

**TOWN OF FLOWER MOUND, TEXAS**

**ORDINANCE NO. 62-12**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0 LAND USE PLAN OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USES REFLECTED ON THE LAND USE PLAN MAP FROM LAKESIDE BUSINESS DISTRICT AND LOW DENSITY RESIDENTIAL USES TO MIXED USE AND TO ALLOW RESIDENTIAL USES TO BE INCLUDED WITHIN SUCH MIXED USE DEVELOPMENT PROJECT AND BY AMENDING SECTION 2.0 AREA PLANS TO CHANGE THE CURRENT LAND USES REFLECTED ON THE LAKESIDE BUSINESS DISTRICT AREA PLAN MAP FROM CAMPUS COMMERCIAL USES TO MIXED USE AND TO ALLOW RESIDENTIAL USES TO BE INCLUDED WITHIN SUCH MIXED USE DEVELOPMENT PROJECT ON APPROXIMATELY 155.00 ACRES OF LAND SITUATED IN THE J. TANNEHILL SURVEY, ABSTRACT NUMBER 1252; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on September 27, 1999 the Town Council of the Town of Flower Mound adopted the Land Use Plan component of the Master Plan 2001; and

**WHEREAS**, on March 19, 2001, the Town Council of the Town of Flower Mound adopted all nineteen component plans specifically including the Land Use Plan, together with all amendments thereto, by Ordinance No. 24-01 as a component to Flower Mound Master Plan 2001; and

**WHEREAS**, the Town of Flower Mound Master Plan 2001, which document has been updated and amended from time to time and is now known and referred to simply as the Master Plan establishes and articulates a community based vision to: preserve the country atmosphere and natural environment that makes Flower Mound a unique and desirable community; mitigate the ill effects of rapid and intense urbanization; create a balanced tax base to ensure the Town's long-term economic health and prosperity; and ensure all development is of enduring and exemplary quality; and

**WHEREAS**, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during said public hearings, the Town Council of the Town of Flower Mound, Texas, has determined that it is in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the Town of Flower Mound that Section 1.0 Land Use Plan of the Master Plan of the Town of Flower Mound, Texas, be amended through the amendment of the land use designations reflected in the Land Use Plan Map and that Section 2.0 Area Plans of the Master Plan of the Town of Flower Mound, Texas, be amended through

the amendment of the land use designations reflected on the Lakeside Business District Area Plan Map.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Flower Mound, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2**

From and after the effective date of this ordinance, Section 1.0 Land Use Plan and Section 2.0 Area Plans of the Master Plan, adopted by Ordinance No. 26-11, specifically the Land Use Plan Map and the Lakeside Business District Area Plan Map, are hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of said Master Plan are not amended, but shall remain intact and are hereby ratified, verified, and affirmed.

**SECTION 3**

From and after the effective date of this Ordinance, the Land Use Plan Map contained in Section 1.0 Land Use Plan of the Master Plan, is hereby amended and changed to reflect the graphic color of the land use designation for Mixed Use and to allow residential uses to be included within such Mixed Use development project for the approximate 155 acres of land situated in the J. Tannehill Survey, Abstract No. 1252, which is more fully described in Exhibit "A" and shown on Exhibit "B" attached hereto and incorporated for all purposes allowed by law.

**SECTION 4**

From and after the effective date of this Ordinance, the Lakeside Business District Area Plan Map contained in Section 2.0 Area Plans of the Master Plan, is hereby amended and changed to reflect the graphic color of the land use designation for Mixed Use and to allow residential uses to be included within such Mixed Use development project for the approximate 155 acres of land situated in the J. Tannehill Survey, Abstract No. 1252, which is more fully described in Exhibit "A" and shown on Exhibit "B" attached hereto and incorporated for all purposes allowed by law.

**SECTION 5**

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 6**

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section, and said remaining portions shall remain in full force and effect.

**SECTION 7**

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 19 DAY OF NOVEMBER, 2012.**

**APPROVED:**

Thomas E. Hayden  
**Thomas E. Hayden, MAYOR**

**ATTEST:**

Theresa Scott  
**Theresa Scott, TOWN SECRETARY**

**APPROVED AS TO FORM AND LEGALITY:**

Terrence S. Welch  
**Terrence S. Welch, TOWN ATTORNEY**

Exhibit "A"  
Description of Property

EXHIBIT A

Land

TRACT 1:

BEING a tract of land situated in the J. TANNEHILL SURVEY, Abstract No. 1252 and being a portion of a tract of land conveyed to LAKESIDE DFW LAND, LTD. as recorded in Volume 4589, Page 1287 of the Deed Records of Denton County, Texas (DRDCT) and being more particularly described as follows:

BEGINNING at a Texas Highway Department Monument found at the southerly corner of a corner clip located at the intersection of the northeasterly Right-of-Way line of F.M. ROAD 2499 (160 feet Right-of-Way) and southerly Right-of-Way line of LAKESIDE PARKWAY (120 feet Right-of-Way) said point being the most southwesterly corner of a Right-of-Way Dedication recorded in Volume 2559, Page 990 (DRDCT);

THENCE departing the northeasterly Right-of-Way line of said F.M. ROAD 2499 and along said corner-clip North 18 degrees 49 minutes 04 seconds East a distance of 52.31 feet to a point for corner, said point being in the southerly Right-of-Way line of said LAKESIDE PARKWAY as recorded in a Right-of-Way Dedication recorded in Volume 4589, Page 1430;

THENCE departing said corner-clip and along the southerly Right-of-Way line of said LAKESIDE PARKWAY as follows;

North 69 degrees 15 minutes 09 seconds East a distance of 105.35 feet to a point for the beginning of a curve to the right having a radius of 800.00 feet and having a chord bearing of North 79 degrees 46 minutes 30 seconds East and a chord length of 292.19 feet;

Continuing along said curve to the right through a central angle of 21 degrees 02 minutes 42 seconds and an arc length of 293.84 feet to a point for the point of tangency;

South 89 degrees 42 minutes 09 seconds East a distance of 14.67 feet to a point for corner;

THENCE departing the southerly Right-of-Way line of said LAKESIDE PARKWAY South 00 degrees 40 minutes 36 seconds West a distance of 547.17 feet to a point for corner;

THENCE North 87 degrees 59 minutes 19 seconds West a distance of 258.08 feet to a 1/2 inch iron rod found for corner in the northeasterly Right-of-Way line of said F.M. Road 2499;

THENCE along the northeasterly Right-of-Way line of said F.M. ROAD 2499 North 20 degrees 59 minutes 16 seconds West a distance of 427.82 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 4.130 acres or 179,891 square feet of land more or less. Bearings contained within these field notes are based upon an on the ground survey performed July 7, 2000 utilizing construction plans for Lakeside Parkway prepared by HNTB.

TRACT 2:

BEING a tract of land situated in the J. TANNEHILL SURVEY, Abstract No. 1252 and being a portion of a tract of land conveyed to LAKESIDE DFW LAND, LTD. as recorded in Volume 4589, Page 1287 of the Deed Records of Denton County, Texas (DRDCT) and being

more particular described as follows;

**BEGINNING** at a point at the most southeasterly corner of a Right-of-Way dedication as recorded in Volume 2559, Page 990, said point being set in the southwesterly Right-of-Way line of F.M. Road 2499 (160 feet Right-of-Way);

**THENCE** along the southwesterly Right-of-Way line of said F.M. ROAD 2499 South 21 degrees 02 minutes 00 seconds East a distance of 359.91 feet to a 1/2 inch iron rod found for corner;

**THENCE** departing the southwesterly Right-of-Way line of said F.M. ROAD 2499 North 88 degrees 02 minutes 03 seconds West a distance of 422.81 feet to a point for corner in the easterly Right-of-Way line of OLD F.M. ROAD 2499 (90 feet Right-of-Way), which a 1/2 inch iron rod found bears North 89 degrees 02 minutes 14 seconds West a distance of 0.79 feet;

**THENCE** along the easterly Right-of-Way line of said OLD F.M. ROAD 2499 South 06 degrees 32 minutes 42 seconds West a distance of 4.73 feet to a point for corner;

**THENCE** North 26 degrees 30 minutes 08 seconds West a distance of 226.09 feet to a point for corner;

**THENCE** North 19 degrees 11 minutes 04 seconds East a distance of 14.01 feet to a point for corner in the southerly Right-of-Way line of said Lakeside Parkway, said point being the beginning of a non-tangent curve to the right having a radius of 1440.00 feet, a chord bearing of North 66 degrees 56 minutes 32 seconds East and a chord length of 101.07 feet;

**THENCE** along the southerly line of said Lakeside Parkway as follows:

Along said non-tangent curve to the right through a central angle of 04 degrees 01 minutes 21 seconds and an arc length of 101.10 feet to a point for corner;

North 68 degree 57 minutes 12 seconds East a distance of 268.86 feet to a point for corner at a corner-clip.

**THENCE** departing the southerly Right-of-Way line of said LAKESIDE PARKWAY and along said corner-clip South 60 degrees 50 minutes 20 seconds East a distance of 52.44 feet to the **POINT OF BEGINNING**;

**CONTAINING** within these metes and bounds 2.889 acres or 125,862 square feet of land more or less. Bearings contained within these field notes are based upon an on the ground survey performed July 7, 2000 utilizing construction plans for Lakeside Parkway prepared by HNTB.

**TRACT 3:**

**BEING** a tract of land situated in the J. TANNEHILL SURVEY, Abstract No. 1252 and being a portion of a tract of land conveyed to LAKESIDE DFW LAND, LTD. as recorded in Volume 4589, Page 1287 of the Deed Records of Denton County, Texas (DRDCT) and being more particular described as follows;

**BEGINNING** at a point at a corner-clip and being the most northeasterly corner of a Right-of-Way Dedication recorded in Volume 2559, Page 990, said point being set in the southwesterly Right-of-Way line of F.M. ROAD 2499 (160 feet Right-of-Way);

THENCE departing the southwesterly Right-of-Way line of said F.M. ROAD 2499 and along said corner-clip South 28 degrees 23 minutes 02 seconds West a distance of 61.18 feet to a point for corner in the northerly Right-of-Way line of LAKESIDE PARKWAY (120 feet Right-of-Way), said point being the most northeasterly corner of a Right-of-Way Dedication recorded in Volume 4589, Page 1443;

THENCE along the northerly Right-of-Way line of said LAKESIDE PARKWAY as follows;

South 68 degrees 57 minutes 12 seconds West a distance of 255.59 feet to a point for the beginning of a curve to the left having a radius of 1560.00 feet and having a chord bearing of South 64 degrees 29 minutes 59 seconds West and a chord length of 242.28 feet;

Continuing along said curve to the left through a central angle of 08 degrees 54 minutes 27 seconds and an arc length of 242.32 feet to a point for the point of tangency;

South 60 degrees 02 minutes 46 seconds West a distance of 455.07 feet to a point for corner in the northerly Right-of-Way line of HERITAGE LANE (variable width Right-of-Way);

THENCE departing the northerly Right-of-Way line of said LAKESIDE PARKWAY and along the northerly Right-of-Way line of said HERITAGE LANE North 89 degrees 31 minutes 39 seconds West a distance of 40.86 feet to a point for corner at the intersection of the northerly Right-of-Way line of said HERITAGE LANE and the easterly Right-of-Way line of SURREY DRIVE (variable width Right-of-Way);

THENCE departing the northerly Right-of-Way line of said HERITAGE LANE and along the easterly Right-of-Way line of said SURREY DRIVE North 01 degree 28 minutes 19 seconds West a distance of 1061.44 feet to a point for corner;

THENCE departing the easterly Right-of-Way line of said SURREY DRIVE South 88 degrees 10 minutes 29 seconds East passing a 1/2 inch iron rod found at a distance of 147.09 feet continuing in all a distance of 646.30 feet to a 1/2 inch iron rod found for corner;

THENCE South 83 degrees 01 minutes 01 seconds East a distance of 91.12 feet to a point for corner in the southwesterly Right-of-Way line of said F.M. Road 2499;

THENCE along the southwesterly Right-of-Way line of said F.M. ROAD 2499 South 21 degrees 00 minutes 54 seconds East a distance of 592.00 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 16.261 acres or 708,342 square feet of land more or less. Bearings contained within these field notes are based upon an on the ground survey performed July 7, 2000 utilizing construction plans for Lakeside Parkway prepared by HNTB.

TRACT 4;

BEING a tract of land situated in the J. TANNEHILL SURVEY, Abstract No. 1252 and being a portion of a tract of land conveyed to LAKESIDE DFW LAND, LTD. as recorded in Volume 4589, Page 1287 of the Deed Records of Denton County, Texas (DRDCT) and being more particularly described as follows;

BEGINNING at a point in the westerly Right-of-Way line of OLD F.M. ROAD 2499 (90 feet Right-of-Way);

THENCE along the westerly Right-of-Way line of said OLD F.M. ROAD 2499 as follows;

South 00 degrees 28 minutes 57 seconds West a distance of 1290.19 feet to a point for corner from which a Concrete Right-of-Way Monument found bears North 05 degrees 34 minutes 38 seconds West a distance of 2.20 feet;

South 01 degrees 11 minutes 16 seconds West a distance of 550.03 feet to a point for corner in the northerly Right-of-Way line of LAKESIDE PARKWAY (70 feet Right-of-Way) as recorded in Volume 4589, Page 1449;

THENCE departing the westerly Right-of-Way line of said OLD F.M. ROAD 2499 and along the northerly Right-of-Way line of said LAKESIDE PARKWAY as follows;

South 52 degrees 04 minutes 45 seconds West a distance of 227.85 feet to a point for corner in the northerly Right-of-Way line of LAKESIDE PARKWAY (70 feet Right-of-Way);

North 83 degrees 34 minutes 28 seconds West a distance of 14.30 feet to a point for corner in the easterly Right-of-Way line of LAKESIDE PARKWAY (120 feet Right-of-Way); and the beginning of a non-tangent curve to the left having a radius of 1760.00 feet and having a chord bearing of North 48 degrees 08 minutes 45 seconds West and a chord length of 533.79 feet;

Continuing along said non-tangent curve to the left through a central angle of 17 degrees 30 minutes 37 seconds and an arc length of 537.88 feet to a point for corner and being the beginning of a non-tangent curve to the left having a radius of 100.00 feet and having a chord bearing of North 34 degrees 34 minutes 05 seconds West and a chord length of 99.25 feet;

Continuing along said non-tangent curve to the left through a central angle of 59 degrees 30 minutes 14 seconds and an arc length of 103.83 feet to a point for corner and being the point of tangency;

North 11 degrees 11 minutes 24 seconds West a distance of 1199.93 feet to a point for corner and being the beginning of a non-tangent curve to the left having a radius of 100.00 feet and having a chord bearing of North 24 degrees 25 minutes 41 seconds East and a chord length of 60.18 feet;

Continuing along said non-tangent curve to the left through a central angle of 35 degrees 01 minutes 27 seconds and an arc length of 61.13 feet to a point for corner and being the point of tangency;

North 60 degrees 02 minutes 46 seconds East a distance 883.20 feet to a point for the beginning of a curve to the right having a radius of 1440.00 feet, a chord bearing of North 60 degrees 41 minutes 32 seconds East and a chord length of 32.76 feet;

Continuing along said curve to the right through a central angle of 01 degrees 18 minutes 13 seconds and an arc length of 32.76 feet to the westerly corner of a corner clip;

THENCE along said corner clip South 72 degrees 24 minutes 26 seconds East a distance of 13.89 feet to a point for corner;

THENCE South 26 degrees 30 minutes 08 seconds East a distance of 162.56 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 31.060 acres or 1,352,972 square feet of land more or less. Bearings contained within these field notes are based upon an on the ground survey performed July 7, 2000 utilizing construction plans for Lakeside Parkway prepared by HNTB.

**TRACT 5:**

BEING a tract of land situated in the J. TANNEHILL SURVEY, Abstract No. 1252 and being a portion of a tract of land conveyed to LAKESIDE DFW Land, LTD. as recorded in Volume 4589, Page 1287 of the Deed Records of Denton County, Texas (DRDCT) and being more particularly described as follows;

BEGINNING at a 5/8 inch iron rod found at the intersection of the westerly Right-of-Way line of SURREY DRIVE (variable width Right-of-Way) and the northerly Right-of-Way line of HERITAGE LANE (variable width Right-of-Way);

THENCE departing the westerly Right-of-Way line of said SURREY DRIVE and along the northerly Right-of-Way line of said HERITAGE LANE South 89 degrees 23 minutes 50 seconds West a distance of 1007.44 feet to a point for corner at a corner-clip;

THENCE departing the northerly Right-of-Way line of said HERITAGE LANE and along said corner-clip North 45 degrees 40 minutes 19 seconds West a distance of 84.96 feet to a 5/8 inch iron rod found for corner in the easterly Right-of-Way line of said HERITAGE LANE;

THENCE departing said corner-clip and along the easterly Right-of-Way line of said HERITAGE LANE North 00 degrees 44 minutes 27 seconds West a distance of 637.53 feet to a point for corner;

THENCE departing the easterly Right-of-Way line of said HERITAGE LANE South 89 degrees 14 minutes 21 seconds East a distance of 747.35 feet to a point for corner;

THENCE South 02 degrees 13 minutes 57 seconds East a distance of 128.00 feet to a 3/4 inch iron pipe found for corner;

THENCE South 89 degrees 13 minutes 57 seconds East a distance of 300.31 feet to a 1 inch iron pipe found for corner in the westerly Right-of-Way line of said SURREY DRIVE;

THENCE along the westerly Right-of-Way line of said SURREY DRIVE South 02 degrees 30 minutes 29 seconds East a distance of 544.91 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 15.700 acres or 683,882 square feet of land more or less. Bearings contained within these field notes are based upon an on the ground survey performed July 7, 2000 utilizing construction plans for Lakeside Parkway prepared by HNTB.

**TRACT 6:**

BEING a tract of land situated in the J. Tannehill Survey, Abstract No. 1252, E. Tannehill Survey, Abstract No. 1272 and the R. Knight Survey, Abstract No. 708 and being a portion of a tract of land conveyed to LAKESIDE DFW LAND, LTD. as recorded in Volume 4589, Page 1287 of the Deed Records of Denton County, Texas (DRDCT) and being more particularly described as follows;



THENCE departing the easterly line of said Tract B-112 South 88 degree 35 minutes 28 seconds East a distance of 20.00 feet to a point for corner in the southerly Right-of-Way line of said HERITAGE LANE;

THENCE along the southerly Right-of-Way line of said HERITAGE LANE as follows;

South 45 degree 40 minutes 19 seconds East a distance of 97.38 feet to a point for corner;

North 89 degree 10 minutes 33 seconds East a distance of 992.09 feet to the POINT BEGINNING;

CONTAINING within these metes and bounds 52.981 acres or 2,307,851 square feet of land more or less. Bearings contained within these field notes are based upon an on the ground survey performed July 7, 2000 utilizing construction plans for Lakeside Parkway prepared by HNTB.

SAVE AND EXCEPT that 9.600 acre tract of land conveyed to Lakeside Hotel DFW, LP, a Texas limited partnership by Special Warranty Deed dated November 15, 2005, filed November 17, 2005 and recorded in/ under Clerk's No. 2005-143494 of the Real Property Records of Denton County, Texas.

Exhibit "B"  
Depiction of Property  
**PROPOSED ZONING OF THE SUBJECT SITE**

