



**PARKS, ARTS & LIBRARY SERVICES
(PALS) BOARD MEETING
AGENDA ITEM NO: 2
DATE: APRIL 10, 2008**

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

FROM: Jack Jones, Director of Parks and Recreation
THROUGH: Bart Stevenson, Executive Director of Community Services
PRESENTER: Jack Jones, Director of Parks and Recreation

ITEM: Consider recommending to the Planning and Zoning Commission and to the Town Council approval of park and trail components of The River Walk at Central Park mixed-use development generally located between FM 2499 and Morriss Road, north of FM 1171 which includes the following: (1) acceptance of park development fees in the amount of \$700 per unit in lieu of the normal park land dedication and park development fee requirements; (2) approval of the park improvements and donation of park land to Timber Trails Park as proposed by the developer to be included in a developers agreement; (3) approval for the developer to provide ongoing park maintenance to Timber Trails Park to be included in a developers agreement; (4) approval of the mitigation plan and agreement as proposed by the developer; and (5) recommend safeguards be put in place by the Town Council regarding the waiver of park land dedication and park development fees if the developer does not move forward with the development as proposed.

[X] Motion
[] Direction

I. ITEM SUMMARY:

This item will provide the PALS Board with an opportunity to give a recommendation to the Planning and Zoning Commission and the Town Council regarding park and trail components of The River Walk at Central Park. On March 13, the PALS Board voted to table this item pending a presentation of the FEMA completed study, a comprehensive Tree Survey, removal of the flood plain property as park land dedication and a corrected Analysis of Park Land Dedication.

The developers will be giving a revised presentation regarding the proposed improvements and donation of park land to Timber Trails Park, the proposed mitigation plan and related agreement, and the development and amenities of the privately owned park land within the development that will be open for public use. The revised plan calls for 4.59 acres of open space preserving the old growth forest located on the southern 17 acres of the proposed development adjacent to Cross Timbers Road. In addition, 14 specimen trees, as defined by the current tree ordinance, would be saved on the southern side of the proposed development and 23 specimen trees on the entire site. The developer is proposing to plant 1,842 new trees of which 1,270 are planned as 6-inch trees with the remaining 572 planned as the standard 3-inch trees. The tree planting program proposed by the developer is equivalent to planting 3,112 three inch trees which is the standard.

The numbers are the result of three different tree surveys taken. The reflected tree sizes that fall under the current tree ordinance, as well as the Environmental Conservation Commission's proposed ordinance revision, which would call for one tree credit for each protected tree preserved within a buildable area. It would also call for each protected tree that is removed from a buildable area, a new 2.5 to 3-inch caliper tree to be planted on the site by the developer.

The revised presentation will also introduce an investment plan of \$700 per unit for the 1,800 units which would allow the Town to buy park land for future preservation.

II. FISCAL IMPACT:

\$700 per dwelling unit X 1,800 dwelling units = \$1,260,000

III. BACKGROUND INFORMATION:

The Forums property consists of approximately 158 acres. The developer has submitted applications for amending the Town's Master Plan, rezoning the property, and to create a new zoning classification called the Central Business District.

IV. LEGAL ISSUES:

As proposed, The River Walk at Central Park mixed-use development will not be subject to the Town's ordinances related to Parks and Recreational Areas. The developer is proposing a Land Development Regulation (LDR) amendment that creates a new Central Business District designation within our zoning code. Essentially, this will be the only code applicable to this project. In the Central Business District, all park land dedication requirements and fees will be satisfied by the park land areas shown on an approved Site Plan. The property owner shall have no obligation to make dedications or pay fees for park land located outside the Central Business District with the exception of what the developer is proposing publicly.

V. OTHER CONFLICTS OR ISSUES:

N/A

VI. ATTACHMENTS:

- Tree Preservation and Establishment
- Existing Tree Canopy
- Proposed Revised Layout for Retail Area located on the southern 17 acres of the development adjacent to Cross Timbers Road
- Proposed Park & Open Space Plan
- Park Fee Reconciliation Sheet
- Proposed Park Improvements to Timber Trails Park
- Proposed Draft Letter and Notice of Restriction

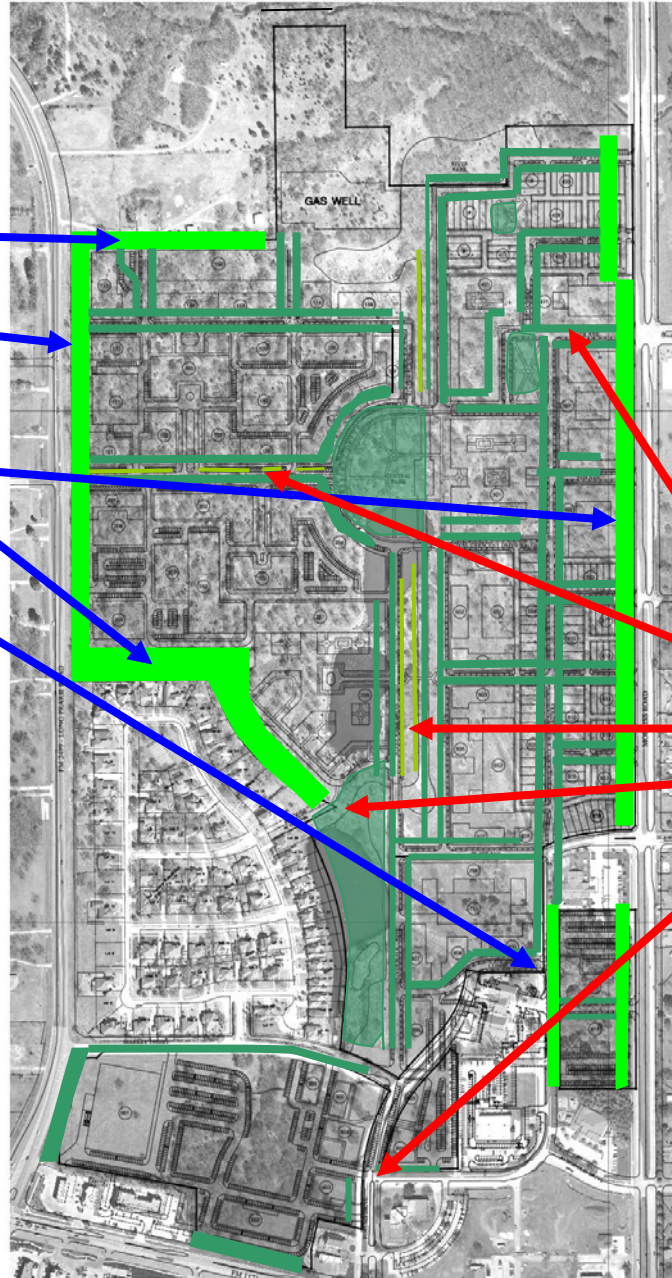
VII. ALTERNATIVES OR OPTIONS:

The PALS Board can make a recommendation to the Planning and Zoning Commission and Town Council that is different than the staff recommending motion.

VIII. RECOMMENDED MOTION AND/OR ACTION:

Move to recommend approval to the Planning and Zoning Commission and to the Town Council approval of park components of The River Walk at Central Park mixed-use development generally located between FM 2499 and Morriss Road, north of FM 1171 which includes the following: (1) acceptance of park development fees in the amount of \$700 per unit in lieu of the normal park land dedication and park development fee requirements; (2) approval of the park improvements and donation of park land to Timber Trails Park as proposed by the developer to be included in a developers agreement; (3) approval for the developer to provide ongoing park maintenance to Timber Trails Park to be included in a developers agreement; (4) approval of the mitigation plan and agreement as proposed by the developer; and (5) recommend safeguards be put in place by the Town Council regarding the waiver of park land dedication and park development fees if the developer does not move forward with the development as proposed.

TREE PRESERVATION AND ESTABLISHMENT



Northwest Buffer, 20' width- 51 Trees

FM 2499, Variable Buffer 25-50' width (North of Euclid)- 224 Trees

Saturn Park Variable Buffer, Min 130' width- 102 Trees

Morriss Road Buffer, 25' width- 177 Trees

Olympia Street Buffer, 15' Buffer- 42 Trees

Total Preserved Buffer Trees- 596 Trees

Total Buffer Trees Preserved and Required Zoning Ordinance Trees Installed= 4,108 Trees

Street Trees: 1,096 (6" cal.)

Median Trees: 28 (6" cal.)

River Walk Trees: 146 (6" cal.)

Public Space Trees: 368 (3" cal.)

Existing Roads Street Buffer Trees: 204 (3" cal.)

Total 6" caliper trees= 1,270 trees (x) 2 (factor for TOFM standard)= 2,540 Trees

Total 3" caliper trees= 572 Trees

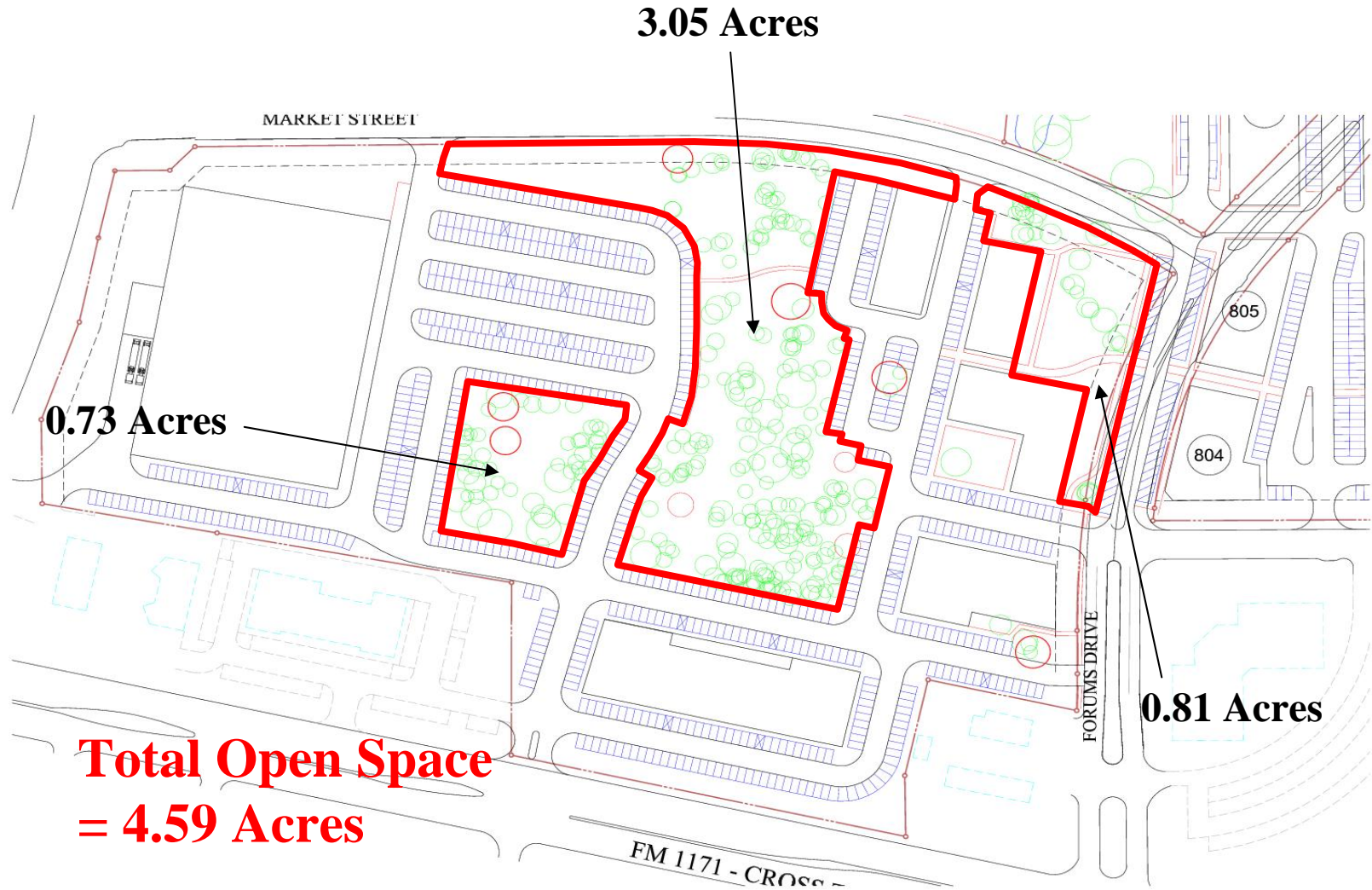
Grand Total of Equivalent required provided trees: 3,112 (3" cal.)

EXISTING TREE CANOPY

- SITE: 158 ACRES
- Existing tree canopy as per aerial 71.8 acres (46%)
- 70% of existing tree canopy= 50.26 acres
- Preserved Tree Canopy 12.4 acres
- Projected Tree Canopy from Planted Trees 1,842 trees @ 1,000 s.f. canopy= (42.3 acres)
- Post Development Future Tree Canopy= 54.7 acres (76% of existing tree canopy)



Proposed Revised Layout for Retail Area



Park Land

Private Parks

River Walk Park	15.2
Central Park	3.86
Broadway Park	0.83
7 th Avenue Park	0.56
Saturn Park	3.01
Euclid Park	4.59

Total Private Parks 28.05

Private Land Donated to

Timber Trails Park

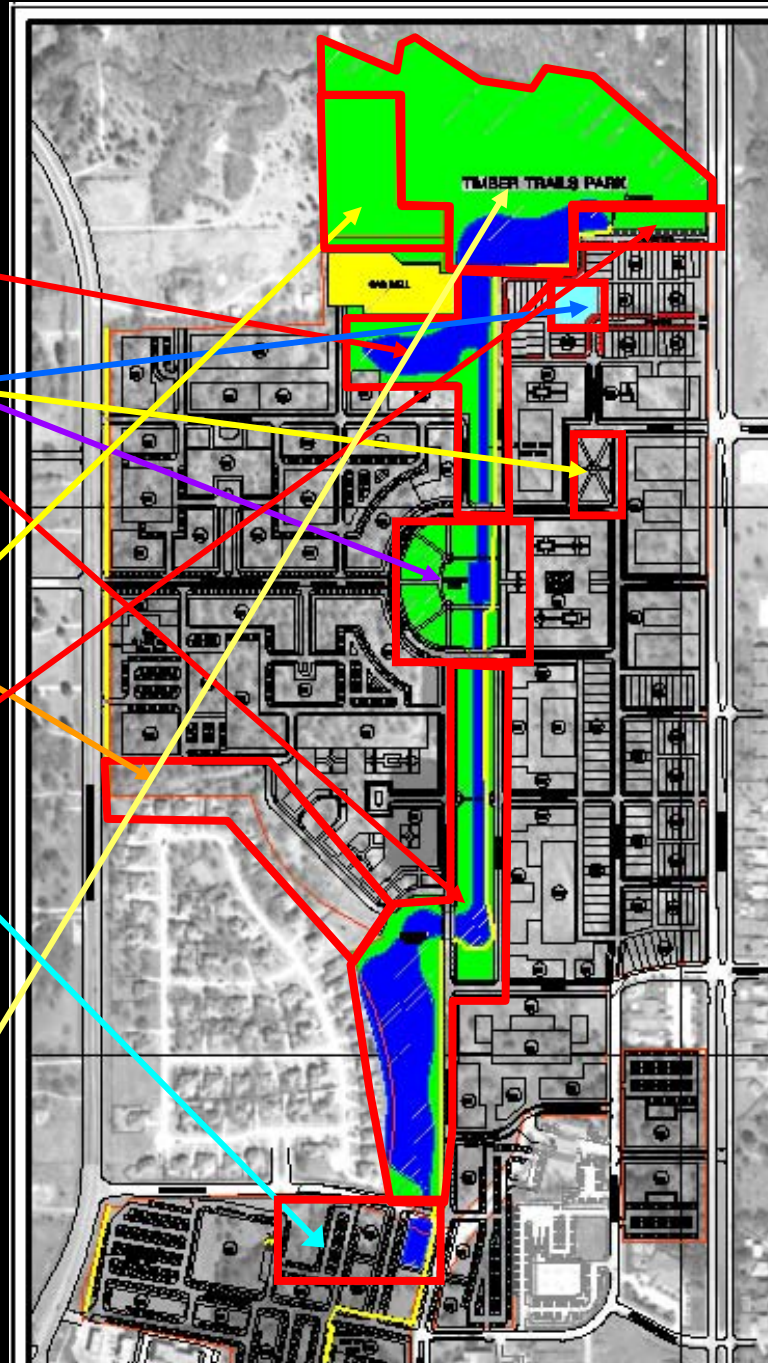
Panhandle Donation	3.79
Edge Park Donation	1.31

Total Donated 5.10

Total Park Land Dedication 33.15

Existing Timber Trails Park 14.02

Total Park Land = 47.17



PARK & OPEN SPACE PLAN



- RIVER WALK 1 ACRE
- CENTRAL PARK
- 7th AVENUE 1 ACRE
- BROADWAY 1 ACRE
- SATURN 1 ACRE (0.83 ACRES)
- BUFFER

The River Walk at Central Park Town of Flower Mound Park Fee Reconciliation

TYPICAL TOWN PARK REQUIREMENTS

Park Land Development Fees:

\$1,388/unit (x) 1,800 units = \$2,498,400

Park Land Dedication Requirements:

3.36 acres/100 units (x) 1800 units = 60.48 acres

PROPOSED INVESTMENT IN PRIVATE & PUBLIC PARKS

Park Land Development Fees:

\$700 * 1800 units to the Town Park Fund \$1,260,000

\$688 * 1800 units in CBD Park Improvements \$1,238,400

\$2,498,400

Park Land Dedication Requirements:

Required 60.48 acres

Private Park Development <28.05 ac.>

Timber Trails Park Dedication <5.10 ac.>

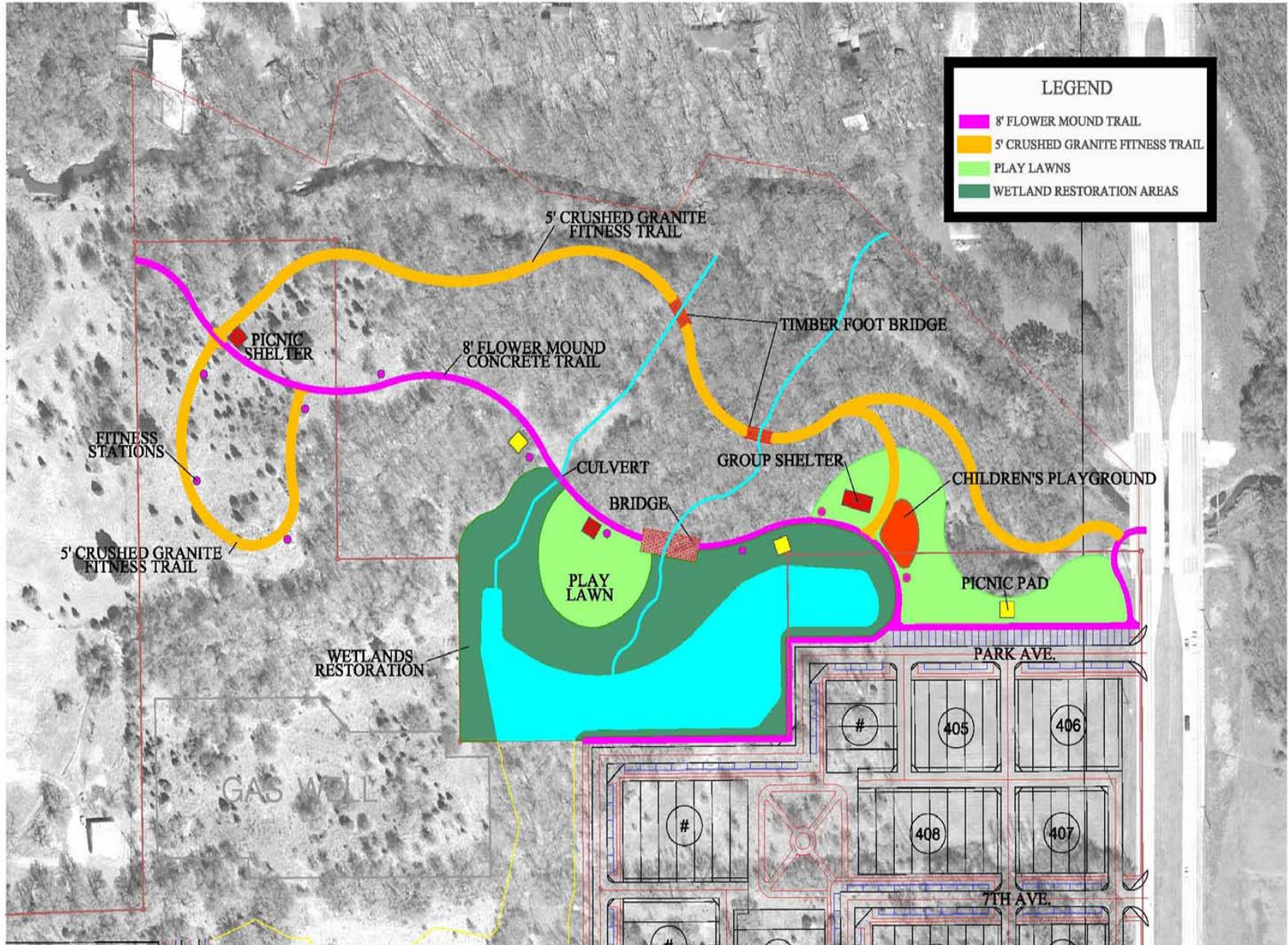
Net Park Land Dedication 27.33 ac.

Fees In Lieu of Park Land Dedication

Approximate Land cost- \$100,000/ac (x) 27.33 ac. = \$2,733,000

Estimated Fees invested in private (The River Walk at Central Park)

and public park development **\$5,231,400(Minimum)**



March 10, 2008

Mr. Wayne Lea
Regulatory Branch (CESWF-PER-R)
Fort Worth District, U.S. Army Corps of Engineers
819 Taylor Street
Fort Worth, Texas 76102

RE: The Riverwalk at Central Park Flower Mound, Texas

Dear Mr. Lea:

This letter is to inform the Fort Worth District, U.S. Army Corps of Engineers of the upcoming "The Riverwalk at Central Park" project in the Town of Flower Mound, Texas. This project is being developed by Flower Mound CBD, Ltd., a local developer. Due to the scope of the project and the potential for increased Town revenue from sales and property taxes, the Town has become actively involved in the planning and implementation of this project. The increasing population growth and employment potential in the Town of Flower Mound as well as the North Texas region warrants the need for a mixed-use commercial development of this scope. This project would provide considerable tax revenue to the Town as well as a potential to draw other business to the Town, therefore helping to establish a limitless potential for tax revenue. This project will also help provide community identity to the Town, where people will associate this development with the Town. This project is also viewed as an amenity to the Town, drawing in new residences and businesses.

Due to the economic and community benefits of the projects, the Town has been working with the developer to avoid and minimize impacts to waters of the U.S. where possible. Additionally, the Town has provided locations within existing parks for mitigation to take place for impacts that could not be avoided or minimized. The Town sees this mitigation as a way for the impacts associated with this project to be fully compensated for as well as enhance and restore degraded areas within existing parks in the Town. By placing the proposed mitigation within parks in the Town, the local watershed will receive the most benefit from the mitigation as possible. Proposed mitigation plans were provided to the Town and Town comments incorporated into the mitigation, therefore ensuring that the Town is aware of the scope of the mitigation located within the parks.

The Town of Flower Mound supports the proposed development of the Riverwalk at Central Park and the placement of mitigation areas within Town property.

Sincerely,

NOTICE OF RESTRICTION

STATE OF TEXAS }

KNOW ALL MEN BY THESE PRESENTS THAT:

COUNTY OF DENTON }

The Town of Flower Mound is the owner of that real property more particularly described in Exhibit "A" (hereinafter the "Property") and shown on the map in Exhibit AB≅ both attached hereto and made a part hereof. The Property is subject to the terms and conditions, including special conditions, of U. S. Army Corps of Engineers (USACE) standard individual permit and included special condition(s) dated 1 for project number 2, or a revision thereof. Special conditions of the referenced permit require implementation of a mitigation plan that includes restriction of the use of the Property for the purpose of providing compensation for adverse impacts to waters of the United States. Therefore, any purchaser of all or any part of the Property or any person having an interest in or proposing to acquire an interest in all or part of the Property, or any person proposing to develop or improve all or any part of the Property, is hereby notified that the use of the Property is restricted as follows:

- 1) The Property, or a portion of the Property, is dedicated in perpetuity as a stream and wetland mitigation area associated with the construction of Riverwalk at Central Park. The Property shall be managed consistently with the requirements of USACE permit number 3 and shall not be disturbed except by those USACE-approved activities that would not adversely affect the intended extent, condition, and function of the mitigation area. Any other change, modification, or disturbance of the dedicated Property shall require prior written approval by the District Engineer, USACE, Fort Worth District, or his/her duly authorized representative.
- 2) The notice of restriction shall not be removed or revised without obtaining a modification of the aforementioned USACE authorization and/or prior written approval of the USACE. Permit modifications may be granted only by the USACE.

This notice of restriction does not grant any property rights or exclusive privileges.

EXECUTED THIS ___ day of _____, 200

BY: _____

SUBSCRIBED AND SWORN TO BEFORE ME by _____, on this the ___ day of _____, 200_, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

My commission expires:

Printed Name of Notary:

_____ Page 1 of 4

(Acknowledgement)

STATE OF TEXAS }

COUNTY OF DENTON }

This instrument was acknowledged before me on the ____ day of _____, 200_ by _____.

Notary Public, State of Texas
Notary's name (printed):

Notary's Commission Expires:

DRAFT

FIELD NOTES FOR
A ___ ACRE TRACT

DRAFT

MAP FOR
A ___ ACRE TRACT

DRAFT

- 1 *Date of Execution*
- 2 *USACE Project Number, to be assigned at submittal*
- 3 *USACE Permit Number, to be assigned at approval*

The above text is the generic USACE language for this type of Notice of Restriction. If the Town of Flower Mound legal staff prefers alternative language, this document has the flexibility to be modified, as long as the restrictions of use and dedication are met.

DRAFT