



Lewisville City Council

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A G E N D A

LEWISVILLE CITY COUNCIL CALLED SPECIAL MEETING JUNE 22, 2015

LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057

REGULAR SESSION - 6:00 P.M.

Call to Order and Announce a Quorum is Present.

REGULAR SESSION - 6:00 P.M.

- A. **INVOCATION:** Mayor Pro Tem Ferguson
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Vaughn
- C. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

REGULAR HEARING:

- 1. **Performance of the Second Reading of an Ordinance of the City Council of the City of Lewisville, Texas Adopting a Ninety (90) Day Moratorium on the Acceptance of Applications for Permits for Development of Undeveloped Commercial Property Zoned Light Industrial Located North of Valley Ridge Boulevard, East of McGee Lane, West of IH-35E and South of Lake Lewisville, and More Specifically Described in Exhibit "A"; Providing for Written Findings; Providing an Expiration Date; Providing for an Extension of Such Moratorium; Providing a Waiver Procedure; Providing for Limitations on Moratorium for Persons with Vested Rights.**

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City will provide appropriate auxiliary aids and services, including sign language interpreters and assisted listening devices, whenever necessary to ensure effective communication with members of the public who have hearing, sight or speech impairments, unless doing so would result in a fundamental alteration of its programs or an undue financial burden. A person who requires an accommodation or auxiliary aid or service to participate in a City program, service or activity, should contact the sponsoring Department, or the Human Resource Department at 972-219-3450 or by Fax at 972-219-5005 as far in advance as possible but no later than 48 hours before the scheduled event.

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 15, 2015**

ADMINISTRATIVE COMMENTS:

At the June 15, 2015 City Council meeting, the City Council voted to adopt an ordinance imposing a 90-day moratorium on the acceptance of applications for development permits of undeveloped commercial property zoned light industrial located north of Valley Ridge Boulevard, east of McGee Lane, west of IH-35E and south of Lake Lewisville to finalize the pending charrette booklet/study and to create a framework to implement the Lewisville 2025 Plan and the I-35 Redevelopment Plan. Two public hearings regarding the moratorium have been held, both were advertised in the newspaper as required by law, and the first reading of the ordinance was conducted on June 15, 2015.

RECOMMENDATION:

That the City Council conduct the second reading

- D. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- E. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney): Legal Issues Related to the Construction of the Old Town Park Plaza
 2. Section 551.071 (Consultation with Attorney/Pending Litigation): *City of Lewisville v. City of Farmers Branch and Camelot Landfill TX, LP*, Cause No.4:12-CV-00782, United States District Court for the Eastern District of Texas, Sherman Division; Texas Commission on Environmental Quality Modification to Municipal Solid Waste Permit No. 1312A; and Texas Commission on Environmental Quality Application to Obtain Municipal Solid Waste Permit Amendment - Permit No. 1312B
 3. Section 551.072 (Real Estate): Property Acquisition
 4. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 15, 2015**

- F. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

- G. **ADJOURNMENT**

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development & Planning

DATE: June 18, 2015

SUBJECT: **Performance of the Second Reading of an Ordinance of the City Council of the City of Lewisville, Texas Adopting a Ninety (90) Day Moratorium on the Acceptance of Applications for Permits for Development of Undeveloped Commercial Property Zoned Light Industrial Located North of Valley Ridge Boulevard, East of McGee Lane, West of IH-35E and South of Lake Lewisville, and More Specifically Described in Exhibit “A”; Providing for Written Findings; Providing an Expiration Date; Providing for an Extension of Such Moratorium; Providing a Waiver Procedure; Providing for Limitations on Moratorium for Persons with Vested Rights.**

BACKGROUND

At the June 15, 2015 City Council meeting, the City Council voted to adopt an ordinance imposing a 90-day moratorium on the acceptance of applications for development permits of undeveloped commercial property zoned light industrial located north of Valley Ridge Boulevard, east of McGee Lane, west of IH-35E and south of Lake Lewisville to finalize the pending charrette booklet/study and to create a framework to implement the Lewisville 2025 Plan and the I-35 Redevelopment Plan. Two public hearings regarding the moratorium have been held, both were advertised in the newspaper as required by law, and the first reading of the ordinance was conducted on June 15, 2015

RECOMMENDATION

Staff recommends that the City Council conduct the second reading.

ORDINANCE NO. 4185-06-2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS ADOPTING A NINETY (90) DAY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR PERMITS FOR DEVELOPMENT OF UNDEVELOPED COMMERCIAL PROPERTY ZONED LIGHT INDUSTRIAL LOCATED NORTH OF VALLEY RIDGE BOULEVARD, EAST OF MCGEE LANE, WEST OF IH-35E AND SOUTH OF LEWISVILLE LAKE, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR WRITTEN FINDINGS; PROVIDING AN EXPIRATION DATE; PROVIDING FOR AN EXTENSION OF SUCH MORATORIUM; PROVIDING A WAIVER PROCEDURE; PROVIDING FOR LIMITATIONS ON MORATORIUM FOR PERSONS WITH VESTED RIGHTS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Lewisville seeks to provide for the orderly and safe development of land and use of property within its city limits to protect the health, safety and welfare of its residents and the general public; and

WHEREAS, the City of Lewisville is dedicated to the protection, enhancement, preservation of developed and undeveloped properties, places, building and structures because it is a desirable public goal and is needed in the interest of sustainability, social equity, economic development, environment stewardship and education and general welfare of the people; and

WHEREAS, the City of Lewisville adopted the Lewisville 2025 Plan in June of 2014; and

WHEREAS, the Lewisville 2025 Plan identifies three areas called Identity Focal Points at the most highly visible intersections and gateways in the City to form a new identity for Lewisville; and

WHEREAS, the Identity Focal Points or nodes of development will create interesting pulse points, destinations and a sense of place for the City; and

WHEREAS, a series of redevelopment focal points in which new investment can be directed are clearly identified in the Lewisville 2025 Plan to establish regional gateways into the City and redevelop key areas that currently lack positive identity; and

WHEREAS, the Lewisville 2025 Plan recommends that the City work with property owners and interested developers in a collective approach to achieve the goals of the plan; and

WHEREAS, the City of Lewisville adopted the I-35 Corridor Redevelopment Plan in November of 2014; and

WHEREAS, the Lewisville 2025 Plan and the I-35 Corridor Redevelopment Plan (collectively “the Plans”) envision mixed use development on undeveloped commercial property located west of IH-35E, east of McGee Lane, north of Valley Ridge Boulevard and south of Lewisville Lake, said geographical boundaries shown in Exhibit “A”, attached hereto and incorporated as if fully set forth herein; and

WHEREAS, the City of Lewisville is closely monitoring and making an effort to implement the Plans; and

WHEREAS, the City of Lewisville has worked in a cooperative manner with the major landowners in the defined geographical boundaries, attached as Exhibit “A”, regarding land development; and

WHEREAS, the City of Lewisville together with the major landowners within the defined geographical boundaries participated in a two day workshop (the “Charrette”) on May 6 and 7, 2015; and

WHEREAS, during the Charrette process, staff worked closely with the major landowners within the defined geographical boundaries to achieve an understanding of the Plans and the potential increase in value that can result if all property owners work together toward a cohesive plan; and

WHEREAS, the City Council wishes to exercise its land use and development authority in a manner that will establish reasonable regulations for land development that sufficiently protects the general health, safety and welfare of its citizens and adequately protects property values and economic vitality of the community; and

WHEREAS, the City of Lewisville desires to enhance properties located within the defined geographical boundaries by evaluating the highest and best use of the property available for new development; and

WHEREAS, the Texas Local Government Code Chapter 212, Subchapter E, provides authority for the adoption of a moratorium on commercial property development; and

WHEREAS, the City of Lewisville has provided the legal notice required for the public hearings on the adoption of the proposed moratorium; and

WHEREAS, the City of Lewisville has held two public hearings, one before the City Council and one before the Planning and Zoning Commission, at which municipal residents and affected parties were provided the opportunity to be heard regarding the adoption of this moratorium; and

WHEREAS, the City Council of the City of Lewisville hereby finds and determines that current regulations adopted by the City may be inadequate to prevent new development of the undeveloped commercial property zoned Light Industrial within the defined geographical

boundaries from being detrimental to the health, safety and welfare of the City and that time is needed in order to determine and gather sufficient evidence in order to consider new regulations; and

WHEREAS, such new regulations if adopted would protect and enhance said properties located within the defined geographical boundaries by determining the highest and best use of the property available for new development thereby protecting the general health, safety and welfare of the citizens; and

WHEREAS, the City Council of the City of Lewisville therefore finds that it is in the public interest to impose a ninety (90) day moratorium on the acceptance of permits, as defined by section 245.001(1) of the Texas Local Government Code, for the development of undeveloped commercial property zoned Light Industrial within the defined geographical boundaries.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. WRITTEN FINDINGS. In addition to the above and foregoing premises, the City Council of the City of Lewisville hereby finds the following:

- (1) If a moratorium is not adopted, the harm to the public health, safety, or welfare in the defined geographical boundaries that will result is as follows: (a) property values will not be protected thereby denying a fair and equal opportunity to enjoy the benefits of the Plans; and (b) the welfare of neighboring residential properties will not be protected from adjacent uses that are incompatible with the Plans which would interfere

with the residential enjoyment of the property brought on by the noise and traffic which accompany Light Industrial uses allowed in the current development ordinances.

(2) The geographical boundaries in which the moratorium will apply are depicted in Exhibit “A,” attached hereto and incorporated as if fully set forth herein.

(3) This moratorium will apply to all undeveloped commercial property which is zoned Light Industrial and located within the geographical boundaries set forth in Exhibit “A”.

(4) The objectives or goals to be achieved by adopting new ordinances or regulations or amending existing ordinances or regulations during the period the moratorium is in effect are as follows:

(a) to give staff time to finalize the Charrette booklet/study and to create a framework to implement the Plans and to review the current development ordinances;

(b) to improve, or at the least protect, property values; and

(c) to protect the welfare of neighboring residential properties from adjacent uses which are incompatible with the Plans.

SECTION 3. MORATORIUM. A moratorium for a period not to exceed ninety (90) days from the effective date of this ordinance is hereby placed on the acceptance of any permit, as defined by section 245.001(1) of the Texas Local Government Code, for the development of undeveloped commercial property zoned Light Industrial within the geographical boundaries set forth in Exhibit “A,” attached hereto and incorporated as if fully set forth herein.

SECTION 4. EXTENSION. This moratorium expires on the 90th day after the effective date of this ordinance unless the City of Lewisville extends the moratorium in accordance with section 212.1362 of the Texas Local Government Code, as amended.

SECTION 5. WAIVER. The moratorium adopted herein may be waived upon an application requesting such waiver as provided in and in accordance with section 212.137 of the Texas Local Government Code, as amended.

SECTION 6. LIMITATION ON THE MORATORIUM. Nothing contained in this ordinance shall prohibit a person from filing or processing an application for a permit that was previously in progress prior to the adoption of this ordinance when such is vested under Chapter 245 of the Texas Local Government Code or that would result in the application for zoning filed before the effective date of this ordinance or the temporary moratorium.

SECTION 7. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 8. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its adoption on second reading.

SECTION 10. EMERGENCY. It being for the public welfare that this ordinance be passed creates an emergency and public necessity and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby, waived and this ordinance shall be in full force

and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 15th DAY OF JUNE, 2015.

SECOND AND FINAL READING ON THIS THE 22nd DAY OF JUNE, 2015.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY



Legend

 Undeveloped Light Industrial



EXHIBIT A