



AGENDA

TOWN OF FLOWER MOUND PLANNING AND ZONING COMMISSION MEETING

OCTOBER 10, 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. ELECTION OF OFFICERS

- a. Chair
- b. Vice Chair

E. REGULAR ITEMS

1. *Minutes of September 26, 2016*

Consider approval of the minutes of the September 26, 2016, Planning and Zoning Commission Regular Session.

2. *RP16-0021 – Pecan Acres, Lot 3R, Block 14*

Public Hearing

Public Hearing to consider a request for a Replat to create one residential lot. The property is generally located north of Pecan Drive, east of Pinon Street.

F. CLOSED SESSION

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission to convene into a closed session for legal consultation with the Town Attorney to receive legal advice as follows:

- a. Item 3: MPA16-0005 – Smith Tract
- b. Item 4: MPA16-0006 – Smith Tract
- c. Item 5: MPA16-0007 – Smith Tract

G. RECONVENE INTO OPEN SESSION

The Planning and Zoning Commission to reconvene into open session.

3. *MPA16-0005 – Smith Tract* *Public Hearing*

Public Hearing to consider a request for a Master Plan Amendment to amend Section 5.0, Parks and Trails Plan, by amending Figure 5.4, Trails Master Plan, to remove the Paved Multi-Use Trail, Equestrian Trail, Equestrian Trail Head, and Complete Streets-Bike Lanes within and adjacent to the Smith Tract. The property is generally bounded by Cross Timbers Road, Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road. ***(The Parks, Arts and Library Services Board recommended denial by a vote of 4 to 0 at its September 1, 2016, meeting.)***

4. *MPA16-0006 – Smith Tract* *Public Hearing*

Public Hearing to consider a request for a Master Plan Amendment to amend Section 7.0, Thoroughfare Plan, by amending the Rural Collector cross-section for Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road adjacent to the Smith Tract to remove the bike lane designation. The property is generally bounded by Cross Timbers Road, Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road. ***(The Transportation Commission recommended denial by a vote of 5 to 1 at its September 13, 2016, meeting.)***

5. *MPA16-0007 – Smith Tract* *Public Hearing*

Public Hearing to consider a request for a Master Plan Amendment to amend Section 9.0, Wastewater Plan, to add the Smith Tract to the Wastewater Service Area depicted in Figure 1A. The property is generally bounded by Cross Timbers Road, Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road.

6. *MPA16-0010 – Urban Design Façade Materials* *Public Hearing*

Public Hearing to consider a request for a Master Plan Amendment to amend Section 4, Urban Design Plan, by modifying the Architectural Standards to add stucco as a primary masonry option under Façade Materials.

7. *MPA16-0011 – Urban Design Architectural Standards* *Public Hearing*

Public Hearing to consider a request for a Master Plan Amendment to amend Section 4, Urban Design Plan, by modifying the Architectural Standards to add a new subparagraph 1.3 stating that buildings certified as Leadership in Energy and Environmental Design (LEED) Gold or better can request waivers to the Architectural Standards.

8. *LDR16-0002 – Tree Ordinance Amendments* *Public Hearing*

Public Hearing to reconsider approval of an ordinance amending Chapter 94, "Trees", of the Land Development Regulations of the Code of Ordinances by amending Section 94-22, entitled "Protected tree lists," Section 94-23, entitled "Tree survey; development projects," Section 94-32, entitled "Trees located in buildable area," Section 94-39, entitled "Mitigation requirements for authorized tree removal," Section 94-40, entitled "Incentives for preservation of protected, specimen, and historic trees," Section 94-51, entitled "Enumeration," Section 94-65, entitled "Residential lots," Section 94-66, entitled "Approved tree planting lists," Section 94-81, entitled "Exceptions," and deleting Section 94-67, entitled "Landscape credit for large trees."

9. *LDR16-0003 – Prohibited Signs Amendment* *Public Hearing*

Public Hearing to consider a request to amend the Land Development Regulations by deleting subparagraph (12) of Section 86-4, entitled "Prohibited signs," of the Town's Code of Ordinances to remove the prohibition on the use of exposed neon.

10. *LDR16-0005 – Site Plan Administrative Approval* *Public Hearing*

Public Hearing to consider a request to amend the Land Development Regulations by amending various sections within Chapter 82, entitled "Development Standards," and Chapter 98, entitled "Zoning," of the Town's Code of Ordinances to provide for administrative approval of site plans that meet the Town's standards.

H. ADJOURNMENT

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: Oct. 6, 2016, at 4:40 pm, 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 26TH DAY OF SEPTEMBER, 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
Perfecto Solis	Vice Chair
Laile Neal	Commissioner, Place 2
Mike McCall	Commissioner, Place 3
Al Linley	Commissioner, Place 5
Laura Dillon	Commissioner, Place 6
Heth Kendrick	Commissioner, Place 8
David Johnson	Commissioner, Place 9

Constituting a quorum with the following members absent:

Brad Ruthrauff	Commissioner, Place 1
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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
Chuck Russell	Town Planner
Robert Pegg	Engineering Manager
Poornima Srinarasi	Senior Planner
Cindi Price	Executive Assistant

- A. CALL TO ORDER: 6:30 P.M.**
- B. INVOCATION AND PLEDGE OF ALLEGIANCE**
- C. CITIZENS/VISITORS COMMENTS**

There were none.

- D. REGULAR ITEMS**

- 1. Consider approval of the minutes of the September 12, 2016, Planning and Zoning Commission Regular Session.**

Commission Deliberation

Vice Chair Solis moved to approve the September 12, 2016, minutes as presented.
Commissioner Neal seconded the motion.

VOTE ON THE MOTION

AYES: Dillon, Linley, Solis, Neal, Kendrick

NAYS: None

ABSTAIN: McCall

ABSENT: Ruthrauff

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

2. Public Hearing to consider a request for a Replat (RP16-0025 – Canyon Falls, Village 6A, Lot 15R, Block H) to create one residential lot. The property is generally located north of Pampas Road and west of Whiskerbrush Road.

Staff Presentation

Poornima Srinarasi, Senior Planner

Applicant Presentation

Tom Dayton, J. Volk Consulting, Plano

In Favor – None

In Opposition – None

Close Public Hearing

Commission Deliberation

Commissioner McCall moved to approve RP16-0025 – Canyon Falls, Village 6A, Lot 15R, Block H. Vice Chair Solis seconded the motion.

VOTE ON THE MOTION

AYES: Kendrick, Neal, McCall, Solis, Linley, Dillon

NAYS: None

ABSTAIN: None

ABSENT: Ruthrauff

The motion passed with a vote of 6-0.

3. Public Hearing to consider a request for a Comprehensive Sign Package (CSP16-0005 – Prairie Commons) for the Prairie Commons development. The property is generally located north of Sagebrush Drive and west of Yucca Drive.

Staff Presentation

Chuck Russell, Town Planner

Applicant Presentation

Mark Glover, iMark Realty Advisors, Flower Mound
Bill Peck, William Peck & Associates, Lewisville

In Favor –

Paul Stone, 709 Lake Bluff, Flower Mound

In Opposition – None

Close Public Hearing

Commission Deliberation

Commissioner McCall moved to recommend approval of CSP16-0005 – Prairie Commons. Vice Chair Solis seconded the motion.

VOTE ON THE MOTION

AYES: Dillon, Linley, Solis, McCall, Neal, Kendrick

NAYS: None

ABSTAIN: None

ABSENT: Ruthrauff

The motion passed with a vote of 6-0.

E. **ADJOURNMENT: 7:17 P.M.**

TOWN OF FLOWER MOUND, TEXAS

DOUGLAS S. POWELL, AICP
Executive Director, Development Services

ATTEST:

Cindi Price, Executive Assistant



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 2

DATE: October 10, 2016

FROM: Richard Brown, Senior Planner

ITEM: **Public Hearing to consider a request for a Replat (RP16-0021 - Pecan Acres, Lot 3R, Block 14) to create one residential lot. The property is generally located north of Pecan Drive, east of Pinon Street.**

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 replat is to combine three lots into one residential lot, containing a total of 31,753 square feet. The property is zoned Single-Family District-10 (SF-10). The plat depicts necessary setbacks, and the access to the newly created lot will continue to be from Pecan Drive and Pinon Street. At this time, no access is planned for that portion of the lot fronting on Walnut Street.

Two of the three lots (fronting Pinon Street and Pecan Drive) are improved with a single family structure, covered parking area (for boat), detached garage, and a storage building. The lot fronting on Walnut Street is undeveloped. The property owner has indicated a desire to replat so as to extend sanitary sewer from Walnut Street to the main residential structure.

III. CORRESPONDENCE

Since this property is zoned single-family residential, 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 that also live within the same subdivision. At the time this report was written, staff had received one written correspondence requesting a response to several items, with no stated support or opposition to this request.

IV. ATTACHMENTS

A. Background Information

1. Vicinity Map

2. Letter of Intent

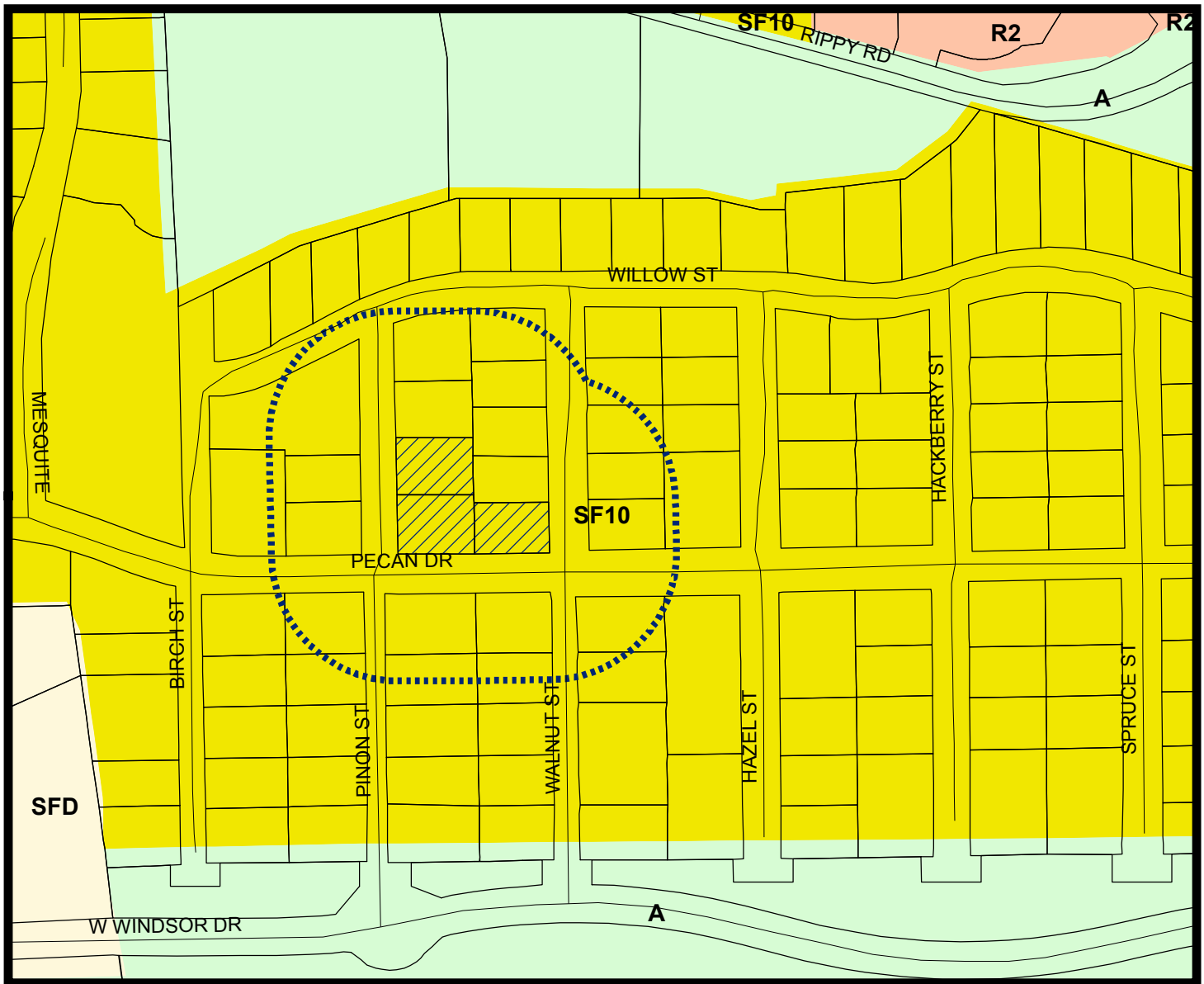
B. Application Details

1. Replat Package

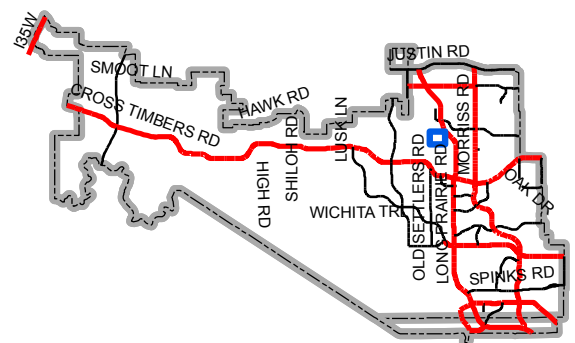
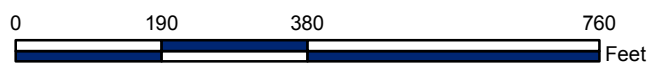
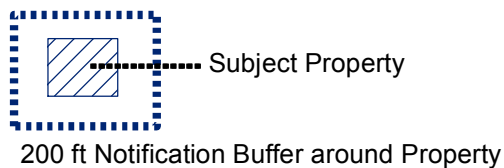


Vicinity Map

Reference Project: RP16-0021



LEGEND



Map Location

Pecan Acres Subdivisions – Replat

Letter of Intent

The purpose of this Replat is to combine Lots 3, 4, and 5 to create one residential lot under one owner (Conrad M. Roach and Donna Roach). Lot 5 is being included in the replat so that a sewer line can extend from the house on Lot 4, cross Lot 5, and tie into the sanitary sewer on Walnut Street.

- Existing Land Use of the Property: Residential
- Existing Zoning District: SF-10
- Proposed Lots: 3 residential lots
- Acreage of Property: 0.729 Acres

Existing Improvements at 3106 Pecan Drive, Flower Mound

Pecan Acres

Lot 3 Block 14 has a garage on it.

Lot 4 Block 14 has a house, metal storage building, and covered boat storage on it.

Lot 5 Block 14 is an empty lot.

Sincerely,

Conrad M. & Donna Roach

STATE OF TEXAS

COUNTY OF DENTON

WHEREAS, Conrad M. Roach and Donna Roach are the sole owners of a tract of land located in the Cardier Survey, Abstract No. 302, in the Town of Flower Mound, Denton County, Texas, and being all of Lots 3, 4 and 5, Block 14, of Pecan Acres Subdivision, an Addition to the Town of Flower Mound, Denton County, Texas, according to the plat thereof recorded in Volume 5, Page 39, of the Plat Records of Denton County, Texas; and being all of that certain tract of lands conveyed to Conrad M. Roach and Donna Roach by deeds recorded in Document No. 83-38540, of the Public Records of Denton County, Texas, and being all of that certain property described as follows:

BEGINNING at a 3/8 inch iron rod found for the most easterly northeast corner of the herein described tract, same being the northeast corner of said Lot 5, same being the southeast corner of Lot 8, Block 14, said Pecan Acres Subdivision, same being in the west right of way line of Walnut Street (60 foot right of way);

THENCE South 00 deg. 43 min. 32 sec. East, along the common line of said Lot 5 and said Walnut street, a distance of 79.77 feet to a 1/2 inch iron rod found for the southeast corner of the herein described tract, same being the southeast corner of said Lot 5, same being in the northwest intersection of said Walnut Street and Pecan Drive (60 foot right of way);

THENCE South 89 deg. 17 min. 33 sec. West, along the common line of said Lot 5 and said Pecan Street, passing the southwest corner of said Lot 5, same being the southwest corner of said Lot 4, and continuing along the common line of said Lot 4 and said Pecan Drive, a total distance of 240.00 feet to a 3/8 inch iron rod found for the southwest corner of the herein described tract, same being the southwest corner of said Lot 4, same being in the northwest intersection of said Pecan Drive and Pinion Street (60 foot right of way);

THENCE North 00 deg. 43 min. 32 sec. West, along the common line of said Lot 4 and said Pinion Street, passing the northwest corner of said Lot 4, same being the southwest corner of said Lot 3, and continuing along the common line of said Lot 3 and said Pinion Street, a total distance of 185.06 feet to a point from which a 1/2 inch iron rod found bears South 89 deg. 16 min. 36 sec. West, 0.50 feet for the northwest corner of the herein described tract, same being the northwest corner of said Lot 3, same being the southwest corner of Lot 2, Block 14, said Pecan Acres Subdivision;

THENCE North 89 deg. 16 min. 36 sec. along the common line of said Lot 3 and said Lot 2, a distance of 120.00 feet to a 1/4 inch iron rod found for the most northerly northeast corner of the herein described tract, same being the northeast corner of said Lot 3, same being in the west line of Lot 7, Block 14, said Pecan Acres Subdivision;

THENCE South 00 deg. 43 min. 32 sec. East, passing a 1/2 inch iron rod found with RPLS 4888 stamp for the southwest corner of said Lot 7, same being the northeast corner of aforesaid Lot 6, and continuing along the common line of said Lot 3, and said Lot 6, passing a 1/2 inch iron rod found for the southeast corner of said Lot 3, same being the northeast corner of aforesaid Lot 4, and continuing along the common line of said Lot 6 and said Lot 4, a total distance of 105.80 feet to a 1/2 inch iron rod found with RPLS 4888 stamp for an internal corner of the herein described tract, same being in the east line of said Lot 4, same being the northwest corner of aforesaid Lot 5, same being the southwest corner of said Lot 6; THENCE North 89 deg. 04 min. 06 sec. East, along the common line of said Lot 5 and said Lot 6, a distance of 120.00 feet to the POINT OF BEGINNING and containing 31,753 square feet or 0.729 acre of computed land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT CONRAD M. ROACH and DONNA ROACH, do hereby adopt this plat designated herein as **LOT 3R, BLOCK 14, OF PECAN ACRES SUBDIVISION**, an addition in the Town of Flower Mound, Denton County, Texas.

The easements shown hereon are hereby reserved for the purposes as indicated. All streets, alleys, and rights-of-way, are hereby dedicated in fee simple to the Town of Flower Mound for municipal purposes. The utility and fire lane easements (streets, alleys and common areas) shall be open to the public, fire and police units, garbage and rubbish collection agencies and all public and private utilities for each particular use. No buildings, trees, shrubs or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the utility easements as shown. Said utility easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same.

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

This plat approved subject to all pitting ordinances, rules, regulations and resolutions of the Town of Flower Mound.

WITNESS my hand at _____ Texas, this the _____ day of _____, 2016.

By: _____
Owner: Conrad M. Roach

STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared Conrad M. Roach, known to be to the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

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

Notary Public in and for the State of Texas

My Commission Expires: _____

WITNESS my hand at _____ Texas, this the _____ day of _____, 2016.

By: _____
Owner: Donna Roach

STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared Andrea A. Wood, known to be to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

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

Notary Public in and for the State of Texas

My Commission Expires: _____

SURVEYOR'S CERTIFICATE

THIS is to certify that I, TIMOTHY R. MANKIN, a Registered Professional Land Surveyor for the State of Texas, have plotted the above subdivision from an actual survey on the ground, and that this plot correctly represents that survey made by me or under my direction and supervision. **THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE**

TIMOTHY R. MANKIN
R.P.L.S. NO. 6122
10/5/2016

STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared Hugh E. Peiser, known to be to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

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

Notary Public in and for the State of Texas

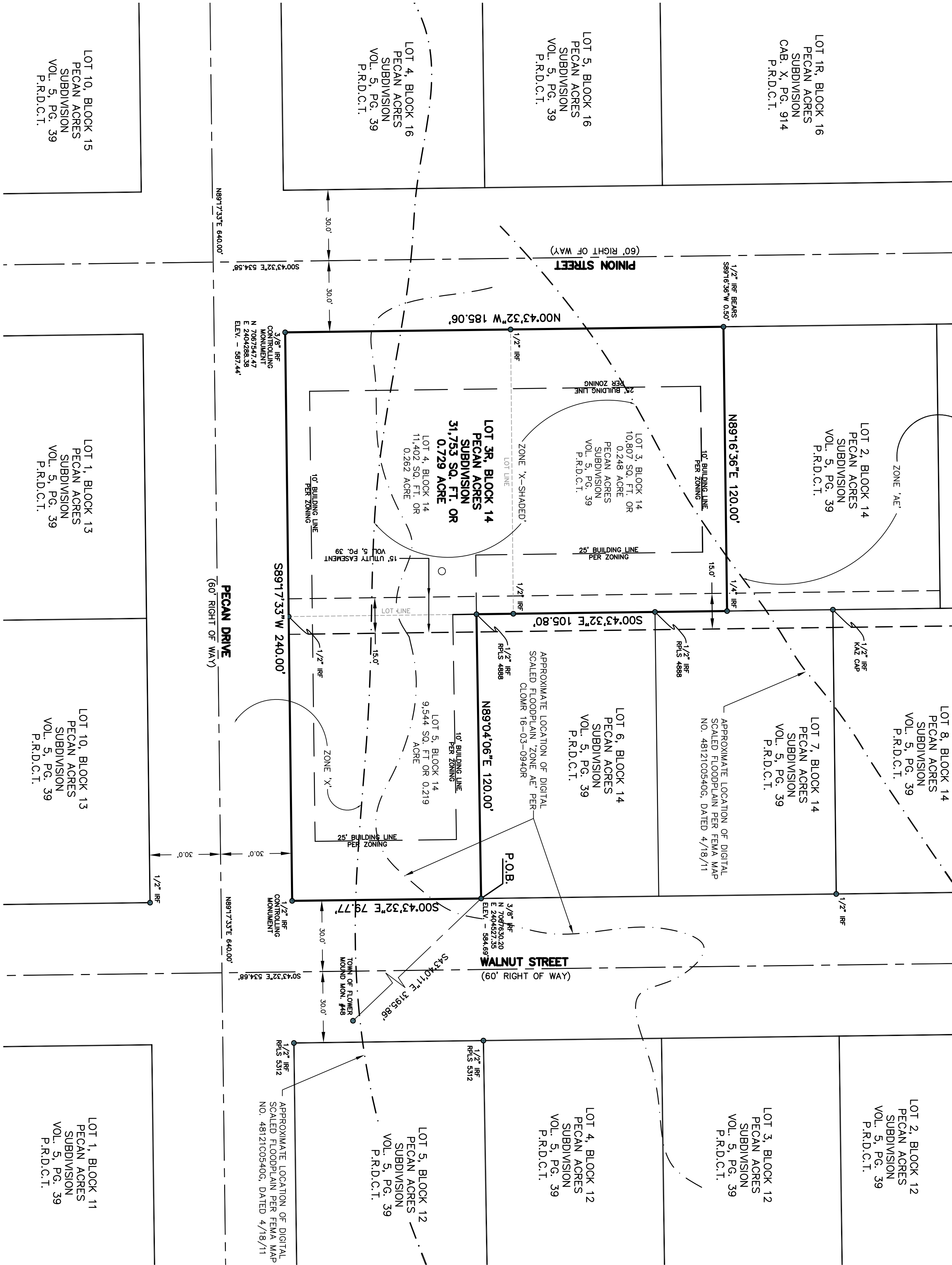
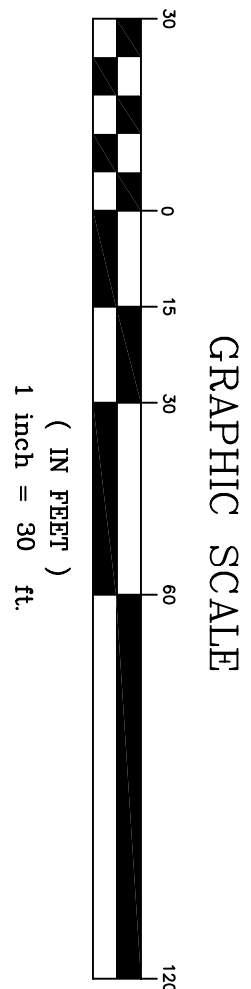
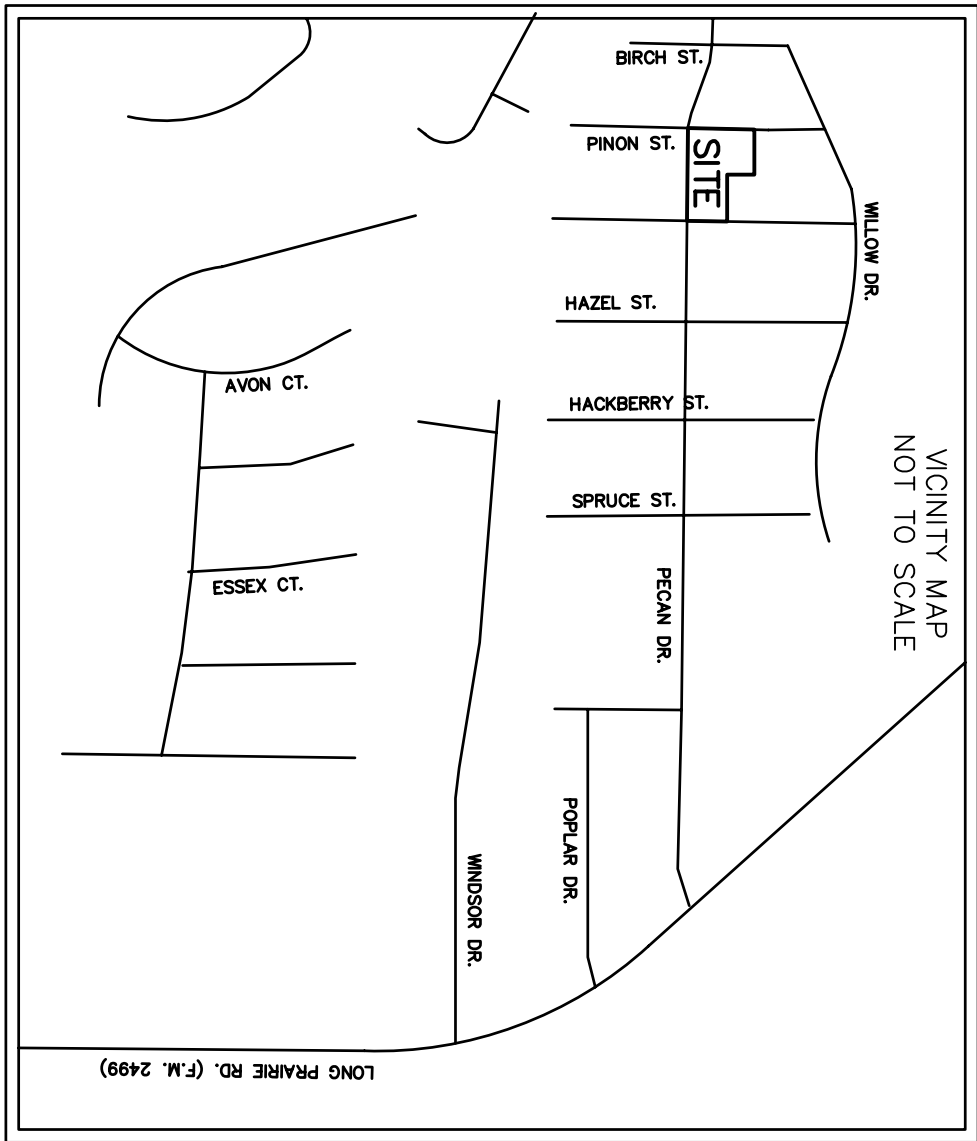
My Commission Expires: _____

A RECORD REPLAT PLAT OF
LOT 3R, BLOCK 14
PECAN ACRES SUBDIVISION,
AN ADDITION TO THE TOWN OF FLOWER MOUND,
DENTON COUNTY, TEXAS,

being a replat of Lots 3, 4 and 5, Block 14, of Pecan Acres Subdivision,
an Addition to the Town of Flower Mound, Denton County, Texas,
according to the plat recorded in Volume 5, Page 39,
of the Plat Records of Denton County, Texas

PEISER & MANKIN SURVEYING, LLC
www.peisersurveying.com

DRAWN: M.C.M.	DATE: 16-0515	JOB NO.: 16-0515
SCALE: 1" = 30'	REV: 8/7/2016	DATE: 6/9/2016
10/5/2016	8/7/2016	8/7/2016
623 E. DALLAS ROAD GRAPEVINE, TEXAS 76051 817-481-1865 (O) 817-481-1865 (F)	COMMERCIAL RESIDENTIAL TOPOGRAPHY MORTGAGE	1 OF 1
FIRM No. 100999-00	Member Since 1977	



NOTES:

1. RFE - Iron Rod Found
2. Basis of Bearings - Subject Plat
3. The purpose of this plat is to replat three lots into one.
4. VOL - Volume
5. P.R.D.C.T. - Plat Records, Denton County, Texas
6. CAB. - Cabinet
7. P.O.B. - Point of Beginning
8. SQ. FT. - Square Feet

The State Plane Coordinates shown hereon are based on G.P.S. No. 7 of the Town of Flower Mound which bears:	
Coordinate Zone	4202 NAD 83 (1993)
Grid	X: 2,405,620.159
Coordinates	Y: 7,069,771.168
Latitude	N 33 01' 18.45081"
Longitude	W 97 04' 23.539527"
Orthometric Elevation	588.14'
Combined Scale Factor	0.999844500

FLOOD CERTIFICATE
As determined by the FLOOD INSURANCE RATE MAPS for Denton County, Texas, the subject property Does Not lie within a Special Flood Hazard Area (SFHA), Flood Insurance Rate Map (FIRM) No. 48121C0340G, corrected by FIRM 16-03-0940R, subject lot is located in Zone "AE" and "X-SHADED".



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 3

DATE: October 10, 2016

FROM: John Habern, Parks, Trails & Landscape Specialist

ITEM: Public Hearing to consider a request for a Master Plan Amendment (MPA16-0005 – Smith Tract) to amend Section 5.0, Parks and Trails Plan, by amending Figure 5.4, Trails Master Plan, to remove the Paved Multi-Use Trail, Equestrian Trail, Equestrian Trail Head, and Complete Streets-Bike Lanes within and adjacent to the Smith Tract. The property is generally bounded by Cross Timbers Road, Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road. *(The Parks, Arts and Library Services Board recommended denial by a vote of 4 to 0 at its September 1, 2016, meeting.)*

I. ITEM SUMMARY

There are two companion Master Plan Amendment requests for consideration on the same agenda (MPA16-0006 and MPA16-0007).

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

This application was presented to the Parks, Arts and Library Services (PALS) Board on September 1, 2016. The details of the request and staff report are contained in Attachment A.1. The video of the meeting can be viewed at:

<http://flowermoundtx.swagit.com/play/09012016-806>.

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 Master Plan amendment requests. Correspondence received after the posting of the PALS agenda packet and provided to the Board at their meeting has been included with the agenda item (Attachment A.1). Any correspondence received after this packet is posted will be handed out at the Planning and Zoning Commission meeting.

IV. ATTACHMENTS

A. Background Information

1. PALS Board Agenda Item



**Parks, Arts and Library Services
(PALS) Board
AGENDA ITEM NO. ____**

DATE: September 1, 2016

FROM: John Habern, Parks, Trails and Landscape Specialist

ITEM: **Public Hearing to consider recommending to Planning and Zoning Commission and Town Council a Master Plan Amendment (MPA16-0005 – Smith Tract) to amend Section 5.0, Parks and Trails Plan, by amending Figure 5.4, Trails Master Plan, to remove the Paved Multi-Use Trail, Equestrian Trail, Equestrian Trailhead, and Complete Streets-Bike Lanes within and adjacent to the Smith Tract. The property is generally bounded by Cross Timbers Road, Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road.**

Background Information: The applicant has three applications in with the Town: a Master Plan Amendment (MPA16-0005) to amend section 5.0 of the Parks and Trails Plan, a Master Plan Amendment (MPA16-0006) to amend section 7.0 of the Thoroughfare Plan, and a Master Plan Amendment (MPA16-0007) to amend section 9.0 of the Wastewater Plan. Only one application (MPA16-0005) will need consideration from the PALS Board. The applicant is requesting that the Town amend section 5.0 of the Parks and Trails Master Plan to remove multi-use trail, equestrian trail and trailhead, as well as complete street-bike lanes within and adjacent to the Smith Tract. The applicant is indicating that these requirements do not benefit the property and have prevented development.

The vision for the trails network is to connect neighborhoods to parks, schools, churches, municipal buildings, and retail centers. In addition to internal trails, the desire is to foster connectivity with adjacent cities and towns by providing trail connections to other existing and proposed trails wherever possible. If the applicants request is granted, it would leave gaps in the Town's trail network.

Alternatives or Options: The Board may wish to recommend the trails, trailhead, and street-bike lanes within and adjacent to the Smith Tract remain or be removed from the Parks and Trails Master Plan as requested.

Fiscal Impact: N/A

Legal Issues: N/A

Attachments:

1. Applicants Letter of Intent
2. Parks and Trails Master Plan
3. Amended Parks and Trails Master Plan



**Parks, Arts and Library Services
(PALS) Board
AGENDA ITEM NO. ____**

Recommendation:

Move to recommend to Planning and Zoning Commission and Town Council an amendment to the Parks and Trails Master Plan to remove the Paved Multi-Use Trail, Equestrian Trail, Equestrian Trailhead, and Complete Streets-Bike Lanes within and adjacent to the Smith Tract generally bounded by Cross Timbers Road, Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road.

- OR -

Move to recommend to Planning and Zoning Commission and Town Council denial of the amendment to the Parks and Trails Master Plan and retain the Paved Multi-Use Trail, Equestrian Trail, Equestrian Trailhead, and Complete Streets-Bike Lanes within and adjacent to the Smith Tract generally bounded by Cross Timbers Road, Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road.

Letter of Intent

Master Plan Amendment request for 482.16 acres of property located at the southeast corner of Shiloh Road and F.M. Highway 1171 (“Property”)

a) State why the applicant is proposing to change the land use for the subject property.

The applicant is not proposing a change of land use at this time. The existing land use is agricultural.

b) Specify the existing zoning district(s).

The Property is currently zoned within the Agricultural (A) district. The Property is also located in the Cross Timbers Conservation Development District as designated in the Town’s SMARTGrowth program. This district is currently governed by the Town’s conservation development standards.

c) Define acreage of subject property.

The property that is the subject of this Master Plan Amendment request is approximately 482.16 acres, as more particularly described in Exhibit A attached hereto.

d) Specify any special considerations (i.e. requested waivers from the standard zoning districts, variances, unique characteristics of the property).

Parks and Trails Plan Amendment

The Town’s Parks and Trails plan shows a series of trails, including an equestrian trail to be located through the Property. The equestrian trails provide no benefit to the Property unless an equestrian development is proposed. There are no future plans to develop such an equestrian development; thus, the proposed trail is a significant restriction that has prevented development of the Property. The property owner requests removal of this equestrian trail because it does not provide any benefit to the Property.

Likewise, the bike lane and paved multi-use trail that are shown through the Property and along the Property boundary do not benefit the Property. Further, these trails have made future development of the Property cost-prohibitive. See *Town of Flower Mound v. Stafford Estates, L.P.*, 71 S.W.3d 18 (Tex. App.—Fort Worth 2002) *aff’d*, 135 S.W.3d 620 (Tex. 2009). Moreover, the cost associated with the proposed trails is not proportionate to any development on the Property. Due to the reasons stated herein, the property owner requests an amendment to the Parks and Trails Plan to eliminate all of the proposed trails and bike lanes shown on the Parks and Trails Plan through and along the boundary of the Property, more specifically shown on the Master Plan Amendment Exhibit included with this application.

Sewer Master Plan

The service area boundary shown on the Wastewater Service Area Exhibit of the Town's Wastewater Plan does not encompass the Property. Its boundary only extends to a small portion of the 482.16 acres. Thus, the service area boundary is insufficient to provide the Property with continuous or adequate sewer service.

Without centralized sewer service, the property owner would be required to use an on-site septic system for any development. As far back as 1994, the Town stated that this area has "a severely limited suitability for septic fields." From an environmental perspective, a septic system is typically less desirable than a sewer system. For example, "if a septic system does not function properly, it may discharge a significant amount of untreated wastewater directly to soils underlying groundwater."¹ Contaminants found in the untreated wastewater could include pathogens such as bacteria and viruses as well as household chemicals. Additionally, septic systems are unable to treat some household cleaning products effectively because of their chemical make-up. These untreated chemicals can cause groundwater contamination to surrounding properties and natural ecosystems. A centralized sewer system is preferable because there is less risk to groundwater contamination. This is particularly significant in light of the Property's close proximity to Lake Grapevine.

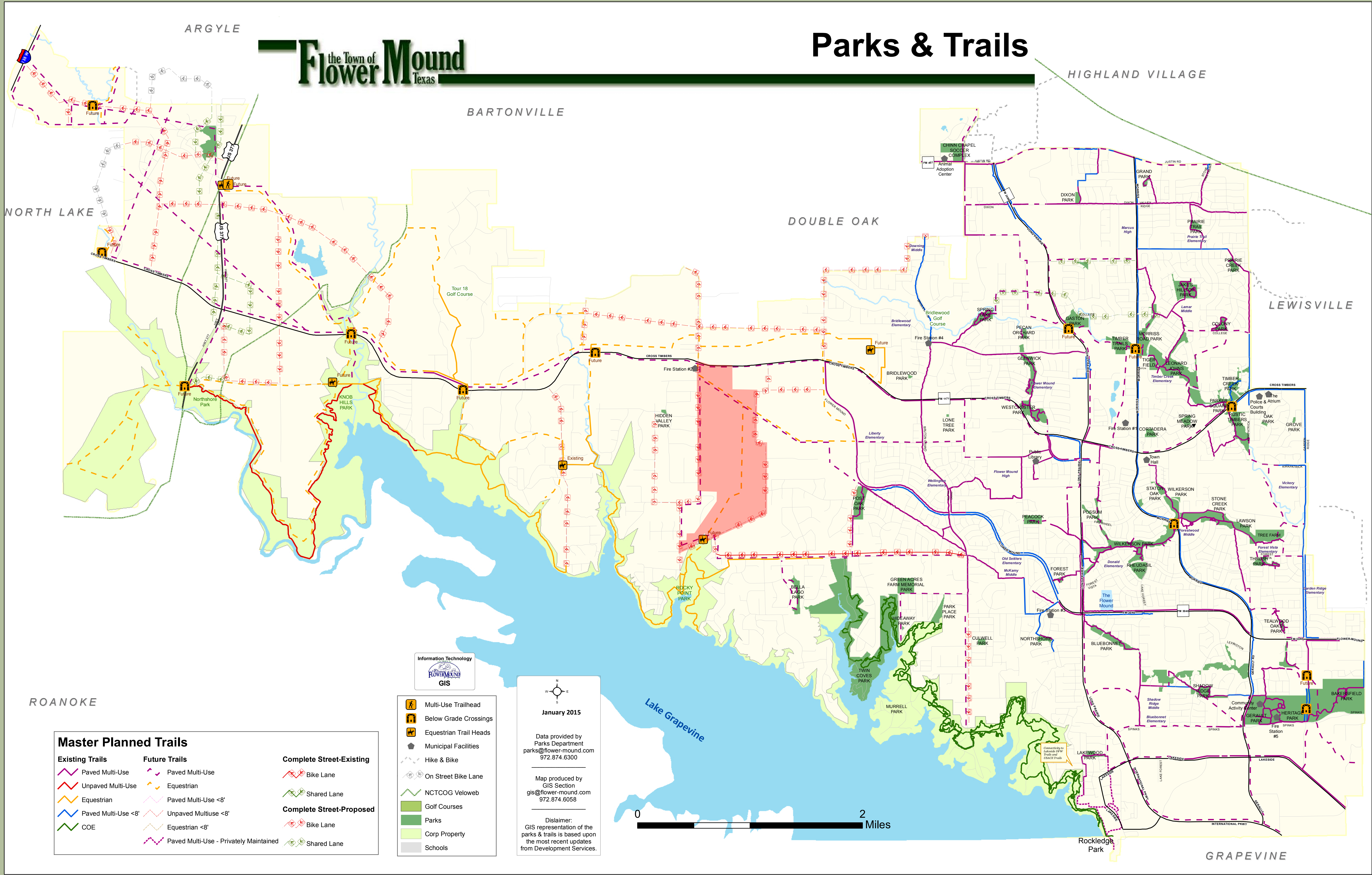
Moreover, sewer systems are more equipped to withstand periods of heavy rainfall or inclement weather. Septic systems are not as well equipped to handle these storms, resulting in overflow of contaminants – another cause of groundwater and surface water pollution. In addition to threatening surrounding ecosystems, this contamination can threaten public health because diseases from pathogens can be spread through surface water or mosquitoes that breed in areas where sewage contaminants are spread. Finally, improperly treated sewage can create increased nitrates in the water supply. The increase in nitrates can cause an escalation in plant growth in nearby lakes and streams that can create dead zones lacking in riparian life. For all of the reasons stated above, centralized sewer service is preferable than a septic system for provision of wastewater treatment on the Property. An amendment to the Town's Wastewater Plan is necessary for the Property to have adequate provision of sewer service.

The boundaries of the Wastewater Service Area are not sacrosanct as the Town has amended these boundaries from time to time. Based upon the Town's Wastewater Service Area Exhibit, it appears that the Town recently amended its sewer service boundary area to add three tracts that were located within the Cross Timbers Conservation Development District. The property owner requests that the Town treat this Property similarly by amending its service area boundary to include all of the Property so that adequate sewer service may be provided.

¹ John J. Schwartz, Ann T. Lemley, Kalpana Pratap, Household Chemicals and Your Septic System: Fact Sheet 16, Cornell Cooperative Extension, College of Human Ecology, December 2004.



Parks & Trails



Master Planned Trails

Existing Trails	Future Trails	Complete Street-Existing
Paved Multi-Use	Paved Multi-Use	Bike Lane
Unpaved Multi-Use	Equestrian	Shared Lane
Equestrian	Paved Multi-Use <8'	Complete Street-Proposed
Paved Multi-Use <8'	Unpaved Multiuse <8'	Bike Lane
COE	Equestrian <8'	Shared Lane
	Paved Multi-Use - Privately Maintained	

Information Technology

GIS

	Multi-Use Trailhead
	Below Grade Crossings
	Equestrian Trail Heads
	Municipal Facilities
	Hike & Bike
	On Street Bike Lane
	NCTCOG Veloweb
	Golf Courses
	Parks
	Corp Property
	Schools

January 2015

Data provided by
Parks Department
parks@flower-mound.com
972.874.6300

Map produced by
GIS Section
gis@flower-mound.com
972.874.6058

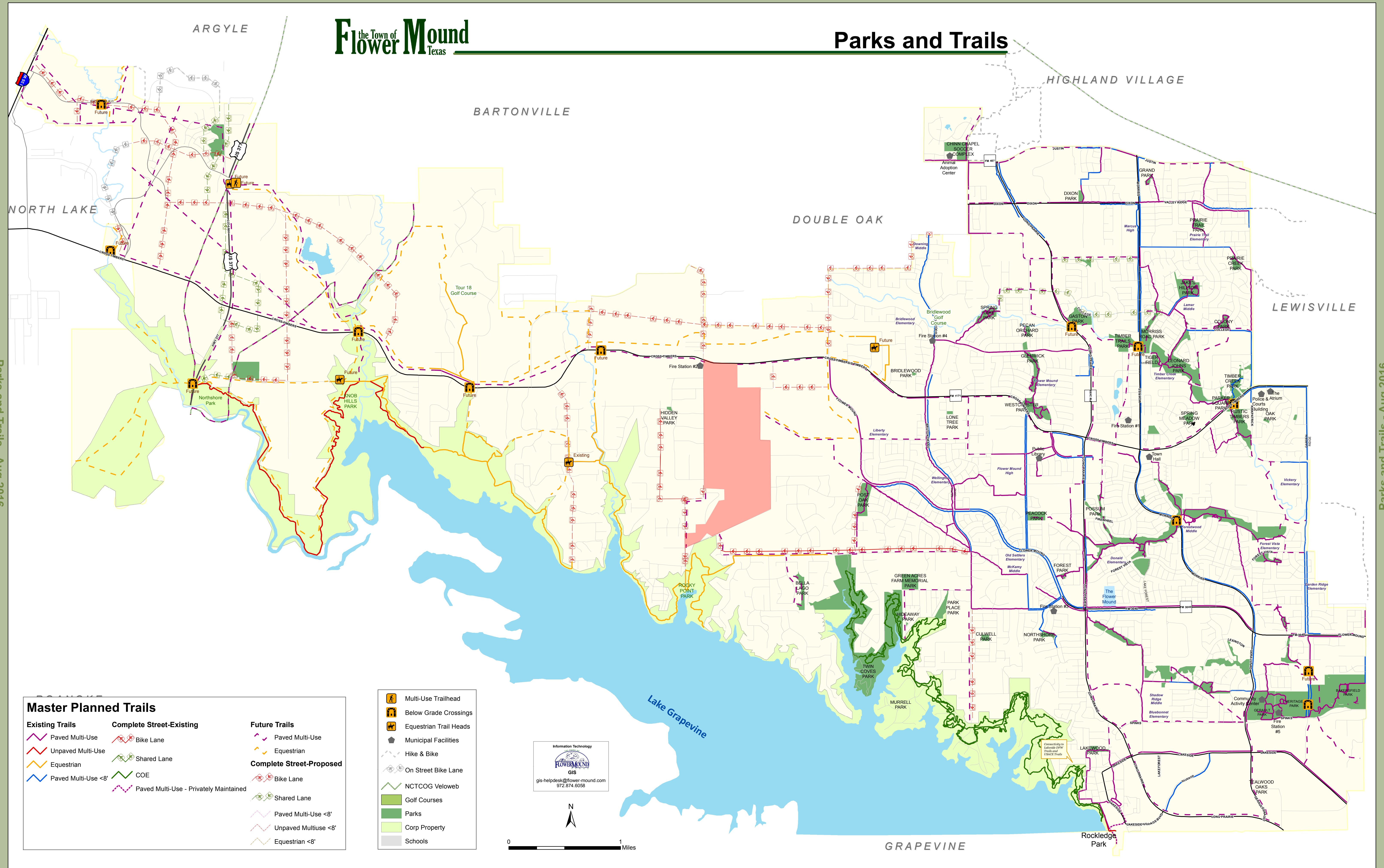
Disclaimer:
GIS representation of the
parks & trails is based upon
the most recent updates
from Development Services.



Parks & Trails

Parks & Trails

Parks and Trails





Community SERVICES Memorandum

DATE: September 1, 2016

TO: Parks, Arts and Library Services

FROM: John Habern, Parks, Trails and Landscape Specialist

SUBJECT: Items No. 3 - Smith Tract
(MPA16-0005)

Madam Chair Jones and board members,

Attached is correspondence we received regarding this item after the packets were completed.

Thank you.

From: Andy Hughes
Sent: Wednesday, August 31, 2016 1:15 PM
To: parks@flowermound.com; Cindi Price; Doug Powell
Subject: Master Plan Amendments for Shiloh Rd at 1171

All,

I am writing this letter to you to let you know of my DISAPPROVAL of the Master Plan Amendments for Shiloh Rd at 1171.

PLEASE ensure the our wonderful community is the primary concern.

The integrity of the Cross Timbers has been maintained by limiting density and prohibiting sewer. This also preserves natural surface areas that absorb storm water.
This area is highly sought after for its natural and almost pristine beauty and incredible wildlife.

It is our understanding that a Development Plan has never been submitted. The landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a development plan.

Flower Mound has maintained its value and reputation of being one of the best cities to live in. Please let's not change! I am begging you to make this proposal like any other and follow the rules.
Its impact on us (the neighbors), wildlife, storm water and values will be devastating.

Andy Hughes
Concerned Neighbor

From: Rubyann Darnell
Sent: Wednesday, August 31, 2016 12:23 PM
To: Cindi Price
Subject: Shiloh Road Land

Please don't let them get around our Master Plan, it was voted on years ago for a reason, like this one.

Thanks,
Gordon J. and Rubyann T. Darnell
6409 Red Bud Drive
Flower Mound, TX 75022

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

From: Melanie DeLeon

To: doug.powell <doug.powell@flower-mound.com>; cindiprice <cindiprice@flower-mound.com>; parks <parks@flowermound.com>

Sent: Wed, Aug 31, 2016 9:40 am

Subject: Master Plan Amendments for Shiloh Rd at 1171

Dear Mr. Powell, Ms. Price and Flower Mound Parks,

I am writing this letter to you to let you know of my disapproval of the Master Plan Amendments for Shiloh Rd at 1171.

The integrity of the Cross Timbers has been maintained by limiting density and prohibiting sewer. This also preserves natural surface areas that absorb storm water.

This area is highly sought after for its natural and almost pristine beauty and incredible wildlife.

It is our understanding that a Development Plan has never been submitted. The landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a development plan.

Flower Mound has maintained its value and reputation of being one of the best cities to live in. Please let's not change! I am begging you to make this proposal like any other and follow the rules.

Its impact on us (the neighbors), wildlife, storm water and values will be devastating.

V/R

Melanie DeLeon

Realtor

Citiwide Properties

3214 Lakewood Lane

Flower Mound, TX 75022

From: Sam Morehouse
Sent: Wednesday, August 31, 2016 7:29 AM
To: Cindi Price
Subject: Master Plan Change

I have noticed the signs around the large 3 parcel Smith property regarding a Master Plan Amendment request. Apparently the landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. If successful, many other landowners would then begin to take this back-door method of changing the master plan.

I am concerned with protecting the current Conservation District Development guidelines and I am opposed to ANY development that would impact the current protection.

Please accept this message as a formal registration of this citizen's great concern and opposition as noted above.

Sam Morehouse
3415 Mesa Dr.

From: jena toich
Sent: Tuesday, August 30, 2016 9:32 PM
To: Jade Olson; Cindi Price; doug.powel@flower-mound.com
Subject: Sept. 1 meeting

Hi,

My name is Jena Toich. I reside at 7408 Bolo Lane in Flower Mound. I am so fortunate to live in the Cross Timbers area.

I am unable to attend, but I have comments about the Master Plan Amendments.

Please note that my comments are in regards to a meeting this Thursday Sept 1 at 6:30 p.m. at town hall with the Parks/Arts/Library Board on whether to waive the requirement for trails, even though the Town is working to expand its parks and trails.

THREE Master Plan Amendments are requested:

1) Bring in municipal sewer

Although sewer is a highly contentious topic, I have no opinion here.

2) remove the trails requirement

I am opposed to removing the trails requirement.

3) remove the bike lanes requirement for Shiloh/Cardinal/Scenic roads (entire perimeter)

I oppose removing the bike lane requirement.

I have noticed the signs around the large 3 parcel Smith property regarding a Master Plan Amendment request. Apparently the landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. If successful, many other landowners would then begin to take this back-door method of changing the master plan. I am concerned with protecting the current Conservation District Development guidelines and I am opposed to ANY development that would impact the current protection.

Please accept this message as a formal registration of this citizen's great concern and opposition as noted above.

Peggie Kimberlin
3400 Mesa Dr.
Flower Mound, TX 75022

I am opposed to the proposed changes to the Master Plan relative to the Smith property. As such plans mature, it is always difficult to preserve their integrity. Please add my objection to those of my neighbors in this last green area of our town.

Madeline Haynie

I have noticed the signs around the large 3 parcel Smith property regarding a Master Plan Amendment request. Apparently the landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. If successful, many other landowners would then begin to take this back-door method of changing the master plan.

I am concerned with protecting the current Conservation District Development guidelines and I am opposed to ANY development that would impact the current protection.

Please accept this message as a formal registration of this citizen's great concern and opposition as noted above.

Joel Loeb
3404 Raintree Dr.
Flower Mound, TX. 75022

PALS Board Members:

Please accept this correspondence as **opposition** to the proposed MPA16-0005 requesting an amendment to the Town's Master Plan relating to trails on and adjacent to the Smith tract. Our Town has a proud history of encouraging the construction and maintenance of these kinds of trails, and that's exactly why they were placed in the master plan. Additionally, allowing for the removal of bike lanes on these streets will increase the risk faced by cyclists who use these streets to access more rural roads in Denton County.

Thank you for your consideration.

Mike Hassett
3500 Beringer Court
Flower Mound, Texas 75022

From: John Barr
Sent: Wednesday, August 31, 2016 3:15 PM
To: Jade Olson; Cindi Price; Doug Powell
Subject: MPA16-0005

31 Aug 2016

Re: Master Plan Amendment, MPA16-0005

Parks, Arts and Library Board:

The existing paved multi-use trails, equestrian trail and trailheads and street bike lanes are barely adequate now. There has long been a desire within the town to have more equestrian trails and trailheads and the development has been nonexistent or slow at best. Additionally, bike traffic has been on the increase for several years. All but a few of the towns existing roads do NOT include bike lanes making the roads more of a hazard for bikers and motorists alike. More bike trails, lanes, and street-bike lanes are absolutely needed.

There are few, if any, walking trails at the area on the west end of town (Shiloh Road). The trails in the Cross Timbers Conservation Development District would be a wonderful addition to link with the Wellington and River Oaks Estates areas and business areas. I believe that the trails would be an aesthetic improvement to the development that would actually enhance it's value.

I recommend denial of Master Plan Amendment, MPA16-0005, to amend section 5.0 of the Parks and Trails Plan and instead retain the Paved Multi-Use Trail, Equestrian Trail, Equestrian Trailhead, and Complete Streets-bike Lanes within and adjacent to the Smith Tract as previously outlined.

John Barr

3405 Ridgecrest Dr.

From: Emil Soleyman

Sent: Wednesday, August 31, 2016 3:28 PM

To: Doug Powell; Cindi Price; Jade Olson

Subject: Smith Property Master Plan Amendment Requests (Shiloh Rd at FM1171)

My wife and I noticed the signs around the Smith property regarding the Master Plan Amendment request. We have noticed that the landowner(s) want to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. It will open the door to other landowners to take a similar approach and thus compromising the integrity of the Cross Timbers District.

Notably, the landowner wants to:

- 1) Bring in municipal sewer (currently prohibited)
- 2) Remove the trails requirement
- 3) Remove the bike lanes requirement for Shiloh/Cardinal/Scenic roads (entire perimeter)

This landowner joined with 2 other large landowners in 2001 in a failed attempt to sue the Town in order to bring sewer and high density/commercial to this area. (Smith/Wilson/Bunn vs. the Town of Flower Mound). He is now attempting to do so by using loopholes in the 2013 Master Plan Amendment.

My wife and I are against this action as are our neighbors. We wholeheartedly disagree with this amendment request and advise the town to decline it.

Thanks,

Emil Soleyman-Zomalan

Paulin Soleyman

6601 Stonehill Ct

Flower Mound, TX 75022

From: Debbie Chester
Sent: Wednesday, August 31, 2016 3:46 PM
To: Cindi Price
Subject: Cross Timbers Conservation District

Dear Ms. Price.

We chose to build our home near Shiloh Road over 20 years ago because the community shared our respect for the land and the natural environment it provided. Over the years the Master Plan for Flower Mound has continued to be amended and threatens to forever alter the rural-like community we love.

We implore you to **reject** the altering of the requirements for development of the Shiloh/Cardinal/Scenic area. Trails, safe bike lanes, larger home lots and open land spaces are essential to preserving the Flower Mound community we call home. Please, consider the long term ramifications of further alterations.

Respectfully,
Chuck and Debbie Chester

From: Ruland, Patrick
Sent: Wednesday, August 31, 2016 4:08 PM
To: Doug Powell; Jade Olson; Cindi Price
Cc:
Subject: PALS Agenda Item No. 3

PALS Board,

I intend to be in attendance at tomorrow night's hearing. I have not seen the developer's proposed land development plan (if there is one), but I have a few comments I would like to share if there is not enough time to speak.

1. Town growth doesn't always have to mean placing more people in less space.
2. I, and many of our neighbors, are in support of the Parks and Trails Master plan for the following reasons:
 - a. Connectivity of west to east communities
 - b. Safe outdoor and recreational "avenues" that does not require crossing busy traffic on FM 1171
 - c. Maintaining low density residential use in the area rather than industrial/commercial development
3. Lastly, and may be most important, this tract of land is high ground with its surface run-off eventually depositing into Lake Grapevine. Understanding these are sandy loam soils, overdevelopment with hard surface streets, walks and driveways will only contribute to sand deposits into the Lake. The transmission of soils will also effect already established properties along the southern drainage areas. This is evidenced by all the rain over the past 16 months and the reduction of drainage capacity in neighborhood gullies west of Shiloh Rd.. Although grass as groundcover can be placed, the sandy loam soils still move beneath them in heavy rainfall so if development is allowed, entire lot soil preparation/conservation and run-off methodologies should be required for responsible storm water collection and to preserve our lake's capacity.

Please feel free to share these thoughts with anyone you see necessary, or you may contact me on my personal cell phone at

Best regards,

Patrick W Ruland, AIA
Frontier Drive Resident

From:

Sent: Wednesday, August 31, 2016 4:23 PM

To: planning

Subject: Master Planning Amendments request - Smith Tract

In regards to:

MPA16-0005 SMITH TRACT - TRAILS PZ MEETING 10/10/2016 TC MEETING 10/17/2016

I would like all trails to remain in the plan. These trails are essential to the Master Plan trail systems which includes paved, multi use and equestrian. One omission will greatly affect and devalue the Master Plan.

MPA16-0006 SMITH TRACT - THOROUGHFARE PZ MEETING 10/10/2016 TC MEETING 10/17/2016

I would like the requirement for bike lanes to remain in the plan. This is essential to the safety of bike riders, walkers and motorists. Eliminating this requirement would just be ridiculous.

MPA16-0007 CHUCK RUSSELL SMITH TRACT - WASTEWATER

The move from a septic system to sewer would only be necessary if the land were to be a high density neighborhood, which it is NOT. No need for sewer over septic.

The above amendment requests would allow this land to be over developed, high density with very few safety and recreational amenities. That is not the Town of Flower Mound's Master Plan goal.

Susan Bodenmiller

Charles Bodenmiller

7007 Woodridge drive 75022

From: Ron Huebner
Sent: Thursday, September 01, 2016 9:15 AM
To: Cindi Price
Subject: Upcoming vote comments

I am a resident of Flower Mound and reside at 3908 Sunnyview Lane. Though I will be out of town during the September 1st meeting of the Parks/Arts/Library Board I understand there will be a vote concerning Master Plan Amendments. I believe that the business concerns that are currently attempting to develop Flower Mound are in fact degrading the quality of living for most residents who live in my neighborhood. The original Master Plan is being changed by business interests, not the resident's interest. What good is a Master Plan if it is constantly being changed to suit the needs of Business interests. I would also argue that the current "Growth" model that the city apparently has adopted is essentially unsustainable without destroying the quality of life we now enjoy. Growing to fulfill tax revenue so that we can support more growth is NOT development in the eyes of many, including myself. It is a recipe for making Flower Mound into another Plano or Frisco and THAT will definitely not be "progress".

I see that the following Amendments to the are being considered:

THREE Master Plan Amendments are requested:

- 1) Bring in municipal sewer (currently prohibited)
- 2) remove the trails requirement
- 3) remove the bike lanes requirement for Shiloh/Cardinal/Scenic roads (entire perimeter).

Please note that I am definitely opposed to allowing any of the Amendments to be allowed. I am especially opposed to bringing in municipal sewer.

The integrity of the Cross Timbers has been maintained by limiting density and prohibiting sewer. Sewer limitation is a popular planning tool for limiting density in sensitive and scenic areas. This also preserves natural surface areas that help absorb stormwater.

From:

Sent: Thursday, September 01, 2016 9:44 AM

To: Doug Powell; Cindi Price; Jade Olson

Subject: Master plan amendment concerns

We're strongly OPPOSED to the attempt to bypass the normal Master Plan for any reason. We understand progress, but we believe following the Master Plan is vital to keeping Flower Mound a great place to live now and in the future! Flower Mound is a very active community, and the attempt to eliminate Equestrian, Walking, and Bicycle Trails & Paths is wrong. The Smith property is surrounded by horse property which is our heritage, and the terrain in our area lends itself to great riding, walking & cycling.

We're for limiting density, and prohibiting sewers in our area per the Master Plan so that we keep the country feel which is why we moved from the east side of town 18 years ago.

We've lived in Flower Mound for 20 years, and have been through the growth struggles of the past that effected our School System, Taxes, and TRAFFIC. Traffic has progressively gotten worse again over the past couple of years, and it shouldn't take us 29 minutes to go 10 miles from the West side to 2499 & 121 during rush hour every morning. That doesn't take into account completion of the future developments already approved and not built or the 2499/35E connector project.

Flower Mound needs to stop approving future developments until they can figure out a way to improve traffic flow throughout the town - especially on 2499. No matter how beautiful and great Flower Mound may be, it's not worth living here if it takes forever to get in & out of town!!!

Lloyd & Mary Beth Collins
4005 Ada Dr.

From:

Sent: Thursday, September 1, 2016 12:09 PM

To: Doug Powell

Subject: change to master plan at shiloh and crosstimbers

I vote NO to this idea. We do not want high density homes or apartments in this area (Shiloh at Cross Timbers Road). Please do not change the Flower Mound Master Plan in order to accomodate those (Smith Estate, etc.) trying to change it. Kathy Menninga 6417 Frontier Dr Flower, Mound, TX 75022

From: Janie and Trent Cragin

Sent: Thursday, September 01, 2016 2:18 PM

To: Doug Powell; Cindi Price; Jade Olson

Subject: TRUE CONCERN OVER MASTER PLAN AMENDMENT REQUEST @ SMITH PROPERTY!!

My family and I moved to Flower Mound (from Frisco) in 2002 because we respected the town of Flower Mound for its "smart growth" and its adherence to some very important land conservation values. We share these very important values. The Cross Timbers Conservation district is the true essence of the town, and it is worth protecting and fighting for. There is no reason why a landowner cannot work within the limitations of this plan. Why should Flower Mound even listen to a developer/owner who doesn't even submit a Development Plan? This is absolutely unacceptable, and would only set up an opportunity for others to do the same.

In 2001, 1 acre, true-conservation clustered lots were a highly incentivized option to encourage preservation (while still allowing 2 acre non-conservation lots).

In 2013, the town council approved 1/2 acre non-conservation lots (with up to 25% increase in residential density), but fortunately, did not approve sewer expansion.

IN 2016, WE HAVE A REAL OPPORTUNITY TO PROTECT THE CONSERVATION DISTRICT FOR THE FUTURE OF OUR TOWN! THIS IS NOT THE TIME TO MAKE CONCESSIONS FOR OWNERS/DEVELOPERS THAT WE WILL NEVER GET BACK! WE ONLY GET A SHOT AT THIS ONCE. THEN POOF, NO MORE LAND TO TALK ABOUT, ONLY HOW TO HANDLE THE EXTRA HIGH DENSITY WITH ROADS AND INFRASTRUCTURE.

NO MORE LOOP-HOLES FOR DEVELOPERS. DEVELOPERS CAN RESPECT OUR CROSS TIMBERS CONSERVATION DISTRICT JUST LIKE WE DO.

THIS IS ALL WE HAVE LEFT.

In addition, if we truly continue to respect the adherence of the values of the Cross Timbers Conservation district, we all will receive the benefit of the beauty, the integrity of the town ideals, and the future of economic values that will be a successful case study for future areas of growth.

Thank you for taking the time to hear my response to the Master Plan Amendment Request.

Sincerely,
Janie Cragin
3812 Valley View Lane
Flower Mound, TX 75022

From: Mark Van Tilburg
Sent: Thursday, September 01, 2016 1:55 PM
To: Cindi Price; Jade Olson; Doug Powell
Subject: Smith Property Amendments

Doug, Cindi & Parks Board,

I am traveling on business and will not be able to attend this evenings' meeting. My wife and I are residents of Bolo Lane and have been active in objecting to prior attempts to amend the CTCD master plan. We have to admit that this latest effort, especially considering the attempt to bypass the normal development and planning process, is not only frustrating but disrespectful to the residents and our past efforts to maintain the quality of life that we enjoy and have a right to maintain. This attempt should not be given a platform and those making it should be told in no uncertain terms that neither it, or future attempts will be entertained or tolerated by The Town.

Thanks,
Mark
Sent from my iPhone



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 4

DATE: October 10, 2016

FROM: Matthew J. Hotelling, P.E., PTOE, Traffic Engineer

ITEM: Public Hearing to consider a request for a Master Plan Amendment (MPA16-0006 – Smith Tract) to amend Section 7.0, Thoroughfare Plan, by amending the Rural Collector cross-section for Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road adjacent to the Smith Tract to remove the bike lane designation. The property is generally bounded by Cross Timbers Road, Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road. *(The Transportation Commission recommended denial by a vote of 5 to 1 at its September 13, 2016, meeting.)*

I. ITEM SUMMARY

There are two companion Master Plan Amendment requests for consideration on the same agenda (MPA16-0005 and MPA16-0007).

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

This application was presented to the Transportation Commission (TRC) on September 13, 2016. The details of the request and staff report are contained in Attachment A.1. The video of the meeting can be viewed at: <http://flowermoundtx.swagit.com/play/09132016-1313> Item I.

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 Master Plan amendment requests. Correspondence received prior to the TRC meeting is contained in the staff report (Attachment A.1). Correspondence handed out at the TRC meeting is contained in Attachment A.2. Correspondence received after the TRC meeting is contained in Attachment B.1. Any correspondence received after this packet is posted will be handed out at the Planning and Zoning Commission meeting.

IV. ATTACHMENTS

A. Background Information

1. Transportation Commission Agenda Item
2. Correspondence Handed Out at TRC

B. Correspondence

1. Correspondence



TRANSPORTATION COMMISSION AGENDA ITEM NO. 2

REGULAR ITEM

DATE: September 13, 2016

FROM: Matthew J. Hotelling, P.E., PTOE, Traffic Engineer

ITEM: **Public Hearing to consider a request for a Master Plan Amendment (MPA16-0006 – Smith Tract) to amend Section 7.0, Thoroughfare Plan, by amending the Rural Collector cross-section for Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road adjacent to the Smith Tract to remove the bike lane designation. The property is generally bounded by Cross Timbers Road (FM 1171), Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road.**

BACKGROUND INFORMATION: The applicant has three applications in with the Town: a Master Plan Amendment (MPA16-0005) to amend section 5.0 of the Parks and Trails Plan, a Master Plan Amendment (MPA16-0006) to amend section 7.0 of the Thoroughfare Plan, and a Master Plan Amendment (MPA16-0007) to amend section 9.0 of the Wastewater Plan. Only one application (MPA16-0006) will need consideration from the Transportation Commission. The applicant is requesting that the Town amend section 7.0 of the Thoroughfare Plan to remove the bike lane designation from the Rural Collector Cross Section for those streets that are adjacent to the Smith Tract. The applicant is indicating that these requirements do not benefit the property and have prevented development. The vision for the bike lane network in this area was to provide an area that when completed by the Hike and Bike Trail along Cross Timbers Road would provide a circuit for bike riders to use. The Wichita Trail area near this location is the first bike lanes in this area of Town. If the applicants request is granted, it would leave a 5 foot shoulder which could be used by bicyclists but just not designated as an official bike lane. If the applicants request is granted, it would leave disjointed bike lanes designations through this area.

ALTERNATIVES OR OPITONS: The Commission may wish to recommend the bike lanes remain in the cross section for these streets adjacent to the Smith Tract or removed from these streets while remaining a 5 foot shoulder.

ATTACHMENTS:

1. Applicant Letter of Intent
2. Vicinity Map Exhibit
3. Thoroughfare Plan
4. Correspondence

RECOMMENDATION: Move to recommend to Town Council an amendment to the Thoroughfare Plan to remove the bike lane designation from the roadways adjacent to the Smith Tract generally bounded by Cross Timbers Road (FM 1171), Scenic Road, Cardinal Road, Rocky Point Road, Sunset Trail, and Shiloh Road.

- OR -

Move to recommend to Town Council an amendment to the Thoroughfare Plan to retain the bike lane designation on the roadways adjacent to the Smith Tract generally bounded by Cross Timbers Road (FM 1171), Scenic Road, Cardinal Road, Rocky Point Road, Sunset Trail, and Shiloh Road.

Letter of Intent

Master Plan Amendment request for 482.16 acres of property located at the southeast corner of Shiloh Road and F.M. Highway 1171 (“Property”)

a) State why the applicant is proposing to change the land use for the subject property.

The applicant is not proposing a change of land use at this time. The existing land use is agricultural.

b) Specify the existing zoning district(s).

The Property is currently zoned within the Agricultural (A) district. The Property is also located in the Cross Timbers Conservation Development District as designated in the Town’s SMARTGrowth program. This district is currently governed by the Town’s conservation development standards.

c) Define acreage of subject property.

The property that is the subject of this Master Plan Amendment request is approximately 482.16 acres, as more particularly described in Exhibit A attached hereto.

d) Specify any special considerations (i.e. requested waivers from the standard zoning districts, variances, unique characteristics of the property).

Parks and Trails Plan Amendment

The Town’s Parks and Trails plan shows a series of trails, including an equestrian trail to be located through the Property. The equestrian trails provide no benefit to the Property unless an equestrian development is proposed. There are no future plans to develop such an equestrian development; thus, the proposed trail is a significant restriction that has prevented development of the Property. The property owner requests removal of this equestrian trail because it does not provide any benefit to the Property.

Likewise, the bike lane and paved multi-use trail that are shown through the Property and along the Property boundary do not benefit the Property. Further, these trails have made future development of the Property cost-prohibitive. See *Town of Flower Mound v. Stafford Estates, L.P.*, 71 S.W.3d 18 (Tex. App.—Fort Worth 2002) aff’d, 135 S.W.3d 620 (Tex. 2009). Moreover, the cost associated with the proposed trails is not proportionate to any development on the Property. Due to the reasons stated herein, the property owner requests an amendment to the Parks and Trails Plan to eliminate all of the proposed trails and bike lanes shown on the Parks and Trails Plan through and along the boundary of the Property, more specifically shown on the Master Plan Amendment Exhibit included with this application.

Sewer Master Plan

The service area boundary shown on the Wastewater Service Area Exhibit of the Town's Wastewater Plan does not encompass the Property. Its boundary only extends to a small portion of the 482.16 acres. Thus, the service area boundary is insufficient to provide the Property with continuous or adequate sewer service.

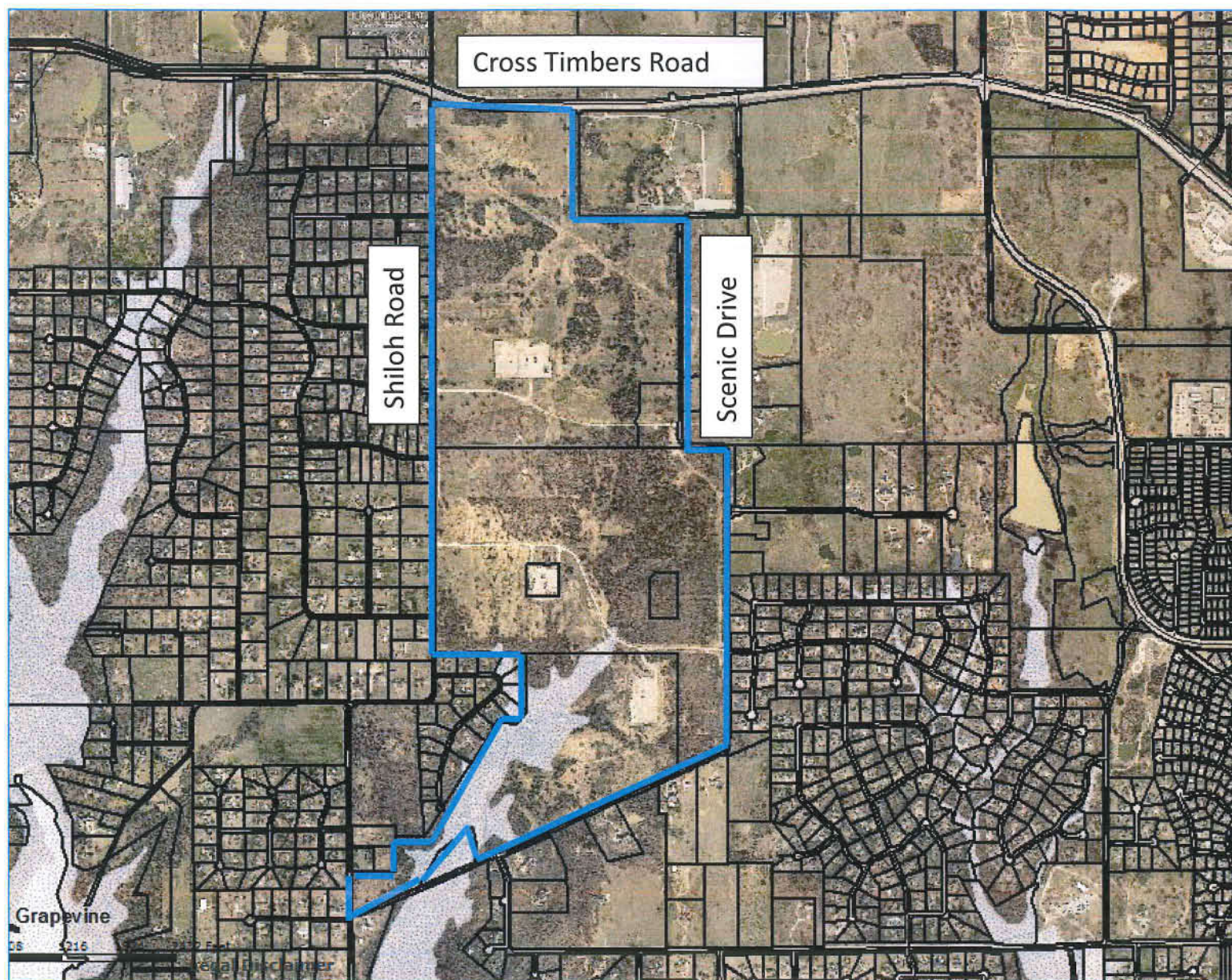
Without centralized sewer service, the property owner would be required to use an on-site septic system for any development. As far back as 1994, the Town stated that this area has "a severely limited suitability for septic fields." From an environmental perspective, a septic system is typically less desirable than a sewer system. For example, "if a septic system does not function properly, it may discharge a significant amount of untreated wastewater directly to soils underlying groundwater."¹ Contaminants found in the untreated wastewater could include pathogens such as bacteria and viruses as well as household chemicals. Additionally, septic systems are unable to treat some household cleaning products effectively because of their chemical make-up. These untreated chemicals can cause groundwater contamination to surrounding properties and natural ecosystems. A centralized sewer system is preferable because there is less risk to groundwater contamination. This is particularly significant in light of the Property's close proximity to Lake Grapevine.

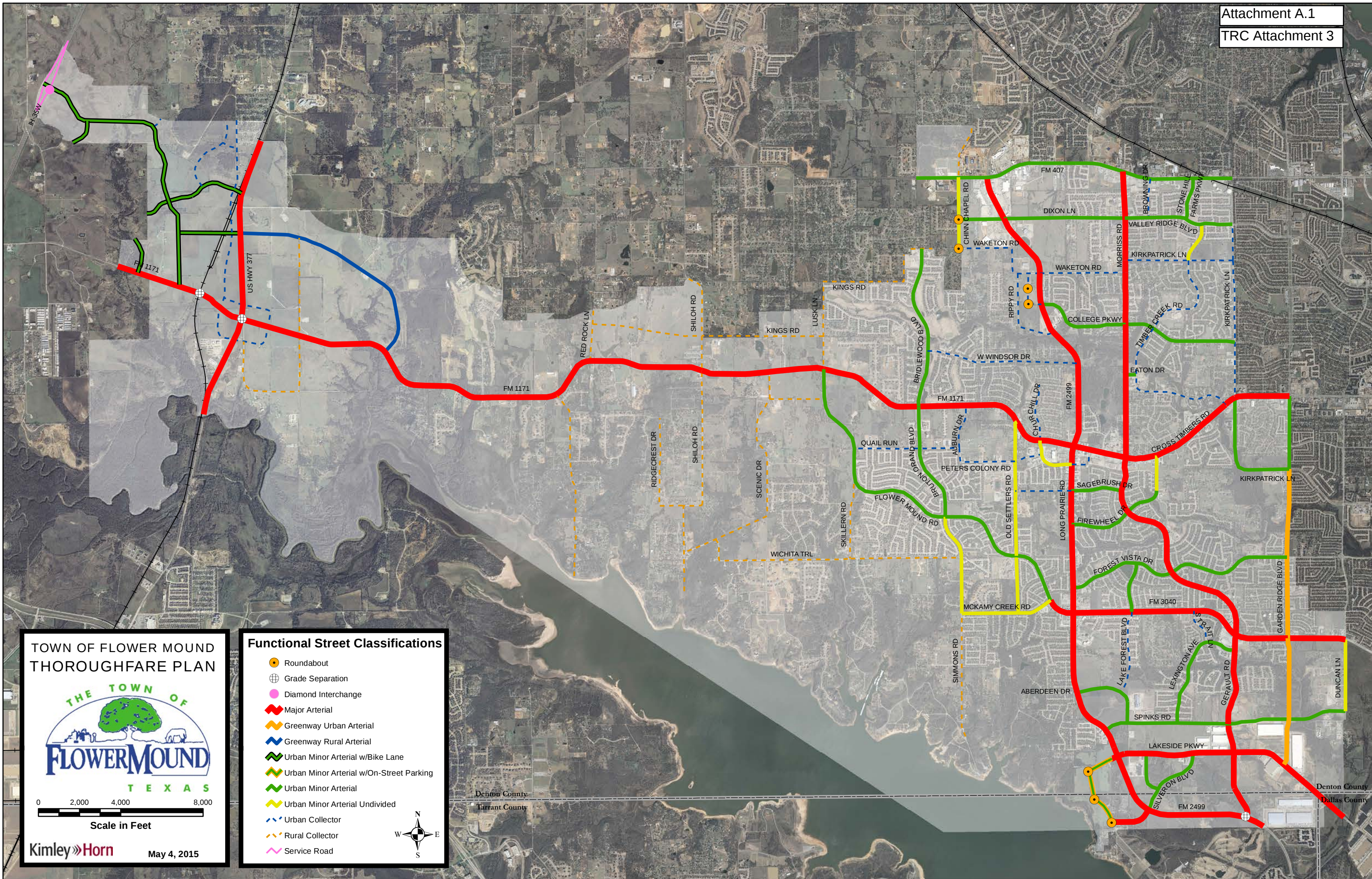
Moreover, sewer systems are more equipped to withstand periods of heavy rainfall or inclement weather. Septic systems are not as well equipped to handle these storms, resulting in overflow of contaminants – another cause of groundwater and surface water pollution. In addition to threatening surrounding ecosystems, this contamination can threaten public health because diseases from pathogens can be spread through surface water or mosquitoes that breed in areas where sewage contaminants are spread. Finally, improperly treated sewage can create increased nitrates in the water supply. The increase in nitrates can cause an escalation in plant growth in nearby lakes and streams that can create dead zones lacking in riparian life. For all of the reasons stated above, centralized sewer service is preferable than a septic system for provision of wastewater treatment on the Property. An amendment to the Town's Wastewater Plan is necessary for the Property to have adequate provision of sewer service.

The boundaries of the Wastewater Service Area are not sacrosanct as the Town has amended these boundaries from time to time. Based upon the Town's Wastewater Service Area Exhibit, it appears that the Town recently amended its sewer service boundary area to add three tracts that were located within the Cross Timbers Conservation Development District. The property owner requests that the Town treat this Property similarly by amending its service area boundary to include all of the Property so that adequate sewer service may be provided.

¹ John J. Schwartz, Ann T. Lemley, Kalpana Pratap, Household Chemicals and Your Septic System: Fact Sheet 16, Cornell Cooperative Extension, College of Human Ecology, December 2004.

Smith Tract Master Plan Amendment – Vicinity Map





TOWN OF FLOWER MOUND
THOROUGHFARE PLAN

0 2,000 4,000 8,000
Scale in Feet

KimleyHorn May 4, 2015

Functional Street Classifications

- Roundabout
- Grade Separation
- Diamond Interchange
- Major Arterial
- Greenway Urban Arterial
- Greenway Rural Arterial
- Urban Minor Arterial w/Bike Lane
- Urban Minor Arterial w/On-Street Parking
- Urban Minor Arterial
- Urban Minor Arterial Undivided
- Urban Collector
- Rural Collector
- Service Road

Matthew Hotelling

From: Madeline Haynie <[REDACTED]>
Sent: Tuesday, August 30, 2016 6:11 AM
To: Cindi Price
Subject: Proposed Changes - Smith Property

I am opposed to the proposed changes to the Master Plan relative to the Smith property. As such plans mature, it is always difficult to preserve their integrity. Please add my objection to those of my neighbors in this last green area of our town.

Madeline Haynie

Matthew Hotelling

From: Joel Loeb <[REDACTED]>
Sent: Tuesday, August 30, 2016 11:56 AM
To: Doug Powell; Cindi Price; Jade Olson
Cc: Sue L Halsey; [REDACTED] [REDACTED] [REDACTED]
Subject: Smith Property (Shiloh Road Area/Cross Timbers) Master Plan Amendment Requests

I have noticed the signs around the large 3 parcel Smith property regarding a Master Plan Amendment request. Apparently the landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. If successful, many other landowners would then begin to take this back-door method of changing the master plan. I am concerned with protecting the current Conservation District Development guidelines and I am opposed to ANY development that would impact the current protection.

Please accept this message as a formal registration of this citizen's great concern and opposition as noted above.

Joel Loeb
3404 Raintree Dr.
Flower Mound, TX. 75022
[REDACTED]

Sent from my iPhone. J. Loeb

Matthew Hotelling

From: Peggie Kimberlin <[REDACTED]>
Sent: Tuesday, August 30, 2016 1:27 PM
To: Cindi Price; Doug Powell; Jade Olson
Subject: Smith Property (Shiloh Road Area/Cross Timbers) Master Plan Amendment Requests

I have noticed the signs around the large 3 parcel Smith property regarding a Master Plan Amendment request. Apparently the landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. If successful, many other landowners would then begin to take this back-door method of changing the master plan. I am concerned with protecting the current Conservation District Development guidelines and I am opposed to ANY development that would impact the current protection. Please accept this message as a formal registration of this citizen's great concern and opposition as noted above.

Peggie Kimberlin
3400 Mesa Dr.
Flower Mound, TX 75022
[REDACTED]

Matthew Hotelling

From: Cindi Price
Sent: Wednesday, August 31, 2016 9:53 AM
To: John Habern; Matthew Hotelling; Robert Pegg
Cc: Doug Powell
Subject: FW: Master Plan Change

In case you weren't copied...

Cindi Price
Executive Assistant
Development Services
972-874-6311

From: Sam Morehouse [[mailto:](#) 
Sent: Wednesday, August 31, 2016 7:29 AM
To: Cindi Price
Subject: Master Plan Change

I have noticed the signs around the large 3 parcel Smith property regarding a Master Plan Amendment request. Apparently the landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. If successful, many other landowners would then begin to take this back-door method of changing the master plan. I am concerned with protecting the current Conservation District Development guidelines and I am opposed to ANY development that would impact the current protection.

Please accept this message as a formal registration of this citizen's great concern and opposition as noted above.

Sam Morehouse
3415 Mesa Dr.

Matthew Hotelling

From: Cindi Price
Sent: Wednesday, August 31, 2016 9:54 AM
To: Matthew Hotelling; Robert Pegg
Subject: FW: Sept. 1 meeting

FYI.

Cindi Price
Executive Assistant
Development Services
972-874-6311

From: jena toich [<mailto:> 
Sent: Tuesday, August 30, 2016 9:32 PM
To: Jade Olson; Cindi Price; doug.powel@flower-mound.com
Subject: Sept. 1 meeting

Hi,
My name is Jena Toich. I reside at 7408 Bolo Lane in Flower Mound. I am so fortunate to live in the Cross Timbers area.

I am unable to attend, but I have comments about the Master Plan Amendments.

Please note that my comments are in regards to a meeting this Thursday Sept 1 at 6:30 p.m. at town hall with the Parks/Arts/Library Board on whether to waive the requirement for trails, even though the Town is working to expand its parks and trails.

THREE Master Plan Amendments are requested:

1) Bring in municipal sewer
Although sewer is a highly contentious topic, I have no opinion here.

2) remove the trails requirement
I am opposed to removing the trails requirement.

3) remove the bike lanes requirement for Shiloh/Cardinal/Scenic roads (entire perimeter)
I oppose removing the bike lane requirement.

Matthew Hotelling

From: Cindi Price
Sent: Wednesday, August 31, 2016 10:05 AM
To: John Habern; Matthew Hotelling; Robert Pegg
Subject: FW: Master PlanAmendments for Shiloh Rd at 1171

With all of these messages, please check to see if you've already received. You can delete duplicates. Without seeing your name, I just want to make sure. Thanks.

Cindi Price
Executive Assistant
Development Services
972-874-6311

From: Melanie De Leon [<mailto:> 
Sent: Wednesday, August 31, 2016 9:42 AM
To: Cindi Price
Subject: Fwd: Master PlanAmendments for Shiloh Rd at 1171

|

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

From: Melanie De Leon <
To: doug.powell <doug.powell@flower-mound.com>; cindiprice <cindiprice@flower-mound.com>; parks <parks@flowermound.com>
Sent: Wed, Aug 31, 2016 9:40 am
Subject: Master PlanAmendments for Shiloh Rd at 1171

Dear Mr. Powell, Ms. Price and Flower Mound Parks,

I am writing this letter to you to let you know of my disapproval of the Master Plan Amendments for Shiloh Rd at 1171. The integrity of the Cross Timbers has been maintained by limiting density and prohibiting sewer. This also preserves natural surface areas that absorb storm water. This area is highly sought after for its natural and almost pristine beauty and incredible wildlife.

It is our understanding that a Development Plan has never been submitted. The landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a development plan. Flower Mound has maintained its value and reputation of being one of the best cities to live in. Please let's not change! I am begging you to make this proposal like any other and follow the rules. Its impact on us (the neighbors), wildlife, storm water and values will be devastating.

V/R
Melanie DeLeon
Realtor
Citiwide Properties

3214 Lakewood Lane
Flower Mound, TX 75022

Matthew Hotelling

From: Cindi Price
Sent: Wednesday, August 31, 2016 12:30 PM
To: John Habern; Matthew Hotelling; Robert Pegg
Cc: Doug Powell; Chuck Russell
Subject: FW: Shiloh Road Land

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

From: Rubyann Darnell [[mailto:](#) 
Sent: Wednesday, August 31, 2016 12:23 PM
To: Cindi Price
Subject: Shiloh Road Land

Please don't let them get around our Master Plan, it was voted on years ago for a reason, like this one.

Thanks,
Gordon J. and Rubyann T. Darnell
6409 Red Bud Drive
Flower Mound, TX 75022

Matthew Hotelling

From: Cindi Price
Sent: Wednesday, August 31, 2016 1:43 PM
To: John Habern; Matthew Hotelling; Robert Pegg
Subject: FW: Master Plan Amendments for Shiloh Rd at 1171

From: [REDACTED] [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Wednesday, August 31, 2016 1:15 PM
To: parks@flowermound.com; Cindi Price; Doug Powell
Subject: Master Plan Amendments for Shiloh Rd at 1171

All,

I am writing this letter to you to let you know of my DISAPPROVAL of the Master Plan Amendments for Shiloh Rd at 1171.

PLEASE ensure the our wonderful community is the primary concern.

The integrity of the Cross Timbers has been maintained by limiting density and prohibiting sewer. This also preserves natural surface areas that absorb storm water.

This area is highly sough after for its natural and almost pristine beauty and incredible wildlife.

It is our understanding that a Development Plan has never been submitted. The landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a development plan. Flower Mound has maintained its value and reputation of being one of the best cities to live in. Please lets not change! I am begging you to make this proposal like any other and follow the rules. Its impact on us (the neighbors), wildlife, storm water and values will be devastating.

Andy Hughes
Concerned Neighbor

Matthew Hotelling

From: Cindi Price
Sent: Wednesday, August 31, 2016 3:36 PM
To: John Habern; Matthew Hotelling; Robert Pegg
Subject: FW: Smith Property Master Plan Amendment Requests (Shiloh Rd at FM1171)

From: Emil Soleyman [<mailto:> 
Sent: Wednesday, August 31, 2016 3:28 PM
To: Doug Powell; Cindi Price; Jade Olson
Subject: Smith Property Master Plan Amendment Requests (Shiloh Rd at FM1171)

My wife and I noticed the signs around the Smith property regarding the Master Plan Amendment request. We have noticed that the landowner(s) want to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. It will open the door to other landowners to take a similar approach and thus compromising the integrity of the Cross Timbers District.

Notably, the landowner wants to:

- 1) Bring in municipal sewer (currently prohibited)
- 2) Remove the trails requirement
- 3) Remove the bike lanes requirement for Shiloh/Cardinal/Scenic roads (entire perimeter)

This landowner joined with 2 other large landowners in 2001 in a failed attempt to sue the Town in order to bring sewer and high density/commercial to this area. (Smith/Wilson/Bunn vs. the Town of Flower Mound). He is now attempting to do so by using loopholes in the 2013 Master Plan Amendment.

My wife and I are against this action as are our neighbors. We wholeheartedly disagree with this amendment request and advise the town to decline it.

Thanks,
Emil Soleyman-Zomalan
Paulin Soleyman

6601 Stonehill Ct
Flower Mound, TX 75022

Matthew Hotelling

From: Cindi Price
Sent: Wednesday, August 31, 2016 4:06 PM
To: John Habern; Matthew Hotelling; Robert Pegg
Subject: FW: Cross Timbers Conservation District

From: Debbie Chester [<mailto:> 
Sent: Wednesday, August 31, 2016 3:46 PM
To: Cindi Price
Subject: Cross Timbers Conservation District

Dear Ms. Price.

We chose to build our home near Shiloh Road over 20 years ago because the community shared our respect for the land and the natural environment it provided. Over the years the Master Plan for Flower Mound has continued to be amended and threatens to forever alter the rural-like community we love.

We implore you to **reject** the altering of the requirements for development of the Shiloh/Cardinal/Scenic area. Trails, safe bike lanes. larger home lots and open land spaces are essential to preserving the Flower Mound community we call home. Please, consider the long term ramifications of further alterations.

Respectfully.
Chuck and Debbie Chester

Matthew Hotelling

From: Cindi Price
Sent: Wednesday, August 31, 2016 4:23 PM
To: John Habern; Matthew Hotelling; Robert Pegg
Subject: FW: PALS Agenda Item No. 3

From: Ruland, Patrick [[mailto:](#) [REDACTED]]
Sent: Wednesday, August 31, 2016 4:08 PM
To: Doug Powell; Jade Olson; Cindi Price
Cc: [REDACTED]
Subject: PALS Agenda Item No. 3

PALS Board,

I intend to be in attendance at tomorrow night's hearing. I have not seen the developer's proposed land development plan (if there is one), but I have a few comments I would like to share if there is not enough time to speak.

1. Town growth doesn't always have to mean placing more people in less space.
2. I, and many of our neighbors, are in support of the Parks and Trails Master plan for the following reasons:
 - a. Connectivity of west to east communities
 - b. Safe outdoor and recreational "avenues" that does not require crossing busy traffic on FM 1171
 - c. Maintaining low density residential use in the area rather than industrial/commercial development
3. Lastly, and may be most important, this tract of land is high ground with its surface run-off eventually depositing into Lake Grapevine. Understanding these are sandy loam soils, overdevelopment with hard surface streets, walks and driveways will only contribute to sand deposits into the Lake. The transmission of soils will also effect already established properties along the southern drainage areas. This is evidenced by all the rain over the past 16 months and the reduction of drainage capacity in neighborhood gullies west of Shiloh Rd.. Although grass as groundcover can be placed, the sandy loam soils still move beneath them in heavy rainfall so if development is allowed, entire lot soil preparation/conservation and run-off methodologies should be required for responsible storm water collection and to preserve our lake's capacity.

Please feel free to share these thoughts with anyone you see necessary, or you may contact me on my personal cell phone at [REDACTED]

Best regards,

Patrick W Ruland, AIA
Frontier Drive Resident

Matthew Hotelling

From: Cindi Price
Sent: Thursday, September 01, 2016 9:50 AM
To: John Habern; Matthew Hotelling; Robert Pegg
Subject: FW: Upcoming vote comments

From: Ron Huebner [<mailto:> [REDACTED]]
Sent: Thursday, September 01, 2016 9:15 AM
To: Cindi Price
Subject: Upcoming vote comments

I am a resident of Flower Mound and reside at 3908 Sunnyview Lane. Though I will be out of town during the September 1st meeting of the Parks/Arts/Library Board I understand there will be a vote concerning Master Plan Amendments. I believe that the business concerns that are currently attempting to develop Flower Mound are in fact degrading the quality of living for most residents who live in my neighborhood. The original Master Plan is being changed by business interests, not the resident's interest. What good is a Master Plan if it is constantly being changed to suit the needs of Business interests. I would also argue that the current "Growth" model that the city apparently has adopted is essentially unsustainable without destroying the quality of life we now enjoy. Growing to fulfill tax revenue so that we can support more growth is NOT development in the eyes of many, including myself. It is a recipe for making Flower Mound into another Plano or Frisco and THAT will definitely not be "progress".

I see that the following Amendments to the are being considered:

THREE Master Plan Amendments are requested:

- 1) Bring in municipal sewer (currently prohibited)
- 2) remove the trails requirement
- 3) remove the bike lanes requirement for Shiloh/Cardinal/Scenic roads (entire perimeter).

Please note that I am definitely opposed to allowing any of the Amendments to be allowed. I am especially opposed to bringing in municipal sewer.

The integrity of the Cross Timbers has been maintained by limiting density and prohibiting sewer. Sewer limitation is a popular planning tool for limiting density in sensitive and scenic areas. This also preserves natural surface areas that help absorb stormwater.

Matthew Hotelling

From: Cindi Price
Sent: Thursday, September 01, 2016 9:58 AM
To: Matthew Hotelling
Cc: LauriAnn Cash
Subject: FW: Master Planning Amendments request - Smith Tract

From: LauriAnn Cash
Sent: Thursday, September 01, 2016 7:18 AM
To: John Habern; Matthew Woods; Robert Pegg
Cc: Doug Powell; Chuck Russell; Cindi Price; LauriAnn Cash
Subject: FW: Master Planning Amendments request - Smith Tract

From: [REDACTED] [[mailto:\[REDACTED\]](#)]
Sent: Wednesday, August 31, 2016 4:23 PM
To: planning
Subject: Master Planning Amendments request - Smith Tract

In regards to:

MPA16-0005 SMITH TRACT - TRAILS PZ MEETING 10/10/2016 TC MEETING 10/17/2016
I would like all trails to remain in the plan. These trails are essential to the Master Plan trail systems which includes paved, multi use and equestrian. One omission will greatly affect and devalue the Master Plan.

MPA16-0006 SMITH TRACT - THOROUGHFARE PZ MEETING 10/10/2016 TC MEETING 10/17/2016

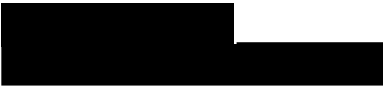
I would like the requirement for bike lanes to remain in the plan. This is essential to the safety of bike riders, walkers and motorists. Eliminating this requirement would just be ridiculous.

MPA16-0007 CHUCK RUSSELL SMITH TRACT - WASTEWATER

The move from a septic system to sewer would only be necessary if the land were to be a high density neighborhood, which it is NOT. No need for sewer over septic.

The above amendment requests would allow this land to be over developed, high density with very few safety and recreational amenities. That is not the Town of Flower Mound's Master Plan goal.

Susan Bodenmiller
Charles Bodenmiller
7007 Woodridge drive 75022
[REDACTED]



Matthew Hotelling

From: Cindi Price
Sent: Thursday, September 01, 2016 9:51 AM
To: John Habern; Matthew Hotelling; Robert Pegg
Subject: FW: Master plan amendment concerns

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

From: [REDACTED] [mailto:[REDACTED]]
Sent: Thursday, September 01, 2016 9:44 AM
To: Doug Powell; Cindi Price; Jade Olson
Subject: Master plan amendment concerns

We're strongly OPPOSED to the attempt to bypass the normal Master Plan for any reason. We understand progress, but we believe following the Master Plan is vital to keeping Flower Mound a great place to live now and in the future! Flower Mound is a very active community, and the attempt to eliminate Equestrian, Walking, and Bicycle Trails & Paths is wrong. The Smith property is surrounded by horse property which is our heritage, and the terrain in our area lends itself to great riding, walking & cycling.

We're for limiting density, and prohibiting sewers in our area per the Master Plan so that we keep the country feel which is why we moved from the east side of town 18 years ago.

We've lived in Flower Mound for 20 years, and have been through the growth struggles of the past that effected our School System, Taxes, and TRAFFIC. Traffic has progressively gotten worse again over the past couple of years, and it shouldn't take us 29 minutes to go 10 miles from the West side to 2499 & 121 during rush hour every morning. That doesn't take into account completion of the future developments already approved and not built or the 2499/35E connector project.

Flower Mound needs to stop approving future developments until they can figure out a way to improve traffic flow throughout the town - especially on 2499. No matter how beautiful and great Flower Mound may be, it's not worth living here if it takes forever to get in & out of town!!!

Lloyd & Mary Beth Collins
4005 Ada Dr.

Matthew Hotelling

From: Cindi Price
Sent: Thursday, September 01, 2016 12:41 PM
To: John Habern; Matthew Hotelling; Robert Pegg
Subject: FW: change to master plan at shiloh and crosstimbers

From: [REDACTED] [[mailto:\[REDACTED\]](#)]
Sent: Thursday, September 1, 2016 12:09 PM
To: Doug Powell
Subject: change to master plan at shiloh and crosstimbers

I vote NO to this idea. We do not want high density homes or apartments in this area (Shiloh at Cross Timbers Road). Please do not change the Flower Mound Master Plan in order to accomodate those (Smith Estate, etc.) trying to change it . Kathy Menninga 6417 Frontier Dr Flower, Mound, TX 75022

Matthew Hotelling

From: Cindi Price
Sent: Thursday, September 01, 2016 2:15 PM
To: John Habern; Matthew Hotelling; Robert Pegg
Subject: FW: Smith Property Amendments

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

From: Mark Van Tilburg [<mailto:> 
Sent: Thursday, September 01, 2016 1:55 PM
To: Cindi Price; Jade Olson; Doug Powell
Subject: Smith Property Amendments

Doug, Cindi & Parks Board,

I am traveling on business and will not be able to attend this evenings' meeting. My wife and I are residents of Bolo Lane and have been active in objecting to prior attempts to amend the CTCD master plan. We have to admit that this latest effort, especially considering the attempt to bypass the normal development and planning process, is not only frustrating but disrespectful to the residents and our past efforts to maintain the quality of life that we enjoy and have a right to maintain. This attempt should not be given a platform and those making it should be told in no uncertain terms that neither it, or future attempts will be entertained or tolerated by The Town.

Thanks,
Mark
Sent from my iPhone

Matthew Hotelling

From: Cindi Price
Sent: Thursday, September 01, 2016 2:40 PM
To: John Habern; Matthew Hotelling; Robert Pegg
Subject: FW: TRUE CONCERN OVER MASTER PLAN AMENDMENT REQUEST @ SMITH PROPERTY!!

From: Janie and Trent Cragin [<mailto:>]
Sent: Thursday, September 01, 2016 2:18 PM
To: Doug Powell; Cindi Price; Jade Olson
Subject: TRUE CONCERN OVER MASTER PLAN AMENDMENT REQUEST @ SMITH PROPERTY!!

My family and I moved to Flower Mound (from Frisco) in 2002 because we respected the town of Flower Mound for it's "smart growth" and it's adherence to some very important land conservation values. We share these very important values. The Cross Timbers Conservation district is the true essence of the town, and it is worth protecting and fighting for. There is no reason why a landowner cannot work within the limitations of this plan. Why should Flower Mound even listen to a developer/owner who doesn't even submit a Development Plan? This is absolutely unacceptable, and would only set up an opportunity for others to do the same.

In 2001, 1 acre, true-conservation clustered lots were a highly incentivized option to encourage preservation (while still allowing 2 acre non-conservation lots).

In 2013, the town council approved 1/2 acre non-conservation lots (with up to 25% increase in residential density), but fortunately, did not approve sewer expansion.

IN 2016, WE HAVE A REAL OPPORTUNITY TO PROTECT THE CONSERVATION DISTRICT FOR THE FUTURE OF OUR TOWN! THIS IS NOT THE TIME TO MAKE CONCESSIONS FOR OWNERS/DEVELOPERS THAT WE WILL NEVER GET BACK! WE ONLY GET A SHOT AT THIS ONCE. THEN POOF, NO MORE LAND TO TALK ABOUT, ONLY HOW TO HANDLE THE EXTRA HIGH DENSITY WITH ROADS AND INFRASTRUCTURE.

NO MORE LOOP-HOLES FOR DEVELOPERS. DEVELOPERS CAN RESPECT OUR CROSS TIMBERS CONSERVATION DISTRICT JUST LIKE WE DO.

THIS IS ALL WE HAVE LEFT.

In addition, if we truly continue to respect the adherence of the values of the Cross Timbers Conservation district, we all will receive the benefit of the beauty, the integrity of the town ideals, and the future of economic values that will be a successful case study for future areas of growth.

Thank you for taking the time to hear my response to the Master Plan Amendment Request.

Sincerely,

Janie Cragin
3812 Valley View Lane
Flower Mound, TX 75022

!

Matthew Hotelling

From: Cindi Price
Sent: Wednesday, September 07, 2016 2:01 PM
To: Matthew Hotelling; Robert Pegg
Subject: FW: Master Plan Amendment on Smith Tract

I don't believe I forwarded this message. Please check. It references PALS, but speaks to all three requests. I have one other one I'll forward next.

Cindi Price
Executive Assistant
Development Services
972-874-6311

From: Jessica Elliott [<mailto:> 
Sent: Thursday, September 01, 2016 4:58 PM
To: Doug Powell; Jade Olson; Cindi Price
Cc: Adam Elliott
Subject: Master Plan Amendment on Smith Tract

Hi Doug, Cindi and PALS,

My husband Adam and I are unable to attend tonight's city hall meeting to voice our concerns, but we are highly opposed to amending the master plan to remove trail and bike lane requirements on the property.

We recently moved to Flower Mound from Dallas, and I even called the city to inquire about the Smith property before closing on our home (this proposal was not yet in the works). We moved here for the GREEN space and acreage, and because we thought Flower Mound was one of the last cities in the Dallas working to preserve land.

While I understand development is inevitable, keeping with the standards of the master plan only makes sense to preserve this scared aspect of Flower Mound and to keep our developments unique and unlike Frisco or every other Dallas city. It seems a sneaky approach to ask for the removal of these items before bringing forward a plan. I'm not opposed to all development -- but there are ways to do it right.

If we conserve more green space now, Flower Mound will ultimately be a more valuable place to live, as others, like us, move from the city to have some quiet. I hope you'll take my words into consideration -- and hope to meet you soon. I'll be in attendance at upcoming meetings.

Thank you for your time,

Jessica

--

Jessica Elliott
Freelance Writer/Editor
 c
Dallas, TX

Matthew Hotelling

From: Cindi Price
Sent: Wednesday, September 07, 2016 2:01 PM
To: Matthew Hotelling; Robert Pegg
Subject: FW: Smith Tract MPA

From: Terry O'Neal [[mailto:](#) 
Sent: Friday, September 02, 2016 4:30 PM
To: Doug Powell; Cindi Price; Jade Olson
Subject: Smith Tract MPA

Hi All - I just wanted to add myself to the list of folks who disapprove of the Master Plan Amendments that have been requested in reference to the "Smith Tract":

MPA16-0005
MPA16-0006
MPA16-0007

These areas need to remain non-municipal sewer, and I would like to see the trails, both current and future remain as planned.

The landowner has been given several options over the years to keep the lot sizes of any future development to 1-2+ acre residential lots, and that's the only kind of development I'm on board with in this area.

Thank you,
Terry O'Neal


Matthew Hotelling

From: Sonny Baca <[REDACTED]>
Sent: Sunday, September 11, 2016 8:41 PM
To: Matthew Hotelling
Subject: Master Plan and Smith Property

Mr. Hotelling:

My wish is that we stay the Master Plan not the one Smith lawyers are conjuring. I am in opposition do not want city sewers unless the future developers or land owners pay for them since they will be profiting.

This would be spending money that, with the current crisis with the dollar and the future of our economy would be a bad deal at this time.

Sonny Baca
6504 Cardinal Dr. Flower Mound, TX 75022

[REDACTED]
www.compuscan.com
[REDACTED]

Matthew Hotelling

From: Shannon & Wendy Barkett <[REDACTED]>
Sent: Sunday, September 11, 2016 9:04 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: OPPOSITION EMAIL

RE: Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh

Dear Sirs:

I request that my opposition to the Smith request for an amendment to the Master Plan be filed with the Transportation Commission for their meeting on September 13th at 6:30 PM.

Cordially:
Shannon Barkett
7500 Bolo Ln.
Flower Mound, TX 75022
[REDACTED]

Matthew Hotelling

From: [REDACTED]
Sent: Sunday, September 11, 2016 9:06 PM
To: Matthew Hotelling
Subject: Smith Property Exemptions

I oppose any further exemptions on the Smith property.
Debbie Thunem
4916 Raintree Dr

Sent from my iPhone

Matthew Hotelling

From: Michael A. Musgrove <[REDACTED]>
Sent: Sunday, September 11, 2016 9:47 PM
To: Matthew Hotelling
Subject: Opposition Email to the Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh

Dear Mr. Hotelling,

We are writing to oppose the Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh. Please pass this to the Transportation Committee members to have it entered into the minutes as an opposition email.

As residents of Flower Mound for 27 years, we strongly urge you to deny the requested exemptions to our Master Plan and ordinances. We ask that you only allow development according to the Master Plan for the Cross Timbers Area.

Specifically, the Master Plan includes trails and bike lanes that would greatly enhance Flower Mound and make it an extremely desirable place to live. Residents could more easily take advantage of getting exercise, making new friends, and enjoying the beautiful outdoors, which have all been proven to improve both physical and mental health. For years one of the basic foundations of our town and the reason so many move here is that Flower Mound offers a rural feel, with plenty of trees and large home lots. The vast majority of people in our community desire these to be maintained, not only for themselves, but for their children. If you do not stand firm and defend these ideals, they will be lost, never to be reclaimed.

In addition, numerous cyclists already ride down the roads next to this undeveloped area every week in order to access the bike lanes on Wichita Trail. Building additional bike lanes (according to the Master Plan) along these roads is needful, providing a much greater level of safety for both riders and motorist.

Therefore, we ask that you hold fast and stick with the Flower Mound Master Plan which will keep our town so much more visually appealing, keep our residents healthier and provide increased road safety. Please oppose this amendment.

Thank you!

Mike & Suzanne Musgrove
6509 Meadowcrest Lane

Matthew Hotelling

From: [REDACTED]
Sent: Sunday, September 11, 2016 9:50 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Smith Property in Flower Mound

To:
Matthew Hotelling
Jimmy Stathatos

Dear Sirs:

Our home and property located at 3220 Miracle Lane is surrounded by the Smith property. Our property line adjoins theirs, and one of their gas wells sits approx. 1200 feet off our property line.

We oppose any amendments to the Master Plan for this property, including the removal of trails/bicycle lanes. We feel this scenic property is actually very suitable for the use of trails and bicycle lanes. Currently, runners, walkers and cyclists share the two lane Shiloh Rd, and it creates dangerous situations on this narrow road with the limited visibility over the hills.

We ask that his Master Plan Amendment request be denied.

Thank you,

Tim and Sherillyn Flick
3220 Miracle Lane
Flower Mound, TX 75022

[REDACTED]

Matthew Hotelling

From: John Barr <[REDACTED]>
Sent: Sunday, September 11, 2016 10:15 PM
To: Jimmy Stathatos; Matthew Hotelling
Subject: Master Plan Amendment (MPA16-0006 – Smith Tract)

As I am unable to attend the Flower Mound Transportation Commission meeting of 13 Sep 2016, please provide the following of these email comments to the commission members and noted in the minutes as my opposition to the Smith property owners request for exemptions for Master Plan Amendment (MPA16-0006 – Smith Tract):

12 Sep 2016

Re: Master Plan Amendment, MPA16-0005

Flower Mound Transportation Committee:

The existing paved multi-use trails, equestrian trail and trailheads and street bike lanes are barely adequate now. There has long been a desire within the town to have more equestrian trails and trailheads and the development has been nonexistent or slow at best. Additionally, bike traffic has been on the increase for several years. All but a few of the towns existing roads do NOT include bike lanes making the roads more of a hazard for bikers and motorists alike. More bike trails, lanes, and street-bike lanes are absolutely needed for safety and convenience of our towns many bike riders.

There are few, if any, walking trails at the area on the west end of town (Shiloh Road). The trails in the Cross Timbers Conservation Development District would be a wonderful addition to link with the Wellington and River Oaks Estates areas and business areas. I believe that the trails would be an aesthetic improvement to the development that would actually enhance it's value.

I recommend denial of Master Plan Amendment, MPA16-0005, to amend section 5.0 of the Parks and Trails Plan and instead retain the Paved Multi-Use Trail, Equestrian Trail, Equestrian Trailhead, and Complete Streets-bike Lanes within and adjacent to the Smith Tract as previously outlined.

John Barr

3405 Ridgecrest Dr.

Matthew Hotelling

From: Matt Hafer <[REDACTED]>
Sent: Monday, September 12, 2016 6:07 AM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Master Plan Changes
Attachments: pic07547.gif

I live at 6402 Sunset Trail. A major reason for buying in this area was the the open space and amount of land between homes. I oppose allowing higher density sub divisions to be be for this area.

I oppose any amendments to the Master Plan for this property, including the removal of trails/bicycle lanes. I feel this scenic property is actually very suitable for the use of trails and bicycle lanes. Currently, runners, walkers and cyclists share the two lane Shiloh Rd, and it creates dangerous situations on this narrow road with the limited visibility over the hills.

This is a safety issue.

I ask that this Master Plan Amendment request be denied.
Sent from my iPad

Matt Hafer
Senior Vice President - Supply Chain Management and Procurement Adleta Corporation
P: [REDACTED]
E: [REDACTED]

(Embedded image moved to file: pic07547.gif)

www.adleta.com | www.facebook.com/adletacorporation

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

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Matthew Hotelling

From: Madeline Haynie <[REDACTED]>
Sent: Monday, September 12, 2016 6:38 AM
To: Matthew Hotelling
Subject: Smith Property - Opposed

High density has been opposed in so many ways for the Cross Timbers Area. Please preserve this last green area in Flower Mound and do not approve any additional exceptions for the Smith Property. As a 30-plus year resident living on Burning Tree, I am opposed to the current proposed changes to our Master Plan.

Madeline Haynie

Matthew Hotelling

From: Stephanie Barone <[REDACTED]>
Sent: Monday, September 12, 2016 8:12 AM
To: Matthew Hotelling
Subject: Smith Property - 1171/Shiloh

Hi Matthew,

I'm a homeowner here in Flower Mound and I live off of Shiloh & 1171. The Smith property is at the end of my street and I feel passionately that we need to stick to the Master Plan for this area. The wildlife and original character of the area is rapidly diminishing in the area and this is one of the last bastions of true "country" in FloMo.

The Smith family has every right to do what they want with their property - WITHIN THE RULES. They have gotten exemptions before (gas drilling, etc). And they've already been able to sneak around the Town Council, in spite of P&Z recommendations. Please enforce the rules that already exist. Keep the bike lanes, make Flower Mound better & safer for residents now & in the future.

Please don't let them get away with this again.

Thank you.

Stephanie Barone
6513 Hillcrest Road
Flower Mound, TX 75022
P: [REDACTED]
e: [REDACTED]

Matthew Hotelling

From: Carl Thunem <[REDACTED]>
Sent: Monday, September 12, 2016 8:16 AM
To: Matthew Hotelling
Subject: Smith Property Exemptions

Dear Mr. Hotelling,

I am adamantly opposed to any further concessions or exemptions being granted on development of the Smith property, for relief of density, sewer, parks and trails requirements or restrictions.

I request that this objection be provided to the Transportation Commission members and noted as an opposition email in the minutes.

Respectfully,

Carl Thunem
4016 Raintree Drive
Flower Mound, TX 75022

Sent from my iPhone

Matthew Hotelling

From: [REDACTED]
Sent: Monday, September 12, 2016 8:20 AM
To: Matthew Hotelling
Subject: Transportation Commission September 13, 2016 meeting

Dear Mr. Hotelling,

We are in opposition to the proposal being presented to the Transportation Commission on Tuesday, September 13, 2016 requesting that the Master Plan be amended to remove the bicycle lane designation from the roads surrounding the Smith tract. The addition of bicycle lanes has been very positive for both cyclists and motorists in this part of Flower Mound, and therefore, keeping this designation for the roads surrounding the Smith tract is for the greater good.

We kindly request that this email be presented to members of the Transportation Commission and noted as an opposition email in the minutes.

Thank you.

Sincerely,
Lynne Lemmel & Bernard Gourlay
6408 Crooked Lane
Flower Mound, TX 75022

Matthew Hotelling

From: Robert Gladney <[REDACTED]>
Sent: Monday, September 12, 2016 8:55 AM
To: Matthew Hotelling
Subject: Opposition to Smith Property master plan exemption requests

Dear Mr. Hotelling,

Please communicate to the members of the Planning and Transportation Commission for inclusion in their upcoming meeting minutes my opposition to the master plan exemptions requested by the owners of the Smith property. Thank you.

Sincerely,

Bob Gladney

3715 Ridgecrest Drive

Flower Mound TX 75022

Sent from my iPad

Matthew Hotelling

From: Patty Swanholm <[REDACTED]>
Sent: Monday, September 12, 2016 9:00 AM
To: Matthew Hotelling
Subject: Smith Property Request

My husband and I adamantly oppose the changes to remove required bicycle lanes around the entire Smith Property as proposed by attorneys of owners of the Smith property. We have lived in this area for 35 years and have watched continuous changes to the Master Plan for them. Allowing drilling on their property has only had a negative impact to this area some of which include increased large truck traffic, road damage and odors from diesel equipment. This is just another ploy to change the Master Plan for their development plans what ever they are?? Please do what is right to keep our area and city the way it way it was envisioned and the reason it has become the city people want to move to and stay living here!!

Thank you for you time,

Patty and Dale Swanholm

Matthew Hotelling

From: AMC Carnes <[REDACTED]>
Sent: Monday, September 12, 2016 8:56 AM
To: Jimmy Stathatos
Cc: Matthew Hotelling
Subject: Fwd: Update #2 Smith Property Master Plan Amendments/Bike Trails Exemption

Please consider this my 'opposition email' to be shared with the Transportation Commission.
I lived off of Shiloh for 10 years, and it is heavily used by cyclists and residents walking their dogs. Increases in traffic and not having dedicated bike lanes would not be good, or safe, in my opinion.

Thank you.

A.Carnes

Sent from my iPhone, but written by ME 🍏

Begin forwarded message:

From: Marsha Gavitt <[REDACTED]>
Date: September 11, 2016 at 8:01:26 PM CDT
To: Marsha Gavitt <[REDACTED]>
Subject: FW: Update #2 Smith Property Master Plan Amendments/Bike Trails Exemption

Update #2: Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh

TRANSPORTATION COMMISSION VOTE TUES. SEPT. 13 @ 6:30pm @ TOWN HALL

--The Commission will vote whether to keep or remove required bicycle lanes around the entire property.

<http://www.flower-mound.com/AgendaCenter/ViewFile/Agenda/09132016-2392>

The owners of the Smith property are using their attorneys to request exemptions to our Master Plan and ordinances before even submitting a plan for the property. They have a past history of opposing our Master Plan, including legal actions.

Dedicated bicycle lanes are a safety factor for both bicyclists and cars. Currently, bicyclists are sharing the same lane with cars around this undeveloped area. The Town has minimum requirements that reflect the needs of CURRENT and FUTURE residents.

As was noted in the Parks, Arts and Library Board Meeting last week, the Smith property owners had chosen to allow gas wells on the property first, rather than to develop within our Master Plan for the Cross Timbers Area. Therefore, remaining surface area for development was reduced. However, the property owners now claim that the encumbrances are our Master Plan, and trail and bike lane requirements.

Since 2004, the Town has: 1) changed the Master Plan allow smaller lots with 25% increase in residential density and 2) allowed drilling in Cross Timbers - in an attempt to appease large landowners and developers. The Smith property owners did not acknowledge these prior concessions, much of which had strong public opposition.

The Planning and Zoning and subsequent Town Council meeting will combine all the exemptions the Smith property owners have requested, including bringing in municipal sewer. Sewer prohibition has effectively managed residential density and preserved natural areas in the Cross Timbers areas, as development occurs.

If you cannot attend you can send an email to the town engineer Mr. Hotelling and town manager Mr. Stathatos (below) preferably by noon Monday – tomorrow September 12, and request it be provided to the Transportation Commission members and noted as an opposition email in the minutes. (It will not be actually read). If you wish to speak you can fill out a speaker card and submit it to the commission secretary inside the glass doors next to the lobby.

<mailto:matthew.hotelling@flower-mound.com>

<mailto:jimmy.stathatos@flower-mound.com>

Frank and Marsha Gavitt / Hidden Valley Estates III Neighborhood Contact

Shiloh Road Area

Matthew Hotelling

From: Rick Lust <[REDACTED]>
Sent: Monday, September 12, 2016 9:30 AM
To: Jimmy Stathatos
Cc: Matthew Hotelling; Doug Powell; towncounil@flower-mound.com; Theresa Scott
Subject: Smith Property

Dear Jimmy,

I must say that I find the Master Plan amendment requests by the Smith applicants disturbing.

I'm writing as one of the original architects of our master plan, a former P and Z chairman , and former Mayor of our Town.

As you know the Master Plan is the culmination of the democratic process in which the citizens express and define how they want their town to evolve in the long term. The Plan has served us well and is the primary reason Flower Mound is as desirable a place to live as it is today. If we keep amending it, we will not end up with a balanced and thought out product for the citizens. The Town will end up as just another suburb of Dallas with very little identity. Our Master Plan has also served us well in court cases as we could show we were consistent in its application over the long term and that it was a balanced, fair, and equitable plan.

Dr. Smith bought that tract of land about 40 years ago as agricultural property. He was still alive during the many master plan development meetings and was free to participate in the hearings as was any citizen of the town. It could be argued that bike lanes and recreational trails etc. actually enhance the value and marketability of the property. Running sewer to this property would essentially gut the master plan. Keeping the land sewer free is a fundamental concept of the plan in order to retain some semblance of our rural heritage. The Cross Timbers Conservation District would be in jeopardy as well. The Cross Timbers area was chosen to preserve as much as possible in a low density manner for several

reasons. It is a naturally beautiful area. Being in the interior of the Town, it does not have good ingress or egress particularly north and south, and it does not gravity feed to the Timber Creek drainage basin. It essentially forms part of the signature of our Town.

We should be up front with developers and explain that Flower Mound embraces it's master plan. Look at our town logo. " The City, The Country".

Let's not destroy what helps make Flower Mound a great place to live.

Respectfully,
Rick Lust
3805 Ridgecrest Dr.

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 10:35 AM
To: Matthew Hotelling
Subject: FW: Opposition to Smith Property master plan exemption requests

fyi

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

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

From: Robert Gladney [<mailto:> 
Sent: Monday, September 12, 2016 9:01 AM
To: Jimmy Stathatos
Subject: Opposition to Smith Property master plan exemption requests

Dear Mr. Stathatos,

Please communicate to the members of the Planning and Transportation Commission for inclusion in their upcoming meeting minutes my opposition to the master plan exemptions requested by the owners of the Smith property. Thank you.

Sincerely,
Bob Gladney
3715 Ridgecrest Drive
Flower Mound TX 75022

Sent from my iPad

Matthew Hotelling

From: Janie and Trent Cragin <[REDACTED]>
Sent: Monday, September 12, 2016 10:39 AM
To: Matthew Hotelling
Subject: Concerning the Vote Whether to Keep or Remove Required Bicycle Lane Around Smith Property - KEEP!

Mr. Hotelling,

PLEASE PROVIDE THIS EMAIL TO THE TRANSPORTATION COMMISSION MEMBERS:

Please vote to keep required bicycle lanes around the Smith Property, SE Corner FM 1171/Shiloh!

This is a safety issue for bikers and pedestrians now, and in the future. I actually walk part of Shiloh Road several times per week, and pass other walkers, runners and bikers. When cars are passing, some bikers are "pushed" off of the road, and I personally, as a walker am at times forced to walk into a ditch to avoid oncoming traffic.

There is no reason why a developer cannot meet a safety requirement established by the Master Plan. This is an opportunity to protect the natural areas of our town to make them more friendly for bikers and hikers alike. This, alone should be attractive to a future developer as a selling point to future residents while maintaining the natural character of Flower Mound. And an adherence to the Master Plan can be a positive offering to future residents as well. Perhaps these develops should get more creative with their development plans and not only adhere to the Master Plan, but use it as a selling force to future residents. What about an equestrian friendly development? What about a development that respects the natural environment and the parameters the Town of Flower Mound has put into place to protect natural areas for our future?

Thanks very much for your time and your dedication to the Town of Flower Mound.

Sincerely,

Janie Cragin

3812 Valley View Lane

Flower Mound, TX 75022

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 10:40 AM
To: Matthew Hotelling
Subject: FW: Smith property

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

From: Shannon [<mailto:> 
Sent: Monday, September 12, 2016 7:51 AM
To: Jimmy Stathatos
Subject: Smith property

Hello,

The property line that adjoins the Smith property, and one of their gas wells sits approx. 1200 feet from the property line of another home.

We oppose any amendments to the Master Plan for this property, including the removal of trails/bicycle lanes. We feel this scenic property is actually very suitable for the use of trails and bicycle lanes. Currently, runners, walkers and cyclists share the two lane Shiloh Rd, and it creates dangerous situations on this narrow road with the limited visibility over the hills. This is a safety issue.

We ask that this Master Plan Amendment request be denied.

Thank you,

Joel and Shannon Summerlin

3908 Saturn Street

Flower Mound, TX 75028



Sent from my iPhone

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 10:41 AM
To: Matthew Hotelling
Subject: FW: Transportation Com. Mtg./Smith Tact

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

From: Debbie Chester [<mailto:> 
Sent: Monday, September 12, 2016 7:22 AM
To: Jimmy Stathatos
Subject: Transportation Com. Mtg./Smith Tact

Dear Sir,

I would appreciate you including this letter of opposition to the minutes of the Transportation Committee meeting tonight. I urge you and the Committee to **reject changes** to the requirements for bike lanes and trails in and around the Smith Tract bordered by Shiloh Road. This is a public safety issue. This area is utilized on a regular basis by hundreds of cyclists from Flower Mound and surrounding communities. Dozens of cyclists from Lifetime Fitness Center alone regularly cycle these roads. The hills and turns in the roads already make it hazardous since there are no bike lanes. To consider an increase in the traffic and not provide for the safety of my family our fellow citizens would be irresponsible.

Respectfully submitted,
Debbie Chester
6600 Stonehill Court
Flower Mound

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 10:42 AM
To: 'Madeline Haynie'
Subject: RE: Smith Property Changes

Thank you.

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

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

From: Madeline Haynie [<mailto:> 
Sent: Monday, September 12, 2016 6:45 AM
To: Jimmy Stathatos
Subject: Smith Property Changes

I am a 30-plus year resident of the Cross Timbers Area of Flower Mound and am opposed to the changes proposed for the Smith Property. The gas wells added noise, truck traffic and damage to our neighborhood streets. The proposed changes benefit only developers who will not have to live with what they build. Please do not support the proposed plans for no bike lanes and sewer!

Madeline Haynie

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 10:42 AM
To: 'Janie and Trent Cragin'
Subject: RE: Concerning the Vote Whether to Keep or Remove Required Bicycle Lane Around Smith Property - KEEP!

We'll provide the email to them. Thank you.

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

From: Janie and Trent Cragin [<mailto:> 
Sent: Monday, September 12, 2016 10:39 AM
To: Jimmy Stathatos
Subject: Concerning the Vote Whether to Keep or Remove Required Bicycle Lane Around Smith Property - KEEP!

Mr. Stathatos,

PLEASE PROVIDE THIS EMAIL TO THE TRANSPORTATION COMMISSION MEMBERS:

Please vote to keep required bicycle lanes around the Smith Property, SE Corner FM 1171/Shiloh!

This is a safety issue for bikers and pedestrians now, and in the future. I actually walk part of Shiloh Road several times per week, and pass other walkers, runners and bikers. When cars are passing, some bikers are "pushed" off of the road, and I personally, as a walker am at times forced to walk into a ditch to avoid oncoming traffic.

There is no reason why a developer cannot meet a safety requirement established by the Master Plan. This is an opportunity to protect the natural areas of our town to make them more friendly for bikers and hikers alike. This, alone should be attractive to a future developer as a selling point to future residents while maintaining the natural character of Flower Mound. And an adherence to the Master Plan can be a positive offering to future residents as well. Perhaps these developos should

get more creative with their development plans and not only adhere to the Master Plan, but use it as a selling force to future residents. What about an equestrian friendly development? What about a development that respects the natural environment and the parameters the Town of Flower Mound has put into place to protect natural areas for our future?

Thanks very much for your time and your dedication to the Town of Flower Mound.

Sincerely,

Janie Cragin

3812 Valley View Lane

Flower Mound, TX 75022

Matthew Hotelling

From: Cheri Wiese <[REDACTED]>
Sent: Monday, September 12, 2016 11:02 AM
To: Matthew Hotelling
Cc: Robert Wiese; Doug Powell; cindiprice
Subject: Smith Property (Shiloh Road Area/Cross Timbers) Master Plan Amendment Requests

I am opposed to the proposed changes to the Master Plan relative to the Smith property. Attempting to change the Master Plan without filing a development plan concerns me greatly and I oppose setting this precedence for future requests. I moved here 12 years ago with the impression that the Master Plan really meant something and Flower Mound would preserve its designation as a scenic city. I must admit I am very disappointed with how easy it has been to change the Master Plan over the last 12 years and oppose any development that would impact what little current protection our residents have today.

Please add our objection to those of our neighbors in this last green area of our town.

Sincerely,

Cheri L. and Robert B. Wiese
3315 Raintree Drive
Flower Mound, TX 75022

Matthew Hotelling

From: Diane Walker-Gladney <[REDACTED]>
Sent: Monday, September 12, 2016 11:30 AM
To: Matthew Hotelling
Subject: opposition to Smith property master plan exemptions

Dear Mr. Hotelling,
Please communicate to the members of the Planning and Transportation Commission for inclusion in their upcoming meeting minutes my opposition to the master plan exemptions requested by the owners of the Smith property. Thank you.

Sincerely,
Diane Gladney
3715 Ridgecrest Drive
Flower Mound TX 75022

--

Diane Walker-Gladney
Contemporary Artist
[http:// www.dianewalker-gladney.com](http://www.dianewalker-gladney.com)

Matthew Hotelling

From: [REDACTED]
Sent: Monday, September 12, 2016 11:30 AM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Smith Tract - transportation

Bike lanes must be available for all new developments. Not putting them in endangers bikers, pedestrians and motorists. Please keep bike lanes mandatory.

Susan Bodenmiller
7007 Woodridge drive
[REDACTED]

Matthew Hotelling

From: Emil Soleyman <[REDACTED]>
Sent: Monday, September 12, 2016 11:37 AM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh

Please provide this email to the Transportation Commission members and note it **as an opposition email** in the minutes.

Dedicated bicycle lanes are a safety factor for both bicyclists and cars. Currently, bicyclists are sharing the same lane with cars around this undeveloped area. The Town has minimum requirements that reflect the needs of CURRENT and FUTURE residents.

As was noted in the Parks, Arts and Library Board Meeting last week, the Smith property owners had chosen to allow gas wells on the property first, rather than to develop within our Master Plan for the Cross Timbers Area. Therefore, remaining surface area for development was reduced. However, the property owners now claim that the encumbrances are our Master Plan, and trail and bike lane requirements.

Furthermore, the gas wells and fracking related activities have most likely cause contamination to the environmental area. This will require environmental studies in the (near) future to determine the extent.

Since 2004, the Town has: 1) changed the Master Plan allow smaller lots with 25% increase in residential density and 2) allowed drilling in Cross Timbers - in an attempt to appease large landowners and developers. The Smith property owners did not acknowledge these prior concessions, much of which had strong public opposition.

The question is why are the Smith property owners using their attorneys to request exemptions to our Master Plan and ordinances before even submitting a plan for the property? Why are they trying to introduce a change in the Cross Timbers Conservation District at this time when they still have gas wells on the property?

Noting their history of opposing the Town's Master Plan, including legal action, we can speculate that they are gearing up for another court battle to get what they want.

My wife and I are against this amendment.

Thanks,
Emil and Paulin Soleyman
6601 Stonehill Ct

Matthew Hotelling

From: Sonya Smith <[REDACTED]>
Sent: Monday, September 12, 2016 11:55 AM
To: Matthew Hotelling; Jimmy Stathatos
Subject: OPPOSITION TO REMOVING PLANNED BIKE LANES

Please provide this opposition to removing planned bike lanes to the Commission members and note this as an opposition email in the minutes.

Regarding: Shiloh Road/McMakin Rd, KEEP THE PLANNED BIKE LANES. Do not vote to allow the removal of the planned bike lanes.



Sonya Smith
Director, Sales Support
Specialized Marketing International
8220 Elmbrook Drive
Dallas, Texas 75247
D [REDACTED] M [REDACTED]
[REDACTED]

Matthew Hotelling

From: Mark Solow <[REDACTED]>
Sent: Monday, September 12, 2016 12:04 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Bike Lane on Shiloh Rd.

Guys, I will not be able to attend the Transportation Commission meeting tomorrow night. I'm requesting that this letter be submitted to be read in place of my presence:

I've been organizing group bicycle rides in Flower Mound for almost 6 year now for beginner/intermediate cyclists under the name of Pathfinders Fun Cycling. We ride in Flower Mound a couple times a month.

We are getting close to 1,300 DFW area cyclists on our Facebook Friends Group and e-mail list. Most of our riders live in Flower Mound.

We normally stop for lunch on our rides and love the original Christina's restaurant at Shiloh Rd. and FM 1171. But, we never go there anymore because every time we ride on Shiloh we've had close-calls and near-misses with cars on Shiloh Road!

As you know, there's currently no shoulder on Shiloh and the hills tend to hide cyclists until the last minute from motorists.

I was excited to know that the city of Flower Mound was planning to do the right thing and add bike lanes before someone is killed.

Now I hear that some developer is wanting to add high-density homes and save a few bucks on their road assessment fees by eliminating the bike lane. On top of that, they have the gall to say that it is "better for the environment" to not have a bike lane!

Please have them explain how giving people the incentive to ride a bike safely on a road rather than drive a combustion engine vehicle is more environmentally friendly!

As you know, Shiloh Road / McMakin Road is a major north / south connecting road for cyclists. Please continue with your plan to do what is best for the community, not the developer.

Sincerely,

Mark Solow
Pathfinders Fun Cycling
facebook.com/groups/Pathfindersfuncycling

Matthew Hotelling

From: Laura Cutia <[REDACTED]>
Sent: Monday, September 12, 2016 12:04 PM
To: Matthew Hotelling
Subject: Smith Property

I am opposed to the changes to the master plan on the Smith property off Shiloh Road.

Laura Cutia
6901 Wind Swept Court
Flower Mound, TX

Sent from my iPhone

Matthew Hotelling

From: Dart West (dartwest) <[REDACTED]>
Sent: Monday, September 12, 2016 11:56 AM
To: Place2 - Bryan Webb; Place5 - Itamar Gelbman; Place4 - Don McDaniel; Place1 - Jason Webb; Mayor - Tom Hayden; Place3 - Kevin Bryant; Matthew Hotelling
Subject: Against: TRANSPORTATION COMMISSION AGENDA ITEM NO. 2 / Master Plan Amendment

Town leadership:

I am vehemently opposed to the elimination of bike lanes. I am one of those cyclist that ride our roads. Not only do bike lanes increase the safety of the cyclist it decreases the frustration of the drivers. They also enhance the image of our community as a place that encourages an outdoors and active lifestyle. We need more bike lanes not less.

Thank You,

Dart West
5920 Chinn Chapel Rd
Flower Mound, TX

Matthew Hotelling

From: JOHN <[REDACTED]>
Sent: Monday, September 12, 2016 12:07 PM
To: Matthew Hotelling; jimmy.stathatos@flowermound.com
Cc: [REDACTED]
Subject: Smith Master Plan - BIKE LANES/BIKE TRAILS

Gentlemen

It is vital to the health and safety of our community that bicycle paths and bicycle lanes continue to be included in the master plan for our city.

The traffic on our streets makes it imperative to our safety that designated bicycle lanes and bicycle paths remain in the plan in all new developments, and in street upgrades.

As a rider, and a friend of riders, I don't really care what it costs a developer to do the right thing when it comes to safety.

One accident is not worth the savings to a developer.

We look forward to you standing for the safety of your citizens.

Thank you

John Basse
1501 Lindby
Flower Mound, TX 75028

[REDACTED] iPhone

JB
Sent from my iPhone

Matthew Hotelling

From: Watson's Email <[REDACTED]>
Sent: Monday, September 12, 2016 12:43 PM
To: Matthew Hotelling
Subject: Smith Tract agenda item

Matthew-

I am looking to communicate my opposition to tomorrow's meeting agenda Letter H- the Smith Tract Master Plan Amendment.

Until I talked with Chuck Russell

I had been having trouble tracking information down about these amendments (as the town's signs and returned phones calls saying "go to the town's website for more information" has not actually produced much information about said Amendments), but I do know that my property appears to directly back up to the property in question, and my neighborhood would negatively effected by approving this amendment.

I am going to try to be at the Commission Meeting tomorrow night, but I already have a parent meeting for 7pm. So I don't know that I will have time to speak.

All that being said, how can I email or communicate with all the commission members to make sure my concern is heard?

Sincerely,

Watson Kohankie

[REDACTED]

3124 Miracle Lane, Flower Mound, TX 75022

Sent from my iPhone

Matthew Hotelling

From: Suzanne Baker <[REDACTED]>
Sent: Monday, September 12, 2016 12:34 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Smith Property in Flower Mound

To:
Matthew Hotelling
Jimmy Stathatos

Dear Sirs:

My home and property located at 3115 Miracle Lane sets in the neighborhood next to the Smith property. My neighborhood adjoins the Smith property, and one of their gas wells sit next door to the entry street of our neighborhood.

I strongly oppose any amendments to the Master Plan for this property, including the removal of trails/bicycle lanes. My neighbors and I feel this scenic property is actually very suitable for the use of trails and bicycle lanes. Currently, runners, walkers and cyclists often share the two lane Shiloh Rd, and it creates dangerous situations on this narrow road with the limited visibility over the hills. This is a clear safety issue.

Additionally, the roads currently existing are not sized to handle the significant traffic expansion we would see as a result of the approval of the Smith Property Master Plan Amendments and the direction these requests are headed.

I urge in the strongest terms possible that this Master Plan Amendment request be denied.

Thank you,

Suzanne Baker
3115 Miracle Lane
Flower Mound, Texas 75022

[REDACTED]

Regards,

Suzanne Baker

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 12:53 PM
To: 'Diane Walker-Gladney'
Cc: Matthew Hotelling
Subject: RE: opposition to Smith property master plan exemptions

I will. Thank you.

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

From: Diane Walker-Gladney [<mailto:> 
Sent: Monday, September 12, 2016 11:31 AM
To: Jimmy Stathatos
Subject: opposition to Smith property master plan exemptions

Dear Mr. Stathatos,
Please communicate to the members of the Planning and Transportation Commission for inclusion in their upcoming meeting minutes my opposition to the master plan exemptions requested by the owners of the Smith property. Thank you.
Sincerely,
Diane Gladney
3715 Ridgecrest Drive
Flower Mound TX 75022

--

Diane Walker-Gladney
Contemporary Artist
[http:// www.dianewalker-gladney.com](http://www.dianewalker-gladney.com)

Matthew Hotelling

From: bobby Oliver <[REDACTED]>
Sent: Monday, September 12, 2016 12:55 PM
To: Place2 - Bryan Webb; Place5 - Itamar Gelbman; Place4 - Don McDaniel; Place1 - Jason Webb; Mayor - Tom Hayden; Place3 - Kevin Bryant; Matthew Hotelling
Subject: Opposition to a deviance from the Master Plan for the "Smith property" before the Town of Flower Mound...

To the Town Council and Park Board,

I cannot attend the meeting for this issue since I will be in class and my wife working, but both my wife and I would like to register our opposition to deviating from the Master Plan, specifically the elimination of bike lanes and other trails for riding horses or walking and the positioning the property for high density development by approving municipal sewer systems.

As a cyclist, bike lanes increase the safety of our streets for both cyclists and drivers. They also enhance the attractiveness of our city and neighborhoods as a desirable place to live and increase property values. We contend that more, not less, trails and bike lanes should be made available to the residents of Flower Mound.

As a resident of the city since 1991, I hate to see the developers' plans to make maximize their profits triumph over the residents quality of life. A Master Plan has zero value if every time a developer wants an exception the town "rubber stamps" approval for the asking.

Please vote no to deviating from the provisions in the Master Plan and leave the bike lanes, trails, and low-density development standards in place for the "Smith property" located in the Shiloh/Cardinal/Scenic area .

Thank You,

Bobby and Cheryl Oliver
2909 Sun Meadow Drive
Flower Mound, TX 75022
[REDACTED]

Matthew Hotelling

From: Cathy Strathmann <[REDACTED]>
Sent: Monday, September 12, 2016 12:57 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Smith Property

Good Afternoon Gentleman:

I am writing to voice my disapproval to remove the bike lanes as requested by the Smith family. There is no reason for this to be requested with or without a plan IMO. For the safety of our residents please deny this request.

Thank you
Cathy Strathmann
2612 Belmont Court.

Sent from [Outlook](#)

Matthew Hotelling

From: Janvier Scott <[REDACTED]>
Sent: Monday, September 12, 2016 1:03 PM
To: Matthew Hotelling
Subject: Transportation Meeting

Transportation Committee members -

I am strongly opposed to item 2 on tonight's agenda:

2.Public Hearing to consider recommending to Planning and Zoning Commission and Town Council a Master Plan Amendment (MPA16-0006 – Smith Tract) to amend Section 7.0,Thoroughfare Plan, by amending the Rural Collector cross-section for Scenic Road,Cardinal Road, Rocky Point Road, and Shiloh Road adjacent to the Smith Tract to remove the bike lane designation. The property is generally bounded by Cross Timbers Road (FM 1171), Scenic Road, Cardinal Road, Rocky Point Road, Sunset Trail and Shiloh Road.

Janvier Scott
2829 Bob White Lane

Matthew Hotelling

From: Tad Marko <[REDACTED]>
Sent: Monday, September 12, 2016 1:12 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Shiloh / McMakin Bike Lanes

Gentlemen,

I understand that a developer is asking for the elimination of the bike lanes related to a development near Shiloh and McMakin. I am opposed to this as this road is a pinch point that any cyclist in Flower Mound is pretty much forced to use as changes to several other major roads in recent years have taken away alternative routes. Weekend mornings will see many dozen cyclists using this route to get to more open roads than are available in Flower Mound. I use it every time I ride several times per week.

Most amateur cyclists will ride no less than 20 miles at a time, with 30 to 50 miles being very common distances. In order to get this distances on safe roads, most cyclists in Flower Mound ride out to Argyle and back and will make use of Shiloh and McMakin.

Please work to ensure that not only are bike lanes included with any development in this area, but that they are adequate for the high amount of car and bicycle traffic that exists in this area. I will probably not be able to make tomorrow's meeting, but I am happy to answer via email any questions you may have. Please let me know who else I should send my comments to.

Thank you,
Tad Marko

Matthew Hotelling

From: KC Walsh <[REDACTED]>
Sent: Monday, September 12, 2016 1:37 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Smith Tract MPA request to remove bike lanes

Please let it noted on record and provided to the Transportation Commission members that I **oppose** the upcoming Master Plan Amendment request to remove the planned bike lanes from the Smith Tract.

Best regards,

Karyn Catherine Lottie Walsh
3525 High Rd
Flower Mound, TX 75022
[REDACTED]

Matthew Hotelling

From: Scott Stubbs <[REDACTED]>
Sent: Monday, September 12, 2016 12:42 PM
To: Place2 - Bryan Webb; place5@flowermound.com; Place4 - Don McDaniel; place1@flower-mound.com; Mayor - Tom Hayden; Place3 - Kevin Bryant; Matthew Hotelling
Subject: Against: TRANSPORTATION COMMISSION AGENDA ITEM NO. 2 / Master Plan Amendment

Town Leadership:

I am strongly opposed to the elimination of bicycle lanes. This developer exemption sets a horrible precedent that every developer from now on want to follow. Bike lanes not only provide convenience and safety for cyclists, but they dramatically reduce the frustration of drivers. Exempting bike lanes is a big step in the wrong direction for a city that promotes itself as a community which encourages an outdoor and active lifestyle. We need more bike lanes, not less.

Thank you,

Scott Stubbs
Flower Mound, TX

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 10:41 AM
To: 'steve noble'
Cc: [REDACTED]
Subject: RE: Master Plan changes

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you.

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

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

From: steve noble [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Monday, September 12, 2016 12:45 AM
To: Jimmy Stathatos
Cc: [REDACTED]
Subject: Master Plan changes

What is the need to amend the Master Plan to add pressure to an infrastructure that the Town is now not adequately maintaining.

Pressure on roads, schools, sewer, water, it goes on and on.

Why build more, when the Town and schools can't handle what is currently in place?

What good is a Master Plan?

Did those who developed the plan not consider our future Town needs?

In the past even one acre lots were not acceptable. Now we have a need for lot size half that. What hypocrisy?

This is a tax grab for the Town and a developer windfall.

All about the \$\$.

Stephen Noble
6408 Lakeside Drive
[REDACTED]

Sent from my iPhone

Sent from my iPhone

Matthew Hotelling

From: Tina Archambault <[REDACTED]>
Sent: Monday, September 12, 2016 1:46 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Opposed to removing the planned bike lanes

I am opposed to removing the planned bike lanes on Shiloh Road (aka McMakin Rd).

Thank you,
Tina Archambault
Flower Mound resident

Matthew Hotelling

From: Kim and Mike Brownen <[REDACTED]>
Sent: Monday, September 12, 2016 1:50 PM
To: Matthew Hotelling; Jimmy Stathatos; Place2 - Bryan Webb
Subject: Shiloh Road Opposition

Please consider the Shiloh Road Master Plan change. Please DO NOT allow this change. I'm keeping this brief as I know your time is precious but PLEASE do not allow this change

Kim and Mike Brownen

Matthew Hotelling

From: Troy <[REDACTED]>
Sent: Monday, September 12, 2016 1:59 PM
To: Jimmy Stathatos; Matthew Hotelling
Cc: [REDACTED]
Subject: Proposed change to bike paths or bike lanes

As a resident of Flower Mound I would like to express my concerns over the proposed removal of planned bike lanes. I myself ride the existing Whicita Trails bike lane and have been looking forward to the completion of our towns proposed bike lanes. I moved here 20 years ago from Lincoln Nebraska where one could ride or walk for miles on multiple use trails. Please do not approve this change.

Troy Stock

The owners of the Smith property are using their attorneys to request exemptions to our Master Plan and ordinances before even submitting a plan for the property. They have a past history of opposing our Master Plan, including legal actions.

Dedicated bicycle lanes are a safety factor for both bicyclists and cars. Currently, bicyclists are sharing the same lane with cars around this undeveloped area. The Town has minimum requirements that reflect the needs of CURRENT and FUTURE residents.

As was noted in the Parks, Arts and Library Board Meeting last week, the Smith property owners had chosen to allow gas wells on the property first, rather than to develop within our Master Plan for the Cross Timbers Area. Therefore, remaining surface area for development was reduced. However, the property owners now claim that the encumbrances are our Master Plan, and trail and bike lane requirements.

Matthew Hotelling

From: Paul Rudd <[REDACTED]>
Sent: Monday, September 12, 2016 2:01 PM
To: Jimmy Stathatos; Matthew Hotelling
Subject: Our property

To:
Matthew Hotelling
Jimmy Stathatos

Dear Sirs,

It seems like each time this property (Dr. Smith) is considered for a project, it benefits the heirs of the Smiths or the bottom line for Flower Mound. Where does it end?

Please consider the people who live in the area now.

My wife (Sharon) and I live at 3312 Miracle Lane.

Shiloh Road is a very popular biking road. It is often crowded with up to 50 cyclists in a group along with several cars that must make their way around this group without hitting anyone. Very dangerous as it stands. To not ultimately have bike paths, puts many at risk.

When I ultimately think about what Flower Mound was, and what it appears it will be, I have to consider getting out before the gridlock hits.

No concern to the city, but, the quality of life continues to suffer.

Paul Rudd
[REDACTED]

Matthew Hotelling

From: John Cork <[REDACTED]>
Sent: Monday, September 12, 2016 1:56 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: My ardent opposition to the removal of Bike Lanes. Please share with other council members as well. Thank you

Gentlemen,

Though I am a resident of the city of (far north) Lewisville, I ride my mountain bike through Highland Village and Flower Mound at least four times per week. I am writing to voice my opposition to the removal of bike lanes and/or lane designations. Motor vehicle traffic has increased in the areas at issue, but so has bike traffic. In order to provide a safe option for bicycles, bike lanes **can and should** be available to those of us pedalling through the area and beyond.

Across the country in recent years, many cities have made great strides to accommodate alternative modes of transportation like bicycles. Bike lanes have sprung up in both rural areas as well as larger cities. This trend is in response to the **increase** in two wheeled pedal traffic, to provide us with *a safer area, a "buffer", from the much faster moving automobiles*. Bicyclists are members of the community who contribute to the local economy, and we are very appreciative of cities that care enough to provide a safe place for our pedal power to propel us to new heights.

The most important reason for bike lanes is for the safety of cyclists and motorist. As a paramedic for the last 22.5 years, I can tell you that it is seldom the fault of the bicyclist in accidents with motor vehicles, and the injuries sustained by cyclists can many times be prevented altogether by communities who include them in the planning stages and provide lanes to allow for bicycle traffic.

There is nothing more important than the safety of the citizens of the community. You have a responsibility to acknowledge that truth and act accordingly. Please do not allow this lane designation to change. As cyclist, and as citizens, we deserve to be able to ride/drive down the roads with adequate space for the safety of both drivers and cyclists.

Sincerely,

John A Cork IV

Matthew Hotelling

From: Ed Jordan <[REDACTED]>
Sent: Monday, September 12, 2016 2:41 PM
To: Matthew Hotelling
Subject: Shiloh Road Area Major Bicycling Route

Dear Matthew (Flower Mound Town Engineer),

I am Ed Jordan and I live at 1220 River Oaks, Flower Mound, Texas 75028, and we moved to Flower Mound because of its many bicycle lanes and paths. We will be out of town tomorrow night. Also, I understand that there is a Transportation Commission meeting tomorrow night to consider Exemptions to the Master Plan in the Shiloh Area which may grant not having dedicated bicycle lanes and forcing bicyclist to share the same lanes with cars and also consider not having bicycling paths for children and adults which may be riding in that area.

Please deny changes or exemptions to the Master Plan with relationship to bicycle safety. We have ridden through this area and had some close calls with cars, which could fatally injure a bicyclist.

Also, please provide this email to the Transportation Commission members and noted as an email in opposition to be recorded in the minutes.

Thank you for your time and attention.

Best Regards,

Ed Jordan

Matthew Hotelling

From: Scott Singler <[REDACTED]>
Sent: Monday, September 12, 2016 2:39 PM
To: Matthew Hotelling
Subject: Keep Bike lanes in Smith Property Dev

Mr. Hotelling

As a 12 year resident of Flower Mound and an avid cyclist, I am writing to express my ***opposition*** to the removal of bicycle lanes in the proposed development of known as Smith Property SE Corner of 1171/Shiloh. Please keep the bike lanes.

Thank you,
W. Scott Singler
3220 Brittany Dr
Flower Mound 75022

W. Scott Singler

Matthew Hotelling

From: Terri Plumlee <[REDACTED]>
Sent: Monday, September 12, 2016 2:43 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: My Vote for Bike Lane Exemption

Good day, Gentlemen,

I'd like to cast my vote for the the Bike lane exemption between Shiloh and Scenic. I know that the developer is selfishly hoping to be exempt from having to have bike lanes in this new development. I'm unable to attend Town hall meeting to vote in person, so please accept this in my physical absence. My vote is NO for the builders EXEMPTION. I AM FOR THE BIKE LANES!

Thank you for your time.

Regards,
Terri Plumlee
[REDACTED]

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 2:54 PM
To: 'Jay Frappier'
Cc: Matthew Hotelling
Subject: RE: Smith Property change requests

Jay,

It's great to hear from you. I hope you're doing well. I will share your email with the Transportation Commission. Thanks for contacting me.

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

From: Jay Frappier [[mailto:](#) [REDACTED]]
Sent: Monday, September 12, 2016 2:43 PM
To: Jimmy Stathatos
Subject: Smith Property change requests

Jimmy, my name is Jay Frappier and we have talked numerous times regarding change requests in the cross timbers area. I hope you are doing well and I am sure the towns business is keeping you very busy. I am writing to you today to let you know my position on the Smith Property Master Plan Amendments/Bike Trails Exemption that is going in front of numerous committees and boards in the near future. I like to see myself as a reasonable person who can see both sides of an issue and I am willing to discuss compromise without digging in on my position and getting angry with anyone who has opposition. I feel the same way as to the proposed change requests on the Smith property. I am totally opposed to the idea of allowing city sewer systems to come into the Cross Timbers area. Granting a waiver to the developer of the Smith property on that issue would open up the door and make it easy to have city sewer in every new development in the cross timbers area. As to the bike and horse trails, I understand that those trails and paths are not yet built. I do not feel as strongly about letting them have that requirement removed from their property. I am trying to balance the rights of the surrounding neighborhoods with that of the property owners and I don't feel as strongly about granting them that exception. Alternatively, I think that if the developer could find a compromise that would enable safe bicycling in and around that neighborhood, that would be a much better approach and I think add value to his development. Thanks for your time in reading this email and I am against any request to provide exceptions on the issue of adding sewer in the cross timbers area. Thanks

Jay Frappier
2600 Long Ln
Flower Mound TX
[REDACTED]

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Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 2:55 PM
To: 'Ed Jordan'
Cc: Matthew Hotelling
Subject: RE: Shiloh Road AreaMajor Bicycling Route

Thanks, Mr. Jordan. We'll share your email with the Transportation Commission.

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

From: Ed Jordan [<mailto:> 
Sent: Monday, September 12, 2016 2:54 PM
To: Jimmy Stathatos
Subject: Shiloh Road AreaMajor Bicycling Route

Dear Mr. Stathatos (Town Manager),

I am Ed Jordan and I live at 1220 River Oaks, Flower Mound, Texas 75028, and we moved to Flower Mound because of its many bicycle lanes and paths. We will be out of town tomorrow night. Also, I understand that there is a Transportation Commission meeting tomorrow night to consider Exemptions to the Master Plan in the Shiloh Area which may grant not having dedicated bicycle lanes and forcing bicyclist to share the same lanes with cars and also consider not having bicycling paths for children and adults which may be riding in that area.

Please deny changes or exemptions to the Master Plan with relationship to bicycle safety. We have ridden through this area and had some close calls with cars, which could fatally injure a bicyclist.

Also, please provide this email to the Transportation Commission members and noted as an email in opposition to be recorded in the minutes.

Thank you for your time and attention.

Best Regards,

Ed Jordan

Matthew Hotelling

From: Eric Warden <[REDACTED]>
Sent: Monday, September 12, 2016 3:02 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Shiloh/ScenicRoad / 1171 Development Bike Lanes

Hello, I am unable to attend the town hall meeting tomorrow night 9/13 to listen to the developers requested exemption of Bike lanes from the Shiloh/Scenic - 1171 development.

I would like it to be known that I am against this exemption and would like my vote against the removal of the of the bike lanes to be recorded.

Thank you,
Eric Warden

Matthew Hotelling

From: Jay Frappier <[REDACTED]>
Sent: Monday, September 12, 2016 2:54 PM
To: Matthew Hotelling
Subject: Smith Property MP change request

Matthew, my name is Jay Frappier and I have talked with TC numerous times regarding change requests in the Cross Timbers area. I hope you are doing well and I am sure the towns business is keeping you very busy. I am writing to you today to let you know my position on the Smith Property Master Plan Amendments/Bike Trails Exemption that is going in front of numerous committees and boards in the near future. I like to see myself as a reasonable person who can see both sides of an issue and I am willing to discuss compromise without digging in on my position and getting angry with anyone who has opposition. I feel the same way as to the proposed change requests on the Smith property. I am totally opposed to the idea of allowing city sewer systems to come into the Cross Timbers area. Granting a waiver to the developer of the Smith property on that issue would open up the door and make it easy to have city sewer in every new development in the cross timbers area. As to the bike and horse trails, I understand that those trails and paths are not yet built. I do not feel as strongly about letting them have that requirement removed from their property. I am trying to balance the rights of the surrounding neighborhoods with that of the property owners and I don't feel as strongly about granting them that exception. Alternatively, I think that if the developer could find a compromise that would enable safe bicycling in and around that neighborhood, that would be a much better approach and I think add value to his development. Thanks for your time in reading this email and I am against any request to provide exceptions on the issue of adding sewer in the cross timbers area. Thanks

Jay Frappier
2600 Long Ln
Flower Mound TX
[REDACTED]

Notice of Confidentiality

This e-mail message and attachments, if any, are intended solely for the use of the addressee hereof. In addition, this message and attachments, if any, may contain information that is confidential, privileged and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are prohibited from reading, disclosing, reproducing, distributing, disseminating, or otherwise using this transmission. Delivery of this message to any person other than the intended recipient is not intended to waive any right or privilege. If you have received this message in error, please promptly notify the sender by e-mail and immediately delete this message from your system.

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 3:05 PM
To: 'Peter Turla'
Cc: Matthew Hotelling
Subject: RE: Update #2: Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh : Opposition

Thank you, Mr. Turla. We'll make sure that your email is shared with the Transportation Commission.

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

From: Peter Turla [<mailto:>]
Sent: Monday, September 12, 2016 3:02 PM
To: Jimmy Stathatos
Subject: Update #2: Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh : Opposition

Dear Mr. Stathatos,

RE: Update #2: Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh

I'd like to go on record as saying that dedicated bicycle lanes are a safety factor for both bicyclists and cars. Currently, bicyclists are sharing the same lane with cars around this undeveloped area. Please require bike lanes.

When exceptions are granted, it encourages even more exceptions.

I request my opposition email be provided to the Transportation Commission members and noted as an opposition email in the minutes.

Peter

Peter Turla
3209 Lakewood LN
Flower Mound, TX 75022

www.TimeMan.com

Matthew Hotelling

From: kyle rogers <[REDACTED]>
Sent: Monday, September 12, 2016 3:07 PM
To: Matthew Hotelling
Subject: bike lanes

Matthew...

Ive heard that a developer has requested an exemption.

NOT put in the required bike lanes along Shiloh and Scenic south of 1171

As a long time flower mound resident and cyclist I'd request that you vote **NO** on this exemption
Cyclists in general and specifically those that ride in groups go to great lengths to ensure the safety of all. Unfortunately, many drivers do not share this same concern.

Thanks,
Kyle Rogers

Matthew Hotelling

From: Bob Schmalholz <[REDACTED]>
Sent: Monday, September 12, 2016 3:15 PM
To: Matthew Hotelling
Subject: Master Plan Amendment (MPA16-0006 – Smith Tract)

Hi Matthew,

I am writing to you regarding the subject waiver request. I am an avid cyclist here in Flower Mound as well as the Cycle Club Coordinator for Life Time Fitness. I have ridden bicycles, as an adult, for 35 years. I currently ride approximately 200 miles a week in and around Flower Mound; and very specifically on Scenic, Cardinal, Rocky Point, and Shiloh. I can tell you from harrowing experience that Rocky Point and Shiloh are already too narrow for the traffic and cyclists. Additional traffic and residents will only exacerbate this situation without the required bike lanes.

Please register my negative concern.

Bob Schmalholz
[REDACTED]
1502 Saint Francis lane

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 3:18 PM
To: 'Bob Schmalholz'
Cc: Matthew Hotelling
Subject: RE:

Hello, Bob. Thanks for the email. We'll share your concerns with the Transportation Commission. Thanks.

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

From: Bob Schmalholz [<mailto:>]
Sent: Monday, September 12, 2016 3:17 PM
To: Jimmy Stathatos
Subject:

Hi Jimmy,

I am writing to you regarding the subject waiver request. I am an avid cyclist here in Flower Mound as well as the Cycle Club Coordinator for Life Time Fitness. I have ridden bicycles, as an adult, for 35 years. I currently ride approximately 200 miles a week in and around Flower Mound; and very specifically on Scenic, Cardinal, Rocky Point, and Shiloh. I can tell you from harrowing experience that Rocky Point and Shiloh are already too narrow for the traffic and cyclists. Additional traffic and residents will only exacerbate this situation without the required bike lanes.

Please register my negative concern.

Bob Schmalholz
[REDACTED]
1502 Saint Francis Lane

Matthew Hotelling

From: Ellen Woertink <[REDACTED]>
Sent: Monday, September 12, 2016 3:25 PM
To: Matthew Hotelling; jimmystathatos@flower-mound.com
Subject: NO to the Exemption

I vote NO to the exemption

Regards,

Ms Ellen Woertink
[REDACTED]

Matthew Hotelling

From: David Cheatham <[REDACTED]>
Sent: Monday, September 12, 2016 3:25 PM
To: Matthew Hotelling; Jimmy Stathatos
Cc: [REDACTED]
Subject: Opposed to removing bike lanes for Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh

Mathew, Jimmy,

I am opposed to changes removing the bike lanes for Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh. I personally cycle the area frequently and find the current lack of dedicated cycle lanes to be dangerous.

Regards,

David Cheatham

Flower Mound Resident

Matthew Hotelling

From: Eric Peters <[REDACTED]>
Sent: Monday, September 12, 2016 3:28 PM
To: Matthew Hotelling
Subject: Exemption from the Town of Flower Mound master plan

I am asking that you please hold developers in the town of Flower Mound accountable to provisions for cycling lanes and not allow special exemptions.

It is very hard to get a step forward (so to speak) when we are looking to become a healthy community. By removing items that keep us motivated, mobile and ultimately more active and healthy. It is a step in the wrong direction.

--

-Eric Peters

Matthew Hotelling

From: Dwight Farmer <[REDACTED]>
Sent: Monday, September 12, 2016 3:46 PM
To: Matthew Hotelling
Subject: Bike Lanes Along Shiloh and Scenic

I am asking for a NO vote to the requested exemption of bike lines on Shiloh and Scenic. I am a 20 year resident of Flower Mound as well as an avid bicyclist. Bike lanes are important to a friendly and safe community.

Thanks
Dwight Farmer
4317 Essex Ct
Flower Mound, TX 75028

Matthew Hotelling

From: mere <[REDACTED]>
Sent: Monday, September 12, 2016 3:33 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: meeting tonight regarding Master plan and cyclists

I hope this email is not too late...I just saw on Facebook that a meeting will be held tonight to remove designated bike lines....as my husband is an avid biker his safety is my greatest concern - and I absolutely would want these proposed bike lanes to remain on the master plan and completed...

Most of these cyclists are fathers...and they are important to their families..but i'm sure I don't need to remind you of that.

Thank you I hope this helps a little.
My husband is out of town on business...

Thank you
Mere Green
[REDACTED]

Matthew Hotelling

From: Frank Pugsley <[REDACTED]>
Sent: Monday, September 12, 2016 4:01 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: MPA16-0006 Smith Tract - Rural Collector

Gentlemen,

My name is Frank Pugsley. I live at 5621 Reid Dr, in Flower Mound, relatively near the subject property.

I would like to voice my opposition to amending the Master Plan to allow Rural Collector construction without the mandated 5-ft shoulder. Should you consider an amendment for this property, I would request that you require the Urban Collector cross-section be used. The construction should be comparable to that of Cardinal Dr., at the very least.

This area is frequented by cyclists, and to allow one developer to gain an amendment sets a precarious precedent for all future development in West Flower Mound. I realize this is approximately, 24,000 SY of pavement. For the 550 acres bounded by the roadways in question, this seems to be a modest investment.

Thank you for your consideration.

Regards,
Frank Pugsley, PE

Matthew Hotelling

From: Jim Waverka <[REDACTED]>
Sent: Monday, September 12, 2016 4:02 PM
To: Matthew Hotelling
Subject: Support of Bike Lanes

I fully support the development of bike lanes as they increase the safety factor for both cyclists and drivers!
Thanks

Matthew Hotelling

From: Fred Howell <[REDACTED]>
Sent: Monday, September 12, 2016 4:10 PM
To: Matthew Hotelling
Subject: Smith Amendment to the Master Plan

Mr. Hotelling,

My wife and I will be celebrating our fortieth (40th) year anniversary as residents of Franklin Hills in Flower Mound. Naturally we have seen a lot of change over those forty (40) years. It has been a battle over the years with land development that pits the rural verse the urban. I thought that when the populace voted several years ago on a Master Plan that the east side of town would be multi homes on small lots and the (2) acre lot requirements on the west side of town would help preserve our natural setting that many of us had built our homes and life around. Now the Master Plan is like a sieve and this Smith Amendment will be just another hole in it.

This attempt to remove the bike path is just another ploy by the developers to increase population density, just as this cluster home and conservation area that the developers are doing is just a way to get around the plan. If the Master Plan is going to be changed, then, home owners should be casting the vote, not the City Council with their own agendas.

Please have my comments provided to the Transportation Commission members and noted as an opposition email in the minutes.

Fred Howell
3823 Sunnyview Lane
Flower Mound TX 75022



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Matthew Hotelling

From: Janet Dixon <[REDACTED]>
Sent: Monday, September 12, 2016 4:14 PM
To: Matthew Hotelling; Jimmy Stathatos
Cc: [REDACTED]
Subject: Vote No to the Exemption

It has been advised a developer filed for an exemption to NOT put in the required bike lanes along Shiloh and Scenic South of 11171. Please do not allow this to happen as future developers will apply for and potentially receive similar waivers. See post below from FB:

[Bob Schmalholz to Life Time Cycle - Flower Mound Cycle Club](#)

1 hr · [Flower Mound](#) ·

ATTENTION ATTENTION ATTENTION

A developer has filed for an exemption to NOT put in the required bike lanes along Shiloh and Scenic south of 1171. The major concern here is that if they get this exemption, future developers will apply for and potentially receive similar waivers.

The transportation committee meeting is tomorrow night (Tuesday) at 6:30pm at the Town Hall, but you can send emails to the transportation committee at the email below. Can everybody send an email to one of the below with a vote of NO to the exemption?

<mailto:matthew.hotelling@flower-mound.com>

<mailto:jimmy.stathatos@flower-mound.com>

We need to get our voices heard.

Thank you,
Janet

Matthew Hotelling

From: Raja Doddala <[REDACTED]>
Sent: Monday, September 12, 2016 4:21 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Please vote NO on the bike lane exemption for Shiloh and FM 1171

Gentlemen:

First, thank you for serving the town of Flower Mound.

My wife, 2 kids and I are long time residents of Flower Mound (this is we started our family). We are both avid cyclists and enjoy riding with our friends on beautiful roads of Flower Mound and surrounding towns. We heard that a developer has filed an exemption with the transportation committee NOT to put bike lanes on Shiloh and scenic south of 1171.

We are respectfully asking you to vote NO on the exemption for the following key reasons:

1. Cycling is one of the most enjoyable outdoor activities that also contributes to great health outcomes.
2. As more and more people take up the hobby (you can see them in droves in Flower Mound every weekend), it has also become very unsafe (lots of well reported fatal accidents in the area). I myself had a major hip fracture last year due to a cycling accident (while trying to navigate cracks on a Flower Mound street and fortunately not due to a motor vehicle, which would've been fatal!).
3. Bike friendly towns and safe environment for cyclists attract great residents and boost property values. Recreational cyclists and runners tend to be more affluent than the general population.

Thank you for your consideration, and we hope you do the right thing.

-Raja and Hema DODDALA
2316 Northshore Blvd
Flower Mound, TX 75028

Get [Outlook for iOS](#)

From: [REDACTED]
To: [Place1 - Jason Webb](#); [Place2 - Bryan Webb](#); [Place3 - Kevin Bryant](#); [Place4 - Don McDaniel](#); [Place5 - Itamar Gelbman](#); [Mayor - Tom Hayden](#); [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Against: TRANSPORTATION COMMISSION AGENDA ITEM NO. 2 / Master Plan Amendment
Date: Monday, September 12, 2016 9:41:39 PM

Dear town leadership,
I am strongly opposed to the elimination of bike lanes on any new construction.

The property in question is a huge tract of land south of 1171 and between Shiloh and Scenic. If the developer gets the exemption, bike lanes will not be built into Shiloh, Scenic, Rocky Point and Cardinal Roads.

Further, if this exemption is granted, then there is serious concern that other developers in the area will use this precedent to demand the same exemption.

As was noted in the Parks, Arts and Library Board Meeting last week, the Smith property owners chose to allow gas wells on the property first, rather than to develop within our Master Plan for the Cross Timbers Area. The remaining surface area for development was reduced by this drilling; however, the property owners now claim that the encumbrances are the Master Plan trail and bike lane requirements.

This area already deals with conflicts between cyclists and automobiles. The development, with or without it's existing exemptions to lot size and sanitary sewer construction, will greatly increase the number of automobiles on these roads. In a battle between bikes and cars, cars win, and cyclists pay with injury or death.

Bike lanes are good for citizens of Flower Mound, visitors to Flower Mound, and reduces the frustration of drivers in Flower Mound.

I urge you to reject exemptions to the Flower Mound Master Plan that would constitute a risk to cyclists, pedestrians, and drivers. Please ensure bike lanes and paths continue to be required.

Thank you for your time and your attention.

With friendly Regards,
Josh-Daniel S. Davis
426 Moran Drive, Highland Village, TX 75077
[REDACTED]

Matthew Hotelling

From: Regina Kaplan-Rakowski <[REDACTED]>
Sent: Monday, September 12, 2016 9:49 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: I vote "NO" to the exemption!

Hello,

This brief email regards the issue on bike lanes along Shiloh and Scenic south of 1171.
I vote "NO" to the exemption!

Sincerely,
Regina Kaplan-Rakowski

Matthew Hotelling

From: Kris Borchers <[REDACTED]>
Sent: Monday, September 12, 2016 10:09 PM
To: Matthew Hotelling
Subject: Fwd: Bike Lane Removal Opposition

Sorry, I spelled your name wrong on the original.

----- Forwarded message -----

From: "Kris Borchers" <[REDACTED]>
Date: Sep 12, 2016 8:05 PM
Subject: Bike Lane Removal Opposition
To: <mathew.hotelling@flower-mound.com>, <jimmy.stathatos@flower-mound.com>
Cc:

> I would like to voice my opposition to the impending challenge to remove the bike lanes on Shiloh / McMakin roads from the master plan. As a cyclist who has had a couple of injury inducing accidents involving motor vehicles on roadways and many more close calls, the value of bike lanes are obvious to me and my family that depends on me being around to provide for them. One accident between a car and a cyclist can ruin many lives and giving cyclists a few feet on each side of a roadway seems like a small price to pay for the safety of our residents.

>

> Please place rider safety over corporate interests.

>

> Thank you,

> Kris Borchers

Matthew Hotelling

From: Mary Anne Farrell <[REDACTED]>
Sent: Monday, September 12, 2016 10:14 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Smith Property

Dear Sirs,

I do not usually get involved in Flower Mound issues, but the rezoning of the Smith Property has me very upset. The folks that live on Miracle Lane moved here for many reasons - the proximity to the lake, the quiet street, great neighbors, and the actual area surrounding our homes.

We have deer, raccoons, feral pigs, coyotes, and of course, the cows. Natural trails and bike paths are what make our neighborhood a little gem within the city, and a great place to raise children. We need bike paths on Shiloh. Have you ever driven down that road on a Saturday morning? It is dangerous for the cyclists as well as motor vehicles.

Flower Mound has (or should I say had) a Master Plan that would save the natural beauty of our area. Please do not let our area become another concrete suburb. Stick to the Master Plan which was created to protect our great city!

Respectively submitted,
Mary Anne Farrell
3112 Miracle Lane
Flower Mound. 75022

Matthew Hotelling

From: Jimmy Stathatos
Sent: Monday, September 12, 2016 10:24 PM
To: Matthew Hotelling
Subject: Fwd: Bike Lane Exemptions

Begin forwarded message:

From: C Byrne <[REDACTED]>
Date: September 12, 2016 at 10:22:48 PM CDT
To: <jimmy.stathatos@flower-mound.com>
Subject: Bike Lane Exemptions

First I imagine you are getting a lot of these emails today... So I appreciate you reading this I know it's a lot of work.

Normally I am not a guy who gets involved in these type of movements. However I took up riding two years ago and it's one of the best things I have ever done.

There is something special brewing here in the area. Fredericksburg / Austin is known as the biking hot spot in Texas but this area is growing aggressively just check out Strava.com.

And this is just as much about the bike stores in the area... Cadence (2 Stores), Bicycles plus, and Bluebonnet all within 5 miles of each other.

Over Labor Day, Cadence asked on FB if anyone wanted to ride and 300 people showed up and this wasn't even an organized ride.

I am asking you to think about where our region could go if you simply ask the developers to be bike friendly.

Chris Byrne
[REDACTED]

Matthew Hotelling

From: Angela Arnold <[REDACTED]>
Sent: Monday, September 12, 2016 10:34 PM
To: Matthew Hotelling
Subject: TRANSPORTATION COMMISSION AGENDA ITEM NO. 2 / Master Plan Amendment

Town leadership PLEASE Vote NO!

I am very concerned about the opposed elimination of bike lanes. I drive from Denton County to Collin County to ride on Tues & Thurs nights because I feel it's safer. When I ride in Denton County most often its solo. I fear that traffic circle on each ride. I cannot tell you how many cars accelerate while crossing the double yellow line to keep from getting behind me. There has been several close calls. Drivers are in a hurry and distracted. The real estate investor should consider that these bike lanes would be used by potential buyers as most have the disposal income they are targeting. Bike lanes may enhance the image of the community and position the area as a place that encourages an active lifestyle. We need MORE bike lanes and police patrol in and around the traffic circles.

Concerned cyclist,
Angela M. Arnold

FAITH doesn't make sense it makes MIRACLES Tony Evans

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Biking Lanes on Shiloh road
Date: Monday, September 12, 2016 11:00:09 PM

I support the planned Biking lanes on Shiloh Road, a.k.a McMakin Road. I oppose any proposal to remove the planned Biking lanes on this road.

This is what we need more of and not less

Balgopal Warriar
2909 Native Oak Dr.
Flowermound, TX 75022

From: [REDACTED]
To: [Jimmy Stathatos](#); [Matthew Hotelling](#)
Subject: Developer Bike Lane Exemption
Date: Monday, September 12, 2016 11:14:56 PM

Guys - as a cycling Flower Mound resident, I encourage y'all to vote against allowing the developer an exemption from building bike lanes between scenic dr and Shiloh Ln. I use the bike lane on Wichita several times a week and every time I am on it I think to myself, "man, I really wish this town had more roads like this".

Thanks guys!

Dan Johnson
808 Glen Garry Dr
Flower Mound TX 75022

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Bike Lanes
Date: Monday, September 12, 2016 11:23:36 PM

Re: ATTENTION ATTENTION ATTENTION

A developer has filed for an exemption to NOT put in the required bike lanes along Shiloh and Scenic south of 1171. The major concern here is that if they get this exemption, future developers will apply for and potentially receive similar waivers.

The transportation committee meeting is tomorrow night (Tuesday) at 6:30pm at the Town Hall, but you can send emails to the transportation committee at the email below. Can everybody send an email to one of the below with a vote of NO to the exemption?

I vote a strong "No" to this exemption.

Jeanette Mc Kell

[REDACTED]

From: [Jimmy Stathatos](#)
To: [Matthew Hotelling](#)
Subject: Fwd: Bike Lanes
Date: Monday, September 12, 2016 11:25:20 PM

Begin forwarded message:

From: Jeanette McKell <[REDACTED]>
Date: September 12, 2016 at 11:23:54 PM CDT
To: <jimmy.stathatos@flower-mound.com>
Subject: Bike Lanes

ATTENTION ATTENTION ATTENTION

A developer has filed for an exemption to NOT put in the required bike lanes along Shiloh and Scenic south of 1171. The major concern here is that if they get this exemption, future developers will apply for and potentially receive similar waivers. The transportation committee meeting is tomorrow night (Tuesday) at 6:30pm at the Town Hall, but you can send emails to the transportation committee at the email below. Can everybody send an email to one of the below with a vote of NO to the exemption?

I vote strong "No" to this exemption.

Jeanette McKell

[REDACTED]

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Bike lane on Shiloh / Scenic
Date: Monday, September 12, 2016 11:25:34 PM

Dear Matthew,

I understand that the developer has filed for an exemption to not put the required bike lanes along Shiloh and Scenic south of 1171. We need more bike lanes in Flower Mound. Without them it is very dangerous for bicyclists. I encourage you to vote "no" to the exemption.

Regards,

John McKell

[REDACTED]

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Bike Path Exemption
Date: Tuesday, September 13, 2016 12:10:46 AM

Please vote no to the bike path exemption.

Sincerely,
Jayne Depew

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Bike Lanes
Date: Tuesday, September 13, 2016 4:27:27 AM

1. Cycling is one of the most enjoyable outdoor activities that also contributes to great health outcomes.
2. As more and more people take up the hobby (you can see them in droves in Flower Mound every weekend), it has also become very unsafe (lots of well reported fatal accidents in the area). I myself had a major hip fracture last year due to a cycling accident (while trying to navigate cracks on a Flower Mound street and fortunately not due to a motor vehicle, which would've been fatal!).
3. Bike friendly towns and a safe environment for cyclists attract great residents and boost property values.
- 4: FloMo likes to promote itself as a 'bike friendly' community because of the trails that have been constructed. As we know, 'bike friendly' and 'cycle friendly' are two different things as exhibited by the lack of bike lanes in the town.

Thank You
Cindy Hollnad

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Bike lane exemption discussion tonight
Date: Tuesday, September 13, 2016 6:16:55 AM

Mr. Hotelling and Mr. Stathatos,

Bike lanes are very important for the community for many reasons.

They provide safe passage for cyclists, commuters and casual cyclists.

This gives them a safe distance for cars to pass by.

This brings communities together and allows them to reach farther by cycling as opposed to driving.

They also help reduce congestion on the road along with reduced emissions.

Bike lanes have proven effective in many cities and states across the country to be safe passage for cyclists.

In those areas there has been a significant decrease in the number of cyclists hit by vehicles.

The property in question is a huge tract of land south of 1171 and between Shiloh and Scenic. Bike lanes will not be built into Shiloh, Scenic, Rocky Point and Cardinal Roads.

Please make a recommendation to the Planning & Zoning Committee to not give the developer an exemption for the bike lanes.

Regards,
Dale Young
Johnson Controls Inc.
Regional sales manager VRF and Ductless
[REDACTED]

Sent from my iPhone

From: [REDACTED]
To: [Matthew Hotelling](#)
Cc: [Jimmy Stathatos](#)
Subject: Vote for bike lane
Date: Tuesday, September 13, 2016 6:53:44 AM

Hello! My name is Claudia Weir and I'm a local resident of Argyle and Triathlon coach in Argyle/Lantana/Flower Mound.

I'm writing to vote NO to the exemption to NOT put in the required bike lanes along Shiloh and Scenic south of 1171.

Thank you for your hard work and for hearing our voices...

Claudia Weir
USA Triathlon Certified Coach
TriSharks Youth Coach
www.trisharkskoaching.com
[REDACTED]

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Cc: [Mayor - Tom Hayden](#)
Subject: Master Plan Amendment (MPA16-0006 – Smith Tract) to amend Section 7.0: OPPOSED
Date: Tuesday, September 13, 2016 8:12:24 AM

Gentlemen,

I write you this email in **opposition** of amending (MPA16-0005 – Smith Tract - Section 5.0) specifically regarding any potential of removing designated bike lanes from the plan. Other cyclists and I frequently use this section of road, and I am concerned if designated bike lane are exempted from the plan, it will introduce risks to Flower Mound citizens (both drivers and cyclists) as the area develops. As I write this email, I realize that I have already missed the deadline, but I trust you will submit my letter of opposition to the council in hopes that they will prioritize the safety of the Flower Mound citizens over the developer's budgetary concerns.

Mayor Hayden,

While I understand you have no direct influence on this decision, I am including you on this email simply to make you aware of my concerns.

Thank you,
Jon Spencer

2812 Aberdeen Dr.
Flower Mound, Tx

Jon Spencer

Director, IT & Orasi Hosting Services

Orasi Software, Inc.

Direct: [REDACTED]
[REDACTED]

www.orasi.com

<http://EyeOnQuality.com>

<http://EyeOnTesting.com>

<https://www.linkedin.com/company/orasi-software>

<https://www.facebook.com/Orasi.Software>

<https://twitter.com/orasi>

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Fwd: Smith Property
Date: Tuesday, September 13, 2016 9:03:05 AM

I strongly oppose the changes made to the master plan on the Smith property off Shiloh road.

Tony Cutia, P.E.
Altoro Energy Corporation
[REDACTED]

Begin forwarded message:

From: Laura Cutia <[REDACTED]>
Date: September 12, 2016 at 6:49:45 PM CDT
To: Tony Cutia <[REDACTED]>
Subject: Fwd: Smith Property

Sent from my iPhone

Begin forwarded message:

From: Laura Cutia <[REDACTED]>
Date: September 12, 2016 at 12:03:38 PM CDT
To: matthew.hotelling@flower-mound.com
Subject: Smith Property

I am opposed to the changes to the master plan on the Smith property off Shiloh Road.

Laura Cutia
6901 Wind Swept Court
Flower Mound, TX

Sent from my iPhone

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#); [Town Council](#)
Subject: Bike trails
Date: Tuesday, September 13, 2016 9:44:53 AM

I apologize for not being able to attend the meeting tonight. But I would like to make my opinion heard.

I recently learned of a developer trying to get away with not putting in bike lanes in his development.

I belong to a group of ladies appropriately names Dirt Side Sisters, we are a group of 100+ ladies in the Flower Mound/ Highland Village/ Double Oak area. We ride the trails, but when the trail is closed we have to ride the streets. Bike lanes help keep us out of traffic and keep us from taking up an auto lane, slowing traffic or having a negative impact on the flow of traffic. Bike lanes also keep us from road rage incidents, which as a person who rides bikes knows I will always loose.

Please see what happened in Frisco and Plano, it took one developer to not put in bike lanes and the developers that followed had an easier out. If we value our safe city rating, this should be something that you take seriously. The developer states that this is one of the reasons the land had not been developed. He knew it was required when he bought it, make him implement what he knew we required. Please don't lower our standard because someone wants to add more money to their bottom line, it hurts us all.

Thank you,
Alicia Waterman
[REDACTED]

Thank you,
Alicia Waterman
[REDACTED]

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Voting for NOT to exemption for required bike lanes along Shiloh and Scenic south of 1171
Date: Tuesday, September 13, 2016 10:03:13 AM

I vote NOT to the exemption for required bike lanes along Shiloh and Scenic south of 1171

Sonia Soprenuk

Thanks,

Sonia Soprenuk
Schenker, Inc. - DFW
Exports Gateway Agent
2400 Esters Blvd.
PO Box 612307
DFW Airport, TX 75261
Phone: + [REDACTED]
Fax #: [REDACTED]
[REDACTED]
www.dbschenkerusa.com

C-TPAT SVI Partner ID: schCon 02049/schBro04754

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Save paper. Think before you print.

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Cc: [REDACTED]
Subject: Opposition to exemption for bike lanes on Shiloh and Scenic south of 1171
Date: Tuesday, September 13, 2016 10:03:52 AM

Dear members of Flower Mound Transportation Committee,

As a resident and member of the Flower Mound community I would like to make clear my strong opposition to any exemption or waiver for developers when including bike lanes along Shiloh and Scenic Roads. I regularly run and bike along these roads, including with a toddler in a baby stroller. Flower Mound already suffers from lack of connections between existing bike lanes and sidewalks and any further development that does not include bike lanes will severely impact the safety and desirability of our community.

Sincerely,

David Rakowski
4416 Auburn Drive
Flower Mound, TX 75028

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: vote "no" on developer request to skip bike lanes
Date: Tuesday, September 13, 2016 10:11:05 AM

Mr. Hotelling and Mr. Strathatos:

I am a Flower Mound resident and understand that a developer has filed for an exemption to avoid putting in the required bike lanes along Shiloh and Scenic south of 1171.

I ask that you vote "no" regarding this exemption.

Not only is this a safety issue. It is a quality of life issue. Flower Mound residents will benefit from any efforts that promote use of non-motorized vehicles in our town. It will enhance community interaction, keep pollution to a minimum, and promote health and fitness. Allowing one exemption opens the door for future exemptions - this is not in the citizens' best interest.

Thank you for your consideration.

Rosalyn Tippet
809 Surrey Lane
Flower Mound, TX 75022

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: No to exempt bike lanes
Date: Tuesday, September 13, 2016 10:22:37 AM

Good Morning,
I have cycled in Flower Mound for seven years. I have had very good experiences. For the continued safety of the cyclist and the motorist I feel bike lanes would be welcomed by all.
Thank you for your support.

Gerald Studer

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: "YES" to bike lanes in Flower Mound. KEEP THEM IN THE PLANS!
Date: Tuesday, September 13, 2016 10:33:44 AM

Hello,

I'm a proud Flower Mound resident, former Northshore Trail Steward for the Dallas Off-Road Biking Association(DORBA), and user of all of Flower Mound's bike safety initiatives and assets. The Wichita Trail bike lanes have created a safety corridor for both road riders and mountain bikers who take a long spin on West Flower Mounds streets and those who access the Northshore Trail at Twin Coves Park, respectively. Even the widening of Simmons Road southbound from McKamy Creek, which has pseudo-bike lanes, has improved safety and access to a Nationally Recognized Trail and one of the best mountain biking trails in Texas.

We, The City of Flower Mound, should be building MORE bike lanes and NOT consider any developer's desire to omit and delete them from further building projects. Bikers have a right to use existing roads and are held to the same "rules of the road" as motorized vehicles. For those who have every been on a bike on a road and had someone "buzz them", it's a life or death event that happens daily. MORE BIKE LANES ARE NEEDED AND NECESSARY. If the developers ever threw a leg over bike some day, they would recognized the obvious. Bike lanes provide safe passage and provide a cushion of separation to keep traffic flowing smoothly and safely.

Please do not allow them to omit bike lanes and even counter them with our request to "build more bike-friendly safety corridors and trails".

Respectfully,

Peter Timmerman
3704 Havenlake Drive
Flower Mound, Texas 75022
[REDACTED]

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Re: Shiloh / McMakin Bike Lanes
Date: Tuesday, September 13, 2016 10:44:33 AM

Gentlemen,

I've attached some photos I took last night at Shiloh and 1171 showing a typical group of cyclists returning from a group ride, using Shiloh. There were 30 to 40 cyclists in this group. There are several different groups who ride this route each week. There are also typically a few dozen solo cyclists using this route every day on summer evenings. Weekends will have large numbers of cyclists both in groups and solo. Maybe even more than I estimated in my email yesterday. I apologize about the poor quality of these photos, but I was driving at the time.

Thanks,
Tad







From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Required Bike Lanes Exemption
Date: Tuesday, September 13, 2016 10:50:28 AM

Matthew, Jimmy,

I vote NO to the exemption. I have been a Flower Mound resident for 20 years now and an avid biker who wants safety!

A developer has filed for an exemption to NOT put in the required bike lanes along Shiloh and Scenic south of 1171. The major concern here is that if they get this exemption, future developers will apply for and potentially receive similar waivers.

Lee Rebodos

[REDACTED]

From: [REDACTED]
Subject: vote NO to bike lane exemption tonight- please
Date: Tuesday, September 13, 2016 10:51:18 AM

I understand you have a transportation committee meeting tonight, and that a developer is requesting an exemption to the bike lane requirement in the flower mound master plan.

Please vote no... so this exemption is not granted. It impacts the safety of bicyclist who share the road and the quality of life of flower mound residents (present and future).

Thanks for your consideration.

Brad White

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: bike lanes
Date: Tuesday, September 13, 2016 11:42:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Guys, we cannot approve the exemption to not put in the required bike lanes along Shiloh and Scenic, south of 1171.

The cycling community is huge in the Flower Mound area and we really need these bike lanes.

Thanks,

Julian Noriega | *Operations Manager*

1200 Lakeside Parkway, Suite 450

Flower Mound, TX 75028

niagaracorp.com

O: [REDACTED] ext. [REDACTED] | F: [REDACTED]



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CONNECT WITH US! |    

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Bike Lanes
Date: Tuesday, September 13, 2016 11:53:54 AM

I am a Flower Mound resident (since 1994) and am very opposed to removing the planned bike lanes with

Update #2: Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh.

We need bike lanes for everyone's safety.

Thanks,

Sharon Anderson

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Required Bike Lane for Shiloh & Scenic Project
Date: Tuesday, September 13, 2016 12:12:31 PM

Mr. Hotelling & Mr. Stathatos,

As a resident of Flower Mound who lives an active lifestyle, I would like to voice my concern about a recent petition from a developer who filed an exemption to NOT place a required bike lane in their development project. While this would apply to any project that files an bike lane exemption, the project i'm referring to in particular is the project at Shiloh & Scenic Dr off of 1171.

Thank you for giving me the opportunity for voice my displeasure with this recent exemption.

Joshua Kelley

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Master Plan Amendments/Smith Property
Date: Tuesday, September 13, 2016 12:42:28 PM

Hi Adriana Araya,opposing of removal of required bicycle lanes , over development of our town ,and over ruling city codes.

From: [Jimmy Stathatos](#)
To: [Matthew Hotelling](#)
Subject: FW: Bike Lanes
Date: Tuesday, September 13, 2016 1:01:07 PM

Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, TX 75028
972-874-6089

From: [REDACTED] [mailto:[REDACTED]]
Sent: Tuesday, September 13, 2016 1:00 PM
To: Town Council
Subject: Bike Lanes

Town leadership:

I am vehemently opposed to the elimination of bike lanes. I am one of those cyclist that ride our roads. Not only do bike lanes increase the safety of the cyclist it decreases the frustration of the drivers. They also enhance the image of our community as a place that encourages an outdoors and active lifestyle. We need more bike lanes not less.

Thank You,
Janice Jennings
Copper Canyon

Shining Star Investments, LLC

860 Hembry St. Ste. 403
Lewisville, TX 75057

Toll Free: ([REDACTED])

Office: ([REDACTED])

Fax: ([REDACTED])

Email: [REDACTED]

WEB: www.shiningstardist.com

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Bike Lanes
Date: Tuesday, September 13, 2016 1:27:20 PM

I am a citizen here in Flower Mound, and want to see bike lanes not only remain as part of the city planning, but expanded. Since we do not have sidewalk access for pedestrians and bicycles throughout the entire town, bike lanes is at least a start to help get around safely. Aggressive drivers literally are targeting some of us as we ride our bikes legally on our roads.

Thank you for your consideration when this topic comes up for debate.

Sincerely,

John Turner

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Cycling Safety for Flower Mound
Date: Tuesday, September 13, 2016 2:02:46 PM

I'm currently a Coppel resident looking to relocate to my next house. Living in bicycle safe community is high on my list of priorities. I want to live in a town where I can ride bicycle from anywhere to anywhere. Please take this in consideration for your discussion tonight.

--

Go Forward!

Rob Free

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Please vote NO for bike lane exemption!!
Date: Tuesday, September 13, 2016 2:11:34 PM

I just received word about the exemption that is being asked for regarding the bike lanes on Shiloh and Scenic south of 1171. Our little town is growing by leaps and bounds and as a cyclist, it is hard to ride safely. PLEASE PLEASE PLEASE VOTE NO this evening, and help protect those families who enjoy bicycling around our beautiful town. Wish we could follow in the footsteps of our neighbor Coppell with the Safe Cycling Coppell lanes and signage. We would appreciate your vote NO, and any help you can provide to make bicycling safer in FM.

Thank you,
Craig and Pam Aspenson

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Support bike paths - deny exemption to developer
Date: Tuesday, September 13, 2016 2:20:09 PM

Dear Sir,

I am a resident of Flower Mound and enjoy riding my bicycle along the bike paths throughout the city. I learned today that a developer has requested an exemption from the requirement to install bike paths in the development along Shiloh and Scenic south of FM 1171. I urge you to deny the developer's request for an exemption. Bike paths not only encourage health and fitness among our residents but it has been shown that bike paths actually increase property values in cities that adopt robust bike path guidelines.

Thank you for your attention to this important matter.

Sincerely,
Brad Mitchell
3611 High Rd
Flower Mound, TX 75022



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Bike lanes
Date: Tuesday, September 13, 2016 2:33:37 PM

Please make sure the developers go through with putting in the bike lanes on Shiloh and Scenic south of 1171. Biking is the reason I've spent several hundred dollars in Flower Mound in the last six months alone. I live in Coppell but travel to FM for bike rides, and spend money while there. My friend moved to FM in part because of hearing that FM is progressive about the parks and trails system, esp relating to biking and running. These lanes are part of an overall wellness package that consumers want, and will continue to benefit the city and its businesses. Please do not allow this developer to get an exemption and not put the lanes in. They maintain the flow of car traffic, make cyclists and drivers safe. Thank you, Judi Jessee

Sent from my iPad

Hello,

I'm a proud Flower Mound resident, former Northshore Trail Steward for the Dallas Off-Road Biking Association (DORBA), and user of all of Flower Mound's bike safety initiatives and assets. The Wichita Trail bike lanes have created a safety corridor for both road riders and mountain bikers who take a long spin on West Flower Mounds streets and those who access the Northshore Trail at Twin Coves Park, respectively. Even the widening of Simmons Road southbound from McKamy Creek, which has pseudo-bike lanes, has improved safety and access to a Nationally Recognized Trail and one of the best mountain biking trails in Texas.

We, The City of Flower Mound, should be building MORE bike lanes and NOT consider any developer's desire to omit and delete them from further building projects. Bikers have a right to use existing roads and are held to the same "rules of the road" as motorized vehicles. For those who have ever been on a bike on a road and had someone "buzz them", it's a life or death event that happens daily. MORE BIKE LANES ARE NEEDED AND NECESSARY. If the developers ever threw a leg over a bike someday, they would recognize the obvious. Bike lanes provide safe passage and provide a cushion of separation to keep traffic flowing smoothly and safely.

Please do not allow them to omit bike lanes and even counter them with our request to "build more bike-friendly safety corridors and trails".

Respectfully,

Peter Timmerman
3704 Havenlake Drive
Flower Mound, Texas 75022

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Re: "YES" to bike lanes in Flower Mound. KEEP THEM IN THE PLANS!
Date: Tuesday, September 13, 2016 2:49:46 PM
Attachments: [FLOMO BIKE LANES YES.docx](#)

Matt,

Please feel free to use this document, attached, which cleans up the typos from my first e-mail. If you think that my second e-mail will help to educate and illustrate the importance of having bike lanes to those in attendance, feel free to share the facts from it as well.

Peter Timmerman
[REDACTED]

On Tue, Sep 13, 2016 at 2:35 PM, Matthew Hotelling <matthew.hotelling@flower-mound.com> wrote:

Peter,

Thank you for your comments. Just so I'm clear, do you want me to add this latest correspondence to the Transportation Commission hand out? Thanks.

Matt

Matthew J. Hotelling, P.E., PTOE

Traffic Engineer

Town of Flower Mound

Ofc: [972-874-6303](tel:972-874-6303)

Fax: [972-874-6472](tel:972-874-6472)



One Text or Call could Wreck it All

.....
Don't Drive Distracted by talking on the phone or texting.
See this site for more information:
<http://www.distracted.gov/>
.....

From: Peter Timmerman [mailto: [REDACTED]]
Sent: Tuesday, September 13, 2016 2:17 PM
To: Matthew Hotelling
Subject: Re: "YES" to bike lanes in Flower Mound. KEEP THEM IN THE PLANS!

One Text or Call could Wreck it All

.....
Don't Drive Distracted by talking on the phone or texting.

Matt,

T

he above are from your e-mail signature

,

so you

obviously

have an appreciation for what is happening on today's roads. Bike

lanes

give riders a fighting chance to survive with a dedicated space to ride in. Yes, we still can't keep distracted drivers from wiping out

the

entire Saturday Morning Lifetime Fitness Bike Ride,

but the visible signage and striping will at least give drivers visual clues that bikes will be present and caution should be used when approaching.

I have been run off an open six-lane road, Hebron Parkway, on an early Saturday morning in Lewisville by a "freaking lunatic" who's only goal was to run his truck into me, pinch me off into the right-hand curb, and forced me to crash. There was some ensuing discussion about "who owns the road" which left me tore up with a broken bike. Since I can't avoid these people, I choose to mountain bike only, leaving the road to those who are willing to accept the new, higher risks of doing so.

My time commitment this evening, on short notice, does not allow me to attend tonight's meeting, but feel free to share my comments...the decision seems like a no-brainer to me, Bike Lanes Stay on the Plans.

Peter Timmerman



On Tue, Sep 13, 2016 at 10:49 AM, Matthew Hotelling
<matthew.hotelling@flower-mound.com> wrote:

Thank you Peter for your input. I'll make sure this is given to the Transportation Commission.

Matt

Matthew J. Hotelling, P.E., PTOE

Traffic Engineer

Town of Flower Mound

Ofc: [972-874-6303](tel:972-874-6303)

Fax: [972-874-6472](tel:972-874-6472)



One Text or Call could Wreck it All

.....
Don't Drive Distracted by talking on the phone or texting.
See this site for more information:
<http://www.distracted.gov/>
.....

From: Peter Timmerman [mailto: [REDACTED]]
Sent: Tuesday, September 13, 2016 10:33 AM
To: Matthew Hotelling; Jimmy Stathatos
Subject: "YES" to bike lanes in Flower Mound. KEEP THEM IN THE PLANS!

Hello,

I'm a proud Flower Mound resident, former Northshore Trail Steward for the Dallas Off-Road Biking Association(DORBA), and user of all of Flower Mound's bike safety initiatives and assets. The Wichita Trail bike lanes have created a safety corridor for both road riders and mountain bikers who take a long spin on West Flower Mounds streets and those who access the Northshore Trail at Twin Coves Park, respectively. Even the widening of Simmons Road southbound from McKamy Creek, which has pseudo-bike lanes, has improved safety and access to a Nationally Recognized Trail and one of the best mountain biking trails in Texas.

We, The City of Flower Mound, should be building MORE bike lanes and NOT consider any developer's desire to omit and delete them from further building projects. Bikers have a right to use existing roads and are held to the same "rules of the road" as motorized vehicles. For those who have every been on a bike on a road and had someone "buzz them", it's a life or death event that happens daily. MORE BIKE LANES ARE NEEDED AND NECESSARY. If the developers ever threw a leg over bike some day, they would recognized the obvious. Bike lanes provide safe passage and provide a cushion of separation to keep traffic flowing smoothly and safely.

Please do not allow them to omit bike lanes and even counter them with our request to "build more bike-friendly safety corridors and trails".

Respectfully,

Peter Timmerman

3704 Havenlake Drive

Flower Mound, Texas 75022



From: [Jimmy Stathatos](#)
To: [Matthew Hotelling](#)
Subject: Fwd: vote of NO to the exemption
Date: Tuesday, September 13, 2016 3:00:33 PM

Begin forwarded message:

From: Phyllis Brooks <[REDACTED]>
Date: September 13, 2016 at 2:46:07 PM CDT
To: Jimmy Stathatos <jimmy.stathatos@flower-mound.com>
Subject: vote of NO to the exemption

[Research Now](#)



Phyllis Brooks
Manager, Software Support

Tel: +[REDACTED] |

researchnow.com

Research Now | 5800 Tennyson Parkway
Suite 600 | Plano, TX, United States 75024

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From: [Theresa Scott](#) on behalf of [Mayor - Tom Hayden](#)
To: [Matthew Hotelling](#)
Subject: FW: Bike lane waiver
Date: Tuesday, September 13, 2016 3:03:16 PM

Theresa Scott, TRMC, CMC
Town Secretary
2121 Cross Timbers Road
Flower Mound, TX 75028
(972) 874-6076

From: Randi Gates [mailto: [REDACTED]]
Sent: Tuesday, September 13, 2016 10:53 AM
To: Town Council
Subject: Bike lane waiver

Town Leaders;

I am a resident of Flower Mound and a frequent cyclist on the roads North and West of town.

Please do not waive the requirement for bicycle lanes to be included in new developments. These lanes greatly enhance the safety of cyclists and the ability of cyclists and motorists to share the roads in an organized way.

If a waiver is granted then a precedent is set for future waivers in similar circumstances.

Best Regards,

Randi Gates
701 Stone Trail Drive
Flower Mound, TX 75028
[REDACTED]

From: [Theresa Scott](#) on behalf of [Mayor - Tom Hayden](#)
To: [Matthew Hotelling](#)
Subject: FW: Bike Lanes
Date: Tuesday, September 13, 2016 3:03:33 PM

Theresa Scott, TRMC, CMC
Town Secretary
2121 Cross Timbers Road
Flower Mound, TX 75028
(972) 874-6076

From: [REDACTED] [mailto:[REDACTED]]
Sent: Tuesday, September 13, 2016 1:00 PM
To: Town Council
Subject: Bike Lanes

Town leadership:

I am vehemently opposed to the elimination of bike lanes. I am one of those cyclist that ride our roads. Not only do bike lanes increase the safety of the cyclist it decreases the frustration of the drivers. They also enhance the image of our community as a place that encourages an outdoors and active lifestyle. We need more bike lanes not less.

Thank You,
Janice Jennings
Copper Canyon

Shining Star Investments, LLC

860 Hembry St. Ste. 403
Lewisville, TX 75057

Toll Free: ([REDACTED])

Office: ([REDACTED])

Fax: ([REDACTED])

Email: [REDACTED]

WEB: www.shiningstardist.com

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Transportation Committee Meeting Issue
Date: Tuesday, September 13, 2016 3:16:55 PM

I am writing to you as a cyclist who supports the need for bicycle lanes along our roads. There are too few ways to get around safely on bicycles. Cycling has become a serious sport and mode of transportation in the modern world. Please enforce that developers build the cycling lanes for Shiloh Rd, Scenic, and other roadways. I request that exemptions not be issued.

Thank you for your consideration.

From: [Jimmy Stathatos](#)
To: [Matthew Hotelling](#)
Subject: Fwd: Transportation Committee Meeting Issue
Date: Tuesday, September 13, 2016 3:44:13 PM

Begin forwarded message:

From: Brian Harkins <[REDACTED]>
Date: September 13, 2016 at 3:18:54 PM CDT
To: Jimmy Stathatos <jimmy.stathatos@flower-mound.com>
Subject: Transportation Committee Meeting Issue

I am writing to you as a cyclist who supports the need for bicycle lanes along our roads. There are too few ways to get around safely on bicycles. Cycling has become a serious sport and mode of transportation in the modern world. Please enforce that developers build the cycling lanes for Shiloh Rd, Scenic, and other roadways. I request that exemptions not be issued.

Brian Harkins

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: Smith property - against master plan amendments. Keep Bike lane please
Date: Tuesday, September 13, 2016 3:50:41 PM

Hello Mathew,

My Mame is Natasha Nechiporenko 3514 Raintree drive.

I oppose master plan changes to the Smith property. Please make an effort to push for protective development of this special recreational area. This is our equestrian and biking hub for the entire city of the Flower Mound.

Sincerely,
Natasha Nechiporenko

Sent from my iPhone

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Please vote NO to bike lane exemption
Date: Tuesday, September 13, 2016 3:51:50 PM

Hello,

While not a native, I've lived in Flower Mound for over 16 years. I've watched it grow and expand in many good ways.

However, the lack of attention to accommodating outdoor activities and accessible, connected outdoor open spaces for people has been missed. It's virtually impossible if not life threatening to right a bicycle to or between any of the great new developments. It's all about cars. Not people. That's wrong. The traffic is only getting worse.

Great communities, don't think this way.

Voting NO is the first step we need to reverse this trend and make Flower Mound an even greater -- and SAFE -- place to live and raise families. Please do not allow the exemption.

Thanks,
Michael Nevin

Michael Nevin [REDACTED] [REDACTED]

From: [REDACTED]
Subject: Re: Smith Tract agenda item
Date: Tuesday, September 13, 2016 3:59:54 PM

Matthew-

I got hired back for overtime today at the firehouse and have been busy all day.

Please add my name to the list of people who are against this amendment on many levels-

Any new construction needs to add bike lanes. We already need bike lanes that aren't yet put in place due to the amount of bicycles on these specific roadways, and with additional development will bring more traffic those bike lanes will be needed even more!!

Sincerely,

Watson Kohankie
[REDACTED]
[REDACTED]

Sent from my iPhone

> On Sep 12, 2016, at 4:04 PM, Matthew Hotelling <matthew.hotelling@flower-mound.com> wrote:
>
> Mr. Kohankie,
>
> Thank you for your input. I'll make sure this gets to the Transportation Commission. If you can make the Commission meeting great, otherwise you can send an email to me up until about 4 PM tomorrow night, I will endeavor to get every email I received to them. If it is after 4 PM tomorrow, I'll still strive to get it to them but no promises.
>
> Matt
>
> Matthew J. Hotelling, P.E., PTOE
> Traffic Engineer
> Town of Flower Mound
> Ofc: 972-874-6303
> Fax: 972-874-6472
>
>
>
> One Text or Call could Wreck it All
>
> Don't Drive Distracted by talking on the phone or texting.
> See this site for more information:
> <http://www.distraction.gov/>
>
>
>
>
> -----Original Message-----
> From: Watson's Email [mailto:[REDACTED]]
> Sent: Monday, September 12, 2016 12:43 PM
> To: Matthew Hotelling
> Subject: Smith Tract agenda item
>
> Matthew-

>

> I am looking to communicate my opposition to tomorrow's meeting agenda Letter H- the Smith Tract Master Plan Amendment.

>

>

> Until I talked with Chuck Russell

> I had been having trouble tracking information down about these amendments (as the town's signs and returned phones calls saying "go to the town's website for more information" has not actually produced much information about said Amendments), but I do know that my property appears to directly back up to the property in question, and my neighborhood would negatively effected by approving this amendment.

>

> I am going to try to be at the Commission Meeting tomorrow night, but I already have a parent meeting for 7pm. So I don't know that I will have time to speak.

>

> All that being said, how can I email or communicate with all the commission members to make sure my concern is heard?

>

> Sincerely,

>

> Watson Kohankie

> [REDACTED]

> [REDACTED]

>

> 3124 Miracle Lane, Flower Mound, TX 75022

>

> Sent from my iPhone

Matthew Hotelling

From: Sonny Baca <[REDACTED]>
Sent: Monday, September 19, 2016 8:53 AM
To: Matthew Hotelling
Subject: Smith Property

Mr. Hotelling,

Again it looks like a constant battle. Please maintain the Master Plan we are opposed combining any and all exemptions made by the Smith property owners have requested, including bringing in municipal sewer unless Smith and Developers fully pay for the sewer system and not out of city county tax funds. We were duped by the river walk and tax issues being referenced to the state and exempted from City County and we got strapped. Times are getting tough in the world wide community, we need to conserve and not be taken advantage of. We need to think about a down turn in the economy that will place unwanted burden on the Flower Mound tax paying citizens.

Sonny Baca
6504 Cardinal Dr. Flower Mound, TX 75022

[REDACTED]
www.compuscan.com

[REDACTED] (office)

[REDACTED] (cell)

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Matthew Hotelling

From: rcr <[REDACTED]>
Sent: Wednesday, September 14, 2016 3:50 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Subject: Smith property requested exemptions from Master Plan

We have lived in W Flower Mound since 1985. We are against ANY exemptions to the Master Plan that allow higher density than the plan allows. This includes bringing in municipal sewer, as sewer prohibition helps manage residential density as intended in the plan. It also helps preserve the nature, especially the natural treed/wooded areas in the Cross Timbers area.

There is no reason to grant exemptions to landowners, with the sole beneficiary being the landowners. With exemptions, the landowners will realize more money, while residents will have higher density, less trees, more traffic and more.

Thank you.
Dr. Robert C Ramirez
Melodee Martin Ramirez
6109 Seascape Court
Flower Mound, 75022
[REDACTED]

Matthew Hotelling

From: Tamara Wilson <[REDACTED]>
Sent: Tuesday, September 13, 2016 5:53 PM
To: Matthew Hotelling
Subject: Please Vote "No" to the exemption

Importance: High

Good evening Matthew,

- Cycling is one of the most enjoyable outdoor activities that also contribute to great health outcomes.
- As more and more people take up the hobby (you can see them in droves in Flower Mound every weekend). It has also become very unsafe (lots of well reported fatal accidents in the area). I've has a few instances where cars tried to run me off the road with no place to go so I would have crashed and badly injured. I'm always very courteous to all of the drive and wish the same in return.
- Make Flower Mound a bike friendly town and a safe environment for cyclists attract great residents and boost property values.
- Flower Mound likes to promote itself as a 'bike friendly' community because of the trails that have been constructed. As we know, 'bike friendly' and 'cycle friendly' are two different things as exhibited by the lack of bike lanes in the town.
- We need the required bike lane to be safe so please help us and VOTE NO!

Thank you,
Tamara Wilson

The content of this email and any attachments are private and confidential. If you are not the intended recipient(s) or have otherwise received this email in error, please delete the email and inform the sender as soon as possible. This email may not be disclosed, used or copied by anyone other than the intended recipient(s). Any opinions, statements or comments contained in this email are not necessarily those of Bertelsmann Network Ltd. If you wish clarification of any matter, please request confirmation in writing.

We take precautions to minimise the risk of this email containing a software virus but you should use virus checking software.

Matthew Hotelling

From: Alicia Jackson <[REDACTED]>
Sent: Tuesday, September 13, 2016 4:56 PM
To: Matthew Hotelling; Jimmy Stathatos
Subject: Regarding Bicycle Lanes for Smith Property

Hi Mr. Hotelling & Mr. Stathatos,

I will not be able to make it to the meeting tonight but would appreciate if you could enter my email into your log. I am in opposition to the removal of bicycle lanes on Scenic. Considering how many people move to Flower Mound for our bikes/trail system, it is important to keep the addition of bicycle lanes in our plan. I love how Wichita added the bicycle lanes and it is much safer now for cyclist and walkers/joggers. I wish all our future streets were built with these lanes! These lanes are so important for the safety of our cyclists! Scenic is already a dangerous road going 20 miles an hour b/c of the trees, twists and turns.

Thank you for your attention to this matter.

Best Regards,
Alicia

--

Alicia Jackson, Broker
Realtor, GRI, B.B.A. in Real Estate - Baylor University
MULTI-MILLION DOLLAR PRODUCER
[REDACTED] cell
[My Facebook Page](#)
[I'm on Twitter!](#)

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: MPA 16-0006
Date: Tuesday, September 13, 2016 4:55:06 PM

To Whom It May Concern:

I oppose MPA 16-0006. As an lifelong cyclist, I can speak from first hand experience....dedicated bike lanes are safer than a 5 foot shoulder. Cyclist safety is paramount but also important to consider is driver safety. Bike lanes allow cyclists to ride safely without impeding traffic and irritating drivers. They also prevent drivers from swerving around cyclists and potentially swerving into oncoming traffic.

For the sanity and safety of us all, please deny MPA 16-0006

Nicholas Strittmatter
4816 Mesquite Street Flower Mound Texas 75028

From: [Jimmy Stathatos](#)
To: [Matthew Hotelling](#)
Subject: Fwd: I hereby vote NO to this exemption.
Date: Tuesday, September 13, 2016 4:35:36 PM

Begin forwarded message:

From: Rafael Chelli <[REDACTED]>
Date: September 13, 2016 at 3:58:23 PM CDT
To: Jimmy Stathatos <jimmy.stathatos@flower-mound.com>
Subject: I hereby vote NO to this exemption.

I hereby vote NO to this exemption.

A developer has filed for an exemption to NOT put in the required bike lanes along Shiloh and Scenic south of 1171. The major concern here is that if they get this exemption, future developers will apply for and potentially receive similar waivers.

Rafael Chelli -

From: [REDACTED]
To: [Matthew Hotelling](#)
Subject: MPA16-0006 - Smith Tract - Bike lane removals
Date: Tuesday, September 13, 2016 4:32:42 PM

Please forward to the Transportation Commission members and have noted as an email of opposition in the minutes.

Dear Transportation Commission,

Last year Anthony Foxx, Secretary of Transportation launched Safer People, Safer Streets. An initiative to make walking and biking safer across our nation. In January of this year Secretary Foxx issued a challenge to all Mayors and Town Leaders to "raise the bar for bicyclist and pedestrian safety."

So why is this proposal even being considered? Removing bike lanes puts our residents at a higher risk for injuries and fatalities. Does Flower Mound feel that the lives of our cyclists are not important? Who is going to tell the families of those killed or injured that our town chose to put developers' wants before our residents' safety.

Cindy Spilberg

From: [REDACTED]
To: [Matthew Hotelling](#); [Jimmy Stathatos](#)
Subject: Agenda items G and H for September 13th Transportation Commission meeting : removing bike lane designation
Date: Tuesday, September 13, 2016 4:30:50 PM

Dear Mr Hotelling and Mr Stathatos,
I am writing to you with regard to the two items on today's agenda pertaining to the bike lane along Scenic Rd and Shiloh Rd - and whether the developer of the Smith Tract will be able to gain an exemption and remove the bike lane from existing plans for these roads.

I wanted to ask you to consider keeping the bike lane designation, to the extent that you have influence over the Commission's decision.

This part of Flower Mound is a very popular area for bicycle sports. Wide bike lanes along Wichita Road are especially busy - on Saturday and Sunday mornings you will see multiple groups of bikers taking that route on group rides towards Bartonville and Argyle. There's a shoulder on Cardinal, but bike lanes end at Rocky Point and the uphill part of Shiloh - which forces bicyclists to share the roadway.

While it may not be a problem at the moment, with more development and more residential traffic (or industrial - to the gas wells) it will become increasingly unsafe for bicyclists to use that popular route. Not many people ride on Scenic - the road is narrow and many sections of the surface need a refresh.

Already at this time the busy section of Shiloh north of 1171, which is a connector for many bicyclists to routes in Bartonville, Argyle and beyond - is quite scary with plenty of traffic, deteriorated surface and no shoulder. Removing the bike lanes from future refresh of those roads will be quite an unfriendly move towards the bicycling users of those roads. If the planned development on the Smith Tract is more gas wells - I understand why, as the developer claims - it adds nothing to the property. But if there are residential plans - a bike lane absolutely does add to the value and friendliness of those roads. And in any case, a bike lane will be important for the entire bicycling community in this area.

Flower Mound is a wonderful community where people value the multitude of parks, trails and bike paths available to them. The Northshore Trail draws hundreds of bikers from the entire Metroplex. This healthy lifestyle supported by our town's infrastructure is a big part of what makes our town special and continues to attract people to move here with their families.

I hope that you will consider these arguments and use the influence you have to keep the requirement of the designated bike lane on Shiloh, Scenic and surrounding roads.

Kind regards,

Wojciech Felendzer
1036 Glen Chester Dr
Flower Mound, TX

Wojtek Felendzer

[REDACTED]

From: [REDACTED]
To: [Town Council](#); [Jimmy Stathatos](#); [Matthew Hotelling](#)
Subject: Bike Lane Exemption
Date: Tuesday, September 13, 2016 4:22:03 PM

Please vote NO on any bike lane exemption.

Thank you,
Tiffany Wylie



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 5

DATE: October 10, 2016

FROM: Robert Pegg, Engineering Manager

ITEM: **Public Hearing to consider a request for a Master Plan Amendment (MPA16-0007 – Smith Tract) to amend Section 9.0, Wastewater Plan, to add the Smith Tract to the Wastewater Service Area depicted in Figure 1A. The property is generally bounded by Cross Timbers Road, Scenic Road, Cardinal Road, Rocky Point Road, and Shiloh Road.**

I. ITEM SUMMARY

There are two companion Master Plan Amendment requests for consideration on the same agenda (MPA16-0005 and MPA16-0006).

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

This application is requesting an amendment to Section 9.0, Wastewater Plan, of the Town's Master Plan to add approximately 457 acres, known as the Smith Tract, to the Long Prairie Wastewater Service Area in order to provide sanitary sewer service to any future development on that tract.

Since the applicant did not provide any sanitary sewer design or flow information with their application, nor did they provide any information on the future development proposed for the tract, the Town's engineering department has been unable to evaluate the proposed wastewater area change using the Town's wastewater model. Without the wastewater model evaluation, the Town's engineering department cannot determine what impact the applicant's proposed boundary change will have on the Town's wastewater system. We do not know if the Town's current wastewater system has capacity or if infrastructure improvements will be required. We are also unable to determine the estimated impacts to the Town's CIP and O&M budgets caused by this proposal.

The Town's current Wastewater Service Area Map and the applicant's proposed amendment are depicted in Attachments B.1 and B.2.

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 Master Plan amendment requests. Correspondence

received prior to this agenda packet being posted is contained in Attachment C.1. Some of the correspondence includes comments related to the two companion requests. Correspondence received after the packet posting will be handed out at the Planning and Zoning Commission meeting.

IV. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

B. Application Details

1. Current Wastewater Service Area
2. Proposed Wastewater Service Area

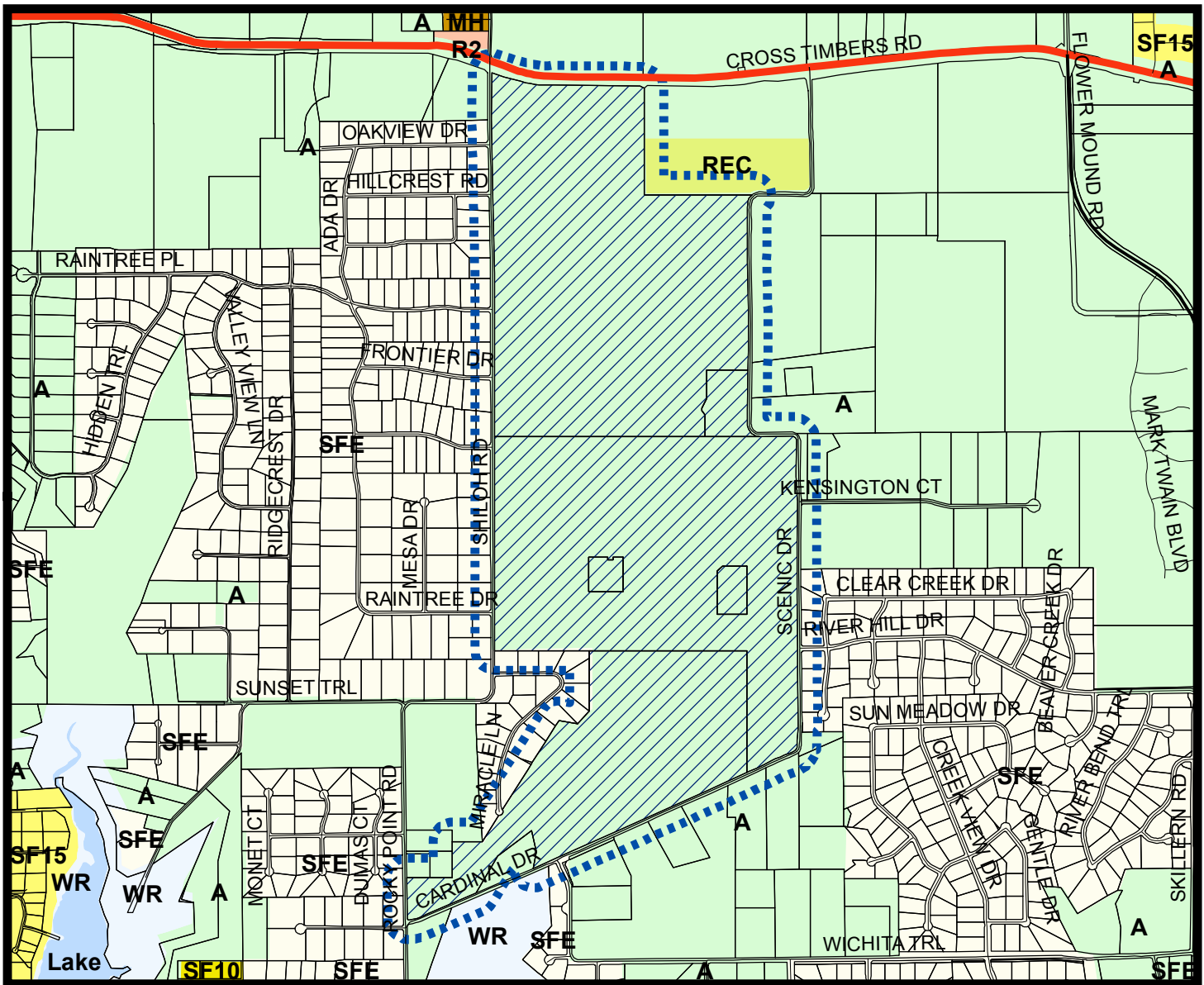
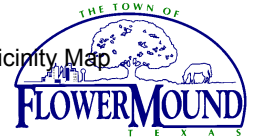
C. Correspondence

1. Correspondence

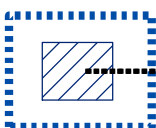
Vicinity Map

Reference Project: MPA16-0005, MPA16-0006, MPA16-0007

Attachment A(1): Vicinity Map

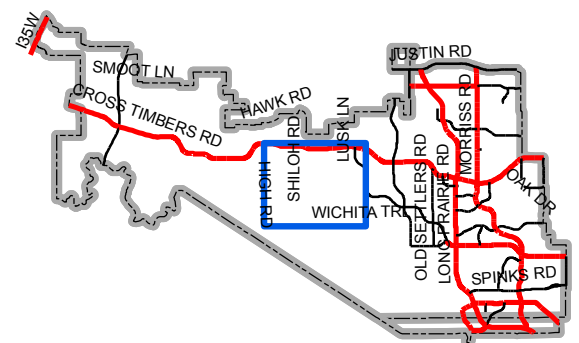
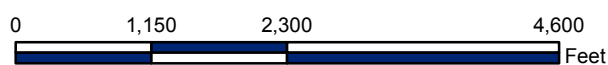


LEGEND



Subject Property

200 ft Notification Buffer around Property



Map Location

Letter of Intent

Master Plan Amendment request for 482.16 acres of property located at the southeast corner of Shiloh Road and F.M. Highway 1171 ("Property")

a) State why the applicant is proposing to change the land use for the subject property.

The applicant is not proposing a change of land use at this time. The existing land use is agricultural.

b) Specify the existing zoning district(s).

The Property is currently zoned within the Agricultural (A) district. The Property is also located in the Cross Timbers Conservation Development District as designated in the Town's SMARTGrowth program. This district is currently governed by the Town's conservation development standards.

c) Define acreage of subject property.

The property that is the subject of this Master Plan Amendment request is approximately 482.16 acres, as more particularly described in Exhibit A attached hereto.

d) Specify any special considerations (i.e. requested waivers from the standard zoning districts, variances, unique characteristics of the property).

Parks and Trails Plan Amendment

The Town's Parks and Trails plan shows a series of trails, including an equestrian trail to be located through the Property. The equestrian trails provide no benefit to the Property unless an equestrian development is proposed. There are no future plans to develop such an equestrian development; thus, the proposed trail is a significant restriction that has prevented development of the Property. The property owner requests removal of this equestrian trail because it does not provide any benefit to the Property.

Likewise, the bike lane and paved multi-use trail that are shown through the Property and along the Property boundary do not benefit the Property. Further, these trails have made future development of the Property cost-prohibitive. See *Town of Flower Mound v. Stafford Estates, L.P.*, 71 S.W.3d 18 (Tex. App.—Fort Worth 2002) *aff'd*, 135 S.W.3d 620 (Tex. 2009). Moreover, the cost associated with the proposed trails is not proportionate to any development on the Property. Due to the reasons stated herein, the property owner requests an amendment to the Parks and Trails Plan to eliminate all of the proposed trails and bike lanes shown on the Parks and Trails Plan through and along the boundary of the Property, more specifically shown on the Master Plan Amendment Exhibit included with this application.

Sewer Master Plan

The service area boundary shown on the Wastewater Service Area Exhibit of the Town's Wastewater Plan does not encompass the Property. Its boundary only extends to a small portion of the 482.16 acres. Thus, the service area boundary is insufficient to provide the Property with continuous or adequate sewer service.

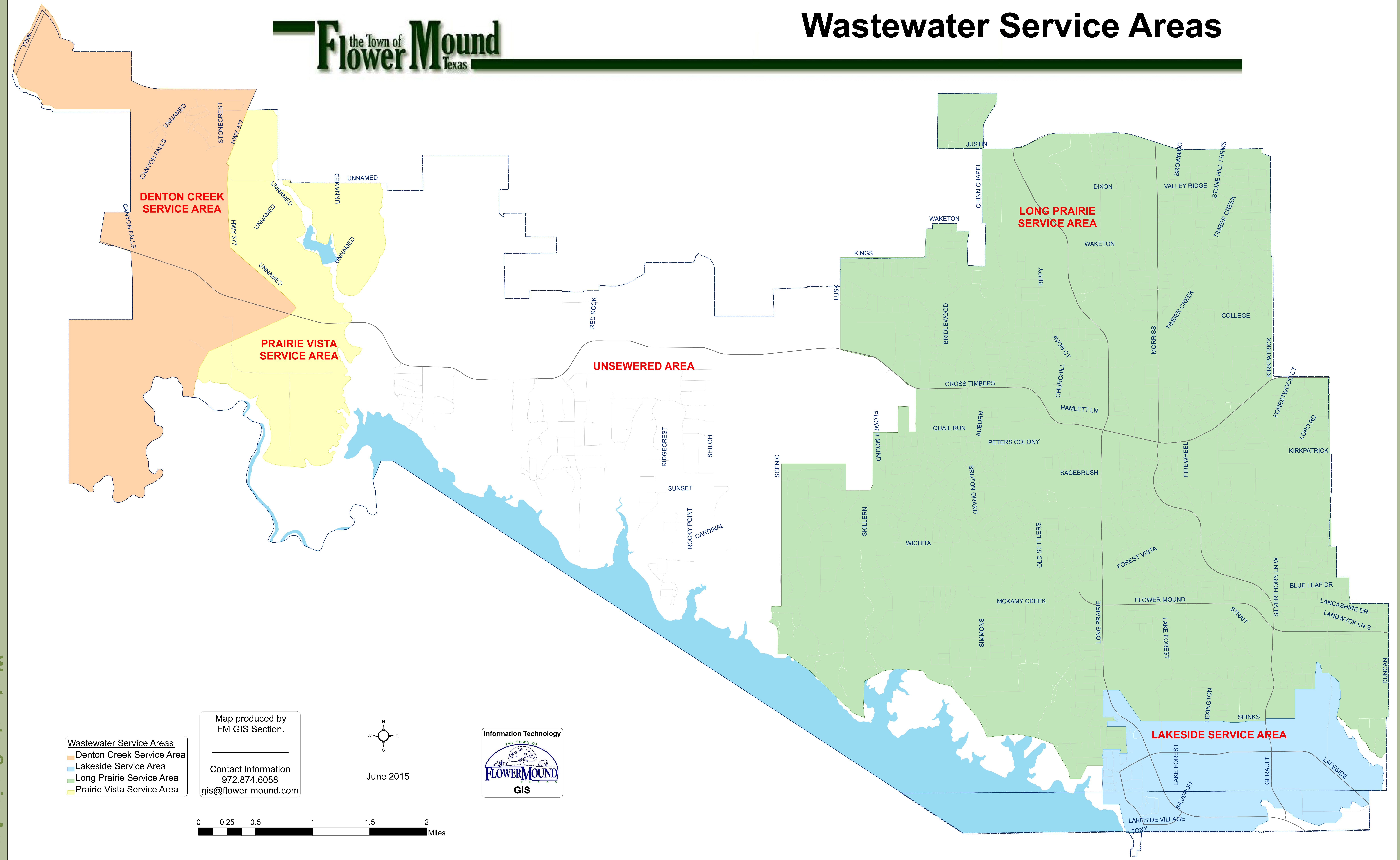
Without centralized sewer service, the property owner would be required to use an on-site septic system for any development. As far back as 1994, the Town stated that this area has "a severely limited suitability for septic fields." From an environmental perspective, a septic system is typically less desirable than a sewer system. For example, "if a septic system does not function properly, it may discharge a significant amount of untreated wastewater directly to soils underlying groundwater."¹ Contaminants found in the untreated wastewater could include pathogens such as bacteria and viruses as well as household chemicals. Additionally, septic systems are unable to treat some household cleaning products effectively because of their chemical make-up. These untreated chemicals can cause groundwater contamination to surrounding properties and natural ecosystems. A centralized sewer system is preferable because there is less risk to groundwater contamination. This is particularly significant in light of the Property's close proximity to Lake Grapevine.

Moreover, sewer systems are more equipped to withstand periods of heavy rainfall or inclement weather. Septic systems are not as well equipped to handle these storms, resulting in overflow of contaminants – another cause of groundwater and surface water pollution. In addition to threatening surrounding ecosystems, this contamination can threaten public health because diseases from pathogens can be spread through surface water or mosquitoes that breed in areas where sewage contaminants are spread. Finally, improperly treated sewage can create increased nitrates in the water supply. The increase in nitrates can cause an escalation in plant growth in nearby lakes and streams that can create dead zones lacking in riparian life. For all of the reasons stated above, centralized sewer service is preferable than a septic system for provision of wastewater treatment on the Property. An amendment to the Town's Wastewater Plan is necessary for the Property to have adequate provision of sewer service.

The boundaries of the Wastewater Service Area are not sacrosanct as the Town has amended these boundaries from time to time. Based upon the Town's Wastewater Service Area Exhibit, it appears that the Town recently amended its sewer service boundary area to add three tracts that were located within the Cross Timbers Conservation Development District. The property owner requests that the Town treat this Property similarly by amending its service area boundary to include all of the Property so that adequate sewer service may be provided.

¹ John J. Schwartz, Ann T. Lemley, Kalpana Pratap, Household Chemicals and Your Septic System: Fact Sheet 16, Cornell Cooperative Extension, College of Human Ecology, December 2004.

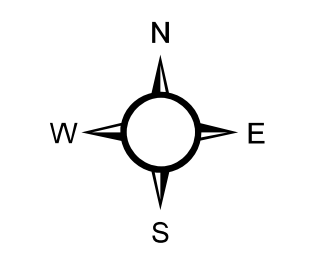
Wastewater Service Areas



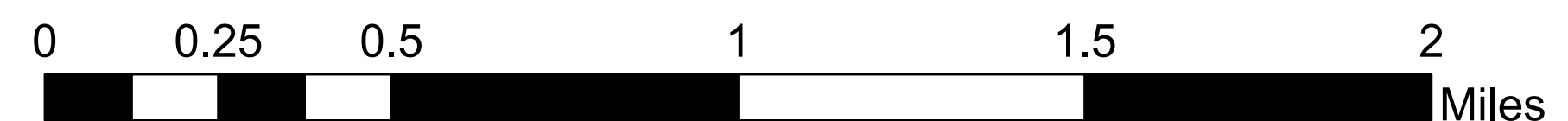
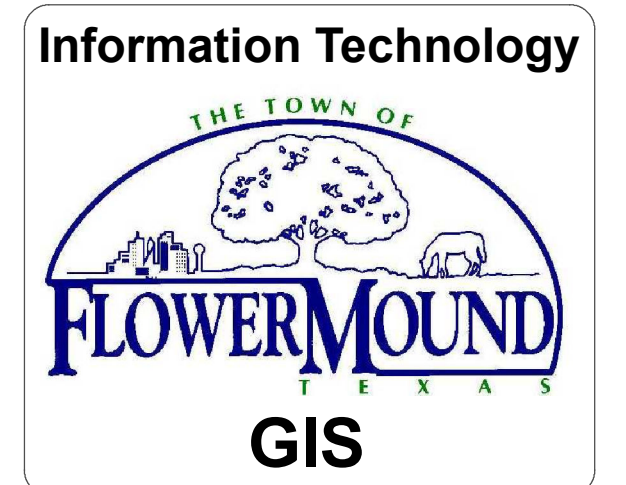
Wastewater Service Areas
Denton Creek Service Area
Lakeside Service Area
Long Prairie Service Area
Prairie Vista Service Area

Map produced by
FM GIS Section.

Contact Information
972.874.6058
gis@flower-mound.com



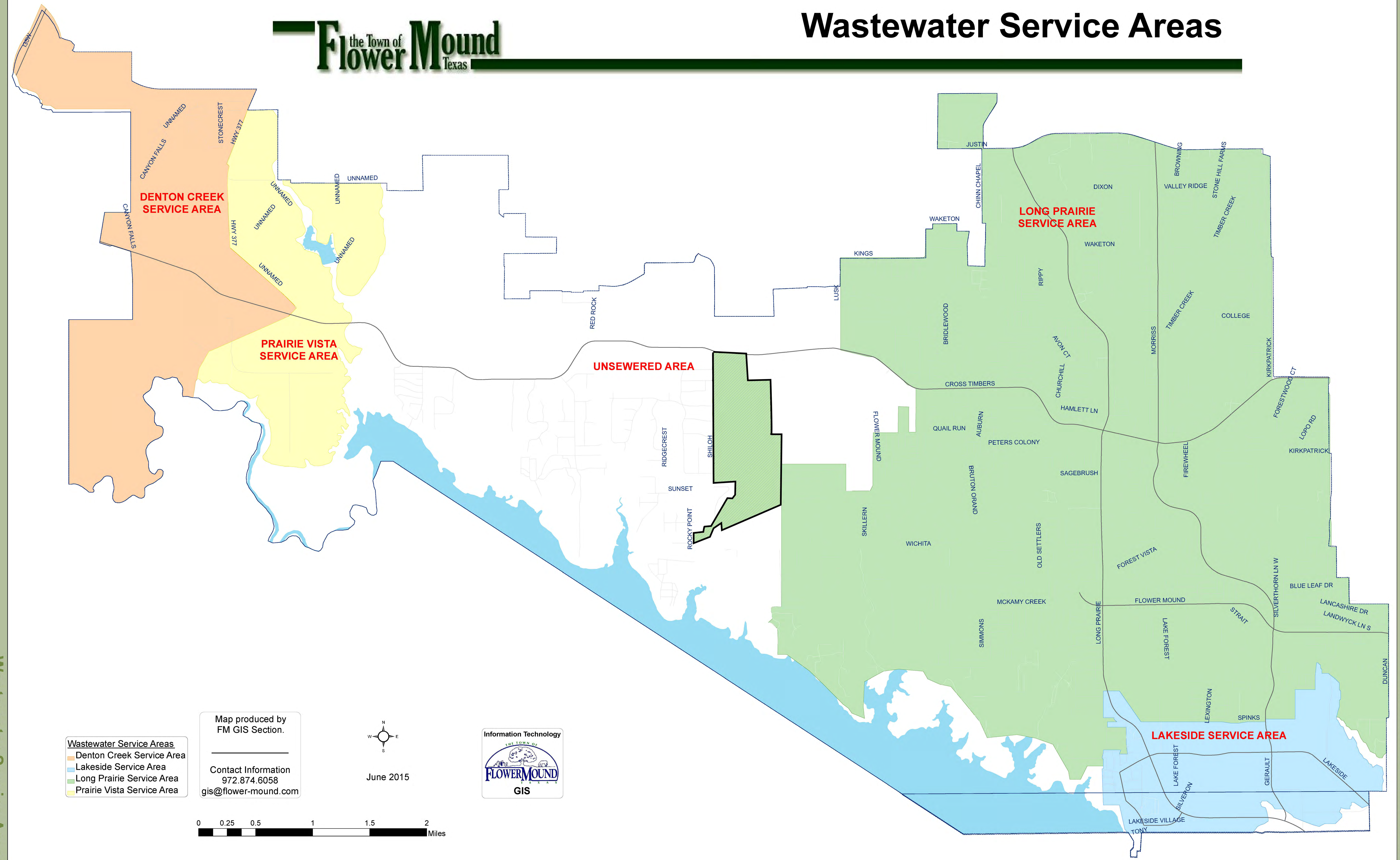
June 2015



Wastewater Service Areas

Wastewater Service Areas

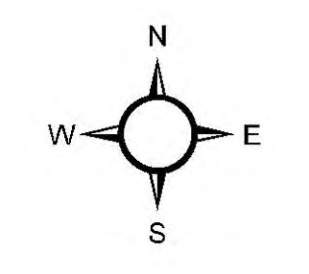
Wastewater Service Areas



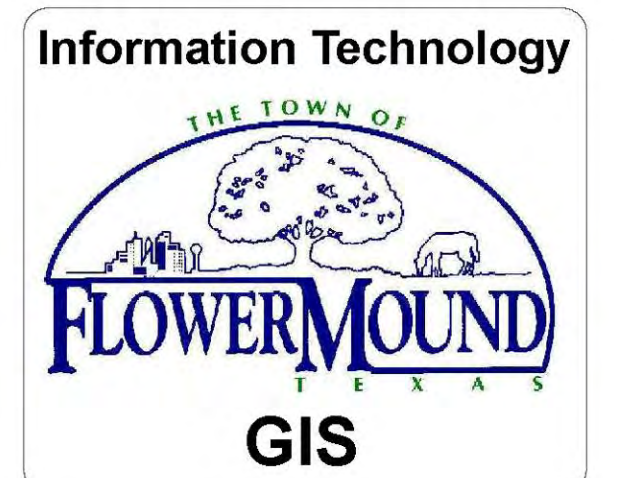
Wastewater Service Areas
Denton Creek Service Area
Lakeside Service Area
Long Prairie Service Area
Prairie Vista Service Area

Map produced by
FM GIS Section.

Contact Information
972.874.6058
gis@flower-mound.com



June 2015



0 0.25 0.5 1 1.5 2 Miles

Wastewater Service Areas

Wastewater Service Areas

From: Sonny Baca
Sent: Sunday, September 11, 2016 8:41 PM
To: Matthew Hotelling
Subject: Master Plan and Smith Property

Mr. Hotelling:

My wish is that we stay the Master Plan not the one Smith lawyers are conjuring. I am in opposition do not want city sewers unless the future developers or land owners pay for them since they will be profiting.

This would be spending money that, with the current crisis with the dollar and the future of our economy would be a bad deal at this time.

Sonny Baca
6504 Cardinal Dr. Flower Mound, TX 75022

From: Sonny Baca
Sent: Monday, September 19, 2016 8:53 AM
To: Matthew Hotelling
Subject: Smith Property

Mr. Hotelling,

Again it looks like a constant battle. Please maintain the Master Plan we are opposed combining any and all exemptions made by the Smith property owners have requested, including bringing in municipal sewer unless Smith and Developers fully pay for the sewer system and not out of city county tax funds. We were duped by the river walk and tax issues being referenced to the state and exempted from City County and we got strapped. Times are getting tough in the world wide community, we need to conserve and not be taken advantage of. We need to think about a down turn in the economy that will place unwanted burden on the Flower Mound tax paying citizens.

Sonny Baca
6504 Cardinal Dr. Flower Mound, TX 75022

From: Stephanie Barone
Sent: Monday, September 12, 2016 8:12 AM
To: Matthew Hotelling
Subject: Smith Property - 1171/Shiloh

Hi Matthew,

I'm a homeowner here in Flower Mound and I live off of Shiloh & 1171. The Smith property is at the end of my street and I feel passionately that we need to stick to the Master Plan for this area. The wildlife and original character of the area is rapidly diminishing in the area and this is one of the last bastions of true "country" in FloMo.

The Smith family has every right to do what they want with their property - WITHIN THE RULES. They have gotten exemptions before (gas drilling, etc). And they've already been able to sneak around the Town Council, in spite of P&Z recommendations. Please enforce the rules that already exist. Keep the bike lanes, make Flower Mound better & safer for residents now & in the future.

Please don't let them get away with this again. Thank you.

Stephanie Barone
6513 Hillcrest Road
Flower Mound, TX 75022

From: Mark Bengtson
Sent: Monday, September 12, 2016 4:41 PM
To: Matthew Hotelling; jimmy.stathotos@flower-mound.com
Subject: Smith Property Development

Gentlemen,

I have been a resident of Flower Mound since 1998 and have lived in western Flower Mound since 2005. I am not an opponent of development per se. I support, for example, a mineral owners' right to develop oil and gas and businesses right to rationally develop/expand their locations as Kroger did with its gas station addition. However, I am adamantly against significant revisions to the Town's bike lane and trail master plan as well as revisions to increase housing density in the Cross-Timbers Area. As I understand it, the Smith Property development is seeking exemptions on both of these requirements.

Please note my concerns and provide my feedback to the Transportation Commission and note my opposition in the meeting minutes.

Regards,

Mark Bengtson

From: bodenrider
Sent: Wednesday, August 31, 2016 4:23 PM
To: planning
Subject: Master Planning Amendments request - Smith Tract

In regards to:

MPA16-0005 SMITH TRACT - TRAILS PZ MEETING 10/10/2016 TC
MEETING 10/17/2016

I would like all trails to remain in the plan. These trails are essential to the Master Plan trail systems which includes paved, multi use and equestrian. One omission will greatly affect and devalue the Master Plan.

MPA16-0006 SMITH TRACT - THOROUGHFARE PZ MEETING 10/10/2016
TC MEETING 10/17/2016

I would like the requirement for bike lanes to remain in the plan. This is essential to the safety of bike riders, walkers and motorists. Eliminating this requirement would just be ridiculous.

MPA16-0007 CHUCK RUSSELL SMITH TRACT - WASTEWATER

The move from a septic system to sewer would only be necessary if the land were to be a high density neighborhood, which it is NOT. No need for sewer over septic.

The above amendment requests would allow this land to be over developed, high density with very few safety and recreational amenities. That is not the Town of Flower Mound's Master Plan goal.

Susan Bodenmiller
Charles Bodenmiller
7007 Woodridge drive 75022

----- Forwarded message -----

From: Debbie Chester

Date: Aug 31, 2016 3:43 PM

Subject: Cross Timbers Conservation Development District

To: Doug Powell

Cc:

Dear Mr. Powell,

We chose to build our home near Shiloh Road over 20 years ago because the community shared our respect for the land and the natural environment it provided. Over the years the Master Plan for Flower Mound has continued to be amended and threatens to forever alter the rural-like community we love.

We implore you to **reject** the altering of the requirements for development of the Shiloh/Cardinal/Scenic area. Trails, safe bike lanes. larger home lots and open land spaces are essential to preserving the Flower Mound community we call home. Please, consider the long term ramifications of further alterations.

Respectfully.

Chuck and Debbie Chester
6600 Stonehill Court

From:
To: [Doug Powell](#); [Cindi Price](#); [Jade Olson](#)
Subject: Master plan amendment concerns
Date: Thursday, September 01, 2016 9:44:22 AM

We're strongly OPPOSED to the attempt to bypass the normal Master Plan for any reason. We understand progress, but we believe following the Master Plan is vital to keeping Flower Mound a great place to live now and in the future! Flower Mound is a very active community, and the attempt to eliminate Equestrian, Walking, and Bicycle Trails & Paths is wrong. The Smith property is surrounded by horse property which is our heritage, and the terrain in our area lends itself to great riding, walking & cycling.

We're for limiting density, and prohibiting sewers in our area per the Master Plan so that we keep the country feel which is why we moved from the east side of town 18 years ago.

We've lived in Flower Mound for 20 years, and have been through the growth struggles of the past that effected our School System, Taxes, and TRAFFIC. Traffic has progressively gotten worse again over the past couple of years, and it shouldn't take us 29 minutes to go 10 miles from the West side to 2499 & 121 during rush hour every morning. That doesn't take into account completion of the future developments already approved and not built or the 2499/35E connector project.

Flower Mound needs to stop approving future developments until they can figure out a way to improve traffic flow throughout the town - especially on 2499. No matter how beautiful and great Flower Mound may be, it's not worth living here if it takes forever to get in & out of town!!!

Lloyd & Mary Beth Collins
4005 Ada Dr.

From:
To: [Doug Powell](#); [Cindi Price](#); [Jade Olson](#)
Subject: TRUE CONCERN OVER MASTER PLAN AMENDMENT REQUEST @ SMITH PROPERTY!!
Date: Thursday, September 01, 2016 2:17:59 PM

My family and I moved to Flower Mound (from Frisco) in 2002 because we respected the town of Flower Mound for it's "smart growth" and it's adherence to some very important land conservation values. We share these very important values. The Cross Timbers Conservation district is the true essence of the town, and it is worth protecting and fighting for. There is no reason why a landowner cannot work within the limitations of this plan. Why should Flower Mound even listen to a developer/owner who doesn't even submit a Development Plan? This is absolutely unacceptable, and would only set up an opportunity for others to do the same.

In 2001, 1 acre, true-conservation clustered lots were a highly incentivized option to encourage preservation (while still allowing 2 acre non-conservation lots).

In 2013, the town council approved 1/2 acre non-conservation lots (with up to 25% increase in residential density), but fortunately, did not approve sewer expansion.

IN 2016, WE HAVE A REAL OPPORTUNITY TO PROTECT THE CONSERVATION DISTRICT FOR THE FUTURE OF OUR TOWN! THIS IS NOT THE TIME TO MAKE CONCESSIONS FOR OWNERS/DEVELOPERS THAT WE WILL NEVER GET BACK! WE ONLY GET A SHOT AT THIS ONCE. THEN POOF, NO MORE LAND TO TALK ABOUT, ONLY HOW TO HANDLE THE EXTRA HIGH DENSITY WITH ROADS AND INFRASTRUCTURE.

NO MORE LOOP-HOLES FOR DEVELOPERS. DEVELOPERS CAN RESPECT OUR CROSS TIMBERS CONSERVATION DISTRICT JUST LIKE WE DO.

THIS IS ALL WE HAVE LEFT.

In addition, if we truly continue to respect the adherence of the values of the Cross Timbers Conservation district, we all will receive the benefit of the beauty, the integrity of the town ideals, and the future of economic values that will be a successful case study for future areas of growth.

Thank you for taking the time to hear my response to the Master Plan Amendment Request.

Sincerely,
Janie Cragin
3812 Valley View Lane
Flower Mound, TX 75022

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

From: Laura Cutia

Sent: Monday, September 12, 2016 12:04 PM

To: Matthew Hotelling

Subject: Smith Property

I am opposed to the changes to the master plan on the Smith property off Shiloh Road.

Laura Cutia

6901 Wind Swept Court

Flower Mound, TX

Sent from my iPhone

From: Tony Cutia
Sent: Tuesday, September 13, 2016 9:02 AM
To: Matthew Hotelling
Subject: Fwd: Smith Property

I strongly oppose the changes made to the master plan on the Smith property off Shiloh road.

Tony Cutia, P.E.
Altoro Energy Corporation

From:

To:

[Cindi Price](#)

Subject:

Shiloh Road Land

Date:

Wednesday, August 31, 2016 12:22:58 PM

Please don't let them get around our Master Plan, it was voted on years ago for a reason, like this one.

Thanks,

Gordon J. and Rubyann T. Darnell

6409 Red Bud Drive

Flower Mound, TX 75022

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

From: Melanie De Leon

To: doug.powell cindi.price parks

Sent: Wed, Aug 31, 2016 9:40 am

Subject: Master Plan Amendments for Shiloh Rd at 1171

Dear Mr. Powell, Ms. Price and Flower Mound Parks,

I am writing this letter to you to let you know of my disapproval of the Master Plan Amendments for Shiloh Rd at 1171.

The integrity of the Cross Timbers has been maintained by limiting density and prohibiting sewer. This also preserves natural surface areas that absorb storm water.

This area is highly sought after for its natural and almost pristine beauty and incredible wildlife.

It is our understanding that a Development Plan has never been submitted. The landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a development plan.

Flower Mound has maintained its value and reputation of being one of the best cities to live in. Please let's not change! I am begging you to make this proposal like any other and follow the rules.

Its impact on us (the neighbors), wildlife, storm water and values will be devastating.

V/R

Melanie DeLeon

Realtor

Citiwide Properties

3214 Lakewood Lane

Flower Mound, TX 75022

From:
To: [Doug Powell](#); [Jade Olson](#); [Cindi Price](#)
Cc:
Subject: Master Plan Amendment on Smith Tract
Date: Thursday, September 01, 2016 4:58:19 PM

Hi Doug, Cindi and PALS,

My husband Adam and I are unable to attend tonight's city hall meeting to voice our concerns, but we are highly opposed to amending the master plan to remove trail and bike lane requirements on the property.

We recently moved to Flower Mound from Dallas, and I even called the city to inquire about the Smith property before closing on our home (this proposal was not yet in the works). We moved here for the GREEN space and acreage, and because we thought Flower Mound was one of the last cities in the Dallas working to preserve land.

While I understand development is inevitable, keeping with the standards of the master plan only makes sense to preserve this scared aspect of Flower Mound and to keep our developments unique and unlike Frisco or every other Dallas city. It seems a sneaky approach to ask for the removal of these items before bringing forward a plan. I'm not opposed to all development -- but there are ways to do it right.

If we conserve more green space now, Flower Mound will ultimately be a more valuable place to live, as others, like us, move from the city to have some quiet. I hope you'll take my words into consideration -- and hope to meet you soon. I'll be in attendance at upcoming meetings.

Thank you for your time,

Jessica

--

Jessica Elliott

Freelance Writer/Editor
Dallas, TX

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

From: Mary Anne Farrell

Sent: Monday, September 12, 2016 10:14 PM

To: Matthew Hotelling; Jimmy Stathatos

Subject: Smith Property

Dear Sirs,

I do not usually get involved in Flower Mound issues, but the rezoning of the Smith Property has me very upset. The folks that live on Miracle Lane moved here for many reasons - the proximity to the lake, the quiet street, great neighbors, and the actual area surrounding our homes.

We have deer, raccoons, feral pigs, coyotes, and of course, the cows. Natural trails and bike paths are what make our neighborhood a little gem within the city, and a great place to raise children. We need bike paths on Shiloh. Have you ever driven down that road on a Saturday morning? It is dangerous for the cyclists as well as motor vehicles.

Flower Mound has (or should I say had) a Master Plan that would save the natural beauty of our area. Please do not let our area become another concrete suburb. Stick to the Master Plan which was created to protect our great city!

Respectively submitted,
Mary Anne Farrell
3112 Miracle Lane
Flower Mound. 75022

From: C Finley

Sent: Sunday, October 02, 2016 10:02 PM

To: Chuck Russell

Cc: Marc Finley - Advantage Sales

Subject: Letter to the Planning Commissioners for the Meeting on 10/10/2016 (Smith Tract)

Dear Planning Commissioners,

My husband and I live in the Cross Timbers Conservation Development District (CTCDD) and were saddened to hear about the three requested master plan amendments for the Smith Tract. All of them relate to quality of life issues for our beloved area. It appears the landowner is requesting municipal sewer which will allow for increased density of homes, removal of trails (both multi-use and equestrian), as well as elimination of bike lanes within and adjacent to the property. The Town of Flower Mound established the CTCDD because they recognized that the Cross Timbers is a gem of an area and deserves to be developed differently from the rest of the Metroplex. A lot of work has already been expended to develop a network of trails. Changing this well thought out vision sets a terrible precedent for future developments in the area. We have no parks out here except for the sliver of land around the lake which belongs to the Army Corps of Engineers, so the trail system at least presents an escape from dodging cars and trucks on the streets. The wonderful roll to the terrain and post oak forests are deserving of something better than what appears to be a backdoor way to chip away at the vision as expressed in the CTCDD Master Plan. There is so much stress in many of our lives that I hope you will support making this area a more livable place for its inhabitants and our future Flower Mound residents. Is it our destiny to become just one more bedroom community in the vast Metroplex? We ask you to deny all three requested amendments.

Sincerely,

Caroline & Marc Finley

2600 Bourne Lane

Flower Mound, TX 75022

From: Jay Frappier
Sent: Monday, September 12, 2016 2:43 PM
To: Jimmy Stathatos
Subject: Smith Property change requests

Jimmy, my name is Jay Frappier and we have talked numerous times regarding change requests in the cross timbers area. I hope you are doing well and I am sure the towns business is keeping you very busy. I am writing to you today to let you know my position on the Smith Property Master Plan Amendments/Bike Trails Exemption that is going in front of numerous committees and boards in the near future. I like to see myself as a reasonable person who can see both sides of an issue and I am willing to discuss compromise without digging in on my position and getting angry with anyone who has opposition. I feel the same way as to the proposed change requests on the Smith property. I am totally opposed to the idea of allowing city sewer systems to come into the Cross Timbers area. Granting a waiver to the developer of the Smith property on that issue would open up the door and make it easy to have city sewer in every new development in the cross timbers area. As to the bike and horse trails, I understand that those trails and paths are not yet built. I do not feel as strongly about letting them have that requirement removed from their property. I am trying to balance the rights of the surrounding neighborhoods with that of the property owners and I don't feel as strongly about granting them that exception. Alternatively, I think that if the developer could find a compromise that would enable safe bicycling in and around that neighborhood, that would be a much better approach and I think add value to his development. Thanks for your time in reading this email and I am against any request to provide exceptions on the issue of adding sewer in the cross timbers area. Thanks

Jay Frappier
2600 Long Ln
Flower Mound TX

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

From: Robert Gladney

Sent: Monday, September 12, 2016 8:55 AM

To: Matthew Hotelling

Subject: Opposition to Smith Property master plan exemption requests

Dear Mr. Hotelling,

Please communicate to the members of the Planning and Transportation Commission for inclusion in their upcoming meeting minutes my opposition to the master plan exemptions requested by the owners of the Smith property. Thank you.

Sincerely,

Bob Gladney

3715 Ridgecrest Drive

Flower Mound TX 75022

Sent from my iPad

From: Diane Walker-Gladney
Sent: Monday, September 12, 2016 11:30 AM
To: Matthew Hotelling
Subject: opposition to Smith property master plan exemptions

Dear Mr. Hotelling,

Please communicate to the members of the Planning and Transportation Commission for inclusion in their upcoming meeting minutes my opposition to the master plan exemptions requested by the owners of the Smith property. Thank you.

Sincerely,

Diane Gladney
3715 Ridgecrest Drive
Flower Mound TX 75022

--

Diane Walker-Gladney
Contemporary Artist

From:
To: [Cindi Price](#)
Subject: Proposed Changes - Smith Property
Date: Tuesday, August 30, 2016 6:11:35 AM

I am opposed to the proposed changes to the Master Plan relative to the Smith property. As such plans mature, it is always difficult to preserve their integrity. Please add my objection to those of my neighbors in this last green area of our town.
Madeline Haynie

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

From: Madeline Haynie

Sent: Monday, September 12, 2016 6:38 AM

To: Matthew Hotelling

Subject: Smith Property - Opposed

High density has been opposed in so many ways for the Cross Timbers Area. Please preserve this last green area in Flower Mound and do not approve any additional exceptions for the Smith Property. As a 30-plus year resident living on Burning Tree, I am opposed to the current proposed changes to our Master Plan.

Madeline Haynie

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

From: Madeline Haynie

Sent: Monday, September 12, 2016 6:45 AM

To: Jimmy Stathatos

Subject: Smith Property Changes

I am a 30-plus year resident of the Cross Timbers Area of Flower Mound and am opposed to the changes proposed for the Smith Property. The gas wells added noise, truck traffic and damage to our neighborhood streets. The proposed changes benefit only developers who will not have to live with what they build. Please do not support the proposed plans for no bike lanes and sewer!
Madeline Haynie

From: Fred Howell
Sent: Monday, September 12, 2016 4:10 PM
To: Matthew Hotelling
Subject: Smith Amendment to the Master Plan

Mr. Hotelling,

My wife and I will be celebrating our fortieth (40th) year anniversary as residents of Franklin Hills in Flower Mound. Naturally we have seen a lot of change over those forty (40) years. It has been a battle over the years with land development that pits the rural verse the urban. I thought that when the populace voted several years ago on a Master Plan that the east side of town would be multi homes on small lots and the (2) acre lot requirements on the west side of town would help preserve our natural setting that many of us had built our homes and life around. Now the Master Plan is like a sieve and this Smith Amendment will be just another hole in it.

This attempt to remove the bike path is just another ploy by the developers to increase population density, just as this cluster home and conservation area that the developers are doing is just a way to get around the plan. If the Master Plan is going too be changed, then, home owners should be casting the vote, not the City Council with their own agendas.

Please have my comments provided to the Transportation Commission members and noted as an opposition email in the minutes.

Fred Howell
3823 Sunnyview Lane
Flower Mound TX 75022

From: JON HOWES

Sent: Monday, October 03, 2016 8:37 AM

To: Chuck Russell

Subject: Master Plan amendment requests for Smith tract

I am NOT in favor of granting the three Master Plan amendments under consideration for the Smith tract as requested by the developer/landowners. The Master plan was written for a reason and is itself a compromise. I request that we abide by the current master plan.

Residents of the Cross Timbers Conservation District have organized and we are paying close attention to requests for amendments, the recommendations of the P&Z and voting by the town council.

Jon Howes

7401 Bolo Ln

Flower Mound, Tx

75022

From: [Ron Huebner](#)
To: [Cindi Price](#)
Subject: Upcoming vote comments
Date: Thursday, September 01, 2016 9:15:44 AM

I am a resident of Flower Mound and reside at 3908 Sunnyview Lane. Though I will be out of town during the September 1st meeting of the Parks/Arts/Library Board I understand there will be a vote concerning Master Plan Amendments. I believe that the business concerns that are currently attempting to develop Flower Mound are in fact degrading the quality of living for most residents who live in my neighborhood. The original Master Plan is being changed by business interests, not the resident's interest. What good is a Master Plan if it is constantly being changed to suit the needs of Business interests. I would also argue that the current "Growth" model that the city apparently has adopted is essentially unsustainable without destroying the quality of life we now enjoy. Growing to fulfill tax revenue so that we can support more growth is NOT development in the eyes of many, including myself. It is a recipe for making Flower Mound into another Plano or Frisco and THAT will definitely not be "progress".

I see that the following Amendments to the are being considered:

THREE Master Plan Amendments are requested:

- 1) Bring in municipal sewer (currently prohibited)
- 2) remove the trails requirement
- 3) remove the bike lanes requirement for Shiloh/Cardinal/Scenic roads (entire perimeter).

Please note that I am definitely opposed to allowing any of the Amendments to be allowed. I am especially opposed to bringing in municipal sewer.

The integrity of the Cross Timbers has been maintained by limiting density and prohibiting sewer. Sewer limitation is a popular planning tool for limiting density in sensitive and scenic areas. This also preserves natural surface areas that help absorb stormwater.

From:
To: parks@flowermound.com; [Cindi Price](#); [Doug Powell](#)
Subject: Master Plan Amendments for Shiloh Rd at 1171
Date: Wednesday, August 31, 2016 1:15:24 PM

All,

I am writing this letter to you to let you know of my DISAPPROVAL of the Master Plan Amendments for Shiloh Rd at 1171.

PLEASE ensure the our wonderful community is the primary concern.

The integrity of the Cross Timbers has been maintained by limiting density and prohibiting sewer. This also preserves natural surface areas that absorb storm water.

This area is highly sought after for its natural and almost pristine beauty and incredible wildlife.

It is our understanding that a Development Plan has never been submitted. The landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a development plan.

Flower Mound has maintained its value and reputation of being one of the best cities to live in. Please let's not change! I am begging you to make this proposal like any other and follow the rules.

Its impact on us (the neighbors), wildlife, storm water and values will be devastating.

Andy Hughes
Concerned Neighbor

From:
To: [Cindi Price](#); [Doug Powell](#); [Jade Olson](#)
Subject: Smith Property (Shiloh Road Area/Cross Timbers) Master Plan Amendment Requests
Date: Tuesday, August 30, 2016 1:27:24 PM

I have noticed the signs around the large 3 parcel Smith property regarding a Master Plan Amendment request. Apparently the landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. If successful, many other landowners would then begin to take this back-door method of changing the master plan. I am concerned with protecting the current Conservation District Development guidelines and I am opposed to ANY development that would impact the current protection.

Please accept this message as a formal registration of this citizen's great concern and opposition as noted above.

Peggie Kimberlin
3400 Mesa Dr.
Flower Mound, TX 75022

From:

To: [Doug Powell](#); [Cindi Price](#); [Jade Olson](#)

Cc:

Subject: Smith Property (Shiloh Road Area/Cross Timbers) Master Plan Amendment Requests

Date: Tuesday, August 30, 2016 11:56:30 AM

I have noticed the signs around the large 3 parcel Smith property regarding a Master Plan Amendment request. Apparently the landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. If successful, many other landowners would then begin to take this back-door method of changing the master plan.

I am concerned with protecting the current Conservation District Development guidelines and I am opposed to ANY development that would impact the current protection.

Please accept this message as a formal registration of this citizen's great concern and opposition as noted above.

Joel Loeb
3404 Raintree Dr.
Flower Mound, TX. 75022

Sent from my iPhone. J. Loeb

From: Rick Lust
Sent: Monday, September 12, 2016 9:30 AM
To: Jimmy Stathatos
Cc: Matthew Hotelling; Doug Powell; townccouncil@flower-mound.com; Theresa Scott
Subject: Smith Property

Dear Jimmy,

I must say that I find the Master Plan amendment requests by the Smith applicants disturbing.

I'm writing as one of the original architects of our master plan, a former P and Z chairman , and former Mayor of our Town.

As you know the Master Plan is the culmination of the democratic process in which the citizens express and define how they want their town to evolve in the long term. The Plan has served us well and is the primary reason Flower Mound is as desirable a place to live as it is today. If we keep amending it, we will not end up with a balanced and thought out product for the citizens. The Town will end up as just another suburb of Dallas with very little identity. Our Master Plan has also served us well in court cases as we could show we were consistent in its application over the long term and that it was a balanced, fair, and equitable plan.

Dr. Smith bought that tract of land about 40 years ago as agricultural property. He was still alive during the many master plan development meetings and was free to participate in the hearings as was any citizen of the town. It could be argued that bike lanes and recreational trails etc. actually enhance the value and marketability of the property. Running sewer to this property would essentially gut the master plan. Keeping the land sewer free is a fundamental concept of the plan in order to retain some semblance of our rural heritage.

The Cross Timbers Conservation District would be in jeopardy as well. The Cross Timbers area was chosen to preserve as much as possible in a low density manner for several reasons. It is a naturally beautiful area. Being in the interior of the Town, it does not have good ingress or egress particularly north and south, and it does not gravity feed to the Timber Creek drainage basin. It essentially forms part of the signature of our Town.

We should be up front with developers and explain that Flower Mound embraces it's master plan. Look at our town logo. " The City, The Country".
Let's not destroy what helps make Flower Mound a great place to live.

Respectfully,
Rick Lust
3805 Ridgecrest Dr.

From: Kindandlovingk
Sent: Thursday, September 1, 2016 12:09 PM
To: Doug Powell
Subject: change to master plan at shiloh and crosstimbers

I vote NO to this idea. We do not want high density homes or apartments in this area (Shiloh at Cross Timbers Road). Please do not change the Flower Mound Master Plan in order to accomodate those (Smith Estate, etc.) trying to change it . Kathy Menninga 6417 Frontier Dr Flower, Mound, TX 75022

From:
To: [Cindi Price](#)
Subject: Master Plan Change
Date: Wednesday, August 31, 2016 7:36:49 AM

I have noticed the signs around the large 3 parcel Smith property regarding a Master Plan Amendment request. Apparently the landowners have hired attorneys to attempt to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. If successful, many other landowners would then begin to take this back-door method of changing the master plan.

I am concerned with protecting the current Conservation District Development guidelines and I am opposed to ANY development that would impact the current protection.

Please accept this message as a formal registration of this citizen's great concern and opposition as noted above.

Sam Morehouse
3415 Mesa Dr.

From: Chelsea Mueller

Sent: Monday, September 12, 2016 7:44 PM

To: Matthew Hotelling

Cc: Jade Olson

Subject: Fwd: CONCERN OVER MASTER PLAN AMENDMENT REQUEST @ SMITH PROPERTY

Mr. Hotelling and members of the Flower Mound Transportation Commission,

I will be unable to attend the Sept. 13, 2016, meeting to review a proposed amendment to the Master Plan at Smith Property. As such, I am writing to voice my disapproval of the change.

As a 10-year resident of Flower Mound, one of the highlights of living in our community is the abundance of trees, greenbelts, creeks and the paths that allow our community to walk and bike along them. Additionally, any change moving toward high-density housing not only removes the necessary access to bike paths and lanes, but loses the big open spaces and large yards that made many of us choose our "big city suburb" over Dallas proper.

I urge the committee to hold Smith Property to the current Master Plan.

Sincerely,

Mrs. Chelsea Mueller

1800 Kingston Lane

Flower Mound, TX 75028

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

From: steve noble

Sent: Monday, September 12, 2016 12:45 AM

To: Jimmy Stathatos

Cc:

Subject: Master Plan changes

What is the need to amend the Master Plan to add pressure to an infrastructure that the Town is now not adequately maintaining.

Pressure on roads, schools, sewer, water, it goes on and on.

Why build more, when the Town and schools can't handle what is currently in place?

What good is a Master Plan?

Did those who developed the plan not consider our future Town needs?

In the past even one acre lots were not acceptable. Now we have a need for lot size half that. What hypocrisy?

This is a tax grab for the Town and a developer windfall.

All about the \$\$.

Stephen Noble

6408 Lakeside Drive

Sent from my iPhone

----- Forwarded message -----

From: Kathy Norris

Date: Sep 1, 2016 4:42 PM

Subject: Smith Property Amendmants

To: Doug Powell

Cc:

To voice our extreme opposition to these requests are so very important to all who really love & care for our community! Do not let the passion, commitment, & time of so many who worked to create the CTCDD go to waste as well as waste what little natural land we have left! Please consider the many citizens of Flower Mound not the very rich who just want to get richer!

Kathy Norris

3223 Raintree Drive

Sent from my iPhone

From: bobby Oliver

Sent: Monday, September 12, 2016 12:55 PM

To: Place2 - Bryan Webb; Place5 - Itamar Gelbman; Place4 - Don McDaniel; Place1 - Jason Webb; Mayor - Tom Hayden; Place3 - Kevin Bryant; Matthew Hotelling

Subject: Opposition to a deviance from the Master Plan for the "Smith property" before the Town of Flower Mound...

To the Town Council and Park Board,

I cannot attend the meeting for this issue since I will be in class and my wife working, but both my wife and I would like to register our opposition to deviating from the Master Plan, specifically the elimination of bike lanes and other trails for riding horses or walking and the positioning the property for high density development by approving municipal sewer systems.

As a cyclist, bike lanes increase the safety of our streets for both cyclists and drivers. They also enhance the attractiveness of our city and neighborhoods as a desirable place to live and increase property values. We contend that more, not less, trails and bike lanes should be made available to the residents of Flower Mound.

As a resident of the city since 1991, I hate to see the developers' plans to make maximize their profits triumph over the residents quality of life. A Master Plan has zero value if every time a developer wants an exception the town "rubber stamps" approval for the asking.

Please vote no to deviating from the provisions in the Master Plan and leave the bike lanes, trails, and low-density development standards in place for the "Smith property" located in the Shiloh/Cardinal/Scenic area .

Thank You,

Bobby and Cheryl Oliver
2909 Sun Meadow Drive
Flower Mound, TX 75022

From:
To: [Doug Powell](#); [Cindi Price](#); [Jade Olson](#)
Subject: Smith Tract MPA
Date: Friday, September 02, 2016 4:30:51 PM

Hi All - I just wanted to add myself to the list of folks who disapprove of the Master Plan Amendments that have been requested in reference to the "Smith Tract":

MPA16-0005
MPA16-0006
MPA16-0007

These areas need to remain non-municipal sewer, and I would like to see the trails, both current and future remain as planned.

The landowner has been given several options over the years to keep the lot sizes of any future development to 1-2+ acre residential lots, and that's the only kind of development I'm on board with in this area.

Thank you,
Terry O'Neal

From: rcr

Sent: Wednesday, September 14, 2016 3:50 PM

To: Matthew Hotelling; Jimmy Stathatos

Subject: Subject: Smith property requested exemptions from Master Plan

We have lived in W Flower Mound since 1985. We are against ANY exemptions to the Master Plan that allow higher density than the plan allows. This includes bringing in municipal sewer, as sewer prohibition helps manage residential density as intended in the plan. It also helps preserve the nature, especially the natural treed/wooded areas in the Cross Timbers area.

There is no reason to grant exemptions to landowners, with the sole beneficiary being the landowners. With exemptions, the landowners will realize more money, while residents will have higher density, less trees, more traffic and more.

Thank you.

Dr. Robert C Ramirez

Melodee Martin Ramirez

6109 Seascape Court

Flower Mound, 75022

From: ronh
Sent: Monday, September 12, 2016 6:23 PM
To: Jimmy Stathatos; Matthew Hotelling
Subject: Zoning Change Opposition

I currently reside on Sunnyview Lane in Flower Mound and DEFINATELY oppose all the exemptions that the Smith property owners have requested. Those exemptions will lower our quality of life and serve no entity other than the developers who the Smith property owners are proxies for. Please provide this email to the Transportation Commission members and note it as an opposition email in the minutes. A Master Plan that is continually modified at the request of developers and landowners planning to capitalize on sales is NOT was the original planners wanted and neither do I.

From:
To: [Doug Powell](#); [Cindi Price](#); [Jade Olson](#)
Subject: Smith Property Master Plan Amendment Requests (Shiloh Rd at FM1171)
Date: Wednesday, August 31, 2016 3:28:50 PM

My wife and I noticed the signs around the Smith property regarding the Master Plan Amendment request. We have noticed that the landowner(s) want to change the Master Plan on these properties without ever filing a Development Plan. This is a very unusual approach and if approved could cause irreparable harm to the current Cross Timber Conservation Development District guidelines. It will open the door to other landowners to take a similar approach and thus compromising the integrity of the Cross Timbers District.

Notably, the landowner wants to:

- 1) Bring in municipal sewer (currently prohibited)
- 2) Remove the trails requirement
- 3) Remove the bike lanes requirement for Shiloh/Cardinal/Scenic roads (entire perimeter)

This landowner joined with 2 other large landowners in 2001 in a failed attempt to sue the Town in order to bring sewer and high density/commercial to this area. (Smith/Wilson/Bunn vs. the Town of Flower Mound). He is now attempting to do so by using loopholes in the 2013 Master Plan Amendment.

My wife and I are against this action as are our neighbors. We wholeheartedly disagree with this amendment request and advise the town to decline it.

Thanks,
Emil Soleyman-Zomalan
Paulin Soleyman

6601 Stonehill Ct
Flower Mound, TX 75022

From: Emil Soleyman

Sent: Monday, September 12, 2016 11:37 AM

To: Matthew Hotelling; Jimmy Stathatos

Subject: Master Plan Amendments/Smith Property, SE Corner FM 1171/Shiloh

Please provide this email to the Transportation Commission members and note it **as an opposition email** in the minutes.

Dedicated bicycle lanes are a safety factor for both bicyclists and cars. Currently, bicyclists are sharing the same lane with cars around this undeveloped area. The Town has minimum requirements that reflect the needs of CURRENT and FUTURE residents.

As was noted in the Parks, Arts and Library Board Meeting last week, the Smith property owners had chosen to allow gas wells on the property first, rather than to develop within our Master Plan for the Cross Timbers Area. Therefore, remaining surface area for development was reduced. However, the property owners now claim that the encumbrances are our Master Plan, and trail and bike lane requirements.

Furthermore, the gas wells and fracking related activities have most likely cause contamination to the environmental area. This will require environmental studies in the (near) future to determine the extent.

Since 2004, the Town has: 1) changed the Master Plan allow smaller lots with 25% increase in residential density and 2) allowed drilling in Cross Timbers - in an attempt to appease large landowners and developers. The Smith property owners did not acknowledge these prior concessions, much of which had strong public opposition.

The question is why are the Smith property owners using their attorneys to request exemptions to our Master Plan and ordinances before even submitting a plan for the property? Why are they trying to introduce a change in the Cross Timbers Conservation District at this time when they still have gas wells on the property?

Noting their history of opposing the Town's Master Plan, including legal action, we can speculate that they are gearing up for another court battle to get what they want.

My wife and I are against this amendment.

Thanks,

Emil and Paulin Soleyman

6601 Stonehill Ct

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

From: Glenda Straub

Sent: Tuesday, October 04, 2016 1:13 PM

To: Chuck Russell

Subject: Town Master Plan

Hi Chuck,

I am concerned about losing the rural atmosphere in west Flower Mound. Please enforce the CTCDD/Town Master Plan.

Thank you.

Glenda Straub

From: Shannon
Sent: Monday, September 12, 2016 7:51 AM
To: Jimmy Stathatos
Subject: Smith property

Hello,

The property line that adjoins the Smith property, and one of their gas wells sits approx. 1200 feet from the property line of another home.

We oppose any amendments to the Master Plan for this property, including the removal of trails/bicycle lanes. We feel this scenic property is actually very suitable for the use of trails and bicycle lanes. Currently, runners, walkers and cyclists share the two lane Shiloh Rd, and it creates dangerous situations on this narrow road with the limited visibility over the hills. This is a safety issue.

We ask that this Master Plan Amendment request be denied.

Thank you,

Joel and Shannon Summerlin
3908 Saturn Street
Flower Mound, TX 75028
Sent from my iPhone

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

From: Carl Thunem

Sent: Monday, September 12, 2016 8:16 AM

To: Matthew Hotelling

Subject: Smith Property Exemptions

Dear Mr. Hotelling,

I am adamantly opposed to any further concessions or exemptions being granted on development of the Smith property, for relief of density, sewer, parks and trails requirements or restrictions.

I request that this objection be provided to the Transportation Commission members and noted as an opposition email in the minutes.

Respectfully,

Carl Thunem

4016 Raintree Drive

Flower Mound, TX 75022

Sent from my iPhone

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

From: debbiethunem

Sent: Sunday, September 11, 2016 9:06 PM

To: Matthew Hotelling

Subject: Smith Property Exemptions

I oppose any further exemptions on the Smith property.

Debbie Thunem

4916 Raintree Dr

Sent from my iPhone

From:
To: [Jade Olson](#); [Cindi Price](#); doug.powel@flower-mound.com
Subject: Sept. 1 meeting
Date: Tuesday, August 30, 2016 9:32:01 PM

Hi,

My name is Jena Toich. I reside at 7408 Bolo Lane in Flower Mound. I am so fortunate to live in the Cross Timbers area.

I am unable to attend, but I have comments about the Master Plan Amendments.

Please note that my comments are in regards to a meeting this Thursday Sept 1 at 6:30 p.m. at town hall with the Parks/Arts/Library Board on whether to waive the requirement for trails, even though the Town is working to expand its parks and trails.

THREE Master Plan Amendments are requested:

1) Bring in municipal sewer

Although sewer is a highly contentious topic, I have no opinion here.

2) remove the trails requirement

I am opposed to removing the trails requirement.

3) remove the bike lanes requirement for Shiloh/Cardinal/Scenic roads (entire perimeter)

I oppose removing the bike lane requirement.

From: [Mark Van Tilburg](#)
To: [Cindi Price](#); [Jade Olson](#); [Doug Powell](#)
Subject: Smith Property Amendments
Date: Thursday, September 01, 2016 2:02:31 PM

Doug, Cindi & Parks Board,

I am traveling on business and will not be able to attend this evenings' meeting. My wife and I are residents of Bolo Lane and have been active in objecting to prior attempts to amend the CTCD master plan. We have to admit that this latest effort, especially considering the attempt to bypass the normal development and planning process, is not only frustrating but disrespectful to the residents and our past efforts to maintain the quality of life that we enjoy and have a right to maintain. This attempt should not be given a platform and those making it should be told in no uncertain terms that neither it, or future attempts will be entertained or tolerated by The Town.

Thanks,
Mark
Sent from my iPhone

From: Cheri Wiese

Sent: Monday, September 12, 2016 11:02 AM

To: Matthew Hotelling

Cc: Robert Wiese; Doug Powell; cindiprice

Subject: Smith Property (Shiloh Road Area/Cross Timbers) Master Plan Amendment Requests

I am opposed to the proposed changes to the Master Plan relative to the Smith property. Attempting to change the Master Plan without filing a development plan

concerns me greatly and I oppose setting this precedence for future requests. I moved here

12 years ago with the impression that the Master Plan really meant something and Flower Mound would preserve its designation as a scenic city. I must admit I am very disappointed with how easy it has been to change the Master Plan over the last 12 years and oppose any development that would impact what little current protection our residents have today.

Please add our objection to those of our neighbors in this last green area of our town.

Sincerely,

Cheri L. and Robert B. Wiese

3315 Raintree Drive

Flower Mound, TX 75022

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

From: Dave Wilkins

Sent: Wednesday, October 05, 2016 11:19 AM

To: Chuck Russell

Subject: P&Z, Smith Tract

Planning and Zoning Commission:

I am against giving the Smith Tract an exemption to the Master Plan.

The multi-use trail system envisioned for the Town would be divided into two either unconnected or poorly connected parts that prevent the trail system from being useful. Same for the horse trails, this trailhead/parking area is key to more public use other than as it is now, only used by people who live adjoining the trail.

Thank you for voting against giving the Smith Tract an exemption for this development.

Dave Wilkins

3349 Rolling Hills

Flower Mound TX 75022



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 6

DATE: October 10, 2016

FROM: Doug Powell, Executive Director of Development Services

ITEM: **Public Hearing to consider a request for a Master Plan Amendment (MPA16-0010 – Urban Design Façade Materials) to amend Section 4, Urban Design Plan, by modifying the Architectural Standards to add stucco as a primary masonry option under Façade Materials.**

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 Architectural Standards of the Town's Master Plan in order to add stucco as a primary masonry option under Façade Materials. The Town Council directed staff to proceed with this amendment following discussion during their Strategic Planning Session on July 22, 2016, and follow-up work session on September 15, 2016.

The work session video can be viewed at:

<http://flowermoundtx.swagit.com/play/09152016-909>

Currently, the Architectural Standards only allow stucco as a secondary material and thus it is limited to no more than twenty percent (20%) of a building façade for non-residential buildings. This amendment would allow stucco to be used up to one-hundred percent (100%) of a building façade. The Town's building code does contain standards for stucco construction which will ensure that a quality product is installed.

The following shows the proposed amendments to the Town's Master Plan in underline and strike-out:

5. Facade Materials

- 5.1. Elevations of low-rise non-residential buildings (one to two stories) should be a minimum of 50% masonry, excluding doors and windows,

consisting of stone, brick, stucco or finished tilt-wall concrete, or a mixture of those materials.

5.2. Elevations of non-residential buildings of three stories or greater should be a minimum of 40% masonry, excluding doors and windows, consisting of stone, brick, stucco or finished tilt-wall concrete, or a mixture of those materials.

5.3. At least 80% of each building elevation, excluding doors and windows, should be primary masonry, consisting of hand-laid brick or stone, of stucco, or of finished tilt-wall concrete. Up to 20% of each building elevation may be secondary masonry, consisting of concrete block or e.i.f.s., or stucco

All other standards relative to Façade Materials in Section 4, Urban Design Plan, are to remain unchanged.

III. CORRESPONDENCE

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

IV. ATTACHMENTS

None



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 7

DATE: October 10, 2016

FROM: Doug Powell, Executive Director of Development Services

ITEM: Public Hearing to consider a request for a Master Plan Amendment (MPA16-0011 – Urban Design Architectural Standards) to amend Section 4, Urban Design Plan, by modifying the Architectural Standards to add a new subparagraph 1.3 stating that buildings certified as Leadership in Energy and Environmental Design (LEED) Gold or better can request waivers to the Architectural Standards.

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 Architectural Standards of the Town's Master Plan in order to add a waiver process for those buildings certified as LEED Gold or better. The Town Council directed staff to proceed with this amendment following discussion during their Strategic Planning Session on July 22, 2016, and follow-up work session on September 15, 2016.

The work session video can be viewed at:

<http://flowermoundtx.swagit.com/play/09152016-909>.

The Town's current Architectural Standards contain a provision that the Town can approve a building design that does not meet the standards but has "meritorious" qualities (paragraph 1.2 below). In a similar vein, this amendment would add another exemption to the Architectural Standards for any building that meets the Leadership in Energy and Environmental Design (LEED) Gold or better standards.

More information on the LEED certification program can be found at:

<http://www.usgbc.org/leed>

The following shows the proposed amendment to the Town's Master Plan in underline:

1. Design Review

- 1.1. Determination of a proposed building design's compliance with these standards will be made by the Town's staff and/or Planning and Zoning Commission and Town Council.
- 1.2. In considering conformance to these standards, the Town will evaluate the suitability of meritorious design that might not comply exactly with these standards, but that is of exceptional enough design quality that it would be a desirable addition to the Town.
- 1.3. In considering conformance to these standards, the Town will evaluate the suitability of buildings certified as Leadership in Energy and Environmental Design (LEED) Gold or better that might not comply exactly with these standards, but that are of exceptional enough design quality that they would be a desirable addition to the Town.

These types of waiver requests will be accompanied by a Development Agreement to ensure the LEED certification is achieved.

III. CORRESPONDENCE

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

IV. ATTACHMENTS

None



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 8

DATE: October 10, 2016

FROM: Matthew Woods, Director of Environmental Services

ITEM: Public Hearing to reconsider approval of an ordinance amending Chapter 94, "Trees", of the Land Development Regulations (LDR16-0002 – Tree Ordinance Amendments) of the Code of Ordinances by amending Section 94-22, entitled "Protected tree lists," Section 94-23, entitled "Tree survey; development projects," Section 94-32, entitled "Trees located in buildable area," Section 94-39, entitled "Mitigation requirements for authorized tree removal," Section 94-40, entitled "Incentives for preservation of protected, specimen, and historic trees," Section 94-51, entitled "Enumeration," Section 94-65, entitled "Residential lots," Section 94-66, entitled "Approved tree planting lists," Section 94-81, entitled "Exceptions," and deleting Section 94-67, entitled "Landscape credit for large trees."

I. ITEM SUMMARY

This item was previously considered by the Planning and Zoning Commission on May 23, 2016, following the Environmental Conservation Commission's recommendation on May 3, 2016. The recommendation for approval from the Planning and Zoning Commission included a request to conduct additional research prior to Town Council consideration related to assessing the potential impact for an additional development project located within the Cross Timbers Conservation Development District, as well as other estimated development-related cost impacts. The Town Council reviewed the recommended amendments at the July 22, 2016, Strategic Planning Session, and recommended that staff present any findings from the additional research to the Planning and Zoning Commission prior to final Town Council consideration. Those findings will be provided as part of the presentation at Monday's meeting.

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

The Town's tree ordinance was originally adopted in 1993 and subsequently amended in 2000. The original ordinance was then replaced in 2008; and recently amended in 2015 to remove a mitigation exception clause in Section

94-81 for non-residential uses within the Lakeside Business District, the Denton Creek District, and all Specific Plan Areas (SPAs).

Following the amendment to the exception clause, Town staff began working with the Environmental Conservation Commission (ECC) to conduct a comprehensive review of the tree ordinance. The primary objectives of the new tree ordinance amendments are to reduce the specimen size of post oak (*Quercus stellata*) trees from 25 caliper inches to 19 caliper inches, while also providing additional tree credits for the post oak trees to be preserved within the Buildable Area of a site. The proposed amendments would also provide additional tree credits for protected and specimen trees located within areas of a site that would not be impacted by construction related activities as part of a new development, along with any Upland and Riparian Habitat to be preserved. Under the present tree ordinance, there are no credits available for the preservation of trees in of these open space areas and/or x-lots.

Staff previously solicited feedback from representatives of the local development community regarding the proposed tree ordinance amendments during the ordinance review process. Feedback received included concerns related to the potential increase in the number of specimen trees that would need to be requested for removal at ECC and Town Council meetings if the post oak tree specimen size is reduced. In addition to the concerns related to the increased number of potential specimen trees, feedback included additional mitigation costs, construction and preservation related costs for additional identified specimen trees, and the potential impact to the application, review, and development approval processes. Incentive options were also discussed and feedback was generally positive if preservation incentives were able to offset the potential increase in mitigation requirements. Other areas discussed included allowing staff and the ECC more flexibility relative to which trees would need to go before the Town Council for consideration. The ECC members present at the developer meeting and at the subsequent ECC regular meeting felt that the transparent public review and recommendation process was needed for the removal of specimen trees.

The majority of the current Tree Ordinance will carry over largely unchanged. However, amendments are being proposed for several sections within the ordinance. The attached draft of the proposed amendments is a redline version which outlines each specific amendment. The proposed amendments would revise the language in the following sections of the ordinance:

- Sec. 94-22. - Protected tree lists;
- Sec. 94-23. - Tree survey; development projects;
- Sec. 94-32. - Trees located in a buildable area;
- Sec. 94-39. - Mitigation requirements for authorized tree removal;
- Sec. 94-40. - Incentives for preservation of protected, specimen, and historic trees;
- Sec. 94-51. - Enumeration;
- Sec. 94-65. - Residential lots;

Sec. 94-66. - Approved tree planting lists;
Sec. 94-67. - Landscape credit for large trees; and
Sec. 94-81. - Exceptions.

The ECC recommended approval of the proposed amendments at their May 3, 2016, regular meeting.

III. CORRESPONDENCE

The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle) for all Land Development Regulation amendments. One correspondence was received dated June 7, 2016 (see Attachment 3). At the time this report was written, staff had received no additional correspondence.

IV. ATTACHMENTS

1. Draft Redline Ordinance
2. Chapter 94 "Trees"
3. Correspondence Dated June 7, 2016

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SUBPART B, "LAND DEVELOPMENT REGULATIONS," THROUGH THE AMENDMENT OF CHAPTER 94, "TREES."

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the Town of Flower Mound, Texas, has recommended the amendment of Chapter 94 of the Code of Ordinances, entitled "Trees."; and

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

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

SECTION 1

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

SECTION 2

From and after the effective date of this Ordinance, Section 94-22 of Chapter 94 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Trees," is hereby amended to read as follows:

“Sec. 94-22. Protected tree lists.*Medium Tree List*

Common Name	Scientific Name
Slippery elm	(Ulmus rubra)
Cedar elm	(Ulmus crassifolia)
Winged elm	(Ulmus alata)
Blackjack oak	(Quercus marilandica)
Persimmon species	(Diospyros species)
Chittamwood	(Bumelia languinosa)
Western soapberry	(Sapindus drummondii)
Sweetgum	(Luquidambar styraciflua)
Post oak	(Quercus stellata)

Large Tree List

Common Name	Scientific Name
Post oak	(Quercus stellata)
Shumard red oak	(Quercus shumardi)
Texas red oak	(Quercus texana)
Southern live oak	(Quercus virginiana)
Water oak	(Quercus nigra)
Bur oak	(Quercus macrocarpa)
Chinquapin oak	(Quercus muehlenbergii)
American elm	(Ulmus Americana)
Pecans and Hickories	(Cayra species)
Magnolia	(Magnolia grandiflora)
Bald cypress	(Taxodium distichum)
Pine species	(Pinus species)
Ash species	(Fraxinus species)
Sycamore	(Plantanus occidentalis)
Black walnut	(Juglans nigra)

SECTION 3

From and after the effective date of this Ordinance, Section 94-23 of Chapter 94 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled “Trees,” is hereby amended to read as follows:

Sec. 94-23. - Tree survey; development projects.

Tree surveys are required to accompany an application for a development plan, site plan, record plat, replat, oil and gas well drilling permit, oil and gas pipeline permit, tree removal permit, or tree transplanting permit. A tree survey may be required to accompany a zoning application or a master plan amendment if it is deemed necessary by the town's tree preservation and enforcement officer. Each tree survey shall contain, but not be limited to, the following information/parts:

(1) The location of all specimen trees and historic trees on the subject site.

(2) The location of the trunk and the extent of the canopy spread of each specimen tree and historic tree on the subject site.

(3) A table containing the following information for each specimen tree and historic tree:

- a. Tree number;
- b. Common and scientific name of each tree;
- c. Diameter (DBH) of each tree measured in accordance with [section 94-14](#) of this chapter;
- d. General health/condition of each tree;
- e. Average canopy spread;
- f. Status (specimen or historic) of each tree;
- g. Whether each identified tree will remain or be removed; and
- h. Location coordinates (northings and eastings, State Plane - NAD 1983) for each tree.

(4) Each specimen tree and historic tree shall be affixed with a permanent tag bearing the corresponding number on the tree survey. This tag shall be placed on the trunk of the tree, between five and six feet in height on the south face of the tree's trunk.

(5) Each tree survey shall contain a count of all protected trees located on the property.

(6) Each tree survey shall contain a count of all protected trees that will be removed from the buildable area on the property. The phrase "buildable area" is defined in [section 94-32](#) of this chapter.

(7) Protected trees designated for preservation shall be flagged in a distinguishing manner approved by the town for such purpose. In addition, those trees designated for removal shall be flagged in a different distinguishing manner as approved by the town.

(8) The tree survey must be signed, and stamped or sealed, by a certified arborist, certified forester, or a registered landscape architect. Each tree survey submitted shall contain one sheet of the tree survey as described above, one sheet with the tree survey data overlain with the site information, and one sheet with the site information overlain on an aerial photo for the site. The tree survey shall be on drawings measuring 24 inches x 36 inches and shall be drawn to a scale of no less than 100 feet to one inch, unless otherwise approved by the tree preservation and enforcement officer. When necessary the tree survey shall be on several sheets accompanied by an index sheet, showing the entire area of the survey. Necessary site information includes:

- a. The location and dimensions of all existing or proposed public streets, alleys, rights-of-way, utility easements, drainage easements, fence easements, pedestrian access easements or other public rights-of-way or easements;
- b. The location and dimensions of the designated parking area and designated stockpile area required in this subdivision and of any site proposed or anticipated to be proposed for a temporary batching plant permit; and,
- c. The location of all existing or proposed property lines, lot lines, building lines, setback and yard requirements, any proposed building footprint or floor plan, and other special relationships or significant features of the proposed development plan, record plat or site plan of the development.
- d. The location of designated upland, riparian habitat, and FEMA Floodplain, if identified through an Environmentally Sensitive Area survey and subsequent Environmental Protection Plan, as defined in the Town's SMARTGrowth Program and Analysis Manual.

SECTION 4

From and after the effective date of this Ordinance, Section 94-32 of Chapter 94 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Trees," is hereby amended to read as follows:

Sec. 94-32. - Trees located in a buildable area.

The phrase "buildable area" shall mean and include all that ~~portion of the~~ **of a commercial or residential building lot, oil and gas pad site, development site or other site, excluding the fully developed FEMA floodplain as defined in Section 90-403 and required street/landscaping buffer areas.** ~~inclusive of the approved footprint of the building, structure, or oil and gas pad site, and projected ten feet from the outside of each such structure or facility. "Buildable area" shall also mean and include those areas on a building lot, oil and gas pad site, development site, or other site as shown on the required site plan or development plan that is necessary for the construction of other improvements such as driveways, parking areas, pools, detention ponds/structures, tennis courts, and accessory buildings including sufficient adjacent area to allow the normal operation of construction equipment. Further, "buildable area" shall also mean and include all new commercial and residential rights of way and easements as shown on newly approved record plats, replats, and amended plats. Buildable area shall not include~~ **Trees located within TXDOT rights-of-way are exempt from the terms and provisions of this chapter.** ~~or town-required easements.~~

SECTION 5

From and after the effective date of this Ordinance, a new Subsection (b) is added to Section 94-39 of Chapter 94 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Trees," which new subsection shall provide as follows:

Sec. 94-39. - Mitigation requirements for authorized tree removal.

(b) *Mitigation of Loss of Habitat.* When **any person seeks to develop property, rezone property, or amend the master plan regarding property, so that an application for** a development plan, site plan, record plat, re-plat, oil and gas well drilling permit, oil and gas pipeline permit, tree removal permit, or tree transplanting

permit is required by this Chapter, and such person wishes to remove protected trees from an Environmentally Sensitive Area (ESA), such as upland habitat and/or riparian habitat as defined in the Town's SMARTGrowth Program and Analysis Manual, it shall be the responsibility of such person to mitigate the acreage of habitat lost or negatively impacted through either the payment to the Town of mitigation fees or the planting of replacement trees included in the required Environmental Protection Plan (EPP) for the development project, or a combination thereof that results in the required mitigation. This required habitat mitigation only applies to impacts to designated upland or riparian habitats. The mitigation for the removal of protected trees located outside of the designated habitats as established in an approved EPP is addressed in Section 94-39(a). The monetary value of upland habitat and riparian habitat is set at \$15,000 per acre. Preservation incentives for upland and/or riparian habitat preserved within a project are established in Sec. 94-40. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the value of the removed habitat may be paid to the Town instead of providing the replacement trees. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations.

The existing Subsections (a) and (b) of Section 94-39 of Chapter 94 shall remain unchanged, but Subsection (b) is renumbered to Subsection (c).

SECTION 6

From and after the effective date of this Ordinance, Section 94-40 of Chapter 94 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Trees," is hereby amended to read as follows:

Sec. 94-40. - Incentives for preservation of protected, specimen, and historic trees.

If any protected, specimen, or historic tree is preserved within an area that would otherwise be considered a buildable area, credit for preservation shall be given that will be counted toward the mitigation requirements for the removal of protected trees within the buildable area on a site or project. Such mitigation credits shall be given only for those trees whose critical root zones are left predominately in their natural state. No cutting, filling, or other construction related activities are allowed within the critical root zones of trees eligible for mitigation credit unless otherwise

approved in writing and in advance by the town. Existing trees that are preserved within required street yard landscaping areas shall be counted for credit toward the requirements of section 82-241 of this Code, street yard landscaping, provided that they are located within the street yard and/or parking area. Following is a list of credits available for the preservation of protected and specimen trees on a site or project, and a separate credit schedule for the preservation of protected and specimen post oak trees on a site or project.

(1) One mitigation tree credit will be given for each protected tree preserved within a buildable area on a site or project.

(2) The following schedule outlines tree credits that will be given for each specimen tree preserved within a buildable area on a site or project.

Buildable Area Mitigation Specimen Tree Credit Schedule

Caliper Size (Diameter)	Tree Credits
13—18 inches	3
19—24 inches	4
25—30 inches	5
Greater than 30 inches	6

(3) The following schedule outlines tree credits that will be given for each protected or specimen post oak tree preserved on a site or project and located outside of an ESA.

Post Oak Tree Credit Schedule

Post Oak Caliper Size (Diameter)	Tree Credits
6—12 inches	2
13—21 inches	4
22 inches and greater	6

(4) Mitigation credits for preservation of protected trees within designated upland and/or riparian habitat will be given for each acre of habitat protected on a site or project.

(5) For purposes of this section, one mitigation tree credit shall be the equivalent of the person developing the property providing

one container-grown tree as provided in Section 94-39 of a variety selected from the replacement tree list having a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. In the event the tree preservation and enforcement officer or authorized designee approves the payment of money in an amount equal to the per-caliper-inch cash value of the removed tree(s) instead of providing the replacement trees required by this article, one mitigation tree credit shall be the equivalent of the per-caliper-inch cash value for a replacement tree having a minimum caliper width of two and one-half inches to three inches. However, no tree credits shall be allowed or permitted for trees that are dead, dying, diseased or infested with harmful insects (as determined by the tree preservation and enforcement officer or authorized designee), or for trees which have not been adequately protected using required tree protection measures, as defined in article V of this chapter, or which are otherwise likely to die (as determined by the tree preservation and enforcement officer or authorized designee); or trees that are not included on the protected tree list.

SECTION 7

From and after the effective date of this Ordinance, Section 94-51 of Chapter 94 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Trees," is hereby amended to read as follows:

Sec. 94-51. - Enumeration.

The following tree protection measures shall be required:

- (1) Prior to any and all construction or land development activity, the developer or property owner shall install four-foot-high plastic (or equivalent) safety fencing around the drip line of protected trees and six-foot-high chain-link fencing around the drip line of specimen and historic trees.
- (2) Prior to any and all construction or land development activity, the developer or property owner shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment and related items, designated stockpile areas for the storage of construction supplies and materials during construction of the subdivision and designated drive areas for vehicles and equipment. The location and dimensions of such designated areas shall be clearly identified on both subdivision construction and site plans and shall be approved by the tree preservation and enforcement officer or authorized designee prior

to any construction or land development activity in, on or about the subdivision. Such designated areas shall be completely fenced with chain-link fencing and gates for safety purposes and to separate protected, specimen, or historic trees from the construction area and related construction activity. With the approval of the tree preservation and enforcement officer or authorized designee, the designated parking and stockpile areas may be combined into one fenced area, provided that the preservation of protected trees is not adversely affected or jeopardized. Supplies and pipe and other items that are customarily unloaded where installed shall not be required to be stored within the designated stockpile areas. Sites approved for temporary batching plant permits shall be fenced and gated in the same manner as designated parking and stockpile areas. Temporary batching plant permits shall also be required for the operation of all batching plants, pursuant to the regulations of this chapter.

(3) During construction, the developer or property owner shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected, specimen, or historic tree or group of such trees.

(4) No attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree(s).

(5) With major grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.

(6) Unless otherwise approved by the town, no construction or construction-related activity shall occur under the canopy or drip line of any protected, specimen, or historic tree or group of such trees.

(7) Any tree(s) removed during land development, construction or construction-related activities shall be chipped or hauled offsite. Burning of removed trees is prohibited unless prior approval is given by the town's fire marshal.

(8) The tree preservation and enforcement officer or authorized designee may require additional protection measures or best management practices as needed on a case by case basis to

adequately protect protected, specimen, historic trees, or trees required as part of an approved landscape plan.

SECTION 8

From and after the effective date of this Ordinance, Section 94-65 of Chapter 94 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Trees," is hereby amended to read as follows:

Sec. 94-65. - Residential lots.

The following tree planting requirements shall be satisfied prior to the issuance of a certificate of occupancy for a single-family, duplex or multi-family use:

- (1) A minimum of three trees, with a minimum caliper width of two and one-half inches to three inches, and at least six feet in height, shall be provided on each 10,000 square foot and greater single-family and duplex lot prior to the issuance of a certificate of occupancy. A minimum of two trees, with a minimum caliper width of two and one-half inches to three inches, and at least six feet in height, shall be provided on each single-family and duplex lot between 5,000 and 10,000 square feet prior to the issuance of a certificate of occupancy. At least one of the required trees shall be located within the front yard area of the lot.
- (2) A minimum of one tree, with a minimum caliper width of two and one-half inches to three inches, shall be provided for each 3,000 square feet of gross lot area on each multi-family lot prior to the issuance of a certificate of occupancy. At least 50 percent of the required trees shall be located within either the front or side yard area of the lot.
- (3) From July 1 until September 1 of each year, only container grown trees shall be used to satisfy the requirements of this section; and, the builder/developer shall certify that any such trees are container grown.
- (4) Homeowners desiring to plant trees of a caliper width in excess of two times the requirements of this article may, from July 1 until September 1 of each year, file a town-approved affidavit with the town manager to this effect. Such trees shall be planted by March 1 of the following year in which the affidavit was filed. Failure to comply with the requirements of this article shall be considered a misdemeanor, punishable as such by a fine in accordance with section 1-13 of this Code.

(5) There shall be no more than 50% of any tree species, and no more than 75% of any tree genus permitted to satisfy the planting requirements.

SECTION 9

From and after the effective date of this Ordinance, Section 94-66 of Chapter 94 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Trees," is hereby amended to read as follows:

Sec. 94-66. - Approved tree planting lists.

Unless otherwise specified in this chapter, only those tree species included in this section shall satisfy the tree planting requirements of this article.

Generally. The tree species lists contained in this section have been developed and will be periodically updated by the town's environmental conservation commission and shall be maintained and distributed to the public by the tree preservation and enforcement officer or authorized designee as guides for the identification and selection of tree species that meet the various standards and requirements of this article. Trees included on these tree species lists were selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, and screening qualities. **To promote biodiversity, there shall be no more than 20% of a tree species, and no more than 50% of any tree genus permitted to satisfy the planting requirements on all new developments.**

(1) *Approved tree planting list.* Only those tree species found on the following approved tree planting list shall satisfy the tree planting standards and requirements of this article:

Approved Tree Planting List:

Common Name	Scientific Name
Southern live oak	(<i>Quercus virginiana</i>)
Escarpment live oak	(<i>Quercus fusiformis</i>)
Shumard oak	(<i>Quercus shumardi</i>)

Chinkapin oak	(Quercus muehlenbergii)
Monterrey oak	(Quercus polymorpha)
Bur oak	(Quercus macrocarpa)
Texas red oak	(Quercus texana)
Water oak	(Quercus nigra)
American elm	(Ulmus americana)
Cedar elm	(Ulmus crassifolia)
Winged elm	(Ulmus alata)
Lacebark elm	(Ulmus parvifolia)
Bald Cypress	(Taxodium distichum)
Pecans and hickories	(Carya species)
Juniper tree	(Juniperus species)
White ash	(Fraxinus Americana)
Green ash	(Fraxinus pennsylvanica)
Texas ash	(Fraxinus texensis)
Western soapberry	(Sapindus drummondii)
Sweet gum	(Liquidambar styraciflua)
Eastern red cedar	(Juniperus virginiana)
Pines	(Pinus species)
Chinese pistache	(Pistachia chinensis)
Leyland Cypress	(Cypressocyparis leylandi)
Black Walnut	(Juglans nigra)
Magnolia	(Magnolia grandiflora)

SECTION 10

From and after the effective date of this Ordinance, the existing Section 94-67 of Chapter 94 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Trees," is hereby deleted, and the existing Section 94-68 shall be renumbered as Section 94-67.

~~Sec. 94-67. – Landscape credit for large trees.~~

~~(a) Trees that are newly planted or already established and growing shall be counted for credit toward the requirements of section 82-241 of this Code, street yard landscaping, and section~~

~~82-243 of this Code, parking area landscaping, as follows, provided that they are located within the street yard and/or parking area:~~

12 inches or greater diameter:	2,000 square feet
6 inches or greater diameter:	1,000 square feet

~~-~~

~~No credit shall be allowed or given if, in the opinion of the tree preservation and enforcement officer or authorized designee, grade alterations surrounding the established tree are detrimental to the survival of the tree. It shall be incumbent upon the developer to demonstrate the site development follows recommended procedures to guarantee survival of established trees. If existing trees are to be retained in a parking lot area, sufficient ground (the drip line) shall be left ungraded around each tree to allow for the survival of the tree. Special consideration shall be given to the preservation of large oak, elm, pecan and hickory trees. Preservation of trees shall be in conformance with article V of this chapter.~~

~~Existing trees that have either been preserved or replanted and meet the minimum standards of the following tree credit schedule may be substituted or credited toward the requirements of this article, tree planting requirements and planting lists as follows. Fractional measurements shall be rounded to the nearest whole number. Caliper width shall be measured at a point four and one-half feet above natural grade level.~~

~~Tree Credit Schedule~~

Caliper Size (Diameter)	Tree Credits
Less than 6 inches	0
6—10 inches	2
11—14 inches	3
15—20 inches	4
21—26 inches	5
27—32 inches	6
Greater than 32 inches	7

~~-~~

~~However, no tree credits shall be allowed or permitted for trees that are dead, dying, diseased or infested with harmful insects; trees which have not been adequately protected using required tree protection measures, as defined in article V of this chapter, or which are otherwise likely to die; trees that are not included on the~~

~~protected tree list; or trees that are located within recreational tracts, golf courses or similar sub-areas of planned developments which are not intended to be developed for either residential or nonresidential uses.~~

SECTION 11

From and after the effective date of this Ordinance, Section 94-81 of Chapter 94 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Trees," is hereby amended to read as follows:

Sec. 94-81. Exceptions.

The following exceptions from the terms and provisions of this chapter are hereby authorized and granted:

(1) If any protected, specimen, or historic tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization for removal may be given by the town manager, upon recommendation of the tree preservation and enforcement officer or authorized designee, and such protected, specimen, or historic tree may then be removed without obtaining a written permit as required in this article.

(2) During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this article may be waived as may be deemed necessary by the town council.

(3) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this article only in relation to those trees planted and growing on the premises of such licensee that are so planted and growing for the sale or intended sale to the general public in the ordinary course of such licensed business.

(4) Utility companies, franchised or otherwise, that are authorized to provide utility service within the town may remove protected, specimen, or historic trees that endanger public safety and welfare by interfering with utility service, except that where such trees are on owner-occupied properties developed for single-family or duplex use, removal of such trees shall be at the option of the property owners and require the property owners' consent and approval.

(5) For recreational property or uses, such as golf courses and baseball, soccer, football or similar athletic facilities, and public works projects such as water or wastewater treatment plants, pump stations, storage tanks, and public streets and drainage improvements, the buildable area of the property shall include that portion of the property necessary for the construction of such recreational and public works improvements, including sufficient adjacent area, to allow the normal operation of construction equipment.

(6) The terms and provisions of this article shall not apply to any development, subdivision or re-subdivision for which a record plat has been approved by the town council and filed in the plat records of the county prior to October 6, 2008.

(7) All easements and rights-of-way included on a record plat approved by the town and filed in the plat records of the county.

~~(8) Trees that are situated within a town-required easement shall not be considered as being located within the "buildable area" as that term is defined herein above.~~

SECTION 12

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

SECTION 13

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

SECTION 14

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 15

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

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE
TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF___ TO___ , ON THIS
THE ___ DAY OF _____, 2016.**

APPROVED:

Thomas E. Hayden, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, TOWN ATTORNEY

Chapter 94 - TREES

ARTICLE I. - GENERALLY

Sec. 94-1. - Purpose.

The terms and provisions of this chapter are intended to accomplish the following public purposes:

- (1) Establish rules and regulations for the protection and preservation of native and/or established trees within the town.
- (2) Encourage the preservation and replacement of the town's tree canopy by establishing a 35 percent canopy goal for the town as outlined in guidelines established by "American Forests," the nation's oldest nonprofit citizens' conservation organization.
- (3) Encourage the protection of healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development or redevelopment.
- (4) Provide for the preservation and protection of larger native and/or established trees, which provide a valuable amenity to the urban environment and which, once destroyed, can only be replaced after generations, if at all.
- (5) Provide for shade, windbreaks and the cooling of air; thereby, reducing the requirements for air conditioning and heating and the utilization of scarce energy sources.
- (6) Provide for open space and more efficient drainage of land; thereby, reducing the effects of soil erosion and the need for additional drainage facilities.
- (7) Reduce the clear-cutting of land.
- (8) Preserve the country atmosphere and natural environment that define the community character of the town and make it a unique and desirable community.
- (9) Mitigate the ill effects of rapid and intense urbanization.

Sec. 94-2. - Applicability of chapter provisions.

The terms and provisions of this chapter shall apply to real property within the town's corporate limits and extraterritorial jurisdiction as follows:

- (1) All real property upon which any protected, specimen, or historic tree is located, excluding property that has already been developed for single-family and two-family residential uses.
- (2) All vacant and undeveloped real property.
- (3) All real property to be subdivided or re-subdivided, including record plats and replats.
- (4) The yard areas of all developed property, excluding property already developed for single-family and two-family residential uses.

Secs. 94-3—94-12. - Reserved.

ARTICLE II. - MEASUREMENT

Sec. 94-13. - Landscape, nursery, or replacement trees.

Unless specified otherwise, tree caliper (diameter) or circumference shall be measured at a height of 12 inches above ground level. The caliper of multi-trunk trees shall be measured by determining the diameter or circumference of the largest trunk at full caliper added to one-half of the diameter or circumference of each remaining trunk, measured at a height of 12 inches above ground level.

Sec. 94-14. - Existing, established, and/or native trees.

The caliper or circumference of existing, established, and/or native trees shall be measured in accordance with the measuring rules and procedures as developed and updated by the Texas Forest Service. A copy of these procedures shall be made available for review in the office of the tree preservation and enforcement officer. The current procedure is outlined below.

(1) *Caliper width or circumference.*

General rule: Measure the smallest trunk caliper width or circumference between the diameter at breast height ("DBH") point (4.5 feet) and the ground, but below the lowest fork. Also record the height above the ground, in inches, where the measurement was taken.

(2) *Determining DBH point.*

Tree on slope: Measure up 4.5 feet along the axis of the trunk on both the high and low sides of the trunk; DBH point is midway between these two planes.

Leaning tree: Measure 4.5 feet along both the top and under sides of the trunk; DBH point is midway between these two planes.

Low branches: When determining where on the trunk to measure circumference, ignore portions of the tree that do not form part of the tree's crown, such as dead branches or forks, and epicormic sprouts.

Obstruction at DBH: If there is a bump, burl, branch, or other obstruction at the DBH point, measure the circumference of the trunk above and below the obstruction and record the smaller value. A buttress that forms between the trunk and root system as a natural feature of the species (e.g.—bald cypress, water tupelo) should not be considered an obstruction.

(3) *Multiple trees.* In practice, it must be determined whether a tree has a single trunk, or whether it represents two or more stems growing very close to one another. Trunks that have clear separation or included bark at or near the ground line should be considered separate trees; trunks of different species should also be considered separate stems, no matter how closely aligned. When following the measurement rules above, if the point below the lowest fork places the measurement at the ground line, the stems should be considered and measured as separate.

Secs. 94-15—94-20. - Reserved.

ARTICLE III. - PRESERVATION

Sec. 94-21. - Tree designations.

Protected, specimen, and historic trees, except as specified in this section, shall possess the following respective characteristics or criteria:

- (1) *Protected trees.* Any tree listed on the small, medium, or large protected tree lists in section 94-22 that measures six inches in caliper width or greater and which is at least ten feet in height and located outside of existing public streets, alleys, rights-of-way, utility easements, drainage easements, fence easements, pedestrian access easements, or other existing public rights-of-way or easements.
- (2) *Specimen tree.* Except as specified in this section, any tree listed on the town's small, medium, or large protected tree lists can be considered a specimen tree if it reaches the designated size for that list. For the small tree list, a specimen tree shall be any tree that measures 13 inches or more in caliper width. For the medium tree list, a specimen tree shall be any tree that measures 19 inches or more in caliper width. For the large tree list, a specimen tree shall be any tree that measures 25 inches or more in caliper width. All measurements shall be taken in accordance with the measuring rules and procedures as outlined and maintained by the Texas Forest Service. These procedures are outlined in section 94-14 of this chapter. In addition to the provisions of this subsection, a specimen tree shall be any other tree that has been designated by the town council, upon recommendation by the environmental conservation commission, after public hearing and due notice to the owner of the tree, to be of high value because of its type, size, age or other relevant criteria. Specimen trees shall not be regulated as protected trees. Specific requirements are set forth in this chapter regarding specimen trees.
- (3) *Historic tree.* Upon recommendation by the environmental conservation commission, a historic tree shall be any tree that has been designated by the town council, after public hearing and due notice to the owner of the tree, as a tree of notable historical interest and value to the town because of its location or historical association with the community. A listing and map of all designated historic trees shall be maintained and updated by the tree preservation and enforcement officer or authorized designee and made available to the public upon request. Historic trees are not dependant on or determined by diameter or caliper width as are protected and specimen trees. Specific requirements are set forth in this chapter regarding historic trees.

Subject to the review and approval of the tree preservation and enforcement officer or authorized designee, a protected or specimen tree shall not include any living tree that a registered arborist or landscape architect certifies in writing is injured, dying, diseased or infested with harmful insects; that is in danger of falling, interferes with utility service or creates unsafe vision clearance; in any manner creates a hazardous or dangerous condition so as to endanger the public health, welfare or safety. Further, a protected tree shall not include any living tree that is identified on approved subdivision construction plans as necessary to be removed to comply with EPA storm water permitting requirements or FHA lot grading plans.

Subject to review and approval of the tree preservation and enforcement officer or authorized designee, a protected, specimen, or historic tree shall not include any tree that a registered arborist or landscape architect certifies in writing is dead.

Sec. 94-22. - Protected tree lists.

- (a) *Generally.* The tree species lists contained in this section have been developed and will be periodically updated by the town's environmental conservation commission and shall be maintained and distributed to the public by the tree preservation and enforcement officer or authorized designee as guides for the identification and selection of tree species that meet the various standards and requirements of this chapter. Trees included on this tree species list were selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, and screening qualities.

- (b) *Lists of trees that are protected.* Unless otherwise specified in this chapter, only those tree species found on the following lists shall be subject to the preservation, protection and replanting requirements of this section.

Small Tree List

Common Name	Scientific Name
Carolina buckthorn	(Rhamnus caroliniana)
Yaupon holly	(Ilex vomitoria)
Possum haw	(Ilex deciduas)
Redbud	(Cercis species)
Texas buckeye	(Aesculus glabra variety arguta)
Chickasaw plum	(Prunus agustifolia)
Mexican plum	(Prunus mexicana)

Medium Tree List

Common Name	Scientific Name
Slippery elm	(Ulmus rubra)
Cedar elm	(Ulmus crassifolia)
Winged elm	(Ulmus alata)
Blackjack oak	(Quercus marilandica)
Persimmon species	(Diospyros species)
Chittamwood	(Bumelia languinosa)
Western soapberry	(Sapindus drummondii)

Sweetgum	(Luquidambar styraciflua)
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Large Tree List

Common Name	Scientific Name
Post oak	(Quercus stellata)
Shumard red oak	(Quercus shumardi)
Texas red oak	(Quercus texana)
Southern live oak	(Quercus virginiana)
Water oak	(Quercus nigra)
Bur oak	(Quercus macrocarpa)
Chinquapin oak	(Quercus muehlenbergii)
American elm	(Ulmus Americana)
Pecans and Hickories	(Cayra species)
Magnolia	(Magnolia grandiflora)
Bald cypress	(Taxodium distichum)
Pine species	(Pinus species)
Ash species	(Fraxinus species)
Sycamore	(Plantanus occidentalis)
Black walnut	(Juglans nigra)

Sec. 94-23. - Tree survey; development projects.

Tree surveys are required to accompany an application for a development plan, site plan, record plat, replat, oil and gas well drilling permit, oil and gas pipeline permit, tree removal permit, or tree transplanting permit. A tree survey may be required to accompany a zoning application or a master plan amendment if it is deemed necessary by the town's tree preservation and enforcement officer. Each tree survey shall contain, but not be limited to, the following information/parts:

- (1) The location of all specimen trees and historic trees on the subject site.
- (2) The location of the trunk and the extent of the canopy spread of each specimen tree and historic tree on the subject site.
- (3) A table containing the following information for each specimen tree and historic tree:
 - a. Tree number;
 - b. Common and scientific name of each tree;
 - c. Diameter (DBH) of each tree measured in accordance with section 94-14 of this chapter;
 - d. General health/condition of each tree;
 - e. Average canopy spread;
 - f. Status (specimen or historic) of each tree;
 - g. Whether each identified tree will remain or be removed; and
 - h. Location coordinates (northings and eastings, State Plane - NAD 1983) for each tree.
- (4) Each specimen tree and historic tree shall be affixed with a permanent tag bearing the corresponding number on the tree survey. This tag shall be placed on the trunk of the tree, between five and six feet in height on the south face of the tree's trunk.
- (5) Each tree survey shall contain a count of all protected trees located on the property.
- (6) Each tree survey shall contain a count of all protected trees that will be removed from the buildable area on the property. The phrase "buildable area" is defined in section 94-32 of this chapter.
- (7) Protected trees designated for preservation shall be flagged in a distinguishing manner approved by the town for such purpose. In addition, those trees designated for removal shall be flagged in a different distinguishing manner as approved by the town.
- (8) The tree survey must be signed, and stamped or sealed, by a certified arborist, certified forester, or a registered landscape architect. Each tree survey submitted shall contain one sheet of the tree survey as described above, one sheet with the tree survey data overlain with the site information, and one sheet with the site information overlain on an aerial photo for the site. The tree survey shall be on drawings measuring 24 inches x 36 inches and shall be drawn to a scale of no less than 100 feet to one inch, unless otherwise approved by the tree preservation and enforcement officer. When necessary the tree survey shall be on several sheets accompanied by an index sheet, showing the entire area of the survey. Necessary site information includes:
 - a. The location and dimensions of all existing or proposed public streets, alleys, rights-of-way, utility easements, drainage easements, fence easements, pedestrian access easements or other public rights-of-way or easements;
 - b. The location and dimensions of the designated parking area and designated stockpile area required in this subdivision and of any site proposed or anticipated to be proposed for a temporary batching plant permit; and,

- c. The location of all existing or proposed property lines, lot lines, building lines, setback and yard requirements, any proposed building footprint or floor plan, and other special relationships or significant features of the proposed development plan, record plat or site plan of the development.

Sec. 94-24. - Tree survey; residential lots.

Tree surveys are required to accompany an application for a building permit for the construction of homes on undeveloped residential lots. For lots that are one acre in size or larger, the tree survey shall be completed as described in section 94-23 of this chapter. For lots that are less than one acre in size, the tree survey shall contain, but not be limited to, the following information/parts:

- (1) A site plan showing: The location and configuration of the proposed house/structure, all required setbacks, sidewalks, driveway locations, porches, etc.
- (2) Further, the site plan shall show the location of all specimen or historic trees located on the site.
- (3) The survey shall depict the location of the trunk and the extent of the canopy spread of each specimen or historic tree.
- (4) A table (spreadsheet) shall be supplied containing the common name, caliper width (DBH), and tree number of each specimen tree and historic tree shown on the site plan/tree survey. All measurements shall be in accordance with section 94-14 of this chapter.
- (5) A count of all protected trees on the site and all protected trees proposed for removal shall be included on the tree survey.

Secs. 94-25—94-30. - Reserved.

ARTICLE IV. - PERMITS, MITIGATION, PENALTIES, AND INCENTIVES

Sec. 94-31. - Generally.

No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging any protected, specimen, or historic tree on any real property within the town without first obtaining a tree removal permit as required in the terms and provisions of this article. Further, the replanting of any protected, specimen, or historic tree requires a tree replanting permit in accordance with the terms and provisions of this article.

Sec. 94-32. - Trees located in a buildable area.

The phrase "buildable area" shall mean and include all that portion of the building lot, oil and gas pad site, development site or other site inclusive of the approved footprint of the building, structure, or oil and gas pad site, and projected ten feet from the outside of each such structure or facility. "Buildable area" shall also mean and include those areas on a building lot, oil and gas pad site, development site, or other site as shown on the required site plan or development plan that is necessary for the construction of other improvements such as driveways, parking areas, pools, detention ponds/structures, tennis courts, and accessory buildings including sufficient adjacent area to allow the normal operation of construction equipment. Further, "buildable area" shall also mean and include all new commercial and residential rights-of-way and easements as shown on newly approved record plats, replats, and amended plats. Buildable area shall not include TXDOT rights-of-way or town-required easements.

The following provisions shall apply to trees located within the buildable area:

- (1) For residential building lots one acre in size or larger, no protected, specimen, or historic trees shall be removed from the lot or site prior to the issuance of a building permit relating to the lot or site, prior to the issuance of any necessary tree removal permits, and prior to determining mitigation or replacement requirements on the lot or site. The removal of protected and/or non-protected trees located within the approved buildable area on a lot or site does not require a tree removal permit; however, such trees shall not be removed from a lot or site prior to all of the other conditions listed above being met.
- (2) For residential building lots less than one acre in size, as well as for existing public rights-of-way and easements, protected and non-protected trees located within the buildable area of a building lot or site may be removed without a tree removal permit and prior to the issuance of a building permit, with prior approval of the tree preservation and enforcement officer and after determining mitigation or replacement requirements for the lot or site. However, a tree removal permit is required prior to the removal of any specimen or historic trees on the lot or site.
- (3) For all other development projects, no protected, specimen, or historic trees shall be removed from the lot or site prior to the approval of a record plat, site plan, development plan, zoning planned development, or oil and gas well permit, where buildable area is established, and prior to a preconstruction meeting with appropriate town staff authorizing grading and construction activities to begin on the lot or site, and prior to the issuance of any necessary tree removal permits, and prior to determining mitigation or replacement requirements on the lot or site. The removal of protected and non-protected trees located within the approved buildable area on a lot or site does not require a tree removal permit, however; such trees shall not be removed from a lot or site prior to all of the other conditions listed above being met.

Sec. 94-33. - Tree transplanting permit.

An application for a tree transplanting permit for protected trees located on undeveloped property or developed nonresidential property within the town may be submitted at any time and need not be submitted in conjunction with a development plan or record plat or a building permit. Tree transplanting permits shall be obtained by making application to the town's tree preservation and enforcement officer or authorized designee on forms prescribed by the town when a protected tree is proposed to be transplanted within the town. No fee shall be charged to make application for a tree transplanting permit. The application shall also be accompanied by a written document indicating the reasons for transplanting the protected tree and two copies of a legible tree survey. The tree survey should be prepared in accordance with section 94-24 of this chapter.

Upon receipt of a proper application for a tree transplanting permit, the town's tree preservation and enforcement officer or authorized designee shall review the application and may conduct field inspections of the site or development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the town manager or authorized designee. The application for a tree transplanting permit shall be approved unless the town's tree preservation and enforcement officer or authorized designee determines that the proposed transplanting will unnecessarily damage or jeopardize the health of the trees proposed to be transplanted. A denial of an application for a tree transplanting permit by the tree preservation and enforcement officer or authorized designee may be appealed to the environmental conservation commission. The decision of the environmental conservation commission regarding the appeal from the denial of such tree transplanting permit application shall be final.

Sec. 94-34. - Tree removal permit.

Tree removal permits are required for the removal of protected trees located outside the buildable area of a lot or site, and for any specimen trees and historic trees that are intended for removal from a lot or site in conjunction with the development, redevelopment, subdivision and/or re-subdivision of real property within the town.

An application for a tree removal permit, when required, shall be submitted at the earliest point in the application process where entitlements and/or buildable area are established. The following outlines the process associated with tree removal permit applications.

- (1) Tree removal permit applications, when required, shall be submitted in conjunction with a zoning planned development (ZPD) or a development plan and shall be considered by the environmental conservation commission prior to the project proceeding to the planning and zoning commission. The application shall be placed on the same town council agenda for action as the ZPD or development plan; or
- (2) Tree removal permit applications, when required, shall be submitted in conjunction with site plans or record plats for the development of subdivisions of four lots or less where the construction of necessary infrastructure necessitates a tree removal permit, and shall be considered by the environmental conservation commission and acted upon by the town council prior to the site plan or record plat proceeding to the planning and zoning commission for approval; or
- (3) Tree removal permit applications, when required, shall be submitted in conjunction with the development of individual residential or nonresidential platted lots and shall be considered by the environmental conservation commission and acted upon by the town council prior to the issuance of a building permit.

No protected trees located outside the buildable area, specimen trees, or historic trees approved for removal in accordance with this chapter shall be removed from any building lot or site until:

- (1) Proper mitigation or replacement requirements have been determined and approved for the lot or site; and
 - (2) A preconstruction meeting has been held with proper town staff authorizing grading and construction activities to begin on the lot or site; and/or
 - (3) A building permit, where needed, has been issued for the lot or site.
- (a) *Tree removal permits for fewer than ten protected trees or four specimen trees.* A tree removal permit shall be obtained by making application to the town's tree preservation and enforcement officer or authorized designee on forms prescribed by the town. The application shall include the following:
- (1) A written document indicating the reasons for removal of the protected, specimen, or historic trees on the lot or site.
 - (2) Photographs of each tree requested for removal.
 - (3) Photographs of required signage on the site as described below.
 - (4) Two copies of a tree survey for the lot or site prepared as described in section 94-23 of this chapter.
- (b) *Tree removal permits for greater than ten protected trees or four specimen trees.* Applicants requesting to remove greater than ten protected trees or greater than four specimen trees, shall have the option of requesting a comprehensive tree removal permit. The fee for this permit will be \$1,000.00. All other requirements and incentives remain unchanged.
- (c) A sign shall be placed on each separate lot or tract for which a tree removal permit is requested to inform the general public that an application for a tree removal permit has been filed relative to a protected, specimen, or historic tree.
- (1) The size of the signs shall be three feet by four feet.

- (2) The signs shall be made out of aluminum or corrugated plastic material.
- (3) The signs shall be mounted on stakes/poles.
- (4) The signs shall be visible from the street.
- (5) There shall be one sign for each street frontage.
- (6) The signs shall have a white background, with letters and borders being green in color. The signs shall state the following:

TOWN		OF		FLOWER		MOUND,		TX
A		TREE		REMOVAL				REQUEST
IS	BEING	MADE		ON		THIS		PROPERTY
FOR				INFORMATION				CALL

Sec. 94-35. - Tree removal permit on property zoned agricultural district (A) uses.

No fee shall be charged to make application for a tree removal permit for the removal of protected trees located on real property having an agricultural zoning district classification. However, if within any 12-month period, tree removal permits for the removal of 20 or more protected trees are issued for the same agricultural property or tract, or any of its portions, the agricultural zoning district classification of such property cannot be changed, nor can an application for approval of a development plan, planned development or zoning amendment relative to such property be made, for a period of 60 months following the most recent 12-month period during which 20 or more protected trees were removed from such agricultural zoned property.

Sec. 94-36. - Special provisions for agricultural district (A) uses.

Notwithstanding anything contained in this chapter to the contrary, for tracts zoned agricultural district (A) uses, the tree survey requirements contained in this article shall be limited in their application to proposed rights-of-way, easements and an area equal to 20 feet on any side of such rights-of-way and easements, provided that the applicant executes a development agreement with the town that all trees on the tract and outside of such areas, for the purposes of such agreement, are protected trees (regardless of their species or caliper width) and that the unauthorized removal of such trees shall result in the revocation of any previously approved development plan and record plat for a period of 60 months from the date of the most recent unauthorized removal of one or more trees from the subject property.

Sec. 94-37. - Review of application.

- (a) An application for a tree removal permit for a protected tree located outside of the buildable area shall be accompanied by an administrative fee per tree proposed for removal in the amount listed in appendix A of this Code, not to exceed a total per permit application in an amount listed in appendix A of this Code. An application for a tree removal permit for a specimen tree, or historic tree shall be accompanied by an administrative fee per tree proposed for removal in the amount listed in appendix A of this Code. Upon receipt of a properly completed application accompanied by the appropriate fee, the tree preservation and enforcement officer or his authorized designee shall review the application and may conduct field inspections of the development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the tree preservation and enforcement officer or his authorized designee.
- (b) The application for a tree removal permit, if required, shall be considered an integral part of the application for development plan or site plan approval, or the application for an oil and gas well

permit. No development plan or site plan for any development, or oil and gas well permit, subject to the terms and provisions of this subdivision, shall be approved without approval of such tree removal permit. It is further provided that if a property owner or developer does not submit a tree removal permit application prior to town approval of a development plan covering a particular site, then if a tree removal permit application for the site is submitted later, approval of the development plan may be revoked. In this event, a revised development plan must be submitted for review by the town.

- (c) The tree preservation and enforcement officer may approve, approve with conditions, or deny a request for a tree removal permit for protected trees located outside the buildable area of a lot or site, provided that the requested tree removal permit is for the removal of trees in a development district other than the Cross Timbers Conservation Development District. An appeal of the decision of the tree preservation and enforcement officer may be made to the Environmental Conservation Commission.
- (d) An application for a tree removal permit for specimen, historic, or protected trees located outside the buildable area of a lot or site within the Cross Timbers Conservation Development District or an application for a tree removal permit for specimen, or historic trees within all other districts shall be submitted to the environmental conservation commission for review and recommendation to the town council that the permit application be approved, approved with conditions or denied. The environmental conservation commission shall not recommend an application for a tree removal permit be approved or approved with conditions, unless the commission finds that the subject development, redevelopment, subdivision or re-subdivision cannot reasonably be developed, based on economic and/or practical considerations, without removal of the trees included in the permit application.
- (e) The environmental conservation commission's recommendation concerning an application for tree removal permit shall be reviewed by the town council. The town council may then approve the application, approve it with conditions, or deny the application; however, the town council may overturn the denial of an application for tree removal permit by the environmental conservation commission only upon a finding that the subject development, redevelopment, subdivision or re-subdivision cannot reasonably be developed, based on economic and/or practical considerations, without removal of the trees included in the permit application.
- (f) Approval for removal of a historic tree shall require a three-fourths majority vote of the environmental conservation commission and the town council, respectively.

Sec. 94-38. - Per-caliper-inch cash value; replacement trees.

A per-caliper-inch cash value for replacement trees shall be set, and updated as necessary by the town council after review and recommendation by the environmental conservation commission. The per-caliper-inch cash value shall be used to calculate mitigation costs for authorized and unauthorized removals of protected, specimen, and historic trees. the tree preservation and enforcement officer or his authorized designee shall maintain a record of the current per-caliper-inch cash value of replacement trees.

Sec. 94-39. - Mitigation requirements for authorized tree removal.

- (a) *Replacement trees required for the removal of protected trees located within the buildable area on a lot or site.* It shall be the responsibility of any person removing a protected tree located within the buildable area of a lot or site to replace each protected tree removed with one, two and one-half to three-inch caliper tree measured in accordance with section 94-13 of this chapter. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations approved by the tree preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree

preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance with section 94-38 of this article.

- (b) *Replacement trees required for the removal of protected trees located outside the buildable area on a lot or site.* It shall be the responsibility of any person obtaining a tree removal permit for a protected tree located outside of the buildable area on a lot or site to provide replacement with trees having a total caliper width equivalent to one and one-half times that of the tree(s) to be removed. Total caliper width for replacement trees shall be calculated using measurements taken in accordance with section 94-14 of this chapter. For example, if a ten-inch protected tree is removed, then that tree must be replaced by trees having a total caliper width of 15 inches. This total caliper width could be satisfied by an approved combination of replacement trees to meet the required caliper width replacement. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and each replacement tree shall have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations approved by the tree preservation and enforcement officer or his authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance to section 94-38 of this chapter.
- (c) *Replacement trees required for the authorized removal of specimen trees.* It shall be the responsibility of any person obtaining a tree removal permit for a specimen tree to provide replacement trees having a total caliper width equivalent to two times that of the tree(s) to be removed. Total caliper width for replacement trees shall be calculated using measurements taken in accordance with section 94-14 of this chapter. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in a location approved by the tree preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance to section 94-38 of this chapter.
- (d) *Replacement trees required for the authorized removal of historic trees.* It shall be the responsibility of any person obtaining a tree removal permit for a historic tree to provide replacement trees having a total caliper width equivalent to two and one-half times that of the tree(s) to be removed. Total caliper width for replacement trees shall be calculated using measurements taken in accordance with section 94-14 of this chapter. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and have a minimum caliper width of two and one-half inches to three inches, measured in accordance

with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations as approved by the tree preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance to section 94-38 of this chapter.

Any fees or payments made to the town to satisfy the mitigation or replacement requirements of this article shall be paid at the time of a preconstruction meeting authorizing grading or construction activities to occur on the lot or site. In cases where a preconstruction meeting is not required, all fees or payments shall be made prior to the issuance of a building permit for the lot or site.

Sec. 94-40. - Incentives for preservation of protected, specimen, and historic trees.

If any protected, specimen, or historic tree is preserved within an area that would otherwise be considered a buildable area, credit for preservation shall be given that will be counted toward the mitigation requirements for the removal of protected trees within the buildable area on a site or project. Such mitigation credits shall be given only for those trees whose critical root zones are left predominately in their natural state. No cutting, filling, or other construction related activities are allowed within the critical root zones of trees eligible for mitigation credit unless otherwise approved in writing and in advance by the town. Following is a list of credits available for the preservation of protected and specimen trees on a site or project.

- (1) One mitigation tree credit will be given for each protected tree preserved within a buildable area on a site or project.
- (2) The following schedule outlines tree credits that will be given for each specimen tree preserved within a buildable area on a site or project.

Buildable Area Mitigation Specimen Tree Credit Schedule

Caliper Size (Diameter)	Tree Credits
13—18 inches	3
19—24 inches	4
25—30 inches	5
Greater than 30 inches	6

For purposes of this section, one mitigation tree credit shall be the equivalent of one container-grown tree of a variety selected from the replacement tree list having a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. In the event the tree preservation and enforcement officer or authorized designee approves the payment of money in an amount equal to the per-caliper-inch cash value of the removed tree(s) instead of providing the replacement trees required by this article one mitigation tree credit shall be the equivalent of the per-caliper-inch cash value for a replacement tree having a minimum caliper width of two and one-half inches to three inches.

Sec. 94-41. - Penalties for unauthorized removal of protected, specimen, and historic trees.

If any protected, specimen, or historic trees are removed from any real property without a tree removal permit, or if a protected, specimen, or historic tree is injured because of failure to follow required tree protection measures such that the tree dies or may reasonably be expected to die, the town shall have the authority to impose one or more of the following administrative and civil penalties on the developer and/or owner of the property:

- (1) A monetary penalty of \$250.00 per-caliper-inch of width of the protected tree(s) removed or damaged, payable to the town. A monetary penalty of \$500.00 per-caliper-inch of width of the specimen tree(s) removed or damaged, payable to the town. A monetary penalty of \$750.00 per-caliper-inch of width of the historic tree(s) removed or damaged, payable to the town. Funds paid to the town as tree removal penalties shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town, and/or to support the administration and enforcement of the town's tree preservation regulations.
- (2) For each protected tree that is removed or damaged, replacement with new trees having a total tree caliper width equivalent to five times that of the removed or damaged tree(s). For each specimen tree that is removed or damaged, replacement with new trees having a total tree caliper width equivalent to ten times that of the removed or damaged tree(s). For each historic tree that is removed or damaged, replacement with new trees having a total tree caliper width equivalent to 15 times that of the removed or damaged tree(s). Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations as approved by the tree preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed or damaged tree(s) may be paid to the town instead of providing replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance with section 94-38 of this article.

Secs. 94-42—94-50. - Reserved.

ARTICLE V. - TREE PROTECTION

Sec. 94-51. - Enumeration.

The following tree protection measures shall be required:

- (1) Prior to any and all construction or land development activity, the developer or property owner shall install four-foot-high plastic (or equivalent) safety fencing around the drip line of protected trees and six-foot-high chain-link fencing around the drip line of specimen and historic trees.
- (2) Prior to any and all construction or land development activity, the developer or property owner shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment and related items, designated stockpile areas for the storage of construction supplies and materials during construction of the subdivision and designated drive areas for vehicles and equipment. The location and dimensions of such designated areas shall be clearly identified on both subdivision construction and site plans and shall be approved by the tree preservation and enforcement officer or authorized designee prior to any construction or land development activity in, on or about the subdivision. Such designated areas shall be completely fenced with chain-link fencing and gates for safety purposes and to separate protected, specimen, or historic trees from the construction area and related construction activity. With the approval of the tree preservation and enforcement officer or authorized designee, the designated parking and stockpile areas may be combined into one fenced area, provided that the preservation of protected trees is not adversely affected or jeopardized. Supplies and pipe and other items that are customarily unloaded where installed shall not be required to be stored within the designated stockpile areas. Sites approved for temporary batching plant permits shall be fenced and gated in the same manner as designated parking and stockpile areas. Temporary batching plant permits shall also be required for the operation of all batching plants, pursuant to the regulations of this chapter.
- (3) During construction, the developer or property owner shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected, specimen, or historic tree or group of such trees.
- (4) No attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree(s).
- (5) With major grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.
- (6) Unless otherwise approved by the town, no construction or construction-related activity shall occur under the canopy or drip line of any protected, specimen, or historic tree or group of such trees.
- (7) Any tree(s) removed during land development, construction or construction-related activities shall be chipped or hauled offsite. Burning of removed trees is prohibited unless prior approval is given by the town's fire marshal.
- (8) The tree preservation and enforcement officer or authorized designee may require additional protection measures or best management practices as needed on a case by case basis to adequately protect protected, specimen, or historic trees.

Secs. 94-52—94-60. - Reserved.

ARTICLE VI. - TREE PLANTING REQUIREMENTS AND PLANTING LISTS

Sec. 94-61. - Street yard trees.

Trees shall be planted or existing trees preserved within the street yard of a nonresidential lot or building tract according to the following provisions:

- (1) For street yards less than 10,000 square feet in area, one tree shall be provided for each 1,000 square feet, or fraction of such amount, of street yard.
- (2) For street yards between 10,000 and 110,000 square feet in area, ten trees shall be required for the first 10,000 square feet plus one additional tree shall be required for each 2,500 square feet, or fraction of such amount, of street yard area in excess of 10,000 square feet.
- (3) For street yards over 110,000 square feet in area, 50 trees shall be required for the first 110,000 square feet plus one additional tree shall be required for each 5,000 square feet, or fraction of such amount, of street yard area in excess of 110,000 square feet.
- (4) Street yard trees shall be a minimum of three-inch caliper.
- (5) Trees required to satisfy other provisions of this article and lying within the street yard may be used to satisfy the requirements of this section.

Sec. 94-62. - Street buffer trees.

Trees shall be planted or existing trees preserved within the street buffer landscaping area required by section 82-242 of this Code, street buffer landscaping, according to the following provisions:

- (1) Street buffer trees shall be provided in a ratio of one tree for every 30 feet of lineal frontage, except that a ratio of one tree for every 25 feet of lineal frontage shall be provided along scenic roadways.
- (2) Street buffer trees shall be a minimum of three-inch caliper.

Sec. 94-63. - Parking area trees.

Trees shall be planted or existing trees preserved within off-street parking areas according to the following provisions:

- (1) One tree shall be provided for each ten parking spaces provided on the site; provided, however, that churches and/or schools shall be required to provide one tree for each 20 parking spaces provided on the site.
- (2) Parking area trees shall be minimum of three-inch caliper, except as provided in subsection (4) of this section.
- (3) All parking spaces shall be located within 50 feet of a tree that is located within the same parking area, measured from the trunk of the tree; provided, however, that for churches and/or schools, all parking spaces shall be located within 100 feet of a tree that is located within the same parking area, measured from the trunk of the tree.
- (4) A maximum of 30 percent of the trees used to satisfy the requirements of this section may come from subsection 94-66(b), approved median and right-of-way planting list.

Sec. 94-64. - Median and right-of-way trees.

Trees may be planted in medians and rights-of-way only with the approval of the town, provided that such trees are selected from subsection 94-66(b), approved median and right-of-way planting list.

Sec. 94-65. - Residential lots.

The following tree planting requirements shall be satisfied prior to the issuance of a certificate of occupancy for a single-family, duplex or multi-family use:

- (1) A minimum of three trees, with a minimum caliper width of two and one-half inches to three inches, and at least six feet in height, shall be provided on each single-family and duplex lot prior to the issuance of a certificate of occupancy. At least one of the required trees shall be located within the front yard area of the lot.
- (2) A minimum of one tree, with a minimum caliper width of two and one-half inches to three inches, shall be provided for each 3,000 square feet of gross lot area on each multi-family lot prior to the issuance of a certificate of occupancy. At least 50 percent of the required trees shall be located within either the front or side yard area of the lot.
- (3) From July 1 until September 1 of each year, only container grown trees shall be used to satisfy the requirements of this section; and, the builder/developer shall certify that any such trees are container grown.
- (4) Homeowners desiring to plant trees of a caliper width in excess of two times the requirements of this article may, from July 1 until September 1 of each year, file a town-approved affidavit with the town manager to this effect. Such trees shall be planted by March 1 of the following year in which the affidavit was filed. Failure to comply with the requirements of this article shall be considered a misdemeanor, punishable as such by a fine in accordance with section 1-13 of this Code.

Sec. 94-66. - Approved tree planting lists.

Unless otherwise specified in this chapter, only those tree species included in this section shall satisfy the tree planting requirements of this article.

Generally. The tree species lists contained in this section have been developed and will be periodically updated by the town's environmental conservation commission and shall be maintained and distributed to the public by the tree preservation and enforcement officer or authorized designee as guides for the identification and selection of tree species that meet the various standards and requirements of this article. Trees included on these tree species lists were selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, and screening qualities.

- (1) *Approved tree planting list.* Only those tree species found on the following approved tree planting list shall satisfy the tree planting standards and requirements of this article:

Approved Tree Planting List

Common Name	Scientific Name
Southern live oak	(Quercus virginiana)

Escarpment live oak	(Quercus fusiformis)
Shumard oak	(Quercus shumardi)
Chinkapin oak	(Quercus muehlenbergii)
Bur oak	(Quercus macrocarpa)
Texas red oak	(Quercus texana)
Water oak	(Quercus nigra)
American elm	(Ulmus americana)
Cedar elm	(Ulmus crassifolia)
Winged elm	(Ulmus alata)
Lacebark elm	(Ulmus parvifolia)
Bald Cypress	(Taxodium distichum)
Pecans and hickories	(Carya species)
Juniper tree	(Juniperus species)
White ash	(Fraxinus Americana)
Green ash	(Fraxinus pennsylvanica)
Texas ash	(Fraxinus texensis)
Western soapberry	(Sapindus drummondii)
Sweet gum	(Liquidambar styraciflua)
Eastern red cedar	(Juniperus virginiana)
Pines	(Pinus species)

Chinese pistache	(Pistachia chinensis)
Leyland Cypress	(Cypressocyparis leylandi)
Black Walnut	(Juglans nigra)
Magnolia	(Magnolia grandiflora)

- (2) *Approved median and right-of-way tree planting list.* The following tree species shall be allowed to be planted in medians and rights-of-way when approved by the town. Additional tree species with non-aggressive root systems/deep root systems maybe authorized for planting in such areas by the director of recreational services:

Approved Median and ROW Tree Planting List

Common Name	Scientific Name
Sweet gum	(Liquidambar styraciflua)
Crepe myrtle	(Lagerstroemia indica)
Wax myrtle	(Myrica cerifera)
Plum	(Prunus species)
Holly	(Ilex species)
Possum haw	(Ilex decidua)
Native pecan	(Carya species)
Redbuds/whitebuds	(Cercis species)
Fruitless crabapples	(Malus species)
Southern live oak	(Quercus virginiana)
Escarpment live oak	(Quercus fusiformis)

Texas red oak	(Quercus texana)
Shumard oak	(Quercus shumardi)
Chinkapin oak	(Quercus muehlenbergii)
Bur oak	(Quercus macrocarpa)
Water oak	(Quercus nigra)
Winged elm	(Ulmus alata)
Cedar elm	(Ulmus crassifolia)
Lacebark elm	(Ulmus parvifolia)
Slippery elm	(Ulmus rubra)
Bald Cypress	(Taxodium distichum)
Hickories	(Carya species)
Pines	(Pinus species)
Chinese pistache	(Pistachia chinensis)
Juniper tree	(Juniperus species)
Texas buckeye	(Aesculus glabra variety arguta)
Common persimmon	(Diospyros virginiana)
Texas ash	(Fraxinus texensis)
White ash	(Fraxinus Americana)
Green ash	(Fraxinus pennsylvanica)
Western soapberry	(Sapindus drummondii)

Black walnut	(Juglans nigra)
Magnolia	(Magnolia grandiflora)
Yaupon holly	(Ilex vomitoria)
Carolina buckthorn	(Rhamnus caroliniana)
Thornless honey locust	(Gleditsia triacanthos variety inermis)

- (3) *Approved mitigation and replacement tree planting list.* The following list of tree species shall be allowed to be planted to satisfy mitigation and replacement standards for trees removed from the buildable area on sites, trees removed with approved tree removal permits, and/or trees removed without authorization.

Approved Mitigation and Replacement Tree Planting List

Common Name	Scientific Name
Native pecan	(Carya species)
Texas red oak	(Quercus texana)
Shumard oak	(Quercus shumardi)
Bur oak	(Quercus macrocarpa)
Water oak	(Quercus nigra)
Winged elm	(Ulmus alata)
Slippery elm	(Ulmus rubra)
Post oak	(Quercus stellata)
Cedar elm	(Ulmus crassifolia)

- (4) *Approved overhead utility easement tree planting list.* The following list of tree species shall be allowed to be planted in overhead utility easements where required. These species were selected due to their relatively small mature size and growth characteristics. Trees planted in these areas shall be planted at a ratio of three trees for every one tree required.

Common Name	Scientific Name
Yaupon holly	(Ilex vomitoria)
Carolina buckthorn	(Rhamnus caroliniana)
Possum haw	(Ilex decidua)
Plum	(Prunus species)
Redbuds/whitebuds	(Cercis species)
Wax myrtle	(Myrica cerifera)
Crepe myrtle	(Lagerstroemia indica)

Sec. 94-67. - Landscape credit for large trees.

- (a) Trees that are newly planted or already established and growing shall be counted for credit toward the requirements of section 82-241 of this Code, street yard landscaping, and section 82-243 of this Code, parking area landscaping, as follows, provided that they are located within the street yard and/or parking area:

12 inches or greater diameter:	2,000 square feet
6 inches or greater diameter:	1,000 square feet

No credit shall be allowed or given if, in the opinion of the tree preservation and enforcement officer or authorized designee, grade alterations surrounding the established tree are detrimental to the survival of the tree. It shall be incumbent upon the developer to demonstrate the site development follows recommended procedures to guarantee survival of established trees. If existing trees are to be retained in a parking lot area, sufficient ground (the drip line) shall be left ungraded around each tree to allow for the survival of the tree. Special consideration shall be given to the preservation of large oak, elm, pecan and hickory trees. Preservation of trees shall be in conformance with article V of this chapter.

Existing trees that have either been preserved or replanted and meet the minimum standards of the following tree credit schedule may be substituted or credited toward the requirements of this article, tree planting requirements and planting lists as follows. Fractional measurements shall be rounded to the nearest whole number. Caliper width shall be measured at a point four and one-half feet above natural grade level.

Tree Credit Schedule

Caliper Size (Diameter)	Tree Credits
Less than 6 inches	0
6—10 inches	2
11—14 inches	3
15—20 inches	4
21—26 inches	5
27—32 inches	6
Greater than 32 inches	7

However, no tree credits shall be allowed or permitted for trees that are dead, dying, diseased or infested with harmful insects; trees which have not been adequately protected using required tree protection measures, as defined in article V of this chapter, or which are otherwise likely to die; trees that are not included on the protected tree list; or trees that are located within recreational tracts, golf courses or similar sub-areas of planned developments which are not intended to be developed for either residential or nonresidential uses.

Sec. 94-68. - Limits on credit for preservation of existing or established trees.

Existing protected trees, which are not being applied toward compliance with landscaping requirements, may be applied as a credit against required buildable area mitigation. Similarly, existing specimen trees, which are not being applied toward compliance with landscaping requirements, may be applied as credit toward required buildable area mitigation. In order for trees to qualify for credit, all standards described in article V of this chapter, shall be met completely. Further, all requirements set forth in section 94-40 shall also be met for credit to apply toward required buildable area mitigation for such trees. If the trees are compromised in any way, credit will not be given. Eligibility for credit will be determined by the tree preservation and enforcement officer or authorized designee. In no event shall any tree be counted for credit against both the landscaping requirements and the buildable area mitigation requirements.

Secs. 94-69—94-80. - Reserved.

ARTICLE VII. - MISCELLANEOUS

Sec. 94-81. - Exceptions.

The following exceptions from the terms and provisions of this chapter are hereby authorized and granted:

- (1) If any protected, specimen, or historic tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization for removal may be given by the town manager, upon recommendation of the tree preservation and enforcement officer or authorized designee, and such protected, specimen, or historic tree may then be removed without obtaining a written permit as required in this article.
- (2) During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this article may be waived as may be deemed necessary by the town council.
- (3) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this article only in relation to those trees planted and growing on the premises of such licensee that are so planted and growing for the sale or intended sale to the general public in the ordinary course of such licensed business.
- (4) Utility companies, franchised or otherwise, that are authorized to provide utility service within the town may remove protected, specimen, or historic trees that endanger public safety and welfare by interfering with utility service, except that where such trees are on owner-occupied properties developed for single-family or duplex use, removal of such trees shall be at the option of the property owners and require the property owners' consent and approval.
- (5) For recreational property or uses, such as golf courses and baseball, soccer, football or similar athletic facilities, and public works projects such as water or wastewater treatment plants, pump stations, storage tanks, and public streets and drainage improvements, the buildable area of the property shall include that portion of the property necessary for the construction of such recreational and public works improvements, including sufficient adjacent area, to allow the normal operation of construction equipment.
- (6) The terms and provisions of this article shall not apply to any development, subdivision or re-subdivision for which a record plat has been approved by the town council and filed in the plat records of the county prior to October 6, 2008.
- (7) All easements and rights-of-way included on a record plat approved by the town and filed in the plat records of the county.
- (8) Trees that are situated within a town-required easement shall not be considered as being located within the "buildable area" as that term is defined herein above.

Sec. 94-82. - Penalty upon failure to comply with chapter provisions.

- (a) Any person violating or failing to comply with any provision or requirement of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall, without exception, be fined the maximum amount provided in section 1-13 of this Code. A separate offense shall be deemed

committed upon each day or portion of a day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.

- (b) Notwithstanding the foregoing, any violation by any person of any provision of this chapter that constitutes an immediate danger or threat to any protected, specimen, or historic tree shall be subject to the administrative penalties set forth in this chapter.
- (c) Notwithstanding the foregoing, any violation by any person of any provision of this chapter that constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the town for such purpose.
- (d) In addition to any other remedies or penalties contained in this section, the town may enforce the provisions of this chapter pursuant to the applicable provisions of V.T.C.A., Local Government Code ch. 54, which chapter provides for the enforcement of municipal ordinances.
- (e) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this chapter.

Sec. 94-83. - Informational assistance.

- (a) In furtherance of the purposes and provisions of this article, the town's tree preservation and enforcement officer or authorized designee shall develop and distribute to persons making application for either tree removal permits or tree replanting permits and make available to the general public an informational pamphlet identifying appropriate and useful facts, guidelines and how-to information relative to the preservation, protection and replanting of trees.
- (b) The tree preservation and enforcement officer or authorized designee shall also develop, maintain and make available to applicants for tree removal permits or tree replanting permits and to the general public a tree species reference book to provide more detailed information concerning tree care in general and the characteristics, soil and growth requirements and other traits of specific tree species identified on the town's protected tree list and approved tree planting and replacement list.
- (c) A current edition of the Texas Association of Nurserymen Grades and Standards, as applicable to the tree species on the town's protected tree list and approved tree planting and replacement list, shall be maintained by the tree preservation and enforcement officer or his authorized designee and made available to applicants for building permits, tree removal permits or tree replanting permits and to the general public, as only those trees meeting and planted or replanted in accordance with the applicable Texas Association of Nurserymen Grades and Standards shall satisfy the tree planting, replanting and/or replacement standards and requirements contained in this chapter.

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2728 N. Harwood Street
Dallas, Texas 75201

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winstead.com

Arthur J. Anderson
[REDACTED]

June 7, 2016

[REDACTED]
Jimmy Stathatos
Town Manager
Town of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028

Re: Proposed Tree Ordinance Amendments

Dear Mr. Stathatos:

I am writing on behalf of the Dallas Builders Association ("Association") to comment on the Town's proposed tree ordinance amendments. Flower Mound is known throughout the Metroplex as having one of the most strenuous local government tree ordinances. Some of the Town's proposed amendments are common sense and bring the Town in line with other municipalities. There are several changes, however, that are concerning and warrant further discussion and research.

1. Upland Habitat Fee - The Town has a provision in its SMARTGrowth program requiring mitigation for impacts to designated upland or riparian habitats. Upland habitat is defined as 50 trees per acre of a predominant matrix of protected species and a minimum of ten acres in size. Without an actual fee ordinance, the Town has been charging developers a \$15,000/per acre mitigation fee during the development process. There is a serious legal issue with the Town imposing this fee without ordinance authority. Apparently, the Town is attempting to rectify this situation by including the fee in the proposed tree ordinance amendment.

There are two major legal issues with imposing this fee. First, the fee does not benefit the developer to the tune of \$15,000/acre and is not rationally related to the impact of the development's removal of trees on the public. In *Town of Flower Mound v. Stafford Estates Limited Partnership*, 135 S.W.3d 620 (Tex. 2004), Stafford sued the Town in the District Court of Denton County alleging the requirement that it construct and pay for 100% of the improvements to Simmons Road as a condition to the Town's approval of the final plats for Phase II and Phase III constituted a taking of property. After a trial on stipulated facts, the District Court awarded Stafford approximately \$425,000 in damages under the Texas Constitution as a result of the exaction of the Simmons Road improvements in excess of Stafford's proportionate share.

The Fort Worth Court of Appeals affirmed the award of damages to *Stafford* under Article I, Section 17 of the Texas Constitution. *Town of Flower Mound v. Stafford Estates Limited Partnership*, 71 S.W.3d 18 (Tex. App.—Fort Worth, 2002). The Supreme Court affirmed the judgment of the Court of Appeals. *Town of Flower Mound v. Stafford Estates Limited Partnership*, 135 S.W.2d 620 (Tex. 2004). There is no rational nexus or proportionality basis for the \$15,000/acre fee amount which makes it legally suspect.

Second, the fee represents an illegal double dipping by the Town. A developer is already required to pay a mitigation fee to remove a protected tree. Adding an additional \$15,000/acre fee on top of the standard tree removal fee is arbitrary and capricious. Zoning regulations must be “for the purpose of promoting the public health, safety, morals, or general welfare,” § 211.001, Tex. Loc. Gov’t Code. City regulations that do not meet this standard are considered arbitrary and capricious and will not be upheld. *Weaver v. Ham*, 232 S.W.2d 704 (Tex. 1950). Even though a court should defer to a council decision it must still examine how the classification adopted relates to the object to be attained. *Esperanza Peace and Justice Center v. City of San Antonio*, 316 F. Supp. 2d 433 (WD Tex. 2001). The ordinance needs to be properly tailored to fit a legitimate purpose, and the proposed upland habitat fee fails this test.

2. Mitigation for trees being removed due to town infrastructure requirements – Currently trees that are required to be removed due to town required easements and utility construction are exempt from mitigation. This exemption is proposed to be removed from the ordinance. Staff has stated this change is a result of the change in the definition of buildable area. It is difficult to see the relationship between the two changes. Further, it is unreasonable and arbitrary and capricious to require a developer to pay for the removal of trees that it owns to accommodate a governmental construction project.

Further, trees are a landowner’s property protected as a property interest under the U.S. and Texas Constitution. It is understood that a property owner does not have the right to use his property without any governmental restriction. *Azaadpour v. City of Grapevine*, No. 02-13-00323-CV (Tex. App.—Fort Worth 2014, pet. den.). But if a regulation goes too far it can constitute a regulatory taking. According to a recent decision by the Fort Worth Court of Appeals, a regulatory taking can occur if a governmental action interferes with a landowner’s use and enjoyment of his property. *FLCT, Ltd. v. City of Frisco*, No. 02-14-00335-CV (Tex. App.—Fort Worth, May 26, 2016). At some point, this type of over-regulation of private property rights results in a taking.

3. Change in definition of post oak from a large to medium species tree – This change has not been studied adequately. There is no evidentiary support that a reduction in the protected tree diameter from 25” to 19” is needed or appropriate. As a result, it is arbitrary and capricious and possibly subject to a regulatory takings challenge. The following additional study is needed:

a. At least one project that is in the Cross Timbers Conservation Development District should be studied. This is the area of Town most adversely impacted by the proposed amendments.

Jimmy Stathatos
June 7, 2016
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b. In the analysis done so far, staff has assumed that all of the newly identified specimen trees can be saved through redesigning building placement and/or building footprints. This is a flawed assumption. Residential developments have some design flexibility but there are limits. For example, in the case of Highland Court, the proposed change would result in 6 additional specimen trees being identified. Only three of the trees could have been saved without compromising lot yield. The result would have been an increase in tree mitigation costs of approximately \$18,000. This has not been accounted for in the current staff analysis.

c. Commercial developments have considerably less design flexibility and that flexibility decreases substantially as the building footprint increases. Given the significant changes made last summer that impacted commercial development, making decisions based on this flawed assumption may be especially harmful.

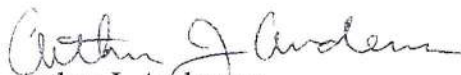
4. Increased tree preservation costs – The increased site preparation and construction costs related to preserving additional specimen trees has not been included in the staff analysis. For example, the Town currently requires each specimen tree have protective chain link installed around it prior to construction starting. This cost was estimated by one developer to be approximately \$1,500 per tree. These and other implementation costs should be determined and analyzed before adopting any ordinance amendments.

5. Exponential increase in tree removal permits – The tree removal permit public process can be very political. Both Highland Court and Hawks Hill are examples. Concerns expressed at the ECC and Council about tree removal often deal more with frustrations associated with vacant land being developed and not the quality of the tree preservation efforts being made.

To avoid creating more of these highly charged situations, it may be time for the Town to review the tree removal permit process in general. Many municipalities approve the majority of tree removal permits administratively using a collaborative process conducted by professional town arborists, town planners and the applicant. The only tree removal permits that are heard by council involve removal permits where there is a disagreement between the professional staff and the applicant.

The Association requests that any consideration by the Council of these amendments be postponed until additional studies are conducted. Representatives of the Association are available to discuss these items at your convenience.

Sincerely,


Arthur J. Anderson

AJA/plp

cc: Bryn Meredith [REDACTED]



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 9

DATE: October 10, 2016

FROM: Doug Powell, Executive Director of Development Services

ITEM: Public Hearing to consider a request to amend the Land Development Regulations (LDR16-0003 – Prohibited Signs Amendment) by deleting subparagraph (12) of Section 86-4, entitled “Prohibited signs,” of the Town’s Code of Ordinances to remove the prohibition on the use of exposed neon.

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 remove the prohibition on the use of exposed neon for wall signs. The Town Council directed staff to proceed with this amendment following discussion during their Strategic Planning Session on July 22, 2016, and follow-up work session on September 15, 2016.

The work session video can be viewed at:

<http://flowermoundtx.swagit.com/play/09152016-909>.

The discussion on the use of exposed neon on signs derived from a discussion on the use of LED lights that mimicked exposed neon. LED is a light source that can be used as a substitute for traditional light bulb applications. The use of LED is not prohibited by the Town’s regulations and recently a few signs have been installed that have LED lights that resemble exposed neon. The discussion to create standards for the use of LED lights quickly changed to the idea that exposed neon should not be restricted. This change to the regulations, therefore, would allow the use of exposed neon.

The following shows the proposed deletion from the Code of Ordinances:

Sec. 86-4. - Prohibited signs.

The following types of signs or outdoor advertising display are prohibited within all zoning district classifications in the town:

~~(12) Neon. There shall be no exposed neon except as provided in [section 86-69](#).~~

All other sign regulations are to remain in effect. No change is being proposed to the regulations for neon window signs in Section 86-69.

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



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 10

DATE: October 10, 2016

FROM: Doug Powell, Executive Director of Development Services

ITEM: Public Hearing to consider a request to amend the Land Development Regulations (LDR16-0005 – Site Plan Administrative Approval) by amending various sections within Chapter 82, entitled “Development Standards,” and Chapter 98, entitled “Zoning,” of the Town’s Code of Ordinances to provide for administrative approval of site plans that meet the Town’s standards.

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 provide for administrative approval of site plans that meet the Town’s standards. The Town Council directed staff to proceed with this amendment following discussion during their Strategic Planning Session on July 22, 2016, and follow-up work session on September 15, 2016.

The work session video can be viewed at:

<http://flowermoundtx.swagit.com/play/09152016-909>.

Currently, most site plans have to be approved by either the Planning and Zoning Commission or the Town Council. Some minor, amended site plans can be approved at a staff level. These include changes to previously approved plans and existing developments that are specified under Section 82-37, entitled “Minor changes.”

This amendment would allow for staff approval of site plans that comply with all of the Town’s regulations. The discussion was that most site plans are within Planned Developments where the building and site have already been conceptually approved. The need for additional public review of these buildings is, therefore, not warranted and simply adds unnecessary time to the approval process.

The proposed changes also state that any denial by staff of a site plan can be appealed to the Planning and Zoning Commission. The following two sections contain the majority of the changes and the intent of the new policy. Some additional changes will be required within a few other sections in Chapters 82 and 98 of the Town's Code of Ordinances, which relate to submittal and consideration of site plans, to replace some references to the Planning and Zoning Commission with references to Town staff. These sections will be contained in the ordinance that will accompany this item to Town Council.

The following are proposed amendments to the Code of Ordinances in underline and strike-out:

Sec. 82-31. - Required.

- (a) Site plan approval shall be required prior to the issuance of a building permit for any non-residential development and multi-family ~~the following types of development.~~

(1) Approval of a site plan by the town staff can be made when the building and site meets all of the Town's applicable regulations.

~~Approval of a site plan by the planning and zoning commission shall be required for the following types of development:~~

- ~~a. Development in nonresidential zoning classifications.~~
- ~~b. Planned developments, excluding areas of planned developments devoted exclusively to single family, single family attached, or duplex dwellings.~~
- ~~c. Multifamily dwellings.~~
- ~~d. Schools, elementary or secondary.~~
- ~~e. Church or rectory.~~
- ~~f. Community center, public.~~
- ~~g. Mobile home park.~~
- ~~h. Recreational and entertainment uses.~~

(2) Approval of a site plan by the town council, after a recommendation by the planning and zoning commission, shall be required when the site plan is in conjunction with a request for a specific use permit or when a waiver or exception is being requested.

Sec. 82-35. - Action on application.

- (a) When a site plan application has been reviewed and determined to be in conformance with all applicable provisions of this subpart B by the town

~~staff-manager, it shall be approved. If an application requires approval or recommendation for approval by the planning and zoning commission, it shall be placed on the agenda for the next available regular planning and zoning commission meeting. If an application that requires approval by the town council after recommendation is recommended for approval by the planning and zoning commission, it shall be placed on the agenda for the next available regular town council meeting.~~

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

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