

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 3RD DAY OF OCTOBER 2022, 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.

[Click here](#) for meeting video link (subject to change)

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

Derek France	Mayor
Sandeep Sharma	Mayor Pro Tem
Ann Martin	Deputy Mayor Pro Tem
Adam Schiestel	Councilmember Place 1
Brian Taylor	Councilmember Place 3
Jim Engel	Councilmember Place 4

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

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
James W. Childers	Town Manager
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Assistant Town Manager/Town Engineer
Lexin Murphy	Director of Planning Services
JP Walton	Strategic Services Manager

A. CALL MEETING TO ORDER

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

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

Chaplain Russ McNamer gave the invocation and Mayor France led the pledges.

D. PRESENTATIONS

1. Proclamation and presentation of Hometown Hero banner Justin Turner

Mayor France recited the proclamation and presented it to Justin Turner.

E. PUBLIC COMMENT

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.

	Speaker names and address	Subject (as written on the form)
1.	Robbie Cox, 3001 Wood Trail	Whataburger
2.	Fred Vincent, 3933 Bordeaux Cir	ECC
3.	Daniel Keough, 3012 Bramble Chase Ct, Bedford	Mayor's gun proposition
4.	Tanner Wilson, 4925 Creekwood Dr	Racist Stickers
5.	Denise Walsworth Hicks, 3917 Ashburton Way*	Not indicated

*Did not speak

F. ANNOUNCEMENTS

Deputy Mayor Pro Tem Martin announced that October 4 is National Night Out. She also announced that there will be a Fire Department Open House on October 8.

Mayor France had the following announcements:

- Diwali Festival of Lights on October 15
- The Town is accepting applications for the Town's Annual Outstanding Citizen Award
- The passing of Flower Mound Firefighter Wade Cannon (which included a moment of silence)

G. TOWN MANAGER'S REPORT

Mr. Childers provided the following report.

1. Capital improvement projects
No discussion.
2. Economic Development projects
No discussion.
3. Operational updates
He announced that October 1 is the first day of the new Town budget fiscal year.

He also asked the public to keep the firefighters and Wade's family in their prayers during this time.

H. FUTURE AGENDA ITEMS

1. No request

I. COORDINATION OF CALENDARS

1. The next Town Council regular meeting is scheduled for Monday, October 17
2. A work session is scheduled for Thursday, October 20

Mayor France asked if all members plan to attend both of those meetings. Councilmember Taylor indicated he was tentative for both.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting on September 19, 2022.
2. Consider the approval of a Professional Services Agreement renewal with Cityworks LLC, a Trimble Company, in the amount of \$65,006.17; and authorization for the Mayor to execute same on behalf of the Town.

3. Consider the approval of a Professional Services Agreement renewal with Environmental Systems Research Institute, Inc. in the amount of \$55,080.00; and authorization for the Mayor to execute same on behalf of the Town.
4. Consider approval of the purchase and installation of a shade structure, for the Heritage Park Improvements, from Whirlix Design, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$102,882.00.
5. Consider approval of a Professional Services Agreement with MHS Planning & Design, LLC., for the design phase services associated with the Tealwood Oaks Park project, in the amount of \$52,250.00; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Sharma moved to approve by consent Items 1 – 5, as presented in the agenda caption. Councilmember Taylor seconded the motion. Each item, as approved by consent, is restated above, and if applicable, the Ordinance or Resolution caption for each, for the record.

VOTE ON MOTION:

Motion passed

AYES: TAYLOR, SCHIESTEL, ENGEL, MARTIN, SHARMA

NAYS: NONE

K. REGULAR ITEMS

Mayor Pro Tem Sharma recused himself from discussion and action on the following item.

6. Public Hearing to consider an ordinance for rezoning (MU22-0002 – Lakeside Village) to amend Mixed Use District-1 (MU-1) to amend certain development standards related to Character Zone Standards, Open Space Standards, and Signage Standards in the Lakeside Village Development Code. The property is generally located west of Long Prairie Road along both sides of Lakeside Parkway. (PZ recommended approval by a vote of 6 to 0 at its September 26, 2022, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Text amendments (parks and open space plan, proposed standards, signage)
- Site photos

and she responded to questions or comments from Council regarding:

- Signage

Applicant Presentation

Rebecca Everett, Realty Capital

Ms. Everett responded to questions or comments from Council regarding:

- Trail width
- Clarification regarding area where no sidewalks are being requested

Mayor France opened the Public Hearing at 6:31 p.m. No one spoke. Mayor France closed the Public Hearing at 6:32 p.m.

Deputy Mayor Pro Tem Martin moved to approve as presented. Councilmember Engel seconded the motion.

ORDINANCE NO. 47-22

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 09-18, WHICH AMENDED MIXED USE DISTRICT-1 (MU-1), ALSO KNOWN AS THE LAKSIDE DFW MIXED USE DEVELOPMENT, BY AMENDING EXHIBIT "B" TO MODIFY DEVELOPMENT STANDARDS RELATED TO SECTION 3, "CHARACTER ZONE STANDARDS," SECTION 5, "CIVIC/OPEN SPACE AND LANDSCAPE STANDARDS," AND SECTION 8, "SIGNAGE STANDARDS/APPENDIX D;" PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: MARTIN, ENGEL, SCHIESTEL, TAYLOR

NAYS: NONE

ABSENT(RECUSED): SHARMA

7. Public Hearing to consider an ordinance amending the zoning (MU21-0002 – Flower Mound Ranch) on approximately 1,066 acres of land from Agricultural District (A) and Interim Holding (IH) uses to Mixed Use District-2 (MU-2) uses, and with certain other waivers, exceptions and modifications to the Code of Ordinances. The property is generally located at the intersection of Cross Timbers Rd and U.S. Highway 377, expanding outwards from all four corners. (PZ recommended approval by a vote of 4 to 2 at its September 26, 2022, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Mixed use land use language (Master Plan)
- Concept plan
- Permitted uses
- Detailed concept plan
- Site photos
- Phasing plan
- Lot type
- Buildout maximums
- Development standards
- Concept street types
- Height bonus
- Illustrative open space and trails plan

- Building design, parking, and landscape standards
- Comprehensive sign package
- Additional modifications

and she, Mr. Dalton, or Mr. Childers responded to questions or comments from Council regarding:

- Max number for types of multi-family
- Examples of comparable build out of four million square feet
- Clarification regarding:
 - Definition of civic uses
 - Open space calculations
 - Multi-family calculations
 - Max build-out
 - Total number of gas stations allowed
 - Phase I passing SMARTGrowth
- Process to change and evaluate phasing
- If the applicant could build the remaining phases, would it pass SMARTGrowth
- What checks and balances are in place to make sure the applicant is accountable, as well as the associated enforcement

Chance Sparks, Freese and Nichols, Inc. (Town consultant)

Mr. Sparks reported on the soundness of the market study report as presented by the applicant.

Applicant Presentation

Deborah Furst, 2800 Lakeside Parkway

Ms. Furst provided background information regarding the project and their long term commitment to “a quality and beneficial development”.

Randi Rivera, McAdams

Ms. Rivera gave a presentation identifying or noting:

- Aerial photo of site
- Flower Mound Ranch facts
- Guiding principles
- Land use history
- Open space in Furst Ranch
- Illustrative example – form based code
- Economic benefit
- Residential units
- Commitment to time cap and earn up
- Argyle ISD (50 acres opportunity)
- Community desires (what they’ve heard over the last 18 month period)

and she, or Mr. Furst, responded to questions or comments from Council, with some being after the public hearing, regarding:

- Open space clarification as it relates to the lake
- If the open space is calculated in the conservation cluster
- If one elementary school will be sufficient
- Expected population at build out
- Visual impact options for multi-story buildings
- Infrastructure needs and timing (making sure infrastructure was being put in as needed)
- Timing for the market study report

The following questions were presented by Council specifically to Mr. Jack Furst:

- 1) Will you flip the land
- 2) Will you allow churches
- 3) Are you agreeable to limited gas stations from 11 to 5
- 4) Will you exclude civic uses (e.g., fire station, police station, community activity center, etc.) from the calculations for the earn up
- 5) Will you agree to reduce the initial multi-family entitlement from 2,750 to 1,700 and start the earn up
- 6) Will you immediately withdraw your written protest pertaining to changes in the draft ordinance if the motion is consistent with the concessions offered and agreed upon

Mr. Furst answered yes to the six (6) above referenced questions.

Jason Claunch, Catalyst

Mr. Claunch reported on:

- Market study and findings (residential, commercial, schools)

Mayor France opened the Public Hearing at 8:25 p.m.

Mayor France recited a letter from Denton County Judge Andy Eads.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *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.*

	Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only or Unknown on Speaker Card
1	Albert Picardi, 1525 Lindby	Beth Soderberg, 3100 Wager Rd*	Alicia Barker, 5409 San Meadow Dr*
2	Alexis Grossman 1868 Meyerwood Ln	Bill Dyess, 3424 Dowland Dr*	David Hodges, 2708 Compton Ct
3	Alison Flener, 6617 Roughleaf Ridge Rd	Bjorn Vandug, 2016 Barton Creek Ln**	Doug Carignan, 5205 Connors Dr
4	Andrew Starr, 2800 Lakeside Pkwy #504*	Cheryl Moore, 1900 Tennyson Dr*	Rena Hardeman, address not provided, Northlake
5	Angie Cox, 3209 Seaton Ct	Dee Garncarz, address not provided*	Robbie Cox, 3001 Wood Trail
6	Anita Rauhauser, 2800 Lakeside Pkwy #904*	Don Johnson, 3808 Bordeaux Ct	Todd Bayuk, 10845 Pedemales Falls Dr, Argyle
7	Bob Phillips, 4705 Skyline Dr*	Fred Vincent, 3933 Bordeaux Ct	
8	Brit Stock, 4005 Rothschild	Jacque Narrell, 4801 Lusk Ln*	

9	Bryan Gelbke, 10843 Smoky Oak Trl*	Jennifer Howes, 7112 Canyon Pt, Argyle	
10	Bryan Webb, 4112 High Rd	Joyce M. Dyess, 3424 Dowland Dr*	
11	Caleb J. Brown, 4217 Greenthread Way, Northlake*	Judy Collins, 1537 Simmons Rd	
12	Carmen Goodson, 6108 Whiskerbrush, Argyle**		
13	Carol A. Forest, 1904 Towne View Blvd*	Julianne Soderberg, 3100 Wager Rd*	
14	Carol Kohankie, 4312 Lauren Way	Katy Collins Grote, 165 Double Oak Dr, Double Oak	
15	Charla Brown, 809 Rosemary Dr		
16	Chris Haverstick, 2000 Stevenson Ln*	Larry Narrell, 4801 Lusk Ln*	
17	Chris Tennapel, 2600 Lakeside Pkwy #400	Laverne Amsterdam, 5705 Pine Valley	
18	Claudio Forest, 1904 Towne View Blvd	Marsha Gavitt, 6501 Meadowcrest Ln	
19	Daniel Maroid, 324 Loma Alta Dr	Rick Lust, 3805 Ridgecrest Dr	
20	David Dunn, 2800 Lakeside Pkwy #902*	Scott Langley, 2300 Olympia Dr	
21	David Johnson, 3617 San Paula	Sharon Gentry, 2750 Bob White Ln	
22	David Woodard, 1917 Protea Dr*	Stacey Langley, 800 Carter Ct**	
23	David Zeller, 2800 Lakeside Pkwy #703*	Tim Whisenant, 2300 Olympia Dr #1484	
24	Don Taylor, 2800 Lakeside Pkwy #602*	Tracy Mollett, 817 Paisley Dr	
25	Donna Tarwater, 4613 Windmill Ln		
26	Dr John Baen, 201 Oregon Trl, Argyle		
27	Drew Larson, 4425 Ironwood Dr		
28	Dustin Brown, 1041 Colony St*		
29	Elizabeth Dunn, 2800 Lakeside Pkwy #902*		
30	Geoff Gabel, 6712 Elderberry Way*		
31	Greg Homer, 2800 Lakeside Pkwy #101*		
32	Gurmeet Singh, 2800 Lakeside Pkwy #804*		
33	Hemant Elhence, 2800 Lakeside Pkwy*		
34	Holly Homer, 2800 Lakeside Pkwy #101*		
35	James Naylor, 10843 Smoky Oak Tr		
36	Jeff Brown, 6709 Canyon Oak Ct*		
37	Jeremy Rauhauser D.C., 2800 Lakeside Pkwy #904*		
38	Jeri Harwell, 3936 Mohawk		
39	Jim Moll, address not provided*		
40	Jody Smith, 729 Aviator Dr, Fort Worth		
41	Joe Roach, 4993 Lusk Ln		
42	John Bruce Hildebrand, 2800 Lakeside Pkwy #702*		
43	Josette Sheeran, 2800 Lakeside Pkwy*		
44	Josh Flener, 6617 Roughleaf Ridge Rd		
45	Kajita Singh, 2800 Lakeside Pkwy #804*		
46	Ken Hodge, 2800 Lakeside Pkwy		
47	Ken Hughes, 453 Surrey Ln		
48	Kim Hunter, 116 Pecan Acres Cir, Argyle*		

49	Kim Lewis,2204 Sheffield Ct		
50	Leah Severson, 2800 Lakeside Pkwy #104*		
51	Lori Walker, 4913 Kingswood Dr		
52	Marie Brown, 6709 Canyon Oak Ct		
53	Marie Zeller, 2800 Lakeside Pkwy #703*		
54	Mark Glover, 140 Red Oak Ln		
55	Marty Bryan, 913 Hat Creek Ct, Bartonville		
56	Michael A. Catino M.D., 2800 Lakeside Pkwy #601*		
57	Michael Kirby, 2800 Lakeside Pkwy #805		
58	Nate Bryan, 6928 Basket Flower*		
59	Nicole Smith Woodard, 1917 Protea Dr		
60	Pat Hodge, 2800 Lakeside Pkwy		
61	Paul Stone, 1868 N Meyerwood Ln		
62	Penny Glover, 140 Red Oak Ln**		
63	Peter Stewart, 2800 Lakeside Pkwy #1003		
64	Rajita Singh, 2800 Lakeside Pkwy #804*		
65	Ramakrishna Cherrolu, 2800 Lakeside Pkwy #603*		
66	Renee Hildebrand, 4613 Morningstar Dr		
67	Rhonda Kevlin, 5916 Bluestem, Argyle*		
68	Rob Guedry, 2204 Sheffield Ct		
69	Robert Maxey, 4809 Schooner Ct		
70	Russell Webb, 4112 Marbella*		
71	Ryan Schroer, 5209 Bayberry St		
72	Sam Hanna, 2800 Lakeside Pkwy		
73	Sandra K. Taylor, 2800 Lakeside Pkwy #602*		
74	Sangeeta Elhence, 2800 Lakeside Pkwy #1203*		
75	Scott Tarwater, 4613 Windmill Ln		
76	Stacie Bambauer, 6928 Basket Flower Rd		
77	Stacy Lynn Schriever, 1800 Honey Mesquite		
78	Stacy Stoltz, 1613 Glen Hollow Ln*		
79	Stephen Shannon, 1901 Warwick Crescent Ct, Argyle		
80	Steve Dixon, 4604 Wisdom Creek Ct		
81	Steve Hildebrand, 4613 Morningstar Dr		
82	Susan Allen, 1204 College Pkwy #837, Lewisville*		
83	Suzy Gabel, 6712 Elderberry Way*		
84	Tammy Jeary, 2800 Lakeside Pkwy #1404*		
85	Tayton Morgan, 6419 Whiskerbrush*		
86	Tommy Severson, 2800 Lakeside Pkwy #104*		
87	Van Young, 9620 Smoot Ln, Argyle		
88	Victor Worley, 11612 Little Elm Creek		
89	Yvonne D. Stewart, 1404 Verbena Ln, Lantana*		

**Did not wish to speak*

***Not available when called*

Mayor France closed the Public Hearing at 10:17 p.m.

The Town Council convened into a closed meeting at 10:18 p.m. pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, and 551.087 for consultation with attorney, and to discuss matters relating to economic development negotiations, and reconvened into an open meeting at 11:05 p.m.

Deputy Mayor Pro Tem Martin moved to approve MU21-0002, including the following changes: On Table 3.4 (Development Standards by Character Zone)

Note 1: Prior to the issuance of a certificate of occupancy (CO) for the first multi-family residential dwelling unit within the Property (excluding age restricted units), one or more COs shall have been issued by the Town for at least 100,000 square feet of non-residential unfinished shell space or finished floor area (excluding gas stations) within the Property. During the ten-year period Following the date of the Town Council's adoption of this Ordinance, a maximum of ~~2,750~~ 1,700 multi-family dwelling units are permitted on the Property (excluding age-restricted units). Prior to the issuance of a CO for each of the ~~2,250~~ 3,300 multi-family units that are in excess of ~~2,750~~ 1,700 multi-family units (excluding age-restricted units), one or more COs shall have been issued by the Town for at least an additional 1,000 square feet of non-residential unfinished shell space or finished floor area for the following uses within the Property (e.g. 5,000 multi-family units requires ~~2,350,000~~ 3,400,000 square feet of non-residential unfinished shell space or finished floor area).

(1) All uses in the following land use categories in Table 2.1: commercial uses (office, retail and service uses); and arts, entertainment, and recreation uses; (2) Hospitals; (3) ~~Civic Uses~~ (3) Hotels

For purposes of this restriction, the term floor area shall mean the air-conditioned floor space within the interior of the building. For purposes of this restriction the term multi-family includes multi-family, live/work, and residential loft dwelling units. There is no restriction on when single-family and age-restricted multi-family units may be constructed, and incorporating staff recommendations as presented, discussed, and previously agreed to by the applicant, and establishing a maximum of five (5) gas stations on the Property. Councilmember Engel seconded the motion.

Council Discussion

There was Council discussion regarding:

- Density
- Traffic impacts
- Would have liked to have seen a request for approval of just the first phase
- Appreciate the commercial component of the project
- Concerns regarding not enough open space, and how some of it falls under high voltage power lines
- Interest in commercial development on the western edge (377 and 35W corridor) to create a commercial tax base and give residents in that area places to eat and shop

ORDINANCE NO. 48-22

AN ORDINANCE OF THE TOWN OF 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 ADOPTING ZONING ON APPROXIMATELY 1,066 ACRES IN THE RUTH ALLEN SURVEY, ABSTRACT NUMBER 15, THE B. B. B. & C.

RAILWAY CO. SURVEY, ABSTRACT NUMBER 187 AND 154, THE P. W. CASPARY SURVEY, ABSTRACT NUMBER 277, THE A. B. DANKS SURVEY, ABSTRACT NUMBER 368, THE J. C. MCGOWAN AND C. G. PITCOCK SURVEY, ABSTRACT NUMBER 959, THE BRUCE WHEELER SURVEY, ABSTRACT NUMBER 1605, THE THOMAS BURRESS SURVEY, ABSTRACT NUMBER 33, AND THE J.N. DENSON SURVEY, ABSTRACT NUMBER 359, AND BEING ALL OF THE FLOWER MOUND RANCH MIXED USE DEVELOPMENT, AS MORE FULLY DESCRIBED IN EXHIBIT "A" HERETO, FROM AGRICULTURAL DISTRICT (A) USES AND INTERIM HOLDING (IH) USES TO MIXED USE DISTRICT-2 (MU-2) USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND PURSUANT TO SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:*Motion passed***AYES: TAYLOR, ENGEL, MARTIN****NAYS: SCHIESTEL, SHARMA**

8. Consider approval of an engagement letter with P3 Works, LLC, to provide TIRZ consulting services in the amount not to exceed \$16,000, and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Walton gave a presentation identifying or noting:

- Engagement letter with P3 Works, LLC

and he, or Mr. Childers, responded to questions or comments from Council regarding:

- Clarification regarding the not to exceed amount, as well as the scope of work
- Timing for a report back from P3 Works

Councilmember Engel moved to approve as presented. Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL, TAYLOR****NAYS: NONE****L./M. CLOSED/OPEN MEETING**

The Town Council did not convene into a closed meeting. No action was taken on the following items:

- a. Consultation with Attorney.
 1. 2006 Rule 11 agreement and dismissal, Cause No. 2005-20153-158 and Flower Mound Ranch Development Applications
 2. Housing Discrimination Complaint
 3. La Estancia Investments, L.P., v. Town of Flower Mound

- b. Discuss and consider purchase, exchange, lease or value of real property for parks, public rights-of-way, and/or other municipal purposes and all matters incident and related thereto.
- c. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

N. ADJOURN REGULAR MEETING

Mayor France adjourned the meeting at 11:28 p.m. on Monday, October 3, 2022, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY