

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 2ND DAY OF DECEMBER, 2013, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.**

The Town Council met in a regular meeting with the following members present:

Tom Hayden	Mayor
Steve Dixon	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Michael Walker	Councilmember Place 1
Mark Wise	Councilmember Place 3
Jean Levenick	Councilmember Place 5

constituting a quorum with the following members of the Town Staff participating:

Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Doug Powell	Executive Director of Development Services
Tommy Dalton	Director of Strategic Planning
Ken Parr	Director of Public Works

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden called the regular meeting to order at 6:00 p.m.

**B. INVOCATION**

Chaplain Mike Liles gave the invocation.

**C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

Troop 280 led the pledges.

**D. PRESENTATIONS**

1. Proclamation and presentation of Hometown Hero banner to Elliott Emerich.

Mayor Hayden presented Jim Emerich (father of Elliott Emerich) a Proclamation in recognition of Elliott's military service.

**E. PUBLIC PARTICIPATION**

Jame Emerich, 2604 Surrey Woods Rd, Flower Mound, TX

Mr. Emerich announced that after being a Flower Mound resident since 1989 his family is moving. He expressed appreciation for the honor and privilege to work with many of the citizens and staff. He stated it was a great place to raise his family. He offered thanks to various individuals who helped on various projects through the years. He noted that Tom Cawthon, a past city councilmember, was responsible for the idea and initiative that got the community a recreation center. He asked that the

Town acknowledge that by putting his name on the plaque at that facility. He also requested the Town put something in their employment system to give points to vets.

Kendra Stephenson, 2321 Roadrunner, Flower Mound, TX 75022

Ms. Stephenson commented she recently witnessed the Town pass on several park amenities, and most recently the dog park. She provided background information related to the Town's Parks Master Plan and the associated survey. She pointed out that the amount of people that voiced their interest in having a dog park is greater than those who spoke against having it. She noted that since 2007 there has been a Master Plan for Green Acres Park and anytime any Council has tried to implement any part of this park that group of people makes the statement that the road doesn't support the traffic. She stated the Town pays \$30,000 - \$40,000 to upkeep that park and if we are not going to be allowed to use it, give it back to the family that donated it to the citizens of Flower Mound because the citizens of Flower Mound can't use it. She gave background information about Rheudasil Park, and pointed out its part of a 150-acre park system and shouldn't be classified as a neighborhood park. Those that were in favor of the improvements now are uncomfortable using that park due to the issues raised by those that were against it. At the end of the day all of these people are saying they don't want people from outside of their neighborhood using their park, however, every taxpayer in Flower Mound pays for it. Council needs to stand up and say this is a public park. We have to use it for the benefit of everybody in Town and we have to do what is right for everybody. We might as well trash the entire parks system we have in Flower Mound, sell it off to the HOA's around it, and move the entire parks system to the West where there are no homes because we can't even do simple things like putting restrooms in our most used parks because somebody is going to complain.

Lastly, when it comes to approving infield subdivisions, make sure you are thinking about park improvements. Council will often say we don't need park improvements and we don't need any more public park land donated because we have it covered. We'll just take your money and we'll improve those parks so they are usable by those new residents. Guess what? You fail every time. So if you're not going to make those parks usable by the residents of Flower Mound, I'm going to request that you take that money that you took for places, like my subdivision the Sanctuary, and give that money to the HOAs so they could at least put park like amenities in their common areas to make up for what the Council has failed to do for at least the last seven years.

**F. ANNOUNCEMENTS**

Dixon: Expressed appreciation for the work of the Fire Department in response to a fire experienced at a neighboring home.

**G. TOWN MANAGER'S REPORT**

1. Update and status report related to capital improvement projects

Hayden: For the road leading to Green Acres Farm, several residents said it was unsafe and dangerous so he requested an item be on the future CIP plan for improvements.

Mr. Stathatos provided the following updates related to capital improvement projects:

- For Hide-a-Way Lane the Town's public works director is looking at different options. After the outpouring of concern for the unsafe road staff felt compelled to look at options
- Provided an update regarding Wichita Trail and announced it is anticipated to be completed next week

2. Update and discussion on Economic Development projects.

Mr. Stathatos provided the following economic development updates:

- Market Street is scheduled to open their 55,000 square foot store on December 11<sup>th</sup>
- Introduction of the National Shop Small campaign and what's being done on a local level to encourage shopping at small businesses
- Town was recognized by the Government Finance Officers Association for the excellent work with the CAFR

Hayden: Asked for an update regarding the senior center given the recent action taken by the Tax Increment Reinvestment Zone (TIRZ).

Stathatos: Provided background information noting that the senior center is listed as one of the projects of the TIRZ Board. There is \$8 million allocated for that project and the Town came in about 40% below that. There is still some work to do and finding a way to work with the TIRZ Board for funding, but Town staff is moving ahead with the design. We are very committed to the project. Very quickly we will be able to come with different funding options.

Hayden: Asked the Town attorney if in a situation where the TIRZ Board votes against something, if that precludes Council from voting in favor of something if they would like to.

Welch: The TIRZ Board acts through its project plan and the project plan consist of the recommendations that the TIRZ Board comes up with that Council approves and the funding amounts for that. In this situation the senior center shows an improved project for \$8 million so that constitutes approval by both Council and the TIRZ Board. So there is approval of that component of the project plan.

Hayden: So if the TIRZ Board votes against it, Council has the final say about allocating funds, correct?

Welch: Correct. Because the project plan is what has been approved by the TIRZ Board and has been approved by the Council.

Hayden: Stated that one of the reasons the senior center item might not have passed is because there were some unanswered questions. For that reason he offered the suggestion of having another TIRZ meeting next week for reconsideration of this item. Regardless of the outcome I would like to have this as an agenda item to approve the funding. He solicited Council's input relative to any objections with that suggestion.

Dixon: I don't have a problem with calling another TIRZ Board meeting. The question I

would have, logically, why wouldn't they have tabled it if they had more questions.

Hayden: The idea of tabling it never came forward. I just thought they might have unanswered questions for reconsideration. We don't have to go that route. However, I would like to put it on the agenda at the next council meeting.

Dixon: If there are unanswered questions, I want the questions to be answered. So I don't have a problem with having another TIRZ Board meeting especially if there are any questions that are not answered.

Hayden: Asked Mr. Stathatos what he recommends.

Stathatos: I reached out to them this afternoon by basically putting the ball in their court by stating if you have any unanswered questions please let me know, and the goal was to have another meeting next week. If it okay with Council I would like to give them a couple more days to see whether or not they need additional information and I'll keep Council in the loop and will proceed with putting it on the December 16 Council agenda. Whether or not there is a TIRZ Board meeting or not, it will still be placed on the agenda for Council consideration.

Hayden: Asked for an update regarding the dog Park.

Stathatos: Staff is looking at alternative locations. We already went through a major analysis of a lot of different parks to look at what would fit, cost, and impact with respect to trees. We are still in that mode of looking at different opportunities. It is still on the capital improvement project list. We are still in the evaluation mode.

Hayden: Asked for an update on the community meeting about Rheudasil Park.

Stathatos: Basically every speaker was against a lot of the planned improvements. The general sentiment was that it would be more appropriate for the neighborhood to pick what amenities were put into that park. That is where they left it. Staff will continue to move forward and it would be great to incorporate resident interest into an amenity but at the end of the day we are obligated to recommend to the PALS Board what we feel is best for the entire Town of Flower Mound. The general take away is they are not real excited about some of the major amenities that the PALS Board and Town have championed for the past 5-6 years.

Hayden: To Ms. Stephenson's point, Rheudasil Park is one of the most used parks in Town. So at this point staff is going to take some of the recommendations from the residents and go back to the PALS Board to see if there is some kind of cohesiveness in these recommendations.

Stathatos: Yes.

Walker: I was also concerned about clearer definitions related to community and neighborhood parks, and whether or not the Town's parks Master Plan shows an integrated parks system. I think it is very important going forward, to include even Rheudasil, that when these items are presented to us for additional funding or improvements, that we have a clear understanding that these are all not neighborhood parks. The taxpayers of Flower Mound support the maintenance and operation of these parks. I live in an HOA. We have an HOA Park. We also have a Town park near us and that's a facility that is not just for Bridlewood residents. I don't know how

clear that is to the public and the definition should be clear, especially when everyone is paying for operations, maintenance, and improvements.

**H. CONSENT ITEMS**

Councilmember Dixon moved to approve by consent Items 1 – 16. Deputy Mayor Pro Tem Webb seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

1. **Consider approval of the minutes from a regular meeting of the Town Council held on November 4, 2013.**

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on November 4, 2013.

2. **Consider approval of canceling the January 20, 2014, regular meeting of the Town Council.**

**RECOMMENDATION:** Move to approve canceling the January 20, 2014, regular meeting of the Town Council.

3. **Consider approval of the 2013 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.**

**RECOMMENDATION:** Move to approve the 2013 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.

4. **Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2013, and ending on September 30, 2014, as adopted by Resolution No. 23-13.**

**RECOMMENDATION:** The Town Council acting, as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District, moves to approve a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2013, and ending on September 30, 2014, as adopted by Resolution No. 23-13.

**RESOLUTION NO. 28-13**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, AMENDING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER**

**30, 2014, AS ADOPTED BY RESOLUTION NO. 23-13; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

5. **Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2012, and ending on September 30, 2013, as adopted by Ordinance No. 40-12 and amended by Ordinance No. 56-12, Ordinance No. 01-13, Ordinance No. 24-13 and Ordinance No. 42-13, for adjustments to the General Fund, General Debt Service Fund, Utility Fund, Stormwater Utility Fund, Department of Justice Seizure Fund, and the Health Insurance/Flex Account Fund.**

**RECOMMENDATION:** Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2012, and ending on September 30, 2013, as adopted by Ordinance No. 40-12 and amended by Ordinance No. 56-12, Ordinance No. 01-13, Ordinance No. 24-13 and Ordinance No. 42-13, for adjustments to the General Fund, General Debt Service Fund, Utility Fund, Stormwater Utility Fund, Department of Justice Seizure Fund, and the Health Insurance/Flex Account Fund.

**ORDINANCE NO. 59-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2013, AND ENDING ON SEPTEMBER 30, 2014, AS ADOPTED BY ORDINANCE NO. 45-13, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, UTILITY FUND, STORMWATER UTILITY FUND, CHAPTER 59 FORFEITURE/SEIZURE FUND, IRS EQUITABLE SHARING FUND DEPARTMENT OF JUSTICE SEIZURE FUND, NEIGHBORHOOD IMPROVEMENT FUND, VEHICLE, EQUIPMENT & TECHNOLOGY REPLACEMENT FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

6. **Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2013 and ending on September 30, 2014, as adopted by Ordinance No. 45-13 for adjustments to the General Fund, Utility Fund, Stormwater Utility Fund, Chapter 59 Forfeiture/Seizure Fund, IRS Equitable Sharing Fund, Department of Justice Seizure Fund, Neighborhood Improvement Fund, and Vehicle, Equipment & Technology Replacement Fund.**

**RECOMMENDATION:** Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2013 and ending on September 30, 2014, as adopted by Ordinance No. 45-13 for adjustments to the General Fund, Utility Fund, Stormwater Utility Fund, Chapter 59 Forfeiture/Seizure Fund, IRS Equitable Sharing Fund, Department of Justice Seizure Fund, Neighborhood Improvement Fund, and Vehicle,

Equipment & Technology Replacement Fund.

**ORDINANCE NO. 60-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2013, AND ENDING ON SEPTEMBER 30, 2014, AS ADOPTED BY ORDINANCE NO. 45-13, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, UTILITY FUND, STORMWATER UTILITY FUND, CHAPTER 59 FORFEITURE/SEIZURE FUND, IRS EQUITABLE SHARING FUND DEPARTMENT OF JUSTICE SEIZURE FUND, NEIGHBORHOOD IMPROVEMENT FUND, VEHICLE, EQUIPMENT & TECHNOLOGY REPLACEMENT FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

7. Consider approval of an agreement with Southwest Securities, Inc. for financial advisory services, and authorize the Mayor to execute said agreement.

**RECOMMENDATION:** Move to approve an agreement with Southwest Securities, Inc. for financial advisory services, and authorize the Mayor to execute said agreement.

8. Consider approval of a resolution authorizing the adoption of the Program Year 2012 Consolidated Annual Performance & Evaluation Report for the Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

**RECOMMENDATION:** Move to approve a resolution authorizing the adoption of the Program Year 2012 Consolidated Annual Performance & Evaluation Report for the Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

**RESOLUTION NO. 29-13**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF FLOWER MOUND'S PROGRAM YEAR 2012 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING AUTHORIZATION FOR THE MAYOR TO EXECUTE SAID REPORT; AND PROVIDING AN EFFECTIVE DATE.**

9. Consider the award of Request for Bid 2014-4-B for street sweeping services to Flagship Sweeping Services, Incorporated at the price per service bid for an estimated annual amount of \$18,095.24.

**RECOMMENDATION:** Move to approve the award of Request for Bid 2014-4-B for street sweeping services to Flagship Sweeping Services, Incorporated at the price per service bid, for an estimated annual expenditure of \$18,095.24.

10. Consider the award of Request for Bid 2014-2-B for the purchase of water meters and meter reading equipment, on an as-needed basis, to Neptune Technology Group, Incorporated, at the unit prices bid, for an estimated expenditure of \$524,917.00 over the two-year contract period.

**RECOMMENDATION:** Move to approve the award of Request for Bid 2014-2-B for water meters and meter reading equipment to Neptune Technology Group, Incorporated at the unit prices bid, for an estimated expenditure of \$524,917.00 over the two-year contract period.

11. Consider approval of an Ordinance amending Appendix A "Fee Schedule," referenced in Chapter 70, "Utilities," Section 70-56(d), entitled "Water Meter Fee Schedule" of the Code of Ordinances of the Town of Flower Mound, Texas, by adopting a new "Water Meter Fee Schedule."

**RECOMMENDATION:** Move to approve of an Ordinance amending Appendix A "Fee Schedule," referenced in Chapter 70, "Utilities," Section 70-56(d), entitled "Water Meter Fee Schedule" of the Code of Ordinances of the Town of Flower Mound, Texas, by adopting a new "Water Meter Fee Schedule."

**ORDINANCE NO. 61-13**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A "FEE SCHEDULE," REFERENCED IN CHAPTER 70, "UTILITIES," SECTION 70-56(d), ENTITLED "WATER METER FEE SCHEDULE" OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY ADOPTING A NEW WATER METER FEE SCHEDULE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

12. Consider approval of a Professional Services Agreement for the Master Plan design of The Heritage Park of Flower Mound Phase II project, with Schrickel, Rollins and Associates, Inc., for a not to exceed price of \$50,456.00; and authorization for the Mayor to execute the same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement for the Master Plan design of The Heritage Park of Flower Mound Phase II project, with Schrickel, Rollins and Associates, Inc., for a not to exceed price of \$50,456.00; and authorization for the Mayor to execute the same on behalf of the Town.

13. Consider approval of the purchase and installation of data cabling, communications equipment, and IP licenses, for the Operations & Maintenance Facility project, from

**Black Box Network Services, in the amount of \$124,770.00.**

**RECOMMENDATION:** Move to approve the purchase and installation of data cabling, communications equipment, and IP licenses, for the Operations & Maintenance Facility project, from Black Box Network Services, in the amount of \$124,770.00.

14. **Consider approval of an Interlocal Cooperation Agreement with Denton County for provision of library services for the benefit of the citizens of Denton County, and authorization for the mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Move to approve an Interlocal Cooperation Agreement with Denton County for provision of library services for the benefit of the citizens of Denton County, and authorization for the mayor to execute same on behalf of the Town.

15. **Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park, during the 2014 Independence Fest. (*The Parks, Arts and Library Services (PALS) Board recommended approval by a vote of 5 to 1 at its October 3, 2013, meeting.*)**

**RECOMMENDATION:** Move to approve the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park, during the 2014 Independence Fest.

16. **Consider approval of a Professional Services Contract with Promoter Line, Inc., to provide professional event production and planning services for the 2014 Independence Fest, in an amount not-to-exceed \$196,200.00, from December 2, 2013, through December 1, 2014, with the option of four one-year renewal terms; and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Move to approve a Professional Services Contract with Promoter Line, Inc., to provide professional event production and planning services for the 2014 Independence Fest, in an amount not-to-exceed \$196,200.00, from December 2, 2013, through December 1, 2014, with the option of four one-year renewal terms; and authorization for the Mayor to execute same on behalf of the Town.

**VOTE ON MOTION**

**AYES:** Wise, Dixon, Levenick, Webb, Walker

**NAYS:** None

**I. REGULAR ITEMS**

17. **Public Hearing to consider approval of a Chapter 380 Incentive Agreement with River Walk Marquis LP, a Texas limited partnership, and authorization for the**

**Mayor to execute same on behalf of the Town.**

**Staff Presentation**

Mr. Mark Woods gave a presentation identifying or noting:

- Agreement is with Ranier Medical
- They are constructing a 27,000 square foot medical building within the River Walk Medical Park
- The building is currently under construction along 2499
- Ranier has requested economic development incentives to assist in recruiting four medical specialties to lease space within their building. These medical specialties would be new to Flower Mound ( North Dallas Eye Associates, United Dermatology and Associates, and a Women's Imaging Center)
- The requested incentive is a waiver of the difference in road impact fees from the office classification (which has already been paid for by Ranier), and the medical office classification (which would be paid as these tenants occupy space). The difference going from office to medical is about double in road impact fees so they are requesting a waiver of that difference.
- In total, the four medical tenants would lease about 10,400 square feet, would add 30 jobs with an average salary of \$141,000
- To be in compliance of the 380 agreement the four tenants must occupy space for a period of five years after the issuance of a CO by the Town. If they leave before that five-year period is up then Ranier Medical must repay the waiver attributable to that tenant's leasable space.
- Cost benefit analysis for the Town over a five-year period shows a benefit to the Town of \$493,000 and a cost of \$27,197 for the partial fee waiver for a net benefit of \$466,000
- The medical specialties will be beneficial to the neighboring hospital and these specialties also have the potential for hotel room night demand for a future hotel that might come to the River Walk.

Levenick: Does it have to be those four specific tenants for a period of five years or can they bring in a similar tenant or sublease it to another tenant?

Woods: Those four tenants have to be there for five years.

Hayden: Extended an invitation for the applicant to present.

**Applicant Presentation:**

Bill Resch, Rainer Medical Investments

We're excited about what's going on in the office building and we're excited about bringing in these new tenants to Flower Mound and adding medical specialties such as plastic surgery, eye specialist, dermatologists group, and a women's imaging center.

Hayden: The property we are talking about is adjacent to the hospital on 2499. It's

basically the entrance building to the River Walk. He asked the applicant how the rest of the project is going.

Resch: It's going well and he outlined some of the activity stating that with letters of intent and leases we are at 90% on that building. On the attached building we are at 70% and there is interest on starting a new building by another medical group that would take the ground floor of one building. The activity is good and we are pleased with the new building. The scaffolding is expected to come off mid-December and we hope to be wrapping up that building by the end of the month or middle of next month.

Mayor Hayden opened the Public Hearing at 6:43 p.m.

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 6:43 p.m.

Councilmember Levenick moved to approve a Chapter 380 Incentive Agreement with River Walk Marquis LP, a Texas limited partnership, and authorize the Mayor to execute same on behalf of the Town. Mayor Pro Tem Dixon seconded the motion.

#### **VOTE ON THE MOTION**

**AYES: Walker, Webb, Levenick, Dixon, Wise**

**NAYS: None**

Mayor Hayden opened items 18 and 19 at the same time.

- 18. 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, and to consider adopting an ordinance providing for said amendment. (*The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its November 11, 2013, meeting.*)**

### **Staff Presentation**

Mr. Dalton and Mr. Powell gave a presentation identifying or noting the following information which was also presented at previous meetings or via other updates:

- Typical process (1994 Example)
- Land use categories and associated definitions and corresponding map
- Implementation plan
- Zoning map
- 1994 plan revisited
- Master Plan 2001 - process and result
- Master Plan Review 2006 – process, charge for the committee, and result
- 2013 Strategic Planning Session (goals of the project defined) followed by Our Master Plan project and results
- Comprehensive Plans in Texas
- Relationship between Master Plan and Development Regulations
- What is a Land Use Plan
- Past Master Plans (1982, 1986, 1994, 2001)
- Open Space Plan
- Current Master Plan
- Purpose for reviewing the Master Plan, noting it’s been seven years since the last revision
- Master Plan Amendment Applications processed (since 1994)
- Focus areas
- Community engagement process
- Engagement opportunities
- Communication resources utilized
- Timeline
- Our Master Plan Project Numbers (participation)
- Formal Review Process
- Master Plan Vision statement
- Master Plan Sections, including options for consideration and draft text amendments
  - Lakeside Business District
  - Cross Timbers Conservation District
- SMARTGrowth – Environmental Quality
- SMARTGrowth – Community Character
- SMARTGrowth – Visual Impact
- Urban Design Plan
- Calculating Density – Current Total Site Standard (min two-acre lots)
- Calculating Density – Clustering Incentives
- Use of Open Space – Example

- Open Space Plan (defined)
- Sewer
- Entitlements
- PD Standards

Town Council recessed at 8:49 p.m. and reconvened at 9:02 p.m.

**Council Discussion:**

Walker: After we hear what the citizens have to say and questions are asked I would like to make sure we have available to us the existing language, the changes, and why those changes were made.

Hayden: Offered the observation that all of the potential changes are being presented in one motion. It seems like it's too sweeping for one motion. There should be multiple motions for this because it's either you are for or against for the whole thing and some members of Council might be in favor of some parts but against other parts. We've talked about a mixture of uses but I'm not really sure that people understand exactly what the mixture of uses is and how we have an ordinance for the mixture of uses which is defined in that ordinance. He asked for clarification in that people are allowed to do a mixture of uses in this area and what that could entail.

Dalton: There is a mixed-use ordinance for the Lakeside DFW development and that is the new urbanism concept of stacked uses. We're talking about your conventional type of uses. You would have retail next to office, and maybe next to residential, so you wouldn't have the stacked concept that you'll see in River Walker and Lakeside DFW, or Southlake Town Square.

Hayden: If someone came forward and wanted to do a mixed-use project, we would pull out our mixed-use ordinance.

Dalton: Yes, they would have to go through the same process as Lakeside DFW in that they would have to go through a Master Plan Amendment and a very lengthy Master Plan and zoning process amendment.

Hayden: Your comment about how people couldn't do certain things, I think they can do certain things. There is a process. In the mixed-use ordinance it says it can be 49% apartment units with a variation, and if the Council approves, up to 70%. Is that accurate?

Powell: Yes.

Hayden: So my concern about making this change is we can have in the Lakeside business district, right across from Woodlake estates, without the extraordinary process that someone like Lakeside had to go through, a large amount of apartments built in the Lakeside area. I think that is a variation and deviation from the vision of the Master Plan, where it says the Lakeside Business district emphasizes high quality regional commercial development, enabling Flower Mound to effectively compete in economic development agreements, and develop a tax base which will lower the tax burden on homeowners. So I feel like it is an encouragement in that right now if you want to build apartments in the Lakeside

Business District it takes four votes. If this goes through somebody could then come through with such a development and it would only require three votes.

Dalton: It is my understanding you are referencing the mixed-use ordinance that Lakeside was applied under as it has this mix.

Hayden: Yes, that was the first time that the ordinance had been used.

Dalton: So yes, if another mixed use ordinance development like Lakeside DFW stacked residential (that concept comes through), they are going to go through that process for the mixture of uses, which is different than mixed-use, they are not governed by the mixed-use ordinance. They are governed by the proposed PD standards, which goes back to the criteria in the Master Plan, so there is not a percentage that says you can have up to a certain percentage with this new mixture of uses concept that we have introduced into Lakeside. That is not there.

Hayden: If we were going to make these changes, will this allow residential to be easier conceived and planned in the Lakeside area?

Dalton: It allows for that option.

Hayden: But there is an option now (and that is four votes of Council) that could change it.

Powell: That is correct. I was involved in the Lakeside DFW project and the mixed-use standards. The mixed-use standards are a design style. It is new urbanism, it is neo traditional, it is Parker Squarish. Part of that is not only the building, but the look of the building and the roadways, and all of those details. What the mixed-use ordinance did is give you guidelines, parameters and framework, to then come up with a plan. You have some flexibility but there are some bumpers because of the type of project. With that percentage is the mixed-use committee (landowners, developers, and citizens), when going through the process to make a really vibrant mixed use project realized, you have to have residential. You also have to have office and retail, and even institutional. So what it did at the end is put in that table with the flexibility, and it was an acknowledgment to make these things work and it wasn't prescriptive. You had to have all those type of uses to make it work. If you didn't have parks, it wasn't going to work. So that criterion was in there to make these things work. That is much different than a suburban development that has a mixture of uses. There is a process and it will be nearly the same because they will have to go through SMARTGrowth, DRC, etc. They don't have to have a Master Plan but the review analysis portion of it is going to be extensive. It's not going to be like building a single office building on 2499. It is going to be does it meet all of those criteria outlined in the Master Plan and how does it do it, and how does it show it, and all of the environmental elements of SMARTGrowth, public infrastructure, police, fire, etc. will be reviewed. So you are going to take a year-long process such as with Lakeside and it might get six months.

Hayden: I don't mind a lengthy process when we are talking about building a bunch of apartments in our Town. That is my concern for this area. I feel that there is tacit encouragement when you are requiring the votes to change this from 4 to 3 to

bring on apartments to this area. I don't think that is the vision for this area.

Powell: Pointed out that nowhere in the text does it say apartments. And actually there is a standard that says you have to show how this is a unique residential use that is not provided, and it can't be uniform in the development. All of those things it points to. We don't want to say you can't have high density, but it points to if don't come in with an apartment that is not what we're looking for because does that fulfill the Master Plan.

Hayden: This part of the Master Plan talks about business. It doesn't talk about residential. This makes it more achievable for people to do residential in this area and I think that's contrary to what was said about this being a commercial area. Further, I think that everyone would agree that apartments cost the Town more to provide services for them than we receive in tax revenue. So instead of lowering the tax burden on the homeowners, it would increase the tax burden.

Webb: Indicated he disagreed and suggested Council focus on the questions for staff.

Powell: Showed a map of Robertson's Creek and pointed out they are in PD 95 and they have C2 and R2 uses. What if you had a PD Ordinance that said you could do both C2 and R2 within 150 feet or 300 feet (you could only do these uses). Again, why would we change this standard that allows for a mixture of uses and gives us flexibility in our PD? Because we create things like this that don't really make a lot of sense going back to that. If you look at our survey cities, we do have an antiquated system of doing zoning (how to implement that vision).

Hayden: Also, no survey city has a detailed Master Plan like Flower Mound has and I think many people would argue that is what makes us unique and distinct.

Powell: What really makes us unique is that we have a Master Plan that we link directly to zoning, and we have SMARTGrowth. I don't think other cities have a plan that has the same level of detail. Other places don't hard wire their Master Plan with their land use and they don't have SMARTGrowth, which is really concurrency.

Hayden: So for the clustering portion in the Cross Timbers area and the idea of changing and going to ½ acre lots makes people nervous- that we are going to change the character of our Town, and specifically the Cross Timbers area. I would like to know in more detail how the clustering would actually enhance the open spaces and preserve that country atmosphere.

Powell: During our citizen meetings and through the surveys, there is a large group of people who want to argue that the rural atmosphere that is vindictive of the Town, but for the Cross Timbers, is 2 acre development. When reading SMARTGrowth, the open space plan, the Master Plan, it really says what defines rural in the Cross Timbers in Flower Mound is the protection of the scenic views in the corridors in these ecological areas. Based on that discussion staff was instructed to go forward. But again, even at this point in time, if the debate is whether or not we want to have 2 acre developments with horses, then yes, but we don't think that's what it says. And it is fundamental. You can have one or the other, but you can't have both. It even goes back to why we are doing this now.

Because in the last 20 years there has been no development except for Monticello. Development is coming. It's not a conservation development meaning an area that there is no development. There will be development. Should it be 2 acres or be something we think, even the Master Plan now says in the open space plan and SMARTGrowth, that when it develops we really want to preserve the scenic views in those ecological areas. He pointed out thing change once you put property in a fence or you give it to that person. The Town has an incredible tree preservation and protection ordinances. It works until the developer or the homebuilder hands a key over to the property owner. At which point he can cut down any tree. So the question is, if you put in all of this ecological area, as demonstrated on a map, in people's back yard – what happens to it. We believe it degrades over time. So what has been discussed is, do you do this – density neutral. The same number of lots, but on that environmental area (and in this case scenic areas) you ask if this is the preferred development pattern. This would be to encourage this.

Hayden: So I'm getting more open space with this as opposed to doing the one house and 50% conservation (one house per acre).

Powell: Remember the examples. It really is fascinating. You take this (full site development with a minimum of 2 acres). Theoretically you get 36 lots. If you do this (which is the conservation and the preferred), which is the thing that SMARTGrowth said should be incentivized you just lost 4 lots. Why is that? The reason being is the way the conservation development is written, it says you take the property right off the bat 50%. It's not take the property less flood way, etc. It's take the property and less 50%. That's why Monticello had the ability to buy 4-5 acres right on 1171 in between Tour 18 and Monticello (their entrance). They couldn't make the numbers work. Their percentages dropped down to 49% open space. But in Flower Mound we don't allow for flexibility. For all of that open space language that Tommy read it said here are some criteria and it will be decided at the time of zoning. This is the same idea. What is the criterion? What are we trying to look for? And then we're going to do this at P & Z. Again, I went through that. All you are going to get in clustering is 36 lots (your base density and you can go up from that). Going back to the next question – what can't we do? We need at least 50%. If you do that (or 60%) the only thing you are doing is driving the lot sizes down to ½ acre. That's why when people looked at this early on and they said wow, instead of getting 50%, I can get 60% if I go down to half-acre lots. Why wouldn't we do that?

Hayden: I asked one of our former mayors (Gary Pressler) why there are not sewers in the Cross Timbers area and he responded he didn't support it because of the costs, especially due to the pump stations that will be required because of the slopes. The Town wouldn't pay for the cost of sewer, it would be on the backs of the developer when it went in.

Powell: We're even going to make the developers pay for the study. Development means extending water, sewer, and roadways. The Town doesn't do that, for the most part. And this is a practice throughout the country. If you have a piece of property you want to develop, you extend the water line; you upgrade the street, etc. Development is about putting in the infrastructure.

Hayden: Once you put it in the Town is responsible for the maintenance of it so there would be costs down the road.

Powell: That maintenance would be covered by the cost of service for those in that area. There was a question that came up as to what happens to existing homeowners and businesses, such as Christina's, the mobile home park, and the packaged treatment business. Would that be a good thing if they were on public sewer? So the idea that there might be opportunities to add existing developments onto sewer is there. The idea is to allow that flexibility, but we don't think it's ever going to be mandated, but we can't say that with certainty.

Hayden: LISD owns 30 acres of land out there and I think the reason why there never has been a middle school is because there has been a hurdle in that that can't attach onto sewer.

Powell: The Town has talked about not developing in the Cross Timbers, but it is going to develop, whether we changed the Master Plan or not. Where are those kids going to go to school?

Hayden: That is something to consider. This area is going to start experiencing considerable development. I know we've had people come to us and they are presenting plans about doing things and the land owners want to have their property develop. A real impetus is 1171 going from 2 lanes to 6 lanes.

Powell: So you have to make sure we have the tools in place to make sure we have the outcome that we want. If the outcome that we want is 2 acre lots, let's stop. But if the outcome we want is preserving those corridors and view sheds, and those ecological areas, then I think we have to go forward.

Hayden: We have to continue to convince residents that the tools are not being used to change the vision. Mr. Pressler stated another reason they didn't want sewer out there is because they were concerned another Council might come in that had a desire to increase density dramatically in that area. This was a way to help control that.

Hayden: Presented photographs of an example of a passive park he would like to see go out west (Ritter Park - Huntington, West Virginia). He commented that the only way the Town would be able to have a park out west would be for someone to donate the land because the Town doesn't have the budget. He also defined the difference between an active and passive park.

Mayor Hayden opened the Public Hearing for items 18 and 19 at 9:35 p.m.

### **Public Participation**

Rick Lust, 3805 Ridgecrest Dr, Flower Mound, TX 75022

Mr. Lust pointed out how Flower Mound has the best of country and urban development. That's how we market itself. That is what makes us different from any other suburb in North Texas. Now the question becomes how we can keep that dichotomy for the future. The urban side is being taking care of nicely. My fear is

the country side of the equation. What tools do we have to assure the citizens of this Town that in the future this dichotomy will not be eroded to where it's 90% urban and just a small portion is the best of the country that we enjoy today. He pointed out the reason the Town has done so well in preserving the country part of the Town (Cross Timbers Conservation District) has to do with the absence of sewer being used as a tool. He provided background information that led to that decision. He indicated he was opposed to the last portion of the Master Plan amendment number 18, section nine (wastewater plan by adding Cross Timbers District as a wastewater service area). He asked Council to reaffirm their support of the Master Plan and not change one of the basic fundamental core principles of that plan that gives us the logo that we are looking at today (the city – the country). We are unique and if we compromise that we will lose our unique signature and it's a huge part of what Flower Mound is and why people come here. He noted the vision has remained consistent for over 30 years.

Gerald Robinson, 6920 Hidden Valley Rd, Flower Mound, TX 75022

Mr. Robinson provided feedback in the way of communication. He indicated for serious matters he likes to communicate in person, and he gave the example of a positive opportunity when Deputy Mayor Pro Tem Webb had a meeting to discuss this issue. It allowed for a conversation and interaction to occur. For the park proposal he indicated he was acceptable to a passive park in the Cross Timbers Conservation District as long as it would have a rural feel. He pointed out he was concerned about where the Town is going with the Cross Timbers Conservation District. For Section 1 and the Land Use Plan, the Cross Timbers Conservation Development, and the wording that Councilmember Walker talked about (what was deleted and what was added). You stated moderate increases in density may be appropriate in combination with cluster developments and then you struck the words "conservation easements and or other conservation techniques". He questioned why those words were removed. For the density incentive of 50% (clustering) (50 ½ acres and four are 2 acres and 33 buildings), so we have a 50% increase in density and we have a 6% increase in open space. He questioned if the language, in that particular example, was maximizing open space. He didn't think it was. He is concerned about taking the Cross Timbers and trying to apply urban conservation techniques to a rural area. One of the examples was the Sanctuary, which is a great conservation development. It's a great urban conservation development. You see all the trees and all the streets are named after birds. When you drive in there you are seeing concrete roads, sidewalks, gutters, etc. They are wonderful homes but the protected spaces are not much different than other areas of Town. He indicated his concern is there is not enough control in place. He supports cluster develop, but only if he is certain we will get more open space for it. I would support an increase in density if there was the right amount of open space. I do not support active parks (i.e. lighted ball parks). I do not support sewer and there have been a lot of studies with central wastewater systems that are utilized with these developments and they would be much more economical and controlled for the developer and for the Town.

Rob Paul, 1916 Reserve Ct, Flower Mound, TX

Mr. Paul indicated he is the Dallas Fort Worth Division President for Toll Brothers Homes. He stated he is a 12 ½ year resident and owns a piece of property over 5 acres. He added he lives here because of a lot of the reasons people are talking about and stated he would like to see the area in the center of Town protected. And protected by helping to incentivize the people that will be doing the development within this Town. Development is coming. There was talk at P & Z about the supply and demand curve. It's here. The cost of housing and the limited availability of land, with the population and job growth in Dallas-Fort Worth. This part of Town will in fact be developed. We are working hard to do a project. It is over 268 acres. It's on the east and west side of Flower Mound Road. We underwrote that project doing 2 acre lots on the entire site. That does not protect open space or view corridors. That fully develops the entire site and I don't think that's what any of us want. The example used by staff tonight showed that we are actually de-incentivized to use the current conservation ordinance. I get fewer houses. It doesn't make financial sense. There was talk about how the changes tonight are going to conserve the Cross Timbers. Well the Cross Timbers are beautiful because of the open space that is there are today (pastures and trees). The conservation is not protected by doing a series of 2 acre lots across the Cross Timbers. I also heard someone say tonight they want to preserve the cows. I want to preserve the cows. Cows are not preserved on 2 acre lots. Our 268 acre site with some of the open space ideas that were planned tonight, 140 acres could be dedicated to a permanent cow pasture along Flower Mound Road with a view of those black angus cows grazing. It could be there forever. The changes proposed are good because what it does is incentivizes the builders and developers to protect the things that make it as beautiful as it is. I am open to continuing the discussion on the caps (the 1.6, the 40%, and the 60%).

Hayden: For the 268 acres you purchased, how important is it for you to have sewer for that development to be successful?

Paul: We purchased the land knowing that we could and will develop it under the current allowances, which is absolutely no sewer. For our earlier application that has been tabled, we have already done a sewer study, and there are hundreds of units of available sewer within that section of the Cross Timbers. I didn't touch base on the transitional zoning that we are talking about. The Cross Timbers is a very large area and there are sections of Town with very large lots that are much more rural than others. The Cross Timbers consist of portions East of 3040. It borders Wellington. It borders Rock Pointe Church. It borders an elementary school. That is an area where transitioning can take place. There is also sewer capacity. The far West side of our property touches five 5 and 10 acre lots, so you do have to give some thought to transitioning along this area to keep the people who already live there and have already purchased and made the investment happy. At the same time keep in mind there is part of the Cross Timbers that touches churches, schools, and 8,000 sf lots. There is an area where some of the transition can take place. In answer to your question, sewer is very import, and from what I understand the State of Texas does allow septic systems on lots as small as a ½

acre. But the sewer is pretty important. Right now sewer impact fees are charged with every building permit and that is to reimburse the town for the infrastructure improvements that have already been put in place. So for a builder to go into a location where they either have to pay for the sewer to be done and stall the lift stations, or through the use of impact fees, reimburse the improvements with the expansions that had to be done, that's our regular course of business and something that is perfectly normal.

Gabrielle Schweikart, 3915 Raintree, Flower Mound, TX

Ms. Schweikart commented she moved to Flower Mound 18 years ago because of the beauty of the area. Her vision is to leave it the way it is. She doesn't want to see ½ acre lots, 7-Elevens, or sewer. Septic has been there for years and they get along just fine. She also questioned building around the gas wells, and the variances that are in place for that. She is opposed to items 18 and 19.

Hayden: For your comment about no ½ acre lots, even if you could be convinced that it would preserve open space?

Schweikart: I don't want to see half ½ acre lots. I want to see the cows. Any kind of construction is going to disturb the wildlife.

Mary Kaiser, 2924 Dumas Ct, Flower Mound, TX 75022

Ms. Kaiser indicated she is against items 18 and 19. She pointed out she doesn't want lights or houses. She realizes its inevitable things will change. She's not for ½ acre lots. With respect to a park out west, she stated they live in a park with the trees, stars, and animals.

**6** Greg Santschi, 6405 Meadowcrest Ln, Flower Mound, TX 75022

Mr. Santschi pointed out the marketing of the proposed changes is about content. You see a sign out there about Master Plan. It doesn't convey the message about what is really going on. If you were out there you would be targeting to the people that are affected. The campaign should have started with us so we could be involved. He stated there wasn't an option to dislike on Facebook. He commented when you start talking about density, you have to talk about sewer. When you start bringing in sewer, you're going to get commercial. I am against sewer coming into that area. By doing so you'll eliminate the temptation of high density for that area. He requested the item be tabled, study it, and come up with a better plan.

Jay Frappier, 2600 Long Ln, Flower Mound, TX 75022

Mr. Frappier indicated he's lived in Flower Mound for almost 22 years. He indicated he's having difficulty with the one size fits all for the motion. He commented that many of the people out west didn't know about the meeting until the P & Z

meeting. He recited the notice process the Board of Adjustment has and how his contiguous neighbors were notified of his application request for a change. If the sewer systems are built by the developers and dedicated to the city, then why would we consider having that open space dedicated to the city? I'm sure the answer is money. It costs money to maintain those sewer systems. If you're going to do it right, where I grew up outside of Philadelphia in the suburbs, we had a neighborhood that had all kinds of open space and it was owned and maintained by the city. Everybody was confident that it would stay maintained. He indicated being against 18 and 19, but he could live with one-acre lots if it didn't change the character of the neighborhood. I can't agree to it now because I don't know how it would look and there is not enough clarity to me as to how it would be used.

Ken Scheepers, 6505 Burning Tree Dr, Flower Mound, TX 75022

Mr. Scheepers stated that for the issue of communication he thinks a poor job was done conveying the true message of what is being talked about tonight. He urged Council to either table or postpone this item for a period of time or break it up so it's not all being approved with one motion. For sewer, he stated being in agreement with what has been said already.

Michael Redenbaugh, 2601 Driftwood, Flower Mound, TX 75022

Mr. Redenbaugh stated for the feedback on communication he would have really gotten to the point and made it simple. Join the discussion is a pretty vague message. I think we could have stated something like "your Master Plan is being revised – get involved" and put more than one sign in the conservation district. He stated Facebook doesn't have a dislike button. He offered thanks to Council, P & Z, and staff because there are many perspectives and that presents challenges. He appreciated the perspective that Councilmember Webb brought forward with respect to having a dialogue and commented that questions on a screen is not a dialogue. He offered various questions as to things the residents want to know and what needs to be explored. As far as development I know it's coming and we need to figure out the right ways to have it come. I like clustering if it leads to more open space. He questioned the details on the proposed calculations. We need hard parameters. Is it one house for every two acres, or one house for every acre and a half (what is that ratio), and what's the minimum of open space. How much more open space are we trying to achieve if we're trying to incentivize that. We need to clear up the issues with sewer and septic and who really looks over this land. Is it the HOA? I'm uncomfortable with that.

Jim Wells, 5054 Westgrove, Dallas, TX 75248

Mr. Wells spoke in support of allowing mixed uses for the Lakeside area, and even more so not excluding residential or retail uses without the other development that takes place there. He would like to make sure the whole Lakeside area is successful and in order for that to come to fruition, in his opinion, you have to have rooftops around it to support a 24-hour retail use. He gave the example of the corporate user of State Farm and the City of Richardson and how their group had the

foresight to zone the property to attract large corporate users, retail, and multi-family (in this case). Even with employing 8,000 people in one spot, State Farm was concerned about having rooftops around to attract the retail users that are interested in a 24-hour live, work, and play environment. That is where the focus needs to be for this area.

David Lewis, 2207 High Point Dr, Carrollton (soon to live at 2200 Bayshore Dr, Flower Mound, TX 75022

Mr. Lewis gave background information about how Carrollton transitioned from a rural to highly congested city and that is one of the reasons they are leaving Carrollton. He noted they were attracted to the balance of urban and rural atmosphere in Flower Mound. How you maximize the open space relative to the density, you can see that about one acre would optimize the density and open areas. He stated being bothered by the packaging of all areas as one unit. He suggested to present them separately and work in as needed so there could be something like a line item veto.

Wayne Masters, 2100 Bayshore, Flower Mound, TX 75022

Mr. Masters stated he was President of The Landing HOA. He pointed out that he, and many of his neighbors, invested money in their property and felt assured that due to the Master Plan the country atmosphere would prevail. For the feedback on the communication, most of us pay attention to something very specific, something like if I saw a sign that said "Master Plan has proposed changes" I would gotten involved at a much earlier date. We didn't find out about it until the day of the P & Z meeting. This plan overall has a feel of what do we need to do about development in our area. Development may advantage some but disadvantage others. The protection we thought we had seems to be pretty fragile right now. I would strongly suggest that you separate the Lakeside and Cross Timbers issues. We know it's going to develop. It would be worth our time to table this, and then study it quite a bit more to determine what is the best use of these devices to maintain something that doesn't get much below an acre lot. It is not clear to me who owns the open land and what level of maintenance do you mean by maintaining it. If you maintain it to the point of edging and mowing then you've lost the conservation process.

**13** John Todd, 5600 Wichita Trl, Flower Mound, TX

Mr. Todd stated he's lived in Town for 35 years. He's served on P & Z and spent many hours setting up the Town like people like to have it. He pointed out when he was on Council JC Penney was moving to the Dallas area. Rooftops was not their concern. Getting in and out of Town was their concern. He stated at that time 2499 was not in and you didn't have the road down to Grapevine. They were considering the corner of 3040 and 2499 where Walgreens is. But they couldn't do it because of traffic. It wasn't about rooftops. The second thing you need to

consider is everybody, including yourselves, moved here because of what you saw and liked with the type of living we have here. Bringing in a lot of people brings in problems. They are going to come and you need to consider on the west end of Town we probably have 5 square miles to be developed and let it go there to start out with. There are no trees. They have their own transportation. They have sewer capability. You also need to consider all of this property around the conservation area. People have homes and property there and with average values probably \$500,000 and up. Who would go out there and spend a whole lot of money if you're going to have clustering and high density homes sitting across the street from you. Take into consideration what is already there, and the people in the audience that told you they don't want it, as well as those that would be here if they knew what was going on. I think the communication was a little weak in that it should have said "come and join the discussion because we are possibly going to change the Master Plan, and maybe bring in sewer". You should divide the Lakeside part of this separate from the conservation area. I am definitely against part 18 and 19. If we are going to cluster let's still make any of those lots less than 1 acre at the very least.

Stan Martin, 6505 Frontier Dr, Flower Mound, TX 75022

Mr. Martin stated he is an 11 year resident. He appreciated what Mr. Lust said about the logo, but at the same time we need to be thinking about the landowners. The thing that makes my drive out to Shiloh road so great is the fact that the people who own the property along 1171 take such wonderful care of it through the years. I enjoy seeing the horses and cattle. He offered thanks to them and stated we need to consider them when making decisions because their property has become valuable and they may want to sell it and move on at some point. I think we do need to break this thing up. It's extremely complex. The Cross Timbers part needs to be considered individually and take some time to do it and do it right.

Sherillyn Flick, 3220 Miracle Ln, Flower Mound, TX 75022

Ms. Flick indicated she has been a resident since 1995. She offered appreciation for the meeting held by Deputy Mayor Pro Tem Webb. For item 18 she stated she is opposed to dismantling the five unique Cross Timbers Districts that were put in place for a reason. She is opposed to changing the name to Cross Timbers District Area Plan which effectively eliminates the word conservation, which is what these districts are all about. She is also opposed to section 9.0 by making the Cross Timbers Conservation District a wastewater service area. The majority of residents in this area do not want sewer. I feel that this Council is somewhat ignoring and not fairly representing the majority of residents that live in the Cross Timbers. The Cross Timbers vision is to preserve the scenic vistas and open spaces. The proposed amendment is lowering the Town's development standards against the wishes of the residents. I oppose these changes to the Master Plan. Land use plans are based on community input. Are you interested in representing developers or the community?

Nathan Whaley, 6809 Raintree Pl, Flower Mound, TX 75022

Mr. Whaley commented many people had some amazing things to say. He pointed out they have something special out west. The point is there are a lot of different views on this. You guys have to hold off on voting on this. We have to figure out a way. I am happy to be involved in some type of third-party group. We have to make sure both east and west sides are involved. We need to step back and regroup and make the right decision for everybody.

Patsy Mizeur, 1821 Castle Ct, Flower Mound, TX

Ms. Mizeur commented she lives on the east side of Town where they have sewer. She stated being angry that Deputy Mayor Pro Tem Webb met with the people from west Flower Mound. I wasn't invited to that meeting. I read signs in Town. I read information that comes in my water bill. You are not elected to represent just the people of west Flower Mound. You are elected to represent all the people in Flower Mound. She commended the entire Council for getting a Master Plan review that included the populist of Flower Mound and stated there were 300-400 people come out to that, which she believed is the most amount of people that had ever been to a Master Plan review. I am thankful that somebody sold the property that my house sits on so I can live in this utopia we call Flower Mound. I do love Flower Mound and I love the vistas when you drive out West. Every day I listen to the news and hear how our rights are being chiseled away. I worry about the people who have lots of acreage in Flower Mound and who have property rights because I feel like they are not being represented here today. For those who enjoy the view she suggested they could put up the millions of dollars to buy it and never develop it. For that reason she commented that the clustering is a great idea. This is the way to preserve the trees and keep the scenic beauty. I do not want this tabled. It has been five months. We are trying to rid ourselves of the reputation of Flower Mound being a dig your heels in nothing happening town. You guys were elected to do that. I would like to see it happen this evening. I am for the clustering of houses. I think it is what is best for everybody in Town.

Wayne Yarbrough, 6300 Cross Timbers, Flower Mound, TX 75022

Mr. Yarbrough stated he is for the growth and stated it's been too long already. He offered appreciation to the work of staff. He pointed out we can't overlook the people that own the land as we drive by it. They have a right to development. I think the SMARTGrowth and the 2 acre thing is never going to work. No one is going to develop it. It needs to be smaller lots. I think ½ acre lots are fine. We have some beautiful neighborhoods. I hear Canyon Falls is going to be really nice and there is tax revenue gained out of that. I think the city needs the revenue. We need people to come in and use the roads and shop our stores. As far as the traffic on 3040 compared to 1171, we built this beautiful highway and it cost a lot of money. It was built to handle a lot of traffic so I don't see a problem there. I love Flower Mound too and the way it looks. I spoke to a man who said he came here 35 years ago because he loved the country and farm life out here. A lot of things

have changed in 35 years, and not for the worst. It's gotten better.

19 Kendra Stephenson, 2321 Roadrunner, Flower Mound, TX 75022

Ms. Stephenson commented there have been a record number of people involved in the Master Plan review. When making decisions tonight don't leave those people out of the equation. We all have investments in Flower Mound (i.e. property taxes, sales taxes). For Lakeside it's not developing because there aren't enough rooftops down there. Companies like State Farm want to have places where their employees can live close in. So if we actually want to get campus commercial down there, or some type of large company, we need to consider some type of residential component. Should it be allowed to take over Lakeside, no. Should it duplicate property offering in other parts of Flower Mound, no. The amendments cover that. For the Cross Timbers, we have heard that sewer is the only thing that protects density increases. At one point in time that was probably true and a good tool. But now we have a supermajority required to override a Master Plan. So we have another protection that now makes the sewer protection that was put in duplicative so we don't need it anymore. In participating in the meetings it was clear that everyone cares about the Cross Timbers. The people that live to the east care about those vistas being maintained. I know that Tommy and Doug met with some well-known experts in the country about how to do that. They are all telling us this is the best way to preserve what's important to all of Flower Mound. For the people that are concerned that a conservation easement doesn't work, it does. It's very restrictive. We do have to pay for it. A developer told me if I buy a ½ acre lot in something that was zoned for one acre I'm still paying for the one acre. No, you don't get cheap houses. If you went down to a half acre those people still have to pay for the 2 acres of land because that is what went into the development. The developer doesn't give it to us for free. At the end of the day do I think this stuff was well thought through and is it helping us meet our vision set out in the Master Plan? Yes. Is it beneficial to everyone in Flower Mound? Yes. I ask, if you're going to table this tonight, ask yourself are there any questions that have been asked in this room and hasn't been asked and answered. And if it's all been asked and answered, was staff overwhelmed by a bunch of people walking into town hall and were they unable to get to all of them and answer their questions. If that's the case, that all of these people could not be addressed by Tommy, Doug, or a member of Council, then maybe you need a little bit more time. But I'm guessing that town hall wasn't swamped by people coming in with a genuine desire to understand why this stuff was happening. It's been five months and much of this stuff was being talked about since 2006. It's time to vote on it and get it done.

Jeanne Santschi, 6405 Meadowcrest, Flower Mound

Ms. Santschi questioned why the rush on this. It feels like a rush to me. I don't see where historically it's been changed this fast. When you have this much input from the community, why not wait. Let us talk about. When I hear about all these people who came to the meetings I don't think they were representing my neck of the woods because I'm hearing the contrary from my neighbors. They didn't know about it. The one sign about the discussion I saw was at the corner of 1171 and

Shiloh in front of the Fire Station. It was facing east. When I'm travelling to my house off of Shiloh Road I'm traveling west, so the sign is facing me on the other side of the road (3 lanes over). I couldn't see it. She stated having heard that a lot of the verbiage is being changed because it's covered in the SMARTGrowth and open space plan. Aren't those subject to change? How will I ever know? I want to know what's happening. For the developers bringing in the sewer, what are they responsible for? Just their development or all of the surrounding areas? She suggested that developers talk to the surrounding neighbors. She doesn't want the high density like in some neighborhoods in Town. I'm not opposed to some of the things discussed, however, I would like to have a lot more opportunity to get some real specifics about what it's going to look like.

Kathy Blair, 5113 Forest Hill Dr, Flower Mound, TX

Ms. Blair commented about two sign locations and how they were either down or you had to look directly at it to see it. She is opposed to it. It was stated that no builder would build out there, but Toll Brothers stated otherwise. It was stated that the difference between conservation areas and people privately owning 2 acres, is 2 acre lots deteriorate. I take offense to that. We take care of our property out there. Just because a homeowners association takes care of it doesn't mean it will be any better taken care of. I think putting 2 acre lots out there preserves the feel of it. I think putting little clusters will change it. For those parts of the land that the owners have developed for gas (that acreage) does that count toward the conservation area? It's like double dipping – they get to drill and maximize it out. I'm against changing it. I have been here 25 years now. I like the way it is. I'm not against change. Obviously I would have moved by now, but it sure will change the look and feel and less than 2 acres will not allow people to privately house horses on their lots. They would have to have a stable in an open area.

Charlie Cummings, 7007 Hawk, Flower Mound, TX

Mr. Cummings stated he has been waiting 11 years for this vote. I am all for the development and the clustering. I am for the sewer. I am for the growth. These folks want to look at those cows or look at those trees, buy the land. While I have it I would like to develop it and I don't see any sense in waiting. People have been working on it a long time.

Mayor Hayden closed the Public Hearing at 11:02 p.m.

**Council Discussion:**

Hayden: Pointed out that in the Lakeside area we have added almost 1,000 jobs and more likely to replicate that in the next year. I visited with several restaurants who are interested in coming to Flower Mound and to be successful they are not asking for rooftops, they are asking for daytime population. I went to one of the meetings where there were nearly 100 people and half the people at that meeting were not residents. Half of the people looked at it as their business opportunity. On the flip side, people that own their property have a right to develop it. We need to

find a balance that is acceptable to everybody and not just one group or the other.

Hayden: For the question about gas wells. What happens if you develop around the gas well? Are the setbacks for the gas well considered open space? How would the setbacks be factored into the math?

Powell: The way it is written now there is not a minimum percentage of open space. I stated at P & Z that I'll guarantee you someone is going to come in and say this is my development, unconstrained, not counting floodway, setbacks, this is how much open space I have and it's at 45%. Once you add in the setbacks for the gas well it's at 50%. Someone is going to do that. There is nothing that prevents the Council from saying we think that does or doesn't make sense. And so there is no prohibition currently for not counting those setbacks. You could write it in. But another thing you need to think about is what we're looking at is what we bring forward is this option about un-incentivizing clustering. Is it incentivizing it by taking it away or putting it in? You could say we're not going to let you count floodplain. It is one of those things that is currently not written into the standards because we have written them in for maximum flexibility, but you could write it in. You could say you don't get to count "x" or "y". But going back to the example, you have to get up to 40% increase to get back to your entitlement density of 50 lots. That is part of the discussion. If you have 100 acres, you are not going to get 50 lots.

Hayden: So for the question about the gas, it sounds like it's subjective.

Powell: The only thing that we are taking out is the floodway and any setbacks you need for roadways because you have to do that anyway.

Hayden: For the question about why the rush?

Webb: My response would be I don't feel like this has been rushed. I understand that some folks are coming to the party a little late, later than they would have liked had they known what was going on. This was a 5 month review for something that wasn't a complete Master Plan review. This was focused on 4 – 5 specific areas and those originated from Council to say these are the areas where we see a potential for issues with how things are set up now where there are pressures coming at us soon or in the medium term. Doug and Tommy used their expertise on this to keep us focused. For these reasons, and in consideration of the community involvement, I don't think it was rushed. It wasn't leisurely done. It was businesslike. They had a task to do and it brought us to tonight. There wasn't any push to bring us to tonight that I am aware of. They have gone through the research, gotten with the community, and did the analysis and put the proposals together as we have asked them to do after having a joint session with P & Z.

Hayden: I agree. I don't feel it's been rushed, however, commented that the majority of the time was gathering information and the second half of the time is actually when the proposals were presented. There has been a shorter amount of time to digest the proposals that are out there.

Hayden: For the question about sewer – what are developers responsible for – just their neighborhood or the main line that gets it in?

Powell: They are responsible for paying for all of it, which means even TRA. TRA is going to have to accept that sewer. It is no different than when TRA came into the Town and the Town worked with Northlake and Argyle to create that sewer. There are developers (Canyon Falls) in that they prepaid their impact fees, and that's how that whole thing got built. So it was the cost from when it left the house (or building) all the way to TRAs plant. What I keep saying is if there is an opportunity for the Town to provide sewer to Christina's (for example), well maybe the Town would want to pay to have more capacity in there, or for the Fire Station. That is why I don't like the discussion of its black and white or yes or no. No, it's not. What has been written in is that the development community is going to have to pay, not only for bringing the sewer, but paying for the study to make sure it can work. Again, they don't get to do the study in a vacuum because since it eventually comes to the town we're going to make sure it meets all of our requirements with lift stations in the right place, etc. There is a whole other round of discussion of where and why does it go and we have to be comfortable with it or we're not going to sign off on it.

Hayden: For the question about conservation, can you talk about Connemara and how they operate and why the Town doesn't have our own conservation area. Also, we need to realize one of the reasons why it looks so nice out there is that there is somebody mowing it and taking care of it. If it's all conservation, what is the conservation going to be? Is it just going to grow? Is grass going to be 6 feet tall? How is it going to look and is that what people are asking for?

Dalton: We have a lot of mowed and hay fields in the Cross Timbers and if it goes conservation we'll get tall weeds and grass. What I showed earlier was the open space plan and it would provide a management plan and it would talk about it in terms of districts.

Hayden: Recollected that when Mayor Smith was in office she talked about the Town trying to establish their own land trust. He asked Mr. Dalton to talk about some of the obstacles with that and why it didn't work out for us.

Dalton: Matt Woods was the lead person on that. I know the Town has talked about that option a couple of times, but in the end they looked at what we currently have and what are we currently using and it seems to be working. We haven't really run into a development that has an issue with meeting what Connemara needs in terms of what they are going to trust over. The options that were placed in the open space plan in 2001 and what we are looking at here is – when that development comes in and they can meet all of the needs, we'll send them to Connemara and say this is the group that they need to discuss it with in terms of managing this land trust. But when that landowner comes in and Connemara says that really doesn't meet our established mission, even if it's 50% or 60%, it's not something we're willing to take over. What then? The open space plan gives two more options: HOA and the Town or individuals. So that is what we're looking at here – what is the exception with something that doesn't really fit from the perspective of the willingness of a third party trust to take over.

R.J. Taylor, Conservation Director, Connemara Conservancy

Mr. Taylor pointed out he writes the conservation easements, which is a contract

between the landowner and us which dictates what can or can't be done on that land, including the need for a management plan to make sure it's properly taken care of. Anybody who has grassland is probably grazing it. You don't just lock it behind a fence and leave it alone. We have had some problems with conservation developments before where we hadn't been able to get to it so it gets overgrown and it could be a fire issue. So land needs to be managed and therefore the HOA will recognize it and has to take on some costs. A management plan spells out exactly what needs to be done to properly take care of the land. And yes, a city or municipality can be a qualified entity to accept a conservation easement, but maybe it's easier for us to do it because we're doing it full time and we have the expertise to do it - not only to write the conservation easements, to know what goes into them, working on a national basis with land trust all over the country, but also to monitor the land to make sure it's being taken care of properly.

Hayden: You have more scale and you have more experience.

Taylor: Exactly. And one of the reasons, going back to cluster development and the concept of 5 acres, is yes, you can have 2 acre lots but everybody is going to have their own management style. This way you get your green spaces, your open spaces, under a management plan with a qualified observer to make sure it's properly taken care of and they can go to the HOA. You can't with all of these landowners. As much as these landowners may love their 2 acre lots, not everyone is going to take care of them the same.

Hayden: There has to be some cost involved. How is it paid for?

Taylor: Land trusts are nonprofits, yet they have to operate as a business in order to pay for their staffing and such. We request an amount of money to write this conservation easement, which is a contract, but we also request a stewardship endowment, which is a charitable donation. In Flower Mound I'm here several times a month because there is so much to be done with the conservation developments. That costs a little more to work with a conservation development. Then landowners, and in this case the developer, is setting forth that amount. It also deals with some enforcement issues. The ability to work with the landowner (i.e. the HOA who receives the ownership of the land later) when there are issues to be taken care of or they come up.

Hayden: So in this scenario where you have 100 acres of land, and 50 acres is going to be put into conservation, that developer pays you a one-time fee?

Taylor: Correct.

Hayden: No ongoing cost?

Taylor: Correct.

Walker: We have a letter from your organization supporting the changes. Can you briefly tell us why Connemara supports these changes?

Taylor: Part of it is bringing the flexibility and putting the tools in the toolbox. This adds an additional tool because there are areas where half-acre lots would be appropriate. There are a lot of areas where half-acre lots would not be appropriate. It also adds diversity. Not everyone is going to be able to afford the house on a 1

acre lot possibly, even though there is the cost of caring all the land that is required in the conservation easement areas within the framework of the cost of the lot itself, whether it's ½ acre, 2 acres, or 5 acres.

Walker: For the operational question, you are receiving funds from either the developer and ultimately the HOA when it transitions from the developer to a resident governed Association. What are your enforcement powers in your trust agreement?

Taylor: It's whatever is in the conservation easement document. There is protection of the native plants and species in there. You're not going to be clearing out vegetation except when it's fitting in the management plan for controlling exotics and issues like that. You've got things like green briar growing up into the trees, that's a native plant but it might be detrimentally affecting your Cross Timber forest so maybe we allow for that within the management plan to clear those out.

Walker: Some of the comments we have heard is that it is nice to hear about open space, but let's say the developer for some reason did not contribute enough funds to maintain it adequately; Or when the HOA steps in now in the shoes of the developer and somehow it's been mismanaged and not the attention to detail. How do you guarantee, if possible, that that open space is still maintained in the proper state that it was initially proposed.

Taylor: We are required no matter what that funding was initially. It would be our fault for not calculating it properly but we are basing it on what we feel is the most likely scenario for how much time and costs it is going to take on our part. It's working with the HOAs and their management group (vegetation committee) to work out a management plan. There are times of the year you won't want the area mowed like a park because you'll want all the wildflowers, but there will be times when the grass is higher. You will want a regular management plan to make sure it's not losing its quality and the environmental department of your Town has worked out where these important areas are and they'll with us to make sure we put together the proper conservation easement document.

Walker: Developers are hopefully operating properly but the reason they put the money aside is there is a tax advantage to doing that.

Taylor: That would be required of landowners. There may be a benefit for the developer but I'm not sure about that. There could be a benefit with the variances the Town could be offering.

Webb: We've had some discussion tonight from some of our residents that talked about being okay with clustering, but liking 1 acre lots. Today in Flower Mound we really do have clustering with our conservation development plan that is allowed in the Cross Timbers today and that is clustering with 1 acre lots. When I hear folks say that, what I'm hearing is don't change anything. They are comfortable with that.

Taylor: Yes, that is correct.

Powell: After P & Z we had the discussion and I we want to make sure - we did not mean for this change to portray we are upset with Connemara or think they are

doing a bad job. It's just another tool in the toolbox by adding more flexibility to our current standards. That's all it is. There is a lot of work and discussion that goes into it.

Hayden: Asked Mr. Powell to go to the map regarding the calculations.

Powell: And the reason we did this is because we kept getting these emails with estimates that you could add 400 units on 100 acres. The total site development is if you have 100 acres, what can you develop today at a density of one unit per 2 acres. In this case we are taking out 10 acres of floodway, we're estimating there are 18 acres of road, and for the bubble diagram there is a number because you can't get to that theoretical 50 units. You just can't. In this case we say there are 36 two acre lots. The way clustering works is you determine what the density is on your entitlements (36 lots). And all these slides from here on the first part is the same with the density calculations. How do we know what density you can put on this property? We're going to do this calculation - 90 acres unconstrained, 18 acres, 72 - you can build 36 lots. That is your starting point. That is your density. That is your entitlement. But how is that placed on the land? Again, you can't develop on the floodway so that's blue. The 10 acres comes out and there are some roadways. We picked 4 acres because we wanted to show that it's less than the 18 acres, because if you had to grid that thing out you're putting in more roads and streets. The 20% is just to get you to 36. It shows how it lays on the land. It's just a placeholder. It could go up or down. It's not going to be the 18 acres from a full site development. We probably estimated low, but it doesn't make any difference because of what comes out and what you are left with. It could go up and down. It can be changed. That's the problem with doing these bubble diagrams. Until you get to a site you can't do the numbers. What we're trying to do is represent how it works and how it changes. Again, you can have ½ acre lots and 4 one acre lots, and you might have a 10 acre lot. It's going to be lower than the full site development. It's not going to be 20%.

Hayden: So if your math is correct you have 100 acres and 36 lots, its one house for every 2¾ acres on the total 100.

Powell: Correct. You can do the percentage on the 100 acres. We're not trying to play the numbers game. If we were really trying to spin this we would not have done that on the 100 acres.

Hayden: Asked Mr. Robinson to come forward and clarify his questions.

Robinson: You had a 50% increase in density and even with the calculation of only using 4 acres for 54 lots for the roads and stuff like that, you had 53 acres of open space, so you had a 50% increase in density and only a 6% increase in open space. So is that what we are saying as far as maximizing open space?

Dalton: These are examples that give you an idea of the process we are looking at. We are looking at yellow, green, black, and blue blocks on a theoretical 100 acres. The question about maximizing open space starts with the open space plan in SMARTGrowth. If this is an actual 100 acre tract of land and this is the density this is what happens. Let's just say what is the bubble on this thing is what it is, then 100% of all your Environmentally Sensitive Areas (ESAs) are in that open space. All

of your major street standards, flood plain on the floodway, part of your floodplain, prairie habitat, water impoundments, etc. Let's say all of that is in that 53 acres, did you maximize the open space.

Powell: Mr. Robinson said we changed what was in the packet in that all of a sudden there was this 50% increase. What is in the packet (and presented to P & Z) is no cap on density. We could have stopped at 30. We could have gone to 70. Again, what we're trying to do is illustrate these points. We did not come in here tonight and change something. All we are trying to do is trying to give people a knowledge base. What is in the Ordinance tonight is no density cap. What we put forward based on the discussion after P & Z is if you guys want to put a density cap, let's talk about what is it and we really haven't gotten to that point yet. I just want to be clear we are not doing anything other than trying to respond to the points that have been raised.

Webb: I have seen some discussion about a 1.7. So my question to you is where did that come from?

Powell: It came from these slides. This goes back to, if we really wanted to, let's base it off of this because it's a theoretical maximum of 50 lots that you could never get to and so let's multiply it by that 50. What we have just done is taken a theoretical maximum that you can never get to and say we can add more to it. That's when we came back to it and said what that seven was in this example was a 40% increase. What we thought we would do is clarify things by trying to talk about it in these terms. You get a 40% increase on your base density, which again is not 50 and then this example is 36. To be conservative look at it not on that theoretical 50 units but what you really can get.

Webb: There has been some discussion about residents wanting not only a cap to the density (i.e. that 1.7, 1.6, 1.8, whatever that number is), but also some kind of metric in their dictating a minimum amount of open space. What really hit home with me a couple slides before this was the disincentive that can exist when you have both those metrics working to where today we think we are incentivizing and to be our preferred development mechanism in the Cross Timbers, which is one acre lots, one acre to conservation, in reality in certain circumstances the developer won't do it because it will cost him 3-4 lots.

Powell: Going back to us talking about adding flexibility and do we have the tools. What if somebody out there on about 20 acres has nothing on that property that needs to be saved? There is nothing environmental about it but it happens to be on a county roadway. Wouldn't it be nice to have a view. Would you give them some density bonus to make sure you have that view corridor? Would it be less than 50% if they are 2 acre lots? Maybe they are all 1 ½ acre lots, but there is a setback. Would that be a good trade off? I know it drives people crazy because they want to know what piece of property I am talking about. Well, it's hypothetical, but they still have to prove that it is meeting the intent of the Master Plan to preserve those environmental areas and scenic corridors. And we think you have the discretion to say yes or no, just like it does in the open space plan today – at the time of zoning.

Dalton: Another question Mr. Robinson had is he wanted to see an underlining or

strike through format of the changes. I went through that. The biggest change is on the area plans of Cross Timbers. There are 17 pages of all those maps and text. We can go back and post deletion of all of that and just the 7 things that we are bringing forward. A lot of that language I have said we're bringing it forward and there is really no change in the development options, but since it's moving the document, it changes. That has been posted on line and it is in the packet.

Dalton: Another point that Mr. Robinson brought up is about the moderate increase in density and the cap and where is that proposed. It is in the packet and there was a slide on that, which came from the P & Z meeting. The three things that are in the body of the agenda item for Council and as the concerns came through from the P & Z meeting and up until the packet was posted, was a) we want something about maximum density; b) we need to fine tune what active recreation means or eliminate it all together; and c) providing for an enhanced process for a zoning amendment that would necessitate formalizing a neighborhood meeting.

Dalton: For the questions mentioned this evening about the process Councilmember Webb discussed at his Saturday meeting. What is in front of you in the packet is the P & Z recommendation. Ahead of that is we heard a bunch of concerns, here are some options for you to address in the Council meeting tonight, which is what we have been discussing. Up to this point in our discussions it has been no cap on the density.

Powell: Based on our discussion tonight we would want to change from that 1.7 to a 40% increase of the full site development number.

Dalton: The other question that Mr. Robinson raised was the idea about urban conservation developments, such as when you look at the Sanctuary they have concrete streets, curb and gutter, etc. A lot different than Chimney Rock, which has asphalt streets and even a smaller width, and bar ditches. Anything in Cross Timbers has got to have that Chimney Rock cross section. A few years ago the Fire Marshall amended our development standards to get rid of the asphalt option and require that every street standard be a concrete street. Now our transportation division is working on something that is amiable to address the fire concerns and adding a little more width and still allowing back that asphalt option. Any type of conservation development, whether this is passed or not is going to have that rural street section.

Powell: It was stated that I said once you put two acre lots in the land will deteriorate. What I meant is the environmental features. One property owner might keep all of those trees, but another might not. As R. J. pointed out the difference is that if it is in a private lot the Town has no right. If it's in an easement there is more responsibility. For the issue about the infrastructure and what does it take. Look at the length of the streets and what is the difference. One of the benefits is that theoretically you're going to have fewer streets, and fewer runs of pipe and water.

Webb: Stated that he had a conversation with Mr. Parr and it was regarding something Mr. Robinson mentioned at the Saturday meeting and it was a package plan. He asked Mr. Parr to talk more about what that is and how it could

conceivably work or not.

Parr: An example that has been touched upon tonight is at the intersection of Shiloh and 1171. The commercial area and the trailer park is served by a packaged wastewater treatment plant. They are used for very small flows in rural areas to serve a specific area. They serve their purpose but the key to them is how they are maintained. It's always very difficult for the people who own them and maintain them to find someone qualified to run them because typically they are not big enough that they require somebody to do it full time so they need to find a part time person that will dedicate enough time and has enough knowledge to maintain and run them. And I know the one at that location has had problems in the past before they built their new one, and even when they got their new one built I think they went through 2 – 3 operators before they finally got the one they have now and all of their problems went away. In addition, they are becoming more and more difficult to get permitted because TCEQ, the state agency that permits them, would rather have one big plant than a bunch of small plants. So one thing they are looking for is whether there is a more viable option available than doing these small packaged plants. And if there is you typically have trouble getting them permitted.

Webb: We don't know what shape or size the first cluster development is going to come in as. If it were something small and modest to fit a specific need and area, is it something viable and it could be done where the Town would operate it. The developer would build it, the Town would operate it, and we assess a fee to the folks in that area just like they get the sewer bill.

Parr: That's always possible but it's better for the Town to not have a bunch of small ones to operate and maintain. They are not as well built as a larger plant. They tend to break down more often and in the long run the costs for maintenance is far greater than if you have 5 of them versus one bigger one. So from the Town's standpoint if one was considered it would be best for it the area being considered for there to be one for the entire area and collectively the developers of those properties put together a plan to put together a system where they have only one facility. Since there is a viable option of taking it to TRA who is already serving the western third of Town and they consider this to be in their service area, I think it would be difficult to get a permit from TCEQ for one to serve that area. Not impossible, but difficult.

Webb: And that would be the responsibility of the developer to get that permit?

Parr: Yes, it would be.

Webb: And the Town would be a partner in that since it's in our Town or not?

Parr: We would definitely review and make sure it's built as well as it can be, especially if we're going to be maintaining it. If they are going to be operating it we'd still be interested in making sure they picked a very good package plan in lieu of something cheaper that would create a problem later. The problem with a lot of them, and I'm surprised that this hasn't happened to the one that is already exist. Sooner or later it becomes such a problem that the municipalities typically will take them over. So I think in the long term that liability is there.

Dalton: For the rest of the questions (Q = questions and A = answers)

Q. How do they know what the plan is going to look like when the project comes in?

A. That was part of one of the edits and that process at the zoning level. The Town's zoning requirements are still going to require notification, signs, etc. to let everyone know that a zoning application is coming forward because this would be a PD regardless. So that is the point when you would provide all of that detail. What we have suggested to address some of the concerns about the scenic corridors and open space, and where are the lots going to be located, regardless of ½ acre or 1 acre. We have suggested an enhanced engagement process when a development application comes in. The developer has to meet with the neighborhood once either before or right after the application comes in and once before they go to P & Z so they can understand what changes were made based on whatever engineering or environmental constraints that we worked through on the property.

Q. Why didn't we have more face to face meetings?

A. We did have two community meetings, which included face to face discussion. After the first meeting there were several from the SPA 5 neighborhood that stayed after that meeting and spoke to Doug and I about the changes to better understand what the impacts were. The audience was different at both meetings.

Q. Why are all the changes being packaged as one unit?

A. We update Master Plans, large or small, typically with one motion. Council always reserves the right to break them apart. He provided background information as to how this has been handled in the past. P & Z also had this same option, and it was.

Q. Can we see a line item detail?

A. Demonstrated on a slide the changes as previously presented.

Q. Why was the conservation easement or other conservation techniques that preserve the Cross Timbers eco systems other than natural systems? Why was that red part stricken?

A. The conservation development option is still an option. We are carrying that forward under the seven options under each area plan. It doesn't impact the changes to this text whether it stays or goes. It doesn't impact the Town's ability to use a conservation easement or other conservation technique.

Q. Are we dismantling the districts and changing the name?

A. The caption in the agenda is one thing, but again this is our strike through underline: The Cross Timbers Conservation Development District (the title of it) is not changing to the Cross Timbers District. We are not changing it. In our Area Plan # 2 we are calling the entire district the Cross Timbers Conservation Development District.

Levenick: Suggested that it's continuous throughout the whole document for the purpose of continuity.

Walker: Asked for clarification in that the a, b, and c amendments were not reviewed formally by P & Z, correct?

Dalton: They are proposed amendments based on the discussion at P & Z and the feedback received since that meeting.

Q. Why do we flood east Flower Mound with all of the notices?

A. It was a random sample. We took utility bill accounts out of our system and generated a random list of 3,000. The population center for Flower Mound is east of 2499 and generally east of Bruton Orand. That is why there are more dots on that side. And the same thing with the responses.

Q. Are there other areas subject to change?

A. All of the elements in the area plans previously mentioned are being carried over. All of the areas being covered by different areas of our code. Will anyone be notified of those changes? The floodplain regulations are in our SMARTGrowth Ordinance and in our development standards. The SMARTGrowth Ordinance, like the Master Plan, requires a super majority vote. Because it is a text amendment that would not rise to property owner notice. And frankly if we changed this in the Cross Timbers District Area Plan #3 there wouldn't be specific property notice either. It's not required by the state.

Q. What happened to the notification sign that fell over in a ditch at 1171 and Flower Mound?

A. That was a Toll Brothers project specific sign.

Walker: We have heard a few times that sewer is going to add more commercial and higher density.

Powell: We've characterized sewer as the land use map controls density. It is true if you didn't have sewer you couldn't get that really high density. It doesn't work. Our requirements are you have to have 2 acres to have an onsite system, unless you are in a conservation district. The state does allow you to go down to a ½ acre with public water. It still takes a vote by Council. I can't say how much the standards that are set forth in the land use plan and how much is it set forward with making sure that you will have citizens that will react to a development change to make sure that doesn't happen. Today you could change the Cross Timbers a year from now and say from this point forward we have 4 units an acre we're doing sewer. You cannot tie the hands of future Councils to the point where it becomes impossible, but is it a deterrent, sure.

Walker: Some of the confusion is that it looks like we're going from a 2 acre lot, which is what we're calling the full development site, and we're really increasing the densities to allow housing on ½ acre lots. That has stirred up a lot of misconceptions about this big increase in density that somehow the staff is putting

forward to us.

Powell: There was a lot of discussion that people thought there would be densities like Wellington. That's not true the way it is written and he reiterated the calculations presented earlier.

Walker: Can you explain who Randall Randall Arendt is.

Powell: He wrote a few watershed books about clustering and he does consulting for developers and communities about how to write standards and get clustering developments approved. He's been at this a long time so he is knowledgeable and has a good history.

Wise: If this would be tabled tonight what would happen between now and that period of time?

Dalton: We would look for Council to provide specific direction as to what to work on to prepare for the next meeting.

Hayden: If the Council wanted to we could ask staff to meet with people in the Cross Timbers because several of them stated they didn't know what was going on.

Wise: The only thing that jumps to my mind is this gentleman by the name of Randall Arendt and to see if he is available to have a discussion with those who would like to hear from him.

Dalton: Based on a previous email he is out of pocket for a while.

Hayden: It's possible just to allow time for people to digest what they heard tonight and then they may send comments with follow up thoughts.

Powell: In the past it's always been helpful if you're going to table something to say why. What we heard tonight is there are a lot of people that want to talk about the process, but as Ms. Stephenson said – was there a question asked tonight that wasn't answered. Then there were people here tonight that basically said we don't want any development. Staff really needs the direction as to what is it they want done that hasn't been done already. Is it just to go listen to people complain about the process and no development or will this encourage them to come in and talk to us now because they haven't to date? But really the question is, you're tabling it to do what? And maybe it's just to let it soak for a while.

Hayden: There was a lot of information presented.

Powell: 99% of that information has been on the Town's website for over a month.

Walker: There is the 3 items (a, b, and c) that wasn't presented to P & Z on placing a maximum of density and I don't know the concept of doing that and what is the magic number there. Also, the eliminating of open space for active and defining active and passive. Finally, is this process of outreach to meet with citizens prior to public hearings? Really it benefits both P & Z and us to sort of teach or educate, and maybe reduce the misunderstood information that tends to show up here and we spend time straightening up some things that could have been done earlier.

Those are new things. I prefer the word continuing to a date certain. People said earlier what's the pressure, well we have development pressure. You have heard that there is interest by the development community in that part of Flower Mound. I want to have a lot of tools that allow us to maintain the vision of Flower Mound, which is this environmentally sensitive little Town that is near a big Town. That feel and to do our best job at maintaining that. There is merit to come back and make sure that staff is on board with these 3 amendments and that we have clarified language that we can make motions about and then move on.

Dalton: We can look at clarifying some of this. I mentioned the conversations with Randall, in most of his developments they have some varying approaches to incentivizing the density. Whether it's just bonuses or some other kind of cap. In one of the examples he sent us it still left a little discretion to the P & Z Commission during the application. A lot of the elements that many of these community use as an incentive, our SMARTGrowth plan makes mandatory. So when we are talking about incentives it's about how much more of the great stuff we want such as the open space that deserves that incentive.

Walker: For item c about the enhanced process, I really would like to have the staff think through that and try to come up with a recommendation as to how we can formalize that.

Webb: That was one of the items that came up with the Saturday meeting and I was pleased to learn that was already in the works and discussion by staff, with two required meetings. One early on in the process and the 2<sup>nd</sup> required meeting at least two weeks prior to the P & Z meeting. That one is important because that way the residents can see how their feedback got incorporated and with two weeks that gives the developer the opportunity to make further tweaks if need be. I would like to see that language in there. As far as placing a maximum on the density, Doug mentioned taking this 1.7 out and putting the equivalent of a 40% increase over what is achievable in today's world. The active recreation is just a line item strike because active was specified in what's before us. The one thing we do need to talk about is sewer and whether we want that to remain in there. He summarized that for those that spoke it comes down to they like things the way they are and don't want that to change. I understand that. The reality is, in my opinion, things are going to change.

Levenick: Offered the following comments:

- I think that gas well setbacks should not be counted towards open space or part of the conservation area.
- I am not in favor of any increase in density in the Cross Timbers Conservation Area. I think we all understand that development is coming there and if we do it in the smart and right way we can do it without an increase in density. I think every single person up here campaigned on no increase in density. People have been campaigning on that for a long time. I would like it to stay density neutral.
- When we started talking about this in July there was never a time where we talked about changing the vision of what we talked about of Flower Mound. It's important we do it where's it a win/win for everybody. If you keep it at

2 acre lots someone is going to go in, buy their 2 acre lot, they will build their house and other things that go with that (i.e. pool, circular drive, sport court, and outdoor kitchen) and they can cut down whatever trees they want. We're not conserving anything.

- There was a comment made earlier about who wants to look at the kind of houses that goes on a ½ acre lot. If you drove through the Sanctuary those are ½ acre lots and there are houses in upwards of \$800,000. I don't think that is too bad to look at. I think there is a way we can make it work.
- Someone also made the comment that they want to preserve the original Master Plan. If you go back to 1982 when the original Master Plan was done, low density in this area was 3 units per acre, which is less than the ½ acre we're looking at now.
- The other thing I want to comment about, especially given the amount of emails that we received from people saying they didn't know that this was going on, is about communication. She pointed out the various ways the public was informed about the Master Plan discussion.
- There was also a comment that we need to talk about this with the experts. We pay staff a lot of money. We have staff that has been on board a long time and they have worked in the Town longer than any of us have been on Council. These are our experts. I completely trust them. They go out and talk with other experts in the field and they get information from them.
- The active recreation doesn't need to be in there with the amendments.
- For the meetings, it needs to come down to people paying attention to what's going on around them because we can only do so much.

Dixon: Offered the following comments:

- Rob Paul, the Texas regional vice president for Toll Brothers, said something very telling in that they have already bought the land and they are preparing to do 2 acre lots on the old Bunn property (which is at the intersection basically at Flower Mound Road and 1171). I think most people realize development is going to happen. My whole concept of why I was encouraged that this process start is because I don't want to lose the rural look and feel in the central part of Flower Mound. If a major developer comes to Flower Mound and says I'm going to buy "x" number of acres in the Cross Timbers, and I'm going to development it, and I'm going to comply with the Master Plan, we're going to see, as we drive down 1171, Shiloh, and some of High Road, residential subdivisions that look like other places. If we take the time to do this right we will all be proud when we drive down those scenic thoroughfares and look at these scenic vistas and the open spaces. But at the end of the process what we're more than likely going to have to get that is clustering. Now yes, in the current Master Plan it talks about clustering. It talks about conservation. But some of these very things that we're talking about putting in here right now will give us extra protections to be able to make sure that we get what we all want.
- For communication he suggested signing up for E-bulletin on the Town's website to get emails on things happening in the Town and how the public can get involved.
- If Council postpones it tonight, he suggested having two follow up meetings

before the next Council meeting. In addition, have the meeting here in Council Chambers, videotaped and put on the web site streaming live.

Webb: Offered the following direction to staff should the motion be postponed:

- Include motion language addressing two versions of item a. One would allow for up to a 40% increase over base of what is allowed today and another which would allow no increase in density.
- Strike for active recreation
- Language on the two meetings

Dixon: Before a motion is made, he stated there are other parts in this about more than just the Cross Timbers. I am very willing to move forward and clean up the other districts and get them out of the way if possible.

Stathatos: That would be great. If there isn't any additional due diligence to do on any of the other sections it would be great to put those to bed because it would not distract from the primary discussion on Cross Timbers. With respect to the two additional meetings, he asked for some guidance on the additional two meetings. Since the last P & Z meeting, even with all the outreach, we met with two residents. Candidly, if our scope is being narrowed to talk about the specific areas that Council is mentioning, I don't think it would be productive for Tommy to do his presentation and give false hopes to any participants that some of the items in the presentation are up for discussion when those have already been narrowed out of the focal points.

Dixon: My interpretation from what I heard tonight for direction was to focus any future meeting on specific topics that we are bringing up right now.

Stathatos: Staff can try and fine tune something and shoot to have one meeting because I think to have two meetings this quickly is not feasible when you look at the amount of time and effort it will take to fulfill the Council's goal.

Dixon: Asked Mr. Welch if it is possible to have a motion applicable to the 3 sections and not the one.

Welch: It's an 8-9 page Ordinance, with 8-10 sections. One thing that might be more feasible is to postpone this to come up with a motion that covers everything at a future meeting and then separate motions that look at Lakeside, Cross Timbers, wastewater, and the PD as a separate standalone Ordinance already. You would retain the ability to approve the entire motion as is, with a few technical changes, or do three stand-alone motions with three stand-alone Ordinances for each.

Walker: For sewer we need to be careful and go slowly through that because there is a lot of interest and history there.

There was Council and staff discussion relative to the process associated with a potential postponement of the item, as well as communication plans for a community meeting prior to the next Council meeting.

Mayor Pro Tem Webb moved to postpone item 18 to December 16, 2013.

Councilmember Walker seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Wise, Dixon, Levenick, Webb, Walker

**NAYS:** None

19. **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, and to consider adopting an ordinance providing for said amendment. (*The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its November 11, 2013, meeting.*)**

Mayor Pro Tem Webb moved to postpone item 19 until the December 16, 2013, Town Council meeting. Councilmember Walker seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Walker, Webb, Levenick, Dixon, Wise

**NAYS:** None

**J. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS**

No discussion.

**K./L. CLOSED/OPEN MEETING**

The Town Council did not convene into a closed meeting on December 2, 2013, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations.

- a. **Discuss and consider economic development incentives. No action taken.**

No action taken.

- b. **Discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto. No action taken.**

No action taken.

- c. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission. No action taken.

No action taken.

**M. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 12:47 a.m. on Tuesday, December 3, 2013, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

  
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THOMAS E. HAYDEN, MAYOR

ATTEST:

  
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THERESA SCOTT, TOWN SECRETARY