

THE FLOWER MOUND PLANNING & ZONING COMMISSION MEETING HELD ON THE 11TH DAY OF NOVEMBER, 2013, 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:

Tom Goss	Chair
Mike McCall	Vice Chair
Eddie White	Commissioner, Place 1
Crystal Levonius	Commissioner, Place 2
Claudio Forest	Commissioner, Place 4
David Johnson	Commissioner, Place 5
Don McDaniel	Commissioner, Place 9

Constituting a quorum with the following member absent:

Perfecto Solis	Commissioner, Place 7
Vacant	Commissioner, Place 8

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:

Alan Lathrom	Town Attorney
Doug Powell	Executive Director
Tommy Dalton	Director of Strategic Planning
Chuck Russell	Planning Manager
Robert Pegg	Engineering Manager
Amy Mathews	Senior Planner
Cindi Price	Executive Assistant

A. CALL TO ORDER – REGULAR SESSION

Chair Goss called the regular session to order at 6:30 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner White led the invocation and Commissioner Levonius led the Pledge of Allegiance.

C. CITIZENS/VISITORS COMMENTS

There were none.

D. COMMISSION MEMBER ANNOUNCEMENTS

Chair Goss congratulated former commissioner Angie Cox on her election to the school board, and announced that she had resigned. He thanked her for her time serving on the Commission and wished her well with LISD.

Commissioner White thanked all of the veterans who had served the country so well and sacrificed so much for their country. He appreciated all that they did.

E. REGULAR ITEMS

- 1. Consider approval of the minutes of the October 28, 2013, Planning and Zoning Commission Regular Session and Work Session.**

Commission Deliberation

Vice Chair McCall moved to approve the October 28, 2013, minutes as presented. Commissioner Forest seconded the motion.

VOTE ON THE MOTION

AYES: Forest, White, McCall, Johnson, McDaniel, Levonius

NAYS: None

ABSTAIN: None

ABSENT: Solis

The motion passed with a vote of 6-0.

- 2. Public Hearing to consider a request for a Master Plan Amendment (MPA13-0010) to amend Section 1.0-Land Use Plan by amending the description of the "Lakeside Business District" under the heading of "Area Plan Districts" on page 1.7 of said Section 1.0, to amend Section 2.0-Area Plans through the amendment of the Lakeside Business District by amending the description of "Campus Commercial" uses under the heading of "Lakeside Business District Land Use Categories" on page 2.1 of said Section 2.0 to change the restrictions on commercial and residential uses and thereby implement a mixture of uses that promote the stated goals of the District, and to further amend Section 2.0-Area Plans by updating the map of the "Lakeside Business District" on page 2.4 of said Section 2.0; to amend Section 1.0-Land Use Plan by amending the description of the "Cross Timbers Conservation Development District & Prairie Vista District" under the heading of "Purpose and Benefit of Six (6) Major Planning Areas" on page 1.1 of said Section 1.0 and by amending the description of the "Cross Timbers Conservation Development District" under the heading of "Area Plan Districts" on page 1.7 of said Section 1.0, and to amend Section 2.0-Area Plans by deleting the "Cross Timbers District" "Area Plan 2-Skillern/Scenic," "Area Plan 3-Shiloh Road," "Area Plan 4-High Road," and "Area Plan 5-Roanoke Hills/Tour 18," in their entirety and replacing said Area Plans with a new "Area Plan District" entitled "Cross Timbers**

District Area Plans” to simplify and clarify the Area Plans for the “Cross Timbers District” and to add flexibility that will promote the stated goals of the District; and, to amend Section 9.0-Wastewater Plan by adding “Cross Timbers Conservation Development District” as a wastewater Service Area.

- 3. Public Hearing to consider an amendment to the Land Development Regulations (LDR13-0004) through the amendment of Chapter 98, “Zoning,” of the Town’s Code of Ordinances by deleting Division 21, “PD Planned Development District,” in its entirety and replacing said Division with a new Division 21 also entitled “PD Planned Development District” that will update the Town’s planned development regulations and allow the Town to consider development proposals that use flexibility and creativity to achieve the stated goals of the Town’s Master Plan.**

Staff Presentation

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

Questions – Lakeside Business District (LBD) Presentation

Commissioner Levonius asked for confirmation they were not talking about changing anything with regard to the western portion of Lakeside, which was already mixed use.

Mr. Dalton said that was correct. The Lakeside DFW project was not within the Lakeside Business District, and they were not proposing any changes to that development which was currently under construction.

Commissioner Levonius asked if there was any definition as to what mixed use was on the eastern side, and if it included the possibility of more apartments.

Mr. Dalton read the definition of the mixture of uses for the Lakeside Business District and confirmed that apartments were classified as residential.

Commissioner McDaniel commented he still had a concern about the term “predominate.” He envisioned a scenario where they were 60% built out, and a fantastic campus development came along that was just what they wanted and hit the tax base they wanted, but it would take up the remaining 40%. He asked if they would turn that development away because of the term “predominate” in there.

Mr. Dalton said no. After the work session discussion, they changed it to say no single use “should” be allowed to predominate in the Business District at build out. They were still saying there needed to be a robust mixture, but if the scenario he mentioned came to fruition, this language would not preclude the Town from a Master Plan standpoint from considering it, evaluating it, and bringing it forward.

Questions – Cross Timbers Conservation Development District (CTCDD) Presentation

Commissioner White asked if the Town would have a process for monitoring the conservation areas to make sure those responsible could financially maintain them, and if they could not, what process there would be to transfer or take control of them. He said they were talking about HOAs and people other than land trusts who could be responsible. There would be areas where people would be looking for a half or full acre and “donating” the other half or full acre for the conservation area. That could be a lot of area to maintain.

Mr. Dalton replied most of that information would be detailed in their zoning / PD application.

Mr. Powell added Connemara was the only land trust currently maintaining the conservation areas in town. Over time, their mission and process had changed. When they first started out, they just accepted the land. Then they realized that even though the land was left in its natural state, they still needed to send people out to check on it, take care of it, and if someone messed with it, try to restore it, so there was a cost involved. Now Connemara charged the developer upfront money to pay for that long term maintenance. Part of the discussion was dependent on how the open space was to be used. If it was being left in its natural state, there was less expense. If there was an eight-foot trail in there that needed to be mowed and maintained, that cost more. The Town might have some involvement. That was why they were serious about saying they had to figure out how to maintain that in perpetuity, and that was a long time. As with subdivisions with private streets, large common areas, or perimeter walls, they needed to identify the process for ensuring they had funds for maintaining, repairing, and replacing those, because if they waited until they needed repair in 15 years, they would be hard pressed to write a check. That funding mechanism needed to be discussed before they got entitlements.

Commissioner McDaniel said he understood they would vet the process upfront, but he wanted to know whether the Town would have a mechanism in place through the years to follow up and make sure they were maintaining the funds; the inspections were happening; and they did not show up someday and find it completely dilapidated.

Mr. Powell said that would be another issue going forward. It would be through code enforcement, because it would be in technical violation of their zoning if they did not do that, and they could be fined, but if they waited until it got to that point, they were probably all in trouble. So, how they would do that, he was not sure, but they needed to talk about an appropriate timeframe and process for monitoring that.

Commissioner White said they also needed to consider how to manage conflict resolution, if they were going to force conservation. There were older neighborhoods in the western part of town that would be surrounded over time and possibly affected by falling trees and other things related to the conservation areas.

Mr. Powell said with the latest conservation development proposal, there was an issue with the equestrian trail. He thought in the end the issue was not just resolved, but even improved with the development. They just needed to have good lines of communication and set the expectations with the neighbors before a development was approved. Everyone within 200 feet would be noticed on the public hearings, so they should have a good idea. If they were not engaged in the process, then it would be a little more difficult, but it could be handled.

Commissioner Johnson commented they were not inventing the wheel here. There was existing precedent and structure in place for these types of cluster developments with large open spaces. They did not have the details yet, because that would normally happen at the PD level when the project actually came before them, but these types of instruments were being used by other communities, and those standards could be developed as they proceeded through the process.

Mr. Powell agreed, and said Randall Arendt was the guy who wrote the book and actually came to Flower Mound to help the Town set up its Code. Cluster development was more in keeping with what he envisioned than what the Town currently had.

Commissioner Johnson asked for more information about what TxDOT planned for 1171.

Mr. Dalton replied it was being widened to six lanes all the way to 35W.

Commissioner Johnson said, so with the bridges and curves, they were talking about a significant change in how that part of town looked, and that was coming regardless of what they did that evening.

Mr. Powell added the name Cross Timbers "Conservation" District had led some to believe that there was not supposed to be any development, but as they had pointed out, it could be developed, even with the current Master Plan. One reason it had not been developed was that there had been an opportunity to develop the eastern part of town, but that was starting to run out. Now there was a roadway like this stretching all the way to 35W, so the question was how to develop it in keeping with the vision.

Commissioner Johnson asked to see the visual examples of how the clustering might look compared to the two acres.

Chair Goss said he was going to ask the same thing for the benefit of the new folks in the audience.

Mr. Dalton showed the graphics and explained the options.

Commissioner McDaniel clarified that with the two-acre residential lots, the Town lost any control it had over preservation. That would be up to the private property owner.

Mr. Dalton said yes, and explained the Town had tree preservation regulations and a tree ordinance, which was the Town's attempt to preserve the trees as long as possible as part of development, but that was only until they became an individual property owner's trees. One homeowner might choose to keep the trees, but if they sold to another person who wanted something different, the tree ordinance could not prevent the new homeowner from removing those trees.

Gerald Robinson, 6920 Hidden Valley Road, Flower Mound

Mr. Robinson asked questions on the CTCDD related to the following: 1) parameters for maximizing open space, when increasing density; 2) examples of cities where HOAs effectively managed conservation easements; 3) whether active uses included softball fields, soccer fields, lighted facilities, tennis courts, etc.; 4) if clustering, and say 15 acres of the 55 acres of open space were being used as active parks, whether it would still be counted as part of the total open space being preserved; and 5) during the process of the Town evaluating sewer and it going to existing homes with septic, whether there would be a point in time where someone would come to his home and say he had to go on sewer.

Chair Goss said the current requirement was 50% conservation, so that was the minimum. If they could get more with clustering, they would be okay with that.

Mr. Powell replied in his neighborhood in Denton, his HOA maintained their open space area with three ponds. With clustering, it would allow some flexibility to consider using the undevelopable open space for passive or active recreation, but it would be considered site-by-site and depend on the use, location, quality of open space, adjacency, intensity, etc. A practice field serving a neighborhood might be one thing, but if there were six practice fields, lighted at night with parking, then it would be different. For example, the area north of the trailer park off Shiloh, where there were no trees, might be an area where they could put lighted ball fields, but they would not want to put them down on Cardinal Drive. Another example might be if the Town worked with the school district to provide an interpretive learning center. What they were trying not to do with this process was site plan properties, but to clearly state it "might" be appropriate at some locations, based on impact.

Chair Goss added flexibility was what they were trying to get at. P&Z and Town Council, with citizen input, could review the approach, and if they did not want it, they could say no to the development.

Mr. Powell explained on the sewer issue, going back to the 2006 update, there had been discussion regarding the ecological impact of all of those septic systems draining into Lake Grapevine. He did not want to debate what that was, but the issue had come up. Also, in the past, the Town had offered to put in sewer in some older neighborhoods with small lots where onsite systems were tricky, at a cost of millions of dollars, but the neighborhoods said no, so the Town did not proceed. They just wanted to put in a provision that the Town probably needed to look at whether there was the potential or option for that, but quite frankly, if

everyone said no, then great. One example was Cristina's and the mobile home park. There was a package treatment plant there. They might want to consider tying that in and getting rid of it. That was not new development. Another example was Tour 18. If they wanted to put in sewer, they could look at it. The issue of whether they would force someone to do it was a policy issue that would come from the Council, but since he had been with the Town, the times the Town had offered that to existing neighborhoods that did not want it, the Town Council said okay.

Marilyn Jenkins, 6716 Raintree Place, Flower Mound

Ms. Jenkins asked questions on the CTCDD related to the following: 1) why the persons who wrote the open space ordinances were not invited; 2) where they got the term "clustering," since Randall Arendt did not define clustering, and if it was from UN Agenda 21; 3) whether they were going to allow zero density increases and create preservation districts, because the additional cost to the taxpayers for services such as fire, police, and utilities could be great; 4) when they redefined "open space" [*she read a definition*] and put in lighted sports fields and other intensive uses, such as equestrian trailheads, which were considered objectionable to River Oaks; and 5) if there had been any traffic studies on how the increasing population in the Cross Timbers would impact the completed FM 1171. She then commented the Town tried to set aside land in the Sanctuary's conservation area for a learning center with LISD, and they turned them down. They might want to look at the minutes.

Mr. Powell said they were not touching the open space ordinance. It did speak to the creation of a Town land trust as an option, and in fact staff had looked at that from time to time, so that fit with this idea that there might be a role for the Town to do this. Also, those who knew him knew this was not Agenda 21. In their publications, it said anyone who adopted a comprehensive plan at a local level was trying to adopt Agenda 21, which harkened back to a global effort to make us one world government, starting with land use. So, no, it was not that. He mentioned Denton earlier. In Denton, the heart of the issue with clustering was gross density versus net density. If they took a piece of property and said they could have X number of units, then they could use the existing topography and natural features to set that density allowing for adjacency, but there could even be different lot sizes. One problem with suburban developments was that everything was a 10,000-square-foot lot. He grew up in a small community, where there was not a uniform lot size, and there were big houses and small houses. That was the idea behind Mr. Arendt's work. If you set the density and then used the features on a particular piece of property, you could preserve some of it versus carving it all up into lots.

Mr. Powell continued and said the Town was discussing the active use of a small percentage of open space; not to say it should be on every corner, but that it might be appropriate for consideration, if sited in such a way that it did not impact the neighbors. It might be an opportunity in some cases, but it would have to meet a high bar. This amendment did not change the density in the Cross Timbers, but someone could come in with a proposal and have to meet all of those criteria, and they would look at SMARTGrowth, which analyzed police, fire, water, sewer, transportation, etc. The question was not whether there was going to be

development, but what shape and form it would take, and whether they were being responsible in getting the type of development and development standards they wanted. Currently, if there was development in the Cross Timbers, the kids would have no place to go to school. There was no sewer, so LISD could not build a school. So, the whole impact thing was very serious, the timing and phasing, and how to overcome those challenges. FM 1171 could handle the traffic. It was the first east-west connector north of Lake Grapevine and north of the airport. As 35W developed, and it would be the first way to get from one side to the other and not go to Denton, there would be a lot of traffic on that roadway, so it was already planned for a lot of traffic. What was being proposed was not changing that density at all.

Mr. Powell continued and said with the Sanctuary, a learning center was tried, but not approved. They could always try again. There were other school districts within the Cross Timbers. Plus, school boards were dynamic organizations. LISD got a new superintendent a few years ago, so it would be interesting to see how that conversation would go today. Again, it was not to say they should do it, but to provide the flexibility, so they could at least hear an idea like that and say yes or no. It might be more flexibility than people liked, but they did not want to paint another box to get out of the box they were in to paint another box.

Patsy Mizeur, 1821 Castle Court, Flower Mound

Ms. Mizeur asked for confirmation this Master Plan change would give developers the ability to bring different options for projects forward, where the current ordinances did not allow developers to do that.

Chair Goss said currently they could bring two options, homes on two-acre lots or a conservation development with no increase in density down to a one-acre lot. This allowed them to propose different options for consideration.

Mr. Powell clarified that was for the Cross Timbers, but it would also apply to other areas of town. They still had to prove they met the current vision and criteria.

Sherilyn Flick, 3220 Miracle Lane, Flower Mound

Ms. Flick said the agenda said they were replacing Area Plan 3 – Shiloh Road with a new Cross Timbers District area plan "...to simplify and clarify the area plans...and also to add flexibility that will promote the stated goals of the District." She asked what the stated goals were for the new District. She also asked how the new District would address the current gas well drilling sites and setbacks.

Mr. Powell said gas wells were not treated as a land use issue in the Town's Code, so they were not addressed in the Master Plan, zoning ordinance, or SMARTGrowth. It was a permitting process, with its own set of regulations, and those setbacks were not changing. There was a relationship, obviously, because that affected land development, but the current setbacks would still have to be met.

Mr. Dalton showed the new Cross Timbers District combined area plan map and stated goals and explained how the same information was brought over.

Chair Goss commented it could almost be referred to as a housekeeping item.

Mr. Powell added they were not changing the vision of the districts, just collapsing it from 17 pages down to two pages. The first seven on the list were the same.

Gerald Robinson, 6920 Hidden Valley Road, Flower Mound

Mr. Robinson asked if the setbacks from the gas wells could be considered part of the open space.

Mr. Powell said it had not been written into the provisions that it could be used as part of the open space, but to be fair, there was also no minimum criterion for the amount of open space *[with the clustering option]*. They had talked about how with conservation development they were getting 50% and that clustering should get more, but the 50% had always been a problem. For example, Montalcino wanted to add a heavily-treed, five-acre piece along FM 1171, between Tour 18 and Montalcino. Adding it would be a legal nightmare, but if they tried to, the open space would go down to 49.5%, so once they started putting in those numbers, they no longer had any flexibility. He would not say that if there was a development with open space, and even though it would not be counted as gross density, these standards would not give flexibility to consider that and maybe allow them to go down to less than 50%.

Commissioner McDaniel asked for confirmation that the short answer to his question was no, because that pad and setback would exist as part of the permitting, so it could not be part of the development plan.

Mr. Powell said that was correct.

Mr. Robinson then asked for clarification on whether there could be a possible increase in density.

Mr. Dalton explained it was important to draw the distinction that with approval of this project there would not be an automatic increase in density in the Cross Timbers. However, a project could come forward using the clustering option, and they would evaluate any proposed marginal increases in density, from the 1:2 to the 1.6:2 or 1.7:2, and whether it was appropriate compared to the payback to the town in terms of open space preservation, how it might be used, and all of the other factors discussed. It would require having a long conversation, going through all of those criteria, and being able to prove how any marginal increase still met the goals of the Master Plan.

Chair Goss said, so if the Town Council thought it was a good trade-off for more open space land, they could consider it.

Caroline Finley, 2600 Bourne Lane, Flower Mound

Ms. Finley asked if the conservation or no-build areas would be required to be connected between different developments within the Cross Timbers. She said it seemed to her that if they were going to do the clustering and have little isolated pockets of natural areas, that would not work visually or for the wildlife. She also commented that lots as small as half-acre seemed dense to her, even with clustering.

Mr. Dalton said there was a statement in the document about the continuation and/or connection of open space areas between adjacent properties to protect the ecological value in the District. So, as he mentioned earlier, the intention was not to segregate the little donuts from one another, but to create ecological corridors to provide that connection. Also, under the clustering option, they could bring forward a proposal that utilized a half-acre lot development, but that would be weighed against the quality and preservation of the open space they were providing.

Marilyn Jenkins, 6716 Raintree Place, Flower Mound

Ms. Jenkins asked for confirmation that when putting in half-acre, they would be increasing density, but the open space would stay the same, more or less 50%. She said FM 1171 was built to six lanes to accommodate 'x' amount of cars. With the increased density, even though the open space remained the same, there would be additional traffic. She asked how they would accommodate the additional traffic.

Mr. Powell explained with the third option of the 100 acres and gross density of 50 units, most of the units were half-acre, but it was net density neutral. The fourth option proposed the idea that they could have a moderate increase in density, and go from 50 lots to 60 lots, if the proposal was a "Wow." A residential house generated 10 trips a day, according to the ITE, so the addition of 10 lots was 100 trips a day. He had not talked to TxDOT about whether FM 1171 at six lanes could handle that, but his earlier point was that 1171 was designed, not just for Flower Mound residents, but to handle traffic travelling from 35W to 35E. Because of that, the capacity was more than what they could ever put out there with this moderate increase in density. Also, anyone proposing a clustered development would still have to go through the same development review process, which included a review under the Town's SMARTGrowth regulations. That looked at availability of water, sewer, roadway capacity, police, and fire to determine if the impact could be served with the existing facilities.

Jena Toich, 7408 Bolo Lane, Flower Mound

Ms. Toich said she was concerned how people were going to helicopter into their houses with no extra roads.

Mr. Powell explained they did the illustrations for math's sake, but they could not develop like that, because there were no roads serving the lots. Typically, on a

project approximately 20% was taken out for roadways, right-of-ways, etc., as part of the development process.

Chair Goss added detailed plans would come in with the proposals.

Ms. Toich said she lived off High Road, so her concern was how increasing from 50 units to 60 units would impact what was already a very curvy, narrow road.

Chair Goss explained there was a lot of traffic analysis with a development plan, and it was later on in the process. If it did not work in her neighborhood, there would be red flags raised with the SMARTGrowth analysis.

Kendra Stephenson, 2321 Roadrunner, Flower Mound

Ms. Stephenson asked for confirmation it would not be possible to bring forward a purely residential project in the Lakeside Business District, and that any residential project would have to prove it supported the overall development. She then commented that kids from LISD used the conservation easement all the time at the Sanctuary. She thought the proposal for the Cross Timbers would help them to preserve more trees and pieces of geographical importance out there. She asked for confirmation that if there was anything in there about increasing density, it could only happen if the criteria were met and what they were getting was over the top.

Chair Goss said that was correct.

Mr. Powell clarified a property owner had a right to make an application, even if it was not consistent with the Master Plan; and even if it was foolish, did not make sense, and ultimately would be denied. So, someone could bring in a straight residential proposal in Lakeside but, hopefully, they would say it did not meet the criteria, and P&Z would recommend denial. He made the point because there had been times in the recent past when staff had been questioned about why they brought forward a particular application.

[Chair Goss called for a 10-minute recess.]

In Favor –

Kendra Stephenson, 2321 Roadrunner, Flower Mound

Ms. Stephenson said these seemed like logical, small updates to a Master Plan that had served them very well. She lived in a conservation development, where some lots were less than half-acre. It had worked great for them and also the folks around them, who now had the forest preserved. As far as the Lakeside residential component, she wanted them to be very careful with that. When Lakeside DFW came forward, it could have been 100% residential, but they did not allow that to happen, so she encouraged them to continue that diligence. With the Cross Timbers, there had been talk that allowing sewer out there was a tipping point, and it made people anxious to talk about it. However, the Town had a strong Planning and

Zoning Commission to make sure they did not get to that point. If they could have some options brought forward that increased the conservation there, she thought it was their duty for future generations in Flower Mound to take a hard look at that.

Wayne Yarbrough, 6300 Cross Timbers, Flower Mound

Mr. Yarbrough said he lived at the northeast corner of Shiloh and Cross Timbers. He was happy to see them talking about developing areas out there. It had needed to happen for a long time. Lantana was just down the street, and those people spent money. He was sure they would like them to come down Shiloh Road and spend their money in Flower Mound. They needed to have businesses in the Town, and in order to do that, they needed rooftops to support it. He liked the idea of the half-acre lots, and did not think any of the people with land out there would be able to develop without doing half-acre lots. They could not afford to, so sooner or later, it would happen. Why not make it sooner, so the city could benefit from it. As far as the roads, a six-lane road was going in, and there was not much out there. It did not make a lot of sense, but he had been down four lanes and six lanes that were lined with businesses and homes, and those highways were handling it pretty good. So, he was definitely in favor of the things being proposed. They needed to take care of Flower Mound.

Charlie Cummings, 7007 Hawk Road, Flower Mound

Mr. Cummings said he owned approximately 380 acres out there known as the old Pearson Ranch. All of his land from Red Rock to Shiloh and from 1171 to Hawk Road was in the Denton school district, so that would not bother LISD. He had been trying to sell 197 acres, which had very minimal trees and a couple of nice ponds with fish. He was in favor of the proposals, and thanked Town staff, P&Z and Town Council.

Jack Stanley, 2401 Cornell Drive, Flower Mound

Mr. Stanley said he had been in the Town for almost 30 years and had seen it grow from almost nothing. He was also a lead builder for Toll Brothers, and had seen a very good response to what they had done. They built the Sanctuary development and utilized the property very well with clustering, so he thought the proposal they were looking at would be very beneficial for the city. In looking at it as a resident and as a home builder, he saw it as a win-win situation for everybody.

In Opposition –

Jay Frappier, 2600 Long Lane, Flower Mound

Mr. Frappier said they did not know about this until Friday. Maybe shame on them, but he was not sure the noticing provision was the most effective way of doing things. When he was building a house, he had to come in front of one of the boards to make a change, and was required to send a mail notice to every neighbor in order for them to weigh in on the change. It might have been a better idea to send

out something rather than put up a sign at the firehouse. The presentation was very informative and put him more at ease, but there was a big difference between the conservation at the Sanctuary and areas of west Flower Mound. He had lived in the town for over 20 years and raised four kids. He lived in Wellington for almost the entire time, and it was a great subdivision, but he could not wait for the kids to grow up and to move to the farmland in west Flower Mound. He was worried that clustering properties on half-acre lots would change the entire feel. They had all spent a lot of money to enjoy that farmland, and many people had lived there a long time. If there were 20 houses on half-acre lots with cars and garages facing High Road, it was going to change the character of it. He realized people could come and build 50 homes on 100 acres now and the density could change up to 55, but he was more worried about how it would change the character of the area. The western part of town was always what people thought of as the more rural and farm area, so he was against it for that reason.

Robert Gavitt, 2800 Scenic Drive, Flower Mound

Mr. Gavitt said on Scenic Drive there were seven, five-acre-plus lots. This was his fourth house, and he had been a resident of Flower Mound since 1982. He spent a great deal of money and did a lot of research to build his current home. He met with Doc Smith years ago to see if he could buy some land from him. At the time, it was zoned Agricultural, or minimum two-acre lots. He did not like the idea of clustering, because there was Shiloh with one-acre lots, Scenic with five and seven-acre lots, Kensington with five-acre lots, and River Hill with one-acre lots. He wanted to have some conservation, but thought they had to have a feel that existed with the rest of the neighborhood, so he was not in favor of clustering.

Marsha Gavitt, 6501 Meadowcrest Lane, Flower Mound

Ms. Gavitt said she lived off Shiloh Road and was against combining the districts. Each one had unique characteristics, which was why there were unique districts. She was in those meetings as a member from 1999. Randall Arendt's name had been mentioned a lot. The problem was, when the Town used his vision to do conservation planning, it was his "rural" conservation planning. All she had seen now was a reference to his "urban" conservation planning, so this was an opportunity to advance urbanization of their area. She did not get any guarantees and did not have any confidence the Town could make a developer work with a neighborhood, or that the final process would show they had any influence. The reason why the areas had never developed was because the property owners had consistently and vehemently fought the Master Plan every step of the way. In 2001, the three of them unsuccessfully united to try to sue the Town, and here they were again today to give them more flexibility. She was surprised at the way the process was conducted. She had been in thousands of hours of master plan meetings, and it had been a very thorough process. This was totally open-ended, and nobody could answer any questions. It was to make major changes to allow flexibility for the developer, and they would work it out when they got there. That was not going to work for her. Her home was her investment. These people did not live here and did not appreciate the Master Plan like they did. None of her neighbors clear cut their

property. They kept all the trees they possibly could, so she did not see that they would gain any extra space here. They did not want urbanization and mixed use. That had already been planned for other areas of town.

Wayne Masters, 2100 Bayshore Drive, Flower Mound

Mr. Masters said shame on them, they did not find out about this until the phone calls started coming in at 3:00 that afternoon. He appreciated them taking on these issues and trying to be proactive in developing a plan. He invested heavily in an area next to the lake in order to protect himself from this happening to some degree. There was a large piece of land across the street from them that would be affected by this, if it went forward. They were deeply concerned about the wording that allowed it to go to half-acre lots, and also concerned some proposal could bring it smaller than that. Going from two acres to one was a good choice, leaving it at one as a minimum. Whatever was presented to the Council, he would like to be able to review the words that showed exactly what the smallest sized lot could be under any set of circumstances and any percentage of conservation. He knew there were words now about a half-acre, but they would like to see that an acre, because they would lose the environment out there, if they went to anything below that.

Mike Redenbaugh, 2601 Driftwood, Flower Mound

Mr. Redenbaugh said he lived at the end of High Road and had just heard about this recently. It was a good presentation and he had a good feel for what was going on. He thought the general view was they would be increasing the density slightly, and the characteristic of a neighborhood built with one-acre homes would be different than with half-acre homes. It would change the value and profile in that area. When he went before the Board of Adjustment for their home requirements, retaining walls and septic systems, it was very clear they had to satisfy the requirements that were important to get that authorization. One of the key things about the Conservation District was the perspective of saying this was trying to maintain a rural, country atmosphere, which was part of what Flower Mound said right at the beginning of the documents. Those were the strawberries on the top of the cake. What they were proposing to do here affected an enormous area in the Town, and he thought it had a substantial consequence, so he and his wife opposed it. He would like to see them find a way to retain the one-acre lot minimum and then use that as a basis. It did not prevent development; just guide it in a specific direction toward a specific characteristic, which he thought would be beneficial for all parties involved.

Marilyn Jenkins, 6716 Raintree Place, Flower Mound

Ms. Jenkins said her septic was the original and did not leak. In terms of conflict resolution, they handled things in their area by themselves and without the help of government. It was a misrepresentation to call a ball field open space, because it was not. Neither was a golf course. High Road happened to be the divide for the watershed. The reason they set up the five different areas in the Cross Timbers was because each one had individual characteristics, and if they were

combined, she was afraid they would lose those individual characteristics. They all had to do with the quality of water they drank out of Lake Grapevine, and that was the quintessential reason why they set up conservation development in that area in the first place. So, in her opinion, if they increased the density to half-acre lots and started combining those areas, they would lose the characteristic that was unique to Flower Mound. They filtered all of the water down to Lake Grapevine; it went through the percolation process. As they all knew, their water rates were about to go up because of the new reservoir. It was very important they maintained good quality of water in Lake Grapevine, and she was afraid that going into more density would ruin that and this Master Plan, with the clustering, would destroy the characteristics they had tried to preserve.

Frank Gavitt, 6501 Meadowcrest Lane, Flower Mound

Mr. Gavitt said he had been a proud resident of Flower Mound for the past 32 years. The combining of the existing CTCDD areas should not be considered. It was explained why they were set up differently. He also pointed out the topography changed east to west and from relatively flat land with small clusters of trees to very heavily treed and hilly terrain. So, any development to be permitted would have to fit that area. If they made one area out of it, he was concerned they would have a one-size-fits-all and lose their ability to develop in regard to the surroundings. The proposed amendment to allow half-acre lots versus the current one-acre minimum became more of a concern when coupled with the amendment to provide flexibility for development. Flexibility to him said that someone could ask for quarter-acre lots, so it was a slippery slope when moving from one-acre conservation downward. The amendment would also allow recreational areas such as ball fields, golf courses, and picnic areas to be considered as part of the open space. Conservation open space was intended to save the trees and/or natural terrain. Those areas probably would not require a lot of maintenance, so he did not know if the comments over who would control and how they would take care of that area were really applicable. He also wondered why the rush to make the changes. The last Master Plan revisions were done over a two-year period. This was done within six months. Part of the area involved was the Smith property. There was a letter from a developer in August 22, 2013, to the Town saying he hoped to develop the Smith property and basically requesting all of the things that were now in this amendment. He hoped P&Z was looking at what was best for the Town and not just to meet a developer's needs.

John Todd, 5600 Wichita Trail, Flower Mound

Mr. Todd said he had been around 30 years and sat on P&Z. When he came to town there were 3,000 people, no street lights, no money, and no police department. Everybody who had moved here since then did so because they saw what they liked. They were not in the middle of a town and did not have a store on every corner. It was a rural community. That was done by a lot of people ahead of them, and commissions and councils working many hours at night going through all of this stuff to plan it out. It did not just happen. When he came to town, most of the town was New Town with apartments and high density. They changed the zoning where the apartments had to be larger and they could not put more than so

many on an acre, so they did a lot to improve things. If they wanted to go to the store, they had to drive into Lewisville or farther. Today they only had to drive a mile or two, so they were not hurting for retail. In fact, there was a lot of retail in town right now that was still empty. He would like to keep this at a minimum of one-acre lots. It had been that way for a long time, and people who bought their land knew what they were buying. Everybody was going to make a lot of money off of it, but they had to consider that every new house was another car on the street. If they had 500 acres, they were going to have 500 more cars in front of them when they drove to work every day. Hopefully, most of the people moving in out west would go out 377, but they were going to add to the traffic. Anything they could do to get them to and from work every day and spend less time on the street was good. He hoped they would keep in mind they represented the Town and not the developers. They should keep the density down and keep the flavor of the Town like it was.

Sherylynn Flick, 3220 Miracle Lane, Flower Mound

Ms. Flick said she did not like the proposed changes; she did not like combining the districts; she did not like the fast-track approach; and, most of all, she did not see that the west end had proper representation. If they wanted to develop the west end, they were going to have to get the people in the west end on board, and they were not on board.

Gerald Robinson, 6920 Hidden Valley Road, Flower Mound

Mr. Robinson said he was Chair of ECC when they did the Chimney Rock and Sanctuary conservation developments, so he was very excited about the potential of conservation developments. The reason he could not support this was not because they did not get the hard work of staff, but because there were just too many open ends, like maximizing open space in the cluster developments, HOAs being in control of conservation trusts, and the Town and active parks being considered part of conservation. They should remember it was called the Cross Timbers "Conservation" Development District. It did not say parks or plain old open space, so he was requesting that P&Z consider tabling the conservation portion of this and submitting it for further study. He personally thought cluster developments could have a role in the west end in the future, but if they thought they could do that with no increase in density, then they were extremely naïve. It was an economic reality. If they wanted to develop 400 acres, they would have to have a lot more homes on that than what was currently allowed to be able to put sewer out there. So, before going forward, they needed to have the right controls in place to ensure their scenic corridors and open spaces were protected. Back when he was on ECC, they talked about developing a Town land trust, and he thought that should be considered again, if they were going to pursue more conservation developments. That was why he was asking them to give serious consideration to tabling that portion for further study.

Mellany Lamb, 5109 Prince Edward Court, Flower Mound

Ms. Lamb said she had sat in their seat before, and thought it was interesting the Sanctuary kept being brought up. That was like apples and oranges to what they

were talking about out in the conservation district. Sewer did not exist out there today; people were on septic. The Sanctuary had easy access to sewer. Many times when she was on P&Z a developer came and they were already zoned for SF-25, but wanted to bring it down to SF-10, so how were they going to be guaranteed that the clustering would stop at half-acre. She thought it was interesting that the article in the Flower Mound Leader said the developer was requesting from two acres to one acre, and yet here they were talking about clustering down to a half-acre, even a little bit less. That was why she was asking where it would stop. From a personal point of view, she and her husband chose to live in Flower Mound because it was very beautiful. They did not choose to follow their friends out to Plano or Frisco or Irving. She thought they were on that track right now, because they were a government by developer. They saw it in the last election, and it seemed like the freight train just kept coming. She hoped it would end that evening with their vote and they would vote against this.

Close Public Hearings

Commission Deliberation (MPA13-0010)

Commissioner Forest said he looked at the comments in emails and on Facebook and had been part of all of the meetings and deliberations. He did not live on the west side, but cherished the rural environment there. Whenever he had friends visiting from out of town and drove them around, they all admired Flower Mound for having the little city core, plus all of the nice open space out west. The idea of having cluster developments that allowed for open spaces and tied them from one development to another would not happen tomorrow. It would be years down the road before it could possibly even start. As everybody knew, in order to bring development down to a half-acre, they would have to have sewer, water, utilities, and all of the amenities they needed to develop it, and they were not there right now. With the road expanding all the way to 35W, more people were going to travel that route, see the area, and want to live there. He was not saying that half-acre was the right number. That was where he had a bit of a sticking point. He was concerned about going from the two-acre, three-acre, and five-acre parcels down to a half-acre, even though they were clustering those and leaving a big open space. He wanted to hear what other commissioners thought and go from there.

Commissioner McDaniel said it was important to keep in mind this was about supply and demand to a large extent. As supply to the east and south was starting to shrink and demand continuing to grow, the value of the property to the west was going to get to a point where it was going to be developed, whether they wanted it to or not. Those folks had a right to develop their property. They were not there to keep that from happening, but to guide that in a way that protected everyone's interests, the interests of the property owners, the interests of the folks who lived around those property owners, and the interests of folks who drove through the Town and did nothing else but stop and buy gasoline and a loaf of bread on their way home. The Town hired guys like Tommy Dalton, who he admired tremendously, because they were smart and knew how to manage this stuff. He was educated in it and did what they asked him to do—research and come up with solutions to

problems that existed for them. This was the reality on the ground and they had to face it, using the tools they had to make good decisions. He thought approaching it from the perspective of clustering allowed them to maintain the integrity of the area in a way that met the vision they had all had from the past to now. Whenever the value of that land increased to a point that folks could no longer stand to not sell it, it would be developed, so they should be proactive and have it develop in a way that gave them some control and required maintaining those scenic vistas, sight lines, wooded areas, etc. The concern was raised about where it would stop, if a developer came to them with something zoned SF-25 and asked for SF-10. Well, it would stop with P&Z saying no, which it had done numerous times, and if the Commission made a mistake, then the Council would catch it. That was where it stopped. That was why they had zoning, so it was important to keep in mind this was not for developers or to allow a few property owners to get rich; this was to protect all of them going forward.

Commissioner Levonius said for the past ten years she had driven an hour to go to work. She drove to Collin County every day. Everyone she worked with asked why she did not live closer to her work, and she said the reason was that she and her husband were Flower Mound folks. They loved Flower Mound. When they moved here, they looked at every area west and east of Flower Mound in a semi-circle. She was concerned they were trying to be Frisco or Southlake, and what was going to happen was they might make themselves less desirable in their effort to try to be like surrounding towns. And, she did not necessarily trust that future Planning and Zoning Commissions would follow in their footsteps. She appreciated the folks who came that evening who set up what they had as modern day Flower Mound. She was going to vote no, because she was Flower Mound folks and thought they needed to keep that in mind.

Vice Chair McCall said he moved here 30 years ago, so had the same perspective as John Todd. He was on his third home in Flower Mound. His original home was in the Cross Timbers, so he loved that area. That was what attracted him to the Town. He was concerned that this was going to happen. It was going to get so expensive that these people were going to sell out. When they did, he wanted to be prepared to do it right. He wanted the scenic vistas. He trusted this group. They were like his brothers. They believed in this and fought for it day in and day out. He was proud the residents came that evening and spoke up. He thanked them for being worried about the roads and the "what ifs" of clustering. That worried him, too. He did not like less than one acre, but clustering had some good things about it, so he encouraged them not to close their minds to that.

Commissioner White said he had an acre and an 817 area code, so he guessed that was west Flower Mound. He enjoyed his land. He loved that it backed up to a ranch and there was nothing behind him. He moved here 13 years ago, and always knew something would change out west. They did not want to be Frisco, Plano, or Grapevine, but wanted to try to make the best decision for what they had to work with. There were premier properties here, with great homes and great topography. They were in the heart of DFW, only 15 minutes from the airport and right between 35W and 35E. This was where everyone was going to want to be.

He thought their goal was to do it smartly, so they could protect what they all loved versus running the risk of being just standard suburbia. They were trying to find a way to balance encouraging high quality, high priced development that brought in new households into the community and a tax base that continued to support things with protecting what they all enjoyed in terms of the rural environment, topography, trees, horses, and lakes. That was a win for everybody. Flower Mound had already changed a lot from what it was 13 years ago. FM 1171 was no longer the two-lane road he used to travel to Circle R Ranch. It was a main thoroughfare, so they wanted development to occur in a very smart way that made sure they could all look back in 15, 20, or 30 years from now and say it was still a really cool, rural, family-oriented environment. He felt good about where they were going. No one was looking to build massive retail strip centers or suburbia in Flower Mound. He loved driving down 1171 with the hills, curves, and trees, but at the end of the day, TxDOT was changing that whether they liked it or not. There was nothing Flower Mound could do about that, but what they could do was try to protect what they had in the best manner they knew possible.

Commissioner Johnson said he first wanted to thank Tommy Dalton, Doug Powell, and staff. They did an awesome job with this. For those in the room who were just hearing about it for the first time, he was sorry for them, because living in the Town and being an active voter took a lot more than showing up at one meeting, considering the amount of information that had been in the papers, on the website, signs around town, etc. He encouraged them to please pay attention, whether about this issue or anything else. Second, this was the first time he had heard that ball fields were a bad thing, so it had been a revelation. He thought that was where their youth, families, and communities joined together. The other thing was he had lived in the Town for 18 years, and the struggles about keeping western Flower Mound preserved in its rural nature had been going on at least that long, probably longer. He wondered when they would be ready to put their money where their mouth was; start a trust and all start writing checks to help the Town be prepared to have funds to buy up land or open spaces. He had been in many of those meetings, but had not seen a movement to do that. It was not that hard to open a non-profit, so he did not understand. Mr. Robinson worked with trusts. They talked about these things in their own little huddles and in public meetings, but there did not ever seem to be enough public movement to give the Town the tools to be more proactive with these open spaces. What they were trying to do with this was to rewrite the rules a little to give the Town staff and voters better tools. He encouraged everyone to pay attention to public meetings and projects going before P&Z and Town Council, and to put their money where their mouth wa, if they wanted to preserve Flower Mound.

Commissioner White moved to recommend approval of MPA13-0010 – Our Master Plan Project. Commissioner McDaniel seconded the motion.

VOTE ON THE MOTION (MPA13-0010)

AYES: McDaniel, Johnson, McCall, White, Forest

NAYS: Levonius

ABSTAIN: None

ABSENT: Solis

The motion passed with a vote of 5-1.

Commission Deliberation (LDR13-0004)

Vice Chair McCall moved to recommend approval of LDR13-0004 – PD Amendments. Commissioner McDaniel seconded the motion.

VOTE ON THE MOTION (LDR13-0004)

AYES: Forest, White, McCall, Johnson, McDaniel

NAYS: Levonius

ABSTAIN: None

ABSENT: Solis

The motion passed with a vote of 5-1.

- 4. Consider a request for a Site Plan (SP13-0015 – Lone Star Endoscopy) to develop a medical office building. The property is located at 1011 Surrey Lane.**

Staff Presentation

Amy Mathews, Senior Planner

Questions and Discussion

Chair Goss asked if there was access to Spinks Road from this development, and if the building matched the façade of the other buildings.

Ms. Mathews replied yes, and explained there was no direct access from Long Prairie. It was either from Surrey or Spinks, and both drives were existing.

Commissioner Johnson asked about the ingress and egress and how it would flow, considering the rush of traffic on FM 2499.

Bob Pegg, Engineering Manager, said it was a right-in, right-out at the Spinks location, but they could go left at the Surrey Lane location.

Chuck Russell, Planning Manager, added the main access point was off of Surrey. There was not currently a light there at FM 2499, so it was easier to make a right turn, but if someone wanted to make a left turn, there was a large median in the center, and there were gaps in the traffic. The property was already master-planned and zoned, and the layout already approved. There were three existing office buildings.

Commissioner Johnson asked what was going to happen to Surrey to the south with Lakeside DFW.

Mr. Russell said Surrey was being improved and it directly tied into Lakeside DFW. Once opened, people would be able to go south and access Lakeside Parkway.

Mr. Pegg confirmed with the Lakeside DFW / Greystar project, Surrey Lane was being improved to a wider concrete section down to Lakeside Parkway.

Commissioner Johnson asked if TxDOT had control over the signaling of the Surrey intersection, and if that was later down the road.

Mr. Pegg answered yes.

Commissioner McDaniel asked if there was an allowed U-turn at the light at Spinks and Fountain.

Mr. Pegg said he did not know, but could find out for him.

Commission Deliberation

Vice Chair McCall moved to approve SP13-0015 – Lone Star Endoscopy. Commissioner Forest seconded the motion.

VOTE ON THE MOTION

AYES: Levonius, McDaniel, Johnson, McCall, White, Forest

NAYS: None

ABSTAIN: None

ABSENT: Solis

The motion passed with a vote of 6-0.

5. Consider a request for a Development Plan (DP13-0007 – Reserve at Saddle Oaks) to develop a residential subdivision. The property is generally located north of Cross Timbers Road (FM 1171) and west of Trotter Lane.

Staff Presentation

Amy Mathews, Senior Planner

Questions and Discussion

Commissioner McDaniel said when the project first came forward, he raised a concern while on the Transportation Commission about the easternmost entrance. He assumed there would be a right-turn bay into the development there for people travelling westbound on FM 1171. If there was, he wanted to know how long it was. His concern was that people coming around the curve and down the hill at 50 mph could sneak up on somebody making a right turn there pretty quickly.

Mr. Pegg said there was only one shown at the second entrance.

Commissioner McDaniel said he really thought there needed to be a right-turn bay at the easternmost entry point, because of the topography of the land and the curve of the road. If they needed one at the westernmost entrance, then they needed one at the easternmost.

Ms. Mathews commented this was the development plan phase, so tweaks could still be made to the project before the final plat.

Mr. Pegg explained the reason there was one at the second entrance was because of the median opening. Town standards required both westbound and eastbound turn bays at the median opening. The other one was not at a median opening, and given the number of houses there, it would not meet the minimum number of movements required to mandate a turn bay, so that was why they were not required to put one there.

Chair Goss asked if there was any way from a safety standpoint to have someone take a look at that and make a recommendation before they got further down the road. The point was not the amount of traffic, but the safety issue. He had seen cars broken down there, and the police parked beside them with their blinkers on until the tow truck arrived, just because of the change in elevation.

Commissioner White said that was also the predominant traffic pattern. In the afternoon, there were a lot of cars going west, and if they went over the hill and around the turn, there needed to be something there to allow people to duck in.

Mr. Pegg said he could have Matt Hotelling go out and look at it, and make a recommendation before the next phase of development.

Chair Goss said that was all they were asking, to have someone with a traffic engineering background take a look and see if it was an issue.

Commissioner White encouraged the developer to go ahead and include that in the plan to avoid a lot of questions later on.

Commissioner Johnson asked who cleaned the equestrian trail, the HOA or the Town.

Mr. Pegg said it was in an X-lot dedicated to the HOA, so it was easy to make the argument that it was their responsibility, but it was not specifically addressed.

Ms. Mathews said the trail on the north side abutted the X-lot for the Saddle Oaks subdivision, so maybe they could work together on that.

Commission Deliberation

Vice Chair McCall moved to recommend approval of DP13-0007 – Reserve at Saddle Oaks. Commissioner Forest seconded the motion.

VOTE ON THE MOTION

AYES: Forest, White, McCall, Johnson, McDaniel, Levonius

NAYS: None

ABSTAIN: None

ABSENT: Solis

The motion passed with a vote of 6-0.

- 6. Consider a request for a Site Plan (SP13-0009 – Cross Timbers Village, Bank of America) to develop an office building, with a request for a deviation to the required parking standard pursuant to Section 82-73 of the Code of Ordinances. The property is generally located south of Cross Timbers Road and east of Bruton Orand Boulevard.**

Staff Presentation

Amy Mathews, Senior Planner

Applicant Presentation

Kelly Gomez, KRG Civil Engineers, McKinney

Questions and Discussion

Commissioner Johnson asked if Goddard School met the minimum requirement for parking.

Ms. Mathews replied yes. No one else had asked for above the 20%.

Commissioner Johnson asked if there could be cross traffic to the school through the bank parking lot to get out to FM 1171.

Ms. Mathews said yes, that could happen. The school did not have a covered drop off, so parents parked and walked their children in and out. There was not a directed flow, so with the cross access and shared parking agreement, it was possible someone could drive through and park in the bank parking lot.

Commissioner McDaniel asked if Walgreens and Goddard met the minimum requirements for parking and got what they wanted, why they needed the extra parking spaces. He wondered if it was because once poured and painted, parking spaces were easier and cheaper to maintain than vegetation watering and planting.

Ms. Mathews said she would let the applicant answer that question, but they were providing all of the required landscaping.

Chair Goss said the other issue was the Town had tried in the past to keep head-in parking off its major thoroughfares. He asked since they were over-parked, why they needed the nine spaces at the north end of the site heading into 1171.

Ms. Mathews said they had to have the row of shrubs that were a minimum 36 inches at planting. It was also bermed through there.

Mr. Gomez said the excess parking request was a need and not a want. A few years ago, Bank of America went to a 40-space minimum for projects in the DFW area.

Chair Goss said, but as he heard in the three-hour discussion earlier that evening, it was clear they were not like the DFW area. He would bet their competitor across the street, Chase Bank, never had more than a dozen cars parked there.

Mr. Gomez explained they did not want to block the drive-through, and wanted to maintain good circulation to where people did not have to hunt for parking spaces and circle around. This site was about 1.4 acres, so they thought they would be able to achieve their 40 spaces and still have a lot of landscaped area. Also, it was pretty heavily screened in the front, and there was quite a big elevation difference, so the screening of those grills could be achieved to where people on 1171 would not notice those vehicles.

Commissioner Johnson asked if there would be a large meeting space in the interior of the building that would draw in other folks and necessitate more parking.

[Brian Lancaster, The Samuel Group] said there were no designated conference rooms for that, but in the past, there had been meetings where they invited other branch managers.

Mr. Gomez pointed out there were no windows in the drive-through area. Transactions were done at terminals, like souped-up ATMs, with a video screen, etc. That was a new way of doing business, and they knew a lot of people would prefer not to do business that way, so they expected more walk-ins than in the past.

Commissioner McDaniel said he stated this was a relatively new way for Bank of America to develop with the 40-space minimum, and he talked about how people were resistant to this new type of tele-transaction with the cameras and monitors. Yet, in this day and age every commercial on TV for Bank of America was talking about how people could cash a check by taking a picture of it and limit those transactions at physical banks. The banks were spending huge amounts of money on that, so he wondered what was driving the increase in parking spaces. There was a disconnect there he did not understand.

Mr. Gomez said the disconnect was the transition. In the interim, there would be more people saying they did not want to do that. They would just go in the bank,

do their transaction, and leave. It would take a while for that to happen, because this way was brand new.

Commissioner Forest asked for the elevation drop from the road to the first parking spaces.

Mr. Gomez said it was significant.

Ms. Mathews said she thought it was close to 10 feet.

Commissioner Forest said then, for example, if it was 8 feet with 36 inches of shrubs, people would never see those cars from the road, and probably not a lot of the front of the building. They were also getting a lot of green space. He was aware of the requirements of Bank of America, so did not see a problem with it.

Mr. Russell said Walgreens, directly to the west, had the same parking set up being proposed by the bank, with some spaces facing 1171. They also had the identical open space. In terms of numbers of parking spaces, with the site plan for Chase Bank across Bruton Orand, they were approved for 34 spaces and the requirement was for 22. With the site plan for Walgreens, they were approved for 77 spaces and the requirement was for 60. As far as traffic patterns for the Goddard School, their main flow of traffic was coming from Bruton Orand, and there was some separation between the two, so the whole internal traffic circulation was addressed and satisfied staff's requirements.

Commission Deliberation

Vice Chair McCall moved to recommend approval of SP13-0009 – Cross Timbers Village, Bank of America, to include the requested variation to the parking requirements. Commissioner Forest seconded the motion.

VOTE ON THE MOTION

AYES: Levonius, McDaniel, Johnson, McCall, White, Forest

NAYS: None

ABSTAIN: None

ABSENT: Solis

The motion passed with a vote of 6-0.

7. Consider a request for a Record Plat (RC13-0009 – Lakeside Ridge) to create a non-residential subdivision. The property is generally located south of Lakeside Parkway and west of Gerault Road.
8. Consider a request for a Site Plan (SP13-0012 – Lakeside Ridge) to develop three warehouse/distribution buildings, with a request for additional height pursuant to Section 98-1031(d), "Additional height," of

the Code of Ordinances. The property is generally located south of Lakeside Parkway and west of Gerault Road.

Staff Presentation

Amy Mathews, Senior Planner

Applicant Presentation

Jack Evans, Pacheco Koch, Dallas

Questions and Discussion

Commissioner Johnson said he wanted to understand better how the trucks would be coming and going. There was an awful lot of traffic on Gerault, especially during rush hour.

Mr. Evans explained the roads were built out and median openings existing, so they could not move those or add new ones. They saw the traffic coming from the east on Lakeside, turning southbound on Gerault, and making an easy right turn into the facility. If they wanted to go back north, there was a median opening on Gerault where they could turn, turn back on Lakeside, and go over to 121. At each intersection and drive approach, there were decel lanes. There was traffic, but this area was contemplated for an industrial use, and they were consistent with that.

Commissioner Johnson asked for confirmation there was a decel lane for trucks going northbound on Gerault.

Mr. Evans confirmed there was a left-turn bay at the median opening for trucks to use to get into the site. Conversely, going southbound on Gerault, there was a decel lane for them to get out of traffic and turn into the site.

Commissioner Forest asked for the difference between the typical height of the building and the accent elements.

Mr. Evans replied about 5 feet. They wanted to raise the parapets to screen the equipment.

Commissioner Forest said, so the average height of the building met the Town's requirement. They were just asking for higher accent features.

Mr. Evans said he was the civil engineer and dealt with everything outside of the building, but he suspected that was correct.

Commission Deliberation (RC13-0009)

Vice Chair McCall moved to approve RC13-0009 – Lakeside Ridge. Commissioner Forest seconded the motion.

VOTE ON THE MOTION (RC13-0009)

AYES: Forest, White, McCall, Johnson, McDaniel, Levonius

NAYS: None

ABSTAIN: None

ABSENT: Solis

The motion passed with a vote of 6-0.

Commission Deliberation (SP13-0012)

Vice Chair McCall moved to recommend approval of SP13-0012 – Lakeside Ridge, to include the additional height. Commissioner Johnson seconded the motion.

VOTE ON THE MOTION (SP13-0012)

AYES: Levonius, McDaniel, Johnson, McCall, White, Forest

NAYS: None

ABSTAIN: None

ABSENT: Solis

The motion passed with a vote of 6-0.

9. Consider a request for a Record Plat (RC13-0011 – DFW North Distribution Center) to create a non-residential subdivision. The property is generally located north of Lakeside Parkway, south of Spinks Road, and west of Gerault Road.

10. Consider a request for a Site Plan (SP13-0010 – DFW North Distribution Center) to develop a warehouse/distribution building, with an exception to Section 82-302(2), Compatibility buffer, of the Code of Ordinances. The property is generally located north of Lakeside Parkway, south of Spinks Road, and west of Gerault Road.

Staff Presentation

Amy Mathews, Senior Planner

Applicant Presentation

Mike Meinhardt, Meinhardt & Associates Architects, Dallas

Questions and Discussion

Mr. Russell pointed out at staff's request they beefed up their landscaping along Spinks and staggered a double row of trees. There were a lot of shrubs, and quite a bit of grade separation to where the parking was.

Commissioner White asked for confirmation there was no access to Spinks. It looked like the trucks would be limited to going either left or right on Lakeside.

Ms. Mathews confirmed that was correct. The area plan required that specifically because of the school property and residential development on Spinks.

Mr. Pegg added that was consistent with all of the properties along there.

Mr. Russell explained the Master Plan called for no access onto Spinks, and they had prohibited that access consistently with every other development that had come in. All of the heavy traffic went onto Lakeside by design. There were median openings at both drives. Part of the agreement the applicant worked out with Mr. Powell to the west was to build the drive to his property, along with their drive, so they would match up and provide ample access.

Commissioner Levonius asked why the need for the compatibility buffer.

Ms. Mathews explained when a nonresidential use went in next to a property either zoned or master-planned for residential use, the compatibility buffer was kicked in. In this case, the adjacent property was master-planned for nonresidential, but it was currently zoned Agricultural, which was considered residential zoning.

Commissioner Levonius asked why they could not comply with the 25 feet.

Mr. Meinhardt said when they laid the building out initially, they thought it was Campus Commercial and residential was discouraged. It was laid out with truck courts on both sides and a 400-foot-wide building. With that, they were five feet short on the compatibility buffer, so had to go to 20 feet to make it work. If they had to take it back, they would lose five feet of the building, or 5,020 square feet.

Mr. Russell explained the zoning in place was technically residential by definition. That triggered the 25-foot compatibility buffer in combination with the 25-foot setback and six-foot masonry wall. In reality, the property was master-planned as part of the Lakeside Business District. The likelihood of their being single-family residential or any residential, although possible, was unlikely. The letter from Mr. Powell discussed the details, but from staff's perspective, even though the compatibility buffer was required, it just did not make sense. So, in lieu of the six-foot wall, they were providing a solid row of Eastern red cedars, which would grow together for a living screen. If they compared the other warehouse districts that abutted each other, there was typically no screening between the two.

Commissioner Johnson said the Powell property also had a huge transformer station on it, which would further reduce any appeal to be anything but industrial.

Mr. Russell clarified Mr. Powell just wanted to make sure there was not some sort of reverse requirement that would be triggered, where if they did not have to build the wall, he would have to do it in the future. The answer to that was no. No

matter how he developed, he would not have to provide a compatibility buffer to a warehouse distribution use.

Ms. Mathews added the Campus Commercial area being discussed as part of the proposed Master Plan amendment was south of this area. This was Campus Industrial.

Chair Goss said also for people driving eastbound on Spinks going to the residential areas, there would be screening of the warehouse area, so that would be another benefit of that.

Mr. Meinhardt said they did some sight line studies off of Spinks. At the northeast corner of the building, Spinks was considerably higher than the truck court, about a 10-foot grade change, and then there would be the double row of trees.

Commission Deliberation (RC13-0011)

Vice Chair McCall moved to approve RC13-0011 – DFW North Distribution Center. Commissioner Forest seconded the motion.

VOTE ON THE MOTION (RC13-0011)

AYES: Forest, White, McCall, Johnson, McDaniel, Levonius

NAYS: None

ABSTAIN: None

ABSENT: Solis

The motion passed with a vote of 6-0.

Commission Deliberation (SP13-0010)

Vice Chair McCall moved to recommend approval of SP13-0010 – DFW North Distribution Center, to include the exception for the compatibility buffer. Commissioner McDaniel seconded the motion.

VOTE ON THE MOTION (SP13-0010)

AYES: Levonius, McDaniel, Johnson, McCall, White, Forest

NAYS: None

ABSTAIN: None

ABSENT: Solis

The motion passed with a vote of 6-0.

F. ADJOURNMENT

Vice Chair McCall made a motion to adjourn the regular meeting, and Commissioner McDaniel seconded the motion. All were in favor.

Chair Goss adjourned the regular meeting at 11:03 p.m.

TOWN OF FLOWER MOUND, TEXAS

DOUGLAS S. POWELL, AICP
Executive Director
Development Services

ATTEST:

Cindi Price, Executive Assistant