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Flower Mound

Growing Their Way

By Jennifer S. Cowley

The name Flower Mound may conjure up images of rose gardens in many minds, but Dallas area real estate professionals are more likely to think of thorny mesquite thickets. Why? The town has implemented a controversial new program it calls SMARTGrowth — short for Strategically Managed and Responsible Town Growth — that sets unusually stringent development regulations compared with other communities in the metropolitan area.

Flower Mound is a rapidly growing community of more than 51,000 located 27 miles north of downtown Dallas. The city's phenomenal growth rate, which averaged 12.8 percent per year during the 1990s, resulted in increasing water consumption, rising wastewater flows and traffic snarls.

The city's 1994 comprehensive master plan projected a 2000 population of 37,000. The city reached more than 50,000 people before 2000. Based on the 1994 projections, city leaders believed residents would consume 13.5 million gallons of water per day in 2000. By 1998, however, the city was using 20 million gallons per day. The city had outgrown its infrastructure.

In February 1999, Flower Mound instituted a 13-month freeze on the acceptance of new residential development plans and zoning requests. The purpose of the controversial moratorium was to allow the town time to develop a new plan to address future growth.

The resulting SMARTGrowth plan, which borrows several key concepts from nationally publicized smart-growth theory, updated the town's comprehensive master plan and placed a temporary moratorium on residential zoning amendments and residential development plans. It also amended the town's building code to prevent stockpiling of residential building permits by developers wanting to avoid the moratorium's restrictions. Lastly, the SMARTGrowth plan introduced the possibility of a growth management plan based on the town's ability to maintain defined service levels.

According to city officials, the SMARTGrowth plan establishes and outlines a "community-based vision to preserve the country atmosphere and natural environment that makes Flower

Mound a unique and desirable community, mitigates the ill effects of rapid and intense urbanization, creates a balanced tax base to ensure the town's long-term economic health and prosperity and ensures all development is of enduring and exemplary quality."

The plan includes stronger tree preservation rules, more park land dedication requirements and amendments to agricultural zoning laws. The changes also include a "no new development rule" stating that no new development will be approved if the town's water supply, infrastructure and emergency services are at or near capacity.

Plans for new residential development will be considered only if the development meets each point in the town's zoning threshold criteria. These criteria specify minimum requirements in the areas of:

- public infrastructure (water, wastewater, transportation),
- public facilities (parks and schools) and
- public services (police and fire).

They also delineate requirements for:

- economic development (new private capital investment);
- evaluation of fiscal impact (taxes must cover the cost of services provided and the town sets minimum home values for new construction on an annual basis);
- environmental quality (habitat conservation practices are specified; surface runoff may not exceed predevelopment levels); and
- community character (buildings must meet the town's architectural guidelines and utility lines must be underground).

In 2000, the required minimum home value was \$158,300. Detailed information on requirements is listed on the town's website, <http://www.flower-mound.com>.

Flower Mound Planning Department officials believe the plan ultimately will benefit developers because adequate public services will be provided before construction begins on new developments.



Flower Mound's website includes details of the town's master plan and SMARTGrowth program.

Under the town's conservation plan, developers can choose to develop minimum two-acre residential lots, or they can donate half the land to the town to be preserved as open space and build on one-acre lots. These rules apply in limited areas of the city. Developers who donate land can receive reduced permit fees, property-tax rollbacks and expedited review of plans.

Six lawsuits have been filed against Flower Mound by developers. In a case filed by the Homebuilders Association of Greater Dallas, the court found in favor of the city, saying "A home-rule municipality may adopt a growth management plan that limits the number of residential building permits, and not the number of nonresidential permits, the municipality will issue in a given time period." While Flower Mound won the case, the town did not implement the building permit limit. Other suits are related to floodplain density calculations and road construction requirements. Flower Mound is currently only 44 percent developed, leaving plenty of land to fall under the new regulations.

Despite the lawsuits, Dallas homebuilders support many of the aims of the SMARTGrowth plan. Most agree on promoting open space, tree preservation and cluster development. The plan's minimum lot size, however, dictates a price range for single-family homes that excludes low- to middle-income buyers, who are the mainstay of many homebuilders' sales. In addition, the homebuilders association feels that the city should pass a bond to acquire fragile land instead of requiring developers to donate land. Such issues spur serious opposition from area developers.

As a result of the SMARTGrowth plan, building permits dropped during the first three quarters of 2000. Since the regulations went into effect, only two residential projects have been submitted for the approval process. It remains to be seen whether this is a temporary effect of the new regulations, or whether Flower Mound officials have found a way to slow the long-term growth of the area. ■

Dr. Cowley is an assistant research scientist with the Real Estate Center at Texas A&M University. Her e-mail address is jcowley@recenter.tamu.edu.



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