13 seconds East with the south line of Wichita Trail, a distance of 45.00 feet to a capped iron rod set for the most northerly northeast corner of the herein described tract;

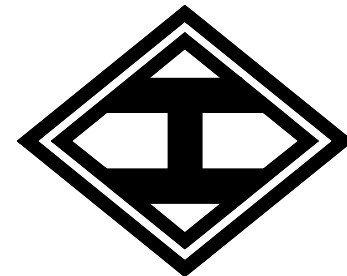
THENCE South 44 degrees 57 minutes 55 seconds East with a southwest line of Wichita Trail, a distance of 34.92 feet to a capped iron rod set in the east line of said Tract 5 and the west line of Simmons Road for the most easterly northeast corner of the herein described tract;

THENCE South 00 degrees 00 minutes 22 seconds West with the west line of Simmons Road and the east line of said Tract 5, a distance of 439.64 feet to a capped iron rod set for the southeast corner thereof, the southeast corner of the herein described tract and the northeast corner of Lot 1 of Rockbrook Montessori Academy, an addition to the Town of Flower Mound, according to the plat thereof recorded in Document Number 2011-66 of said Plat Records;

THENCE South 88 degrees 22 minutes 36 seconds West with the north line thereof and the south line of said Tract 5, a distance of 378.39 feet to a 1/2" iron rod found for the southwest corner thereof, the northwest corner of said Lot 1, in the east line of said Tract 4 and being a corner on the south line of the herein described tract;

THENCE North 00 degrees 14 minutes 07 seconds West with the east line of Tract 4, a distance of 487.62 feet to the PLACE OF BEGINNING and being 4.16 acres of land more or less.

HOMEYER
ENGINEERING, INC.
TPE FIRM REGISTRATION NO. F-8440
P.O. BOX 294527 • LEWISVILLE, TEXAS 75029
972-906-9985 PHONE • 972-906-9987 FAX
WWW.HEI.US.GOV



RED HAWK
4.16 ACRES
TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS

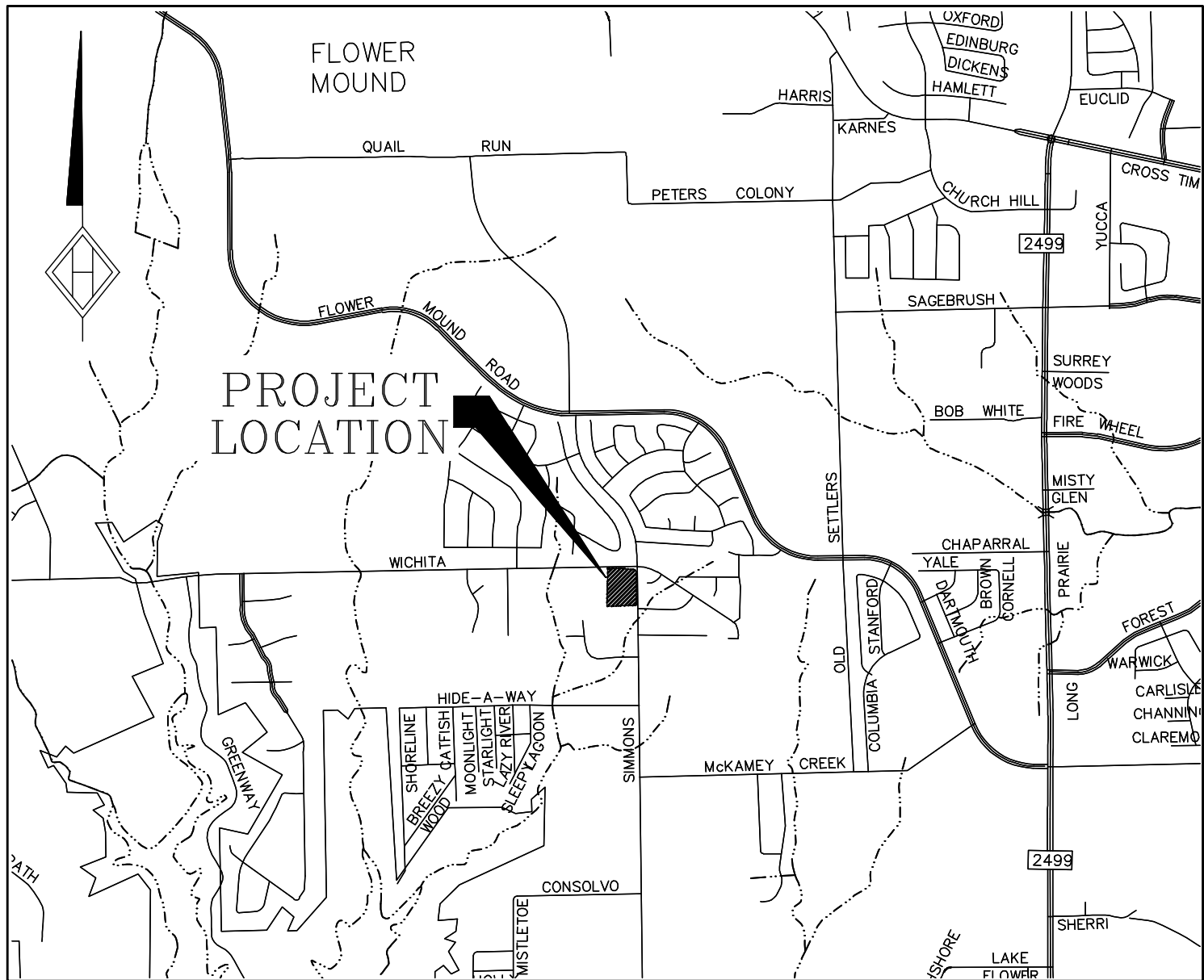
CONCEPT PLAN

DRAWN: SDS

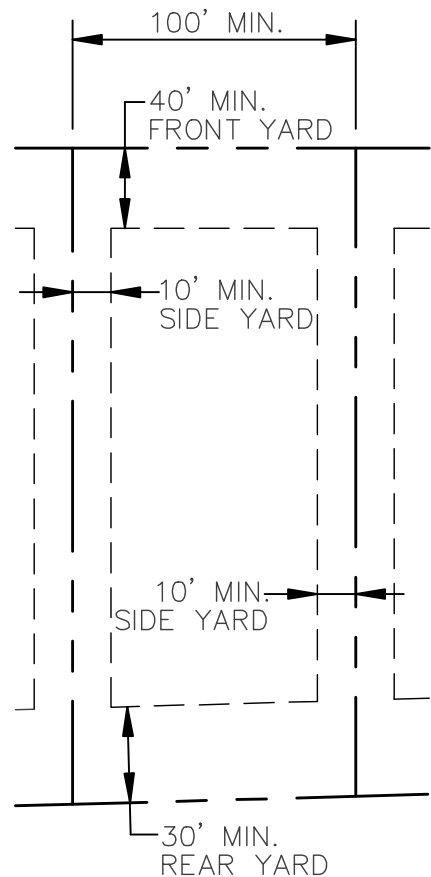
DATE: 01/11/2016

HEI #: 14-134

SHEET NO:
D.P.



VICINITY MAP
SCALE 1"=2000'



LOT SETBACK DETAIL

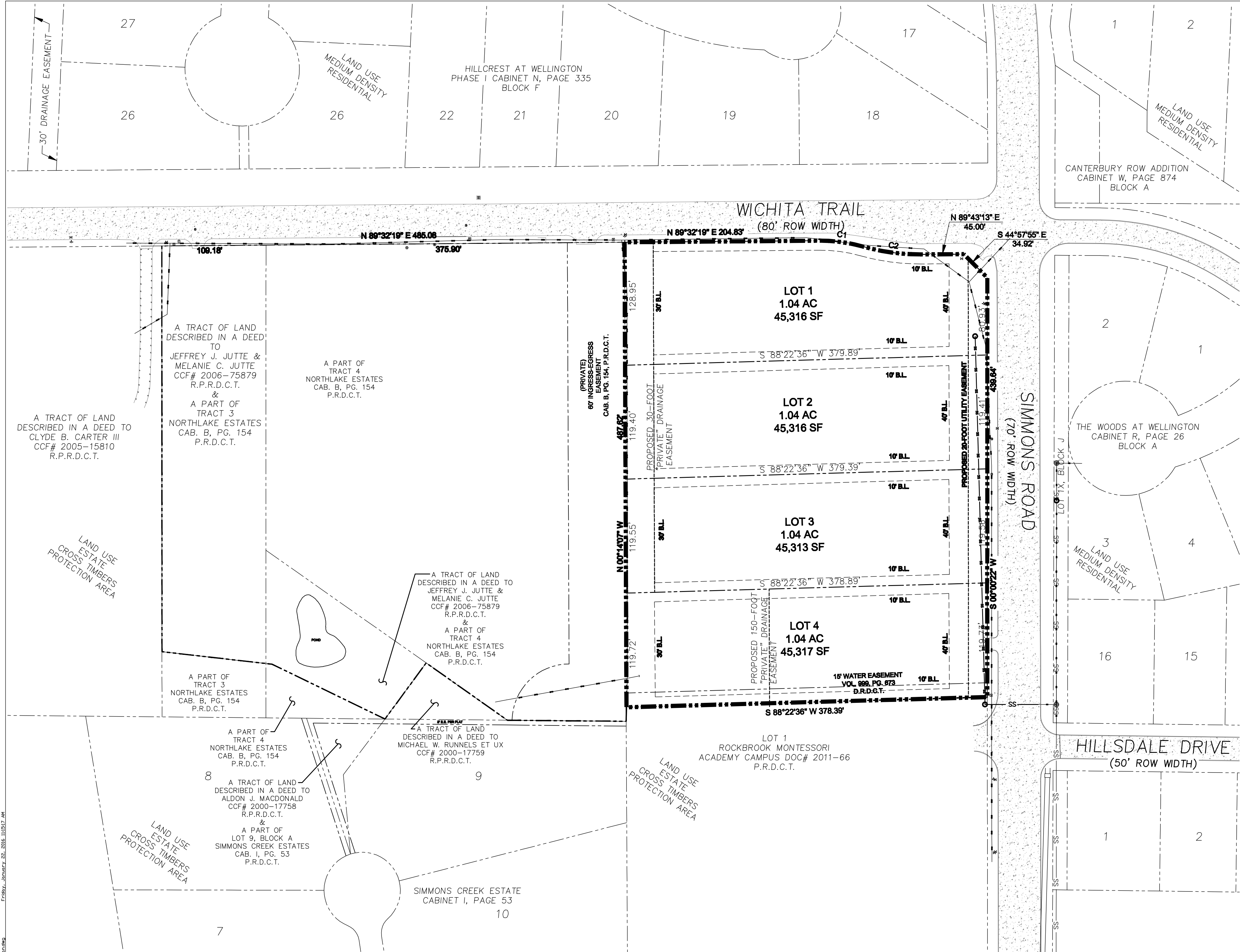
PROPOSED ZONING STANDARDS

PD 144 WITH SF-E USES
MINIMUM LOT SIZE: 43,560 SF
MINIMUM LOT WIDTH: 100'
MINIMUM FRONT YARD: 40'
MINIMUM SIDE YARD: 10'
MINIMUM REAR YARD: 30'
MINIMUM FLOOR AREA: 2,400 SF
MAXIMUM HEIGHT: 35'
MAXIMUM LOT COVERAGE: 25%

NOTE: ONLY ONE DRIVEWAY PER LOT IS ALLOWED.

CURVE DATA

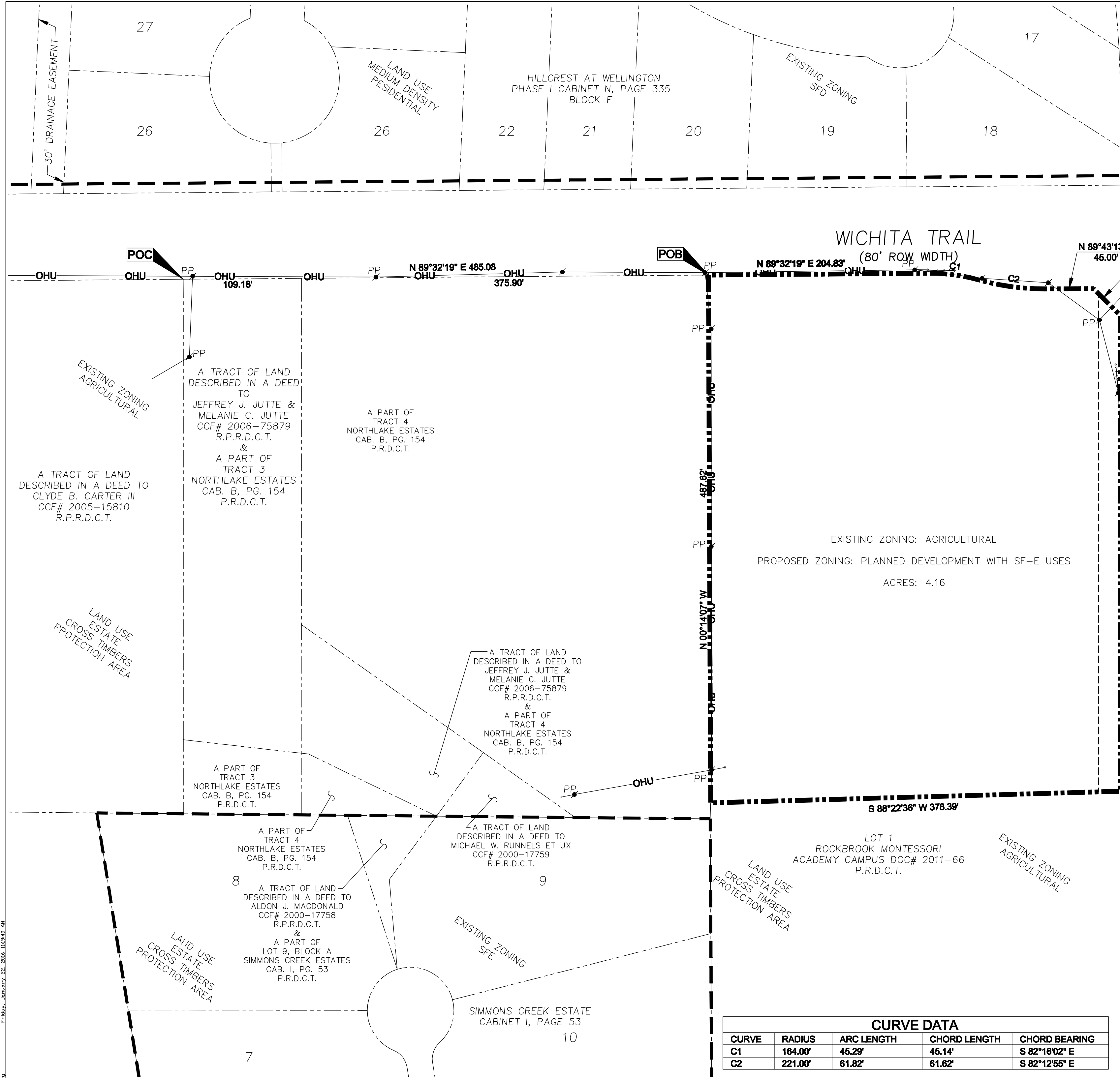
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	164.00'	45.29'	45.14'	S 82°16'02" E
C2	221.00'	61.82'	61.62'	S 82°12'55" E



MASTER PLAN FEATURES

LAND USE PLAN	CROSS TIMBERS PROTECTION AREA
SPECIFIC PLANS	THIS DEVELOPMENT IS NOT LOCATED WITHIN SPECIFIC AREA PLAN
URBAN DESIGN PLAN	LONG PRAIRIE DISTRICT
PARKS AND TRAILS	EXISTING TRAIL ON EAST SIDE OF SIMMONS ROAD
OPEN SPACE PLAN	NOT A CONSERVATION DEVELOPMENT
THOROUGHFARE PLAN	SIMMONS ROAD - URBAN MINOR ARTERIAL UNDIVIDED WITH 70 FOOT OF ROW WICHITA TRAIL -RURAL COLLECTOR WITH 80 FOOT ROW
WATER PLAN	SIMMONS ROAD - 12 INCH WATER LINE WEST SIDE OF ROAD WICHITA TRAIL - 12 INCH WATER LINE SOUTH SIDE OF ROAD
WASTEWATER PLAN	SIMMONS ROAD - 8 INCH SANITARY SEWER NORTH OF HILLSDALE DRIVE
ECONOMIC IMPACT	

FILED 01/11/2016 AT 10:15 AM BY STEVEN R. HOMEYER, PE # 86942, 134 ZONING EXHIBIT



LEGEND

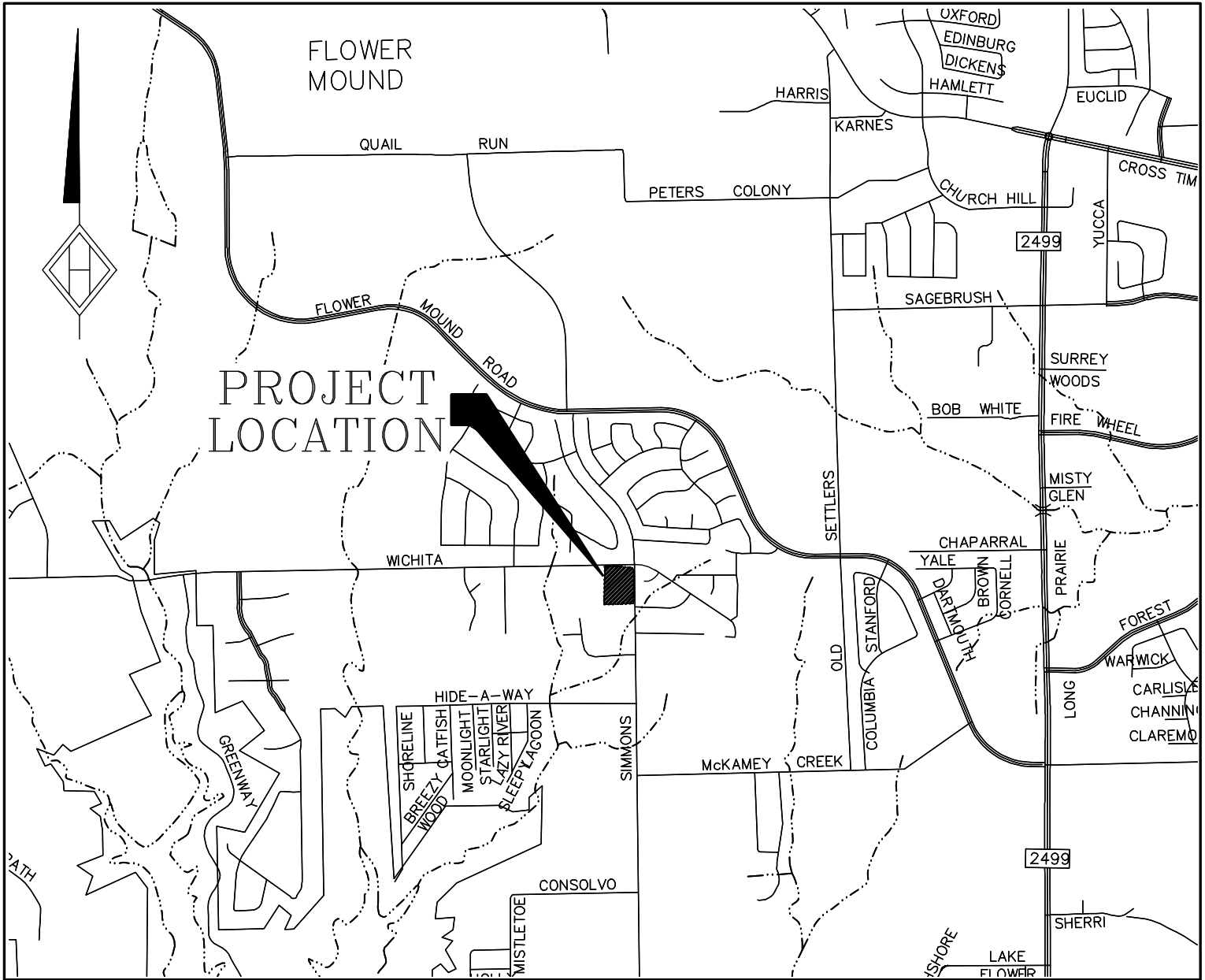
- EXTENTS OF PROPOSED ZONING CHANGE
- EXTENTS OF EXISTING ZONING
- EXISTING LOT LINES

NOTE:

ANY OVERHEAD UTILITIES THAT ARE LOCATED ON SITE THAT ARE NOT WITHIN DEDICATED ROW SHALL BE RELOCATED UNDERGROUND.

MASTER PLAN FEATURES

LAND USE PLAN	CROSS TIMBERS PROTECTION AREA
SPECIFIC PLANS	THIS DEVELOPMENT IS NOT LOCATED WITHIN SPECIFIC AREA PLAN
URBAN DESIGN PLAN	LONG PRAIRIE DISTRICT
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WASTEWATER PLAN	SIMMONS ROAD – 8 INCH SANITARY SEWER NORTH OF HILLSDALE DRIVE
ECONOMIC IMPACT	



VICINITY MAP

SCALE 1"=2000'

Meets and Bounds Description Red Hawk – 4.16 Attachment B(1): Zoning Planned Development Package

FIELD NOTES to all that certain lot, tract or parcel of land situated in the B. Waters Survey, Abstract Number 1378, Denton County, Texas, and being the remainder of Tract 5 of Northlake Estates, an addition to the Town of Flower Mound, according to the plat thereof recorded in Cabinet B, Page 154, Plat Records, Denton County, Texas, the subject tract being more particularly described as follows;

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THENCE southeasterly with the arc of said curve and the south line of Wichita Trail, an arc distance of 61.62 feet to a capped iron rod found stamped "Half" for a corner on the north line of the herein described tract;

THENCE North 89 degrees 43 minutes 13 seconds East with the south line of Wichita Trail, a distance of 45.00 feet to a capped iron rod set for the most northerly northeast corner of the herein described tract;

THENCE South 44 degrees 57 minutes 55 seconds East with a southwest line of Wichita Trail, a distance of 34.92 feet to a capped iron rod set in the east line of said Tract 5 and the west line of Simmons Road for the most easterly northeast corner of the herein described tract;

THENCE South 00 degrees 00 minutes 22 seconds West with the west line of Simmons Road and the east line of said Tract 5, a distance of 439.64 feet to a capped iron rod set for the southeast corner thereof, the southeast corner of the herein described tract and the northeast corner of Lot 1 of Rockbrook Montessori Academy, an addition to the Town of Flower Mound, according to the plat thereof recorded in Document Number 2011-66 of said Plat Records;

THENCE South 68 degrees 22 minutes 36 seconds West with the north line thereof and the south line of said Tract 5, a distance of 378.39 feet to a 1/2" iron rod found for the southwest corner thereof, the northwest corner of said Lot 1, in the east line of said Tract 4 and being a corner on the south line of the herein described tract;

THENCE North 00 degrees 14 minutes 07 seconds West with the east line of Tract 4, a distance of 487.62 feet to the PLACE OF BEGINNING and being 4.16 acres of land more or less.

PROPOSED ZONING STANDARDS

PD 144 WITH SF-E USES	
MINIMUM LOT SIZE:	43,560 SF
MINIMUM LOT WIDTH:	100'
MINIMUM FRONT YARD:	40'
MINIMUM SIDE YARD:	10'
MINIMUM REAR YARD:	30'
MINIMUM FLOOR AREA:	2,400 SF
MAXIMUM HEIGHT:	35'
MAXIMUM LOT COVERAGE:	25%

PRELIMINARY PLANS

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
STEVEN R. HOMEYER, PE # 86942
DATE: 01/22/2016

RED HAWK
4.16 ACRES
TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS

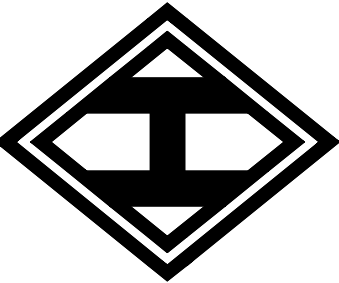
ZONING EXHIBIT

DRAWN: SDS

DATE: 01/11/2016

HEI #: 14-134

SHEET NO:
Z.E.



HOMEYER
ENGINEERING, INC.
T&PE FIRM REGISTRATION NO. F-84440
P.O. BOX 294527 • LEWISVILLE, TEXAS • 75028
972-906-9985 PHONE • 972-906-9987 FAX
WWW.HEI.US.COM

Exhibit “B”
Development Standards
Planned Development District (PD 144)
Single Family Estate (SF-E)

RED HAWK

The Development depicted in Exhibit “C” shall be in accordance with the Town of Flower Mound’s Master Plan and Land Development Regulations as amended, and shall be subject to the following requirements and conditions.

A. Single Family Estate (SF-E) uses. Development of PD-144 designated on Exhibit “C,” the Concept Plan for Red Hawk, comprising approximately 4.16 acres, shall be in compliance with all regulations applicable to Single Family Estate (SF-E) uses contained in the Town’s Land Development Regulations as amended, except as otherwise provided in this Ordinance.

1. Permitted Uses: The following uses may be permitted in areas designated on the Concept Plan.

- a. Dwelling, single-family detached
- b. Garage Sale, subject to section 98-982
- c. Swimming pool, private subject to section 98-996
- d. Home occupation, subject to section 98-984
- e. Accessory use, general, subject to section 98-972

2. Specific Uses: No uses requiring a specific use permit shall be permitted within PD-144.

3. Temporary Uses: No temporary uses shall be permitted within PD-144.

B. Minimum and Maximum Dimensions

1. Minimum lot width: The minimum lot width for all residential uses in PD -144 shall be one hundred feet (100') at the 40-foot front building line, subject to Section 98-1024.

2. Minimum side yard: The minimum side yard for all residential uses in PD -144 shall be ten feet (10'), subject to section 98-1027.

C. Exceptions

The following exceptions shall be granted with the approval of Planned Development District-144 (PD-144).

1. An exception to the requirements of Section 90-423, Underground Utilities, of the Code of Ordinances.
2. An exception to allow driveway access to residential lots from arterial and/or collector streets.
3. An exception to the Town's access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances, as it may be amended, specifically to allow the construction of driveway for Lots 1 and 2 along Simmons Road at a distance less than 250 feet from the intersection of Simmons Road and Wichita Trail.
4. An exception to Section 90-272, to allow the lot depth to exceed 2 1/2 times the lot width.



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 4

DATE: February 22, 2016

FROM: Chuck Russell, Town Planner

ITEM: Public Hearing to consider a request for rezoning (ZPD16-0003 – Hillside of Flower Mound) to amend Planned Development District No. 143 (PD-143) for a cluster development to modify the exception to Section 98-147, "Topographical Slope Protection." The property is generally located south of Cross Timbers Road and west of Shiloh Road.

I. ITEM SUMMARY

This application has been reviewed by DRC and, aside from the requested exception, has been found to be in conformance with all applicable Town regulations.

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

On September 14, 2015, the Planning and Zoning Commission (P&Z) considered a request for rezoning (ZPD15-0011) on the subject property from Agricultural District (A) to Planned Development District No. 143 (PD-143) for a cluster development with certain modifications, exceptions and waivers to the Code of Ordinances and recommended approval by a vote of 5 to 1. P&Z's recommendation included the applicant's request for the following exception:

A. Exception to Topographical Slope Protection

An exception to Section 98-147 of the Town Code was requested for approximately 8.58 acres of land with slopes between 5% and 12%. An exception was also requested for the impacts to 2.44 acres of land with slopes greater than 12%. According to the Town Code, no development application or project shall be approved that proposes development on any existing topographical slopes of 12 percent or greater, or that proposes to alter any existing topographical slopes that are less than 12 percent but equal to or greater than five percent then available (other than within five feet of the footprint of the proposed structure or structures). The purpose of this criterion is to ensure that development is respectful of and appropriately integrated with the natural physical geography of the land in Flower Mound by requiring environmentally sensitive development techniques to eliminate "scrape and build."

Section 98-147 "Topographical slope protection" allows for an applicant to request an exception to these standards as follows:

*Exception. An exception to this requirement may be approved by the town council by the affirmative vote of **at least three-fourths super majority vote** of all members of the town council, for any development that keeps the character of the natural topography, and integrates the development into and maintains the overall integrity of the natural topography.*

- 1. Detailed drawings that illustrate the impact of the proposed development on the natural topography and the manner by which the development is integrated into, reflects and maintains the overall integrity of the natural topography.*
- 2. The identification of those specific best management practices (BMPs) that will be used to maintain and responsibly integrate the development into the natural topography together with an explanation regarding their use within the plans for such development. The BMPs to be used shall include, but are not limited to, those BMPs found within the town's engineering design and construction standards.*
- 3. While recognized as a potential BMP, the use of retaining walls should be kept to a minimum. Any retaining wall four-foot or greater in height shall be designed by a professional engineer licensed by the State of Texas. Retaining walls exceeding eight feet in height are discouraged.*

In considering an exception to this criterion, the town shall, in addition to the foregoing, consider the effects of granting an exception on other environmental features such as trees, habitats, floodplains, scenic vistas, ridgelines, and other environmental features as well as adjacency to established developments and neighborhoods.

On September 21, 2015, the Town Council considered the rezoning request and approved Planned Development District No. 143 (PD-143) for a cluster development; however, since the vote was 3 to 1, the requirement of a supermajority vote of approval for the slope exception was not achieved.

On October 12, 2015, the Planning and Zoning Commission (P&Z) considered a request to amend PD-143 (ZPD15-0016) to include the same topographic slope exception listed above. No other amendments were proposed to PD-143. P&Z recommended approval by a vote of 6 to 0.

On October 19, 2015, the Town Council approved the request to amend PD-143 to add an exception to Section 98-147, "Topographical Slope Protection," **provided however that such exception is limited to those areas intersected by public roads and that no exception is granted for any lot within the development.**

The applicant is now requesting to amend PD-143 again to include the same topographic slope exception listed above in order to delete the limitation approved

by Council previously (Attachment A(5)). Again, no other amendments are being proposed to PD-143.

III. CORRESPONDENCE

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all zoning change requests. At the time this report was written, staff had not received correspondence regarding the project.

IV. ATTACHMENTS

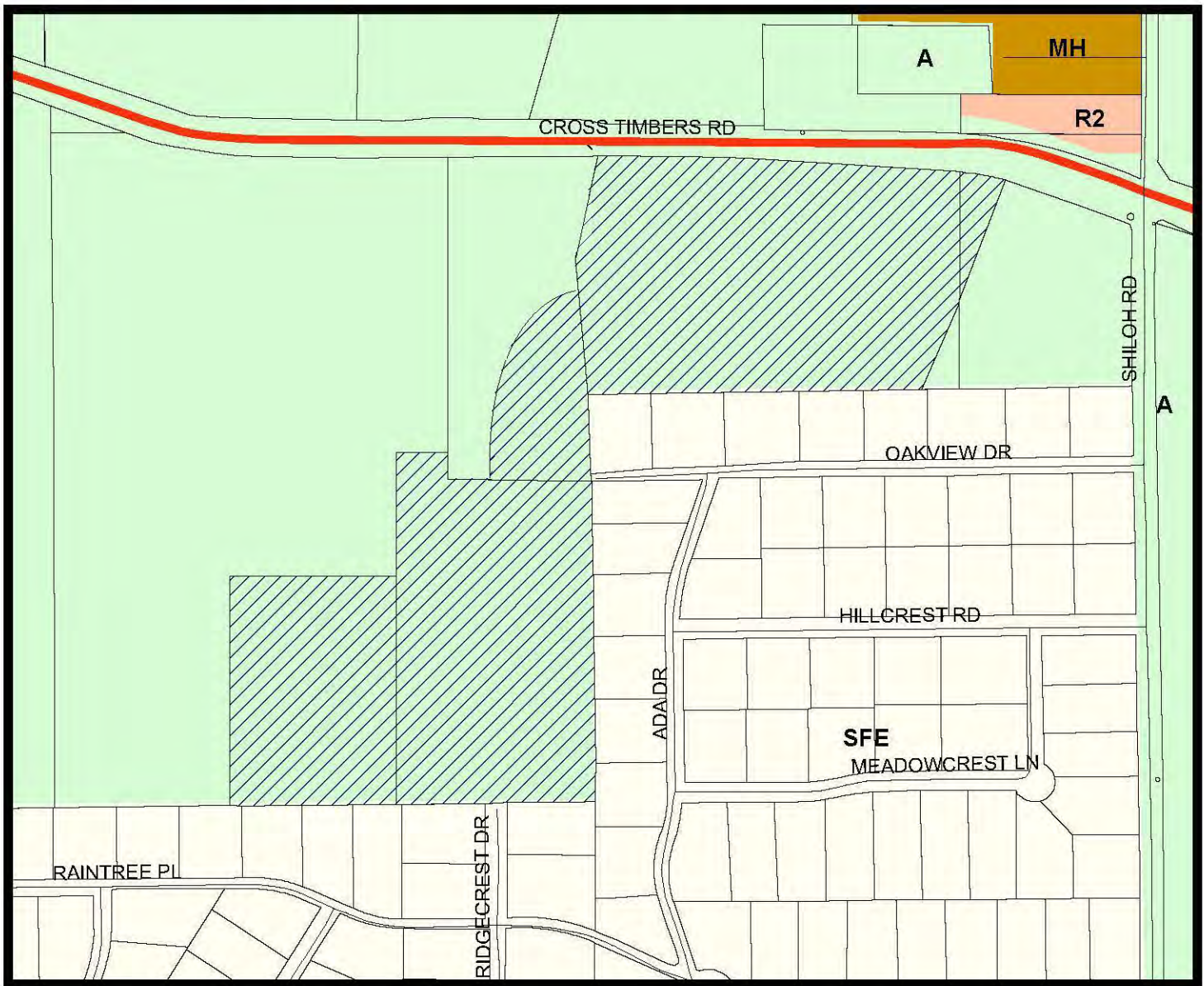
A. Background Information

1. Vicinity Map
2. Letter of Intent
3. October 19, 2015, Town Council Packet (ZPD15-0016)
4. PD-143 Ordinance (No. 56-15)
5. PD-143 Amendment Ordinance (No. 64-15)

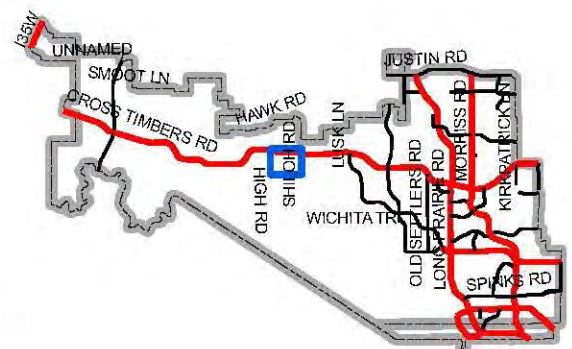
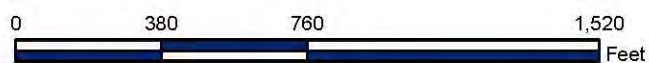
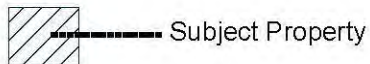


Vicinity Map

Reference Project: **ZP016-0003**



LEGEND



Map Location



Rembert Enterprises, Inc.

3625 Bonanza Lane Flower Mound, TX 75022

February 8, 2016

Executive Director of Development Services
Planning Division
1001 Cross Timbers Road #2330
Flower Mound, TX 75028

RE: Hillside at Flower Mound (Community)
Flower Mound, Texas

Dear Mr. Powell,

Please accept this as our formal Letter of Intent, to request an exception to Topographical Slope Protection, Upland Habitat Mitigation, Park fees and Park Land dedication related to the above mentioned project.

We are slightly modifying our lot layout to preserve more of the FM1171 view corridor and to mitigate the impact of the 12% slopes as well as preserving 12 post oak trees ranging in size from 8-24".

The Hillside at Flower Mound development has no intentions to "scape and build." Our plan is to preserve as many trees as possible by not benching heavily treed lots. We are preserving over 70+ percent of the existing tree canopy.

We are preserving over 50% open space which will be accessible to the Flower Mound residents.

We feel that the amount of preservation as well as an exceptional community design merits an exception of the above mentioned requests.

Should you have any questions, please feel free to contact us.

Sincerely,

Reginald Rembert



TOWN COUNCIL AGENDA ITEM NO. 16 REGULAR ITEM

DATE: October 19, 2015

FROM: Chuck Russell, Town Planner

ITEM: Public Hearing to consider a request for rezoning (ZPD15-0016 – Hillside of Flower Mound) to amend Planned Development District No. 143 (PD-143) for a cluster development to add an exception to Section 98-147, "Topographical Slope Protection," and to include other possible modifications to PD-143, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Cross Timbers Road and west of Shiloh Road. (*The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its October 12, 2015, meeting.*)

BACKGROUND INFORMATION: Attached is the Planning and Zoning Commission (P&Z) report and backup for this item. No changes or new information has been received since that meeting.

The applicant is requesting an exception to Section 98-147 of the Town Code entitled "Topographical slope protection." Details of this request can be found in Attachments 1 and 2. An exception to this requirement may be approved by the Town Council by the affirmative vote of at least three-fourths super majority vote of all members of the Town Council.

ATTACHMENTS:

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

DRAFT MOTION: Move to approve a request for rezoning (ZPD15-0016 – Hillside of Flower Mound) to amend Planned Development District No. 143 (PD-143) for a cluster development to add an exception to Section 98-147, "Topographical Slope Protection," and to include other possible modifications to PD-143, and adopt an ordinance providing for said amendment.



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 2

DATE: October 12, 2015

FROM: Chuck Russell, Town Planner

ITEM: Public Hearing to consider a request for rezoning (ZPD15-0016 – Hillside of Flower Mound) to amend Planned Development District No. 143 (PD-143) for a cluster development to add an exception to Section 98-147, "Topographical Slope Protection," and to include other possible modifications to PD-143. The property is generally located south of Cross Timbers Road and west of Shiloh Road.

I. ITEM SUMMARY

This application has been reviewed by DRC and, aside from the requested exception, has been found to be in conformance with all applicable Town regulations.

This project has a companion Development Plan application (DP15-0012) for consideration on the same agenda.

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

The Planning and Zoning Commission (P&Z) considered a request for rezoning (ZPD15-0011) on the subject property from Agricultural District (A) to Planned Development District No. 143 (PD-143) for a cluster development with certain modifications, exceptions and waivers to the Code of Ordinances on September 14, 2015, and recommended approval by a vote of 5 to 1. P&Z's recommendation included the applicant's request for the following exception:

A. Exception to Topographical Slope Protection

An exception to Section 98-147 of the Town Code was requested for approximately 8.58 acres of land with slopes between 5% and 12%. An exception was also requested for the impacts to 2.44 acres of land with slopes greater than 12%. According to the Town Code, no development application or project shall be approved that proposes development on any existing topographical slopes of 12 percent or greater, or that proposes to alter any existing topographical slopes that are less than 12 percent but equal to or greater than five percent then available (other than within five feet of the footprint of the proposed structure or structures). The purpose of this criterion is to ensure that development is respectful of and appropriately

integrated with the natural physical geography of the land in Flower Mound by requiring environmentally sensitive development techniques to eliminate "scrape and build."

Section 98-147 "Topographical slope protection" allows for an applicant to request an exception to these standards as follows:

*Exception. An exception to this requirement may be approved by the town council by the affirmative vote of **at least three-fourths super majority vote** of all members of the town council, for any development that keeps the character of the natural topography, and integrates the development into and maintains the overall integrity of the natural topography.*

- 1. Detailed drawings that illustrate the impact of the proposed development on the natural topography and the manner by which the development is integrated into, reflects and maintains the overall integrity of the natural topography.*
- 2. The identification of those specific best management practices (BMPs) that will be used to maintain and responsibly integrate the development into the natural topography together with an explanation regarding their use within the plans for such development. The BMPs to be used shall include, but are not limited to, those BMPs found within the town's engineering design and construction standards.*
- 3. While recognized as a potential BMP, the use of retaining walls should be kept to a minimum. Any retaining wall four-foot or greater in height shall be designed by a professional engineer licensed by the State of Texas. Retaining walls exceeding eight feet in height are discouraged.*

In considering an exception to this criterion, the town shall, in addition to the foregoing, consider the effects of granting an exception on other environmental features such as trees, habitats, floodplains, scenic vistas, ridgelines, and other environmental features as well as adjacency to established developments and neighborhoods.

The Town Council considered the rezoning request on September 21, 2015, and approved Planned Development District No. 143 (PD-143) for a cluster development; however, since the vote was 3 to 1, the requirement of a supermajority vote of approval for the slope exception was not achieved.

The applicant is now requesting to amend PD-143 to include the same topographic slope exception listed above (Attachment A(2)). No other amendments are being proposed to PD-143.

III. CORRESPONDENCE

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all zoning change requests. At the time this report was

written, staff received correspondence both in favor and in opposition to the project (Attachment B(1)).

IV. ATTACHMENTS

A. Background Information

1. September 14, 2015, P&Z Packet (ZPD15-0011)
2. Letter of Intent
3. Draft PD-143 Ordinance

B. Correspondence

1. Correspondence



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 5

DATE: September 14, 2015

FROM: Chuck Russell, Town Planner

ITEM: **Public Hearing to consider a request for rezoning (ZPD15-0011 – Hillside of Flower Mound) from Agricultural District (A) to Planned Development District No. 143 (PD-143) for a cluster development with certain modifications, exceptions and waivers to the Code of Ordinances. The property is generally located south of Cross Timbers Road and west of Shiloh Road.**

I. ITEM SUMMARY

This application has been reviewed by DRC and, aside from the requested exceptions and waivers, has been found to be in conformance with all applicable Town regulations. Specifically, this application has been reviewed under the SMARTGrowth program and has met all applicable criteria.

This project has a companion Development Plan application (DP15-0007) for consideration on the same agenda.

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

The purpose of this request is to rezone approximately 43.20 acres of land in order to develop residential lots under the Town's 'cluster development' regulations outlined in the Master Plan. The cluster development standards allow for lots that are smaller than the minimum two acres required by the existing Agricultural District (A) zoning. The applicant is proposing to rezone the site in accordance with the cluster development option outlined in the Cross Timbers Conservation Development District (CTCDD) Area Plan (see below).

The northern side of the subject property has frontage along Cross Timbers Road and is mostly undeveloped except for an existing single family dwelling and accessory agricultural structures. The property located on all four sides of the site is designated as CTCDD in the Town's Master Plan and is zoned a combination of Agricultural District (A) and Single-Family Estate (SFE), with an area northeast of the site zoned Retail District-2 (R-2). The property to the north of the site across Cross Timbers Road contains agricultural uses, a church with a cemetery, and a retail center at the northwest corner of Cross Timbers Road and Shiloh Road. The property west of the site is either undeveloped or contains agricultural uses. The property east and south of the site is developed with single family subdivisions

(Hidden Valley Country Estates) with minimum lot sizes of one acre. The Town's Fire Station No. 2 is also located east of the site on Shiloh Road.

The accompanying concept plan (Attachment B(1)) depicts the proposed lot layout, which includes designated open space areas. The applicant is proposing a maximum of 27 developable single-family lots with a minimum lot size of 30,000 square feet. The proposed development will have primary access points from Cross Timbers Road, Oakview Drive and Ridgecrest Drive. Since the property is located outside the Town's wastewater service area, all proposed residential lots will contain individual septic systems.

On December 16, 2013, the Town Council approved Ordinance No. 64-13 which amended the CTCDD. The CTCDD is described in the Master Plan as:

"Predominantly residential development, typically being single family residential development at net densities no greater than one unit per two acres. Moderate increases in densities may be appropriate in combination with cluster developments, conservation easements and/or other conservation techniques that preserve the Cross Timbers ecosystem, other natural systems, and Scenic Corridors and Vistas. Commercial recreation uses, such as equestrian facilities, golf courses and other uses compatible with the conservation goals of the district are also suitable.

The Cross Timbers Conservation Development District Area Plan preserves the integrity of the largely intact Cross Timbers ecological area in central Flower Mound, which provides the Town with its unique country atmosphere and natural environment, while allowing environmentally sensitive development to occur. The area plan establishes development options within the district and identifies specific elements needing consideration."

The area plan contains established development options within the district, one of which is the cluster development option:

- "8. Develop the property as a cluster development. The intent of the clustering option is to maximize open space conservation, including preserving Scenic Corridors and Vistas, on a site by site basis to realize a community benefit that provides the Town with its unique country atmosphere and natural environment. The continuation and/or connection of open space areas between adjacent developments are important in protecting the ecological value in the District. Cluster developments may be allowed in the District and must demonstrate the following:
 - a. Density shall be commensurate with the quality and character of the open or natural lands conserved and the extent to which the conserved land contributes to the preservation of the Cross Timbers Conservation Development District's country character, including its open, natural, scenic and ecological values. Density will be evaluated on a project-by-project basis. The maximum density that can be granted for a cluster development can be no more than 1 unit per 1.6 acres ($100/1.6 = 62$ units or a 24% increase above the base density). For example, on a 100

acre development, the 100 acres is divided by 1.6 to produce 62 units or a 24% (12 unit) increase in density above the base density of 1:2 or 50 units.

- b. Minimum lot size is one-half acre or 21,780 square feet; however, any development shall contain a mixture of lot sizes and any development shall be cognizant of external adjacent lot sizes.
- c. Open space may be managed by a land trust, Homeowners Association, and/or the Town. Any development proposal must detail the perpetual maintenance and funding for the open space areas, which must be feasible and appropriate for the areas preserved. Recreational uses may be allowed which may be appropriate given the type, location, intensity, and adjacency. Any recreational use should be characteristic of the District, compatible with adjacent land uses and should be open to the public. Floodplain may be counted as open space.
- d. Cluster development shall demonstrate how the development provides an appropriate transition to existing land uses. Factors to be considered include lot sizes, intervening roadways, and use of open space, among other factors."

The gross land area for the proposed development is 43.20 acres. The applicant is proposing a density of 1 unit per 1.6 acres which is the maximum allowed under the cluster development option. Approximately 21.784 acres of land is being dedicated as open space (50.43%) to be either maintained by the Homeowner's Association or a non-profit entity. Although the applicant has indicated they have been in discussions with a third party non-profit entity, at this point they have not made a commitment on who will be managing the open space.

The open space areas include two large tracts north and west of the site. The northern open space area is encumbered by a 75-foot-wide Atmos gas easement and will contain a meadow with a multi-use trail. The western open space area contains land encumbered by flood plain and steep topography. An open space management plan has been reviewed by the Environmental Conservation Commission (ECC), and the final document including open space easements must be approved and recorded prior to approval of a record plat for the property.

The applicant has provided landscaping, a Town trail, and split rail fence along Cross Timbers Road in accordance with the Town's Urban Design standards. The width of the buffer along Cross Timbers Road exceeds the Town's requirement of 50 feet. The applicant has also arranged lots and open space within the development to provide view corridors so the open space areas are visible at the perimeter of the development.

A. Exception to Topographic Slope Protection

According to Section 98-147 of the Town Code, no development application or project shall be approved that proposes development on any existing topographical slopes of 12 percent or greater, or that proposes to alter any existing topographical slopes that are less than 12 percent but equal to or

greater than five percent then available (other than within five feet of the footprint of the proposed structure or structures). The purpose of this criterion is to ensure that development is respectful of and appropriately integrated with the natural physical geography of the land in Flower Mound by requiring environmentally sensitive development techniques to eliminate "scrape and build." According to the applicant's Environmental Protection Plan (see Attachment B(4)), an exception to this requirement is being requested for approximately 8.58 acres of land with slopes between 5% and 12%. An exception is also being requested for the impacts to 2.44 acres of land with slopes greater than 12%.

B. Waiver to Upland Habitat Impact Payment

The current design and layout of the development proposes to preserve the Environmentally Sensitive Areas (ESAs) defined in the Town's SMARTGrowth Program on the site, except for 9.68 acres of upland habitat. According to both the Environmental Protection Plan and the Development Standards, the applicant is seeking a waiver for the per-acre payment (\$15,000/acre) to the tree mitigation fund for the upland habitat impacts (total of \$145,200).

As a part of the cluster development process, an enhanced public notification process is required that mandates a minimum of two neighborhood meetings be held to discuss the project prior to the application being considered by the Planning and Zoning Commission. Anyone who has signed up online is invited to these meetings as well as adjacent property owners and HOA's. The first informational meeting was held on January 29, 2015, and the second informational meeting was held on August 13, 2015.

On September 1, 2015, the Environmental Conservation Commission (ECC) reviewed an application for a tree removal permit for 9 specimen trees (total of 26 specimen trees on the site). The ECC recommended approval of the requested permit. At the same meeting, the ECC recommended approval of a proposed concept plan depicting open space areas. The items will be forwarded to the Town Council for consideration at the same time as the subject project.

The link to the September 1, 2015, ECC meeting is:

<http://flowermoundtx.swagit.com/play/09012015-1095/#7>

On September 3, 2015, the Parks, Arts and Library Services (PALS) Board recommended approval to Town Council that cash, in the amount of \$31,298.40, be accepted in lieu of the otherwise required Park Land Dedication, and Park Development Fees in the amount of \$37,476.00 for the Hillside at Flower Mound project. The items will be forwarded to the Town Council for consideration at the same time as the subject project.

The link to the September 3, 2015, PALS meeting is:

<http://flowermoundtx.swagit.com/play/09032015-939/#6>

III. CORRESPONDENCE

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all zoning change requests. At the time this report was written, staff had not received any correspondence regarding the project.

IV. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent
3. Cross Timbers Conservation Development District Area Plan

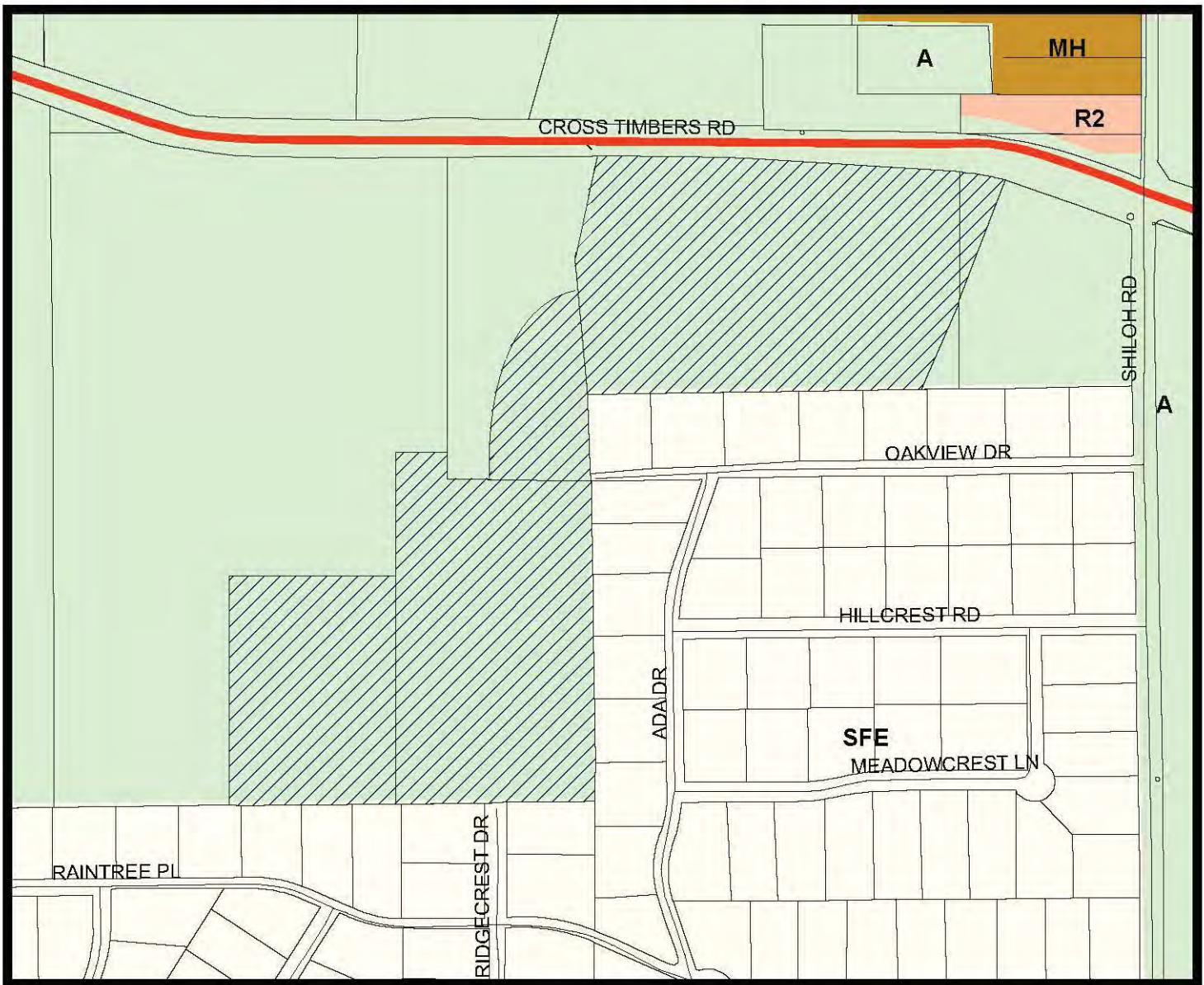
B. Application Details

1. Zoning Package
2. Draft Development Standards
3. Draft Open Space Management Plan
4. Environmental Protection Plan



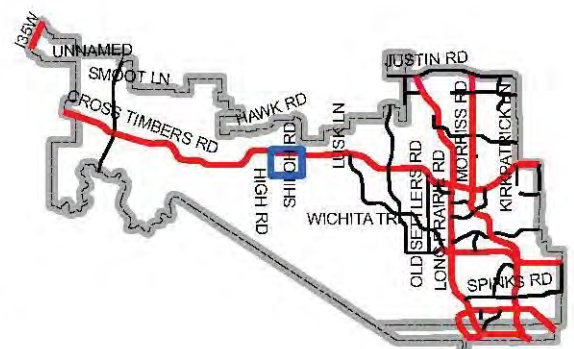
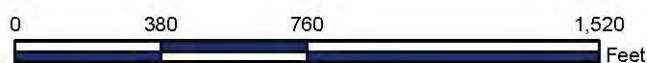
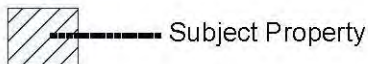
Vicinity Map

Reference Project: ZPD15-0011 & DP15-0007



LEGEND

	Retail 2		Agriculture		Mobile Home		Single Family Estate
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Map Location



Rembert Enterprises, Inc.

3625 Bonanza Lane Flower Mound, TX 75022

July 17, 2015

Executive Director of Development Services
Planning Division
1001 Cross Timbers Road #2330
Flower Mound, TX 75028

RE: Hillside Flower Mound (Community)
Flower Mound, Texas

Dear Mr. Powell,

Please accept this as our formal Letter of Intent to describe the requested Zoning Planned Development and Development Plan.

The Hillside community will be a high-quality, beautiful open-space community, consisting of a +/- 43.20 acre tract of land near the Intersection of Shiloh Road , along Cross Timbers Road (also known as FM 1171, a public roadway). The proposed community is consistent with the stated goals of the Town's Master Plan. We are utilizing site features such as topography, size, and shape to develop this community. We have taken the input received from the community meetings and prepared a Zoning Planned Development Exhibit, proposed development regulations, Concept Plan, Tree Survey, and Development Plan Package. We are preserving the natural topography, a portion of large canopy trees, rambling brooks, large tree stands, scenic vistas, large parcels of open space which includes the equivalent of 6 ½ football fields of majestic beauty along Cross Timbers Road.

The above-mentioned tracts are currently identified on the Town's Master Land Use Plan as Cross Timbers Conservation Development District (CTCDD). The existing zoning is agricultural. The proposed zoning is for a single-family cluster residential development, which is consistent with the updated 2013 Master Plan. The Hillside community will consist of 27 lots, with six (6) X-lots. We are proposing to change the Zoning to accommodate a uniquely developed community that is compatible with the existing adjoining land uses and character of the neighborhood (Hidden Valley Country Estates) in which the project is located. Adequate public facilities are already in place to support the proposed development. Although we are asking for a cluster development, we are not using the minimum lot sizes. We are using a base zoning of Single Family-30 which has a minimum lot size of 30,000 s.f. (not 21,780 s.f. which is the minimum for a cluster development in CTCDD). Proposed uses and development standards exceed and are consistent with the purposes of the base zoning district.

The proposed Planned Development District is consistent with the Town's vision, goals, objectives, and policies adopted in the Master Plan. Density of the proposed community shall not exceed the codes allowable of 1.6 Ac. per unit. The development will be completed in a single phase. Our plans conform to the Town's land development regulations.

We are providing approximately 21.792 acres or (50.44%) of open space along with preserving large specimen trees with large canopies that is majestically placed along FM 1171.

This site has 2000+ protected and specimen trees, as indicated in the tree survey included in our application. In an effort to maintain the natural beauty of our Town, we have made every effort to preserve trees when and where possible.

We have had one meeting with the adjacent homeowners and we are planning a second meeting prior to the scheduling of the Planning and Zoning meeting, per the Enhance Notification Requirement.

We respectfully request an exception to the upland habitat mitigation requirement. We are exceeding the tree preservation requirement by saving a large portion of the existing tree canopy. We feel that the amount of large parcels of open space continued to adjacent properties, the 6 ½ football field-equivalent open space along FM 1171, extensive views into the district, ecological value of the large existing creek, as well as the exceptional community design, merits an exception from the mitigation requirement.

We also respectfully request an exception to the wrought iron fencing requirement surrounding the open space, due to the fact that our western property line is already fenced, and split rail fencing is already required along FM 1171.

We are currently discussing how to manage our open space. We understand that it must be managed by a Land Trust, HOA or the Town. We are looking at a combination of Land Trust and HOA. The HOA will maintain the property along FM 1171 and a Land Trust will possibly manage the undisturbed open space.

Should you have any questions, please feel free to contact us.

Sincerely,



Reginald Rembert

2.0 AREA PLANS

Cross Timbers Conservation Development District Area Plan

The Cross Timbers Conservation Development District Area Plan preserves the integrity of the largely intact Cross Timbers ecological area in central Flower Mound, which provides the Town with its unique country atmosphere and natural environment, while allowing environmentally sensitive development to occur. The area plan establishes development options within the district and identifies specific elements needing consideration.

There are several development options within the District:

1. Retain all or part of the property for personal use. This option would include (but not require) the potential of donating a conservation easement on all or part of the property in order to realize some economic benefit.
2. Develop all or part of the property, or sell all or part of the property to others for development, on two acre lots as permitted under the existing Agricultural zoning.
3. Develop all or part of the property, or sell all or part of the property to others for development, as a conservation development, with the number of lots as permitted under the existing Agricultural zoning, but with smaller lots and eligibility for incentive benefits as established by the Town's SMARTGrowth Program. This option would include the potential donation of a conservation easement on all or part of the property in order to realize some additional economic benefit.
4. Develop all or part of the property at lot sizes larger than two acres, as permitted under the existing Agricultural zoning.
5. Develop all or part of the property in Rural Development (lot sizes five acres or larger) that reflects the country atmosphere and natural environment of Flower Mound, as permitted under the existing Agricultural zoning. This could include coordinated development for specialized types of development, such as equestrian oriented developments.
6. Coordinate development planning with adjoining land owners as a combined conservation development, with the number of lots as permitted under the existing Agricultural zoning, but with smaller lots and eligibility for incentive benefits as established by the Town's SMARTGrowth Program, as a coordinated Planned Development. This option would include (but not require) the potential of donating a conservation easement on all or part of the property in order to realize some additional economic benefit.
7. Develop all or part of the property as appropriate non-residential development. Appropriate non-residential development might include active equestrian commercial activities (similar to the existing Flower Mound Equestrian Center), active use "country" commercial uses (similar to the Circle R Ranch, or roadside farm product stands), or other commercial uses that reinforce the "country atmosphere and natural environment"

2.0 AREA PLANS

that is characteristic of the Cross Timbers Conservation Development District, and are fully compatible with and acceptable to neighbors and landowners in the Zone.

8. Develop the property as a cluster development. The intent of the clustering option is to maximize open space conservation, including preserving Scenic Corridors and Vistas, on a site-by-site basis to realize a community benefit that provides the Town with its unique country atmosphere and natural environment. The continuation and/or connection of open space areas between adjacent developments are important in protecting the ecological value in the District. Cluster developments may be allowed in the District and must demonstrate the following:

- a. Density shall be commensurate with the quality and character of the open or natural lands conserved and the extent to which the conserved land contributes to the preservation of the Cross Timbers Conservation Development District's country character, including its open, natural, scenic and ecological values. Density will be evaluated on a project-by-project basis. The maximum density that can be granted for a cluster development can be no more than 1 unit per 1.6 acres ($100/1.6 = 62$ units or a 24% increase above the base density). For example, on a 100 acre development, the 100 acres is divided by 1.6 to produce 62 units or a 24% (12 unit) increase in density above the base density of 1:2 or 50 units.
- b. Minimum lot size is one-half acre or 21,780 square feet; however, any development shall contain a mixture of lot sizes and any development shall be cognizant of external adjacent lot sizes.
- c. Open space may be managed by a land trust, Homeowners Association, and/or the Town. Any development proposal must detail the perpetual maintenance and funding for the open space areas, which must be feasible and appropriate for the areas preserved. Recreational uses may be allowed which may be appropriate given the type, location, intensity, and adjacency. Any recreational use should be characteristic of the District, compatible with adjacent land uses and should be open to the public. Floodplain may be counted as open space.
- d. Cluster development shall demonstrate how the development provides an appropriate transition to existing land uses. Factors to be considered include lot sizes, intervening roadways, and use of open space, among other factors.
- e. The approval of a development application for a cluster development shall require an enhanced public notification process. This process is to increase notice and encourage participation of the adjacent property owners and includes the following:
 1. Any developer using the cluster option must present plans to adjacent property owners and Homeowner Associations for comment and input on the proposed application.

2.0 AREA PLANS

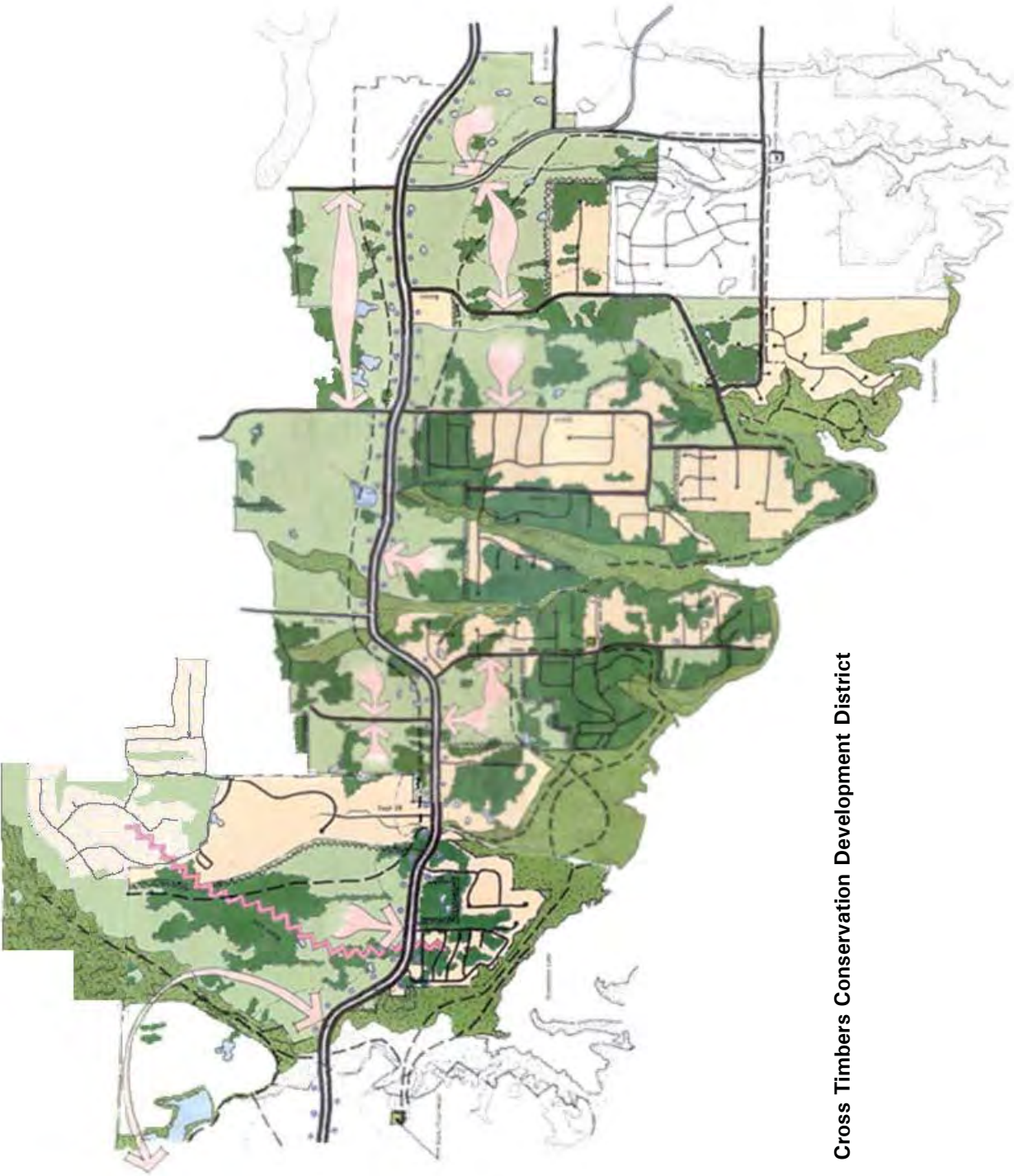
2. At the time of pre-application, Town staff will notify the affected property owners of the potential development.
3. A meeting will be coordinated with the Developer and interested parties prior to the submittal of a development application.
4. A second meeting will be held prior to the Planning and Zoning Commission meeting to update the interested parties prior to the public hearing. The agenda item for the proposal will reflect any consensus reached by the group as well as individual comments.

Elements needing consideration within the district include:

1. Scenic Corridors and Vistas - The scenic corridor along FM 1171 has extensive views into the District. These viewsheds need to be incorporated into any development proposal, if development is contemplated, and would require compliance with the "Town of Flower Mound SMARTGrowth Program" SMARTGrowth Analysis. Compliance with the SMARTGrowth Analysis could be achieved by conservation or cluster development, placing new houses outside of the view area, or by siting any new lots so the houses face toward FM 1171 across conserved open space, with access from a street internal to the development, rather than providing a view from FM 1171 into back yards or rear alleys.
2. Scenic corridors are present along the following roadways in addition to the roads identified in the Town's Urban Design Plan within the Cross Timbers Conservation Development District:
 - a. Skillern Road
 - b. Scenic Road
 - c. Shiloh Road
 - d. Rocky Point Road
 - e. Red Rock Road
 - f. High Road
 - g. FM 1171 at the Cross Timbers Escarpment

Properties adjacent to these roads provide extensive views into the District. Compliance with the SMARTGrowth Analysis could be achieved by conservation or cluster development, placing new houses outside of the view area, or by siting any new lots so the houses face the roadways across conserved open space, with access from a street internal to the development, rather than providing a view from the roadways into back yards or rear alleys.

2.0 AREA PLANS

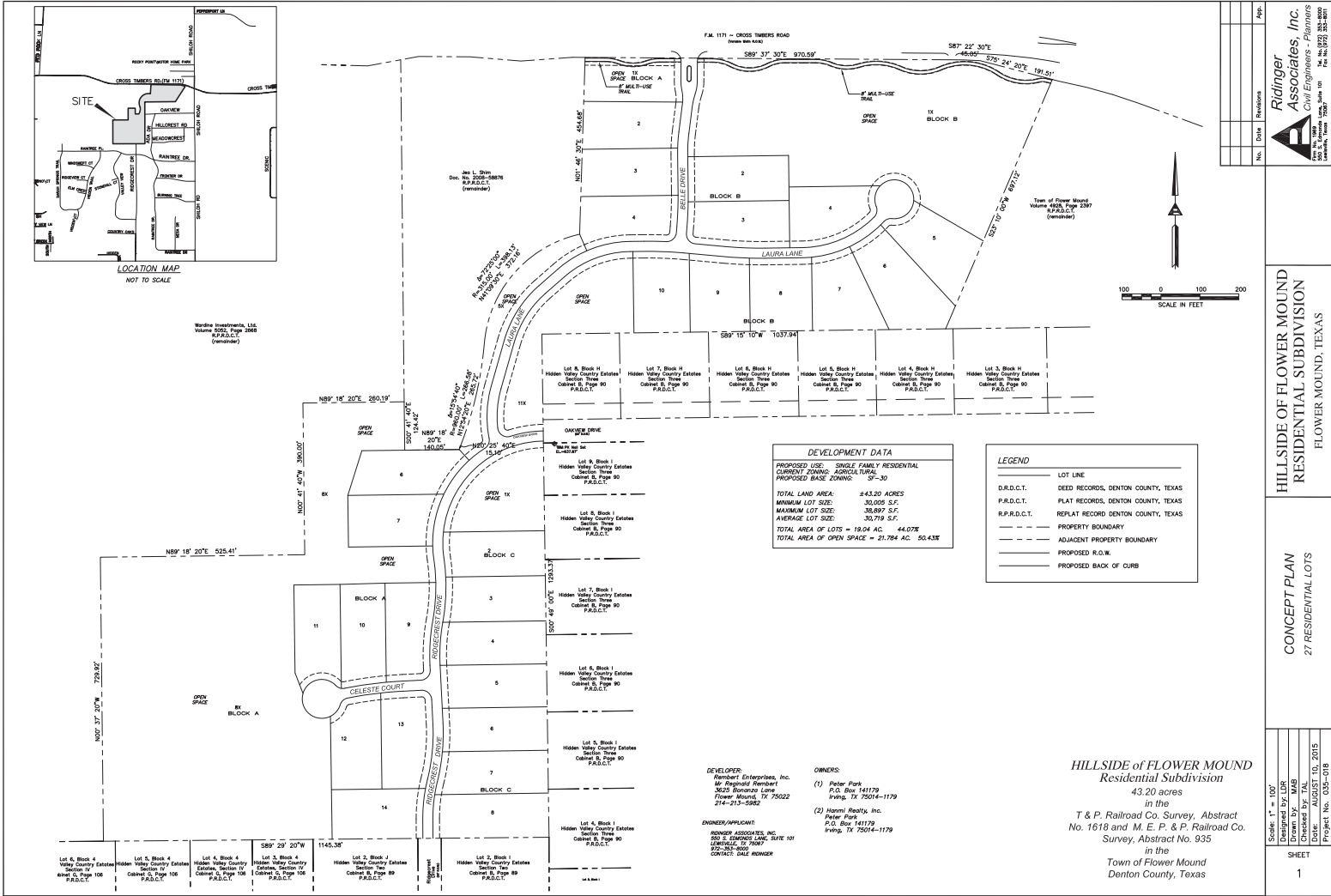


Cross Timbers Conservation Development District

**Ridinger
Associates, Inc.**
Civil Engineers - Planners

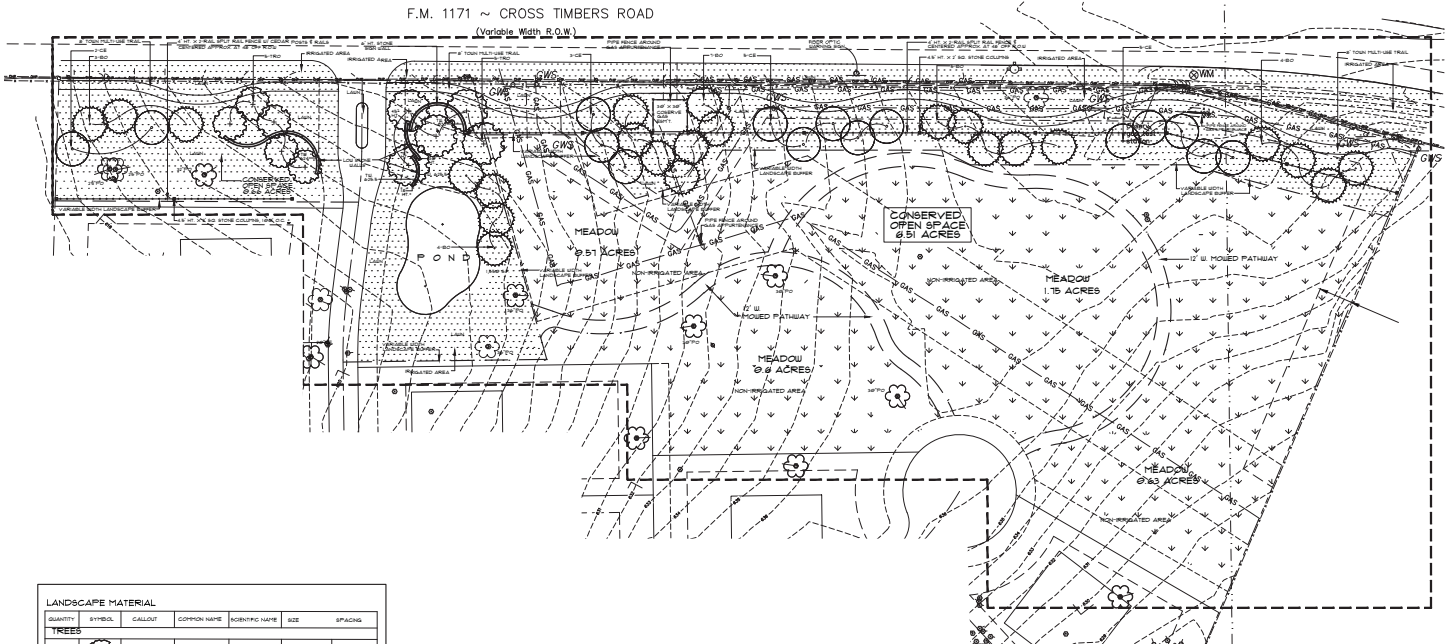
Firm No. 1949
550 S. Edwards Lane, Suite 101
Leesville, Texas 75067
Tel. No. (972) 353-8009
Fax No. (972) 353-8011





No.	Date	Revisions	App.

Ridinger Associates, Inc.
 10000 Ridinger Road, Suite 200
 Houston, Texas 77057
 Tel: 281.415.1000
 Fax: 281.415.1001



LANDSCAPE MATERIAL						
QUANTITY	SYMBOL	CALLOUT	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING
TREES						
10		TRO	TEXAS RED OAK	QUERCUS TEXANA	3" CAL. 6' HT. MIN.	AS SHOWN
15		CE	CEDAR ELM	ELMUS GRASSPOLIA	3" CAL. 6' HT. MIN.	AS SHOWN
23		BO	BUR OAK	QUERCUS MACRO- PHYLLIS	3" CAL. 6' HT. MIN.	AS SHOWN
SHRUBS / ORNAMENTAL GRASSES						
TURF GRASS						
TSD		5" T. GRASS	COMMON BENTGRASS (GRASS)		SOLICID OR HYDRICULCH 21212020N DACTILON	
						DEVELOPER OPTION

LANDSCAPE REQUIREMENTS:

SEC. 62-242 - STREET BUFFER LANDSCAPING
 THE MINIMUM WIDTH OF LANDSCAPE BUFFER FROM STREET R.O.W. LINES ADJACENT TO A SCENIC ROADWAY SHALL BE 50', AND A VARIABLE WIDTH LANDSCAPE BUFFER IS OBSERVED WHICH EXCEEDS THE WIDTH OF 50' IN ALL AREAS OF STREET FRONTAGE.

SEC. 54-62 - STREET BUFFER TREES
 (1) STREET BUFFER TREES SHALL BE PROVIDED AT ONE (1) TREE PER 25 FT. OF LINEAR FRONTAGE ALONG A SCENIC ROADWAY.
 1,200/15 TOTAL LINEAR FEET OF FRONTAGE / 25 = 48 TREES REQUIRED
 TOTAL OF 48 - 3" CAL. TREES PROVIDED AS PER APPROVED STREET TREE LIST.

A FUTURE 8' TOWN MULTI-USE TRAIL LOCATION IS REQUIRED WITHIN THE 50' STREET BUFFER, AND A PROPOSED POSSIBLE LAYOUT IS INDICATED ON THE LANDSCAPE PLAN.

01 LANDSCAPE PLAN
 SCALE: 1" = 40'-0"

IRRIGATION SYSTEM:
 AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM SHALL BE PROVIDED WITH AN AUTOMATIC PROGRAMMABLE CONTROLLER WITH RAIN AND FREEZE SENSORS. THE SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATERING OF ALL LANDSCAPE AREAS. THE IRRIGATION CONTRACTOR SHALL PROVIDE AN IRRIGATION PLAN PREPARED BY AN IRRIGATION DESIGNER LICENSED BY THE STATE OF TEXAS TO MEET ALL APPLICABLE CODES, REQUIREMENTS & STANDARDS. THE IRRIGATION CONTRACTOR SHALL INSTALL THE SYSTEM AS PER THE APPROVED PLAN. A PRESSURE VACUUM BREAKER ASSEMBLY OR REDUCED PRESSURE PRINCIPLE ZONE DEVICE SHALL BE PROVIDED BETWEEN THE MAINLINE PIPING AND THE IRRIGATION SYSTEM.

MAINTENANCE:
 THE OWNER SHALL KEEP ALL LANDSCAPED AREAS MAINTAINED IN A NEAT APPEARANCE AT ALL TIMES. THE OWNER SHALL MAINTAIN TREES, SHRUBS, GRASS, MATERIAL, PREPARED BY THE IRRIGATION SYSTEM, AND REMOVAL OF TRASH AND DEBRIS. ALL PLANT MATERIAL SHALL BE KEPT IN A HEALTHY AND GROWING CONDITION.

**HILLSIDE OF FLOWER MOUND
 RESIDENTIAL SUBDIVISION**
 FLOWER MOUND, TEXAS

BS&A
 ARCHITECTURE
 PLANNING
 708 South Gess Drive
 Lewisville, Texas 75047
 (214) 396-2700 (F)
 E-Mail: bsand@att.net

DESIGNED BY: JOHN R. BRY
CHECKED BY: JUNE 1, 2015
DATE: JUNE 1, 2015
PROJECT NO.: 035-018

SCALE 1"=40'
11.01

DEVELOPMENT STANDARDS

Planned Development District No. 143 (PD-143) Hillside at Flower Mound

The development on the property comprising approximately 43.20 acres of land within the corporate limits of the Town of Flower Mound ("Town") and as described on Exhibit "xx" to this Zoning Ordinance adopting PD-143 shall be in accordance with the Town of Flower Mound *Master Plan* and the Land Development Regulations of the Town of Flower Mound, Texas, as amended, and shall be subject to the following conditions and requirements:

A. PD-143 with Single-Family District-30 (SF-30) uses. Development of PD-143 as designated on Exhibit "xx," the Concept Plan for Hillside at Flower Mound shall be in compliance with all regulations applicable to Single-Family District-30 (SF-30) uses contained in the Town's Land Development Regulations as amended, except as otherwise provided in this Ordinance.

1. Minimum floor area per unit. The minimum floor area per dwelling unit shall be 2,800 square feet, subject to Section 98-1025.
2. Maximum lot coverage. The maximum lot coverage shall be 40% for all uses, subject to Section 98-1029.

B. Residential Lot Requirements. The following requirements shall apply to the residential lots within Hillside at Flower Mound.

1. The maximum density shall be no more than 1 dwelling unit per 1.6 acres ($100/1.6 = 62$ units or a 24% increase above the base density).
2. There shall be a maximum of 27 residential lots as depicted on the attached Zoning Conceptual Plan.

C. Miscellaneous Standards.

1. As a Cluster Development, PD-143 shall have a minimum of fifty percent (50%) of the gross land area preserved as open space for the development as depicted in Exhibit "xx" below. In meeting requirements for open space, the developer must demonstrate how open space designated in Exhibit "xx" as shall be managed. Open Space shall be managed by a qualified nonprofit entity or organization that manages open space, such as a land trust, HOA or other qualified entity, pursuant to section 170(h) of the Internal Revenue Code, as amended, and as may be approved and accepted by the Town. All designated open space areas shall be conserved in a recorded conservation easement as applicable prior to Planning and Zoning Commission approval of the first record plat within the development.
2. All landscaping, trails and open space shall be in conformance with Exhibit "xx", the Conceptual Landscape Plan.
3. The development of PD-143 is subject to the approved Environmental Protection Plan.

D. Exceptions and Waivers.

1. Exception to Topographic Slope Protection

Exception to this requirement is being requested for approximately 8.58 acres of land with slopes between 5% and 12%. An exception is also being requested for the impacts to 2.44 acres of land with slopes greater than 12%.

2. Waiver to Upland Habitat Impact Payment

Waiver for the per acre payment of to the tree mitigation fund for the upland habitat impacts.

OPEN SPACE MANAGEMENT PLAN

Planned Development District 143 (PD-143)

Hillside at Flower Mound

Property Description

All X-lots (“Property”) in Exhibits A, B, and C are defined as Open Space.

As set forth in the Development Plan (Exhibit “A”) hereto, which is hereby incorporated herein by reference for all purposes.

As set forth in the Open Space Management Plan (Exhibit “B”) hereto, which is hereby incorporated herein by reference for all purposes.

As set forth in the Landscape Plan (Exhibit “C”) hereto, which is hereby incorporated herein by reference for all purposes.

Present Condition of the Property

The natural characteristics of the Hillside Development is outlined in a report (Exhibit “D”) completed on July 17, 2015 (the “EPP”), by KBA EnviroScience, Ltd.

Introduction

It is our plans for the Home Owners Association (HOA) Board of Directors, in conjunction with a Certified Arborist, manage the Open Space related to the Hillside at Flower Mound project. There are six open space lots consisting of 21.7 acres with approximately 14 acres remaining in its natural state. Land Trust Conservation Easements are typically larger in size. However, we are speaking with a Land Trust Company about their willingness to partner with us relating to the donation of a Conservation Easement over the subject tracts of land.

Purpose

The purpose of the preservation of open space includes but is not limited to one or more of the following:

- Retaining or protecting the relatively natural habitat of wildlife, plants, and similar ecosystems on the Property;
- Protecting natural resources, maintaining or enhancing air and water quality;

- Preserving the historical, architectural, archaeological, or cultural aspects of the Property;
- Preserving the open space characteristic of Property pursuant to The Town of Flower Mound's Master Plan 2001 (including, but not limited to, the Land Use Plan for the "Cross Timbers Conservation Development District"), Open Space Plan, SMARTGrowth Management Plan, Land Development Regulations governing the Cross Timbers Conservation Developments, and Planned Development District No. 143;
- Permitting the Property (as suitable) for non-intensive outdoor recreation by the public, including hiking, horseback riding, nature observation, and enjoyment of open space, all in accordance with applicable laws and regulations.
- Land in its natural state require little to no maintenance and carry minimal costs for maintenance.

Prohibited Activities

Any activity on, or use of, the Property inconsistent with the purpose of the open space is prohibited. The Property shall be preserved, to the extent practicable, in its natural condition and restricted from any development that would impair or interfere with the values of the Property. Without limiting the following activities and uses are expressly prohibited, restricted, or reserved as indicated hereunder:

Vegetation: There shall be no large-scale removing, destroying, cutting, trimming, burning, harming, or altering of any vegetation, or disturbing or changing in any way the natural habitat existing on the Property after the Final Acceptance Date by the Town. The use of pesticides, biocides, insecticides, fungicides, rodenticides, and herbicides on the Property shall be limited so as to preserve the natural characteristics of the Property. The use of such products and/or mowing of the Property, as necessary to control pests or vermin, may be allowed. Mowing and/or trimming may be conducted along boundary lines to allow access for maintenance. If any trails are constructed on the Property, trail boundaries may be maintained through trimming or mowing. In the event that vegetation must be altered in order to or remedy a condition which presents a danger to persons, such alterations must conform to the Town's Code of Ordinances.

Uses: No commercial, agricultural, residential or industrial activity shall be conducted upon the Property. There shall be no storing or dumping of soil, trash, ashes, garbage, waste, abandoned vehicles, appliances, machinery, hazardous or toxic substances or waste, or any placement of underground or above ground storage tanks or other materials on the Property that may negatively impact or be

detrimental to the Property or to the surface or subsurface waters of the Property. Livestock animals shall not be allowed on the Property.

Topography: After the Final Acceptance Date by the Town, there shall be no change in the topography of the Property. There shall be no filling, excavating, grading, dredging, mining or drilling upon the Property. There shall be no removing of topsoil, peat, sand, gravel, rock, minerals or other materials from the Property.

Soil or Water Degradation: After the Final Acceptance Date by the Town, there shall be no use of or the conducting of any activity on the Property that is likely to cause soil degradation, erosion, depletion or pollution of, or siltation on, any surface or subsurface waters of the Property, and there shall be no change to the surface or subsurface hydrology of the Property.

Construction: There shall be no constructing or placing of any building, mobile home, asphalt or concrete pavement, permanent billboard or other advertising display, antenna, utility pole, tower, conduit, line, pier, landing, dock, or any other temporary or permanent structure or facility or any other man-made structures on the Property.

Roads: There shall be no construction of new roads on the Property or any enlargement, widening, or modification to any existing roads on the Property.

Waters: There shall be no polluting, altering, manipulating, depleting or extracting of surface or subsurface water (including, but not limited to, ponds, creeks or other water courses) or any other water bodies on the Property. There shall be no conducting or allowing any entity or person to conduct activities on the Property that would be detrimental to water purity or that alter the natural water level or flow in or over the Property (including, but not limited to, damming, dredging or construction in any free flowing water body, nor any manipulation or alteration of natural water courses, fresh water lake and pond shores, marshes or other water bodies).

Vehicles: After the Final Acceptance Date by the Town, and subject to compliance with the Americans with Disabilities Act, there shall be no operating or allowing the operation of any motorized vehicles on the Property.

Easements: All easements are listed on Exhibit “A”. There shall be no new easements on, over, under, across, along or through the Property. However, a Conservation Easement over the property will be allowed.

Signage: No permanent signage shall be permitted on or over the Property, except the posting of no trespassing signs, signs giving directions or proscribing rules and regulations for use of the Property and/or signs identifying the purpose of the preserved property. Until the sale of the last of the lots owned by developer in the Hillside at Flower Mound subdivision, the developer or his designee may place “For Sale” signs on the Property, provided that the total number of such signs does not exceed the total number of such lots owned by the developer.

Duration

Perpetual.

General Provisions

(l) Amendment.

1. Maintenance of Common Areas:

- a. All Common Areas (X-Lots) are to be conveyed to the Homeowners Association (HOA) by the Developer. The HOA will be established by the Developer as a Nonprofit Corporation. The members will be the Hillside of Flower Mound lot owners with one (1) vote for each Lot Owner in all matters. The initial Board of Directors will be appointed by the Developer. Once the Hillside at Flower Mound community is 80% complete (22 homes occupied), a Board of Directors will be elected by the Homeowners to manage and oversee the business and all other matters of the HOA, including the conservation (Open Space) requirements of the Town.
- b. The structure and guidelines for the HOA will be defined by the Dedications and Restrictions (Deed Restrictions), which will be recorded by the Developer after the Final Plat is approved, as required by the Town. The Covenants, Conditions and Restrictions shall set forth all enforcement guidelines.
- c. The maintenance and management of the Common Areas (X-Lots) will be the responsibility of the HOA Board of Directors. The Common Areas (X-Lots) and their care will be as follows:
- d. Woodland/Open Space (X-Lots)
 1. Lot 1X, Block A, 50’ Landscape Buffer to be maintained by the HOA during regular maintenance.

2. Lot 1X, Block A, excluding 50' Landscape Buffer to remain in its natural state and mowed approximately 2 to 3 times per year as determined by the HOA.
3. Lot 1X, Block B, 50' Landscape Buffer to be maintained by the HOA during regular maintenance.
4. Lot 1X, Block B, excluding 50' Landscape Buffer to remain in its natural state and mowed approximately 2 to 3 times per year as determined by the HOA. A walking path will be mowed 4 times per year or as determined by the HOA.
5. Lot 5X, Block A, to remain in its natural state.
6. Lot 8X, Block A, to remain in its natural state.
7. Lot 11X, Block B, to remain in its natural state.
8. Lot 1X, Block C, to remain in its natural state.
- e. Bar Ditches in Open Space
 1. Bar ditches in Lot 1X, Block A, to be maintained by the HOA during regular maintenance.
 2. Bar ditches in Lot 5X, Block A, to be maintained by the HOA during regular maintenance.
 3. Bar ditches in Lot 1X, Block B, to be maintained by the HOA during regular maintenance.
 4. Bar ditches in Lot 11X, Block B, to be maintained by the HOA during regular maintenance.
 5. Bar ditches in Lot 1, X Block C, to be maintained by the HOA during regular maintenance.
 6. All other bar ditches, not included in open space, will be maintained by the property owners.
- f. Drainage Culverts in Open Space
 1. All Drainage culverts in open space to be maintained by the HOA during regular maintenance.
- g. Fencing in Open Space
 1. Lot 1X, Block A, 50' Landscape Buffer fencing to be maintained by the HOA during regular maintenance.
 2. Lot 1X, Block B, 50' Landscape Buffer fencing to be maintained by the HOA during regular maintenance.
- h. Masonry Entry Feature in Open Space
 1. All masonry features in open space to be maintained by the HOA during regular maintenance.
- i. Pond in Open Space
 1. One located on Lot 1X, Block B.

2. Pond water level will be maintained by a water-well installed by the Developer.
 3. Pond will have a re-circulating fountain to aerate the water and create continuous movement.
 4. The ponds will be initially maintained by the Developer.
 5. Pond will be maintained by the HOA during regular landscape maintenance.
- j. Multi Use Trail in 50' Landscape Buffer
1. 8' multi-purpose trail to be maintained by the HOA during regular maintenance.

All open space areas may be either; Placed under a Conservation Easement to be supervised by a Licensed or Certified Conservator, or managed by the HOA Board of Directors. The HOA Board of Directors must be under the direction of a licensed Arborist. The Board of Directors and their responsibilities are defined in the Declaration of Covenant, Conditions and Restrictions for the Hillside Development.

The HOA will fulfill the conservation covenants as provided in the deed restrictions.



EXHIBIT B OPEN SPACE PLAN

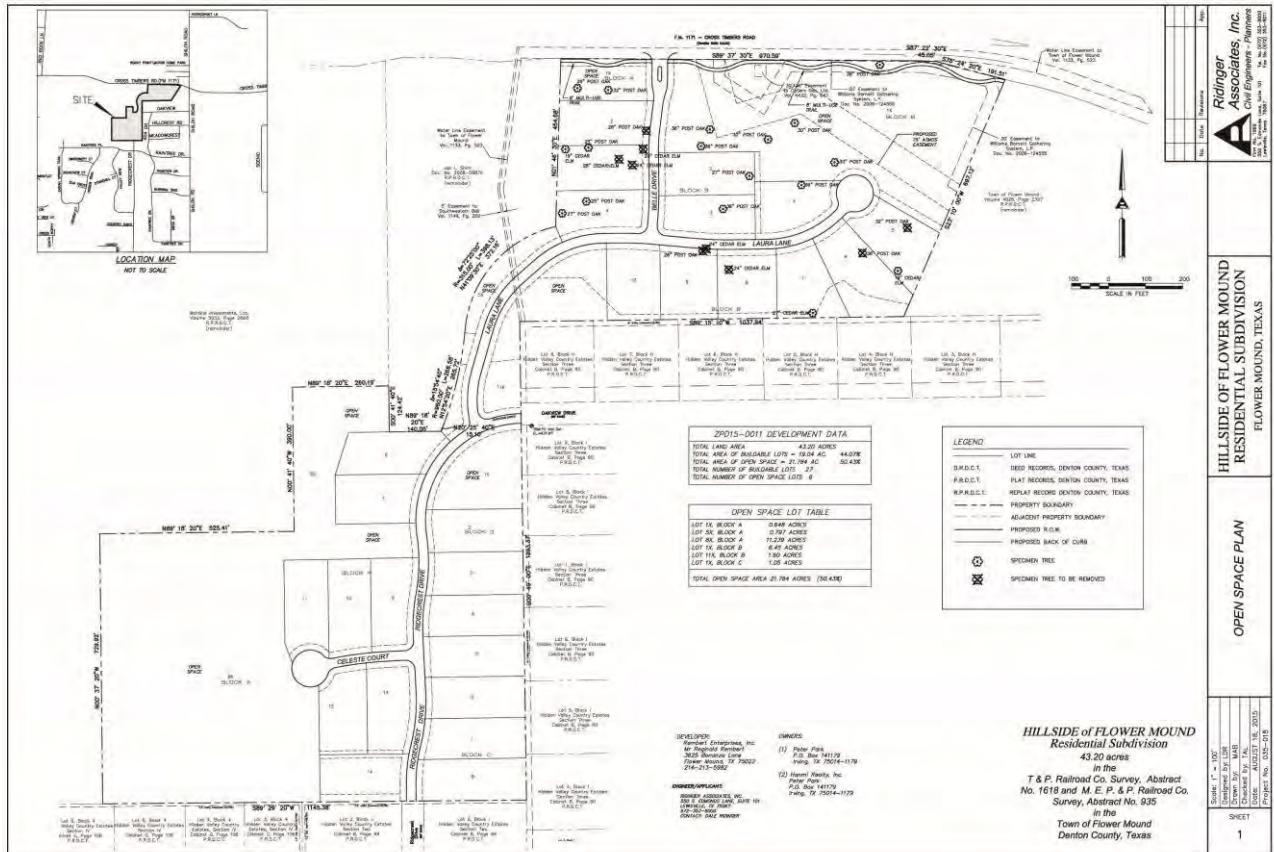
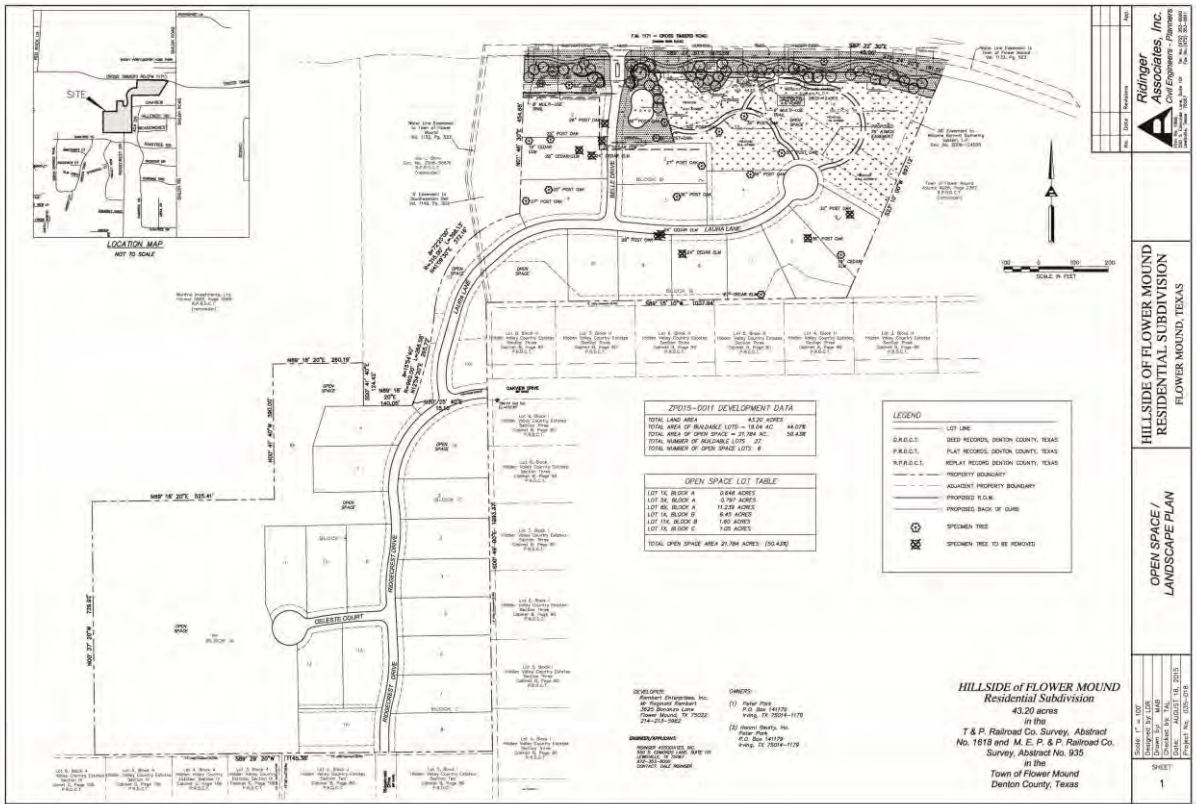
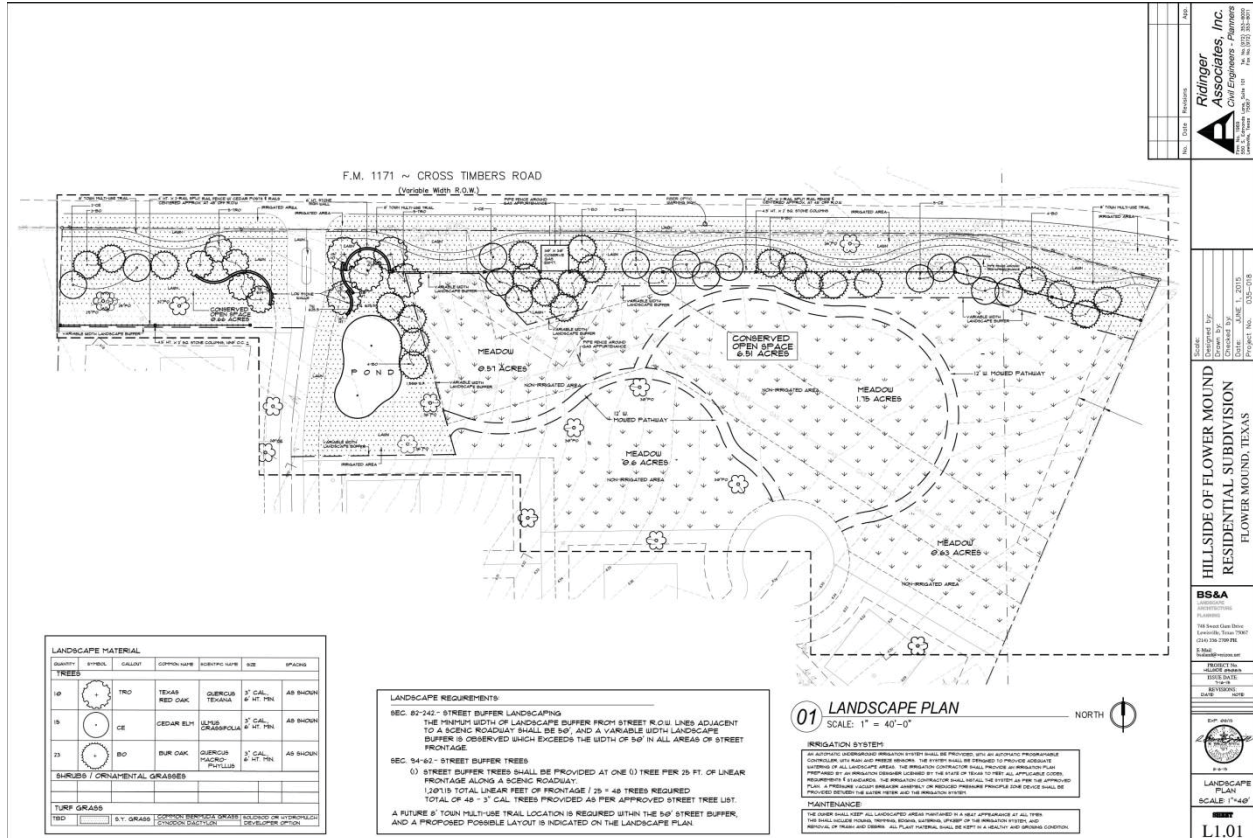
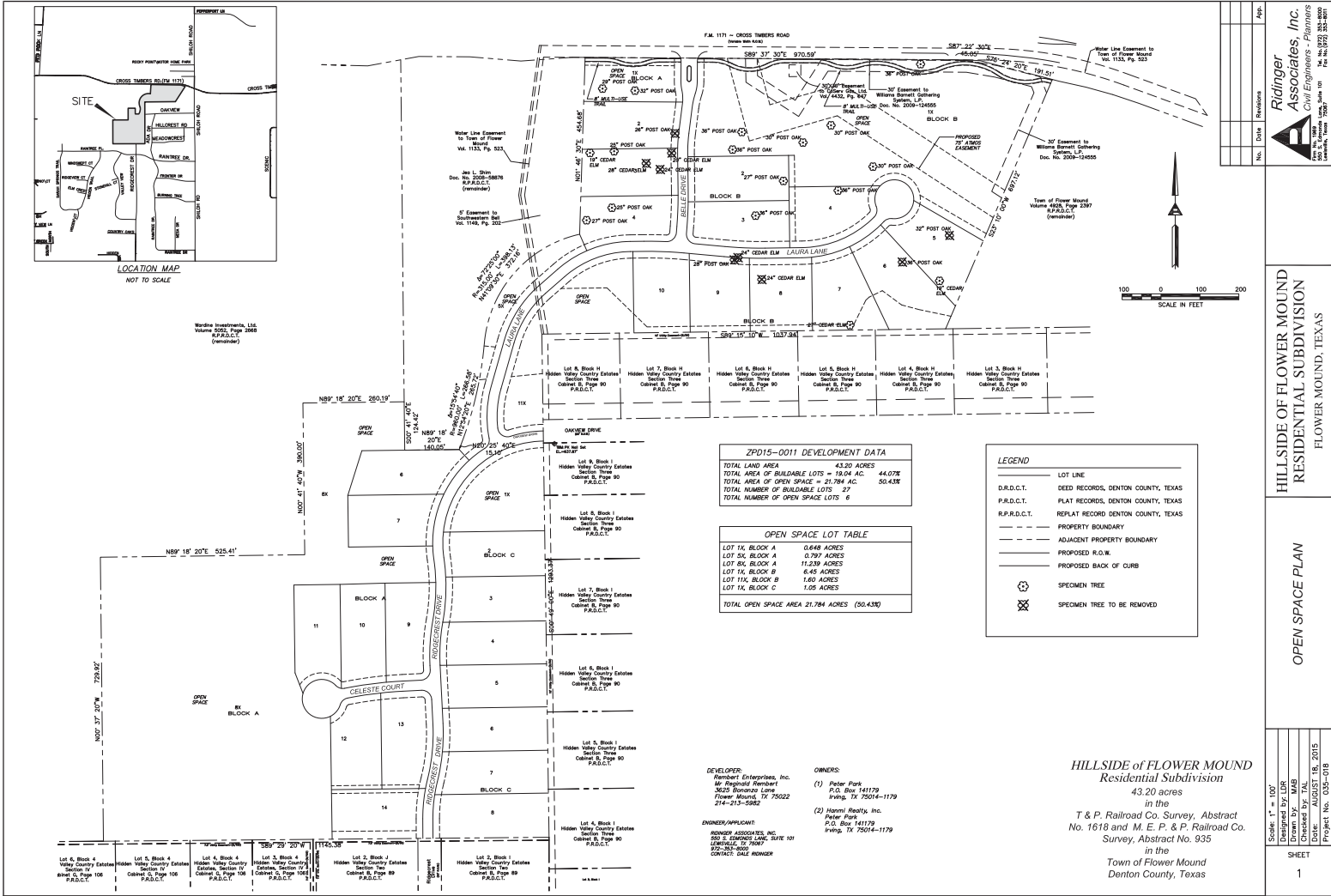


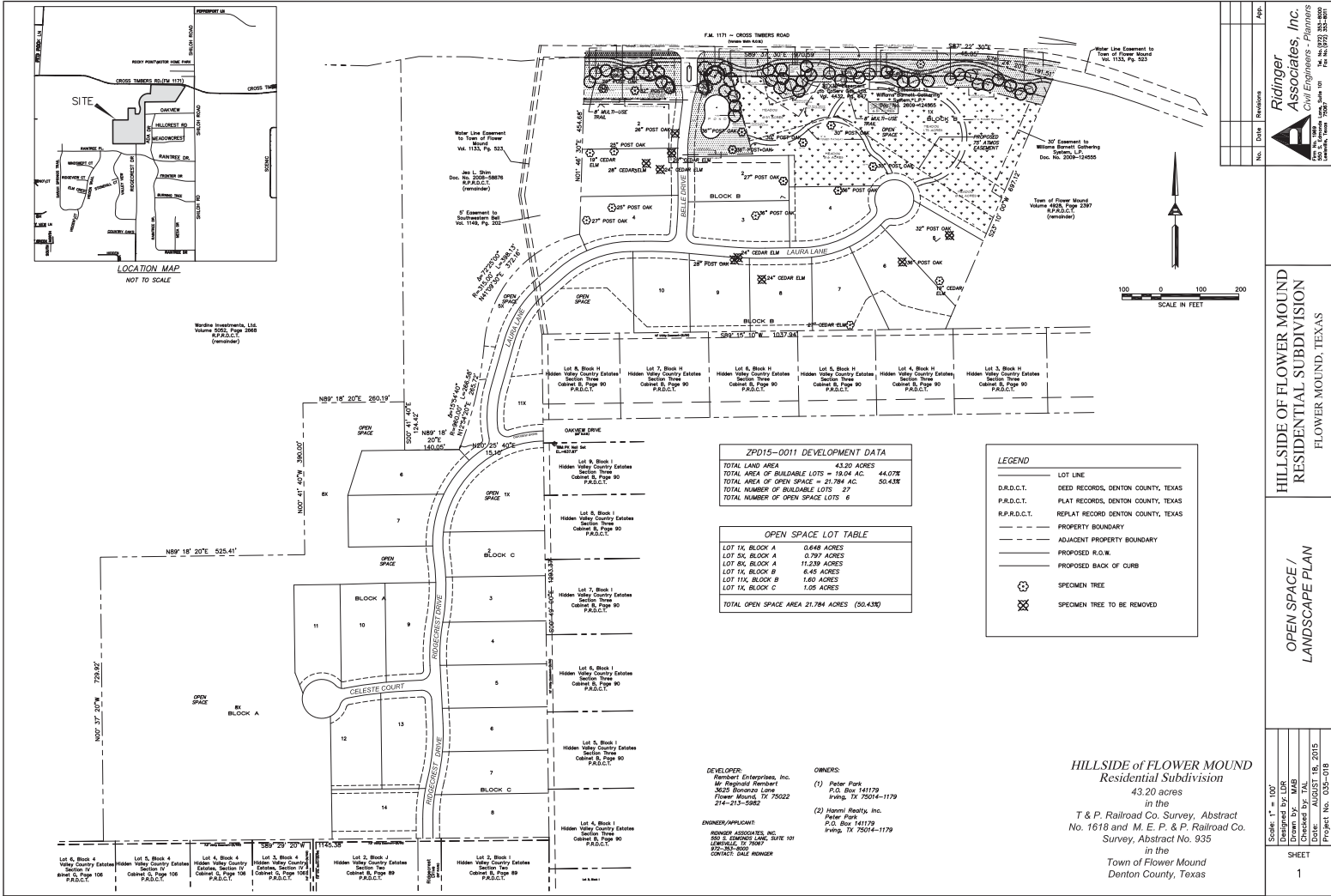
EXHIBIT C OPEN SPACE LANDSCAPE PLAN



DETAILED LANDSCAPE PLAN









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Lewisville, TX 75067
(972) 436-9669
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July 17, 2015

Revised August 17, 2015

Dale Ridinger, President.
Ridinger Associates
550 S. Edmonds Lane, Suite 101
Lewisville, TX 75067

Subject: Environmental Protection Plan for the Proposed Hillside Development, Flower Mound, Texas.

Dear Mr. Ridinger:

This Environmental Protection Plan (EPP) was prepared to satisfy the Town of Flower Mound (Town) development requirements for the proposed residential development in Flower Mound (Proposed Hillside Development). The project site is an approximately 43-acre tract of mostly vacant property located within a developing area of Flower Mound. The property is located southwest of the intersection of Shiloh Road and FM 1171 in Flower Mound, Denton County, Texas (**Figure 1**). The EPP summarizes a survey performed to identify Environmentally Sensitive Areas (ESAs) potentially present on the property. This EPP was developed in accordance with the Town of Flower Mound SMARTGrowth Program, Category E (6) Environmental Quality.

Site Description

On June 5, 2015 Joseph Schwartz and Jose Alvarez, of KBA EnviroScience, Ltd. (KBA), performed a site investigation of the proposed development property to assess property condition and environmental features, and to determine whether there are any ESAs, as described in the SMARTGrowth Program, located on site. The proposed development design is provided as **Figure 2**.

The site consists of two distinct areas; a grazed pasture and associated buildings and fencing in the northeastern section, and a mostly forested, undeveloped portion in the southwestern section of the site. The northeastern section of the site contains a gravel road leading to a mobile home and barn. This area is dominated by upland grasses and forbs dominated by annual ragweed (*Ambrosia artemisiifolia*), perennial rye (*Lolium perenne*), little barley (*Hordeum pusillum*), silver-leaf nightshade (*Solanum elaeagnifolium*), Japanese brome (*Bromus japonicus*), Texas vervain (*Verbena halei*), open-flower dichanthelium (*Dichanthelium laxiflorum*), yarrow (*Achillea millefolium*), bitterweed (*Helenium amarum*), broomweed (*Gutierrezia sarothrae*) and thin paspalum (*Paspalum setaceum*). Trees scattered through the landscape in this area consists mainly of post oak (*Quercus stellata*).

Mr. Dale Ridinger
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The southwestern section of the site consist of mostly riparian and upland forest. Dominant species in the forest areas include American elm (*Ulmus americana*), green ash (*Fraxinus pennsylvanica*), cedar elm (*Ulmus crassifolia*), eastern red cedar (*Juniperus virginiana*), green briar (*Smilax bona-nox*), honey locust (*Gleditsia triacanthos*), inland sea oats (*Chasmanthium latifolium*), muscadine (*Vitis rotundifolia*), mulberry (*Morus microphylla*), post oak (*Quercus stellata*), Virginia creeper (*Parthenocissus quinquefolia*), and Virginia wild rye (*Elymus virginicus*). Additionally, there are small openings in the forest dominated by annual ragweed (*Ambrosia artemisiifolia*), bitterweed (*Helenium amarum*), broomweed (*Gutierrezia sarothrae*), perennial rye (*Lolium perenne*), Japanese brome (*Bromus japonicus*), little barley (*Hordeum pusillum*), open-flower dichanthelium (*Dichanthelium laxiflorum*), silver-leaf nightshade (*Solanum elaeagnifolium*), Texas vervain (*Verbena halei*), thin paspalum (*Paspalum setaceum*), and yarrow (*Achillea millefolium*).

Two intermittent streams and two ephemeral tributaries are located on site. Stream A enters the southwestern section of the site, across the northern property boundary, and meanders south approximately 1,157 feet before exiting the site in the southwest corner of the property (**Figure 3**). An intermittent tributary to Stream A, Stream B, enters the property across the eastern property boundary of the northeast section of the site and meanders in and out along the southern property boundary of the northeastern section of the site. Stream B then exits the site across the western property boundary and eventually flows into Stream A off site. An ephemeral tributary to Stream A, Tributary 1, originates near the center of the southwestern section of the site and flows west for approximately 346 feet and joins Stream A just south of where Stream A enters the site. A second ephemeral tributary to Stream A, Tributary 2, enters the site in the southern portion of the southwestern section of the site and flows west approximately 544 feet and flows into Stream A just north of the southern property boundary.

Soils onsite consist of fine sandy loam, clay loam, and clay. Elevation of the project area ranges from 590 to 680 feet above mean sea level (msl) as indicated on the USGS topographic map (USGS 2008) (**Figure 4**).

A review of the US Fish and Wildlife Service National Wetland Inventory (NWI) Map (**Figure 5**), shows one Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded feature present on property. No wetlands are indicated on the NWI map. During the site visit, no pond was observed on the site as indicated by the NWI map.

Habitat Evaluation

A habitat evaluation was conducted to assess the presence, or likely presence, of federal and state-listed threatened or endangered species potentially occurring at the site. A protected species list for Denton County was obtained from the United States Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) prior to the site visits. The evaluation considered the habitat provided by the site compared to the location of critical habitat and habitat preferences of the listed species.

There are thirteen species designated by the USFWS and/or the TPWD as threatened or endangered species in Denton County, as shown in **Table 1**.

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Table 1: Federal and State-Listed Threatened and Endangered Species Potentially Present in Denton County, Texas

Species (Scientific Name) Federal, State Status	Species Habitat Description	Habitat Present	Effect	Pertinent Information
Bald Eagle (<i>Haliaeetus leucocephalus</i>) --, T	Found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds	No	No	Project site too far from large body of water and too close to human habitation for Bald Eagles to utilize.
Least Terns (<i>Sterna antillarum</i>) E, --	Migratory and breed along the river systems of Texas, especially the Red and Rio Grande River systems. Most often seen on sandbars in rivers and lakes or on pond edges free of vegetation, but may also breed on man-made structures such as water treatment plants. The birds nest in Texas during May through August, and winter in Central and South America.	No	No	No sandbars on lakes or rivers are present on site.
Piping Plover (<i>Charadrius melodus</i>) T, --	Breeding area extends along the eastern coast of the United States south to southern Texas and includes the Great Lakes region, the northern Midwestern states, and south central Canada. The Piping Plover winters along the eastern Mexico coast. Piping Plovers nest on sandy beaches along the ocean or inland lakes; bare to sparsely vegetated areas on dredge-created and natural alluvial islands in rivers; gravel pits along rivers; and salt-encrusted bare areas of sand, gravel, or pebbly mud on alkaline interior lakes and ponds.	No	No	Conditional species, adversely affected with conditions or activities related to wind energy projects. No sandy beaches are located on site.
Red Knot (<i>Calidris canutus rufa</i>) Threatened, --	Migratory and may stopover in gulf coast. Breeding habitat consist of slightly vegetated land in tundra. Wintering habitats consist of large sandy tidal flats and coastlines.	No	No	Conditional species, adversely affected with conditions or activities related to wind energy projects. No sandy tidal flats or coastlines are located on site.
White-faced Ibis (<i>Plegadis chihi</i>) --, T	Prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats.	No	No	No wetland located on site to provide adequate habitat.
Whooping Crane (<i>Grus americana</i>) E-EXPN, E	Potential migrant via plains throughout most of the state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties.	No	No	No wetland located on site to provide adequate habitat.

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Species (Scientific Name) Federal, State Status	Species Habitat Description	Habitat Present	Effect	Pertinent Information
Wood Stork (<i>Mycteria americana</i>) --, T	Forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960.	No	No	No preferred habitat for this species is located on site.
Red wolf (<i>Canis rufus</i>) --, E	Extirpated; formerly known throughout eastern half of the state in brushy and forested areas, as well as coastal prairies	No	No	Extirpated in Texas.
Louisiana pigtoe (<i>Pleurobema riddellii</i>) --, T	Streams and moderate-size rivers, usually flowing water on substrates of mud, sand, and gravel; not generally known from impoundments; Sabine, Neches, and Trinity (historic) River basins	No	No	Ephemeral channels on site not conducive to bivalves. Main channel will remain unimpacted by proposed development. Extirpated in Trinity Basin.
Texas heelpitter (<i>Potamilus amphichaenus</i>) --, T	Quiet waters in mud or sand and also in reservoirs. Sabine, Neches, and Trinity River basins	Yes	No	Ephemeral channel on site not conducive to bivalves. Main channel on site likely to contain adequate habitat; however, the main channel will remain unimpacted by proposed development.
Texas Horned Lizard (<i>Phrynosoma cornutum</i>) --, T	Open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky. Feeds on harvester ants.	Yes	No	Harvester ant colonies and sparsely vegetated areas were located on-site. However, the two habitat requirements rarely overlapped. In addition, no evidence of horned lizard use (e.g., scat) was identified.
Timber/Canebrake rattlesnake (<i>Crotalus horridus</i>) --, T	Swamps, floodplains, upland pine and deciduous woodlands, riparian zones, abandoned farmland; limestone bluffs, sandy soil or black clay, prefers dense ground cover, i.e. grapevines or palmetto	Yes	No	Potential habitat for this species exists on site; however, habitat on project site not unique. Surrounding, undeveloped properties will provide adequate habitat.

E = Endangered; EXPN = Experimental Population; T = Threatened

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Based on the site visit, it is KBA's opinion that the site offers potential habitat for the following threatened or endangered species:

- Texas Heelsplitter (TPWD "threatened"), potential resident;
- Texas Horned Lizard (TPWD "threatened"), potential resident;
- Timber/canebrake rattlesnake (TPWD "threatened"), potential resident;

Although the site offers potential habitat for the above-noted species, habitat on the project site is not unique in the area and surrounding, undeveloped land will provide adequate habitat. Additionally, the stream habitat potentially available to the Texas Heelsplitter will not be impacted.

None of these species identified as potentially inhabiting or feeding on the site were observed on the site and no field observations indicate their presence.

Environmentally Sensitive Areas

KBA conducted a desk-top analysis and field verification of the site and identified the following ESAs on the site:

Riparian Habitat

The Town defines riparian habitat as:

"Areas designated within the FEMA 100-year floodplain or interconnected and adjacent to wetland, tree and understory vegetation and including significant stands of predominately native water related habitat. These areas include wetlands."

KBA identified riparian habitat in the southwestern portion of the property along Stream A and its tributaries. The site contains approximately 3.42 acres of riparian habitat, which was estimated based on changes in elevation, stands of trees, location of the floodplain, and location along and near surface water features (**Figure 6**).

The riparian habitat included American elm (*Ulmus americana*), green ash (*Fraxinus pennsylvanica*), cedar elm (*Ulmus crassifolia*), eastern red cedar (*Juniperus virginiana*), green briar (*Smilax bona-nox*), honey locust (*Gleditsia triacanthos*), inland sea oats (*Chasmanthium latifolium*), muscadine (*Vitis rotundifolia*), mulberry (*Morus microphylla*), post oak (*Quercus stellata*), Virginia creeper (*Parthenocissus quinquefolia*), and Virginia wild rye (*Elymus virginicus*). The vegetation observed within the riparian corridor appeared to be in good health.

Based on the vegetation present and its location, this area is considered an ESA by the Town's definition of riparian habitat. Although there is approximately 3.42 acres of riparian habitat on site, all of this habitat will be preserved (**Figure 7**). The sections on the property considered riparian habitat are located in the southwestern section of the property and extend along both sides of Stream A.

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Prairie Habitat

The Town defines prairie habitat as:

“Areas designated as containing onsite predominate distributions of climax or mid-successional native grass species underlain by intact (non-eroded) prairie and savannah soil types.”

KBA identified prairie habitat in the southwestern portion of the property, west of the riparian habitat. The site contains approximately 0.53 acres of prairie habitat and was estimated based on vegetation communities and prairie and savannah soil types (Figure 6).

The prairie habitat included brown eyed Susan (*Rudbeckia hirta*), bull nettle (*Cnidoscolus stimulosus*), Indian blanket (*Gaillardia pulchella*), little bluestem (*Schizachyrium scoparium*), open-flower dichanthelium (*Dicanthelium laxiflorum*), Queen Anne's lace (*Daucus carota*) and spotted bee balm (*Monarda punctata*). The vegetation observed appeared to be in good health.

Based on the vegetation present, the prairie and savannah soil types, and its location, this area is considered an ESA by the Town's definition of prairie habitat. None of the prairie habitat on site will be impacted, leaving all of the prairie habitat undisturbed by the development (Figure 7).

Upland Habitat

The Town defines upland habitat as:

“Areas, a minimum of ten (10) acres in size, equal to or exceeding 50 trees per acre, which contain a predominate matrix of tree species identified in the Town's Protected Tree List. Any tree species that makes up over thirty percent (30%) of the population within a complex is considered to be the predominate species.”

KBA identified upland habitat in the southwestern portion of the property, east of the riparian habitat. The upland habitat consisted of over 10 contiguous acres of forested land that contained greater than 50 trees per acre that was dominated by trees on the Town's Protected Species List. The site contains approximately 20.86 acres of upland habitat and was estimated based on changes in elevation, stands of trees, and location of the floodplain (Figure 6).

The upland habitat included green ash (*Fraxinus pennsylvanica*), blackjack oak (*Quercus marilandica*), eastern red cedar (*Juniperus virginiana*), hackberry (*Celtis laevigata*), and post oak (*Quercus stellata*). The vegetation observed appeared to be in good health.

Based on the vegetation present, this area is considered an ESA by the Town's definition of upland habitat. Although there is approximately 20.86 acres of upland habitat on site, only 9.68 acres will be impacted by the development, leaving 11.18 acres of upland habitat undisturbed (Figure 7). The sections on the property considered upland habitat are located mostly in the southwestern portion of the site near the eastern property boundary.

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Waters of the State

The Town defines waters of the State as:

“Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.”

KBA performed a jurisdictional determination of wetlands and other "waters of the United States" (as defined by the Clean Water Act) near the proposed road crossing for the project. An intermittent stream (Stream B) is located in the area where the road crossing is proposed to be located. No wetlands are located in this area.

In addition, KBA noted other waters of the State located on site. Another intermittent stream (Stream A) and two ephemeral tributaries are located on site (Figure 3). The two intermittent streams and the two ephemeral tributaries are considered ESAs by the Town's definition of waters of the State.

Topographical Slope Protection

The Town of Flower Mound's SmartGrowth Implementation manual states:

“No development application or project shall be approved that proposes development on any existing topographical slopes of twelve percent (12.0%) or greater, or that proposes to alter any existing topographical slopes that are less than twelve percent (12.0%) but equal to or greater than five percent (5.0%) (other than within five feet of the footprint of the proposed structure or structures).”

Several locations on the Proposed Hillside Development have been mapped by the Town as areas having between 5% and 12% topographic slope (**Figure 8**). These areas total approximately 13.69 acres and, in general, parallel Stream A and are in the southwest section of the site. There are also few smaller areas that have topographic slopes equal to or greater than 12% scattered across various locations of the site and total 7.06 acres. The locations of these steep slopes are considered an ESA by the Town and meet the criterion for topographic slope protection.

Approximately 10.23 acres with topographic slopes between 5% and 12% are proposed to be impacted by the development (**Figure 9**). Of these 10.23 acres proposed to be impacted, 1.65 acres will be impacted for the required roadways. A variance of the topographic slope protection is being requested for the remaining 8.58 acres of land that have topographic slopes of between 5% and 12%. In addition, 2.96 acres of the 7.06 acres of land on the site that have topographic slopes greater than 12% are proposed to be impacted. Of these 2.96 acres, 0.52 acres will be required to be impacted for the required roads (Figure 9). Therefore, a variance is also being requested for the 2.44 acres of land that have topographic slopes greater than 12% that will be impacted by the proposed development.

Mr. Dale Ridinger

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Undeveloped Floodplain

The Town defines undeveloped floodplain as:

“Areas within the FEMA 100-year floodplain, or other floodplain that is undeveloped and in their natural state.”

The majority of the project site is located within “Zone X,” an area determined to be outside the 500-year floodplain, as mapped by the Federal Emergency Management Agency (FEMA) (Flood Insurance Rate Map Q3 Digital Data). A small area in the southwestern portion of the site near the western property boundary associated with Stream A is in Zone A, an area determined to be within the 100-year floodplain. A map showing the limits of Zone A and Zone X is included as Figure 6. The FEMA-mapped 100-year floodplain area located within the property totals approximately 3.42 acres. This area is considered Undeveloped Floodplain by the town and will not be impacted by the proposed development (Figure 7).

Proposed Development Plan

The proposed site plan calls for the property to be developed as a residential development. Goals to preserve the natural habitat on the Proposed Hillside Development will include the removal of only those trees and natural vegetation that would be affected by the proposed construction of the onsite roads, utilities, and structures. Several mitigation strategies are proposed to compensate for any permanent impacts to environmentally sensitive areas. Best Management Practices (BMPs) will also be employed to retain sediments and other pollutants onsite during construction activities. A figure showing the overall development plan and impacts to Town-defined ESAs is shown as Figure 7 and 9.

Mitigation Measures During Project Planning and Construction

The following mitigation measures will be employed throughout the planning and construction of the project:

- The development plan has been designed to preserve as many trees and natural vegetation as possible while still allowing an economically viable development.
- Approximately 3.42 acres of Town-defined Riparian Habitat exists on site and the development plan has been designed to preserve all of this habitat.
- Approximately 20.86 acres of Town-defined Upland Habitat exists on the site and the development plan has been designed to preserve nearly half of this habitat. Approximately 9.68 acres of upland habitat is proposed to be impacted by houses and another 2.74 acres of upland habitat is proposed to be impacted by town roads. Approximately 8.44 acres of upland habitat will be completely unimpacted by the proposed project. Mitigation for the 9.68 acres of upland habitat impacted by houses will be partially accomplished by the preservation of 8.44 acres of upland habitat on site. Additional mitigation for these impacts will be accomplished by the preservation of all the riparian habitat on site (3.42 acres) and all of the on-site prairie habitat (0.53

Mr. Dale Ridinger

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acres). A variance is being requested for any additional compensation required for impacts to upland habitat on site.

- Although every attempt has been made to minimize the number of trees damaged or removed during development, some impacts to trees will occur. The removal of trees will be limited to stressed or dead trees, trees within the footprint of proposed structures and roads, and trees needed to be removed to level the building lots. To reduce impacts, roads will be constructed so as to minimize the number of trees needing to be removed. Mitigation for the impact to trees that must be removed will include tree preservation (where possible), additional tree and other native vegetation plantings, habitat improvement projects, and green space preservation.
- Tributary A will remain unaltered. A small portion of Tributary B will be filled to allow for a road crossing within the development. Any fill in jurisdictional waters will be authorized under a US Army Corps of Engineers Section 404 permit. Specifically, Nationwide Permit 14 will be obtained for the aforementioned road crossing. Tributaries 1 and 2 will remain unaltered.
- No areas with topographic slopes between 5% and 12% will be altered unless they are within five feet of a proposed structure or a variance of this requirement is issued by the Town. A variance of this requirement is being requested for approximately 8.58 acres of land with slopes between 5% and 12%. A variance is also being requested for the impacts to 2.44 acres of land with slopes greater than 12%.
- Silt fencing will be installed and maintained in compliance with TCEQ Construction General Permit requirements. This structural feature will minimize sediments from entering the Town's storm sewer system.
- Silt fencing will be installed perpendicular to the direction of flow, especially along roadways and drainage/low elevation areas.
- Stabilized construction entrances will be installed at appropriate locations onsite. These structural features will reduce the risk of transporting mud or sediment onto the adjacent roads and other nearby roadways.
- Major soil disturbing activities will be sequenced to preserve existing vegetation.
- Storm water control devices will be installed to promote sedimentation onsite, limit runoff, and reduce the velocity of concentrated flows to reduce erosion and scouring to onsite and adjacent drainages.
- Storm water control devices will be maintained until stabilized disturbed areas have achieved final stabilization.

Mr. Dale Ridinger
Page 10 of 10

- Active migratory bird nesting areas will not be disturbed during site development. Although not anticipated, if a threatened or endangered species is encountered during site development, the USFWS and/or TPWD authorities will be contacted immediately.

Conclusions

Based on the site visit, ESA Survey performed by KBA, and proposed zoning for the site, KBA concludes the following:

- The project site contains potentially suitable habitat for the following resident or migrating species: Texas Heelsplitter (*Potamilus amphichaenus*), Texas Horned Lizard (*Phrynosoma cornutum*), and the timber/canebrake rattlesnake (*Crotalus horridus*). None of these listed species were observed onsite. Potential habitat for these species does exist on site, however, the habitat on project site is not unique to the area and surrounding, undeveloped properties will provide adequate habitat to prevent negative impacts to these species. In addition, potential habitat on site for the Texas Heelsplitter will not be impacted by the proposed development.
- Town-defined Environmentally Sensitive Areas exist on the project site. Waters of the state, Riparian Habitat, Prairie Habitat, Upland Habitat, Undeveloped Floodplain, and Topographical Slope Protection areas have been identified on site. Although some impacts to these areas are anticipated, mitigation measures that compensate for these impacts will be conducted.
- The Town's tree ordinance and other environmental mandates will be strictly adhered to.

The Proposed Hillside Development will be designed to allow for the partial preservation of existing natural habitat. The preserved trees will provide an aesthetic value to the site and continue to provide habitat for a variety of biota including songbirds, mammals, reptiles, and insects.

Please let either of us know if additional information would be helpful.

Sincerely,

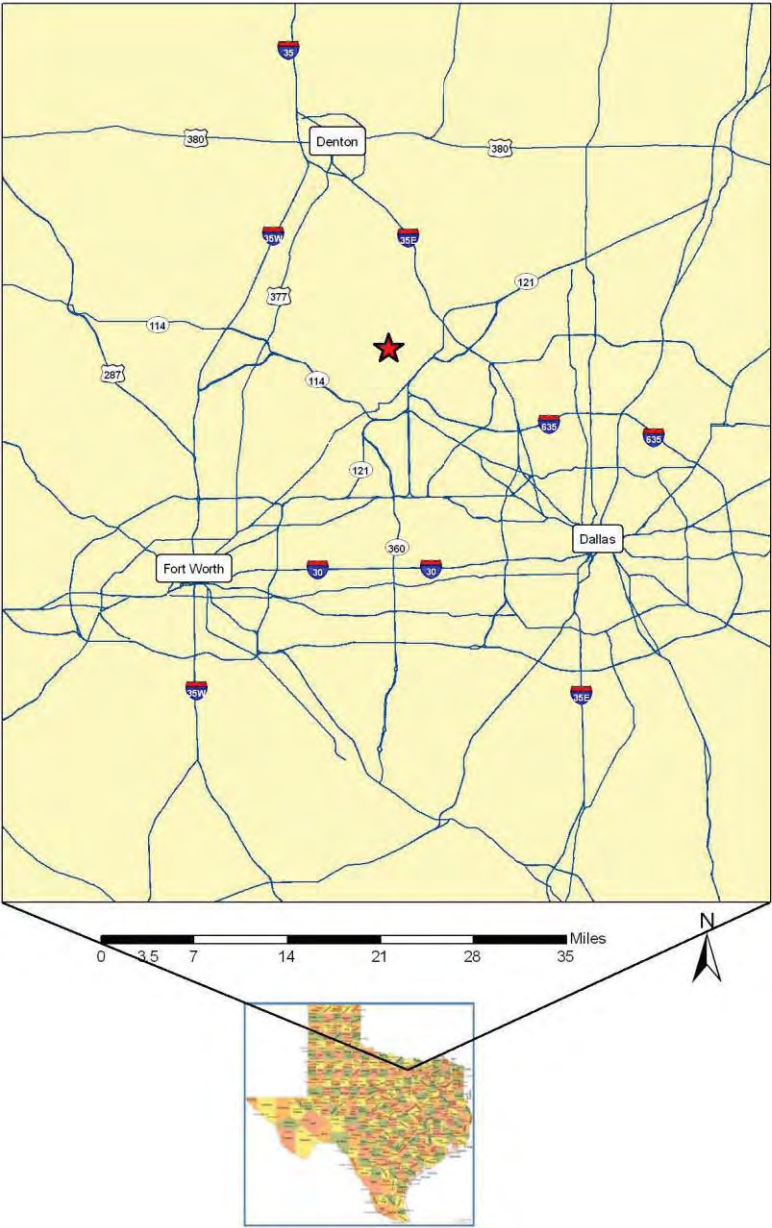


Joseph Schwartz, Project Manager
KBA EnviroScience, Ltd.



C. Keith Bradley, REP, CWB
KBA EnviroScience, Ltd.

FIGURES

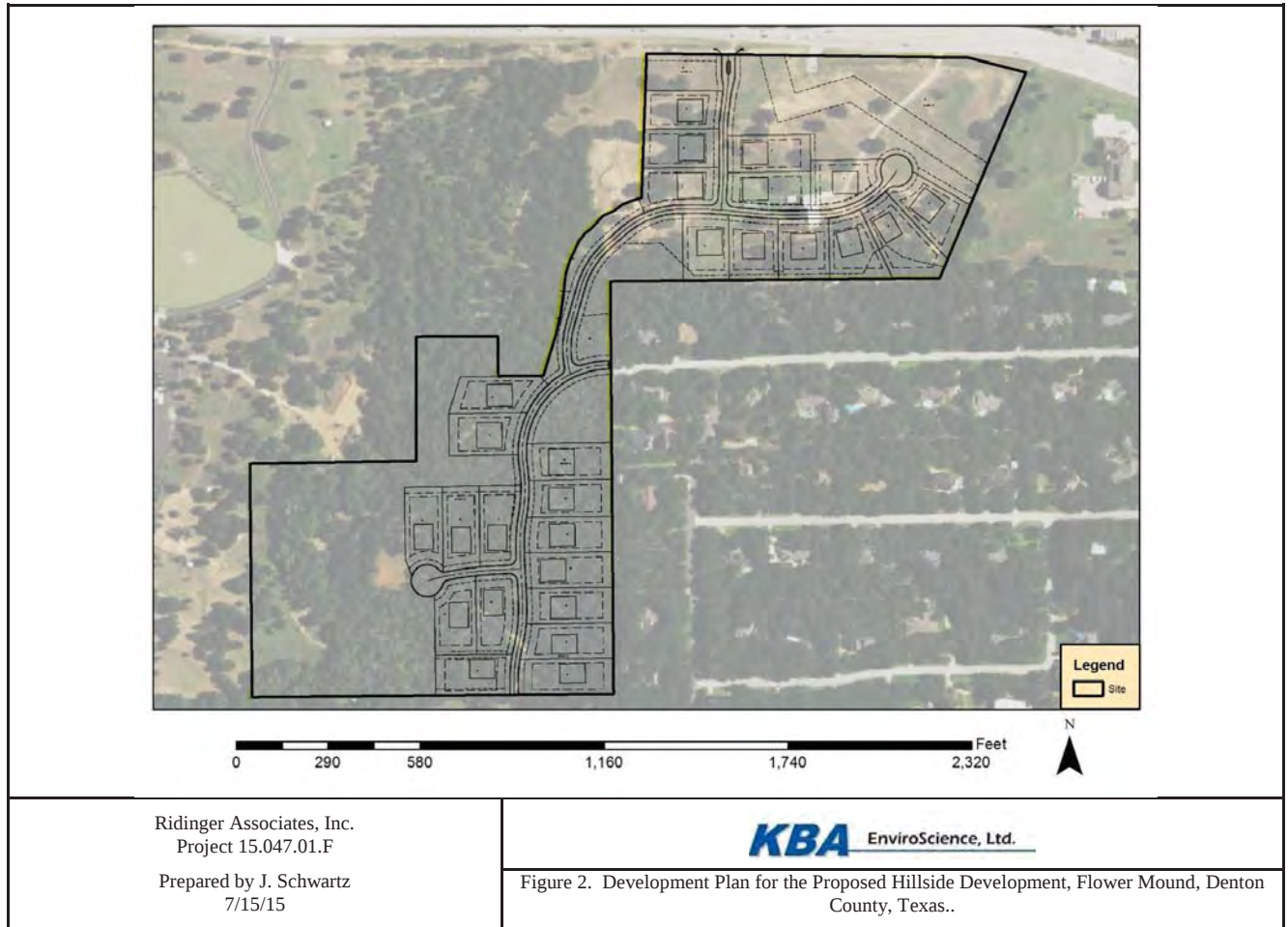


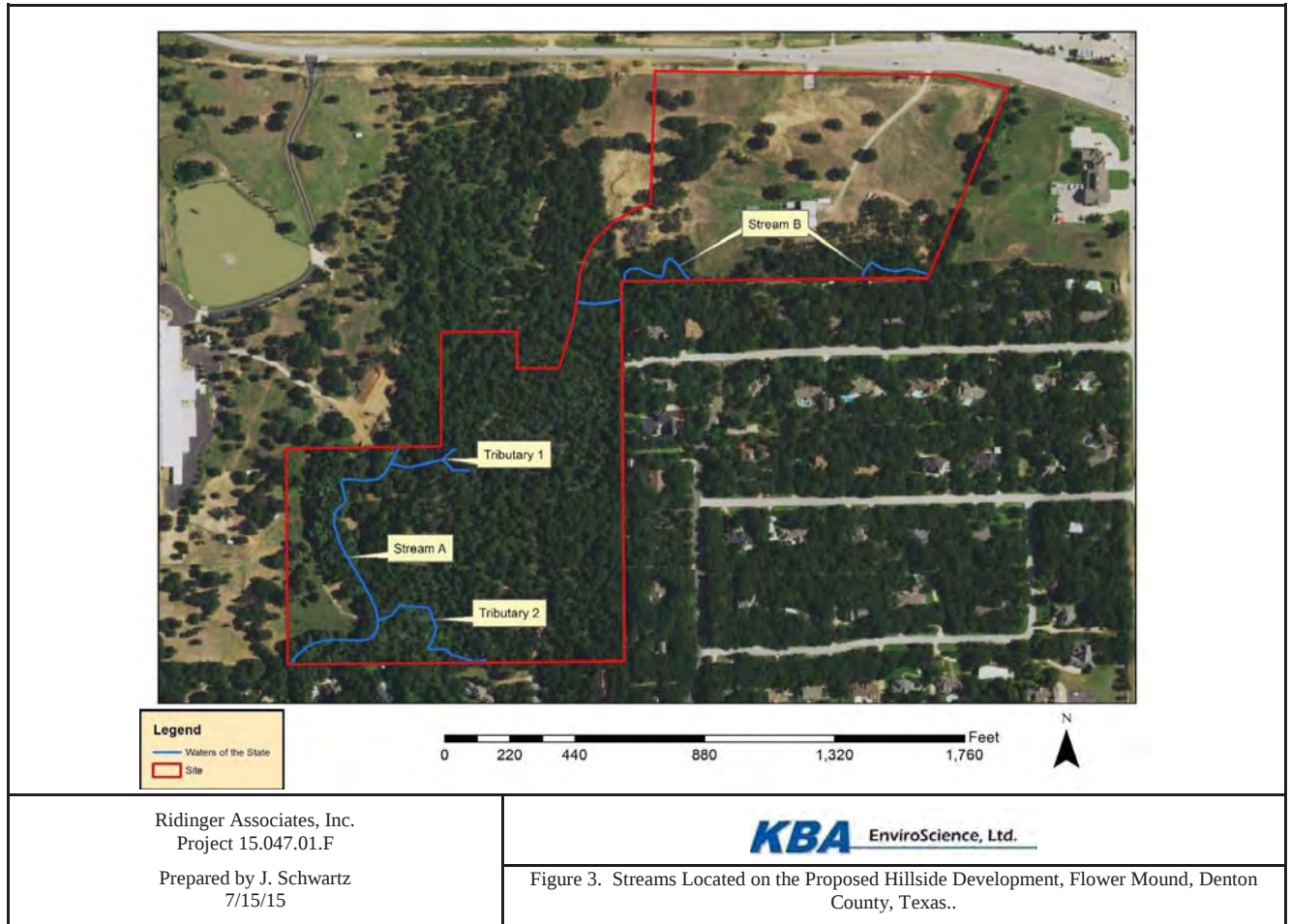
Ridinger Associates, Inc.
Project 15.047.01.F

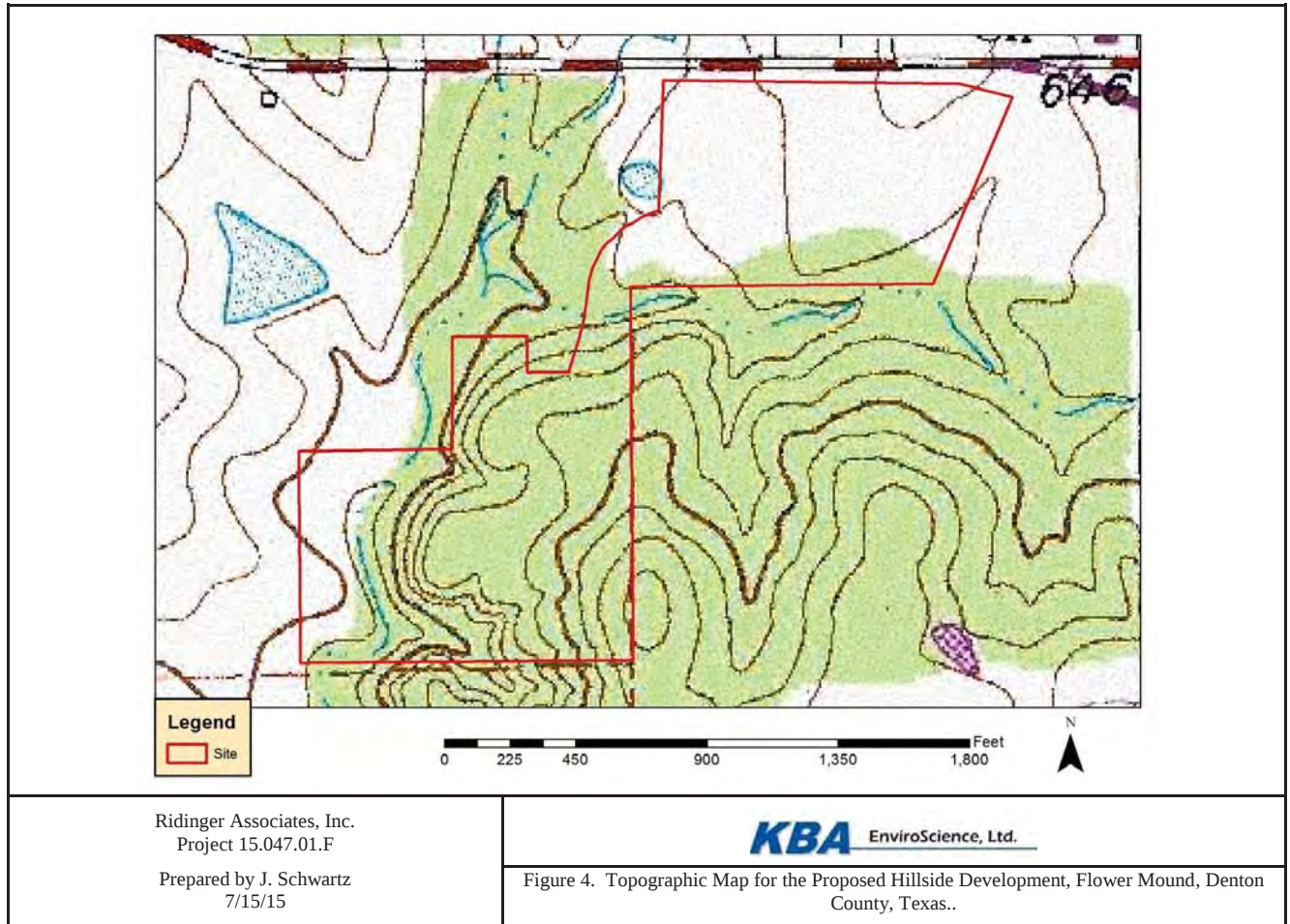
Prepared by J. Schwartz
7/15/15

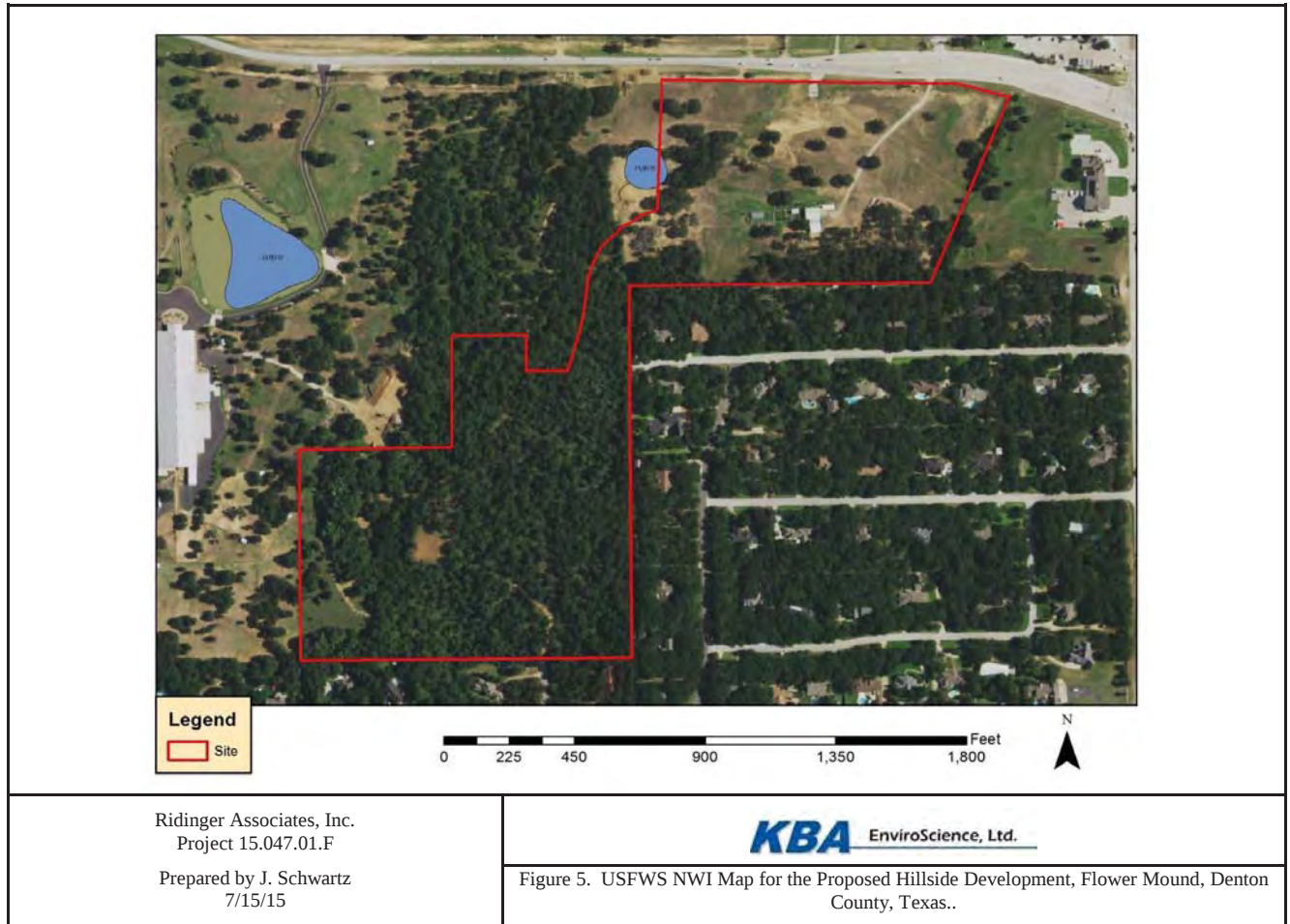
KBA EnviroScience, Ltd.

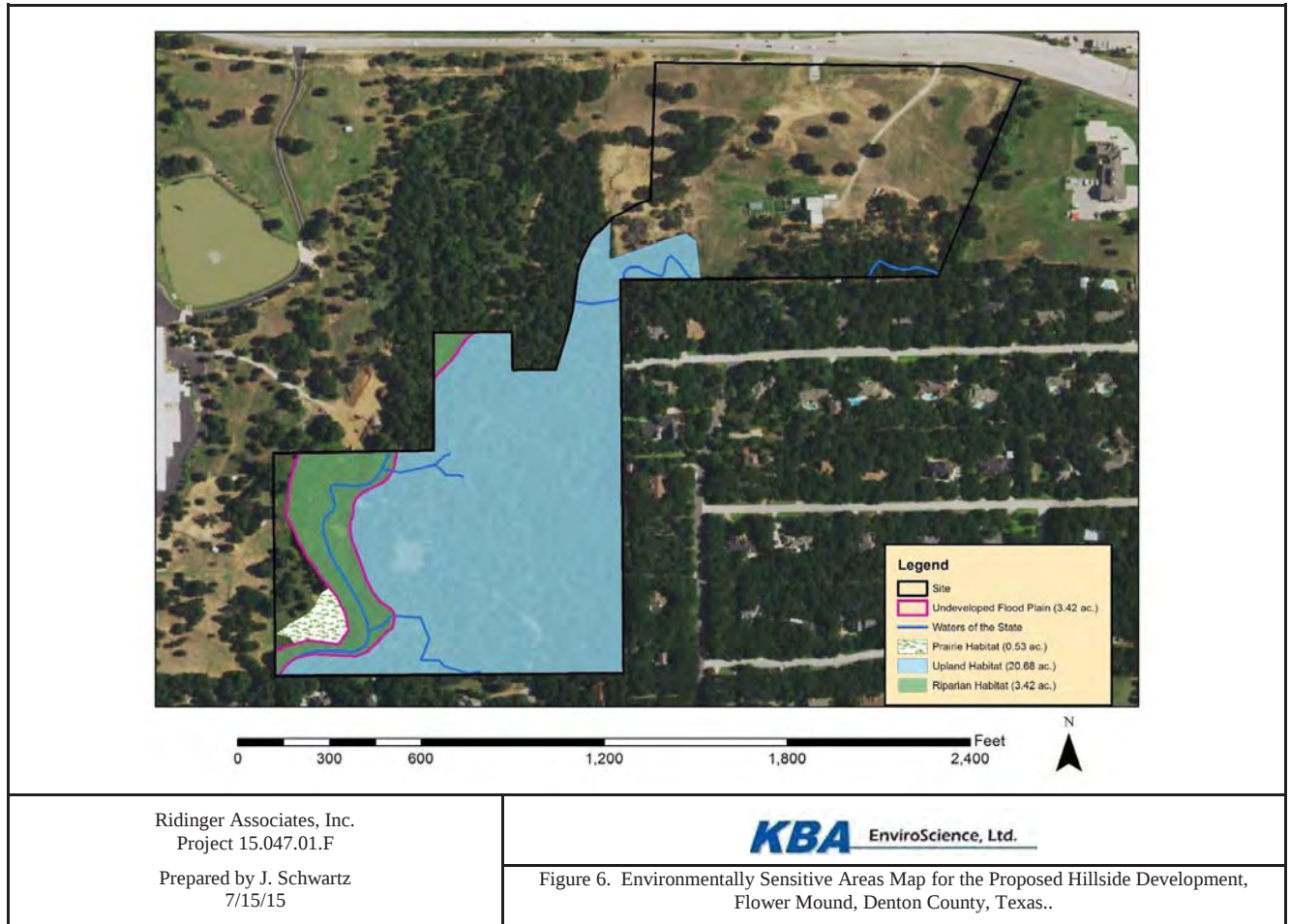
Figure 1. Site Location Map for the Proposed Hillside Development, Flower Mound, Denton County, Texas.

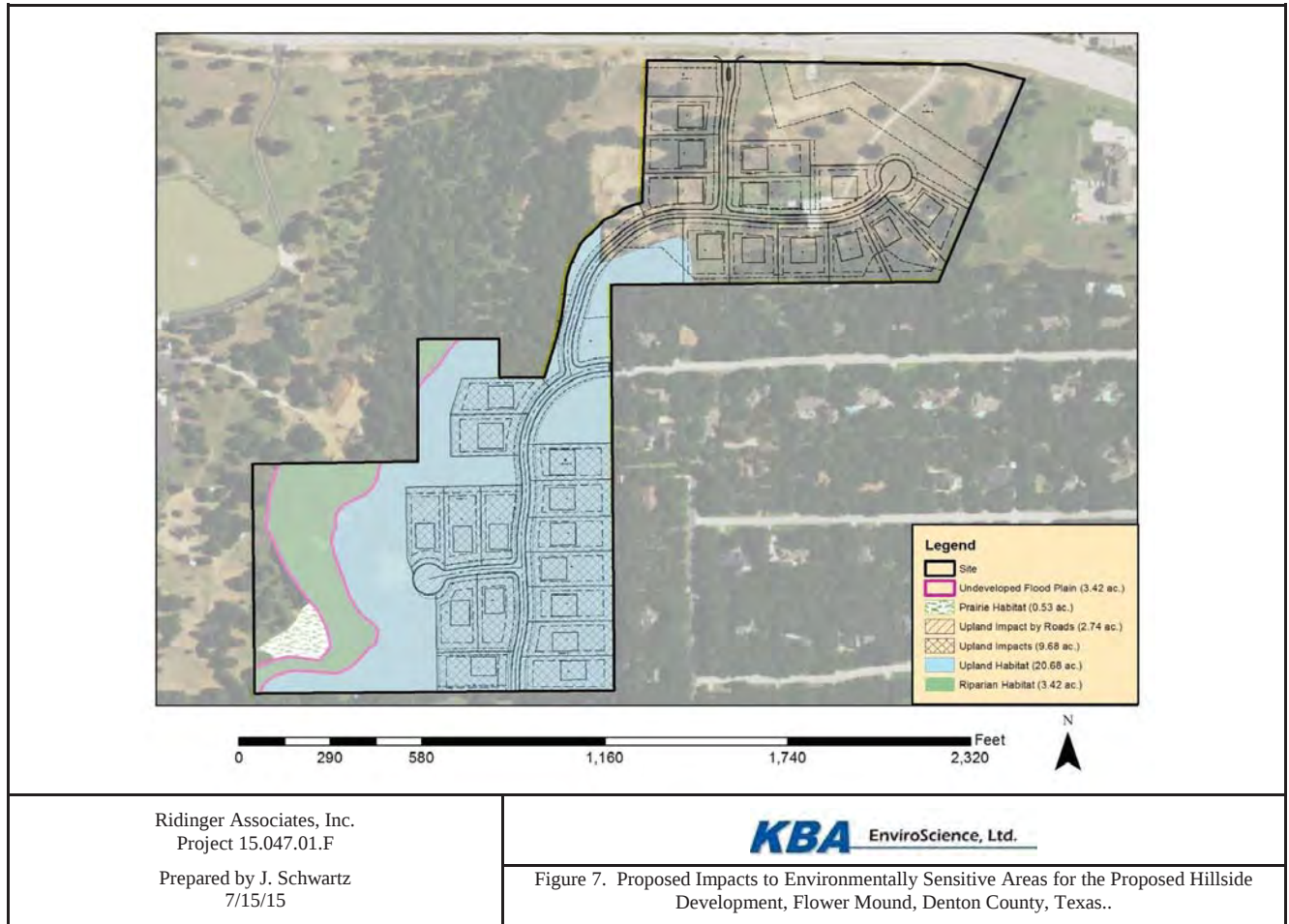


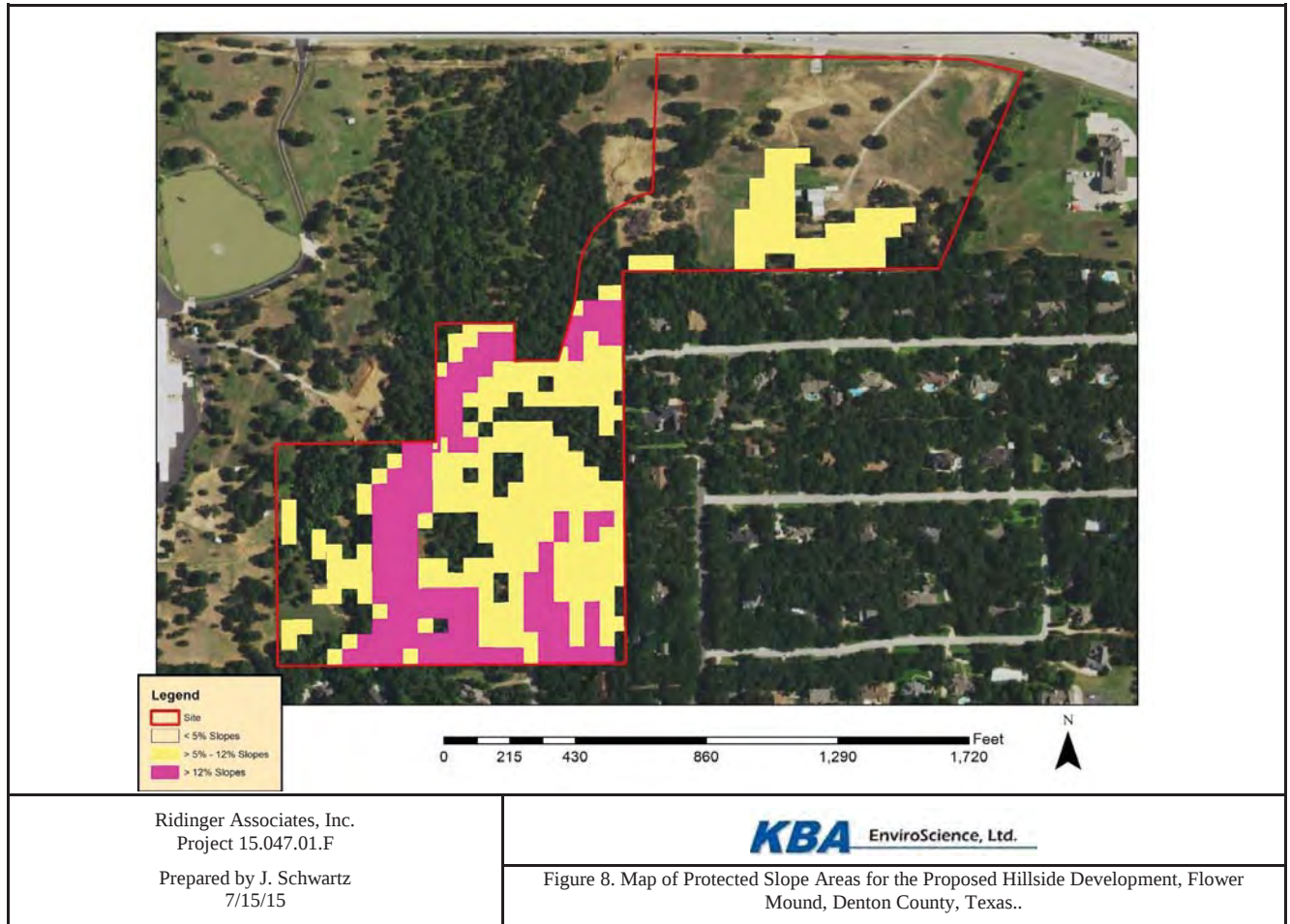


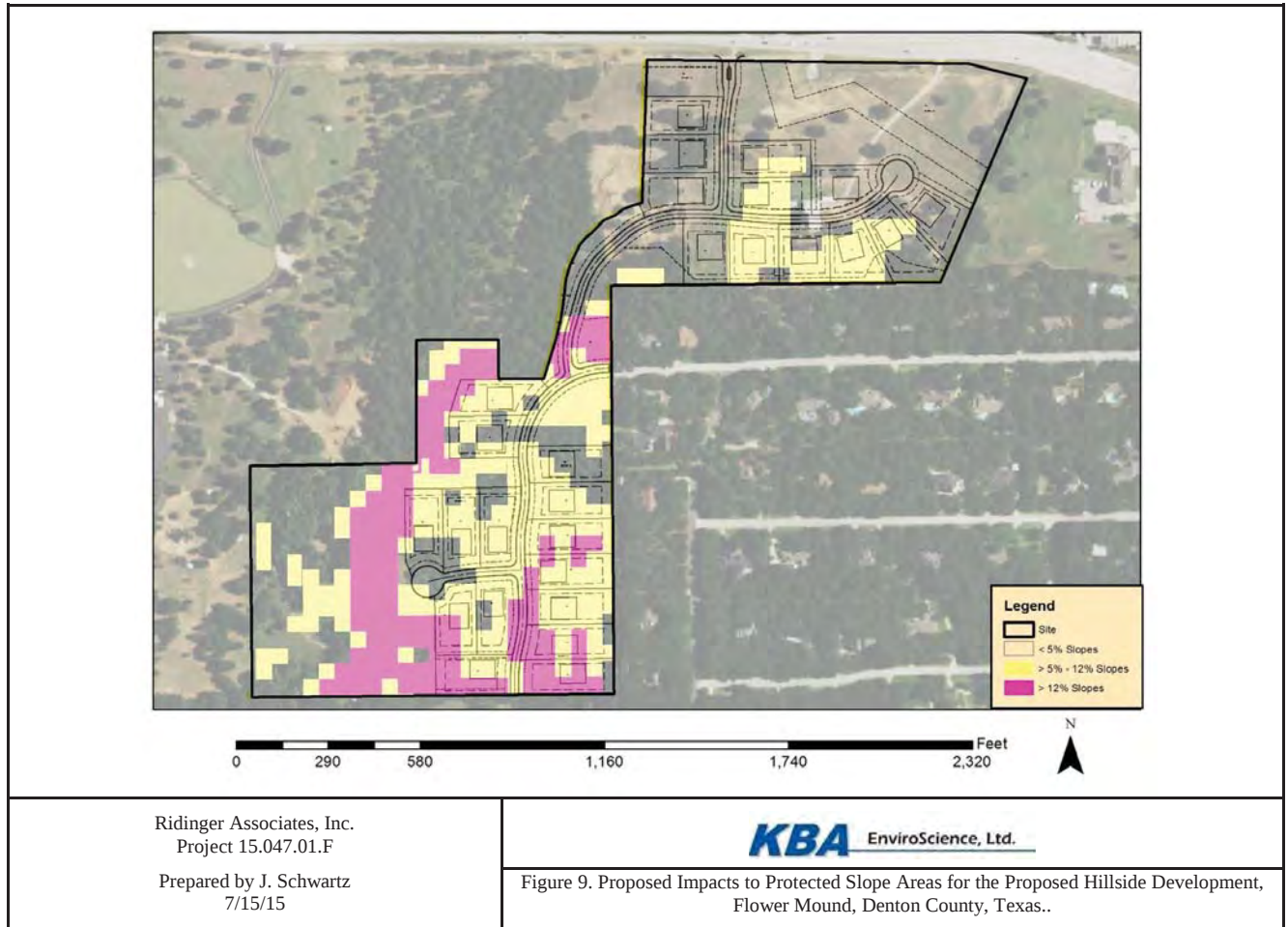














Rembert Enterprises, Inc.

3625 Bonanza Lane Flower Mound, TX 75022

September 28, 2015

Executive Director of Development Services
Planning Division
1001 Cross Timbers Road #2330
Flower Mound, TX 75028

RE: Hillside at Flower Mound (Community)
Flower Mound, Texas

Dear Mr. Powell,

Please accept this as our formal Letter of Intent, to request an exception to Sec. 98-147, Topographical Slope Protection of the Town's ordinance. Section (b) of the above mentioned ordinance allows a request for this exception.

The intent of the above mentioned ordinance is to ensure that a development is respectful of and appropriately integrated with the natural physical geography of the land in Flower Mound by requiring environmentally sensitive development techniques to eliminate "scrape and build." The Hillside at Flower Mound development has no intentions to "scrape and build." Our plan is to preserve as many trees as possible by not benching heavily treed lots.

At the Town Council meeting on September 21, 2015, the exception to the Topographical Slope Protection was denied. There was a vote of three in favor and one in opposition to grant the exception. Only four council members were present. This exception requires a super majority vote of all council members. Therefore, I am resubmitting this application for reconsideration.

I am resubmitting the Zoning Planned Development and Development Plan as presented at Planning and Zoning on September 14, 2015, with no changes. It was recommended for approval by a vote of five to one.

Should you have any questions, please feel free to contact us.

Sincerely,

Reginald Rembert

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 43.20 ACRES OF LAND SITUATED IN THE TEXAS & PACIFIC RAILROAD COMPANY SURVEY, ABSTRACT NUMBER 1618, AND MEMPHIS, EL PASO & PACIFIC RAILROAD COMPANY SURVEY, ABSTRACT NUMBER 935, DENTON COUNTY, TEXAS, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 143 (PD-143) FOR SINGLE FAMILY RESIDENTIAL USES WITH CLUSTER DEVELOPMENT STANDARDS IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, in accordance with Chapter 78 of the Land Development Regulations, the owners of the property described as 43.20 acres of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618, and Memphis, El Paso & Pacific Railroad Company Survey, Abstract Number 935, Denton County, Texas, have filed an application to change the zoning from Agricultural District (A) to Planned Development District No. 143 (PD-143) for Single Family Residential uses with Cluster Development Standards; and,

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas held a public hearing on September 14, 2015, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on September 21, 2015, with respect to the proposed planned development district as described herein; and,

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

WHEREAS, the Town Council finds that amendment of the Zoning map 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.

ORDINANCE NO. _____

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

SECTION 1

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

43.20 acres of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618, and Memphis, El Paso & Pacific Railroad Company Survey, Abstract Number 935, Denton County, Texas, and more fully described in Exhibit "A" hereto.

Planned Development District No. 143 (PD-143) for Single Family Residential uses with Cluster Development Standards.

SECTION 2

The development standards, concept plan, concept landscape plan and concept open space plan of the proposed Planned Development District No. 143 (PD-143), attached hereto as Exhibits "B," "C," "D," and "E," each incorporated herein for all purposes, are hereby approved as the development standards, concept plan, concept landscape plan and concept open space plan for this Planned Development District No. 143 (PD-143).

SECTION 3

The official map of the Town of Flower Mound is amended and the Executive Director of Development Services is directed to revise the official zoning map to reflect the approved Planned Development District No. 143 (PD-143), as set forth above.

SECTION 4

The use of the property described above shall be subject to all restrictions, terms and conditions contained in Exhibits "B," "C," "D," and "E" attached hereto, as well as the applicable regulations contained in the Land Development Regulations and all other applicable and pertinent ordinances of the Town of Flower Mound.

SECTION 5

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

SECTION 6

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

ORDINANCE NO. _____

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

SECTION 7

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

SECTION 8

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

SECTION 9

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

SECTION 10

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

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE ____ DAY OF _____, 2015.

APPROVED:

Thomas E. Hayden, **MAYOR**

ORDINANCE NO. _____

ATTEST:

Theresa Scott, **TOWN SECRETARY**

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, **TOWN ATTORNEY**

ORDINANCE NO. _____

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Exhibit "A"
Legal Description

BEING all that certain lot, tract or parcel of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618 and the Memphis, El Paso and Pacific Railroad Company Survey, Abstract Number 935, Town of Flower Mound, Denton County, Texas, and being a portion of that certain tract of land described by deed to Peter Park, recorded under Document Number 96-R0007867 of the Real Property Records of Denton County, Texas, being that certain tract of land described by deed to Peter Park, recorded under Document Number 2015-23236 of the Real Property Records of Denton County, Texas, being that certain tract of land described by deed to Timothy S. Choe, recorded under Document Number 2011-23155 of the Real Property Records of Denton County, Texas, and being that certain tract of land described by deed to Hanmi Realty, Inc., recorded under Document Number 2011-54874 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNNING at a ½ inch iron rod found for the southeast corner of said Park tract, the southwest corner of that certain tract of land described by deed to the Town of Flower Mound, Denton County, Texas, recorded in Volume 4928, Page 2397 of the Real Property Records of Denton County, Texas, and being in the north line of Lot 4, Block H, Hidden Valley Country Estates, Section Three, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 90 of the Plat Records of Denton County, Texas;

THENCE South 89 degrees 15 minutes 12 seconds West, with the north line of said Block H of said Hidden Valley Country Estates, Section Three, a distance of 1037.94 feet to a 1 inch iron rod found for the northwest corner of Lot 8 of said Block H;

THENCE South 00 degrees 49 minutes 02 seconds East, with the west line of said Block H and partially continuing with the west line of said Hidden Valley Country Estates, Section Three, a distance of 1293.37 feet to a ½ inch iron rod found for corner in the west line of Lot 4, Block I of said Hidden Valley Country Estates, Section Three and being the northeast corner of Lot 2, Block I, Hidden Valley Country Estates, Section Two, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 89 of the Plat Records of Denton County, Texas;

THENCE South 89 degrees 29 minutes 19 seconds West, with the north line of said Hidden Valley Country Estates, Section Two and partially continuing with the north line of Block 4, Hidden Valley Country Estates, Section IV, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet G, Page 106 of the Plat Records of Denton County, Texas, a distance of 1145.38 feet to a ½ inch iron rod found for corner in the north line of Lot 6 of said Block 4 and being the southeast corner of that certain tract of land described by deed to Wardin Investments, Ltd., recorded in Volume 5052, Page 2668 of the Real Property Records of Denton County, Texas;

THENCE North 00 degrees 37 minutes 17 seconds West, with the east line of said Wardin tract, a distance of 729.92 feet to a ½ inch iron rod found for corner, being an inner corner thereof;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Wardin tract, a distance of 525.41 feet to a ½ inch iron rod found for corner, being an outer corner thereof;

THENCE North 00 degrees 41 minutes 39 seconds West, with the east line of said Wardin tract, a distance of 390.00 feet to a 5/8 inch iron rod found for corner, being an inner corner thereof;

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THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Wardin tract, a distance of 260.19 feet to a 5/8 inch iron rod found for the easterly southeast corner of said Wardin tract, being in the west line of that certain tract of land described by deed to Jea L. Shim, recorded under Document Number 2008-58876 of the Real Property Records of Denton County, Texas;

THENCE South 00 degrees 41 minutes 39 seconds East, with the west line of said Shim tract, a distance of 124.42 feet to a 1/2 inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" (ASC) set for the southwest corner of said Shim tract;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Shim tract, a distance of 140.05 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner, being in the south line of said Shim tract;

THENCE North 20 degrees 25 minutes 45 seconds East, over, through and across said Shim tract and with the west line of said Park tract, a distance of 140.05 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set, being at the beginning of a curve to the left having a radius of 960.00 feet, a delta angle of 15 degrees 54 minutes 36 seconds, whose chord bears North 12 degrees 54 minutes 18 seconds East, a distance of 265.72 feet;

THENCE continuing over, through and across said Shim tract and with the west line of said Park tract, an arc length of 266.58 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner, being at the beginning of a reverse curve to the right having a radius of 315.00 feet, a delta angle of 72 degrees 25 minutes 02 seconds, whose chord bears North 41 degrees 09 minutes 31 seconds East, a distance of 372.16 feet;

THENCE continuing over, through and across said Shim tract and partially with the west line of said Park tract, an arc length of 398.13 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner;

THENCE North 01 degrees 46 minutes 35 seconds East, over, through and across said Park tract, a distance of 454.68 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner in the south line of F.M. 1171, also known as Cross Timbers Road;

THENCE South 89 degrees 37 minutes 29 seconds East, with the south line of said Cross Timbers Road, a distance of 970.59 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner;

THENCE South 87 degrees 22 minutes 30 seconds East, continuing with the south line of said Cross Timbers Road, a distance of 45.05 feet to a Texas Department of Transportation monument found for corner;

THENCE South 75 degrees 24 minutes 21 seconds East, continuing with the south line of said Cross Timbers Road, a distance of 191.51 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner in the west line of said Town of Flower Mound Tract;

THENCE South 23 degrees 10 minutes 00 seconds West, with the west line of said Town of Flower Mound tract, a distance of 697.12 feet to the **POINT OF BEGINNING**, and containing 43.20 acres of land, more or less, and being subject to any and all easements that may affect.

Exhibit "B"

DEVELOPMENT STANDARDS

**Planned Development District No. 143 (PD-143)
Hillside at Flower Mound**

The development on the property comprising approximately 43.20 acres of land within the corporate limits of the Town of Flower Mound ("Town") and as described on Exhibit "A" to this Zoning Ordinance adopting PD-143 shall be in accordance with the Town of Flower Mound *Master Plan* and the Land Development Regulations of the Town of Flower Mound, Texas, as amended, and shall be subject to the following conditions and requirements:

A. PD-143 with Single-Family District-30 (SF-30) uses.

Development of PD-143 as designated on Exhibit "C," the Concept Plan for Hillside at Flower Mound shall be in compliance with all regulations applicable to Single-Family District-30 (SF-30) uses contained in the Town's Land Development Regulations as amended, except as otherwise provided and/or limited herein.

1. Minimum floor area per unit. The minimum floor area per dwelling unit shall be 2,800 square feet, subject to Section 98-1025.
2. Maximum lot coverage. The maximum lot coverage shall be 40% for all uses, subject to Section 98-1029.
3. The dimensional and area regulations contained in this section shall not apply to common areas or lots owned by the homeowner's association for Hillside at Flower Mound ("HOA"). Any common areas or lots owned by the HOA and any structure(s) thereon shall conform to all relevant provisions of the Town's code of ordinances and land development regulations.

B. Residential Lot Requirements. The following requirements shall apply to the residential lots within Hillside at Flower Mound.

1. The maximum density shall be no more than 1 dwelling unit per 1.6 acres ($100/1.6 = 62$ units or a 24% increase above the base density).
2. There shall be a maximum of 27 residential lots as depicted on the attached Zoning Conceptual Plan.

C. Supplemental Standards.

1. As a Cluster Development, PD-143 shall have a minimum of fifty percent (50%) of the gross land area preserved as open space for the development as depicted in Exhibit "E" below. In meeting requirements for open space, the developer must demonstrate how open space designated in Exhibit "E" shall be managed. Open

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Page 8

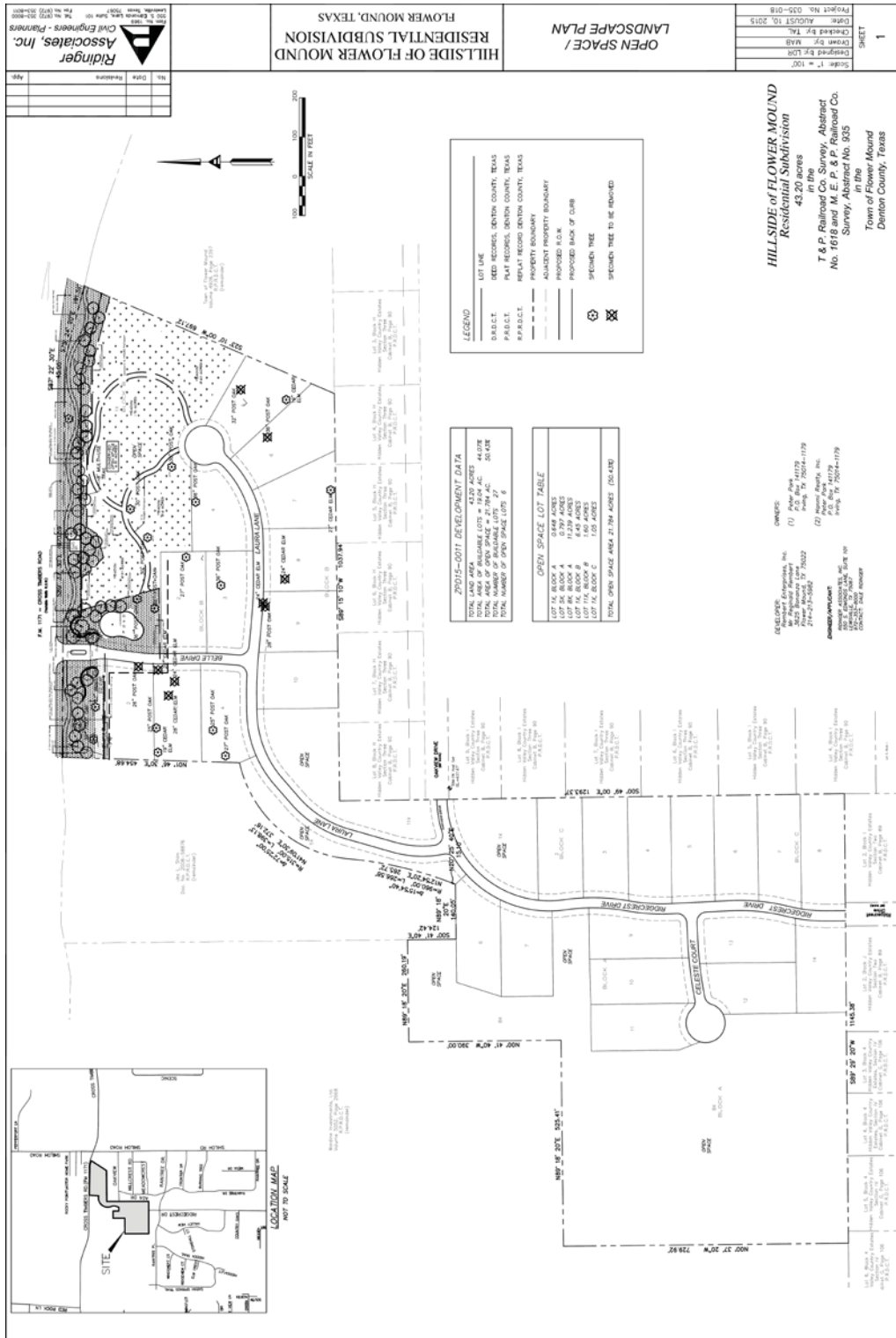
Space shall be managed by a qualified nonprofit entity or organization that manages open space, such as a land trust, HOA or other qualified entity, pursuant to section 170(h) of the Internal Revenue Code, as amended, and as may be approved and accepted by the Town. All designated open space areas shall be conserved in a recorded conservation easement as applicable prior to Planning and Zoning Commission approval of the first record plat within the development. The final Open Space Management Plan (OSMP) shall conform with the following:

- a. Be submitted and approved by the Town prior to the submittal of the first record plat within the development.
 - b. Be recorded in the deed records of Denton County Texas as a restriction running with the land prior to the submittal of the first record plat within the development.
 - c. Substantially conform to the draft OSMP submitted to the Planning and Zoning Commission for consideration of the Zoning application (ZPD 15-0011) and identified as Attachment B3 of the agenda item.
 2. All landscaping, trails and open space shall be in conformance with Exhibit "D", the Conceptual Landscape Plan.
 3. The development of PD-143 is subject to the approved Environmental Protection Plan.
- D. House Pad Benching. Developer shall prepare and submit a complete subdivision design including general grading, drainage and pad elevation plans in accordance with the Engineering Design Criteria and Construction Standards. The grading and drainage within Hillside at Flower Mound and along the perimeter of all lots within each phase of the development shall be complete prior to final acceptance of that phase of the development by the Town. The general pad elevations for the lots within the development shall be included in the subdivision design plans but are not required to be "benched" prior to the Town's final acceptance of each phase of the development.
1. Developer agrees that for each pad site that is not being benched, as identified herein-above, prior to final acceptance of that particular phase the following will occur:
 - a. Developer shall retain a professional licensed engineer to design plans for the review and approval of any modification in the benching data for each and every pad site identified herein as well as any design modifications required to address changes in drainage flows, velocities and direction that deviate from the original approved plans and prepare and submit any proposed revisions to the Town for approval and acceptance before each such pad site or group of pad sites within a particular phase is benched;

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- b. Erosion control measures including silt fencing, check dam, bar ditch and storm water pipe system cleaning shall be performed on a routine basis as needed and no less frequently than at least one time every six months or more frequently as may be required and directed by the Town Manager or his designee;
- c. Developer shall be responsible for weekly monitoring, clean-up and removal of construction debris, waste and litter that is dumped, accumulates or is otherwise stockpiled within the development;
- d. Developer shall remove check dams and silt fencing as appropriate and in accordance with best management practices after all pad sites within the phase have been benched and stabilized and a final phase inspection of the newly benched pad sites has been performed and approved by the Town.



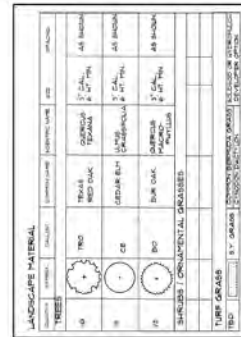
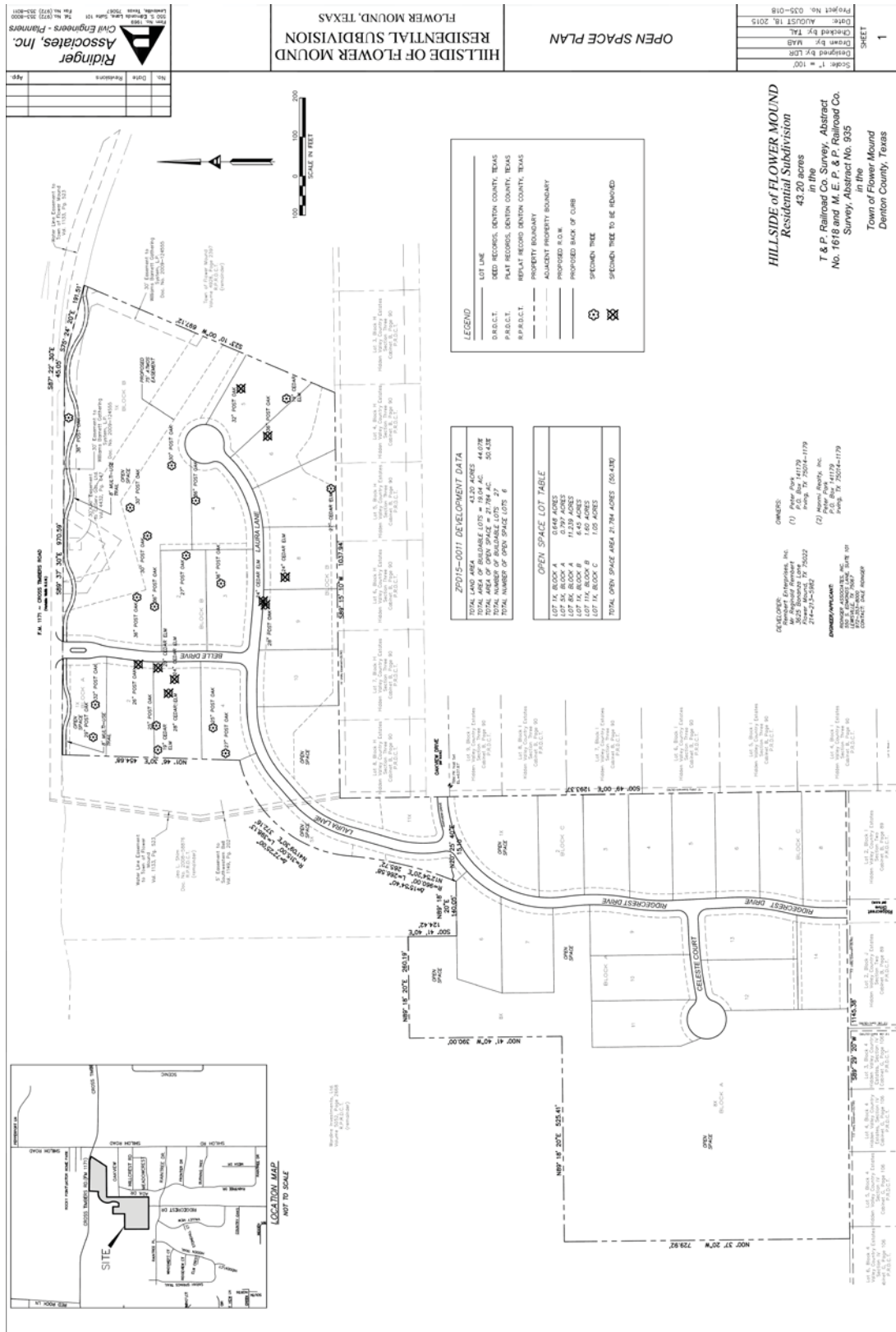


Exhibit "E"
CONCEPTUAL OPEN SPACE PLAN



From: Randy & Selina Hostettler
Sent: Sunday, October 04, 2015 6:48 PM
To: Chuck Russell
Subject: Hillside Development Feedback

Dear Mr. Russell, my name is Randy Hostettler and I live at 6605 Oakview Dr with my wife and three children. I watched the recent town council meeting on-line, as I work at a local hospital and could not attend. I want to communicate my support for the Hillside development proposal as submitted to the Flower Mound city council. I moved my family from Coppell to Flower Mound in June of 2014. I support the development even though the project has a large impact to our family as we are located at the end of Oakview Dr, currently a cul-de-sac.

I attended all of the required neighborhood planning meetings and in my opinion the feeling was one of overall acceptance. We communicated objections and concerns related to traffic and drainage (existing issue) but nothing that should have prevented the project from being approved.

I have talked with Mr. Rembert personally and I find him very transparent and honest with his communication and intentions. I trust he will work to mitigate any additional impact to the existing drainage issues and if possible will improve drainage as a part of the project. I do have concerns with the speed of traffic coming around the curve by my driveway and my neighbors, but I feel that it can be addressed at a later time if it truly becomes an issue.

In conclusion, I fully support the project as presented to the Flower Mound town council on 9/21/15. I am concerned that if the plan is not approved as proposed it creates the possibility we end up with a less desirable solution for the surrounding neighborhoods in the future. I am not sure why we are treating Mr Rembert, who resides in our community, different than the other developers who work in Flower Mound. The exemptions Mr Rembert asked for were not out of line and I feel he should be allowed to move forward with the project. I have communicated my support to the mayor and town council members as well.

If you have any questions, I can be reached at.

Sincerely,
Randy Hostettler & Family
6605 Oakview Dr
Flower Mound TX 75022

-----Original Message-----

From: Cal Lacasse

Sent: Wednesday, September 30, 2015 8:53 PM

To: planning

Subject: Hillside of Flower Mound

I see no reason why this development should have access to 1171. The community looks very nice and would be even nicer if there was not direct access from 1171. FM 1171 is a major thorough fare and we need to limit access to it when ever possible. From the presentation, it does not seem that extending the road to 1171 from the last/first house through the agricultural land is needed or warranted. Unless there is a overwhelming first responder reason, I would approve the plan, but without approving access directly to 1171 for daily use.

Cal Lacasse

3420 Shady Oaks Dr

Tol Ging Constanze Grant Attachment 1: I

Sr. Planner

Town of Flower Mound

This is to inform you that I am highly opposed to
ZPP 16-001 Hillside of Flower Mound PD 143

This will destroy our way of life

I have two acres at stake here

- 1) Too many houses on too few acres
- 2 Too much Noise
- 3 Too many added cars

Worst of all destruction of all the trees

Just think you hold the power to make
us look as bad as the Riverwalk
Everyone should know that trees keep
us cool

I don't need any more sewage thrown
around me I already get it from the
North and South properties Now you
Want to give me a double helping from the
West Shame -

Ann P Miller
4101 Ada Dr.

Flower Mound TX 75022

TOWN OF FLOWER MOUND, TEXAS**ORDINANCE NO. _____**

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 56-15, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 143 (PD-143) FOR SINGLE FAMILY RESIDENTIAL USES WITH CLUSTER DEVELOPMENT STANDARDS, TO INCLUDE ADDITIONAL DEVELOPMENT STANDARDS REGARDING TOPOGRAPHIC SLOPE EXCEPTIONS IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, in accordance with Chapter 78 of the Land Development Regulations, the owners of the property described as 43.20 acres of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618, and Memphis, El Paso & Pacific Railroad Company Survey, Abstract Number 935, Denton County, Texas, have filed an application for a Zoning Planned Development amendment to amend Ordinance No. 56-15 for Planned Development District No. 143 (PD-143) for Single Family Residential uses with Cluster Development Standards; and,

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas held a public hearing on October 12, 2015, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on October 19, 2015, with respect to the proposed planned development district as described herein; and,

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

WHEREAS, the Town Council finds that the requested amendment 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.

ORDINANCE NO. _____

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

SECTION 1

The Land Development Regulations of the Town of Flower Mound, Texas, as amended, are hereby amended on the hereinafter described property and area of Planned Development District No. 143 (PD-143) as shown below:

43.20 acres of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618, and Memphis, El Paso & Pacific Railroad Company Survey, Abstract Number 935, Denton County, Texas, and more fully described in Exhibit "A" hereto.

Exhibit "B" to Ordinance No. 56-15 is hereby amended by the addition of a new Section E. "Exceptions to Topographic Slope Protection" such that Exhibit "B" to Ordinance No. 56-15 shall be replaced with Exhibit "B" attached to this Ordinance and incorporated herein.

SECTION 2

The use of the property described above shall be subject to all restrictions, terms and conditions contained in Exhibit "B," attached hereto, as well as the applicable regulations contained in PD-143, the Land Development Regulations and all other applicable and pertinent ordinances of the Town of Flower Mound.

SECTION 3

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

SECTION 4

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

SECTION 5

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

ORDINANCE NO. _____

Page 3

exist shall constitute a separate offense and shall be punishable as such.

SECTION 6

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

SECTION 9

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

SECTION 10

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

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE _____ DAY OF _____, 2015.

APPROVED:

Thomas E. Hayden, **MAYOR**

ATTEST:

Theresa Scott, **TOWN SECRETARY**

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, **TOWN ATTORNEY**

Exhibit "A"
Legal Description

BEING all that certain lot, tract or parcel of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618 and the Memphis, El Paso and Pacific Railroad Company Survey, Abstract Number 935, Town of Flower Mound, Denton County, Texas, and being a portion of that certain tract of land described by deed to Peter Park, recorded under Document Number 96-R0007867 of the Real Property Records of Denton County, Texas, being that certain tract of land described by deed to Peter Park, recorded under Document Number 2015-23236 of the Real Property Records of Denton County, Texas, being that certain tract of land described by deed to Timothy S. Choe, recorded under Document Number 2011-23155 of the Real Property Records of Denton County, Texas, and being that certain tract of land described by deed to Hanmi Realty, Inc., recorded under Document Number 2011-54874 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNNING at a ½ inch iron rod found for the southeast corner of said Park tract, the southwest corner of that certain tract of land described by deed to the Town of Flower Mound, Denton County, Texas, recorded in Volume 4928, Page 2397 of the Real Property Records of Denton County, Texas, and being in the north line of Lot 4, Block H, Hidden Valley Country Estates, Section Three, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 90 of the Plat Records of Denton County, Texas;

THENCE South 89 degrees 15 minutes 12 seconds West, with the north line of said Block H of said Hidden Valley Country Estates, Section Three, a distance of 1037.94 feet to a 1 inch iron rod found for the northwest corner of Lot 8 of said Block H;

THENCE South 00 degrees 49 minutes 02 seconds East, with the west line of said Block H and partially continuing with the west line of said Hidden Valley Country Estates, Section Three, a distance of 1293.37 feet to a ½ inch iron rod found for corner in the west line of Lot 4, Block I of said Hidden Valley Country Estates, Section Three and being the northeast corner of Lot 2, Block I, Hidden Valley Country Estates, Section Two, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 89 of the Plat Records of Denton County, Texas;

THENCE South 89 degrees 29 minutes 19 seconds West, with the north line of said Hidden Valley Country Estates, Section Two and partially continuing with the north line of Block 4, Hidden Valley Country Estates, Section IV, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet G, Page 106 of the Plat Records of Denton County, Texas, a distance of 1145.38 feet to a ½ inch iron rod found for corner in the north line of Lot 6 of said Block 4 and being the southeast corner of that certain tract of land described by deed to Wardin Investments, Ltd., recorded in Volume 5052, Page 2668 of the Real Property Records of Denton County, Texas;

THENCE North 00 degrees 37 minutes 17 seconds West, with the east line of said Wardin tract, a distance of 729.92 feet to a ½ inch iron rod found for corner, being an inner corner thereof;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Wardin tract, a distance of 525.41 feet to a ½ inch iron rod found for corner, being an outer corner thereof;

THENCE North 00 degrees 41 minutes 39 seconds West, with the east line of said Wardin tract, a distance of 390.00 feet to a 5/8 inch iron rod found for corner, being an inner corner thereof;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Wardin tract, a distance of 260.19 feet to a 5/8 inch iron rod found for the easterly southeast corner of said Wardin tract, being in the west line of that certain tract of land described by deed to Jea L. Shim, recorded under Document Number 2008-58876 of the Real Property Records of Denton County, Texas;

THENCE South 00 degrees 41 minutes 39 seconds East, with the west line of said Shim tract, a distance of 124.42 feet to a 1/2 inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" (ASC) set for the southwest corner of said Shim tract;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Shim tract, a distance of 140.05 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner, being in the south line of said Shim tract;

THENCE North 20 degrees 25 minutes 45 seconds East, over, through and across said Shim tract and with the west line of said Park tract, a distance of 140.05 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set, being at the beginning of a curve to the left having a radius of 960.00 feet, a delta angle of 15 degrees 54 minutes 36 seconds, whose chord bears North 12 degrees 54 minutes 18 seconds East, a distance of 265.72 feet;

THENCE continuing over, through and across said Shim tract and with the west line of said Park tract, an arc length of 266.58 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner, being at the beginning of a reverse curve to the right having a radius of 315.00 feet, a delta angle of 72 degrees 25 minutes 02 seconds, whose chord bears North 41 degrees 09 minutes 31 seconds East, a distance of 372.16 feet;

THENCE continuing over, through and across said Shim tract and partially with the west line of said Park tract, an arc length of 398.13 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner;

THENCE North 01 degrees 46 minutes 35 seconds East, over, through and across said Park tract, a distance of 454.68 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner in the south line of F.M. 1171, also known as Cross Timbers Road;

THENCE South 89 degrees 37 minutes 29 seconds East, with the south line of said Cross Timbers Road, a distance of 970.59 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner;

THENCE South 87 degrees 22 minutes 30 seconds East, continuing with the south line of said Cross Timbers Road, a distance of 45.05 feet to a Texas Department of Transportation monument found for corner;

THENCE South 75 degrees 24 minutes 21 seconds East, continuing with the south line of said Cross Timbers Road, a distance of 191.51 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner in the west line of said Town of Flower Mound Tract;

THENCE South 23 degrees 10 minutes 00 seconds West, with the west line of said Town of Flower Mound tract, a distance of 697.12 feet to the **POINT OF BEGINNING**, and containing 43.20 acres of land, more or less, and being subject to any and all easements that may affect.

Exhibit "B"**DEVELOPMENT STANDARDS****Planned Development District No. 143 (PD-143)
Hillside at Flower Mound**

The development on the property comprising approximately 43.20 acres of land within the corporate limits of the Town of Flower Mound ("Town") and as described on Exhibit "A" to this Zoning Ordinance adopting PD-143 shall be in accordance with the Town of Flower Mound *Master Plan* and the Land Development Regulations of the Town of Flower Mound, Texas, as amended, and shall be subject to the following conditions and requirements:

A. PD-143 with Single-Family District-30 (SF-30) uses.

Development of PD-143 as designated on Exhibit "C," the Concept Plan for Hillside at Flower Mound shall be in compliance with all regulations applicable to Single-Family District-30 (SF-30) uses contained in the Town's Land Development Regulations as amended, except as otherwise provided and/or limited herein.

1. Minimum floor area per unit. The minimum floor area per dwelling unit shall be 2,800 square feet, subject to Section 98-1025.
2. Maximum lot coverage. The maximum lot coverage shall be 40% for all uses, subject to Section 98-1029.
3. The dimensional and area regulations contained in this section shall not apply to common areas or lots owned by the homeowner's association for Hillside at Flower Mound ("HOA"). Any common areas or lots owned by the HOA and any structure(s) thereon shall conform to all relevant provisions of the Town's code of ordinances and land development regulations.

B. Residential Lot Requirements. The following requirements shall apply to the residential lots within Hillside at Flower Mound.

1. The maximum density shall be no more than 1 dwelling unit per 1.6 acres ($100/1.6 = 62$ units or a 24% increase above the base density).
2. There shall be a maximum of 27 residential lots as depicted on the attached Zoning Conceptual Plan.

C. Supplemental Standards.

1. As a Cluster Development, PD-143 shall have a minimum of fifty percent (50%) of the gross land area preserved as open space for the development as depicted in Exhibit "E" below. In meeting requirements for open space, the developer must demonstrate how open space designated in Exhibit "E" shall be managed. Open

Space shall be managed by a qualified nonprofit entity or organization that manages open space, such as a land trust, HOA or other qualified entity, pursuant to section 170(h) of the Internal Revenue Code, as amended, and as may be approved and accepted by the Town. All designated open space areas shall be conserved in a recorded conservation easement as applicable prior to Planning and Zoning Commission approval of the first record plat within the development. The final Open Space Management Plan (OSMP) shall conform with the following:

- a. Be submitted and approved by the Town prior to the submittal of the first record plat within the development.
 - b. Be recorded in the deed records of Denton County Texas as a restriction running with the land prior to the submittal of the first record plat within the development.
 - c. Substantially conform to the draft OSMP submitted to the Planning and Zoning Commission for consideration of the Zoning application (ZPD 15-0011) and identified as Attachment B3 of the agenda item.
 2. All landscaping, trails and open space shall be in conformance with Exhibit "D", the Conceptual Landscape Plan.
 3. The development of PD-143 is subject to the approved Environmental Protection Plan.
- D. House Pad Benching. Developer shall prepare and submit a complete subdivision design including general grading, drainage and pad elevation plans in accordance with the Engineering Design Criteria and Construction Standards. The grading and drainage within Hillside at Flower Mound and along the perimeter of all lots within each phase of the development shall be complete prior to final acceptance of that phase of the development by the Town. The general pad elevations for the lots within the development shall be included in the subdivision design plans but are not required to be "benched" prior to the Town's final acceptance of each phase of the development.
1. Developer agrees that for each pad site that is not being benched, as identified herein-above, prior to final acceptance of that particular phase the following will occur:
 - a. Developer shall retain a professional licensed engineer to design plans for the review and approval of any modification in the benching data for each and every pad site identified herein as well as any design modifications required to address changes in drainage flows, velocities and direction that deviate from the original approved plans and prepare and submit any proposed revisions to the Town for approval and acceptance before each such pad site or group of pad sites within a particular phase is benched;

- b. Erosion control measures including silt fencing, check dam, bar ditch and storm water pipe system cleaning shall be performed on a routine basis as needed and no less frequently than at least one time every six months or more frequently as may be required and directed by the Town Manager or his designee;
 - c. Developer shall be responsible for weekly monitoring, clean-up and removal of construction debris, waste and litter that is dumped, accumulates or is otherwise stockpiled within the development;
 - d. Developer shall remove check dams and silt fencing as appropriate and in accordance with best management practices after all pad sites within the phase have been benched and stabilized and a final phase inspection of the newly benched pad sites has been performed and approved by the Town.
- E. Exceptions to Topographic Slope Protection: An exception to Section 98-147, Topographical Slope Protection is granted; however, the developer shall provide detailed drawings that illustrate the impact of the proposed development on the natural topography and the manner by which the development is integrated into, reflects and maintains the overall integrity of the natural topography with subsequent record plat applications. In addition, the developer shall conform with the following requirements with subsequent record plat applications:
- 1. The identification of those specific Best Management Practices ("BMPs") that will be used to maintain and responsibly integrate the development into the natural topography together with an explanation regarding their use within the plans for such development. The BMPs to be used shall include, but are not limited to, those BMPs found within the Town's Engineering Design and Construction Standards.
 - 2. While recognized as a potential BMP, the use of retaining walls should be kept to a minimum. Any retaining wall four foot (4') or greater in height shall be designed by a professional engineer licensed by the State of Texas. Retaining walls exceeding eight feet (8') in height are prohibited except on a showing that the property owner will suffer undue hardship in the development of an individual lot in the absence of such an eight foot (8') tall retaining wall.

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 5615

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 43.20 ACRES OF LAND SITUATED IN THE TEXAS & PACIFIC RAILROAD COMPANY SURVEY, ABSTRACT NUMBER 1618, AND MEMPHIS, EL PASO & PACIFIC RAILROAD COMPANY SURVEY, ABSTRACT NUMBER 935, DENTON COUNTY, TEXAS, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 143 (PD-143) FOR SINGLE FAMILY RESIDENTIAL USES WITH CLUSTER DEVELOPMENT STANDARDS IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, in accordance with Chapter 78 of the Land Development Regulations, the owners of the property described as 43.20 acres of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618, and Memphis, El Paso & Pacific Railroad Company Survey, Abstract Number 935, Denton County, Texas, have filed an application to change the zoning from Agricultural District (A) to Planned Development District No. 143 (PD-143) for Single Family Residential uses with Cluster Development Standards; and,

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas held a public hearing on September 14, 2015, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on September 21, 2015, with respect to the proposed planned development district as described herein; and,

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

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

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

SECTION 1

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

43.20 acres of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618, and Memphis, El Paso & Pacific Railroad Company Survey, Abstract Number 935, Denton County, Texas, and more fully described in Exhibit "A" hereto.

Planned Development District No. 143 (PD-143) for Single Family Residential uses with Cluster Development Standards.

SECTION 2

The development standards, concept plan, concept landscape plan and concept open space plan of the proposed Planned Development District No. 143 (PD-143), attached hereto as Exhibits "B," "C," "D," and "E," each incorporated herein for all purposes, are hereby approved as the development standards, concept plan, concept landscape plan and concept open space plan for this Planned Development District No. 143 (PD-143).

SECTION 3

The official map of the Town of Flower Mound is amended and the Executive Director of Development Services is directed to revise the official zoning map to reflect the approved Planned Development District No. 143 (PD-143), as set forth above.

SECTION 4

The use of the property described above shall be subject to all restrictions, terms and conditions contained in Exhibits "B," "C," "D," and "E" attached hereto, as well as the applicable regulations contained in the Land Development Regulations and all other applicable and pertinent ordinances of the Town of Flower Mound.

SECTION 5

This Ordinance shall be cumulative of all provisions of ordinances and of the Code

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

SECTION 6

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

SECTION 7

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

SECTION 8

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

SECTION 9

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

SECTION 10

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

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 3 TO 1, ON THIS THE 21 DAY OF

September, 2015.

APPROVED:

A handwritten signature in black ink, appearing to read "Steve Dixon", written over a horizontal line.

~~Thomas E. Hayden, MAYOR~~
Steve Dixon, Mayor Pro Tem

ATTEST:

A handwritten signature in black ink, appearing to read "Theresa Scott", written over a horizontal line.

Theresa Scott, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in blue ink, appearing to read "Bryn Meredith", written over a horizontal line.

Bryn Meredith, TOWN ATTORNEY

Exhibit "A"
Legal Description

BEING all that certain lot, tract or parcel of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618 and the Memphis, El Paso and Pacific Railroad Company Survey, Abstract Number 935, Town of Flower Mound, Denton County, Texas, and being a portion of that certain tract of land described by deed to Peter Park, recorded under Document Number 96-R0007867 of the Real Property Records of Denton County, Texas, being that certain tract of land described by deed to Peter Park, recorded under Document Number 2015-23236 of the Real Property Records of Denton County, Texas, being that certain tract of land described by deed to Timothy S. Choe, recorded under Document Number 2011-23155 of the Real Property Records of Denton County, Texas, and being that certain tract of land described by deed to Hanmi Realty, Inc., recorded under Document Number 2011-54874 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found for the southeast corner of said Park tract, the southwest corner of that certain tract of land described by deed to the Town of Flower Mound, Denton County, Texas, recorded in Volume 4928, Page 2397 of the Real Property Records of Denton County, Texas, and being in the north line of Lot 4, Block H, Hidden Valley Country Estates, Section Three, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 90 of the Plat Records of Denton County, Texas;

THENCE South 89 degrees 15 minutes 12 seconds West, with the north line of said Block H of said Hidden Valley Country Estates, Section Three, a distance of 1037.94 feet to a 1 inch iron rod found for the northwest corner of Lot 8 of said Block H;

THENCE South 00 degrees 49 minutes 02 seconds East, with the west line of said Block H and partially continuing with the west line of said Hidden Valley Country Estates, Section Three, a distance of 1293.37 feet to a ½ inch iron rod found for corner in the west line of Lot 4, Block I of said Hidden Valley Country Estates, Section Three and being the northeast corner of Lot 2, Block I, Hidden Valley Country Estates, Section Two, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 89 of the Plat Records of Denton County, Texas;

THENCE South 89 degrees 29 minutes 19 seconds West, with the north line of said Hidden Valley Country Estates, Section Two and partially continuing with the north line of Block 4, Hidden Valley Country Estates, Section IV, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet G, Page 106 of the Plat Records of Denton County, Texas, a distance of 1145.38 feet to a ½ inch iron rod found for corner in the north line of Lot 6 of said Block 4 and being the southeast corner of that certain tract of land described by deed to Wardin Investments, Ltd., recorded in Volume 5052, Page 2668 of the Real Property Records of Denton County, Texas;

THENCE North 00 degrees 37 minutes 17 seconds West, with the east line of said Wardin tract, a distance of 729.92 feet to a ½ inch iron rod found for corner, being an inner corner thereof;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Wardin tract, a distance of 525.41 feet to a ½ inch iron rod found for corner, being an outer corner thereof;

THENCE North 00 degrees 41 minutes 39 seconds West, with the east line of said Wardin tract, a distance of 390.00 feet to a 5/8 inch iron rod found for corner, being an inner corner thereof;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Wardin tract, a distance of 260.19 feet to a 5/8 inch iron rod found for the easterly southeast corner of said Wardin tract, being in the west line of that certain tract of land described by deed to Jea L. Shim, recorded under Document Number 2008-58876 of the Real Property Records of Denton County, Texas;

THENCE South 00 degrees 41 minutes 39 seconds East, with the west line of said Shim tract, a distance of 124.42 feet to a ½ inch iron rod with a yellow cap stamped "*ARTHUR SURVEYING COMPANY*" (*ASC*) set for the southwest corner of said Shim tract;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Shim tract, a distance of 140.05 feet to a ½ inch iron rod with a yellow cap stamped "*ASC*" set for corner, being in the south line of said Shim tract;

THENCE North 20 degrees 25 minutes 45 seconds East, over, through and across said Shim tract and with the west line of said Park tract, a distance of 140.05 feet to a ½ inch iron rod with a yellow cap stamped "*ASC*" set, being at the beginning of a curve to the left having a radius of 960.00 feet, a delta angle of 15 degrees 54 minutes 36 seconds, whose chord bears North 12 degrees 54 minutes 18 seconds East, a distance of 265.72 feet;

THENCE continuing over, through and across said Shim tract and with the west line of said Park tract, an arc length of 266.58 feet to a ½ inch iron rod with a yellow cap stamped "*ASC*" set for corner, being at the beginning of a reverse curve to the right having a radius of 315.00 feet, a delta angle of 72 degrees 25 minutes 02 seconds, whose chord bears North 41 degrees 09 minutes 31 seconds East, a distance of 372.16 feet;

THENCE continuing over, through and across said Shim tract and partially with the west line of said Park tract, an arc length of 398.13 feet to a ½ inch iron rod with a yellow cap stamped "*ASC*" set for corner;

THENCE North 01 degrees 46 minutes 35 seconds East, over, through and across said Park tract, a distance of 454.68 feet to a ½ inch iron rod with a yellow cap stamped "*ASC*" set for corner in the south line of F.M. 1171, also known as Cross Timbers Road;

THENCE South 89 degrees 37 minutes 29 seconds East, with the south line of said Cross Timbers Road, a distance of 970.59 feet to a ½ inch iron rod with a yellow cap stamped "*ASC*" set for corner;

THENCE South 87 degrees 22 minutes 30 seconds East, continuing with the south line of said Cross Timbers Road, a distance of 45.05 feet to a Texas Department of Transportation monument found for corner;

THENCE South 75 degrees 24 minutes 21 seconds East, continuing with the south line of said Cross Timbers Road, a distance of 191.51 feet to a ½ inch iron rod with a yellow cap stamped "*ASC*" set for corner in the west line of said Town of Flower Mound Tract;

THENCE South 23 degrees 10 minutes 00 seconds West, with the west line of said Town of Flower Mound tract, a distance of 697.12 feet to the **POINT OF BEGINNING**, and containing 43.20 acres of land, more or less, and being subject to any and all easements that may affect.

Exhibit "B"**DEVELOPMENT STANDARDS****Planned Development District No. 143 (PD-143)
Hillside at Flower Mound**

The development on the property comprising approximately 43.20 acres of land within the corporate limits of the Town of Flower Mound ("Town") and as described on Exhibit "A" to this Zoning Ordinance adopting PD-143 shall be in accordance with the Town of Flower Mound *Master Plan* and the Land Development Regulations of the Town of Flower Mound, Texas, as amended, and shall be subject to the following conditions and requirements:

A. PD-143 with Single-Family District-30 (SF-30) uses.

Development of PD-143 as designated on Exhibit "C," the Concept Plan for Hillside at Flower Mound shall be in compliance with all regulations applicable to Single-Family District-30 (SF-30) uses contained in the Town's Land Development Regulations as amended, except as otherwise provided and/or limited herein.

1. Minimum floor area per unit. The minimum floor area per dwelling unit shall be 2,800 square feet, subject to Section 98-1025.
2. Maximum lot coverage. The maximum lot coverage shall be 40% for all uses, subject to Section 98-1029.
3. The dimensional and area regulations contained in this section shall not apply to common areas or lots owned by the homeowner's association for Hillside at Flower Mound ("HOA"). Any common areas or lots owned by the HOA and any structure(s) thereon shall conform to all relevant provisions of the Town's code of ordinances and land development regulations.

B. Residential Lot Requirements. The following requirements shall apply to the residential lots within Hillside at Flower Mound.

1. The maximum density shall be no more than 1 dwelling unit per 1.6 acres ($100/1.6 = 62$ units or a 24% increase above the base density).
2. There shall be a maximum of 27 residential lots as depicted on the attached Zoning Conceptual Plan.

C. Supplemental Standards.

1. As a Cluster Development, PD-143 shall have a minimum of fifty percent (50%) of the gross land area preserved as open space for the development as depicted in Exhibit "E" below. In meeting requirements for open space, the developer must demonstrate how open space designated in Exhibit "E" shall be managed. Open

Space shall be managed by a qualified nonprofit entity or organization that manages open space, such as a land trust, HOA or other qualified entity, pursuant to section 170(h) of the Internal Revenue Code, as amended, and as may be approved and accepted by the Town. All designated open space areas shall be conserved in a recorded conservation easement as applicable prior to Planning and Zoning Commission approval of the first record plat within the development. The final Open Space Management Plan (OSMP) shall conform with the following:

- a. Be submitted and approved by the Town prior to the submittal of the first record plat within the development.
 - b. Be recorded in the deed records of Denton County Texas as a restriction running with the land prior to the submittal of the first record plat within the development.
 - c. Substantially conform to the draft OSMP submitted to the Planning and Zoning Commission for consideration of the Zoning application (ZPD 15-0011) and identified as Attachment B3 of the agenda item.
2. All landscaping, trails and open space shall be in conformance with Exhibit "D", the Conceptual Landscape Plan.
3. The development of PD-143 is subject to the approved Environmental Protection Plan.
- D. House Pad Benching. Developer shall prepare and submit a complete subdivision design including general grading, drainage and pad elevation plans in accordance with the Engineering Design Criteria and Construction Standards. The grading and drainage within Hillside at Flower Mound and along the perimeter of all lots within each phase of the development shall be complete prior to final acceptance of that phase of the development by the Town. The general pad elevations for the lots within the development shall be included in the subdivision design plans but are not required to be "benched" prior to the Town's final acceptance of each phase of the development.
 1. Developer agrees that for each pad site that is not being benched, as identified herein-above, prior to final acceptance of that particular phase the following will occur:
 - a. Developer shall retain a professional licensed engineer to design plans for the review and approval of any modification in the benching data for each and every pad site identified herein as well as any design modifications required to address changes in drainage flows, velocities and direction that deviate from the original approved plans and prepare and submit any proposed revisions to the Town for approval and acceptance before each such pad site or group of pad sites within a particular phase is benched;

- b. Erosion control measures including silt fencing, check dam, bar ditch and storm water pipe system cleaning shall be performed on a routine basis as needed and no less frequently than at least one time every six months or more frequently as may be required and directed by the Town Manager or his designee;
- c. Developer shall be responsible for weekly monitoring, clean-up and removal of construction debris, waste and litter that is dumped, accumulates or is otherwise stockpiled within the development;
- d. Developer shall remove check dams and silt fencing as appropriate and in accordance with best management practices after all pad sites within the phase have been benched and stabilized and a final phase inspection of the newly benched pad sites has been performed and approved by the Town.

Exhibit "C"
CONCEPT PLAN

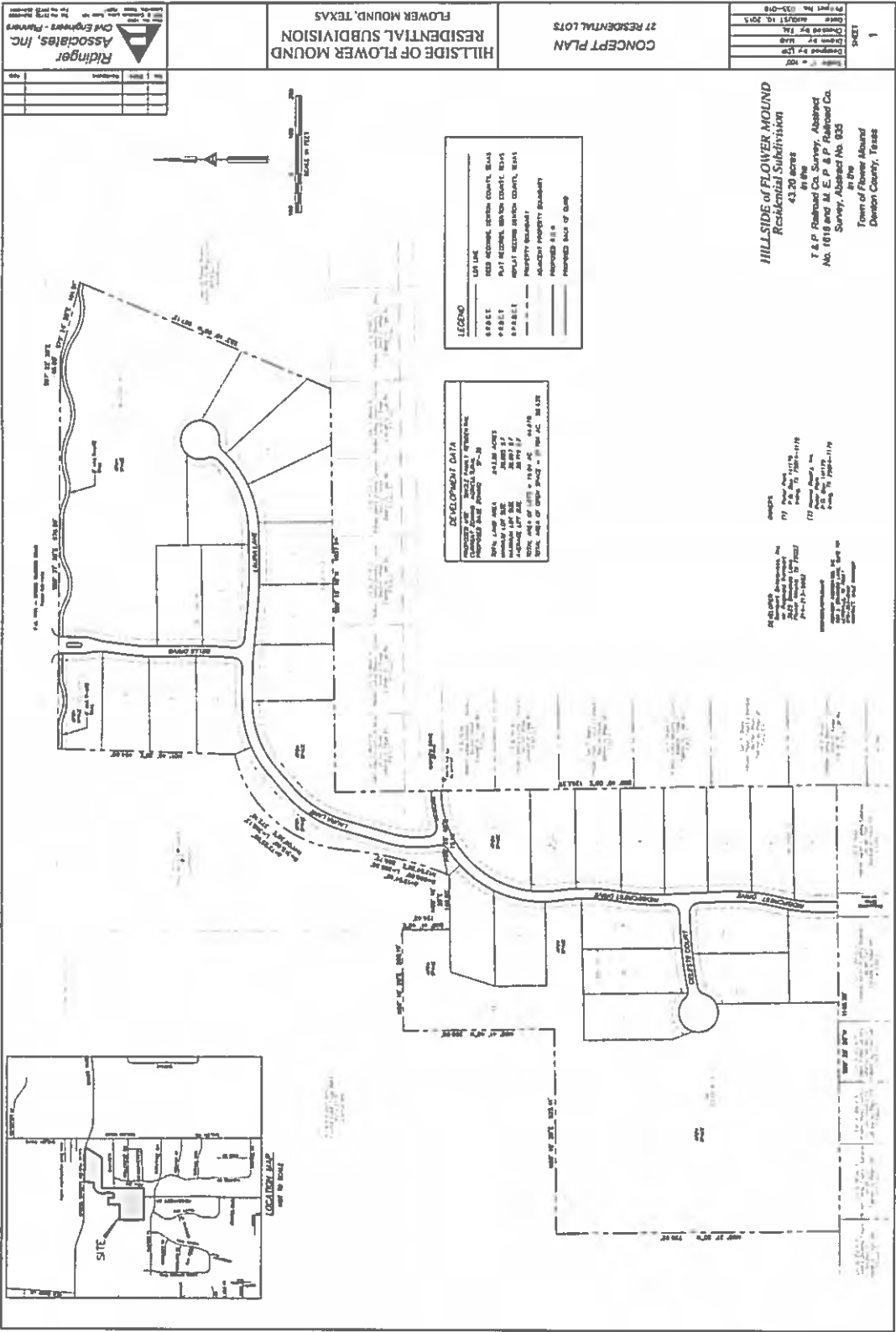
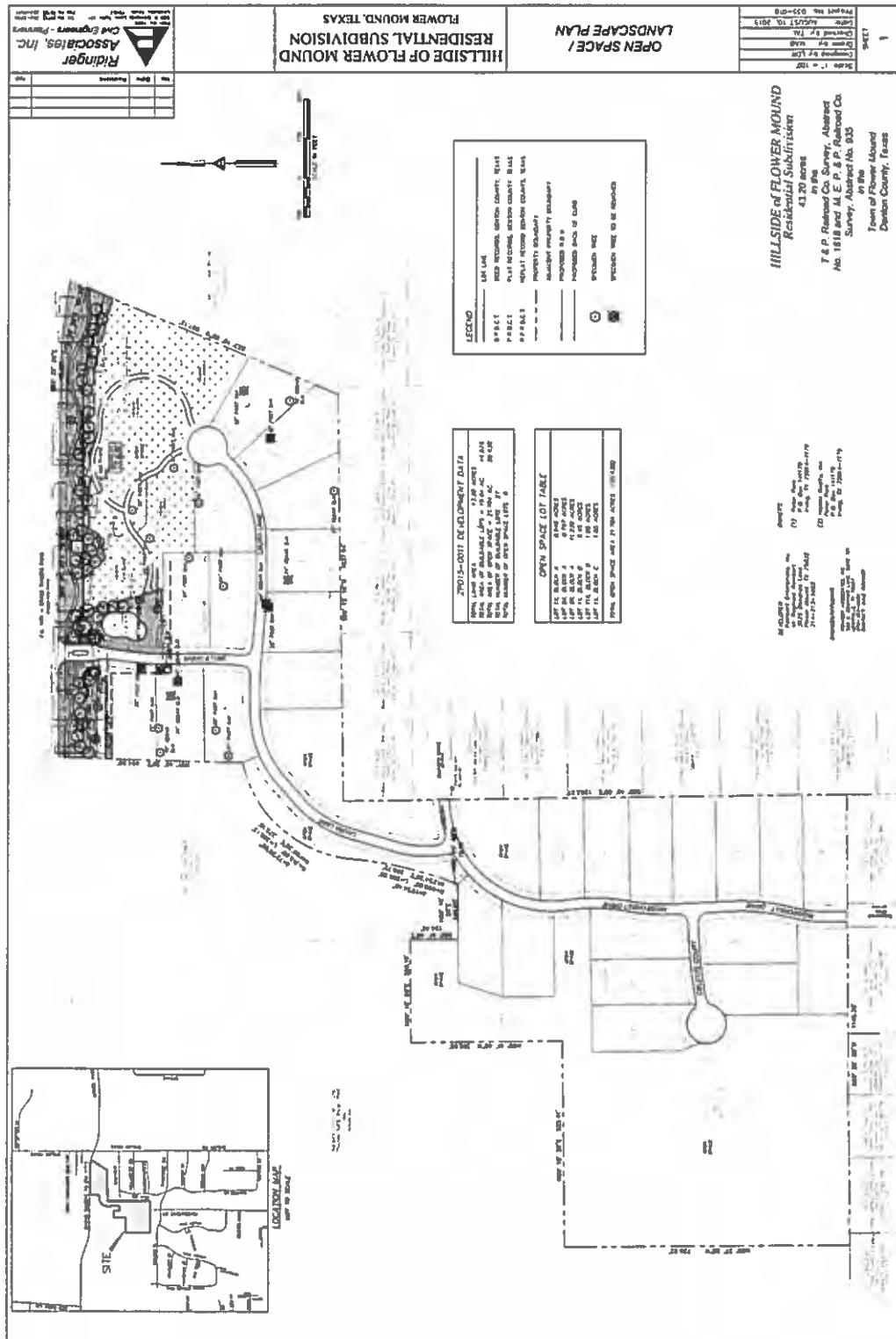


Exhibit "D"

CONCEPTUAL LANDSCAPE PLAN



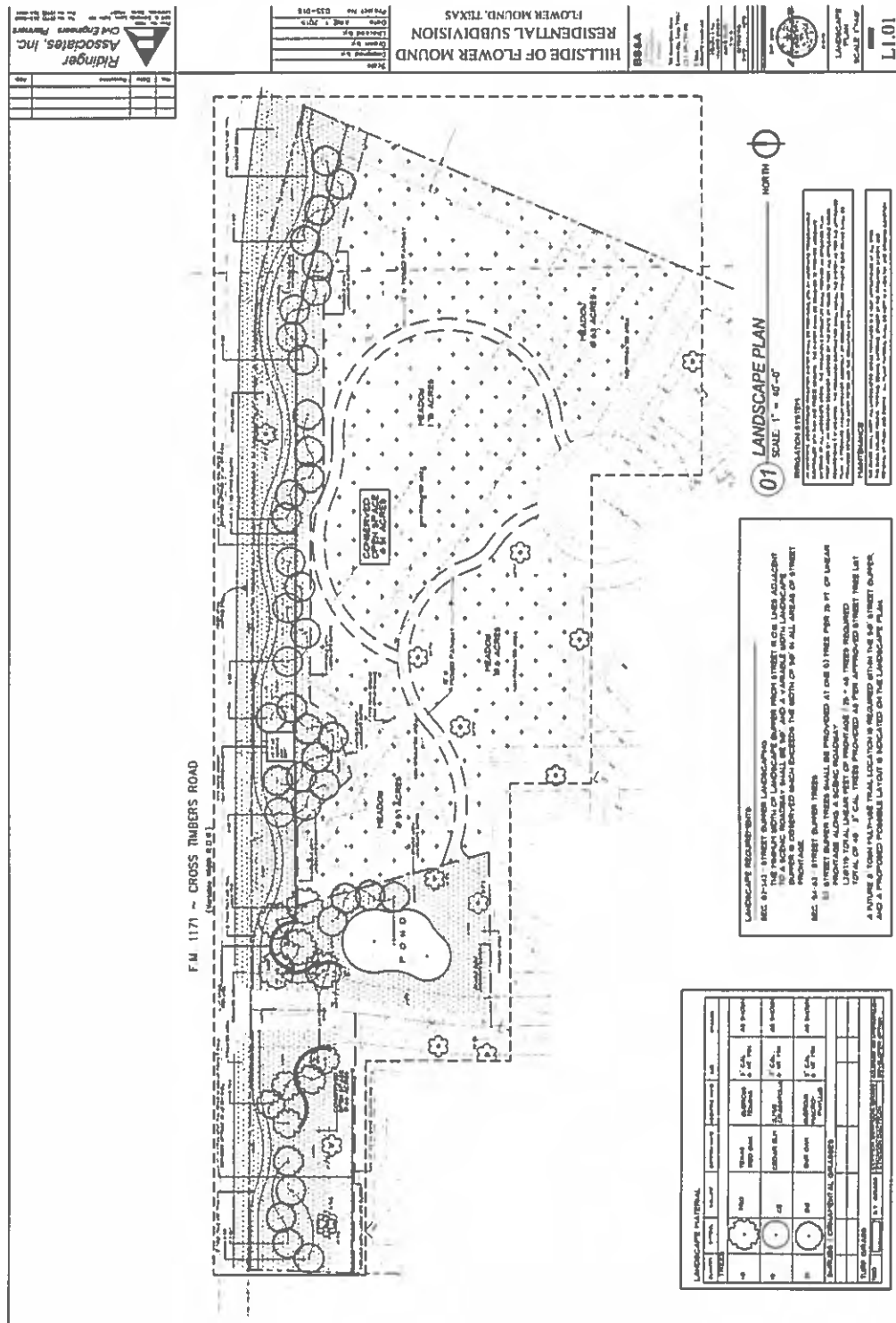


Exhibit "E"
CONCEPTUAL OPEN SPACE PLAN

HILLSIDE OF FLOWER MOUND RESIDENTIAL SUBDIVISION

OPEN SPACE PLAN

PROPOSED DEVELOPMENT DATA

LOT AREA	1.100 ACRES
LOT AREA OF REMOVED LOTS = 19.94 AC	
LOT AREA OF REMOVED LOTS = 19.94 AC	
TOTAL NUMBER OF REMOVED LOTS = 2	
TOTAL NUMBER OF OPEN SPACE LOTS = 2	

OPEN SPACE LOT TABLE

LOT 16, BLOCK 4	0.400 ACRES
LOT 17, BLOCK 4	0.700 ACRES
LOT 18, BLOCK 4	0.400 ACRES
LOT 19, BLOCK 4	0.400 ACRES
LOT 20, BLOCK 4	0.400 ACRES
LOT 21, BLOCK 4	0.400 ACRES
LOT 22, BLOCK 4	0.400 ACRES
LOT 23, BLOCK 4	0.400 ACRES
LOT 24, BLOCK 4	0.400 ACRES
LOT 25, BLOCK 4	0.400 ACRES
LOT 26, BLOCK 4	0.400 ACRES
LOT 27, BLOCK 4	0.400 ACRES
LOT 28, BLOCK 4	0.400 ACRES
LOT 29, BLOCK 4	0.400 ACRES
LOT 30, BLOCK 4	0.400 ACRES
LOT 31, BLOCK 4	0.400 ACRES
LOT 32, BLOCK 4	0.400 ACRES
LOT 33, BLOCK 4	0.400 ACRES
LOT 34, BLOCK 4	0.400 ACRES
LOT 35, BLOCK 4	0.400 ACRES
LOT 36, BLOCK 4	0.400 ACRES
LOT 37, BLOCK 4	0.400 ACRES
LOT 38, BLOCK 4	0.400 ACRES
LOT 39, BLOCK 4	0.400 ACRES
LOT 40, BLOCK 4	0.400 ACRES
LOT 41, BLOCK 4	0.400 ACRES
LOT 42, BLOCK 4	0.400 ACRES
LOT 43, BLOCK 4	0.400 ACRES
LOT 44, BLOCK 4	0.400 ACRES
LOT 45, BLOCK 4	0.400 ACRES
LOT 46, BLOCK 4	0.400 ACRES
LOT 47, BLOCK 4	0.400 ACRES
LOT 48, BLOCK 4	0.400 ACRES
LOT 49, BLOCK 4	0.400 ACRES
LOT 50, BLOCK 4	0.400 ACRES
LOT 51, BLOCK 4	0.400 ACRES
LOT 52, BLOCK 4	0.400 ACRES
LOT 53, BLOCK 4	0.400 ACRES
LOT 54, BLOCK 4	0.400 ACRES
LOT 55, BLOCK 4	0.400 ACRES
LOT 56, BLOCK 4	0.400 ACRES
LOT 57, BLOCK 4	0.400 ACRES
LOT 58, BLOCK 4	0.400 ACRES
LOT 59, BLOCK 4	0.400 ACRES
LOT 60, BLOCK 4	0.400 ACRES
LOT 61, BLOCK 4	0.400 ACRES
LOT 62, BLOCK 4	0.400 ACRES
LOT 63, BLOCK 4	0.400 ACRES
LOT 64, BLOCK 4	0.400 ACRES
LOT 65, BLOCK 4	0.400 ACRES
LOT 66, BLOCK 4	0.400 ACRES
LOT 67, BLOCK 4	0.400 ACRES
LOT 68, BLOCK 4	0.400 ACRES
LOT 69, BLOCK 4	0.400 ACRES
LOT 70, BLOCK 4	0.400 ACRES
LOT 71, BLOCK 4	0.400 ACRES
LOT 72, BLOCK 4	0.400 ACRES
LOT 73, BLOCK 4	0.400 ACRES
LOT 74, BLOCK 4	0.400 ACRES
LOT 75, BLOCK 4	0.400 ACRES
LOT 76, BLOCK 4	0.400 ACRES
LOT 77, BLOCK 4	0.400 ACRES
LOT 78, BLOCK 4	0.400 ACRES
LOT 79, BLOCK 4	0.400 ACRES
LOT 80, BLOCK 4	0.400 ACRES
LOT 81, BLOCK 4	0.400 ACRES
LOT 82, BLOCK 4	0.400 ACRES
LOT 83, BLOCK 4	0.400 ACRES
LOT 84, BLOCK 4	0.400 ACRES
LOT 85, BLOCK 4	0.400 ACRES
LOT 86, BLOCK 4	0.400 ACRES
LOT 87, BLOCK 4	0.400 ACRES
LOT 88, BLOCK 4	0.400 ACRES
LOT 89, BLOCK 4	0.400 ACRES
LOT 90, BLOCK 4	0.400 ACRES
LOT 91, BLOCK 4	0.400 ACRES
LOT 92, BLOCK 4	0.400 ACRES
LOT 93, BLOCK 4	0.400 ACRES
LOT 94, BLOCK 4	0.400 ACRES
LOT 95, BLOCK 4	0.400 ACRES
LOT 96, BLOCK 4	0.400 ACRES
LOT 97, BLOCK 4	0.400 ACRES
LOT 98, BLOCK 4	0.400 ACRES
LOT 99, BLOCK 4	0.400 ACRES
LOT 100, BLOCK 4	0.400 ACRES

LEGEND

- LOT LINE
- EASEMENT
- PROPERTY BOUNDARY
- PROPOSED ROAD OF CLASS
- PROPOSED ROAD
- PROPOSED ROAD TO BE REMOVED

LOCATION MAP

NOTE TO SCALE

DATE AUGUST 18, 2015

PROJECT HILLSIDE OF FLOWER MOUND RESIDENTIAL SUBDIVISION

OWNER T & P Railroad Co. Survey, Abstract No. 1818 and M. E. P. & P. Railroad Co. Survey, Abstract No. 835

DRAWN BY [Name]

CHECKED BY [Name]

SCALE 1" = 100'

DATE AUGUST 18, 2015

PROJECT HILLSIDE OF FLOWER MOUND RESIDENTIAL SUBDIVISION

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SCALE 1" = 100'

DATE AUGUST 18, 2015

PROJECT HILLSIDE OF FLOWER MOUND RESIDENTIAL SUBDIVISION

OWNER

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 64-15

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 56-15, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 143 (PD-143) FOR SINGLE FAMILY RESIDENTIAL USES WITH CLUSTER DEVELOPMENT STANDARDS, TO INCLUDE ADDITIONAL DEVELOPMENT STANDARDS REGARDING TOPOGRAPHIC SLOPE EXCEPTIONS IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, in accordance with Chapter 78 of the Land Development Regulations, the owners of the property described as 43.20 acres of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618, and Memphis, El Paso & Pacific Railroad Company Survey, Abstract Number 935, Denton County, Texas, have filed an application for a Zoning Planned Development amendment to amend Ordinance No. 56-15 for Planned Development District No. 143 (PD-143) for Single Family Residential uses with Cluster Development Standards; and,

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas held a public hearing on October 12, 2015, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on October 19, 2015, with respect to the proposed planned development district as described herein; and,

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

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

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

SECTION 1

The Land Development Regulations of the Town of Flower Mound, Texas, as amended, are hereby amended on the hereinafter described property and area of Planned Development District No. 143 (PD-143) as shown below:

43.20 acres of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618, and Memphis, El Paso & Pacific Railroad Company Survey, Abstract Number 935, Denton County, Texas, and more fully described in Exhibit "A" hereto.

Exhibit "B" to Ordinance No. 56-15 is hereby amended by the addition of a new Section E. "Exceptions to Topographic Slope Protection" such that Exhibit "B" to Ordinance No. 56-15 shall be replaced with Exhibit "B" attached to this Ordinance and incorporated herein.

SECTION 2

The use of the property described above shall be subject to all restrictions, terms and conditions contained in Exhibit "B," attached hereto, as well as the applicable regulations contained in PD-143, the Land Development Regulations and all other applicable and pertinent ordinances of the Town of Flower Mound.

SECTION 3

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

SECTION 4

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

SECTION 5

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

exist shall constitute a separate offense and shall be punishable as such.

SECTION 6

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

SECTION 9

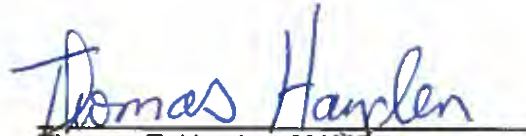
The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

SECTION 10

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

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF
FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 19 DAY OF
OCT, 2015. (1 ABSENT)

APPROVED:


Thomas E. Hayden, MAYOR

ATTEST:


Theresa Scott, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:


Bryn Meredith, TOWN ATTORNEY

Exhibit "A"
Legal Description

BEING all that certain lot, tract or parcel of land situated in the Texas & Pacific Railroad Company Survey, Abstract Number 1618 and the Memphis, El Paso and Pacific Railroad Company Survey, Abstract Number 935, Town of Flower Mound, Denton County, Texas, and being a portion of that certain tract of land described by deed to Peter Park, recorded under Document Number 96-R0007867 of the Real Property Records of Denton County, Texas, being that certain tract of land described by deed to Peter Park, recorded under Document Number 2015-23236 of the Real Property Records of Denton County, Texas, being that certain tract of land described by deed to Timothy S. Choe, recorded under Document Number 2011-23155 of the Real Property Records of Denton County, Texas, and being that certain tract of land described by deed to Hammi Realty, Inc., recorded under Document Number 2011-54874 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found for the southeast corner of said Park tract, the southwest corner of that certain tract of land described by deed to the Town of Flower Mound, Denton County, Texas, recorded in Volume 4928, Page 2397 of the Real Property Records of Denton County, Texas, and being in the north line of Lot 4, Block H, Hidden Valley Country Estates, Section Three, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 90 of the Plat Records of Denton County, Texas;

THENCE South 89 degrees 15 minutes 12 seconds West, with the north line of said Block H of said Hidden Valley Country Estates, Section Three, a distance of 1037.94 feet to a 1 inch iron rod found for the northwest corner of I or 8 of said Block H;

THENCE South 00 degrees 49 minutes 02 seconds East, with the west line of said Block H and partially continuing with the west line of said Hidden Valley Country Estates, Section Three, a distance of 1293.37 feet to a ½ inch iron rod found for corner in the west line of Lot 4, Block I of said Hidden Valley Country Estates, Section Three and being the northeast corner of Lot 2, Block I, Hidden Valley Country Estates, Section Two, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 89 of the Plat Records of Denton County, Texas;

THENCE South 89 degrees 29 minutes 19 seconds West, with the north line of said Hidden Valley Country Estates, Section Two and partially continuing with the north line of Block 4, Hidden Valley Country Estates, Section IV, an addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Cabinet G, Page 106 of the Plat Records of Denton County, Texas, a distance of 1145.38 feet to a ½ inch iron rod found for corner in the north line of Lot 6 of said Block 4 and being the southeast corner of that certain tract of land described by deed to Wardin Investments, Ltd., recorded in Volume 5052, Page 2668 of the Real Property Records of Denton County, Texas;

THENCE North 00 degrees 37 minutes 17 seconds West, with the east line of said Wardin tract, a distance of 729.92 feet to a ½ inch iron rod found for corner, being an inner corner thereof;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Wardin tract, a distance of 525.41 feet to a ½ inch iron rod found for corner, being an outer corner thereof;

THENCE North 00 degrees 41 minutes 39 seconds West, with the east line of said Wardin tract, a distance of 390.00 feet to a 5/8 inch iron rod found for corner, being an inner corner thereof;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Wardin tract, a distance of 260.19 feet to a 5/8 inch iron rod found for the easterly southeast corner of said Wardin tract, being in the west line of that certain tract of land described by deed to Jea L. Shim, recorded under Document Number 2008-58876 of the Real Property Records of Denton County, Texas;

THENCE South 00 degrees 41 minutes 39 seconds East, with the west line of said Shim tract, a distance of 124.42 feet to a 1/2 inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" (ASC) set for the southwest corner of said Shim tract;

THENCE North 89 degrees 18 minutes 21 seconds East, with the south line of said Shim tract, a distance of 140.05 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner, being in the south line of said Shim tract;

THENCE North 20 degrees 25 minutes 45 seconds East, over, through and across said Shim tract and with the west line of said Park tract, a distance of 140.05 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set, being at the beginning of a curve to the left having a radius of 960.00 feet, a delta angle of 15 degrees 54 minutes 36 seconds, whose chord bears North 12 degrees 54 minutes 18 seconds East, a distance of 265.72 feet;

THENCE continuing over, through and across said Shim tract and with the west line of said Park tract, an arc length of 266.58 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner, being at the beginning of a reverse curve to the right having a radius of 315.00 feet, a delta angle of 72 degrees 25 minutes 02 seconds, whose chord bears North 41 degrees 09 minutes 31 seconds East, a distance of 372.16 feet;

THENCE continuing over, through and across said Shim tract and partially with the west line of said Park tract, an arc length of 398.13 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner;

THENCE North 01 degrees 46 minutes 35 seconds East, over, through and across said Park tract, a distance of 454.68 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner in the south line of F.M. 1171, also known as Cross Timbers Road;

THENCE South 89 degrees 37 minutes 29 seconds East, with the south line of said Cross Timbers Road, a distance of 970.59 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner;

THENCE South 87 degrees 22 minutes 30 seconds East, continuing with the south line of said Cross Timbers Road, a distance of 45.05 feet to a Texas Department of Transportation monument found for corner;

THENCE South 75 degrees 24 minutes 21 seconds East, continuing with the south line of said Cross Timbers Road, a distance of 191.51 feet to a 1/2 inch iron rod with a yellow cap stamped "ASC" set for corner in the west line of said Town of Flower Mound Tract;

THENCE South 23 degrees 10 minutes 00 seconds West, with the west line of said Town of Flower Mound tract, a distance of 697.12 feet to the POINT OF BEGINNING, and containing 43.20 acres of land, more or less, and being subject to any and all easements that may affect.

Exhibit "B"

DEVELOPMENT STANDARDS

Planned Development District No. 143 (PD-143)
Hillside at Flower Mound

The development on the property comprising approximately 43.20 acres of land within the corporate limits of the Town of Flower Mound ("Town") and as described on Exhibit "A" to this Zoning Ordinance adopting PD-143 shall be in accordance with the Town of Flower Mound *Master Plan* and the Land Development Regulations of the Town of Flower Mound, Texas, as amended, and shall be subject to the following conditions and requirements:

A. PD-143 with Single-Family District-30 (SF-30) uses.

Development of PD-143 as designated on Exhibit "C," the Concept Plan for Hillside at Flower Mound shall be in compliance with all regulations applicable to Single-Family District-30 (SF-30) uses contained in the Town's Land Development Regulations as amended, except as otherwise provided and/or limited herein.

1. Minimum floor area per unit. The minimum floor area per dwelling unit shall be 2,800 square feet, subject to Section 98-1025.
2. Maximum lot coverage. The maximum lot coverage shall be 40% for all uses, subject to Section 98-1029.
3. The dimensional and area regulations contained in this section shall not apply to common areas or lots owned by the homeowner's association for Hillside at Flower Mound ("HOA"). Any common areas or lots owned by the HOA and any structure(s) thereon shall conform to all relevant provisions of the Town's code of ordinances and land development regulations.

B. Residential Lot Requirements. The following requirements shall apply to the residential lots within Hillside at Flower Mound.

1. The maximum density shall be no more than 1 dwelling unit per 1.6 acres ($100/1.6 = 62$ units or a 24% increase above the base density).
2. There shall be a maximum of 27 residential lots as depicted on the attached Zoning Conceptual Plan.

C. Supplemental Standards.

1. As a Cluster Development, PD-143 shall have a minimum of fifty percent (50%) of the gross land area preserved as open space for the development as depicted in Exhibit "E" below. In meeting requirements for open space, the developer must demonstrate how open space designated in Exhibit "E" shall be managed. Open

Space shall be managed by a qualified nonprofit entity or organization that manages open space, such as a land trust, HOA or other qualified entity, pursuant to section 170(h) of the Internal Revenue Code, as amended, and as may be approved and accepted by the Town. All designated open space areas shall be conserved in a recorded conservation easement as applicable prior to Planning and Zoning Commission approval of the first record plat within the development. The final Open Space Management Plan (OSMP) shall conform with the following:

- a. Be submitted and approved by the Town prior to the submittal of the first record plat within the development.
 - b. Be recorded in the deed records of Denton County Texas as a restriction running with the land prior to the submittal of the first record plat within the development.
 - c. Substantially conform to the draft OSMP submitted to the Planning and Zoning Commission for consideration of the Zoning application (ZPD 15-0011) and identified as Attachment B3 of the agenda item.
 2. All landscaping, trails and open space shall be in conformance with Exhibit "D", the Conceptual Landscape Plan.
 3. The development of PD-143 is subject to the approved Environmental Protection Plan.
- D. House Pad Benching. Developer shall prepare and submit a complete subdivision design including general grading, drainage and pad elevation plans in accordance with the Engineering Design Criteria and Construction Standards. The grading and drainage within Hillside at Flower Mound and along the perimeter of all lots within each phase of the development shall be complete prior to final acceptance of that phase of the development by the Town. The general pad elevations for the lots within the development shall be included in the subdivision design plans but are not required to be "benched" prior to the Town's final acceptance of each phase of the development.
1. Developer agrees that for each pad site that is not being benched, as identified herein-above, prior to final acceptance of that particular phase the following will occur:
 - a. Developer shall retain a professional licensed engineer to design plans for the review and approval of any modification in the benching data for each and every pad site identified herein as well as any design modifications required to address changes in drainage flows, velocities and direction that deviate from the original approved plans and prepare and submit any proposed revisions to the Town for approval and acceptance before each such pad site or group of pad sites within a particular phase is benched;

- b. Erosion control measures including silt fencing, check dam, bar ditch and storm water pipe system cleaning shall be performed on a routine basis as needed and no less frequently than at least one time every six months or more frequently as may be required and directed by the Town Manager or his designee;
 - c. Developer shall be responsible for weekly monitoring, clean-up and removal of construction debris, waste and litter that is dumped, accumulates or is otherwise stockpiled within the development;
 - d. Developer shall remove check dams and silt fencing as appropriate and in accordance with best management practices after all pad sites within the phase have been benched and stabilized and a final phase inspection of the newly benched pad sites has been performed and approved by the Town.
- E. Exceptions to Topographic Slope Protection: An exception to Section 98-147, Topographical Slope Protection is granted; provided however that this exception is limited to those areas intersected by public roads and that no exception is granted for any lot within the development. The developer shall provide detailed drawings that illustrate the impact of the proposed development on the natural topography and the manner by which the development is integrated into, reflects and maintains the overall integrity of the natural topography with subsequent record plat applications. In addition, the developer shall conform with the following requirements with subsequent record plat applications:
- 1. The identification of those specific Best Management Practices ("BMPs") that will be used to maintain and responsibly integrate the development into the natural topography together with an explanation regarding their use within the plans for such development. The BMPs to be used shall include, but are not limited to, those BMPs found within the Town's Engineering Design and Construction Standards.
 - 2. While recognized as a potential BMP, the use of retaining walls should be kept to a minimum. Any retaining wall four foot (4') or greater in height shall be designed by a professional engineer licensed by the State of Texas. Retaining walls exceeding eight feet (8') in height are prohibited except on a showing that the property owner will suffer undue hardship in the development of an individual lot in the absence of such an eight foot (8') tall retaining wall.



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 5

DATE: February 22, 2016

FROM: Doug Powell, Executive Director of Development Services

ITEM: Public Hearing to consider a request to amend the Land Development Regulations (LDR16-0001) by amending Section 98-2, entitled "Definitions," and Section 98-980, entitled "Farmer's market," of the Town's Code of Ordinances to allow a farmer's market to operate on any Town-owned property and to provide that all farmer's markets must abide by Town regulations and applicable provisions of state law.

I. ITEM SUMMARY

There are no outstanding issues associated with this request.

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

The purpose of this request is to amend the Town's Land Development Regulations in order to allow a farmer's market to operate on any Town-owned property and to amend the definition to match state regulations. The Town Council directed staff to proceed with this amendment during their meeting of February 1, 2016. Currently, the Code of Ordinances only allows farmer's markets on Agricultural zoned property with a SUP and within The River Walk at Central Park and Lakeside DFW developments. The zoning on the Town Hall site is currently Retail District-2 (R-2), and thus not eligible for a farmer's market under the current zoning regulations.

The following shows the proposed changes; the underlined words are new and the strike out words being deleted from the Code of Ordinances. As indicated, the changes to Section 98-980 (a) and 98-2 align the Town's regulations with current state statutes. The new Section 98-980 (b) is the provision that will allow the use to be on any property owned by the Town.

Section 98-980

- (a) All farmer's markets shall be located in covered spaces providing shelter for vendors and customers and shall provide for adequate off-street parking. No more than 20 percent of the display area shall be devoted to

~~the sale of nonfood articles and the sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, and/or home canned or packaged items shall be prohibited.~~ All vendors shall abide by the provisions of applicable Town ordinances and regulations and applicable state laws and regulations related to farmer's markets, including Texas Administrative Code, Title 25, Chapter 229, Subchapter FF.

- (b) A farmer's market may be permitted by the Town to operate on any property owned by the Town notwithstanding the district regulations applicable to said property.

Section 98-2

Farmer's market means a designated location used primarily for the distribution and sale directly to consumers of food by farmers and other producers~~the retail sale of farm produce by individual vendors for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey, where such produce, or its portion, is not grown on the premises.~~

It is anticipated that any farmer's market on Town property will be managed by a private contractor through a contract with the Town. Specifics of the location, operation, parking, etc., will be addressed in the contract.

Finally, the discussion of a farmer's market located at Town Hall included the notion that the use would be temporary. A market is planned for The River Walk at Central Park development, and the Town Hall site would be to initiate the concept, not compete with the River Walk site.

III. CORRESPONDENCE

The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle) for all Land Development Regulation amendments. At the time this report was written, staff had received no correspondence regarding the request.

IV. ATTACHMENTS

None



DEVELOPMENT SERVICES
PLANNING SERVICES DIVISION
Memorandum

DATE: February 22, 2016

TO: Planning and Zoning Commission

FROM: Tommy Dalton, Director of Strategic Services

SUBJECT: Work Session Regarding the Flower Mound Board and Commission Input Process

Chairman Forest and Commissioners,

The next Council Strategic Planning Session (SPS) is anticipated to occur this June or July; therefore, the process of soliciting input from the various boards and commissions has begun in accordance with the Flower Mound Board and Commission Input Process, implemented by the Town in October of 2014 (attached).

The purpose of this work session is to refresh the Planning and Zoning Commission (Commission) on the input process, and to narrow down and clarify any planning and zoning related initiatives for the Town Council to review and consider during its SPS. The caption for the work session has been written to allow a variety of topics to be discussed, but does not require the Commission to discuss each topic listed. That said the topic "landscape standards" has been identified by staff as specifically needing review and direction by the Commission.

Due to the range of possible topics under the purview of the Commission, staff may not have information readily available at the work session to supplement every discussion or to immediately respond to every question. Certain topics may require further research before being forwarded to the Council for consideration.

Additionally, some topics may be introduced which are beyond the purview of the Commission. Those topics will be forwarded to the appropriate department/board for comment prior to being forwarded to the Council. The Commission will be provided the response in a summary document.

Please let me know if you have any questions.



It is vital to the Town's strategic planning and communication efforts to solicit Board and Commission ("Board") input on various programs and initiatives. It is equally important that the various programs and initiatives created, reviewed, recommended, and acted on by the Town's Boards are consistent with Town Council goals and strategic planning efforts. Ensuring consistency provides for the most effective use of the Boards' and Town's collective resources. Communication of this input over the past several years has occurred numerous ways. The purpose of this document is to facilitate an input communication plan, providing guidelines to collect input in a consistent manner from the Town's various Boards.

The focus of this document is the timing by which Boards should provide input to the Town Council in order for the Council to provide feedback or direction on any given topic. Generally, the timing should occur prior to the Council's late winter/early spring Strategic Planning Session (SPS). However, timing may change depending on the circumstance.

Unique circumstances are inevitable. This document cannot account for every situation that may necessitate board input or action. However, it does cover four different scenarios. The first is providing typical feedback prior to the SPS, the second is providing input on a special project, the third is providing input during a joint work session with the Town Council, and the fourth is providing feedback on an initiative that does not fall under the three stated above.

Scenario 1 – Typical Feedback

Some Boards are accustomed to providing input during a work session discussion each winter. These work sessions are broadcasted live and available for online streaming which is recommended for transparency. These are akin to "brainstorming" sessions where ideas are exchanged and forwarded to the Town Manager by the Board liaison. The information is then provided to the Town Council during the following SPS.

In this scenario, the staff liaisons are informed of the SPS date ahead of time in order to prepare the Board for a work session discussion on any initiatives it would like direction or feedback.

Scenario 2 – Special Project

A few Boards have been part of this scenario, and an example is a development project. If the project is large and unique, several work sessions have been conducted to gain board feedback and comments on the project. The Boards typically involved include the Planning and Zoning Commission (P&Z), the Parks, Arts, and Library Services Board (PALS), the Transportation Commission (TRC), and the Environmental Conservation Commission (ECC).

In this scenario, the large project, or initiative is handled on a case-by-case basis, and the appropriate Boards are requested to conduct a work session to provide feedback during or shortly following the work session.



Scenario 3 – Joint Work Session

Several Boards (P&Z, PALS, ECC, and TRC) have conducted a joint work session with the Town Council to discuss ongoing or potential major projects. These work sessions are typically called by the Town Council on an as needed basis.

In this scenario, the appropriate Board is invited to a joint work session with the Town Council and help set the agenda. Typically, the Board liaison works with the Town Secretary to draft the agenda.

Scenario 4 – Other

A Board may wish to pursue an initiative during a given year. It is important the Board has clear direction from the Town Council, the initiative's goals are agreed on, and the initiative is in line with the Town Council's goals and strategic plan.

In this scenario, the Board would discuss the initiative during a regular meeting or work session. The Board liaison would provide details to the Town Manager who then forwards to the Town Council. The Council may also discuss the initiative during a regular meeting or work session where the staff liaison and/or Board members are invited to attend. The Council may also choose to conduct a joint work session with the Board.

Below are the Town Boards this process would impact:

1. Animal Services Board
2. Environmental Conservation Commission
3. Parks, Arts, and Library Services Board
4. Planning and Zoning Commission
5. SMARTGrowth Commission
6. Transportation Commission