

LEWISVILLE CITY COUNCIL

REGULAR SESSION

MAY 5, 2014

Present:

Dean Ueckert, Mayor

Council Members:

Leroy Vaughn, Mayor Pro Tem (Absent)

TJ Gilmore, Deputy Mayor Pro Tem

R Neil Ferguson

Greg Tierney

Rudy Durham

City Staff:

Donna Barron, City Manager

Steve Bacchus, Assistant City Manager

Julie Heinze, City Secretary

Lizbeth Plaster, City Attorney

WORKSHOP SESSION – 5:45 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Ueckert at 5:45 p.m. on Monday, May 5, 2014, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Proposed Variances for the Castle Hills
Development called “The Realm”**

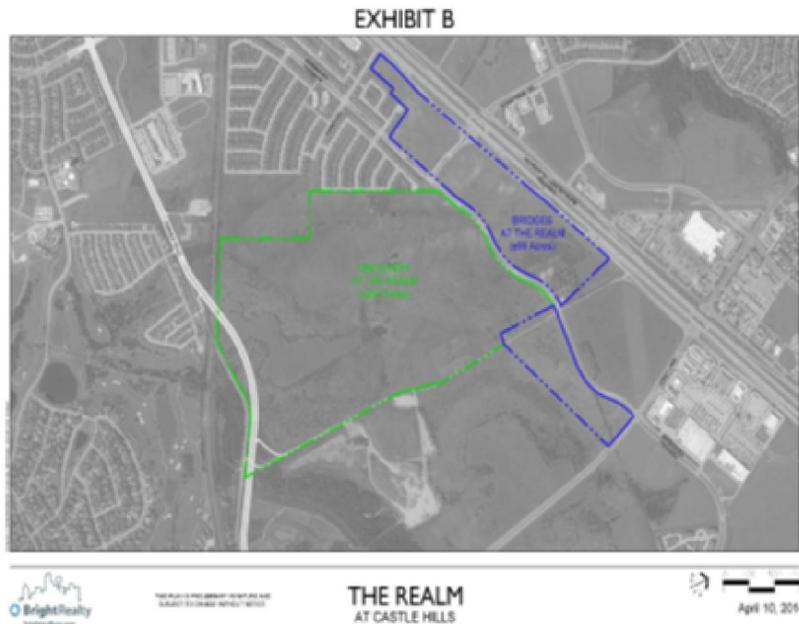
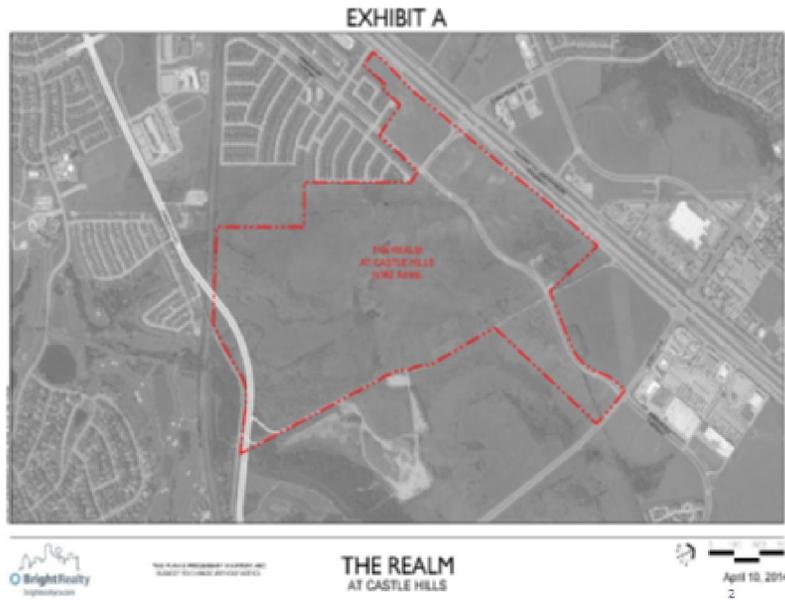
(Agenda Item A)

At the request of City Manager Donna Barron, Director of Community Development Eric Ferris conducted the following PowerPoint Presentation for City Council consideration:

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)

(Agenda Item A)



WORKSHOP SESSION – 5:45 P.M.

**Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)**

(Agenda Item A)



WORKSHOP SESSION – 5:45 P.M.

**Proposed Variances for the Castle Hills
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(Agenda Item A)



WORKSHOP SESSION – 5:45 P.M.

**Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)**

(Agenda Item A)



Development of Castle Hills

- 1996 Agreement
 - Lands are developed/constructed to the 1996 General Development Ordinance.
 - Variances previously approved by Council with the agreement.
- Castle Hills is not subject to zoning, but zoning categories are assumed/chosen by developer enabling future conformance.
- Final/Preliminary Plats – City processes as usual.
- Engineering Site Plans – 3rd party reviewer (hired by DCFWSD & mutually agreed upon by city)
- Permit issuance/associated inspections - DCFWSD

Mixed Use Projects

- Typically a variety of uses – retail, restaurant, office, medical, residential, etc.
- Often are unique, urban styled developments.
- Utilize shared/across lot line concepts for parking, landscaping, pedestrian easements, various amenities, etc.
- Usually does not fit conventional development code approaches.

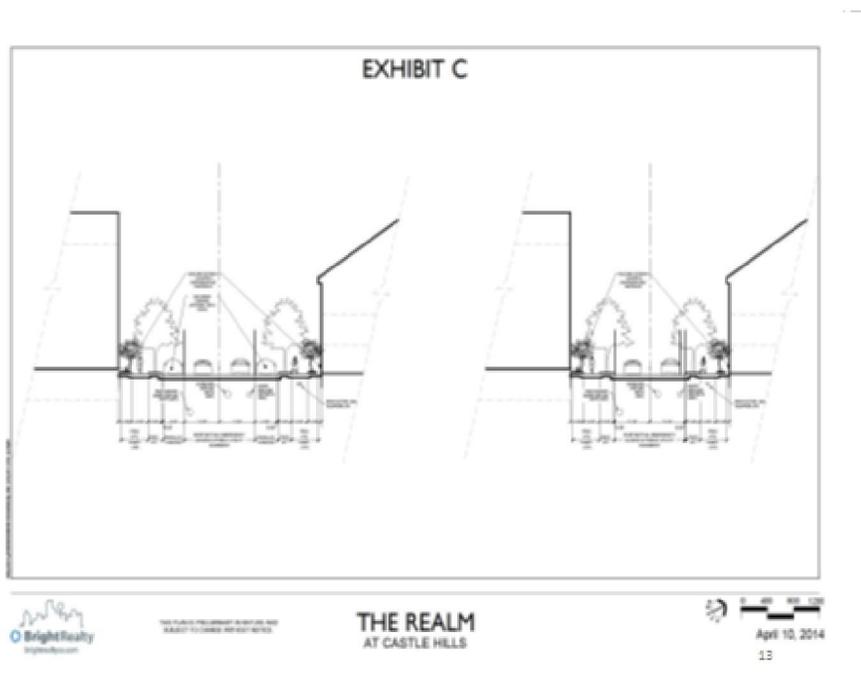
WORKSHOP SESSION – 5:45 P.M.

**Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)**

(Agenda Item A)

10 Variances are being requested related to the development and construction of The Realm project.

- **Variance a.):** To allow on-site public waterlines to be located under pavement in access and utility easements. The “Real Property” owner shall be responsible for replacement of such pavement should maintenance or repair be required to the waterline.
- **Code Requirement:** Onsite waterlines may only be located within “grass-only” easements (Figure 15 – 1996 GDO).
- **Staff response:**
 - Similar variance approved for Lewisville Town Crossing and Hebron 121 Station.
 - Access easements and sidewalks – privately owned.
 - Pavement repair – responsibility of the owner.
 - Variance as proposed is acceptable.



WORKSHOP SESSION – 5:45 P.M.

**Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)**

(Agenda Item A)

- **Variance b.):** Allow other species of trees to be planted along the SH 121 Frontage Road, Castle Hills Drive, Windhaven Parkway, Josey Lane, and FM 544 so long as primary maintenance is by the Property Owners Association.
- **Code Requirement:** Recommended and required plant species for Public Rights of Way (Section VI – 1 – 1996 GDO)
- **Staff response:**
 - Provided a preliminary “Planting Book” that includes trees and shrubs not listed in the 1996 GDO.
 - Proposed trees will be indigenous and drought tolerant.
 - PALS will review and approve plans.
 - Maintenance by Property Owners Association.
 - Variance as proposed is acceptable.



WORKSHOP SESSION – 5:45 P.M.

**Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)**

(Agenda Item A)

- **Variance c):** Trees shall be spaced appropriately according to their growth characteristics and the design intent. An equal or greater quantity of plant material and trees will be provided in a unique arrangement and will be maintained by the property owners association.
- **Code Requirement:** Trees shall be placed 45’ apart in rows and 30’ in groups (Section VI-4-A-2 – 1996 GDO)
- **Staff Response:**
 - Code requires trees and grass only for rights of way.
 - The proposal will allow for more trees and plantings - non-uniform arrangement.
 - Proposed trees will be indigenous and drought tolerant.
 - PALS will review and approve plans.
 - Maintenance by Property Owners Association.
 - Variance as proposed is acceptable.

EXHIBIT D



WORKSHOP SESSION – 5:45 P.M.

**Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)**

(Agenda Item A)

- **Variance d.):** To utilize landscaping areas throughout the development to meet interior/parking lot landscaping requirements. Exposed surfaces of parking garages shall be counted as required areas for landscaping calculations.
- **Code Requirement:** To calculate the total parking area and the subsequent percentage of required interior lot landscaping, total the square footage of parking spaces, planting islands, curbed areas and all interior driveways and aisles, except those with no parking spaces located on either side. Landscaped areas located outside the parking lot may not be used to meet the interior landscaping requirement. (Section VI-3-1996 GDO)
- **Staff Response:**
 - Interior landscaping will be calculated based upon the entire Realm project
 - Exposed decks of multi level parking structures shall count towards interior landscaping requirements.
 - This alternate landscaping plan will meet or exceed conventional code requirement.
 - This variance as proposed is acceptable.

EXHIBIT I



WORKSHOP SESSION – 5:45 P.M.

**Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)**

(Agenda Item A)

- **Variance e.):** Development shall, on average, provide 1.65 parking spaces per dwelling unit for multi-family uses and provide an alternate method of parking requirements, including alternative shared parking agreements, for all other uses as shown in exhibits E and F (see attached).
- **Code Requirement:** Requires one (1) parking space for each dwelling unit (DU) plus .5 spaces for each individual bedroom in all units in multifamily developments.
- Required parking calculations refer only to off-street parking and sets standards for shared parking. (Section VII-9, VIII, VIII-2, VIII-4 – 1996 GDO)
- **Staff Response:**
 - Provides for a 1.65 parking space per multi-family unit ratio.
 - Council has approved a 1.65 ratio for Bella Madera, Crest Manor, and Hebron 121 Station.
 - Provides a parking requirement matrix for all other uses similar to Exhibit C of the 1996 agreement – Village Center and Town Center.
 - Provides for shared parking agreements across lot lines – similar to Village Shops.
 - Multi-Family parking will be designated – not shared with retail.

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)

(Agenda Item A)

The Realm at Castle Hills
April 10, 2014

Exhibit E - Parking

THE REALM AT CASTLE HILLS PARKING

The following parking ratios are acceptable for The Realm at Castle Hills:

These standards apply only to The Realm at Castle Hills.

Business, Professional Office, Studio or Bank
1 per 333 sq. ft.

Medical or Dental Clinic
4.5 per 1,000 sq. ft.

Community Center
1 per 200 sq. ft.

Library, Museum, or Art Gallery
1 per 500 sq. ft.

Day Care
1 per 500 sq. ft.

Retail Store or Personal Service Establishment
1 per 200 sq. ft. of GLA

Restaurant, Night Club, Café, or Similar Recreation or Amusement Establishment
1 per 100 sq. ft. of GLA

Theater, Auditorium (except School), Sports Arena, Stadium or Gymnasium
1 per 4 seats or bench seating spaces

Hotel Hospitality
1 per room plus one space for each 200 sq. ft. of useable commercial space up to 6000 square feet. Larger commercial spaces such as function rooms will be per parking study.

Multi-Family Dwellings
1.65 per unit; except that deed restricted senior apartments shall be calculated at 1.2 per unit

Grocery or Food Market
4.5 spaces/1000 sq. ft. of GLA

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)

(Agenda Item A)

The Realm at Castle Hills
April 10, 2014

Exhibit E - Parking

Mixed use Development Parking For The Realm at Castle Hills

A property owner may reduce the standard off-street parking requirement for a mixed use development by using the mixed use development (MUD) parking chart below, to calculate an “adjusted” standard off-street parking requirement for the development.

Calculation of adjusted standard off-street parking requirement. An adjusted standard off-street parking requirement for mixed use development will be calculated as follows:

- (a) First, the standard parking requirements for each of the uses in the mixed use development must be ascertained.
- (b) Next, the parking demand for each use is determined for each of the five times of day shown in the MUD parking chart by multiplying the standard off-street parking requirement for each use by the percentage in the chart assigned to the category of use. If a use in the development does not fall within one of the categories shown in the MUD parking chart, the ULI Shared Parking Second Edition manual written in 2005 shall be used as a guide to define the standard parking requirement and appropriate adjusted percentages.
- (c) Finally, the “time of day” columns are totaled to produce sums that represent the aggregate parking demand for the development at each time of day. The largest of these five sums is the adjusted standard off-street parking requirement for the development.

Minimum parking requirement. If one or more of the main uses in a mixed use development is a retail-related use, the minimum parking requirement for the development under this reduction option is the sum of the standard parking requirements for each of the retail-related uses in the development.

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
 Development called “The Realm” (cont’d)

(Agenda Item A)

The Realm at Castle Hills
 April 10, 2014

Exhibit E - Parking

Mixed Use Development Parking Chart (for calculating adjusted standard parking requirement)						
Use Categories	Standard Parking Requirement	Parking Adjustment Percentages by Time of Day (Weekday)				
		Morning	Noon	Afternoon	Late Afternoon	Evening
Residential Uses	1.65/unit	80%	60%	60%	70%	100%
Office-related Uses	1/333 sf	100%	80%	100%	85%	35%
Retail-related Uses	1/200 sf of GLA	60%	75%	70%	65%	70%
Bar & Restaurant Uses	1/100 sf of GLA	20%	100%	30%	30%	100%
Health/Fitness Uses	1/150 sf of GLA	45%	70%	55%	80%	100%
Game Court Center	4/Court	45%	70%	55%	80%	100%
Theater/Arena/Auditorium	1/4 Seats	50%	50%	50%	75%	100%
Grocery	4.5/1000 sf of GLA	75%	90%	75%	100%	75%
Hotel/Hospitality	1/room	70%	65%	70%	80%	90%
Medical/Dental Office	4.5/1000 sf	100%	60%	100%	90%	30%
Any other use	See notes below					

The adjusted standard off-street parking requirement for the development is the largest of the five “time of day” column sums.

Note: If a use does not fit into one of the categories listed above, the ULI Shared Parking Second Edition manual written in 2005 shall be used as a guide to define the standard parking requirement and appropriate adjusted percentages.

PARKING – THE REALM AT CASTLE HILLS LARGE SCALE MIXED-USE DEVELOPMENTS:

When the development contains 250,000 square feet or more of office and/or 150,000 square feet of retail and restaurants, an evaluation of the parking needs will be provided using a ULI-based parking study to provide the appropriate standard ratios and adjustment percentages per use based on the mix and amount of uses that comprise the development. The ULI Shared Parking Second Edition manual written in 2005 will be used to guide the parking study.

Within Mixed-Use Developments, parking for residential will be dedicated at a ratio of 1.65 per unit

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
 Development called “The Realm” (cont’d)

(Agenda Item A)

The Realm at Castle Hills
 April 10, 2014

Exhibit F – Parking Simulation

The Realm at Castle Hills Mixed-Use Parking Analysis per the Current Agreement

Phase 1 - Buildings C01, C03, C05, C06
 Shared Parking Analysis 04/04/14

Use	Area	Standard (# sp/sf) (#sp/seats)	Parking at 100%	Parking Adjustments per City's Agreement w/Bright Farm Partnership dated 7/18/96				
				Morning	Noon	Afternoon	Late Afternoon	Evening
Residential (432 units)(GBA)	386,408	1/500	773	618	464	464	541	773
Office (7st.) (GBA)	182,538	1/333	548	548	438	548	465	192
Retail	66,585	1/200	333	200	250	233	216	233
Restaurant	33,094	1/100	331	66	331	99	99	331
Health Club	13,427	1/150	94	42	66	52	75	94
Theatre (Assumed 2,000 seats)	103,274	1/4.00	500	500	500	500	500	500
Total	785,326		2,578	1,974	2,048	1,895	1,897	2,122

The Realm at Castle Hills Mixed-Use Parking Analysis per Proposed Variance

Phase 1 - Buildings C01, C03, C05, C06
 Shared Parking Analysis 04/04/14

Use	Area	Standard (# sp/sf) (#sp/seats)	Parking at 100%	Parking Adjustments per City's Agreement w/Bright Farm Partnership dated 7/18/96				
				Morning	Noon	Afternoon	Late Afternoon	Evening
Residential (432 units)(GBA)	386,408	1.65/unit	713	570	428	428	499	713
Office (7st.) (GBA)	182,538	1/333	548	548	438	548	465	192
Retail	66,585	1/200	333	200	250	233	216	233
Restaurant	33,094	1/100	331	66	331	99	99	331
Health Club	13,427	1/150	94	42	66	52	75	94
Theatre (Assumed 2,000 seats)	103,274	1/4.00	500	250	250	250	375	500
Total	785,326		2,518	1,676	1,762	1,609	1,730	2,062

Note: A reduction of 60 spaces per the proposed variances is exhibited. This reduction is due to the market adjusted rate of 1.65 spaces per unit. All residential spaces will be designated residential.

- **Variance f.):** Loading zones shall be calculated on a “square foot basis” in lieu of a “space per square foot” standard. Loading zones may be shared across lot lines (see Exhibit G).
- **Code Requirement:** Off-Street Loading Space. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles or materials or merchandise, shall provide and maintain on the same premises loading and parking spaces. (CHGDO – Section VIII.6) The number and size of the spaces is determined by use and total square footages.

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)

(Agenda Item A)

- **Staff Response:**
 - Allows for calculation to be based upon “square footage” in lieu of a “space per square foot” basis.
 - Total square footage is the same as code.
 - Allows for flexibility of load zone sharing.
 - Location – free from fire lanes, drive aisles, and parking lanes.
 - 4 case studies – See Exhibit H.
Relating to Variance F

The Realm at Castle Hills
April 10, 2014

Exhibit G - Loading

OFF-STREET LOADING SPACE

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles or materials or merchandise, shall provide and maintain on the same premises loading and parking space.

For industrial and warehouse developments, one (1) loading space for each ten thousand (10,000) square feet, or fraction thereof, of floor area in a building.

For all retail and service developments, a minimum of four hundred (400) square feet of loading space shall be provided for a building between five thousand (5,000) square feet to fifteen thousand (15,000) square feet of gross leasable area, and four hundred (400) square feet of additional loading space for each fifteen thousand (15,000) square feet, or fraction thereof, of gross leasable area in excess of fifteen thousand (15,000) square feet. A loading space is not required for retail and service uses under five thousand (5,000) square feet. These loading areas shall have a vertical clearance of fourteen (14) feet.

For mixed-use developments containing two (2) or more uses, a minimum of four hundred (400) square feet of loading space shall be provided for each thirty-five thousand (35,000) square feet of gross leasable area, or a fraction thereof. These loading areas shall have a vertical clearance of fourteen (14) feet.

Loading spaces that are not in the form of a typical bay will be clearly striped and/or identified.

Access and maneuvering areas shall be provided on the same building lot as a principle use for which the loading and parking is intended. Maneuvering space shall be in addition to loading/parking space and shall be designed to accommodate the largest vehicles that would be expected to use those particular loading areas.

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)

(Agenda Item A)

The Realm at Castle Hills
April 11, 2014

Exhibit H – Loading Case Studies

CASE STUDY #1 : The Domain



Image Credit: Google

Location: 11410 Century Oaks Terrace
Austin, TX 78758

Total Retail GLA	390,866 SF
Total Office GLA	78,711 SF
Total Residential GLA	332,472 SF
Project Development	802,049 SF
Total Loading Area Required (@400 SF Loading per 35,000 SF)	9,166 SF
Total Loading Area Provided	10,657 SF
Resultant Loading Ratio	400 SF Loading per 30,104 SF

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
 Development called “The Realm” (cont’d)

(Agenda Item A)

The Realm at Castle Hills
 April 11, 2014

CASE STUDY #2 : Watters Creek at Montgomery Farm



Image Credit: Google

Location: 970 Garden Park Dr.
 Allen, TX 75013

Total Retail GLA	357,000 SF
Total Office GLA	98,000 SF
Total Residential GLA	264,120 SF
Project Development	719,120 SF
Total Loading Area Required (@400 SF Loading per 35,000 SF)	8,219 SF
Total Loading Area Provided	7,520 SF
Resultant Loading Ratio	400 SF Loading per 38,251 SF

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
 Development called “The Realm” (cont’d)

(Agenda Item A)

The Realm at Castle Hills
 April 11, 2014

CASE STUDY #3 : Market Street at The Woodlands



Image Credit: Google

Location: 9595 Six Pines Drive
 The Woodlands, TX 77830

Total Retail GLA	330,000 SF
Total Office GLA	100,000 SF
Total Convention Center GLA	70,000 SF
Total Hotel GLA	60,000 SF
Project Development	560,000 SF
Total Loading Area Required (@400 SF Loading per 35,000 SF)	6,400 SF
Total Loading Area Provided	5,920 SF
Resultant Loading Ratio	400 SF Loading per 37,838 SF

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
 Development called “The Realm” (cont’d)

(Agenda Item A)

The Realm at Castle Hills
 April 11, 2014

CASE STUDY #4 : Southlake Town Square



Location: 1256 Main St.
 Southlake, TX 76092

Total Retail GLA	547,587 SF
Total Theater GLA	68,733 SF
Total Office GLA	250,000 SF
Total Convention Center GLA	15,000 SF
Total Hotel GLA	180,000 SF
Project Development	1,061,320 SF
Total Loading Area Required (@400 SF Loading per 35,000 SF)	12,129 SF
Total Loading Area Provided	12,000 SF
Resultant Loading Ratio	400 SF Loading per 35,377 SF

Exhibit H - Loading Case Studies
 Page | 4

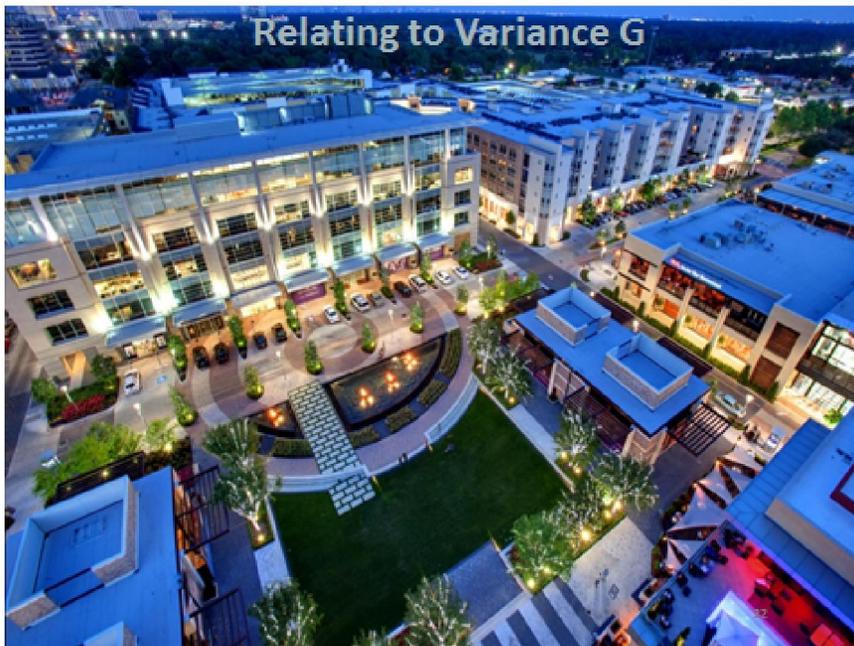
- **Variance g.):** To allow alternate materials, such as contained gravel, unit pavers, natural stone, brick, or similar materials for paving mutual access easements, parking lots, fire lanes, and drive aisles. These materials shall be designed to be equal to or greater than the strength standard required for concrete for fire lanes.
- **Code Requirement:** Requires concrete or asphalt only for paving surfaces (Section VIII-1, COL 503.02.03)

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)

(Agenda Item A)

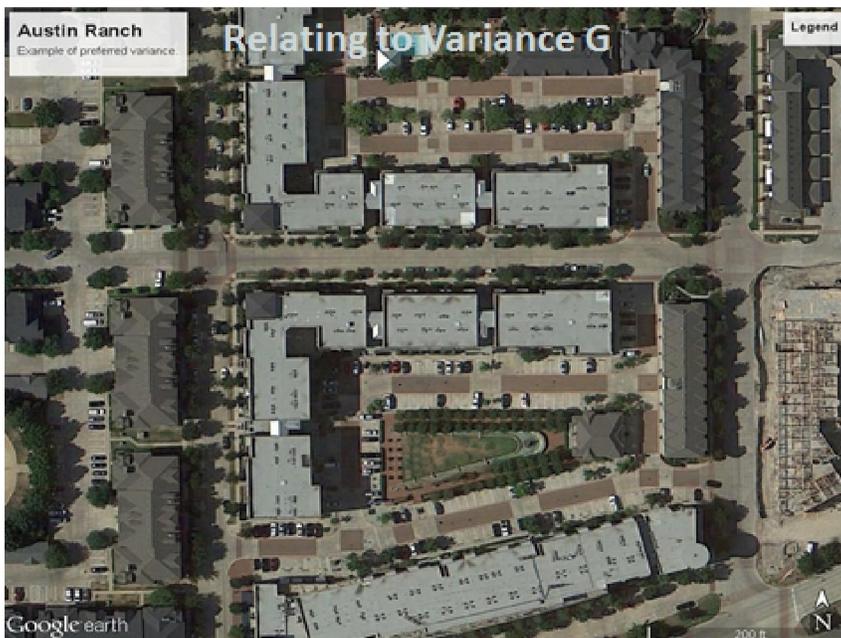
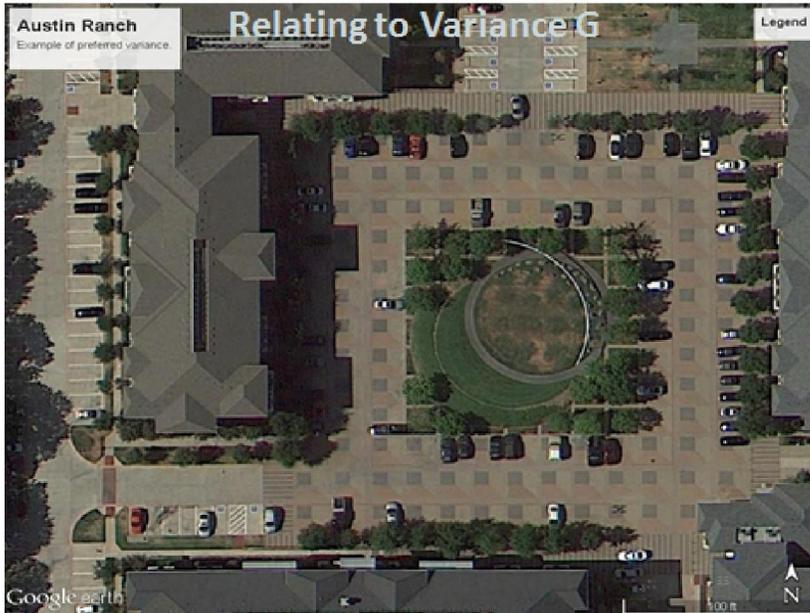
- **Staff Response:** The variance as proposed is acceptable. The variance only applies to privately owned and maintained pavement. The developer/owner has agreed to provide documentation prior to approval of specific alternate pavements that the paving is designed to meet or exceed the structural strength required for fire lanes and that the pavement surfaces will be ADA/PROWAG compliant.



WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)

(Agenda Item A)

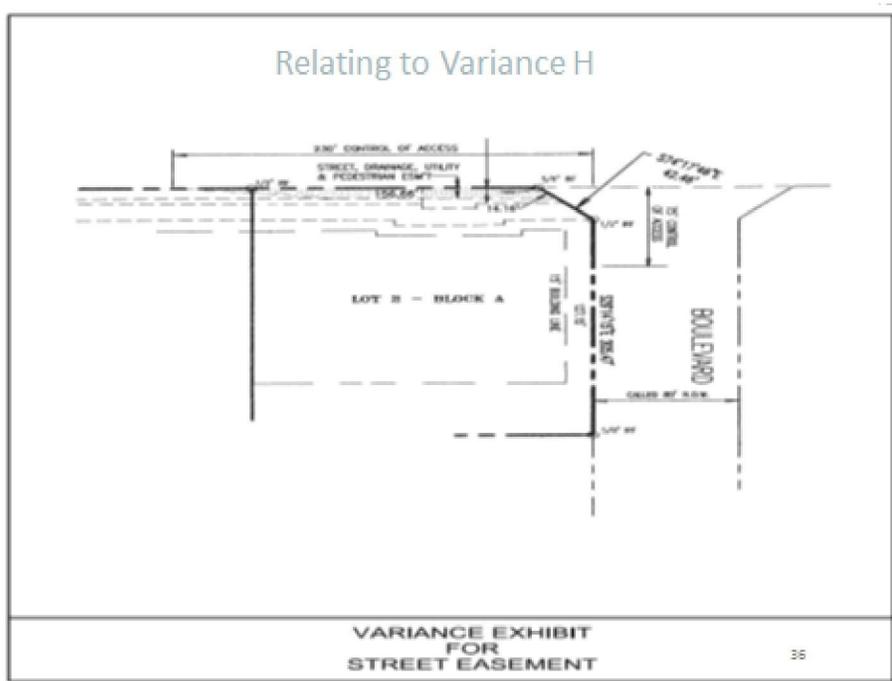


WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)

(Agenda Item A)

- **Variance h.):** To provide street and pedestrian easements in lieu of required right-of-way dedication for deceleration and right turn lanes along the SH 121 Frontage Road, Castle Hills Drive, Windhaven Parkway, Josey Lane, and FM 544.
- **Code Requirement:** The developer shall be responsible for the dedication of all rights of way for the construction of all turning lanes (Section V-2-J – 1996 GDO)
- **Staff Response:**
 - Similar variance approved for SH121 Frontage Roads, Josey Lane, and Windhaven Parkway.
 - Will allow for deceleration lanes to be constructed without the “jog in and out” of building lines at driveway locations.
 - Variance as proposed is acceptable.



WORKSHOP SESSION – 5:45 P.M.

**Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)**

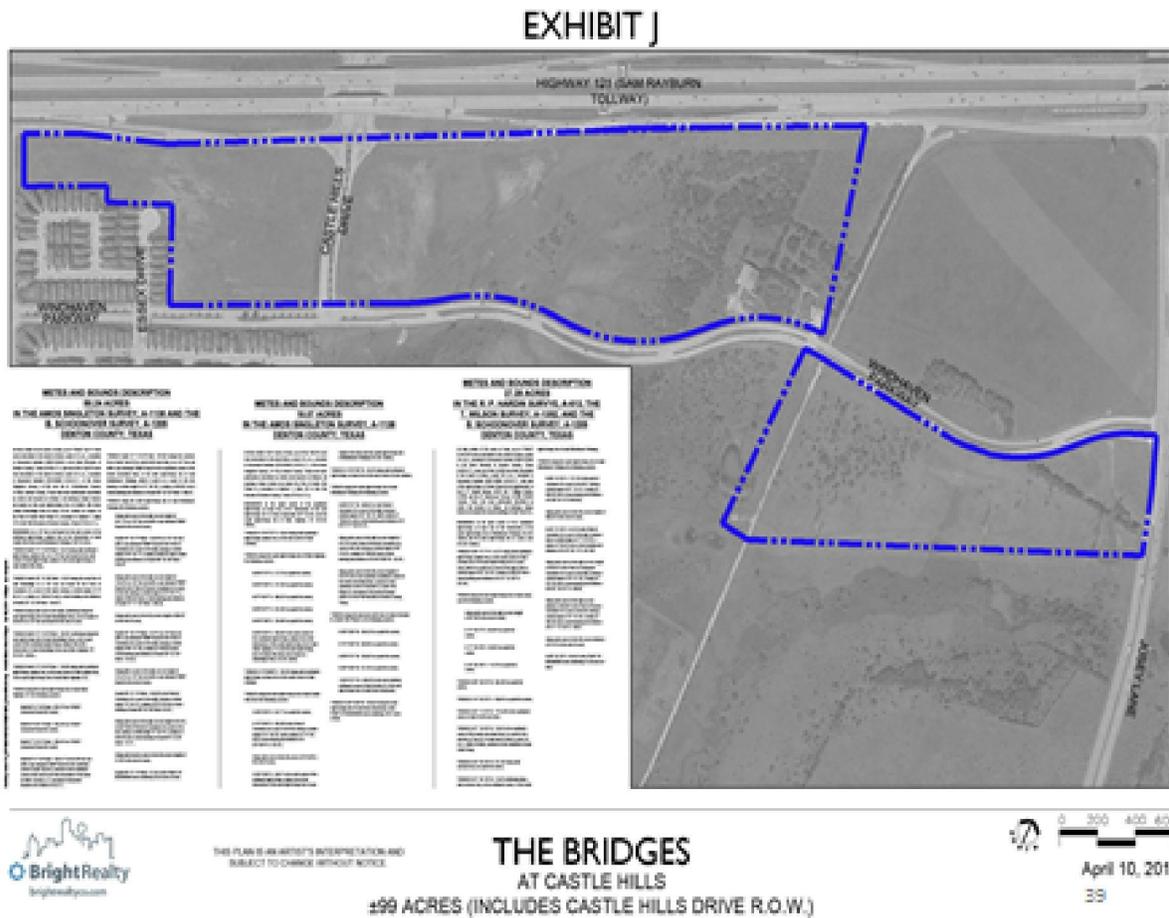
(Agenda Item A)

- **Variance i.):** To allow dwelling units of seven-hundred (700) square foot average size when located over a retail, restaurant, or other commercial use on the first floor with a minimum unit size of no less than (500) square feet.
- **Code Requirement:** Dwelling units of 850 square foot minimum size when located over a retail, restaurant, or similar use on the first floor (Section 17-22-a-24 – Zoning Ordinance)
- **Staff Response:**
 - Will accommodate the “Bridges” project (GB-2 Zoning Designation).
 - Bridges – smaller urban style units located above commercial uses.
 - Anticipated that “Discovery” will meet code.
 - Variance as proposed is acceptable.
- **Variance j.):** Multifamily dwelling units developed as part of a vertical mixed use project that are located above a commercial building use and located on the property, identified on Exhibit J, shall not count towards the total number of allowable units designated for multifamily development which provides that no more than 5,000 multifamily dwelling units with a density of not more than 20 units per acre shall be developed on the Lands.
- **Code Requirement:** No more than 250 acres of the lands will be developed for multifamily dwellings with a density of no more than 20 units per acre. (1996 Agreement)
- **Staff Response:**
 - 952 MF Units are currently constructed (Platinum & Aurora).
 - Still limits total “standalone” units to 5,000.
 - No apparent infrastructure/finance problems identified at present.
 - Density of mixed use MF units – Council consideration.

WORKSHOP SESSION – 5:45 P.M.

Proposed Variances for the Castle Hills
Development called “The Realm” (cont’d)

(Agenda Item A)



Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 6:19 p.m. Monday, May 5, 2014, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation with Attorney), the Lewisville City Council convened into Closed Session at 6:19 p.m. on Monday, May 5, 2014, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to legal issues related to the 1996 Castle Hills Agreement.

The Closed Session was adjourned at 6:35 p.m. on Monday, May 5, 2014.

**Reconvene into Regular Session and
Consider Action, if any, on Items Discussed
in Closed Session**

(Agenda Item J)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 6:35 p.m. on Monday, May 5, 2014, in the City Council Conference Room of the Lewisville City Hall.

Mayor Ueckert opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken on the items discussed during the Closed Session.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items**

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item C, Proclamation: Declaring the Week of May 11-17, 2014, as “National Police Week” and May 15, 2014, as “Peace Officers Memorial Day”. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Old Town Center Business (OTC) on 0.329 Acres, Located at 125 North Mill Street; Further Identified as Original Town of Lewisville, Lot 12 and Lot 11 (East 50 Feet), Block 6, as Requested by Caroline Berend of Bridal Boutique, the Property Owner (Case No. PZ-2014-04-01). There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1) on 0.166 Acres, Located at 220 West Walters Street; Further Identified as Original Town of Lewisville, Lot 2 (West 65 feet of North 88 feet) and Lot 3 (East 20 feet of North 88 feet), Block 1, as Requested by Daniel Tsakonas, the Property Owner (Case No. PZ-2014-04-02). There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-3, Continued Public Hearing: Consideration of the Service and Assessment Plan and Assessment Roll for Lewisville Castle Hills Public Improvement District (PID) No. 5. City Manager Donna Barron advised that both this item and the following item will be able to be considered at the May 19, 2014 City Council meeting.

Mayor Ueckert reviewed Agenda Item D-4, Continued Public Hearing: Consideration of the Service and Assessment Plan and Assessment Roll for Lewisville Castle Hills Public Improvement District (PID) No. 7. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-5, Approval of City Council Minutes of the April 21, 2014, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-6, Acceptance of the Texas Department of Transportation Grant Award in the Amount of \$4,999.52 for the Seat Belt Enforcement Program; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item F-7, Approval of a Resolution Authorizing the City to Submit a Grant Application to the North Central Texas Council of Governments Regional Transportation Council to Obtain Reimbursement Funding for the Construction of the Garden Ridge Trail. Discussion was held that if the match amount was increased to 25% from 20% there would be a greater possibility of receiving this grant. At the request of City Manager Donna Barron, Director of Parks and Leisure Services Robert Monaghan reviewed the Trail Master Plan. City Manager Donna Barron advised that there was funding available to increase the match. The consensus of the City Council was to increase the amount to 25%. Deputy Mayor Pro Tem Gilmore advised he would like this item pulled from the Consent Agenda so that it could be discussed during Regular Session. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item F-8, Approval of a Professional Services Agreement With Petty and Associates for Economic Development Services in the Amount of \$120,000; and Authorization for the City Manager, or Her Designee, to Execute the Agreement. City Manager Donna Barron explained that due to the reorganization that she has planned, she would not be filling the vacant Assistant City Manager position, thus freeing up funding for this agreement. She explained that this decision was based on the best way to handle the results of the 2025 plan. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-9, Table Item: Consideration of a Variance to the Lewisville City Code Section 6-149 (Screening Walls) for Wyndale Meadows Addition, a 60.803 Acre Parcel Zoned Estate Townhouse (ETH) With 232 Single Family Detached Lots and 4 HOA Maintained Right-Of-Way Areas Located on the Northeast Quadrant of FM 2281 and FM 544, as Requested by John Holcomb, P.E. of Kimley-Horn & Associates Inc., Representing the Property Owner. City Manager Donna Barron advised that the applicant had submitted a letter requesting this item be withdrawn. City staff advised that based on the request, no action would need to be taken by the City Council on this item. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-10, Consideration of 10 Variances to the 1996 Castle Hills Agreement Related to Various Development Requirements for the Proposed Realm Development, Located in District 1-H, as Requested by Bright Realty, the Owner. City Attorney Lizbeth Plaster requested that when the motion was made on this item, that language be stated to approve the variances as set forth in the caption above and adopt the standards, details, and commentary in the staff support memorandum dated May 5, 2014. There was no further discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item G-11, Consideration of a Variance to Lewisville Code of Ordinances 2-201, Waiver of Special Event Permit Fees in the Amount of \$1,479.87; and Waiver of MCL Grand Equipment Rental Fees in the Amount of \$5,115.50 for a Total Fee Waiver of \$6,595.37; Approval of In-Kind Support Using City Staff and Equipment; Related to “Chalk This Way” Festival to be held May 17, 2014. City Manager Donna Barron advised that these were the same waivers that had been approved last year. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-12, Consideration of an Ordinance Amending Lewisville City Code Section 5.5-6 Basis for Establishing the Areas of Special Flood Hazard Within the Flood Damage Prevention Ordinance, as Requested by Staff. City staff advised that the Denton County areas had been done in 2011. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-13, Consideration of a Request Submitted by Wynne/Jackson for a 9-Month Extension of the "Right of First Negotiation" Under the Master Developer Agreement. City Manager Donna Barron requested that City Council not grant the 9-month extension in order to allow Petty and Associates time to provide an analysis of all options that may be available to the City. Mayor Ueckert clarified that Wynne/Jackson could still come back at a later time and bid any project that was put forth. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-14, Consider and Approve a Resolution Accepting an Amended and Supplemented Service an Assessment Plan and Assessment Roll for the Levy of Assessments for Authorized Improvements in the Lewisville Castle Hills Public Improvement District No. 4 in the City of Lewisville; Setting a Date for Public Hearing; Authorizing the Publication of Notice; and Enacting Other Provisions Relating Hereto. City Manager Donna Barron advised that this was a cleanup item. There was no further discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item G-15, Consideration of a Resolution Nominating a Representative and an Alternate Representative to the North Central Texas Council of Government's Regional Transportation Council. Mayor Ueckert reminded the City Council that Lewisville was now in a cluster group with Flower Mound and Highland Village. Councilman Durham pointed out that these clusters were subject to change every two years and has consistently changed. Mayor Ueckert advised that Highland Village Mayor Patrick Davis was willing to serve as the Alternate Representative and that Councilman Durham had indicated he was willing to serve as the Representative. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item H, Reports. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item I-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:54 p.m. on Monday, May 5, 2014.

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Ueckert at 7:00 p.m. on Monday, May 5, 2014, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Ueckert, Councilman Tierney gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Ueckert, Councilman Ferguson gave the pledge to the American and Texas flags.

**Proclamation: Declaring the Week of
May 11-17, 2014, as “National Police Week”
and May 15, 2014, as “Peace Officers
Memorial Day”**

(Agenda Item C)

Mayor Ueckert read and presented a proclamation declaring the week of May 11-17, 2014, as “National Police Week” and May 15, 2014, as “Peace Officers Memorial Day” to City of Lewisville Lieutenant Michael Lane.

**Public Hearing: Consideration of Ordinance
No. 4063-05-2014 (Z) for a Zone Change
Request From General Business (GB) to Old
Town Center Business (OTC) on 0.329 Acres,
Located at 125 North Mill Street; Further
Identified as Original Town of Lewisville,
Lot 12 and Lot 11 (East 50 Feet), Block 6, as
Requested by Caroline Berend of Bridal
Boutique, the Property Owner (Case No. PZ-
2014-04-01)**

(Agenda Item D-1)

The property is located at 125 North Mill Street and had been used as a retail store until the previous owner recently relocated. Mrs. Berend has purchased the property and is planning to use it as a part of her expanding retail bridal wear business. Retail is an allowable use under either zoning category; however, she is requesting a designation of OTC to be compliant with the Old Town Master Plan’s recommended zoning for the property. The Planning and Zoning Commission recommended approval of the zoning request by a vote of 5-0 at their April 15, 2014, meeting.

The City staff’s recommendation was that the City Council approve the proposed ordinance as set forth in the caption above.

Nika Reinecke, Director of Economic Development and Planning was present to respond to any questions posed by the City Council.

Mayor Ueckert opened the public hearing.

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

Public Hearing: Consideration of Ordinance No. 4063-05-2014 (Z) for a Zone Change Request From General Business (GB) to Old Town Center Business (OTC) on 0.329 Acres, Located at 125 North Mill Street; Further Identified as Original Town of Lewisville, Lot 12 and Lot 11 (East 50 Feet), Block 6, as Requested by Caroline Berend of Bridal Boutique, the Property Owner (Case No. PZ-2014-04-01) (cont'd)

(Agenda Item D-1)

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.329 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property from General Business (GB) District Zoning to Old Town Center Business (OTC) District Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining that the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4063-05-2014 (Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 4064-05-2014 (Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1) on 0.166 Acres, Located at 220 West Walters Street; Further Identified as Original Town of Lewisville, Lot 2 (West 65 feet of North 88 feet) and Lot 3 (East 20 feet of North 88 feet), Block 1, as Requested by Daniel Tsakonas, the Property Owner (Case No. PZ-2014-04-02)

(Agenda Item D-2)

The property is located at 220 West Walters Street and has one single-family home on the lot. Mr. Tsakonas is interested in redeveloping the property in the future and has applied for Old Town Mixed Use One (OTMU1) zoning to allow more residential development options. OTMU1 is the recommended zoning for the property as shown in the Old Town Zoning Plan. The Planning and Zoning Commission recommended approval of the zoning request by a vote of 5-0 at their April 15, 2014, meeting.

The City staff's recommendation was that the City Council approve the proposed ordinance as set forth in the caption above.

Nika Reinecke, Director of Economic Development and Planning was present to respond to any questions posed by the City Council.

Mayor Ueckert opened the public hearing.

MOTION: Upon a motion made by Councilman Ferguson and seconded by Deputy Mayor Pro Tem Gilmore, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.166 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Single-Family Residential (R-7.5) District Zoning to Old Town Mixed Use One (OTMU1) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency."

Public Hearing: Consideration of Ordinance No. 4064-05-2014 (Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1) on 0.166 Acres, Located at 220 West Walters Street; Further Identified as Original Town of Lewisville, Lot 2 (West 65 feet of North 88 feet) and Lot 3 (East 20 feet of North 88 feet), Block 1, as Requested by Daniel Tsakonas, the Property Owner (Case No. PZ-2014-04-02) (cont'd)

(Agenda Item D-2)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Gilmore and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4064-05-2014 (Z)**, as previously captioned. The motion carried.

Continued Public Hearing: Consideration of the Service and Assessment Plan and Assessment Roll for Lewisville Castle Hills Public Improvement District (PID) No. 5

(Agenda Item D-3)

At the March 3, 2014 meeting, City Council called for a public hearing to consider the Service and Assessment Plan and Assessment Roll which have been created to identify public improvements to be provided by the PID along with related information concerning the costs and indebtedness to be incurred. Revisions to the plan are currently pending the Attorney General’s opinion.

The City staff’s recommendation was that the City Council continue the public hearing until May 19, 2014.

Mayor Ueckert advised that Drew Keith, 2624 Grail Maiden Court, Castle Hills, TX was present to respond to any questions posed by the City Council.

Mayor Ueckert opened the public hearing.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted four (4) “ayes” and no (0) “nays” to continue the public hearing to the Council’s regularly scheduled meeting of May 19, 2014, which will be held at 7:00 p.m. at Lewisville City Hall. The motion carried.

**Continued Public Hearing: Consideration of
the Service and Assessment Plan and
Assessment Roll for Lewisville Castle Hills
Public Improvement District (PID) No. 7**

(Agenda Item D-4)

At the March 3, 2014 meeting, City Council called for a public hearing to consider the Service and Assessment Plan and Assessment Roll which have been created to identify public improvements to be provided by the PID along with related information concerning the costs and indebtedness to be incurred. Revisions to the plan are currently pending the Attorney General's opinion.

The City staff's recommendation was that the City Council continue the public hearing until May 19, 2014.

Mayor Ueckert advised that Drew Keith, 2624 Grail Maiden Court, Castle Hills, TX was present to respond to any questions posed by the City Council.

Mayor Ueckert opened the public hearing.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to continue the public hearing to the Council's regularly scheduled meeting of May 19, 2014, which will be held at 7:00 p.m. at Lewisville City Hall. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

Mayor Ueckert advised that the following item would be removed from the Consent Agenda for individual consideration and explanation:

1. Consent Agenda Item No. 7 – Approval of a Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City to Apply for a Grant for the Garden Ridge Trail From the North Central Texas Council of Governments Regional Transportation Council Transportation Alternative Program Project.

CONSENT AGENDA (cont'd)

(Agenda Item F)

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

5. APPROVAL OF MINUTES: City Council Minutes of the April 21, 2014, Workshop Session and Regular Session.
6. Acceptance of the Texas Department of Transportation Grant Award in the Amount of \$4,999.52 for the Seat Belt Enforcement Program; and Authorization for the City Manager to Execute the Agreement.
8. Approval of a Professional Services Agreement With Petty and Associates for Economic Development Services in the Amount of \$120,000; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

**Approval of Resolution No. 4065-05-2014
(R): A Resolution of the City Council of the
City of Lewisville, Texas, Authorizing the
City to Apply for a Grant for the Garden
Ridge Trail From the North Central Texas
Council of Governments Regional
Transportation Council Transportation
Alternative Program Project**

(Consent Agenda Item F-7)

The North Central Texas Council of Governments Regional Transportation Council approved approximately \$28 million for the current Transportation Alternatives Program call for projects on February 13, 2014. PALS intends to submit a transportation alternative project application for the Garden Ridge Trail project and the grant application requires a Council resolution in the form as proposed. The trail plant is still under design with current construction cost estimated at \$1,800,000 to \$2,000,000.

That the City Council approve the resolution as set forth in the caption above.

Approval of Resolution No. 4065-05-2014 (R): A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City to Apply for a Grant for the Garden Ridge Trail From the North Central Texas Council of Governments Regional Transportation Council Transportation Alternative Program Project (cont'd)

(Consent Agenda Item F-7)

At the request of Deputy Mayor Pro Tem Gilmore, Director of Parks and Leisure Services Robert Monaghan reviewed this item for the City Council and those present.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Gilmore and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve **Resolution No. 4065-05-2014 (R)** with a 25% match funded out of the 4B funds. The motion carried.

Table Item: Consideration of a Variance to the Lewisville City Code Section 6-149 (Screening Walls) for Wyndale Meadows Addition, a 60.803 Acre Parcel Zoned Estate Townhouse (ETH) With 232 Single Family Detached Lots and 4 HOA Maintained Right-Of-Way Areas Located on the Northeast Quadrant of FM 2281 and FM 544, as Requested by John Holcomb, P.E. of Kimley-Horn & Associates Inc., Representing the Property Owner

(Agenda Item G-9)

The subject site was rezoned from General Business to Estate Townhouse with the intent to build 232 detached single-family residential units by City Council on April 15, 2013. The preliminary plat with an alley waiver variance was approved by City Council on May 20, 2013. The final plat for Phase 1 was approved by Planning and Zoning Commission on February 4, 2014 with no additional variances. The owner is now requesting a variance to construct a perimeter screening wall that will be privately maintained by Wyndale Meadows Home Owner’s Association (HOA) rather than the City. City staff has received a letter from Kimley-Horn requesting this item be withdrawn.

The City staff’s recommendation was that the City Council take no action pursuant to the letter received from the requestor.

**Consideration of 10 Variances to the 1996
Castle Hills Agreement Related to Various
Development Requirements for the Proposed
Realm Development, Located in District 1-H,
as Requested by Bright Realty, the Owner**

(Agenda Item G-10)

The proposed Realm Project consists of approximately 362 acres divided into two distinct sub-developments. The “Bridges at the Realm” will provide a unique urban shopping and entertainment district that will include over one million square feet of mixed use development in addition to over 1,500 residential units. Adjacent and south of the Bridges, will be the multi-family development known as “Discovery at the Realm.” Approximately 4,000 units are proposed for this development which encompasses approximately 272 acres. Due to the unique mixed use and urban design of the “Realm,” 10 variances are being requested that are summarized including; a) public waterlines under pavement, b) different species of trees, c) alternative tree and landscaping plan, d) calculation for landscaping, e) alternative parking plan, f) loading zones, g) paving materials, h) turning lanes, i) dwelling unit sizes, and j) mixed use development.

The City staff’s recommendation was that the City Council approve the variances as set forth in the caption above and adopt the standards, details, and commentary in the staff support memorandum dated May 5, 2014.

Eric Ferris, Director of Community Development, along with Eric Stanley and Brian Dench representing Castle Hills, were all present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Ferguson and seconded by Deputy Mayor Pro Tem Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to approve the 10 Variances to the 1996 Castle Hills Agreement Related to Various Development Requirements for the Proposed Realm Development and adopt the standards, details, and commentary in the staff support memorandum dated May 5, 2014*, Located in District 1-H, as requested by Bright Realty, the Owner. The motion carried.

*Memo is attached as part of the record minutes.

Consideration of a Variance to Lewisville Code of Ordinances 2-201, Waiver of Special Event Permit Fees in the Amount of \$1,479.87; and Waiver of MCL Grand Equipment Rental Fees in the Amount of \$5,115.50 for a Total Fee Waiver of \$6,595.37; Approval of In-Kind Support Using City Staff and Equipment; Related to “Chalk This Way” Festival to be held May 17, 2014

(Agenda Item G-11)

“Chalk This Way,” a family-oriented outdoor festival that was previously held two years in The Colony, will return to Old Town Lewisville for the second year on Saturday, May 17. City Council approved award of an Arts Support Grant in the amount of \$9,194 for FY2014. The event organizer is seeking additional support in the form of fee waivers and in-kind assistance.

That the City Council approve the request to waive special event and rental fees, and approve in-kind event support, as set forth in the caption above.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve variances to Lewisville Code of Ordinances 2-201, waiver of Special Event Permit Fees in the amount of \$1,479.87; and waiver of MCL Grand Equipment Rental Fees in the amount of \$5,115.50 for a total fee waiver of \$6,595.37; and approved in-kind support using City staff and equipment; related to “Chalk This Way” Festival to be held May 17, 2014. The motion carried.

Consideration of Ordinance No. 4066-05-2014 Amending Lewisville City Code Section 5.5-6 Basis for Establishing the Areas of Special Flood Hazard Within the Flood Damage Prevention Ordinance, as Requested by Staff

(Agenda Item G-12)

The Federal Emergency Management Agency (FEMA) has recently completed the new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Dallas County including the portion of the City of Lewisville within Dallas County. The new FIS and FIRM for Dallas County will become effective on July 7, 2014, and the FEMA Regional Office must approve the City of Lewisville's Flood Damage Protection Ordinance referencing the new FIS and FIRM no later than the July 7, 2014 effective date in order for the City of Lewisville to avoid suspension from the National Flood Insurance Program. The new FIS and FIRM establish revised flood elevations as well as floodplain and floodway boundaries for the portion of the City of Lewisville within Dallas County.

The City staff's recommendation was that the City Council approve the ordinance as set forth in the caption above.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 5.5, Section 5.5-6, Basis for Establishing the Areas of Special Flood Hazard, of the Lewisville City Code by Amending the Language to Reference a New Flood Insurance Study and Flood Insurance Rate Map; Providing a Savings Clause; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt Ordinance No. 4066-05-2014, as captioned previously. The motion carried.

**Consideration of a Request Submitted by
Wynne/Jackson for a 9-Month Extension of
the "Right of First Negotiation" Under the
Master Developer Agreement**

(Agenda Item G-13)

The City entered into a Master Development Agreement with Wynne/Jackson, Inc., in November 2010. In this agreement, Wynne/Jackson was given a "right of first negotiation" for a period of 180 days following formal approval of the business plan. The business plan was accepted by the City Council on October 21, 2013 making April 21, 2014 the last day of the 180-day period. A request was received from Wynne/Jackson requesting a 9-month extension of the "right of first negotiation" to complete various issues.

The City staff's recommendation was that the City Council deny the 9-month extension as requested by Wynne/Jackson.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Gilmore and seconded by Councilman Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to deny the 9-month extension of the "Right of First Negotiation" Under the Master Developer Agreement as requested by Wynne/Jackson. The motion carried.

**Consider and Approve a Resolution No.
4067-05-2014 (R) Accepting an Amended and
Supplemented Service an Assessment Plan
and Assessment Roll for the Levy of
Assessments for Authorized Improvements
in the Lewisville Castle Hills Public
Improvement District No. 4 in the City of
Lewisville; Setting a Date for Public
Hearing; Authorizing the Publication of
Notice; and Enacting Other Provisions
Relating Hereto**

(Agenda Item G-14)

City Council approved a resolution on April 2, 2007 authorizing the creation of Lewisville Castle Hills Public Improvement District (PID) No. 4. On May 21, 2007, a Service and Assessment Plan and Assessment Roll was adopted. Over the years as a part of the development process, lots were subdivided into different sizes than had originally been anticipated in the original Service and Assessment Plan. The Attorney General has determined that the City must have a new notice and public hearing process. This resolution is required to call a public hearing for May 19, 2014 and authorize notice of such hearing.

Consider and Approve a Resolution No. 4067-05-2014 (R) Accepting an Amended and Supplemented Service an Assessment Plan and Assessment Roll for the Levy of Assessments for Authorized Improvements in the Lewisville Castle Hills Public Improvement District No. 4 in the City of Lewisville; Setting a Date for Public Hearing; Authorizing the Publication of Notice; and Enacting Other Provisions Relating Hereto (cont'd)

(Agenda Item G-14)

The City staff's recommendation was that the City Council consider and approve the resolution as set forth in the caption above.

Mayor Ueckert advised that Drew Keith, 2624 Grail Maiden Court, Castle Hills, Texas, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt Resolution No. 4067-05-2014 (R); A Resolution Accepting an Amended and Supplemented Service and Assessment Plan and Assessment Roll for the Levy of Assessments for Authorized Improvements in the Lewisville Castle Hills Public Improvement District No. 4 in the City of Lewisville; Setting a Date for Public Hearing; Authorizing the Publication of Notice; and Enacting Other Provisions Relating Thereto. The motion carried.

Consider and Approve a Resolution No. 4068-05-2014 (R) Nominating a Representative and an Alternate Representative to the North Central Texas Council of Government's Regional Transportation Council

(Agenda Item G-15)

The Regional Transportation Council of the North Central Texas Council of Governments allocates seats on the council by region and city population. Recent changes in the bylaws created new cluster seats. Lewisville is now in a region along with Highland Village and Flower Mound. The current representative to the Regional Transportation Committee is Councilman Durham, who has indicated his willingness to serve again. In addition, Patrick Davis, the Mayor from Highland Village, is interested in serving as the alternate for the three cities. He was an alternate before the recent change in the bylaws.

Consider and Approve a Resolution No. 4068-05-2014 (R) Nominating a Representative and an Alternate Representative to the North Central Texas Council of Government's Regional Transportation Council (cont'd)

(Agenda Item G-15)

The City staff's recommendation was that the City Council consider a resolution nominating a representative and an alternate representative to the North Central Texas Council of Government's Regional Transportation Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Gilmore, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Resolution No. 4068-05-2014 (R)**; A Resolution of the City Council of the City of Lewisville, Texas, Nominating City of Lewisville City Council Member Rudy Durham as the Representative and Highland Village Mayor Patrick Davis as the Alternate Representative to the Regional Transportation Council.

Reports

(Agenda Item H)

- Fire Chief Tim Tittle advised of the upcoming 7th Annual Keeping the Tradition Alive starting on Thursday, May 8th. He reviewed the events that were scheduled to occur during this event.
- Director of Public Services Carole Bassinger gave an update on the status of the lake and encouraged more rain.
- Deputy Mayor Pro Tem Gilmore reminded everyone on May 17th, Paws in the Park would be held at the Animal Services Center at Toyota Railroad Park. He also reviewed the opportunity through the Lewisville Library for a Poet Lorette and that applications were due by May 23rd.
- Councilman Ferguson gave an update on upcoming events at the MCL Grand Theatre.
- City Secretary Julie Heinze reminded everyone that the last day of early voting was tomorrow and Election Day would be on Saturday, May 10, 2014.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:39 p.m. Monday, May 5, 2014, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:39 p.m. on Monday, May 5, 2014, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Section 551.087 (Economic Development):

2. Deliberation Regarding Economic Development for Potential Company Relocation.

The Closed Session was adjourned at 7:42 p.m. on Monday, May 5, 2014.

**Reconvene into Regular Session and
Consider Action, if any, on Items Discussed
in Closed Session**

(Agenda Item J)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 7:42 p.m. on Monday, May 5, 2014, in the Council Chambers of the Lewisville City Hall.

Mayor Ueckert opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Ferguson and seconded by Deputy Mayor Pro Tem Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:42 p.m. on Monday, May 5, 2014. The motion carried.

These minutes approved by the Lewisville City Council on the 19th day of May, 2014.

APPROVED

Dean Ueckert
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Eric Ferris, Director of Community Development

DATE: May 5, 2014

SUBJECT: **Consideration of 10 Variances to the 1996 Castle Hills Agreement Related to Various Development Requirements for the Proposed Realm Development, Located in District 1-H, as Requested by Bright Realty, the Owner.**

BACKGROUND

Castle Hills is located in the City's Extra-Territorial Jurisdiction (over 2,400 acres in size) and is referred to as the "Lands" in the 1996 agreement. The proposed "Realm Project" consists of approximately 362 acres divided into two distinct sub-developments (see Exhibit A&B attached). The "Bridges at the Realm" will provide a unique urban shopping and entertainment district that will include over one million square feet of mixed use development in addition to over 1,500 residential units (see exhibit B attached). The Bridges is approximately 99 acres in size and will assume a GB2 zoning designation. It should be noted that Castle Hills does not fall under the City's mandate for zoning at this time; however, a category is utilized for future conformance. A large indoor movie theatre, several restaurants, numerous retail establishments, "uptown" styled residential rental units, automobile parking structures, banking/finance facilities, medical services, performance facility, grocery, fitness and recreation, and an outdoor urban pedestrian friendly atmosphere will be provided in the Bridges development.

Adjacent and south of the Bridges, will be the multi-family development known as "Discovery at the Realm" (see exhibit B attached). Up to 4,000 units are proposed for this development which encompasses approximately 263 acres. Discovery will assume a MF-3 zoning category. It is estimated that this development will be phased over time with approximately 400 units being constructed with each phase. It is staff's understanding that Discovery will be constructed at (18) month intervals, therefore resulting in an approximate "build-out" timeframe of (15) years from start of the project. This will be a private development in that it will not contain public streets. Mutual access easements will be provided that will contain both private and public utility easements. This project will be very unique and will not be the typical "garden style" apartment design. Design will generally be an uptown urban styled building that will front most mutual access easements with large areas of green space with large water features that will virtually surround the development. One and two bedroom units are planned for the Discovery project. First level parking located underneath many of the buildings are proposed for the development. However, there will be some conventional outdoor parking lots as well as parallel parking located along the mutual access easements.

ANALYSIS

Due to the unique mixed use and urban design of the “Realm”, 10 variances are being requested that will be applicable for the Realm project as shown on exhibit A (see attached). The requested variances are as follows:

Variance a.): To allow on-site public waterlines to be located under pavement in access and utility easements. The “real property” owner shall be responsible for replacement of such pavement should maintenance or repair be required to the waterline.

Code Requirement: Onsite waterlines may only be located within “grass-only” easements (Figure 15 – 1996 GDO).

Developer Commentary: Due to the urban nature of the future projects, it will become necessary to integrate the utilities in the pavement areas. This is a very common practice in urban environments and will allow for a more walkable community (see exhibit C).

Staff response: The variance as proposed is acceptable. A similar variance was approved for Lewisville Town Crossing in Castle Hills as well as Hebron 121 Station where the water mains are located under paved parking areas, both urban style developments. Access easements and sidewalks in the proposed development will be privately owned and maintained. The developer/owner has agreed to a condition placing responsibility of pavement repair on the property owner in the event the water mains require maintenance or repair.

Variance b.): Allow other species of trees to be planted along the SH 121 Frontage Road, Castle Hills Drive, Windhaven Parkway, Josey Lane, and FM 544 so long as primary maintenance is by Owner.

Code Requirement: Recommended and required plant species for Public Rights of Way (Section VI – 1 – 1996 GDO)

Staff response: The 1996 Castle Hills General Development Ordinance (CHGDO) requires that Rights-of-Way Landscaping be of Bermuda grass in irrigated areas and Buffalo Grass in non-irrigated areas with one tree for every 500 square feet of area from the Recommended Tree List (Section VI.1). Variance Exhibit C of the 1996 agreement added six additional trees to the recommended tree list to Section VI.1. Only trees from the recommended list(s) are considered to be compliant with the CHGDO. In addition, Exhibit C of the 1996 CHGDO added the following language to Section VI - Landscaping of Dedicated Streets, Medians of Other Public Rights-of-Way 4 : (A) General Provisions: Within Medians, planting or irrigation facilities will be permitted within areas of less than five (5) feet in width. Pavers may be installed in the public Rights-of-Way if consistent with the theme of the development.

The plantings are proposed to be indigenous and drought tolerant. Staff recommends that the Parks and Leisure Services Department of the City review and approve additional tree plantings that vary from the approved list provided the maintenance remains the sole responsibility of the Property Owner Association. At this time the request does not have additional tree types associated with this variance. Variance as proposed is acceptable.

Variance c): Trees shall be spaced appropriately according to their growth characteristics and the design intent. An equal or greater quantity of plant material and trees will be provided in a unique arrangement and will be maintained by the property owners association.

Code Requirement: Trees shall be placed 45’ apart in rows and 30’ in groups (Section VI-4-A-2 – 1996 GDO)

Developer Commentary: Planting will reflect the attention to detail and quality of craftsmanship accustomed to Castle Hills. Special attention will be placed on balancing the aesthetic qualities of the plants with the ecological and water needs of different plant materials. See Exhibit D for an artist’s interpretation of what this planting may look like.

Staff Response: Currently, this section of the CHGDO provides tree and grass only requirements for Rights of Way. It also allows the Rights-of Way landscaping to transition to the City for maintenance while any ornamental landscaping at entrances are to remain the responsibility of the developer or owner. Staff recommends the use of indigenous or drought tolerant plantings within the proposed required grass only areas and that the Parks and Leisure Services Department review and approve additional tree plantings that vary from the approved list provided the maintenance of the entire Rights-of-Way remain the sole responsibility of the Property Owners Association.

Variance d): To utilize landscaping areas throughout the development to meet interior/parking lot landscaping requirements. Exposed surfaces of parking garages shall be counted as required areas for landscaping calculations.

Code Requirement: To calculate the total parking area and the subsequent percentage of required interior lot landscaping, total the square footage of parking spaces, planting islands, curbed areas and all interior driveways and aisles, except those with no parking spaces located on either side. Landscaped areas located outside the parking lot may not be used to meet the interior landscaping requirement. (Section VI-3-1996 GDO)

Developer Commentary: Areas used for parking or vehicular storage which are under, on, or within buildings or decks are exempt from these standards unless the parking is exposed on upper levels. Due to the more urban nature of the proposed development, landscape areas adjacent to the parking area shall be able to be included in the calculation of required interior lot landscaping. The overall planting areas of the project will meet or exceed the requirement; however they may be arranged in a manner more suitable to the urban environment being created.

Staff Response: Interior landscaping is required to be calculated on the parking areas separate from the required landscape strips (10 foot) that encompass the area and the tree islands within those parking areas (one tree per 15 parking spaces). In this case, the request is to utilize the entire “Realm” project aggregate parking areas calculated and distribute the landscaping throughout, which in this case would be 10% of all parking areas. In addition, multi-level parking structures are not addressed in those calculations. It is being requested that the parking structure area be calculated based on an upper level exposed deck.

Staff recommends allowing the aggregate total required internal landscaping to be distributed throughout the “Realm” in a unique array provided the plantings are indigenous or drought tolerant plantings and those trees within 10 feet of Mutual Access Easements be more conical than broad in nature. The variance as proposed is acceptable (see Exhibit I).

Variance e): Development shall, on average, provide 1.65 parking spaces per dwelling unit for multi-family uses and provide alternative shared parking agreements, for all other uses as shown in exhibits E and F (see attached).

Code Requirement: Requires one (1) parking space for each dwelling unit (DU) plus .5 spaces for each individual bedroom in all units in multifamily developments.

Required parking calculations refer only to off-street parking and sets standards for shared parking. (Section VII-9, VIII, VIII-2, VIII-4 – 1996 GDO)

Developer Commentary: Required parking for residential uses shall be designated as such. All other uses shall be in accordance with the proposed shared parking chart. Required parking shall be allowed to be shared across parcels, lots or blocks so long as an agreement is made between owners and is managed by owners. Parking spaces counted shall include but not be limited to: typical surface parking, parallel parking, and garage (deck) parking (see Exhibits E and F).

Staff Response: CHGDO – Section VIII. 2 –This variance establishes a ratio of 1.65 spaces per unit for multifamily developments, except that deed restricted senior apartments shall be calculated at 1.2 per unit. The proposal will provide location of parking spaces with an all-inclusive parking matrix based on use using shared parking between all properties within the “Realm” boundaries (See Exhibit E&F).

Staff is familiar with this concept and has used a similar matrix based on use for aging retail centers with mixed uses. Utilizing this type of parking system is acceptable provided the Multi-family parking at 1.65 per unit is demonstrated as dedicated to those units. Council has approved the 1.65 parking ratio for three apartment complexes in Lewisville proper; Bella Madera, Crest Manor and Hebron 121 Station. Parking spaces for all other uses are in compliance with the 1996 Agreement and the 1996 General Development. Shared parking agreements, across lot lines, are very common for mixed use developments. The variance as proposed is acceptable.

Variance f): Loading zones shall be calculated on a square foot basis in lieu of a space per square foot standard. Loading zones may be shared across lot lines (see Exhibit G).

Code Requirement: Off-Street Loading Space. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles or materials or merchandise, shall provide and maintain on the same premises loading and parking spaces. (CHGDO – Section VIII.6) The number and size of the spaces is determined by use and total square footages.

Developer Commentary: Loading zones may be shared between uses and tenants, and shall be sized according to Attachment G. Loading zones shall be marked and shall be free of the required fire lanes. Loading zones will be managed by the property owner or its agent.

Staff Response: Replace CHGDO – Section VIII.6 – Off-Street Loading Space; with new criteria that allows the calculation on square footages with lot to lot sharing. The spaces would be dedicated, delineated and free from all fire lanes, parking lanes and drive aisles. This proposal will have the same total square footage dedicated to loading zones, but will not be placed in a space per square foot basis. Four examples of similar projects in other cities are attached as Exhibit H - Case Studies. Staff has no issues with this concept as it is a proven method, provided the responsibility and maintenance are the property owners and detailed on the Engineering site plans. The variance as proposed is acceptable.

Variance g): To allow alternate materials, such as contained gravel, unit pavers, natural stone, brick, or similar materials for paving mutual access easements, parking lots, fire lanes, and drive aisles. These materials shall be designed to be equal to or greater than the strength standard required for concrete for fire lanes.

Code Requirement: Requires concrete or asphalt only for paving surfaces related to private parking lots, drive aisles, access driveways, etc. (Section VIII-1, COL 503.02.03)

Developer Commentary: In unique areas but not within public streets, allow special paving including but not limited to the following materials:

- *Contained Gravel with a structural member designed to be equal to or greater than the strength standard required concrete for fire lanes. Gravel will be contained with concrete curbs or other methods of similar strength. Gravel will not be used in primary drive aisles, but rather in specialty areas.*
- *Unit Pavers over an engineered subbase designed to a structural*

strength equal or greater to the standard required concrete for fire lanes

- *Natural Stone over an engineered subbase designed to a structural strength equal or greater to the standard required concrete for fire lanes*
- *Brick over an engineered subbase designed to a structural strength equal or greater to the standard required concrete for fire lanes*
- *Similar materials, so long as designed to a structural strength equal or greater to the standard required concrete for fire lanes.*

All pavement shall be in accordance with the applicable requirements of ADA and PROWAG. Fire lanes shall be clearly marked and all pavement within fire lanes shall be designed to a structural strength equal or greater to the standard required concrete for fire lanes.

The use of alternative materials will help to foster a vibrant, walkable and urban environment that promotes activity and community.

Staff Response: The variance as proposed is acceptable. The variance only applies to privately owned and maintained pavement. The developer/owner has agreed to provide documentation prior to approval of specific alternate pavements that the paving is designed to meet or exceed the structural strength required for fire lanes and that the pavement surfaces will be ADA/PROWAG compliant.

Variance h): To provide street and pedestrian easements in lieu of required right-of-way dedication for deceleration and right turn lanes along the SH 121 Frontage Road, Castle Hills Drive, Windhaven Parkway, Josey Lane, and FM 544.

Code Requirement: The developer shall be responsible for the dedication of all rights of way for the construction of all turning lanes (Section V-2-J – 1996 GDO)

Developer Commentary: We are requesting this variance for all of the proposed driveway connections to the public streets in The Realm in order to preserve the building setbacks in these areas and provide a consistent setback along these street frontages.

Staff Response: The variance as proposed is acceptable. The same variance has been approved for other sections of Castle Hills along SH 121 Service Road, Josey Lane and Windhaven Parkway. The dedication of “street, drainage, utility and pedestrian” easements in lieu of right of way for deceleration lanes will allow for the operation and maintenance of all required public infrastructure

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in those locations but will not require building line set backs to jog in and out at driveway locations.

Variance i): To allow dwelling units of seven-hundred (700) square foot average size when located over a retail, restaurant, or other commercial use on the first floor with a minimum unit size of no less than (500) square feet.

Code Requirement: Dwelling units of 850 square foot minimum size when located over a retail, restaurant, or similar use on the first floor (Section 17-22-a-24 – Zoning Ordinance)

Developer Commentary: This request is in line with current market demands and encourages a variety of unit sizes that allow for the creation of a diverse community with varying economics.

Staff Response: The variance as proposed is acceptable. Although zoning is not applicable at this time in Castle Hills, zoning uses are always assumed in an effort to be in conformance once the lands are annexed. This particular variance applies to the Bridges project. These particular apartment units will be located above commercial uses and will be designed and marketed for those tenants that prefer a smaller urban styled unit. It is anticipated that the Discovery project to the south of Windhaven will meet requirements of unit sizes at this time.

Variance j): Multifamily dwelling units developed as part of a vertical mixed use project that are located above a commercial building use and located on the property, identified on Exhibit J, shall not count towards the total number of allowable units designated for multifamily development which provides that no more than 5,000 multifamily dwelling units with a density of not more than 20 units per acre shall be developed on the Lands.

Staff Response: The 1996 agreement outlines a land use plan in section (6) of the agreement. The language states that “no more than 250 acres of the lands will be developed for multifamily dwellings with a density of no more than 20 units per acre”. This totals 5,000 multifamily units for the Lands of Castle Hills. At present, the following is a total of units “on the ground” in other locations in Castle Hills at this time:

Platinum Apartments (located on Windhaven just east of Josey) - 636 units

Aurora Apartments(located on FM 544 at SH121) - 316 units

These two existing sites along with Discovery will total approximately 5,000 units. Therefore standalone multifamily development will be complete and in accordance with the 1996 agreement. The variance is simply to exclude multifamily units developed as part of a vertical mixed use project that are located above a commercial building use and located on the property, identified on Exhibit J. At this point, staff has not identified any major cost impacts to city infrastructure or finance issues related to this request, however, density and number of mixed use multifamily units allowed is a Council issue for consideration

City staff and Bright Realty have been working diligently on this project in an effort to reduce the variances from over twenty five to just (10) at the present. Due to the unique nature and urban design of this development, staff has no objections to the following variances should Council wish to approve the variance package. These (10) variances would apply to just the Realm project as depicted on Exhibit A (see attached). Exhibits relating to this memorandum and the Realm project include the following:

- Exhibit A - The Realm Overall
- Exhibit B - The Bridges and Discovery
- Exhibit C - Typical Cross Section
- Exhibit D - Artist’s Interpretation of Planting
- Exhibit E - Proposed Parking/ Shared
- Exhibit F - Simulation of Proposed Shared Parking
- Exhibit G - Proposed Loading Zone Requirements
- Exhibit H - Loading Zone Case Studies
- Exhibit I - Conceptual Overall Realm Plan
- Exhibit J – Bridges (Mixed Use Development)

RECOMMENDATION

It is City Staff’s Recommendation that the City Council approve the requested variances and adopt the standards, details, and commentary in the staff support memorandum dated May 5, 2014.