

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 16TH DAY OF MARCH 2015, 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
Jean Levenick	Mayor Pro Tem
Michael Walker	Deputy Mayor Pro Tem
Bryan Webb	Councilmember Place 2
Mark Wise	Councilmember Place 3
Steve Dixon	Councilmember Place 4

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

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Danny Hartz	Building Official
Matt Woods	Director of Environmental Services

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden called the regular meeting to order at 6:03 p.m.

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

Mr. Raleigh Campbell gave the invocation and Mayor Hayden led the pledges.

**D. PUBLIC PARTICIPATION**

*Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

Don McDaniel, 3801 Hide A Way Ln  
Carol Kyer, 2616 Crepe Myrtle Dr

**E. ANNOUNCEMENTS**

Mayor Hayden announced that on March 26<sup>th</sup> from 4 – 5, Dr. Edgar, a WWII holocaust survivor, will be at Valley Creek Church to talk about her experience.

**F. TOWN MANAGER'S REPORT**

1. Update and status report related to capital improvement projects

Mr. Stathatos gave an update on the following capital improvement projects:

- Operations & Maintenance (O & M) grand opening scheduled for Friday, March 20<sup>th</sup> (201 Spinks Rd)
- Twin Coves construction manager at risk contract (item on tonight's agenda)
- Rheudasil Park update, including the FEMA report and he indicated that staff is reviewing the information and looking at dredging costs to present various options to Council
- Dog park will go out to bid later this month, with a plan to come to Council in April for a presentation of cafeteria plan of options will be available for Council consideration)

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave an update on the following economic development projects:

- Custom Ink job fair scheduled for March 18<sup>th</sup> (10am – noon and 5 – 7 pm)
- CTDI (Town's largest employer) is expanding

3. Legislative update.

Ms. Wallace gave an update on the current legislative session and pointed out some of the bills of interest that staff is tracking.

Councilmember Dixon encouraged staff to continue the efforts related to maintaining local control.

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

1. The Town Council work session scheduled for March 19<sup>th</sup> has been canceled.
2. The next Town Council regular meeting is scheduled for April 6<sup>th</sup>.

**H. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on March 2, 2015.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on March 2, 2015.

2. Consider acceptance of grant funds and execution of an agreement with the North Central Texas Council of Governments for the 2014 Incident Management Equipment Purchase Call for Projects; and authorization for the Mayor to execute said agreement on behalf of the Town.

**RECOMMENDATION:** Move to approve grant funds and execution of an agreement with the North Central Texas Council of Governments for the 2014 Incident Management Equipment Purchase Call for Projects; and authorization for the Mayor to execute said agreement on behalf of the Town.

3. Consider approval of the Professional Services Agreement with Pacheco Koch, LLC, to provide professional engineering services, for the Forest Vista Reconstruction Phase I (Lake Shore to FM 2499) project, for \$156,013.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the Professional Services Agreement with Pacheco Koch, LLC, to provide professional engineering services, for the Forest Vista Reconstruction Phase I (Lake Shore to FM 2499) project, for \$156,013.00; and authorization for the Mayor to execute same on behalf of the Town.

4. Consider approval of the award of Bid No. 2015-50 to Rey-Mar Construction, for the construction of Regency Park Booster Station project, in the amount of \$671,810.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the award of Bid No. 2015-50 to Rey-Mar Construction, for the construction of Regency Park Booster Station project, in the amount of \$671,810.00; and authorization for the Mayor to execute same on behalf of the Town.

5. Consider approval of the purchase and installation of play equipment for the Culwell Park Playground project, from Recreation Consultants of Texas, through the Texas Local Government Purchasing Cooperative, in the amount of \$173,091.00.

**RECOMMENDATION:** Move to approve the purchase and installation of play equipment for the Culwell Park Playground project, from Recreation Consultants of Texas, through the Texas Local Government Purchasing Cooperative, in the amount of \$173,091.00.

6. Consider approval of a Construction Manager at Risk Agreement with Dean Electric, Inc., dba Dean Construction, for the Twin Coves Park Improvements project and authorization for the Mayor to execute the same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Construction Manager at Risk Agreement with Dean Electric, Inc., dba Dean Construction, for the Twin Coves Park Improvements project and authorization for the Mayor to execute the same on behalf of the Town.

7. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide contract construction administration phase services,

associated with the Oak Street Lift Station and Force Main Phase III project, in the amount of \$74,000.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide contract construction administration phase services, associated with the Oak Street Lift Station and Force Main Phase III project, in the amount of \$74,000.00; and authorization for the Mayor to execute same on behalf of the Town.

8. Consider approval of a Professional Services Agreement with Kleinfelder Central, Inc., for the construction materials testing associated with the Oak Street Lift Station and Force Main Phase III project, in the amount of \$53,600.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement with Kleinfelder Central, Inc., for the construction materials testing associated with the Oak Street Lift Station and Force Main Phase III project, in the amount of \$53,600.00; and authorization for the Mayor to execute same on behalf of the Town.

9. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide contract construction administration phase services, associated with the Pintail Ground Storage Tank Rehabilitation project, in the amount of \$35,000.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide contract construction administration phase services, associated with the Pintail Ground Storage Tank Rehabilitation project, in the amount of \$35,000.00; and authorization for the Mayor to execute same on behalf of the Town.

10. Consider approval of the award of Bid No. 2015-51, to 3-D Paving and Contracting, LLC, for the construction of FM 2499 at Lakeside Parkway Improvements project, in the amount of \$732,895.25.

**RECOMMENDATION:** Move to approve the award of Bid No. 2015-51, to 3-D Paving and Contracting, LLC, for the construction of FM 2499 at Lakeside Parkway Improvements project, in the amount of \$732,895.25.

Councilmember Dixon moved to approve by consent Items 1-10. Mayor Pro Tem Levenick seconded the motion. Each item, as approved by consent, is restated above along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

**VOTE ON MOTION**

AYES: WEBB, WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

I. REGULAR ITEMS

Mayor Hayden opened items 11, 12, and 13 at the same time.

*Administrative Note: The following language was posted with each agenda caption for the following three associated items (11, 12, & 13):*

*Applicant has requested that this item be postponed until the April 6<sup>th</sup> Council meeting (see letter in packet). Council action is required to either approve or deny this request.*

11. Public Hearing to consider a request for a Master Plan Amendment (MPA15-0001 – Highland Court) to amend Section 1.0, Land Use Plan, and Section 3.0, Specific Plans, to change the land use designation from Low Density Residential, Professional Office, and Neighborhood Retail uses to High Density Residential use within Specific Plan Area 5 (SPA 5), and to amend certain development controls outlined within SPA 5 that apply to the subject property, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Long Prairie Road and north and east of Rippy Road. *(The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its March 9, 2015, meeting.)*
12. Public Hearing to consider a request for rezoning (ZPD15-0001 – Highland Court) from Agricultural District (A) to Planned Development District No. 137 (PD-137) with high density single family residential uses, and to consider adopting an ordinance providing for said amendment, subject to the terms and conditions in the attached development agreement and authorization for Mayor to execute same on behalf of the Town. The property is generally located west of Long Prairie Road and north and east of Rippy Road. *(The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its March 9, 2015, meeting.)*
13. Public Hearing to consider a request for an application for a tree removal permit for four (4) specimen trees on property proposed for development as Highland Court. The property is generally located west of Long Prairie Road and north and east of Rippy Road. *(The Environmental Conservation Commission recommended denial by a vote of 3-2-1 at its February 3, 2015, meeting).*

Mayor Hayden invited the applicant to come forward.

**Applicant Presentation**

David Watson, Direct Development

Mr. Watson indicated he sent a letter to the Town asking their items be postponed until the April 6, 2015 Council meeting. He noted there is a neighborhood meeting scheduled this Wednesday with the hopes of coming together on a plan.

Mayor Hayden extended an invitation to Ms. Emily Strittmatter to speak after Mr. Watson, as requested on her comment card.

**Public Participation**

Emily Strittmatter, 4816 Mesquite St, Flower Mound

**Staff Presentation**

Mr. Powell did not provide a presentation; however, he responded to the following questions from Council:

- A detailed explanation of the Master Plan for the area
- If an item is approved for high density, how can the Town be assured it won't switch to something different later, such as apartments
- Are there any tree removals associated with future road changes, such as if College gets connected to Rippy Rd
- What would it mean to the neighborhood should Rippy Rd get improved based on the CIP long term plan recommendation (what would have to be done)
- For the neighborhood retail, and under the current plan, what type of control does the Town have as to what goes there
- What is allowed for the office designation

Council Discussion

Members of Council expressed appreciation from both the residents and the applicant for their willingness to meet. There was also general discussion about the importance of having both sides come together for the purpose of coming to an agreeable resolution.

Councilmember Webb moved to postpone items 11, 12, and 13 until the April 6, 2015 Town Council meeting. Councilmember Dixon seconded the motion.

**VOTE ON THE MOTION**

**AYES: WISE, DIXON, LEVENICK, WALKER, WEBB**

**NAYS: NONE**

*Administrative Note: A Public Hearing for these items was not conducted given there was Council action to postpone all three of the items.*

14. Public Hearing to consider a request for rezoning (MU15-0001 – Lakeside DFW) to amend Section 8, "Signage Standards," of the Lakeside DFW Development Code to clarify and provide additional sign requirements for the Lakeside DFW mixed use project, and to consider adopting an ordinance providing for said amendment. The

property is generally located west of Long Prairie Road along both sides of Lakeside Parkway. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 9, 2015, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Land use and zoning
- Photos of the site
- P & Z updates (where P & Z asked the applicant to make changes)

Mr. Hartz, Mr. Powell, or Mr. Meredith responded to questions from Council related to:

- What is allowed today versus what is being proposed for various types of signs
- Clarification regarding some of the sign definitions
- The permitting process associated with the banner poles
- Clarification regarding the list of approved fonts in signs

**Applicant Presentation**

Jimmy Archie, Realty Capital, 909 Lake Carolyn Parkway, Ste 150, Irving, TX

Mr. Archie gave a presentation identifying or noting:

- Sign examples
- Approval levels for signs
- Ground signs exception request
- Wall signs
- Projecting wall signs
- Projecting building identification wall sign
- Business blade signs
- Marquee signs
- Window Signs
- Awning or Canopy signs
- Sandwich Board/A-frame signs

Mr. Archie responded to the following questions from Council:

- What are the specifics, such as what would the side setbacks be
- For ground signs, how many specific businesses can be displayed on one sign
- Is there a need for neon signs specific to the location of FM 2499 frontage
- What necessitates the need for the projecting wall sign, and will they be available to some or all businesses
- Is there a minimum and maximum area for the sign itself
- For the projecting building identification wall sign – are they lit from inside
- Maximum width for sandwich boards
- Light pole signs
- Interest in seeing what the signs actually look like at night
- If the option exists to approve some of the variations now (and others such as

- neon signs) at a later time
- Concerns related to having a tenant be allowed to have all of the types of signs available and the clutter appearance in doing that
- Are the marquee signs lit from inside
- How many light poles will there be
- Request for renderings that show the various uses throughout the development
- Clarification regarding the type of materials associated with the various signs

Mayor Hayden opened the Public Hearing at 8:20 p.m.

**The following individual, and on behalf of others represented in the neighborhood, expressed support for some elements and opposition of other elements, or had questions.**

Greg Wilson, 637 Loma Alta Dr, Flower Mound, TX

The following residents donated their time to Mr. Wilson:

Amber Ansari, 705 Northwood Dr

Mr. & Mrs. McDonald, 721 Northwood Dr

Aricia Blasko, 624 Loma Alta Dr

Jeffrey Blasko, 624 Loma Alta Dr

Mayor Hayden closed the Public Hearing at 8:54 p.m.

#### Council Discussion

There was in depth discussion regarding the various types of signs requested and each member of Council expressed their comments or concerns with each.

Town Council recessed at 9:34 p.m. and reconvened at 9:47 p.m. There was consensus to table the item to allow the Town Attorney an opportunity to craft language based on what was agreed upon and discussed between the applicant and Council.

Town Council recessed at 10:30 p.m., reconvened at 11:06 p.m., and reopened item 14.

Mr. Meredith provided a summary of the changes based on the consensus of Council comments and requested revisions. He noted the changes add additional conditions to the regulations, while also removing some redundant language.

Councilmember Dixon moved to approve a request for rezoning (MU15-0001 – Lakeside DFW) to amend Section 8, "Signage Standards," of the Lakeside DFW Development Code to clarify and provide additional sign requirements for the Lakeside DFW mixed use project, and adopt an ordinance providing for said amendment, and to postpone indefinitely the request for neon lighting. Councilmember Wise seconded the motion.



**ORDINANCE NO. 14-15**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 63-12, THE LAKESIDE DFW MIXED USE DEVELOPMENT, AS AMENDED, THROUGH THE AMENDMENT OF EXHIBIT "B" ENTITLED "DEVELOPMENT STANDARDS" BY AMENDING SECTION 8, "SIGNAGE STANDARDS," TO CLARIFY AND PROVIDE ADDITIONAL SIGN REQUIREMENTS APPLICABLE TO SUBZONES MU-TMR(2), MUTMR(1), MU-C(1), MU-C(4), MU-N(1), MU-C(2), and MU-TEN(2) AS DEPICTED BELOW; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES: WISE, DIXON, LEVENICK, WEBB, WALKER**

**NAYS: NONE**

15. Public Hearing to consider a request for a Master Plan Amendment (MPA15-0003 – Chateau Du Lac, Lots 34, 35 and 38) to amend Section 9.0, Wastewater Plan, of the Master Plan to expand the boundary of the Long Prairie Wastewater Service District Map to include the subject property, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Meadow Lark on both sides of La Maison Place. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 9, 2015, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Detailed location
- Land use and zoning (changing the Master Plan not for the land use, and not for the zoning, but just for the wastewater service area – 3 lots)
- Photographs of the site
- Long Prairie service area
- Plat and proposed change

Mr. Powell responded to the following questions from Council:

- Is there a cost for the Town for the connection

Mayor Hayden opened the Public Hearing at 10:19 p.m. No one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 10:19 p.m.

Council Discussion

There was some discussion about how the Town should manage land use in relation to sewer.

Councilmember Webb moved to approve a request for a Master Plan Amendment (MPA15-0003 – Chateau Du Lac, Lots 34, 35 and 38) to amend Section 9.0, Wastewater Plan, of the Master Plan to expand the boundary of the Long Prairie Wastewater Service District Map to include the subject property, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

**ORDINANCE NO. 15-15**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 9.0, WASTEWATER PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO ADD LOT 34, BLOCK A, LOT 35, BLOCK B, AND LOT 38, BLOCK C, OF THE ENCLAVE AT CHATEAU DU LAC TO THE LONG PRAIRIE WASTEWATER SERVICE DISTRICT MAP; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES: WISE, DIXON, LEVENICK, WALKER, WEBB**

**NAYS: NONE**

Mayor Hayden opened items 16, 17, and 18 at the same time.

16. Public Hearing to consider a request for rezoning (Z14-0010 – Liberty Park) from Agricultural District (A) uses to Single-Family District-10 (SF-10) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Quail Run Road and east of Flower Mound Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 9, 2015, meeting.)*
17. Public Hearing to consider a request for an application for a tree removal permit for five (5) specimen trees on property proposed for development as Liberty Park. The property is generally located south of Quail Run Road and east of Flower Mound Road. *(The Environmental Conservation Commission recommended approval by a vote of 5-1-0 at its February 3, 2015, meeting).*
18. Consider a request for a Development Plan (DP14-0011 – Liberty Park) to develop a residential subdivision, with an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances and acceptance of cash in lieu of land in the amount of \$30,240.00 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$16,656.00. The property is generally located south of Quail Run Road and east of Flower Mound Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 9, 2015, meeting).*

**Staff Presentation**

Mr. Powell gave a presentation for items 16, 17, and 18 identifying or noting:

- General location
- Detailed location
- Land use and zoning
- Photographs of the site
- Development plan
- Tree removal request

Mayor Hayden opened the Public Hearing for items 16, 17, and 18 at 10:26 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item and all addresses are located in Flower Mound unless otherwise indicated:

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
Mary King, 4801 Quail Run	None	None

There was some discussion related to the family history as it relates to this property.

Mayor Hayden closed the Public Hearing for items 16, 17, and 18 at 10:27 p.m.

16. Councilmember Dixon moved to approve a request for rezoning (Z14-0010 – Liberty Park) from Agricultural District (A) uses to Single-Family District-10 (SF-10) uses, and adopt an ordinance providing for said amendment. Councilmember Webb seconded the motion.

**ORDINANCE NO. 16-15**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 4.332 ACRES OF LAND SITUATED IN THE WILLIAM GIBSON SURVEY, ABSTRACT NUMBER 461, FROM AGRICULTURAL DISTRICT (A) TO SINGLE-FAMILY DISTRICT-10 (SF-10) IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES: WEBB, WALKER, LEVENICK, DIXON, WISE**

**NAYS: NONE**

17. Councilmember Webb moved to approve the requested permit for the removal of five (5) specimen trees on property proposed for development as Liberty Park. The property is generally located south of Quail Run Road and east of Flower Mound Road. Councilmember Wise seconded the motion.

**VOTE ON THE MOTION**

**AYES: WISE, DIXON, LEVENICK, WALKER, WEBB**

**NAYS: NONE**

18. Councilmember Dixon moved to approve Development Plan (DP14-0011 – Liberty Park) to develop a residential subdivision, with an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances, and acceptance of cash in lieu of land in the amount of \$30,240.00 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$16,656.00. Councilmember Wise seconded the motion.

**VOTE ON THE MOTION**

**AYES: WEBB, WALKER, LEVENICK, DIXON, WISE**

**NAYS: NONE**

Mayor Hayden opened items 19, 20, and 21 at the same time.

19. Public Hearing to consider a request for a Master Plan Amendment (MPA 15-0004 - Magnolia Park) to amend Section 1.0, Land Use Plan, Section 2.0, Area Plans, and Section 9.0, Wastewater Plan, of the Master Plan to change the current land use designation from Cross Timbers Conservation Development District to Low Density Residential on approximately 13.582 acres of land and to expand the boundary of the Long Prairie Wastewater Service District Map to include the subject property, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Bruton Orand Boulevard and north of Quail Run Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 9, 2015, meeting.)*
20. Public Hearing to consider a request for rezoning (ZPD15-0005 – Magnolia Park) from Agricultural District (A) to Planned Development District No. 139 (PD-139) with Single-Family District–15 (SF-15) uses, with certain modifications to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment.) The property is generally located west of Bruton Orand Boulevard and north of Quail Run Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 9, 2015, meeting.)*

21. Public Hearing to consider an application for a tree removal permit for seventeen (17) specimen trees on property proposed for development as Magnolia Park. The property is generally located west of Bruton Orand Boulevard and north of Quail Run Road. *(The Environmental Conservation Commission recommended denial by a vote of 2-1-0 at its March 3, 2015, meeting).*

**Staff Presentation**

Mr. Powell gave a presentation for items 19, 20, and 21, identifying or noting:

- General and detailed location
- Land use
- Photos of the site
- Concept plan (including future connectivity)
- Summary of modifications
- Tree removal request summary

Mr. Woods responded to the following question from Council:

- With ten ECC members, why is the vote so low (2-1 vote)

**Applicant Presentation**

Aaron Ketchland, 2120 South Central Expressway, Ste, 200, McKinney, TX, representing Mission Land Development.

Mr. Ketchland gave a presentation identifying or noting:

- Land use
- Tract history
- Magnolia Park submittal history (from 2013)
- Revised submittal for the Richard tract
- Development pattern along Quail Run near Wellington
- Their ability to save 29 trees at this juncture based on the change from medium to low density
- Historical aerial photographs (1940 – 2012)
- Family photographs from the property (early 60's)

Mr. Ketchland responded to the following questions from Council:

- Are you requesting any exceptions to the Town's tree ordinance in terms of mitigation
- What is the average lot size

Mayor Hayden opened the Public Hearing for items 19, 20, and 21 at 10:08 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item and all addresses are located in Flower Mound unless otherwise indicated:

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/ Comments Only
Cathy Richard, 4200 Quail Run	None	None
Mary King, 4801 Quail Run		
Lynn Rexroat , 3409 Lakewood Ln		
Rand Richard, 4200 Quail Run		

Mayor Hayden closed the Public Hearing at 10:13 p.m.

Council Discussion

Mayor Hayden confirmed that the applicant is not requesting any exceptions regarding the Town’s Tree Ordinance in terms of mitigation.

There was some discussion about how it sends the wrong message to penalize property owners to plant trees over 20-30 years because if ever the property is to come forward for development in the future it could be a detriment.

19. Councilmember Dixon moved to approve a request for a Master Plan Amendment (MPA 15-0004 - Magnolia Park) to amend Section 1.0, Land Use Plan, Section 2.0, Area Plans, and Section 9.0, Wastewater Plan, of the Master Plan to change the current land use designation from Cross Timbers Conservation Development District to Low Density Residential on approximately 13.582 acres of land, and to expand the boundary of the Long Prairie Wastewater Service District Map to include the subject property, and adopt an ordinance providing for said amendment. Councilmember Webb seconded the motion.

**ORDINANCE NO. 17-15**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, SECTION 2.0, AREA PLANS, AND SECTION 9.0, WASTEWATER PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE REFLECTED ON THE LAND USE PLAN MAP FROM CROSS TIMBERS CONSERVATION DEVELOPMENT DISTRICT TO LOW DENSITY RESIDENTIAL ON 13.582 ACRES OF LAND SITUATED IN THE M.E.P & P.R.R. COMPANY SURVEY, ABSTRACT NO. 935; TO REMOVE THE PROJECT AREA FROM THE CROSS TIMBERS CONSERVATION DEVELOPMENT DISTRICT AREA PLAN MAP; AND TO ADD THE PROJECT AREA TO THE LONG PRAIRIE WASTEWATER SERVICE DISTRICT MAP; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES: WEBB, WALKER, LEVENICK, DIXON, WISE**

**NAYS: NONE**

20. Councilmember Dixon moved to approve a request for rezoning (ZPD15-0005 – Magnolia Park) from Agricultural District (A) to Planned Development District No. 139 (PD-139) with Single-Family District-15 (SF-15) uses, with certain modifications to the Code of Ordinances, and adopt an ordinance providing for said amendment. Councilmember Webb seconded the motion.

**ORDINANCE NO. 18-15**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON 13.582 ACRES OF LAND SITUATED IN THE M.E.P & P.R.R. COMPANY SURVEY, ABSTRACT NO. 935, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 139 (PD-139) WITH SINGLE-FAMILY DISTRICT-15 (SF-15) USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES: WISE, DIXON, LEVENICK, WALKER, WEBB**

**NAYS: NONE**

21. Councilmember Dixon moved to approve the requested permit for seventeen (17) specimen trees on property proposed for development as Magnolia Park. The property is generally located west of Bruton Orand Boulevard and north of Quail Run Road. Councilmember Dixon seconded the motion.

**VOTE ON THE MOTION**

**AYES: WEBB, WALKER, LEVENICK, DIXON, WISE**

**NAYS: NONE**

**J. BOARDS/COMMISSIONS (Executive Conference Room)**

Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Animal Services Board, Cultural Arts Committee, Environmental Conservation Commission, Parks, Arts and Library Services Board, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

No action taken.

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

The Town Council did not convene into closed meeting; therefore no action was taken on the following items.

- a. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.
- b. Discuss and consider purchase, exchange, lease or value of real property for parks and/or other municipal purposes and all matters incident and related thereto.
- c. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation, and Planning and Zoning Commission.
- d. Consultation with Attorney as follows:
  1. State Farm Mutual Automobile Insurance Company, as subrogee of Sandra Terrell v. Town of Flower Mound
  2. Lanette Williams a/n/f A.W., a Minor Child vs. Town of Flower Mound
  3. Keystone Exploration, LTD. and EXPRO Engineering, Inc. vs The Town of Flower Mound and The Flower Mound Oil and Gas Board of Appeals

**M. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 11:18 p.m. on Monday, March 16, 2015, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

\_\_\_\_\_  
**THOMAS E. HAYDEN, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**THERESA SCOTT, TOWN SECRETARY**