

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 18TH DAY OF FEBRUARY 2008 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:

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| Jody Smith | Mayor |
| Jeff Tasker | Mayor Pro Tem |
| Tim Trotter | Deputy Mayor Pro Tem |
| Joel Lindsey | Councilmember, Place 1 |
| Al Filidoro | Councilmember, Place 2 |
| Laurie Long | Councilmember, Place 4 |

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

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| Harlan Jefferson | Town Manager |
| Paula Paschal | Town Secretary |
| Terry Welch | Town Attorney |
| Chuck Springer | Chief Financial Officer |
| Kenny Brooker | Police Chief |
| Eric Metzger | Fire Chief |
| Kent Collins | Town Engineer |
| Bart Stevenson | Executive Director of Community Services |
| Doug Powell | Executive Director of Development Services |
| Tracy Knierim | Executive Director Administrative Services |

A. CALL BRIEFING SESSION TO ORDER

Mayor Smith called the briefing session to order at 6:13 p.m.

B. BRIEFING SESSION

1. Mayor and Town Council Liaison Reports

Deputy Mayor Pro Tem Trotter stated the Community Development Corporation would hold a public hearing on February 20 regarding park replacement funds, demolition of the Wilson/Carmel tract, and multi-purpose trails. He noted that the Oil and Gas Board of Appeals had approved a request for a new compressor on the Wilson tract, and added the applicant had worked well with the Town on this issue. The new compressor would look like the existing compressor housed in a barn.

Mayor Pro Tem Tasker stated the Lakeside Stakeholders Committee was getting closer to bringing a mixed use ordinance for consideration. He added that the Transportation Commission elected Paul Stone as Chair. The Commission will hold a work session in March.

Councilmember Long stated the Keep Flower Mound Beautiful (KFMB) Board had a representative at the Wild About Flower Mound planning committee meeting, and there was still much planning to do. The Board plans to help with the business/HOA landscaping contest.

Mayor Smith asked if KFMB was going to do that project.

Councilmember Long stated KFMB had been told not to do anything just yet, as the Chamber of Commerce had to do their tasks first.

Mayor Smith asked about an upcoming KFMB meeting.

Councilmember Long responded that representatives for the Board would be meeting with staff about a proposed contract.

Councilmember Filidoro stated he attended the last Planning and Zoning Commission meeting in Mayor **Smith's** absence, and the Commission discussed the proposed tree ordinance. The ordinance will be coming to the Council for consideration soon. He noted there were still some questions about the definition of "urban forest." He stated he also attended the latest Environmental Conservation Commission meeting for Councilmember Long. Councilmember Filidoro stated the Parks, Arts, and Library Services Board toured the property for Ken **Hodge's** zoning request. There was still some ongoing discussion about gated communities.

Mayor Smith stated she would be meeting with the Flower Mound Cemetery Association members tomorrow.

2. Discuss Pending Issues

a. **Council Communications** - no discussion

3. Comments on Consent and Regular Items

Town Secretary Paula Paschal reminded the Town Council that the agenda items for the May 10, 2008 election included moving the early voting polling place and election day polling place to the Municipal Court Building.

4. Discuss Future Agenda Items - no discussion

C. ADJOURN BRIEFING SESSION

D. CALL REGULAR MEETING TO ORDER

Mayor Smith called the regular meeting to order at 6:21 p.m.

E. INVOCATION

Pastor Phil Cook gave the Invocation.

F. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG

Pastor Cook led the pledges.

G. PUBLIC PARTICIPTION

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie, speaking on behalf of the Glenwick Homeowners Association, stated huge concrete power poles were being placed along Heather Glen. They were very close to the road (FM 1171). She stated the homeowners did not want the aesthetic appearance disrupted in Glenwick and also the Westchester subdivision. She hoped the Town would do some creative problem solving.

Steve Dixon, 4604 Wisdom Creek Court, Flower Mound

Mr. Dixon announced that he had filed for Town Council, Place 2 and explained his reasons for wanting to run for the position.

Robert Coats, 2809 Lake Crest Drive, Flower Mound

Representing Lakeview Estates Homeowners Association, Mr. Coats stated the residents had been involved with the soundwall project for almost two years. He stated they would like to see the project moved forward. He understood that some of the bids were still out with other subdivisions. He stated Lakeview Estates had to satisfy their bylaws so the association board could turn the paperwork over to the Town to sign. Since the association was seeking an upgraded wall, there was a differential in price. The association had to make arrangements for bank financing.

Town Manager Harlan Jefferson stated he had not yet heard from the bank.

Virginia Jellison, 2705 Lakeville Lane, Flower Mound

Ms. Jellison expressed concern about oil and gas wells in the community. She asked at what price would they be allowed in the Town.

Mayor Smith encouraged Ms. Jellison to speak at the Oil and Gas Board of Appeals meetings.

Denise Roberts, 709 Paisley Drive, Flower Mound

Ms. Roberts announced a fundraiser for the Hunter Berry Memorial Scholarship Fund. Young Hunter lost his life on a family vacation in Mexico. On Thursday, February 21, 2008, Peter Piper Pizza in Highland Village agreed to donate 15% of their proceeds between 11 a.m. and 8 p.m. to the fund. She encouraged everyone to attend the event and/or support the scholarship fund.

H. PRESENTATIONS

- Certificate of Achievement - Eagle Scout Ryan Taylor Bates

Ryan Taylor Bates received a Certificate of Achievement from Mayor Smith for achieving the rank of Eagle Scout.

I. MAYORAL/COUNCILMEMBER ANNOUNCEMENTS

Councilmember Long thanked the residents who called, emailed and visited with her regarding her decision to not seek re-election in May. She thanked everyone for their support for the last four years. She stated she had met with homeowners associations regarding Code Enforcement. She updated them with the actions that had been taken in order to make Code Enforcement more proactive. She stated the association asked for a stakeholders group where presidents, Chamber members, and businesses could get together with Code Enforcement on a regular basis to see how to bring issues forward, and how the ordinances could be enforced better. She stated residents had been contacting her about oil and gas wells, expressing concerns that they felt there was not an option but to sign a lease. She stated the oil and gas representatives were making that representation. She encouraged residents to get well-informed and contact their legal counsel. She also suggested that they contact the Town about where applications were being made. Councilmember Long stated as a Councilmember she did

not support bringing the wells into the community, however everyone had to make the best of the situation now that the wells were here.

Councilmember Filidoro stated he had spoken with many residents and oil and gas attorneys. He encouraged residents to work together through their homeowners associations to have a stronger position. He stated he would be available to talk to some of the associations, and he encouraged everyone to attend the meetings that were being held.

Mayor Smith stated she spoke to someone who organized a homeowners association meeting last week, and they had invited attorney Virginia Moore, who is an oil and gas expert.

Mayor Pro Tem Tasker stated he attended one of the oil and gas meetings to hear the issues. Since that time he had met with the two land men and the president of the company to discuss the issues. He had expressed some of the **residents'** concerns, especially the setback issues for the wells and the pipelines. He anticipated future meetings with the representatives to insure that all interests were being well-represented. He encouraged residents to take the time to educate themselves and to not rush to judgment.

Mayor Smith commented that representatives from Southlake visited Flower Mound recently regarding oil and gas wells and pipelines.

Councilmember Long recommended that the representatives from homeowners associations attend the **Mayor's** Resident Advisory Group meetings, and encouraged the residents to work as a group regarding the oil and gas wells.

J. LEWISVILLE INDEPTENDENT SCHOOL DISTRICT (LISD) LIAISON REPORT - TOM HAYDEN

Tom Hayden, LISD Liaison

Mr. Hayden asked for the Council to tell him what type of tasks he should do in order to be an effective liaison for the Town. He felt he could be useful regarding the joint use agreements between the Town and the LISD. He noted that random drug testing was occurring at the schools for those involved in school activities. He felt the consequences aspect did not "have enough teeth" and should be stricter. Regarding the proposed bond issue, the school board scheduled a work session and special meeting on Wednesday. He felt the proposed event center and natatorium should be for the entire community, not just the school system. He asked if the Council could show support for the bond election.

Mayor Smith stated the Council would get together some additional thoughts on how Mr. Hayden could be helpful to the Town. She noted that a group of officials could not take a stand on being for or against the election propositions. She commented that the Parks, Arts, and Library Services Board might want to get involved with the proposed new centers. She asked Mr. Hayden to come back to the Council with a report after the bond election is called and to keep the Council updated with any development applications made by the LISD.

Mr. Hayden stated he could help with easements and such.

K. TOWN MANAGER REPORT

Town Manager Harlan Jefferson addressed the utility pole concerns mentioned by Carol

Kohankie. Staff was developing a report with the number and size of the poles, and added that staff had acquired a copy of the permit that was submitted to TxDOT. Some of the large concrete poles were needed because of the guywire requirements around sharp curves. Regarding the soundwall, Mr. Jefferson stated the Town had been working on this for the North shore and Surrey Woods subdivisions for some time. The total plan always envisioned that the soundwall would not start until Section 2 was completed. Easements had been acquired for Lakeview Estates, but some were still missing for Northshore, Surrey Woods, and Creekwood Estates. Mr. Jefferson stated TxDOT had indicated that would do the soundwall for FM 2499 Section 3 prior to making the improvements to the roadway. He noted only one or two easements from The Forums subdivision were still outstanding.

Councilmember Filidoro stated he would like to attend any meetings regarding the utility poles.

L. CONSENT ITEMS

Deputy Mayor Pro Tem Trotter made a motion to approve by consent, Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14. Mayor Pro Tem Tasker seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation for each, for the record.

- 1. Consider approval of minutes from a regular meeting of the Town Council held on February 4, 2008.**

RECOMMENDATION: Approve minutes from a regular meeting of the Town Council held on February 4, 2008.

- 2. Consider approval of canceling the March 17, 2008 regular meeting of the Town Council and calling a special meeting and work session on March 27, 2008.**

RECOMMENDATION: Approve canceling the March 17, 2008 regular meeting of the Town Council and calling a special meeting and work session on March 27, 2008.

- 3. Consider approval of a resolution approving the form of the bylaws of the Town of Flower Mound Community Development Corporation.**

RECOMMENDATION: Approve Resolution No. 01-08 approving the form of the bylaws of the Town of Flower Mound Community Development Corporation. The caption of the resolution reads as follows:

RESOLUTION NO. 01-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE TOWN OF FLOWER MOUND COMMUNITY DEVELOPMENT CORPORATION BYLAWS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

- 4. Consider approval of a resolution confirming a relationship with JPMorgan Chase Bank; designating and appointing authorized agents; authorizing the Mayor to sign all accompanying agreements; providing for the operation of the Town's accounts with said Bank; and declaring an effective date.**

RECOMMENDATION: Approve Resolution No. 02-08 confirming a relationship with JPMorgan

Chase Bank; designating and appointing authorized agents; authorizing the Mayor to sign all accompanying agreements; providing for the operation of the Town's accounts with said Bank; and declaring an effective date. The caption of the resolution reads as follows:

RESOLUTION NO. 02-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND CONFIRMING A RELATIONSHIP WITH JPMORGAN CHASE BANK; DESIGNATING AND APPOINTING AUTHORIZED AGENTS; AUTHORIZING THE MAYOR TO SIGN ALL ACCOMPANYING AGREEMENTS; PROVIDING FOR THE OPERATION OF THE TOWN'S ACCOUNTS WITH SAID BANK; AND DECLARING AN EFFECTIVE DATE.

5. **Consider approval of Amendment No. 2 to the FY 2007-2008 Capital Improvement Program.**

RECOMMENDATION: Approve Amendment No. 2 to the FY 2007-2008 Capital Improvement Program.

6. **Consider approval of Work Order No. 14 with Kellogg, Brown & Root, Inc., for professional services associated with the update of the Town's Wastewater System Master Plan in the amount of \$83,174.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve Work Order No. 14 with Kellogg, Brown & Root, Inc., for professional services associated with the update of the Town's Wastewater System Master Plan in the amount of \$83,174.00, and authorize the Mayor to execute same on behalf of the Town.

7. **Consider approval of an agreement with Halff Associates, Inc., to provide professional engineering design services associated with the Flower Mound Road 16" Water Line project, in the amount of \$50,176.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve an agreement with Halff Associates, Inc., to provide professional engineering design services associated with the Flower Mound Road 16" Water Line project, in the amount of \$50,176.00, and authorize the Mayor to execute same on behalf of the Town.

8. **Consider approval of an agreement with Wiginton Hooker Jeffrey Architects, to provide professional architectural, engineering, surveying, landscape, bidding phase services, construction administration, and record drawing services associated with Fire Station #4 in the amount of \$377,250.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve an agreement with Wiginton Hooker Jeffrey Architects, to provide professional architectural, engineering, surveying, landscape, bidding phase services, construction administration, and record drawing services associated with Fire Station #4 in the amount of \$377,250.00, and authorize the Mayor to execute same on behalf of the Town.

9. **Consider approval of a Local Agreement with the Denton County Criminal District Attorney's Office and the Flower Mound Police Department, regarding the disposition of contraband seized and forfeited under Chapter 59 of the Texas Code of Criminal Procedure, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve a Local Agreement with the Denton County Criminal District Attorney's Office and the Flower Mound Police Department, regarding the disposition of contraband seized and forfeited under Chapter 59 of the Texas Code of Criminal Procedure, and authorize the Mayor to execute same on behalf of the Town.

10. Consider approval of an Ordinance amending Appendix A "Fee Schedule," 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: Approve Ordinance No. 15-08 amending Appendix A "Fee Schedule," 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". The caption of the ordinance reads as follows:

ORDINANCE NO. 15-08

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A "FEE SCHEDULE," 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 AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

11. Consider approval of the award of Bid #708 Miscellaneous Concrete Replacement to the lowest responsible bidder, Estrada Concrete Co., LLC, at the unit prices bid, for an estimated annual expenditure of \$115,000, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve the award of Bid #708 Miscellaneous Concrete Replacement to the lowest responsible bidder, Estrada Concrete Co., LLC, at the unit prices bid, for an estimated annual expenditure of \$115,000, and authorize the Mayor to execute same on behalf of the Town.

12. Consider approval of an ordinance ordering a general Town election to be held on the 10th day of May 2008 for the purpose of electing a Mayor and two Councilmembers, Places 2 and 4, for two-year terms each; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice.

RECOMMENDATION: Approve Ordinance No. 16-08 ordering a general Town election to be held on the 10th day of May 2008 for the purpose of electing a Mayor and two Councilmembers, Places 2 and 4, for two-year terms each; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice. The caption of the ordinance reads as follows:

ORDINANCE NO. 16-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ORDERING A GENERAL TOWN ELECTION TO BE HELD ON THE 10th DAY OF MAY 2008, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO COUNCILMEMBERS, PLACES 2 AND 4, FOR TWO-YEAR TERMS EACH; PROVIDING

FOR ELECTION OFFICERS; DESIGNATING THE PLACES AND MANNER OF HOLDING SAID ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE.

13. Consider approval of an interlocal agreement with Denton County for rental of voting machines, equipment and supplies for the May 10, 2008, General Election, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve an interlocal agreement with Denton County for rental of voting machines, equipment and supplies for the May 10, 2008, General Election, and authorize the Mayor to execute same on behalf of the Town.

14. Consider approval of a joint agreement with the Lewisville Independent School District (LISD) for the Town of Flower Mound to conduct the May 10, 2008, general election, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a joint agreement with the Lewisville Independent School District (LISD) for the Town of Flower Mound to conduct the May 10, 2008, general election, and authorize the Mayor to execute same on behalf of the Town.

VOTE ON THE MOTION

AYES: Lindsey, Trotter, Tasker, Long, Filidoro

NAYS: None

M. REGULAR ITEMS

15. **SP 40-06 Gemmy Industries**
Consider a request for a Site Plan (SP 40-06 Gemmy Industries) to develop a 195,500-square-foot office/warehouse building, requests for waivers to the SMARTGrowth Community Character and Environmental Quality provisions, and an exception to allow construction and/or construction-related activities in the floodplain. The 11.52-acre property, zoned Planned Development District 31 (PD 31) with Campus Industrial District (C I) uses, is generally located north of Lakeside Parkway, south of Spinks Road, and east of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 4 to 2 at its January 28, 2008 meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, introduced the item with several slides. He highlighted the intensive landscaping noting a large area would be used for dry detention.

Craig Dickson, Gemmy Industries

Mr. Dickson stated they would be holding detention for the entire 23 acre tract. He stated they wanted the building to look more like an office than industrial. The building was designed to be for future multi-tenants. They hoped to build the structure as green as possible. He stated WalMart was their largest customer and they were using many green techniques, and sharing those ideas with Gemmy. Mr. Dickson stated they would be putting as much fly ash (a by-product of coal burning) into the concrete as possible. They planned to use the second story windows to create interior light for the building. The light would hit an interior shelf and bounce back into the building. He noted they would install many skylights. They hoped to reduce

electrical costs by up to 50%. Additionally, they would use geothermal ground source heat pumps and soy-based insulation.

Questions from the Governing Body and Answers

Councilmember Long clarified that the pond would be dry.

Mr. Dickson stated when they first designed the site plan they intended to use a pond. However, the detention area is already 14 feet deep and it would be 14 feet below street level. They did not think there was much to gain to have 14 feet of water. Additionally, they would have had less landscaping. Mr. Dickson stated they might have shallow water features in the front of the building.

Deputy Mayor Pro Tem Trotter asked for a review of the downstream flood control.

Mr. Powell stated the site was part of the Silveron development proposal. The channel ran through the property. Improvements had been made further south that accounted for the floodplain waters.

Town Engineer Kent Collins stated the owner of the property did obtain a 404 permit from the Corps of Engineers that allowed them to pipe what would normally be floodplain waters into a pipe. The application to do that work in the floodplain had already been considered by the Planning & Zoning Commission and the Town Council. He noted a mitigation plan was in place. Mr. Collins stated the owners of the property were handling that plan as it was a Corps issue. Gemmy was not doing anything that adversely affected the 404 permit. Under normal circumstances a flood study would be required, however the original intent was to put the floodplain in the pipe. They had fulfilled all of the requirements.

Councilmember Long asked about the removal of existing trees.

Mr. Dickson stated they were landscaping above the Town standards. They left 10,000 square feet of native land on the north side. They planned to plant pine trees on the west side that would grow with deep tap roots. They also planned for groves of trees, rather than rows, in the front. He believed they would be removing 257 trees and putting in 160 new trees.

Councilmember Lindsey read from the SMARTGrowth Plan regarding waivers. He stated the language explained the reasons why the Council would allow building in the floodplain and the issue with the trees, in this particular case. He commented that Gemmy had designed an attractive site that would last a long time. He noted Flower Mound had attracted Gemmy away from Coppell, the building looked like an office building, and he was in full support of the request.

Deputy Mayor Pro Tem Trotter stated this had been a long process for the Town and Gemmy. The case became more interesting when relating it to the SMARTGrowth ordinance, as eight of the issues would not be met. The two significant concerns were allowing building in the floodplain, and the removal of trees. Deputy Mayor Pro Tem Trotter stated all the issues had been addressed when considering economic development incentives. The site would take much clearing but it was in the part of Flower Mound that the Town wanted to see grow. He noted this would help spur and continue growth in the Lakeside Business District. He was in support of the request.

Councilmember Filidoro stated this corporate headquarters would bring more of the

same use. He was pleased with the green part of the building, and he hoped others would follow in the green footsteps. He supported the request.

Councilmember Long stated she had a few reservations about the request regarding the floodplain and the trees. She stated she would like to see a tree replacement program for the trees that were six inches or larger. She felt this development was a positive step in attracting a corporate business and trying to make it look like an office.

Mayor Pro Tem Tasker supported the request. He appreciated the fact that Gemmy desired to put in as many trees as possible and more if they can. He felt approval of this request was an opportunity to not pass up.

Council Deliberation

Councilmember Filidoro moved to approve SP 40 - 06 - Gemmy Industries, to develop a 195,500-square-foot office/warehouse building, approve the requested waivers to the Community Character and Environmental Quality provisions contained in the SMARTGrowth ordinance, and approve an exception to do construction and construction-related activity in the floodplain. Councilmember Lindsey seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Long, Tasker, Trotter, Lindsey

NAYS: None

16. LDR 01-07 Single Family District 5

Public Hearing to consider an amendment to the Land Development Regulations (LDR 01-07), by amending Chapter 98 of the Code of Ordinances, entitled "Zoning," through the amendment of Article I "In General" through the amendment of Article III "District Regulations" by the creation of a new Division 8-A entitled "SF-5 Single-Family District-5" and the enactment of related ordinances necessary to establish the specific parameters and standards for said District, through the amendment of Subdivision II "Regulations" of Division 2 "Uses" of Article IV "Supplementary District Regulations" by the amendment of Section 98-952 entitled "Use Classification" by adding the SF-5 Single-Family District-5 to the appropriate areas of the table, through the amendment of Division 3 "Dimensional Regulations" of Article IV "Supplementary District Regulations" by the amendment of Section 98-1021 entitled "Schedule of Residential Dimensional Regulations" by adding the SF-5 Single-Family District-5 and its dimensional regulations to the table, and by the amendment of Section 98-1022 entitled "Schedule of Nonresidential Dimensional Regulations" by adding the SF-5 Single-Family District-5 and its dimensional regulations to the table and consider adopting an ordinance providing for said zoning amendment. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 14, 2008 meeting. This item was postponed at the February 4, 2008 Town Council meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, pointed out the areas of the Code that would need to be changed in order to create the zoning district for 5,000 square foot lots. He read portions of the Master Plan regarding the Denton Creek District and the intent of this district having high density residential areas. Mr. Powell commented that the current zoning

ordinance provided for a minimum lot size of 10,000 square feet. As the developer for Canyon Falls was looking at his plan, he decided he did not want to do townhouses or apartments. He preferred to provide housing on 5,000 square foot lots. Mr. Powell reviewed the purpose and intent of the SF-5 district, noting it was designed primarily for single-family detached development on lots 5,000 square feet or larger. He added that this designation could be used anywhere in the Town where high density residential was allowed. Mr. Powell stated the only areas left for high density were in the Denton Creek District, the apartments on Lexington, a small area just south of the YMCA, along Garden Ridge, and on Kirkpatrick where the retirement center was built in the past couple of years. He noted that in order to introduce 5,000 square foot lots on the east side of Flower Mound, south of FM 1171, a Master Plan amendment would be required and the property would have to be re-zoned. Mr. Powell noted the areas zoned for high density residential, north of FM 1171, were the apartments on Morriss Road, and the townhouses in the One Place development. He noted that PD 39, on the corner of Timbercreek and Kirkpatrick, contained some high density. The other area was in The Forums development.

Mark Baker, member of the development team for Canyon Falls

Mr. Baker stated they were trying to develop a zoning category to implement the master plan for the Denton Creek District and allow 5,000 square foot lots.

Public Comments

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone stated there was much discussion regarding infill and mixed use during the Master Plan update. To implement the vision in the Master Plan, the tools to work with needed to be included. Mr. Stone commented that his neighborhood was zoned to allow for 3,500 square foot lots, and many years ago, the Town was overplatted by 143%. He stated the controls had been created that would protect the vision of the community. Mr. Stone stated there was a need for diversity in housing types, and he supported this item.

Close Public Hearing

Council Deliberation

Deputy Mayor Pro Tem Trotter thanked Mr. Powell for pointing out where this new zoning could go, noting SF-5 would actually reduce density. He felt this was a much better choice than apartments, and was in support of the request.

Councilmember Long agreed with Councilmember Trotter and expressed support for the request.

Councilmember Filidoro stated this category was necessary and the Town should have the diversity of homes on smaller lots.

Councilmember Lindsey moved to approve LDR 01-07 - Single-Family District-5 (SF-5) Zoning District to amend the Town's Code of Ordinances to create a residential zoning district, SF-5, which would allow 5,000 square foot single family detached lots and to adopt Ordinance No. 17-08 providing for said amendment. Mayor Pro Tem Tasker seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 17-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SUBPART B, CHAPTER 98 OF THE CODE OF ORDINANCES, ENTITLED "ZONING," THROUGH THE AMENDMENT OF ARTICLE III "DISTRICT REGULATIONS" BY THE CREATION OF A NEW DIVISION 8-A ENTITLED "SF-5 SINGLE-FAMILY DISTRICT-5" AND THE ENACTMENT OF RELATED ORDINANCES NECESSARY TO ESTABLISH THE SPECIFIC PARAMETERS AND STANDARDS FOR SAID DISTRICT, THROUGH THE AMENDMENT OF SUBDIVISION II "REGULATIONS" OF DIVISION 2 "USES" OF ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS" BY THE AMENDMENT OF SECTION 98-952 ENTITLED "USE CLASSIFICATION" BY ADDING THE SF-5 SINGLE-FAMILY DISTRICT-5 TO THE APPROPRIATE AREAS OF THE TABLE, THROUGH THE AMENDMENT OF DIVISION 3 "DIMENSIONAL REGULATIONS" OF ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS" BY THE AMENDMENT OF SECTION 98-1021 ENTITLED "SCHEDULE OF RESIDENTIAL DIMENSIONAL REGULATIONS" BY ADDING THE SF-5 SINGLE-FAMILY DISTRICT-5 AND ITS DIMENSIONAL REGULATIONS TO THE TABLE, AND BY THE AMENDMENT OF SECTION 98-1022 ENTITLED "SCHEDULE OF NONRESIDENTIAL DIMENSIONAL REGULATIONS" BY ADDING THE SF-5 SINGLE-FAMILY DISTRICT-5 AND ITS DIMENSIONAL REGULATIONS TO THE TABLE; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Lindsey, Trotter, Tasker, Long, Filidoro
NAYS: None

Mayor Smith opened Items 17 and 18 together.

17. MPA 05-06 Canyon Falls

Public Hearing to consider a request to amend Section 2.0 Area Plans, specifically the Denton Creek Area Plan of Master Plan 2001 (MPA 05-06 Canyon Falls), to adopt the revised Denton Creek Area Plan, and to consider adopting an ordinance providing for said amendment. The 626-acre property, zoned Interim Holding (IH), is located north of Cross Timbers Road between Interstate 35W and State Highway 377. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 14, 2008 meeting. This item was postponed at the February 4, 2008 Town Council meeting.)

18. ZPD 08-06 Canyon Falls

Public Hearing to consider a request for rezoning (ZPD 08-06 Canyon Falls) from Interim Holding (IH), to Planned Development District 98 (PD 98) with Residential and Commercial uses, to consider adopting an ordinance for said zoning amendment, subject to the terms and conditions in the attached Development Agreement, and to authorize the Mayor to execute said agreement on behalf of the Town. The 626-acre property, Master Planned Denton Creek District, is located north of Cross Timbers Road between Interstate 35 and SH 377. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 14, 2008 meeting. This item was postponed at the February 4, 2008 Town Council meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, showed that the boundaries of the development actually went outside the Town limits. Part of the area was in the floodplain. Part of the property was in the Town of Northlake and part was in **Argyle's** extraterritorial jurisdiction. The zoning was Interim Holding. Mr. Powell stated there were two options for the Denton Creek District. The difference was where the commercial areas would go. He reviewed that Option 2 moved the high density residential from the area along the creek to the central area near the school site. Additionally, the **applicant's** Option 2 showed the roadway that connects FM 1171 to I-35 W to be curvilinear instead of straight. He also noted that the **Town's** Master Plan showed a small section near FM 1171 as Industrial, and the Master Plan Steering Committee agreed that it should actually be Commercial. Mr. Powell reviewed the zoning case.

Again, there were two options. The proposed ordinance stated that once the developer started with one option, they had to finish with that same option. They planned to have lot sizes that would run from 5,000 square feet to one acre lots. There would be a great deal of 10,000 square foot lots.

Mayor Smith thanked everyone who had spent so much time and effort on this case.

Applicant's Presentation

Mark Baker, representing the development team, Canyon Falls

Mr. Baker re-emphasized the two minor amendments to shift the high density aspect, and not change the acreage. They preferred to have the high density zoning around the school. A centralized greenbelt and floodway would unify the corridor and provide an area for larger homes along the creek corridor. He stated they would rather have Commercial uses than Industrial uses along FM 1171. Mr. Baker noted there was an existing gas line and overhead electric line through the property. He identified the natural drainage corridors. Mr. Baker stated they planned to incorporate six different product types from the 5,000 square foot lots up to one-half acre and acre lots. He stated they would have greenbelts based on existing green areas and tree canopy, and they planned to utilize the natural water areas as water amenities. The school site would be centrally located. For Option 2, the higher density would be located around the school. Mr. Baker stated the team worked with the Park Board and staff to create a master plan for the parks and trails. The centralized amenity center would be located just north of the main entry off FM 1171. It would include a clubhouse, swimming pool, fields, and be next to the creek. The entire development would have several water features incorporating water falls. The falls theme would be carried throughout the development to remain consistent in design. He commented that staff calculated 972 dwelling units as a unit cap, where a maximum of 350 of the 972 could be on the 5,000 square foot lots. Mr. Baker commented that the Planned Development (PD) included a commercial component but no detailed plans had been developed. Those sites will have to come back to the Planning & Zoning Commission and the Council at the site plan level. He added the development would have increased landscaping standards for street buffers, residential lots, and parking lot landscaping strips. The team had submitted residential guidelines.

Public Comments

Casey McGinnis

Mr. McGinnis thanked Mr. Powell and his staff for helping him through the process, along with Town Manager Harlan Jefferson, Town Attorney Terry Welch, and the Planning & Zoning

Commission.

Close Public Hearing

Council Deliberation

In response to a question from the Council, Mr. Baker addressed the phasing issue of the project. Phase I (starting in 2009) included the road from FM 1171 to SH 377 along with residential neighborhoods, the proposed fire station (possibly), and the school site. Phase 2 would include an arterial through to I-35W. He reviewed the remaining phases, noting Phase 6 would go through 2014-2015. He noted that the phases were contingent on market forces, however they did need residential density to attract commercial companies.

Councilmember Long stated she liked this master planned development, as it showed cohesiveness in the development. She appreciated that the developers were using the topography of the land throughout the development and for the amenities. She thanked the team for bringing forth the options.

Deputy Mayor Pro Tem Trotter was very impressed with the development and thanked all those who worked so hard to get the project to this point. He noted there had been numerous meetings at the staff level and with the Planning & Zoning Commission. He stated this was a fully accepted master planned community and a quality project.

Deputy Mayor Pro Tem Trotter moved to approve MPA 05-06 Canyon Falls, to adopt the revised Denton Creek Area Plan exhibit and to adopt Ordinance No. 18-08 providing for said amendment. Mayor Pro Tem Tasker seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 18-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0 LAND USE PLAN AND SECTION 2.0 AREA PLANS OF MASTER PLAN 2001, BY AMENDING ORDINANCE NO. 24-01 IN PART, WHICH ADOPTED MASTER PLAN 2001, THROUGH THE AMENDMENT OF SECTION 2.11 - DENTON CREEK DISTRICT AREA PLAN OF MASTER PLAN 2001 BY ADOPTING A NEW AREA PLAN IDENTIFIED AS DENTON CREEK DISTRICT - OPTION 1 TO REPLACE THE EXISTING OPTION 1 AREA PLAN IN ITS ENTIRETY AND THROUGH THE AMENDMENT OF SECTION 2.12 - DENTON CREEK DISTRICT AREA PLAN OF MASTER PLAN 2001 BY ADOPTING A NEW AREA PLAN IDENTIFIED AS DENTON CREEK DISTRICT - OPTION 2 TO REPLACE THE EXISTING OPTION 2 AREA PLAN IN ITS ENTIRETY; ALLOWING FOR THE DEVELOPMENT OF THE DENTON CREEK DISTRICT IN CONFORMITY TO THE AREA PLAN SELECTED -- OPTION 1 OR OPTION 2 -- FOR THE ENTIRE DISTRICT; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Filidoro, Long, Tasker, Trotter, Lindsey
NAYS: None

Council Deliberation

Councilmember Long moved to approve the rezoning request ZPD 08-06 - Canyon Falls - request to rezone from Interim Holding (IH), to Planned Development District 98 (PD 98) with Single Family District 10 (SF 10), Single Family District 5 (SF 5), Commercial District 1 (C 1), Campus Commercial (C C), and Recreational (R) uses, and to adopt Ordinance No. 19-08 providing for said amendment and authorize the Mayor to execute the development agreement. Councilmember Filidoro seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 19-08

AN ORDINANCE OF THE TOWN COUNCIL 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 626.080 ACRES OF LAND IN THE M.E.P. & P. R.R. SURVEY, ABSTRACT NO. 913, F. THORNTON SURVEY, ABSTRACT NO. 1244, J. WILBURN SURVEY, ABSTRACT NO. 1416 AND THE W. LOVE SURVEY, ABSTRACT NO. 728, FROM INTERIM HOLDING DISTRICT (IH) USES, TO PLANNED DEVELOPMENT DISTRICT 98 (PD 98) WITH SINGLE-FAMILY DISTRICT-10 (SF-10) USES, SINGLE-FAMILY DISTRICT-5 (SF-5) USES, COMMERCIAL DISTRICT-1 (C-1) USES, CAMPUS COMMERCIAL DISTRICT (CC) USES, AND RECREATIONAL DISTRICT (REC) USES, IN ONE OF TWO DEVELOPMENT OPTIONS IN ACCORDANCE WITH AND PURSUANT TO SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Break at 8:21 p.m. to 8:34 p.m.

VOTE ON THE MOTION

AYES: Lindsey, Trotter, Tasker, Long, Filidoro
NAYS: None

19. **SP 48-07 Zoroastrian Association of North Texas**
Consider a request for a Site Plan (SP 48-07 - Zoroastrian Association of North Texas), to develop a 9,191-square-foot church, and an exception to the access management provisions contained in Chapter 32 of the Code of Ordinances. The 2.6-acre property, zoned Agricultural, is located at 1605 Lopo Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 28, 2008 meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, stated the land use was medium density and the property was zoned Agricultural. Some of the surrounding neighbors expressed concern at the Planning & Zoning commission that the new building would overshadow their lots. Mr. Powell explained the exception to the Engineering standards that was requested. The distance between Gentry Lane and the first drive was only 185 feet, and the standard was 360 feet. The drive would provide a second access to the property and limit the amount of traffic that would flow onto Lopo Road.

Applicant's Presentation

Jamshed Rivetna, Vice President of the Board of Directors, Zoroastrian Association of North Texas

Mr. Rivetna stated the Zoroastrian Association worldwide had approximately 200,000 members with 25,000 in North America. There were about 150 families in the Dallas/Fort Worth area. He planned for a 9,100 square foot building. Phase 1 would be about 4,900 square feet and Phase 2 would be the multi-purpose hall. The planned to break ground in spring 2008, noting that Phase 2 would be dictated by fundraising. Mr. Rivetna stated the proposed building fit in with the residential surroundings. They would maintain much green space on the property and would use stucco and stone. The facility would primarily be used on weekends and will have no pre-set standard hours of operation. He noted they planned for 38 parking spaces for Phase 1 and the master plan called for a planned 77 spaces. Mr. Rivetna stated he held an open meeting with the neighbors explaining the building height (31 feet at the peak and 17 feet at the eaves). He stated they would have much screening on the property, and providing the access off Garden Ridge would alleviate much traffic on Lopo.

Council Deliberation

Mayor Pro Tem Tasker moved to approve a request for a Site Plan SP 48-07 - Zoroastrian Association of North Texas - to develop a 9,191 square-foot church. Councilmember Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Long, Tasker, Trotter, Lindsey
NAYS: None

N. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- Work session on February 21
- Regular meeting on March 3
- Cancel March 17 (spring break)
- Special meeting and work session on March 27

O./P. CLOSED/OPEN SESSION

The Town Council convened into closed session at 8:50 p.m. on February 18, 2008 pursuant to Texas Government Code Sections 551.071, 551.072, 551.074, and 551.087 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations and reconvened into open session at 10:06 p.m. on February 18, 2008 to take action on the items as follows:

- a. Discuss and consider economic development incentives.

No action taken.

- b. Discuss and consider acquisition and/or lease of real property for municipal purposes and all matters incident and related thereto.

No action taken.

- c. Discuss and consider appointments to the Environmental Conservation Commission.

No action taken.

Q. ADJOURNMENT

Mayor Smith adjourned the meeting at 10:07 p.m. on February 18, 2008 and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY SMITH, MAYOR

ATTEST:

PAULA PASCHAL, TOWN SECRETARY

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