



Lewisville City Council

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A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
OCTOBER 5, 2015**

**LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057**

**WORKSHOP SESSION - 6:00 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Public Safety Vehicle Demonstration (West Parking Lot)
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Daniels
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Vaughn
- C. **PUBLIC HEARINGS:**

1. **Public Hearing:** Consideration of an Ordinance Granting a Zone Change Request from General Business District (GB) to Public Use District (PU); on an Approximately 1.247-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Located at the Southeast Corner of North Charles Street and West Church Street, as Requested by the City of Lewisville, the Property Owner (Case No. PZ-2015-09-13).

**AGENDA
LEWISVILLE CITY COUNCIL
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ADMINISTRATIVE COMMENTS:

The proposed zone change encompasses Wayne Ferguson Plaza, which was designed as an urban park and community gathering location in the heart of Old Town Lewisville. City-owned property such as parkland is typically zoned Public Use District since parks and playgrounds are specified in the list of permitted uses in the Public Use District. The Planning and Zoning Commission recommended approval of the zone change by a vote of 6-0 at their meeting on September 15, 2015.

RECOMMENDATION:

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

PRESENTATION: Richard Luedke, Planning Manager

2. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Business (GB) and Old Town Center Business District (OTC) to Old Town Center Business District (OTC) on an Approximately 1.216-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Bounded by West Church Street to the North, West Main Street to the South, North Charles Street to the West and North Mill Street to the East, as Requested by the City of Lewisville, the property owner (Case No. PZ-2015-09-14).**

ADMINISTRATIVE COMMENTS:

The proposed zone change request encompasses the area abutting Wayne Ferguson Plaza including the existing bank building at the northeast corner of Charles Street and Main Street; the enhanced alleyway that will be a mutual access easement for all adjacent businesses; and the pedestrian alleyway that connects Main Street to the Great Lawn area of Wayne Ferguson Plaza (formerly Poydras Street). Although City-owned property is typically zoned Public Use, this particular piece of property is better served with the Old Town Center Business (OTC) District zoning, which allows greater flexibility in setbacks and complies with the Old Town Master Plan. The Planning and Zoning Commission recommended approval of the zone change by a vote of 6-0 at their meeting on September 15, 2015.

**AGENDA
LEWISVILLE CITY COUNCIL
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RECOMMENDATION:

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

PRESENTATION: Richard Luedke, Planning Manager

- 3. Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) With Four Associated Variances to the Lewisville City Code of Ordinances Including Section 6-103 Access Management; Section 6-121 (i) Approved Tree List; and Section 6-123 (b) Landscape Strip; for the Construction of a Communications Tower on an Existing 0.778-Acre Lot, Legally Described as Lot 1, Block B, Hillside Office Park; Located at the Southeast Corner of Hillside Drive and Office Park Circle; at 819 Hillside Drive; Zoned Light Industrial District (LI), as Requested by G&A Consultants, LLC., Representing Texas New-Mexico Power Company, the Property Owner (Case No. SUP-2015-09-09).**

ADMINISTRATIVE COMMENTS:

Texas New Mexico Power (TNMP) has recently purchased this site to be used as a federally required backup operations system facility. The Special Use Permit request to place a communication tower at the rear of this site is a result of the emergency management requirements from the federal government. The applicant is not proposing to expand the building footprint, however, staff review of the required development plan, which illustrates the current site layout in relation to current ordinance requirements, has resulted in the following four variance requests: 1) to allow a variable width landscape buffer in lieu of the required 10-foot landscape strip; 2) to waive the 40-foot stacking requirement on driveway entrances into the site; 3) to allow the use of Crepe Myrtles in addition to the approved tree list; and 4) to waive the required 20-foot driveway radii. The Planning and Zoning Commission recommended approval of the Special Use Permit by a vote of 6-0 at their meeting on September 15, 2015.

RECOMMENDATION:

That the City Council approve the proposed ordinance and requested variances as set forth in the caption above.

PRESENTATION: Richard Luedke, Planning Manager

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OCTOBER 5, 2015**

- D. **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.
- E. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
4. **APPROVAL OF MINUTES:** City Council Minutes of the September 21, 2015, Workshop Session and Regular Session.
5. **Approval of a Contract Award for the Elevated Tank No. 3 Interior and Exterior Repaint/Overcoat Project to J. R. Stelzer Company, Lincoln, Nebraska, in the Amount of \$1,562,212.05; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of fifteen (15) requests for proposals were downloaded from Bidsync.com. A total of eight (8) proposals were received and opened August 27, 2015. Based on the evaluation matrix included in the request for proposals, J. R. Stelzer Company received the highest evaluation score and is being recommended for award. This project is the painting of a 2.5 million gallon double leg style elevated storage tank-interior and exterior. Funding is available from Capital Improvements Projects.

RECOMMENDATION:

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

6. **Approval of Change Order No. 1 in the Amount of \$232,485 With Cooper General Contractors to Install a Natural Gas Supply Line for Fire Station 6; and Authorization for the City Manager to Execute the Change Order.**

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ADMINISTRATIVE COMMENTS:

Station 6 on Midway Road is currently under construction to remodel and expand the current footprint to accommodate a truck company planned in FY 17-18. The current station utilized liquefied propane in an above ground storage tank. With the increase in demand for gas due to the expansion, the cost of propane, and the frequent need to refill the storage tank, natural gas services are now recommended. Cooper General Contractors have prepared change order number one to install approximately 3500 feet of gas line to service the fire station. Upon completion, ATMOS energy will reimburse the City for the oversize portion of the gas main.

RECOMMENDATION:

That the City Council approve Change Order No. 1 as set forth in the caption above.

F. REGULAR HEARINGS:

- 7. Consideration of a Variance to the Lewisville City Code, Chapter 6, Article VIII, Section 6-162 – Parking Requirements Based on Use, Relating to the Residence Located at 948 Boxwood Drive, as Requested by Tamela Baggett, the Property Owners.**

ADMINISTRATIVE COMMENTS:

The single family residence was built in 1984 with a front entry attached two car garage. The property owner desires to convert the garage to a living space in order to provide residence for their grandchildren as they have significant needs that require assistance. The City Code was amended on April 18, 2011, disallowing garage conversions unless the equivalent of the garage can be reconstructed on the same lot. Staff has determined that an addition to the house; in lieu of the garage conversion is not feasible due to the size of the lot. The owners agree that should the variance be approved the garage would be converted back should they sell their residence or their grandchildren relocate. Similar variances were granted by City Council on August 15, 2011, for 418 Wind Wood Drive and, March 18, 2013, for 1121 Meriwood Drive although both were rear entry garages.

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RECOMMENDATION:

That the City Council consider the variance for the garage enclosure as set forth in the caption above, and if approved the enclosure is to be returned to a garage at such time the residence is sold or the conversion is vacated by the Baggett family.

PRESENTATION: Cleve Joiner, Director of Neighborhood Services

8. Consideration of an Ordinance Abandoning North Poydras Street Right-of-Way Between West Main Street and West Church Street.

ADMINISTRATIVE COMMENTS:

This section of North Poydras Street right-of-way has been incorporated into the new Wayne Ferguson Plaza. In 2003 the southern half of this block of North Poydras Street was physically removed with the installation of Old Town Streetscapes Improvements. Recently the northern half of this block of North Poydras Street pavement was physically removed with the installation of Wayne Ferguson Plaza. All franchise utilities have been relocated to the alley adjacent to the park in a utility easement.

RECOMMENDATION:

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

9. Tabled Item: Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

ADMINISTRATIVE COMMENTS:

As part of the annual budget process, changes to the fee schedule based on an analysis of current charges as compared to cost recovery goals, authorized charges that may no longer be applicable, and new fees are reviewed and modifications proposed. These changes include items discussed at the Budget Workshop held on August 1st, as well as newly proposed modifications. Details for each recommended change are included in the back up information.

**AGENDA
LEWISVILLE CITY COUNCIL
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RECOMMENDATION:

That the City Council approve the ordinance amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

- G. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- H. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney/Pending Litigation): 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
 2. Section 551.072 (Real Estate): Property Acquisition
 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- J. **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: Melinda Galler, Assistant City Manager

FROM: Russ Kerbow, Police Chief

DATE: September 30, 2015

SUBJECT: Marked Patrol Vehicles

BACKGROUND

All the major automobile manufacturers produce a 'police package' vehicle tailored toward law enforcement which is equipped to handle the vast majority of tasks including pursuit and high-speed response to calls. These vehicles are rated by the manufacturer for high speed pursuit and/or heavy duty use. Typically, patrol vehicles are equipped with upgraded engines, heavy duty suspension, brakes, cooling systems, electrical systems, and other special items. Most of the upgrades to these vehicles are to increase durability, not performance.

The Lewisville Police Department has used the Ford Crown Victoria equipped with the police package since 1997; however, Ford discontinued the Crown Victoria after 2011. The police department has experimented with various makes and models of vehicles equipped with police packages since 2011 and found that Ford still provides the most reliable vehicle compared to others on the market equipped with a police package.

ANALYSIS

Ford replaced the Crown Victoria with the Police Interceptor built on a Taurus model sedan frame. The department purchased its first Interceptor model in 2013. The Interceptor, while smaller than the Crown Victoria, does provide improved fuel economy over the Crown Victoria. The Police Interceptor with the Eco-Boost V-6 engine averages 11.53 mpg while the 'Crown Vic' averaged only 9.4 mpg. The all-wheel drive also provides improved stability on roadways during inclement weather conditions such as the heavy rains experienced this past spring and icy conditions during the winter.

While the fuel economy demonstrates more sustainability for a police fleet of vehicles, staff is concerned about the continued lack of cargo space and personal space inside the vehicle for officers and their protective equipment. Each vehicle carries traffic cones, a medical 'go bag', a ballistic shield, two long guns (shotgun and rifle), and a fingerprint kit. Personally, officers can gain between 20 and 30 pounds from their uniform, boots, duty belt, a back-up pistol and body armor. The smaller sedan has continued to be a morale issue for officers who have trouble entering and exiting the vehicle multiple times a day while dressed in their uniform with their protective vest and fully equipped duty belt.

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Staff recommended to the Vehicle Replacement Committee to consider replacing the Police Interceptor sedan with the Interceptor Utility vehicle. The utility vehicle provides more space for individual officers who must get in and out of the vehicle frequently and sometimes very quickly when responding to a situation. In addition, the utility vehicle's cargo space is a significant improvement over the sedan and allows expansion for future equipment needs. Since the utility vehicle has the same engine as the sedan, staff believes fuel economy will not suffer significantly and will certainly be an improvement over the Crown Victoria. The cost difference between the sedan and the utility vehicle is \$2300, and funding is available in the maintenance and replacement fund. After extensive research, the Vehicle Replacement Committee has approved the police department's recommendation to replace marked patrol sedans with the Police Interceptor Utility vehicle as each unit reaches its normal replacement life.

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: October 5, 2015

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Business District (GB) to Public Use District (PU); on an Approximately 1.247-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Located at the Southeast Corner of North Charles Street and West Church Street, as Requested by the City of Lewisville, the Property Owner (Case No. PZ-2015-09-13).**

BACKGROUND

The proposed zone change encompasses Wayne Ferguson Plaza, which was designed as an urban park and community gathering location in the heart of Old Town Lewisville. The park is located across the street from City Hall and the Medical Center of Lewisville Grand Theater and adjacent to the historic Main Street commercial district. The park will play an important function not only for programmed events, but will act as a gathering place for neighboring residents, Old Town workers and tourists and be a community destination. It will also help act as an economic generator by attracting people to Old Town and allow for greater business exposure.

ANALYSIS

Public governmental agency uses are permitted in all zoning districts although the agency must follow the general regulations of the district in which the use is located. City-owned property such as parkland is typically zoned Public Use District since parks and playgrounds are specified in the list of permitted uses in the Public Use District. The City has recently finalized the associated park improvements.

The Planning and Zoning Commission recommended approval of the zone change by a vote of 6-0 at their meeting on September 15, 2015.

RECOMMENDATION

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

Location Map



ZONING CASE NO. PZ-2015-09-13

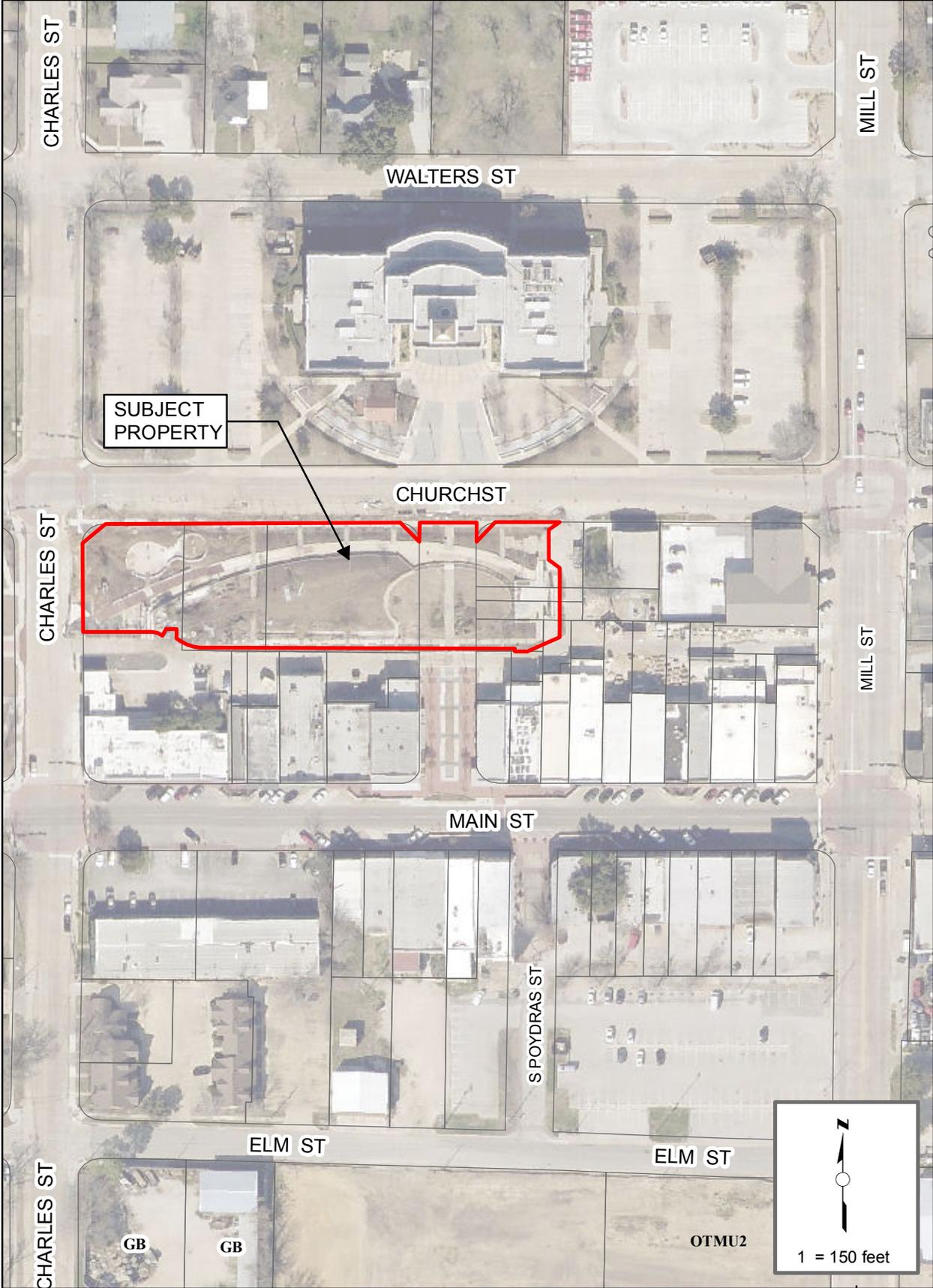
OWNER NAME: CITY OF LEWISVILLE

PROPERTY LOCATION: SOUTHEAST CORNER OF W. CHURCH STREET AND N. CHARLES STREET (1.222 ACRES)

CURRENT ZONING: GENERAL BUSINESS (GB)

REQUESTED ZONING: PUBLIC USE (PU)

Aerial Map - Zone Change from GB to PU



**MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 15, 2015**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 p.m. Members present: James Davis (Chairman), Sean Kirk, Brandon Jones, Mary Ellen Miksa, Alvin Turner, and Kristin Green. Member Steve Byars was absent.

Staff members present: Richard Luedke, Planning Manager; Mary Paron-Boswell, Senior Planner; and June Sin, Planning Intern.

Item 5:

Public Hearings for Zoning and Special Use Permits were next on the agenda.

- A. Consideration of a Zone Change Request from General Business (GB) to Public Use (PU); on an Approximately 1.222-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Located at the Southeast Corner of N. Charles Street and W. Church Street, as Requested by the City of Lewisville, the Property Owner. (Case No. PZ-2015-09-13)

Mary Paron-Bowell gave a brief presentation the Zone Change Request from General Business (GB) to Public Use (PU) on the land encompassing the Wayne Ferguson Plaza. The plaza will be an urban park in Old Town which can be used for various events and will be a neighborhood economic generator. Member Brandon Jones asked about the timing of zoning request. Staff answered there were adjustments and coordination needed to be done prior to moving forward with a zone change. Chairman James Davis opened the public hearing. There being no one present to speak on this item, the public hearing was closed. *A motion was made by Kristin Green to recommend approval of the zone change, seconded by Brandon Jones. The motion passed unanimously (6-0).*

SECTION 17-22. - "GB" GENERAL BUSINESS DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Any use permitted in district "LC" as regulated in said district.
 - (2) Auto, boat, motorcycle, recreational vehicle or mobile home display, sales (outdoor) and/or repair (SUP required)
 - (3) Bakeries.
 - (4) Building material sales with outside storage or display, including lumber yards (SUP required).
 - (5) Business or commercial schools.
 - (6) Clinic, medical and dental, and professional offices.
 - (7) Carpentry, painting, plumbing or tinsmithing shop fully enclosed within a building.
 - (8) Cleaning, laundry and dyeing plants fully enclosed within a building.
 - (9) Creamery, ice cream manufacturing and dairy operations fully enclosed within a building.
 - (10) Farm implement display and sales room. (outdoor) (SUP required).
 - (11) Hotels, motels and inns.
 - (12) Mortuaries with or without crematoriums. (SUP required).
 - (13) Office buildings.
 - (14) Pet shops, retail, fully enclosed within a building.
 - (15) Printing, engraving and newspaper plants, fully enclosed within a building.
 - (16) Radio or television broadcasting station or studio with broadcasting towers (SUP required).
 - (17) Retail stores, fully enclosed within a building.
 - (18) Veterinarian or animal hospital with outdoor kennel or exercise runs (SUP required).
 - (19) Bowling alley and other commercial amusement (indoor) uses, fully enclosed within a building.
 - (20) Church worship facilities.
 - (21) Uses similar to the above mentioned permitted uses, provided activities conducted wholly inside a building and observe the requirements of all city ordinances.
 - (22) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (23) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (24) Dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor (SUP required).
 - (25) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (28) Commercial amusement, outdoor (SUP required).
 - (29) Drive-in theater (SUP required).
 - (30) Flea market, outdoor (SUP required).
 - (31) Helipad, helistop or landing strip (SUP required).
 - (32) Kennels with outdoor runs (SUP required).
 - (33) Nightclub, bar. (SUP required).
 - (34) Brewery, distillery, or winery.
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*

(1) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "GB", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) Reserved.

- (d) *Outside Storage Regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-28. - "PU" PUBLIC USE DISTRICT REGULATIONS

- (a) *Use.* A building or area shall be used only for the following purposes:
- (1) Public schools.
 - (2) Parks and playgrounds.
 - (3) Community centers.
 - (4) Public golf courses.
 - (5) Civic centers and municipal offices.
 - (6) Fire stations.
 - (7) Libraries.
 - (8) Municipal service centers.
 - (9) Public utility facilities.
 - (10) Church worship facilities.
 - (11) Other buildings and uses owned or operated by public governmental agencies.
 - (12) Other publicly owned uses similar to the above, providing all meet the requirements of this and all other city ordinances.
 - (13) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (14) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in the required front yards in district "PU", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* No side yard is required, except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district.
 - c. *Rear yard.* No rear yard is required except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street.
 - (2) *Reserved.*

This Section (Office Use Only)	
Case:	
PZ: 9/15/2015	CC: 10/5/2015
Sign/s Picked Up By:	



LEWISVILLE
 Deep Roots. Broad Wings. Bright Future.

ZONE CHANGE APPLICATION

Owner/s (name): CITY OF LEWISVILLE	
Company Name:	
Mailing Address: 151 W. CHURCH ST.	
Work #: 972-219-3461	Cell #:
E-Mail: eferris@cityoflewisville.com	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): <i>Eric Ferris</i>	Date: 9/4/2015
Printed Name: ERIC FERRIS, ASSISTANT CITY MANAGER	

Applicant/Agent (name):	
Company Name:	
Mailing Address:	
Work #:	Cell #:
E-Mail:	
Applicant/Agent Signature	Date:
Printed Name:	

Current Zoning: GB	Requested Zoning: PU	Acres: 1.222 ac
Legal Description (Lot/ Block/Tract/Abstract):		
Address/Location: SEC CHURCH ST. AND CHARLES ST.		

Application and Sign Fees:

Less than 1/2 acre	\$ 150.00
1/2 acre up to 4.99 acres	\$ 250.00
5 acres up to 24.99 acres	\$ 400.00

25 acres up to 49.99 acres	\$ 750.00
50 acres up to 99.99 acres	\$1,000.00
100 acres and more	\$1,500.00

Qty: _____	Zone Change Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ _____
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ <u>0</u>
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS BY REZONING AN APPROXIMATELY 1.247-ACRE TRACT OF LAND OUT OF THE J.W. KING SURVEY, ABSTRACT NO. 696, LOCATED AT THE SOUTHEAST CORNER OF NORTH CHARLES STREET AND WEST CHURCH STREET, FROM GENERAL BUSINESS DISTRICT (GB) ZONING TO PUBLIC USE DISTRICT (PU) 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 THIS ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made to amend the Official Zoning Map of Lewisville, Texas by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by State statutes and the Zoning Ordinances of the City of Lewisville, Texas, said Planning and Zoning Commission has recommended that rezoning of the approximately 1.247-acre property described in the attached Exhibit “A” (the “Property”) be **approved**, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Lewisville, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and,

WHEREAS, the City Council of the City of Lewisville, Texas, at a public hearing called by the City Council of the City of Lewisville, Texas, did consider the following factors in making a determination as to whether this requested change should be granted or denied: effect on the congestion of the streets; the fire hazards, panics and other dangers possibly present in the securing

of safety from same; the effect on the promotion of health and the general welfare; effect on adequate light and air; the effect on the overcrowding of the land; the effect of the concentration on population; the effect on the transportation, water, sewerage, schools, parks and other public facilities; and,

WHEREAS, the City Council further considered among other things the character of the district and its peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this City; and,

WHEREAS, the City Council of the City of Lewisville, Texas, does find that there is a public necessity for the zoning change, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of adjacent property owners; and,

WHEREAS, the City Council of the City of Lewisville, Texas, does find that the change in zoning lessens the congestion in the streets; helps secure safety from fire, panic and other dangers; promotes health and the general welfare; provides adequate light and air; prevents the overcrowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and,

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that there is a necessity and need for this change in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the Property since it was originally classified and, therefore, feels that a change in zoning classification for the Property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Lewisville, Texas, and helps promote the general health, safety, and welfare of this community.

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

SECTION 1. The Zoning Ordinance of the City of Lewisville, Texas, be, and the same is hereby amended and changed in that the zoning of the Property is hereby changed to **PUBLIC USE DISTRICT (PU) ZONING.**

SECTION 2. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this change in zoning.

SECTION 3. That in all other respects the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Lewisville Zoning Ordinance and all other applicable and pertinent ordinances of the City of Lewisville, Texas.

SECTION 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewage, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

SECTION 5. This Ordinance shall be cumulative of all other ordinances of the City of Lewisville, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances, except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this Ordinance.

SECTION 6. That the terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the Property shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

SECTION 7. Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. The fact that the present Zoning Ordinance and regulations of the City of Lewisville, Texas are inadequate to properly safeguard the health, safety, peace and general welfare of the inhabitants of the City of Lewisville, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this Ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 5TH DAY OF OCTOBER, 2015.

ORDINANCE NO. _____

Page 5

APPROVED:

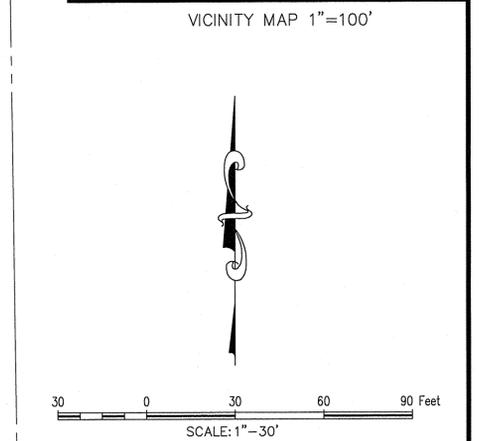
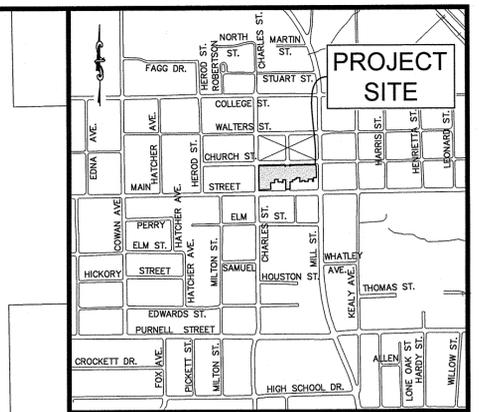
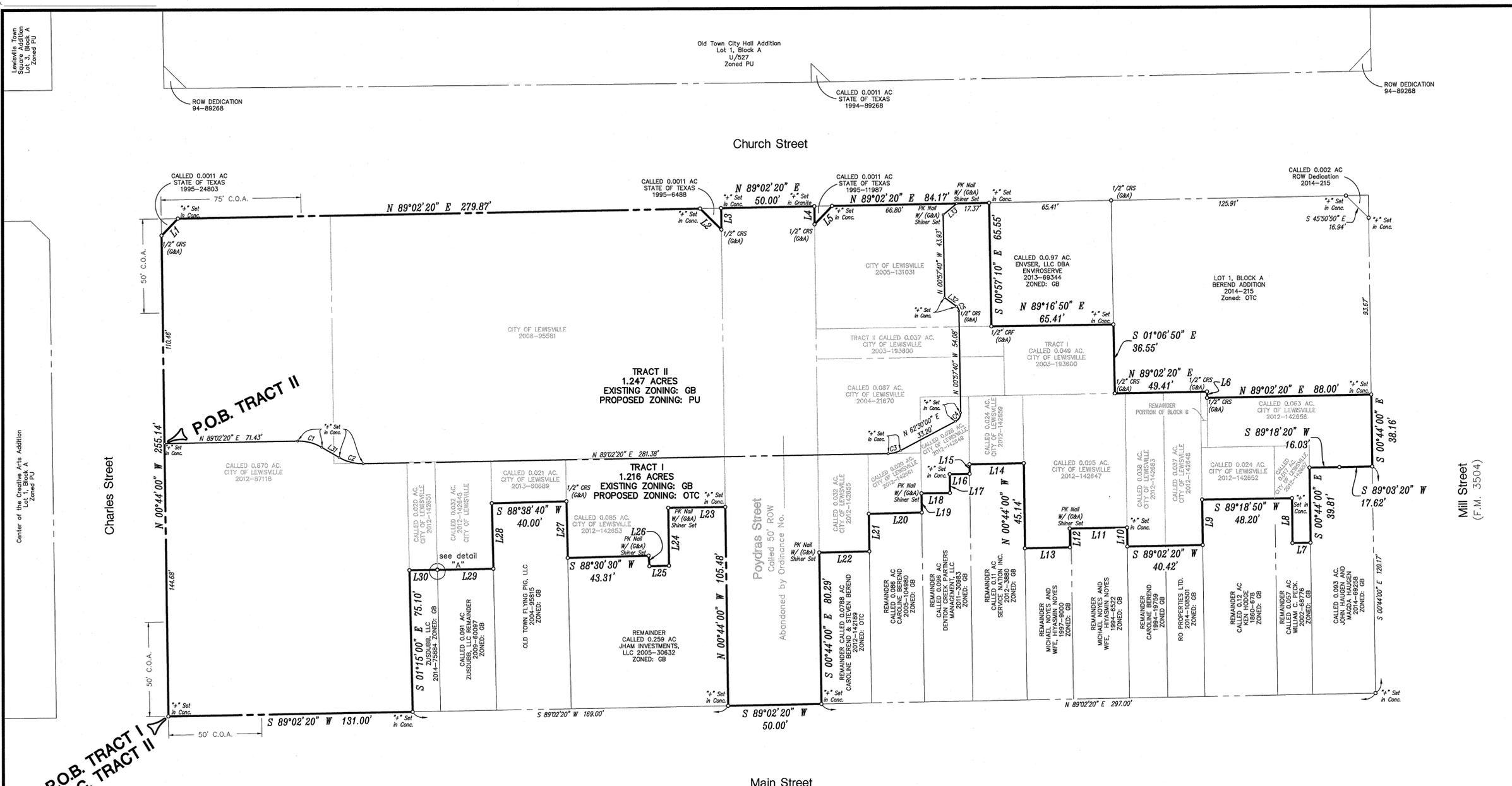
Rudy Durham, MAYOR

ATTEST:

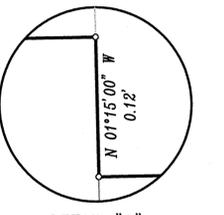
Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY



P.O.B. TRACT I
P.O.C. TRACT II



LEGEND

RF	=	REBAR FOUND
CRS	=	CAPPED REBAR SET
CRF	=	CAPPED REBAR FOUND
P.O.B.	=	POINT OF BEGINNING
G&A	=	G&A CONSULTANTS, INC.
COA	=	CONTROL OF ACCESS
AE	=	ACCESS EASEMENT
UE	=	UTILITY EASEMENT

LOT LINE TABLE

LINE	BEARING	DISTANCE
L1	N 44°16'20" E	12.58'
L2	S 45°27'15" E	15.96'
L3	N 00°44'00" W	11.39'
L4	S 00°44'00" E	9.59'
L5	N 43°55'20" E	13.54'
L6	S 00°44'00" E	3.30'
L7	S 89°02'20" W	9.70'
L8	N 00°29'30" W	23.79'
L9	S 00°44'00" E	24.11'
L10	N 00°44'00" W	10.03'
L11	S 89°13'45" W	30.74'
L12	S 00°45'40" E	10.01'
L13	S 88°52'10" W	24.11'
L14	S 89°00'15" W	29.08'
L15	S 00°44'00" E	5.06'

LOT LINE TABLE

LINE	BEARING	DISTANCE
L16	S 89°11'35" W	10.65'
L17	S 00°28'15" E	9.97'
L18	S 89°22'20" W	15.23'
L19	S 00°44'00" E	10.19'
L20	S 88°48'00" W	28.40'
L21	S 00°44'00" E	19.95'
L22	S 88°53'15" W	26.87'
L23	S 89°15'55" W	30.59'
L24	S 00°43'25" E	30.73'
L25	S 89°01'45" W	10.54'
L26	N 03°41'35" W	5.56'
L27	N 01°15'00" W	30.05'
L28	S 01°15'00" E	34.79'
L29	S 89°01'00" W	30.00'
L30	S 88°59'50" W	15.00'

LOT LINE TABLE

LINE	BEARING	DISTANCE
L31	S 60°00'00" E	10.70'
L32	N 53°42'00" W	7.88'
L33	N 50°25'00" E	9.44'

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	LONG CHORD
C1	25.00'	30°57'40"	13.51'	S 75°28'50" E, 13.35'
C2	25.00'	30°57'40"	13.51'	S 75°28'50" E, 13.35'
C3	15.00'	26°32'20"	6.95'	N 30°46'10" E, 6.89'
C4	5.00'	63°27'40"	5.54'	N 30°46'10" E, 5.26'
C5	3.00'	52°44'20"	2.76'	N 27°19'50" W, 2.66'

EXHIBIT A
ZONING EXHIBIT
 Wayne Ferguson Plaza Addition
 Lots 1-3, Block A
 2.463 Acres
 Zoned PU & OTC
 Being a Replat of Lot 2, Block 3,
 part of Lot 1 and Lots 3-6 Block 3,
 part of Lots 1-9 Block 6 and all of
 Poydras Street (called 50' right-of-way)
 Original Town of Lewisville
 in the
 J.W. KING SURVEY, ABSTRACT NO. 696
 CITY OF LEWISVILLE
 DENTON COUNTY, TEXAS

OWNER/DEVELOPER
 City of Lewisville
 P.O. Box 299002
 Lewisville, Texas 75029-9002
 Ph. 972-219-3400
 Contact: Eric Ferris

CONSULTANTS, LLC
 SITE PLANNING CIVIL ENGINEERING PLATTING
 LAND SURVEYING LANDSCAPE ARCHITECTURE

111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
 144 Old Town Blvd. North, Ste 2 • Argyle, TX 75226 • P: 940.240.1012 • F: 940.240.1028
 TBEF Firm No. 1758 TBLPS Firm No. 10047700

LEGAL DESCRIPTION

TRACT I
1.216 ACRES

Being all that certain lot, tract or parcel of land situated in the J. W. King Survey, Abstract Number 696, City of Lewisville, Denton County, Texas, and being all of Lot 4 and part of Lots 2, 3, 5 and 6, Block 3 and part of Lots 1-3 and 1-9, Block 6 and a portion of Poydras Street (called 50 foot right-of-way) between Main Street and Church Street, all of which are shown on the plat of the Original Town of Lewisville, recorded in Volume 75, Page 158 of the Deed Records of Denton County, Texas, and being all of that certain called 0.049 acre tract of land described as Tract I and part of that certain called 0.037 acre tract of land described as Tract II in deed to the City of Lewisville, recorded in Document Number 2003-193600 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.087 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2004-21670 of the Real Property Records of Denton County, Texas, and being part of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2005-131031 of the Real Property Records of Denton County, Texas, and being part of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2008-95581 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.670 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-87118 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.032 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142645 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.095 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142647 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.037 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142648 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.028 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142649 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.020 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142651 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.024 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142652 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.085 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142653 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.032 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142655 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.063 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142656 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.017 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142657 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.024 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142659 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.020 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142661 of the Real Property Records of Denton County, Texas, and being part of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142663 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.021 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2013-60689 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a "+" found in concrete (reset due to construction) at the intersection of the north line of Main Street and the east line of Charles Street, being the southwest corner of said Lot 4, Block 3 and being the southwest corner of said 0.670 acre tract, from which a building corner bears N 48°20'40" E, 0.82 feet;

THENCE N 00°44'00" W, 144.68 feet with the east line of Charles Street and the west line of said 0.670 acre tract to a "+" set in concrete;

THENCE N 89°02'20" E, 71.43 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the right having a radius of 25.00 feet, a central angle of 30°57'40" and an arc length of 13.51 feet, whose chord bears S 75°28'50" E, 13.35 feet to a "+" set in concrete at a point of tangency;

THENCE S 60°00'00" E, 10.70 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the left having a radius of 25.00 feet, a central angle of 30°57'40" and an arc length of 13.51 feet, whose chord bears S 75°28'50" E, 13.35 feet to a "+" set in concrete at a point of tangency;

THENCE N 89°02'20" E, 281.38 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the left having a radius of 15.00 feet, a central angle of 26°32'20" and an arc length of 6.95 feet, whose chord bears N 75°46'10" E, 6.89 feet to a "+" set in concrete at a point of tangency;

THENCE N 62°30'00" E, 33.20 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the left having a radius of 5.00 feet, a central angle of 63°27'40" and an arc length of 5.54 feet, whose chord bears N 30°46'10" E, 5.26 feet to a "+" set in concrete at a point of tangency;

THENCE N 00°57'40" W, 54.08 feet to a 1/2" capped rebar set (G&A) at a point of curvature;

THENCE with the arc of a curve to the left having a radius of 3.00 feet, a central angle of 52°44'20" and an arc length of 2.76 feet, whose chord bears N 27°19'50" W, 2.66 feet to a "+" set in concrete at a point of tangency;

THENCE N 53°42'00" W, 7.88 feet to a "+" set in concrete;

THENCE N 00°57'40" W, 43.93 feet to a PK nail with G&A shiner set;

THENCE N 50°25'00" E, 9.44 feet to a PK nail with G&A shiner set on the south line of Church Street and the north line of the aforementioned City of Lewisville Tract in Document Number 2005-131031;

THENCE N 89°02'20" E, 17.37 feet with the south line of Church Street and the north line of said City of Lewisville tract in Document Number 2005-131031 to a "+" found in concrete (reset due to construction) at the northeast corner thereof, being the northwest corner of that certain called 0.097 acre tract of land described in deed to EnvSer, LLC, recorded in Document Number 2013-69344 of the Real Property Records of Denton County, Texas;

THENCE S 00°57'10" E, 65.55 feet with the east line of said City of Lewisville tract in Document Number 2005-131031 and the west line of said EnvSer, LLC tract to a 1/2" capped rebar found (G&A) at the southeast corner of said City of Lewisville tract in Document Number 2005-131031 and the southwest corner of said EnvSer, LLC tract, being on the north line of said 0.037 acre Tract II;

THENCE N 89°16'50" E, with the south line of said EnvSer, LLC tract and the north line of said 0.037 acre Tract II, passing the northeast corner thereof and the northwest corner of said 0.049 acre Tract I at 6.41 feet, continuing with the north line of said 0.049 acre Tract I a total distance of 65.41 feet to a 1/2" capped rebar set (G&A) at the northeast corner of said 0.049 acre Tract I, being the southeast corner of said EnvSer, LLC tract and being on the west line of Lot 1, Block A, Berend Addition, according to the plat thereof recorded in Document Number 2014-215 of the Plat Records of Denton County, Texas;

THENCE S 01°06'50" E, 36.55 feet with the east line of said 0.049 acre City of Lewisville tract and the west line of said Berend Addition to a 1/2" capped rebar set (G&A) at the southeast corner of said 0.049 acre Tract I and the westerly southwest corner of said Berend Addition, being on the north line of said 0.095 acre City of Lewisville tract;

THENCE N 89°02'20" E, with the south line of said Berend Addition and the north line of said 0.095 acre City of Lewisville tract, passing at 5.54 feet the northeast corner thereof and the northwest corner of said 0.038 acre City of Lewisville tract, continuing with the north line thereof, passing at 26.04 feet the northeast corner thereof and the northwest corner of said 0.037 acre City of Lewisville tract, 2012-142648 continuing with the north line thereof, passing at 45.96 feet the northeast corner thereof and the northwest corner of a remainder portion of said Block 6, continuing with the north line thereof a total distance of 49.41 feet to a 1/2" capped rebar set (G&A) at the northeast corner thereof, being an inner ell corner in the south line of said Berend Addition;

THENCE S 00°44'00" E, 3.30 feet with the east line of said remainder tract and the south line of said Berend Addition to a 1/2" rebar found (reset 1/2" capped rebar (G&A) due to construction) at the southerly southwest corner of said Berend Addition, being the northwest corner of said 0.063 acre City of Lewisville tract;

THENCE N 89°02'20" E, 88.00 feet with the south line of said Berend Addition and the north line of said 0.063 acre City of Lewisville tract to a 1/2" rebar found (reset "+" in concrete due to construction) at the southeast corner of said Berend Addition and the northeast corner of said 0.063 acre City of Lewisville tract, being on the west line of Mill Street;

THENCE S 00°44'00" E, 38.16 feet with the west line of Mill Street and the east line of said 0.063 acre City of Lewisville tract to the southeast corner thereof, being the northeast corner of that certain called 0.093 acre tract described in deed to John Haugen and Magda Haugen recorded in Document Number 2014-69258 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set) from which a "+" set in concrete bears S 00°44'00" E, 120.17 feet;

THENCE S 89°03'20" W, 17.62 feet with the south line of said 0.063 acre City of Lewisville tract and the north line of said 0.093 Haugen tract, to an angle point (point is in an existing building and cannot not be set);

THENCE S 89°18'20" W, 16.03 feet with the south line of said 0.063 acre City of Lewisville tract and the north line of said 0.093 Haugen tract to the southerly southwest corner of said 0.063 acre City of Lewisville tract and the northwest corner said 0.093 Haugen tract, being on the east line of said 0.017 acre City of Lewisville tract and being on the east line of that certain called 0.057 acre tract described in deed to William C. Peck, recorded in Document Number 2002-68776 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE S 00°44'00" E, 39.81 feet with the west line of said 0.093 acre Haugen tract, the east line of said 0.057 acre Peck tract and the east line of said 0.017 acre City of Lewisville tract to the southeast corner of said 0.017 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 89°02'00" W, 9.70 feet with the south line of said 0.017 acre City of Lewisville tract to a "+" set in concrete at the southerly southwest corner thereof;

THENCE N 00°29'30" W, 23.79 feet continuing with the south line of said 0.017 acre City of Lewisville tract to a "+" set in concrete at an inner ell corner in the south line thereof;

THENCE S 89°18'50" W, continuing with the south line of said 0.017 acre City of Lewisville tract, passing at 9.20 feet the westerly southwest corner thereof, the southeast corner of said 0.024 acre City of Lewisville tract, the west line of said 0.057 Peck tract and the east line of that certain called 0.12 acre tract of land described in deed to Ken Hodge, recorded in Volume 1860, Page 678 of the Real Property Records of Denton County, Texas, continuing with the south line of said 0.024 acre City of Lewisville tract a total distance of 48.20 feet to the southwest corner thereof, being on the west line of said 0.12 acre Hodge tract and the east line of said 0.037 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 00°44'00" E, 24.11 feet with the west line of said 0.12 acre Hodge tract and the east line of said 0.037 acre City of Lewisville tract to the southeast corner thereof, being the northeast corner of that certain tract of land described in deed to RO Properties, Ltd., recorded in Document Number 2014-108501 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE S 89°02'20" W, with the south line of said 0.037 acre City of Lewisville tract and the north line of said RO Properties, Ltd., recorded in Document Number 2014-108501 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.038 acre City of Lewisville tract, the southeast corner of said 0.038 acre City of Lewisville tract and the east line of that certain tract of land described in deed to Caroline Berend, recorded in Document Number 1994-19759 of the Real Property Records of Denton County, Texas, continuing with the south line of said 0.038 acre City of Lewisville tract a total distance of 40.42 feet to the southwest corner thereof, being on the west line of said Caroline Berend tract and the east line of that certain tract of land described in deed to Michael Noyes and wife, Hiyasmin Noyes, recorded in Document Number 1994-6522 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE N 00°44'00" W, 10.03 feet with the west line of said Caroline Berend tract and the east line of said Noyes tract to a "+" set in concrete at the easterly southeast corner of said 0.095 acre City of Lewisville tract;

THENCE S 89°13'45" W, with the south line of said 0.095 acre City of Lewisville tract, passing at 30.00 feet the west line of said Noyes tract and the east line of that certain tract of land described in deed to Michael Noyes and wife, Hiyasmin Noyes, recorded in Document Number 1997-9000 of the Real Property Records of Denton County, Texas, continuing a total distance of 30.74 feet to a "PK" nail with G&A shiner set at an inner ell corner in the south line of said 0.095 acre City of Lewisville tract;

THENCE S 00°45'40" E, 10.01 feet continuing with the south line of said 0.095 acre City of Lewisville tract to the southerly southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 88°52'10" W, 24.11 feet continuing with the south line of said 0.095 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said Noyes tract in Document Number 1997-9000 and the east line of that certain called 0.11 acre tract of land described in deed to Service Nation, Inc. recorded in Document Number 2012-3880 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE N 00°44'00" W, 45.14 feet with the west line of said 0.095 acre City of Lewisville tract and the east line of said 0.11 acre Service Nation tract to the southeast corner of said 0.024 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 89°00'15" W, 29.08 feet with the south line of said 0.024 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said 0.11 acre Service Nation tract, the east line of said 0.028 acre City of Lewisville tract and the east line of that certain called 0.096 acre tract of land described in deed to Denton Creek Partners Management, LLC, recorded in Document Number 2011-30983 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE S 00°44'00" E, 5.06 feet with the west line of said 0.11 acre Service Nation tract, the east line of said 0.096 acre Denton Partners tract and the east line of said 0.028 acre City of Lewisville tract to the easterly southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 89°11'35" W, 10.65 feet with the south line of said 0.028 acre tract to a "+" set in concrete an inner ell corner in the south line thereof (point is in an existing building and cannot be set);

THENCE S 00°28'15" E, 9.97 feet continuing with the south line of said 0.028 acre City of Lewisville tract to the southerly southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 89°22'20" W, 15.23 feet continuing with the south line of said 0.028 acre City of Lewisville tract to a "pk" nail set at the southwest corner thereof, being on the west line of said 0.096 acre Denton Partners tract, the east line of said 0.020 acre City of Lewisville tract in Document Number 2012-142661 and the east line of that certain called 0.086 acre tract of land described in deed to Caroline Berend recorded in Document Number 2005-104980 of the Real Property Records of Denton County, Texas;

THENCE S 00°44'00" E, 10.19 feet with the west line of said 0.096 acre Denton Partners tract, the east line of said 0.086 acre Berend tract and the east line of said 0.020 acre City of Lewisville tract to the southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 88°48'00" W, 28.40 feet with the south line of said 0.020 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said 0.086 acre Berend tract and the east line of said 0.032 acre City of Lewisville tract in Document Number 2012-142665 and the east line of that certain called 0.0778 acre tract of land described in deed to Caroline Berend and Steven Berend, recorded in Document Number 2012-142189 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE S 00°44'00" E, 19.95 feet with the west line of said 0.086 Berend tract, the east line of said 0.0778 acre Berend tract and the east line of said 0.032 acre City of Lewisville tract to the southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 88°53'15" W, 26.87 feet with the south line of said 0.032 acre City of Lewisville tract to a "PK" nail with G&A shiner set at the southwest corner thereof, being on the west line of said 0.0778 acre Berend tract and the east line of Poydras Street;

THENCE S 00°44'00" E, 80.29 feet with the east line of Poydras Street and the west line of said 0.0778 acre Berend tract and to a "+" set in concrete at the southwest corner thereof, being the intersection of the north line of Main Street and the East line of Poydras Street;

THENCE S 89°02'20" W, 50.00 feet to a "+" set in concrete at the intersection of the north line of Main Street and the west line of Poydras Street, being the southeast corner of that certain called 0.259 acre tract of land described in deed to Jham Investments, LLC, recorded in Document Number 2005-30632 of the Real Property Records of Denton County, Texas;

THENCE N 00°44'00" W, 105.48 feet with the west line of Poydras Street and the east line of said 0.259 acre Jham tract to a "+" set in concrete at the easterly southeast corner of said 0.085 acre City of Lewisville tract;

THENCE S 89°15'55" W, 30.59 feet with the south line of said 0.085 acre City of Lewisville tract to "PK" nail with G&A shiner set at the easterly inner ell corner in the south line thereof;

THENCE S 00°43'25" E, 30.73 feet continuing with the south line of said 0.085 City of Lewisville tract to the southerly southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 89°01'45" W, 10.54 feet continuing with the south line of said 0.085 acre City of Lewisville tract to the southerly southwest corner thereof, (point is in an existing building and cannot be set);

THENCE N 03°41'35" W, 5.56 feet continuing with the south line of said 0.085 acre City of Lewisville tract "PK" nail with G&A shiner set at the westerly inner ell corner in the south line thereof;

THENCE S 88°30'30" W, 43.31 feet continuing with the south line of said 0.085 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said 0.259 acre Jham tract and the east line of that certain tract of land described in deed to Old Town Flying Pig, LLC, recorded in Document Number 2004-95815 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE N 01°15'00" W, 30.05 feet to a 1/2" capped rebar set (G&A) at the southeast corner of said 0.021 acre City of Lewisville tract;

THENCE S 88°38'40" W, 40.00 feet with the south line of said 0.021 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said Old Town Flying Pig tract, the east line of said 0.032 acre City of Lewisville tract in Document Number 2012-142645 and the east line of that certain called 0.091 acre tract of land described in deed to Zusdubb, LLC, recorded in Document Number 2009-60097 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE S 01°15'00" E, 34.79 feet with the west line of said Old Town Flying Pig tract, the east line of said 0.091 acre Zusdubb tract and the east line of said 0.032 acre City of Lewisville tract to the southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 89°01'00" W, 30.00 feet with the south line of said 0.032 acre tract to the southwest corner thereof, being on the west line of said 0.091 acre Zusdubb tract and the east line of that certain tract of land described in deed to Zusdubb, LLC, recorded in Document Number 2014-75884 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE N 01°15'00" W, 0.12 feet with the west line of said 0.032 acre City of Lewisville tract and the east line of said Zusdubb tract in Document Number 2014-75884 to the northeast corner thereof, being the southeast corner of said 0.020 acre City of Lewisville tract in Document Number 2012-142651, (point is in an existing building and cannot be set);

THENCE S 88°59'50" W, 15.00 feet with the south line of said 0.020 acre City of Lewisville tract and the north line of said Zusdubb tract in Document Number 2014-75884 to the northwest corner thereof, being the southwest corner of said 0.020 acre City of Lewisville tract and being on the east line of said 0.670 acre City of Lewisville tract, (point is in an existing building and cannot be set);

THENCE S 01°15'00" E, 75.10 feet with the west line of said Zusdubb tract in Document Number 2014-75884 and the east line of said 0.670 acre City of Lewisville tract to a "+" found in concrete (reset "+" in concrete due to construction) at the southwest corner of said Zusdubb tract and the southeast corner of said 0.670 City of Lewisville tract, being on the north line of Main Street;

THENCE S 89°02'20" W, 131.00 feet with the south line of said 0.670 acre City of Lewisville tract and the north line of Main Street to the POINT OF BEGINNING and containing approximately 1.216 acres of land.

LEGAL DESCRIPTION
TRACT II
1.247 ACRES

Being all that certain lot, tract or parcel of land situated in the J. W. King Survey, Abstract Number 696, City of Lewisville, Denton County, Texas, and being part of Lot 1, 2 and 3, Block 3 and part of Lot 3, Block 6 and a portion of Poydras Street (called 50 foot right-of-way) between Main Street and Church Street, all of which are shown on the plat of the Original Town of Lewisville, recorded in Volume 75, Page 158 of the Deed Records of Denton County, Texas, and part of that certain called 0.037 acre tract of land described as Tract II in deed to the City of Lewisville, recorded in Document Number 2003-193600 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.087 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2004-21670 of the Real Property Records of Denton County, Texas, and being part of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2005-131031 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.670 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-87118 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at a "+" found in concrete (reset due to construction) at the intersection of the north line of Main Street and the east line of Charles Street, being the southwest corner of said Lot 4, Block 3 and being the southwest corner of said 0.670 acre tract, from which a building corner bears N 48°20'40" E, 0.82 feet;

THENCE N 00°44'00" W, 144.68 feet with the east line of Charles Street and the west line of said 0.670 acre tract to a "+" set in concrete at the POINT OF BEGINNING;

THENCE N 00°44'00" W, 110.46 feet continuing with the east line of Charles Street and the west line of said 0.670 acre tract to a "+" found in concrete (reset a 1/2" capped rebar (G&A) due to construction) at the south corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-24803 of the Real Property Records of Denton County, Texas, being the westerly northwest corner of said 0.670 acre tract;

THENCE N 44°16'20" E, 12.58 feet continuing with the east line of said 0.670 acre tract and with the southeasterly line of said 0.0011 acre tract to a "+" set in concrete at the east corner thereof, being the northerly northwest corner of said 0.670 acre tract and being on the south line of Church Street;

THENCE N 89°02'20" E, with the south line of Church Street and the north line of said 0.670 acre tract, passing at 81.76 feet a 1/2" rebar found (destroyed by construction) at the northeast corner of said 0.670 acre tract, being the northwest corner of said City of Lewisville tract recorded in Document Number 2008-95581, continuing with the north line thereof a total distance of 279.87 feet to a "+" set in concrete at the west corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-6488 of the Real Property Records of Denton County, Texas;

THENCE S 45°27'15" E, 15.96 feet with the southwesterly line of said 0.0011 acre tract in Document Number 1995-6488 to a 1/2" capped rebar set (G&A) at the south corner thereof, being on the west line of Poydras

Street and the east line of said Lot 1, Block 3;

THENCE N 00°44'00" W, 11.39 feet with the east line of said 0.0011 acre tract in Document Number 1995-6488, the east line of said Lot 1, Block 3 and the west line of Poydras Street to a "+" set in concrete at the northeast corner of said 0.0011 acre tract in Document Number 1995-6488 and the northeast corner of said Lot 1, Block 3, being the intersection of the west line of Poydras Street and the south line of Church Street;

THENCE N 89°02'20" E, 50.00 feet to a "+" set in granite at the northwest corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-11987 of the Real Property Records of Denton County, Texas, being the northwest corner of said Lot 3, Block 6 and being the intersection of the east line of Poydras Street and the south line of Church Street;

THENCE S 00°44'00" E, 9.59 feet with the west line of said 0.0011 acre tract in Document Number 1995-11987 and the west line of said Lot 3, Block 6 to a 1/2" capped rebar set (G&A) at the south corner of said 0.0011 acre tract, being the westerly northwest corner of said City of Lewisville tract recorded in Document Number 2005-131031;

THENCE N 43°55'20" E, 13.54 feet with the southeast line of said 0.0011 acre tract in Document Number 1995-11987 and the northwest line of said City of Lewisville tract in Document Number 2005-131031 to a "+" set in concrete at the east corner of said 0.0011 acre tract and the northerly northwest corner of said City of Lewisville tract in Document Number 2005-131031, being on the south line of Church Street and the north line of said Lot 3, Block 6;

THENCE N 89°02'20" E, 66.80 feet with the south line of Church Street and the north line of said City of Lewisville tract in Document Number 2005-131031 to a PK nail with G&A shiner set;

THENCE S 50°25'00" W, 9.44 feet to a PK nail with G&A shiner set;

THENCE S 00°57'40" E, 43.93 feet to a "+" set in concrete;

THENCE S 53°42'00" E, 7.88 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the right having a radius of 3.00 feet, a central angle of 52°44'20" and an arc length of 2.76 feet, whose chord bears S 27°19'50" E, 2.66 feet to 1/2" capped rebar set (G&A) at a point of tangency;

THENCE S 00°57'40" E, 54.08 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the right having a radius of 5.00 feet, a central angle of 63°27'40" and an arc length of 5.54 feet, whose chord bears S 30°46'10" W, 5.26 feet to a "+" set in concrete at a point of tangency;

THENCE S 62°30'00" W, 33.20 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the right having a radius of 15.00 feet, a central angle of 26°32'20" and an arc length of 6.95 feet, whose chord bears S 75°46'10" W, 6.89 feet to a "+" set in concrete at a point of tangency;

THENCE S 89°02'20" W, 281.38 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the right having a radius of 25.00 feet, a central angle of 30°57'40" and an arc length of 13.51 feet, whose chord bears N 75°28'50" W, 13.35 feet to a "+" set in concrete at a point of tangency;

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: October 5, 2015

SUBJECT: **Public Hearing: Consideration of a Zone Change Request From General Business (GB) and Old Town Center Business District (OTC) to Old Town Center Business District (OTC) on an Approximately 1.216-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Bounded by West Church Street to the North, West Main Street to the South, North Charles Street to the West and North Mill Street to the East, as Requested by the City of Lewisville, the property owner (Case No. PZ-2015-09-14).**

BACKGROUND

The proposed zone change request encompasses the area abutting Wayne Ferguson Plaza including the existing bank building at the northeast corner of Charles Street and Main Street; the enhanced alleyway that will be a mutual access, utility and drainage easement for all adjacent businesses; and the pedestrian alleyway that connects Main Street to the Great Lawn area of Wayne Ferguson Plaza (formerly Poydras Street).

ANALYSIS

Public governmental agency uses are permitted in all zoning districts although the agency must follow the general regulations of the district in which the use is located. Although City-owned property is typically zoned Public Use, this particular piece of property is better served with the Old Town Center Business (OTC) District zoning. The OTC District zoning will allow greater flexibility in setbacks and complies with the Old Town Master Plan. The proposed zoning will allow the existing building at the northeast corner of N. Charles Street and W. Main Street to remain without requiring a variance from the Zoning Board of Adjustment since the OTC District has zero setback requirements.

The Planning and Zoning Commission recommended approval of the zone change by a vote of 6-0 at their meeting on September 15, 2015.

RECOMMENDATION

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

Location Map



ZONING CASE NO. PZ-2015-09-14

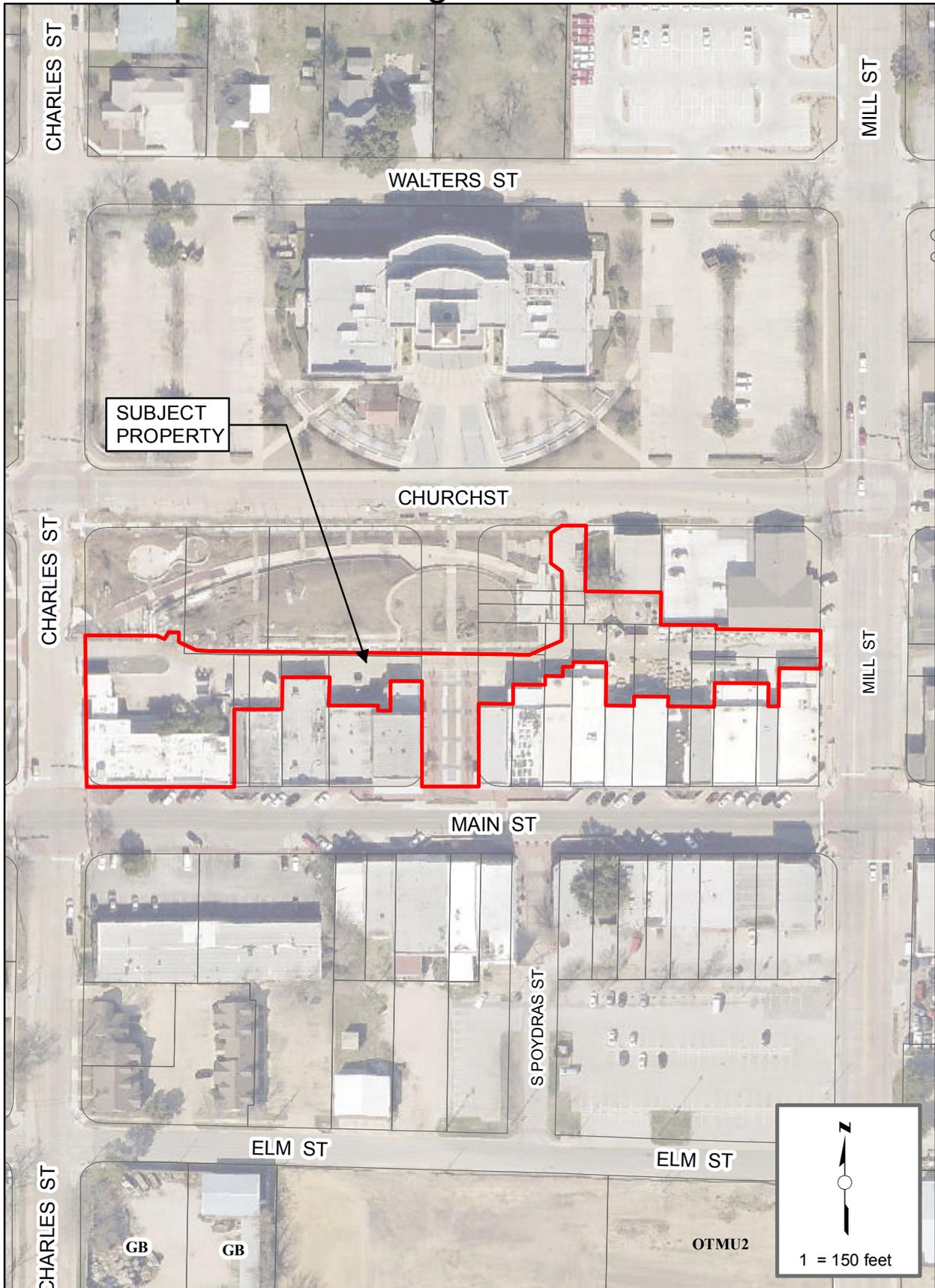
OWNER NAME: CITY OF LEWISVILLE

PROPERTY LOCATION: NORTHEAST CORNER OF N. CHARLES STREET AND W. MAIN STREET;
BOUNDED BY W. CHURCH STREET TO THE NORTH; N. MILL STREET TO THE EAST;
W. MAIN STREET TO THE SOUTH; N. CHARLES STREET TO THE WEST
(1.241 ACRES)

CURRENT ZONING: GENERAL BUSINESS (GB) AND OLD TOWN CENTER BUSINESS DISTRICT (OTC)

REQUESTED ZONING: OLD TOWN CENTER BUSINESS DISTRICT (OTC)

Aerial Map - Zone Change from GB and OTC to OTC



**MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 15, 2015**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 p.m. Members present: James Davis (Chairman), Sean Kirk, Brandon Jones, Mary Ellen Miksa, Alvin Turner, and Kristin Green. Member Steve Byars was absent.

Staff members present: Richard Luedke, Planning Manager; Mary Paron-Boswell, Senior Planner; and June Sin, Planning Intern.

Item 5:

Public Hearings for Zoning and Special Use Permits were next on the agenda.

- B. Consideration of a Zone Change Request from General Business (GB) and Old Town Center Business District (OTC) to Old Town Center Business District (OTC) on an Approximately 1.241-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Bounded by W. Church Street to the North, W. Main Street to the South, N. Charles Street to the West and N. Mill Street to the East; as Requested by the City of Lewisville, the property owner. (Case No. PZ-2015-09-14)

Mary Paron-Bowell gave a brief presentation the Zone Change Request from General Business (GB) and Old Town Center Business District (OTC) to Old Town Center Business District (OTC) on the land which is located between the Wayne Ferguson Plaza and existing buildings on the south of the plaza. The area subject to the proposed zone change includes all city-owned property and will serve as a mutual access, utility, and drainage easement. OTC zoning is preferred due to zero setback requirement in OTC zoning. Chairman Davis opened the public hearing. There being no one present to speak on this item, the public hearing was closed. A motion was made by Mary Ellen Miksa to recommend approval of the zone change, seconded by Brandon Jones. The motion passed unanimously (6-0).

SECTION 17-22. - "GB" GENERAL BUSINESS DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Any use permitted in district "LC" as regulated in said district.
 - (2) Auto, boat, motorcycle, recreational vehicle or mobile home display, sales (outdoor) and/or repair (SUP required)
 - (3) Bakeries.
 - (4) Building material sales with outside storage or display, including lumber yards (SUP required).
 - (5) Business or commercial schools.
 - (6) Clinic, medical and dental, and professional offices.
 - (7) Carpentry, painting, plumbing or tinsmithing shop fully enclosed within a building.
 - (8) Cleaning, laundry and dyeing plants fully enclosed within a building.
 - (9) Creamery, ice cream manufacturing and dairy operations fully enclosed within a building.
 - (10) Farm implement display and sales room. (outdoor) (SUP required).
 - (11) Hotels, motels and inns.
 - (12) Mortuaries with or without crematoriums. (SUP required).
 - (13) Office buildings.
 - (14) Pet shops, retail, fully enclosed within a building.
 - (15) Printing, engraving and newspaper plants, fully enclosed within a building.
 - (16) Radio or television broadcasting station or studio with broadcasting towers (SUP required).
 - (17) Retail stores, fully enclosed within a building.
 - (18) Veterinarian or animal hospital with outdoor kennel or exercise runs (SUP required).
 - (19) Bowling alley and other commercial amusement (indoor) uses, fully enclosed within a building.
 - (20) Church worship facilities.
 - (21) Uses similar to the above mentioned permitted uses, provided activities conducted wholly inside a building and observe the requirements of all city ordinances.
 - (22) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (23) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (24) Dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor (SUP required).
 - (25) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (28) Commercial amusement, outdoor (SUP required).
 - (29) Drive-in theater (SUP required).
 - (30) Flea market, outdoor (SUP required).
 - (31) Helipad, helistop or landing strip (SUP required).
 - (32) Kennels with outdoor runs (SUP required).
 - (33) Nightclub, bar. (SUP required).
 - (34) Brewery, distillery, or winery.
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*

(1) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "GB", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) Reserved.

- (d) *Outside Storage Regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-22.6 - "OTC" OLD TOWN CENTER BUSINESS DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Retail establishments including but not limited to: bakeries; book, card, gift and stationary stores; building material sales; clothing; florists; grocery stores; and pet shops or others of a similar nature and subject to the following condition:
 - a. Temporary, portable outside display of merchandise is allowed on a daily basis but is limited to the area directly adjacent to the building occupied by the business and no more than five (5) feet from the building. A clear aisle shall be maintained for pedestrian access. Otherwise, no outside display or storage is permitted.
 - (2) Barber and beauty shops.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Business or commercial schools.
 - (5) Church worship facilities.
 - (6) Clinic, medical and dental, and related professional offices.
 - (7) Communication towers, accessory to the primary use, shall be located on a building and may extend a maximum of 15 feet above the building, but must be screened from view.
 - (8) Day nurseries.
 - (9) Dry cleaning and laundry services.
 - (10) Hotels, motels and inns.
 - (11) Professional offices.
 - (12) Restaurants.
 - (13) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (14) Video rental stores and movie theaters.
 - (15) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Dwelling units of 850 square foot minimum size shall be allowed as an accessory use to retail businesses.
 - (16) Non-accessory dwelling units of 650 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all city ordinances.
 - (19) Bed and breakfast establishments (SUP required).
 - (20) Bar (SUP required).
- (b) *Height.* No building shall exceed a maximum height of three (3) stories or forty-five (45) feet excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* The front facades of buildings shall be set at the front property line. However, a portion of the façade may be set back further in order to create a special entry court or restaurant seating.
 - b. *Side yard.* The façade of a building located on a lot that adjoins a side street shall be located at the property line.

This Section (Office Use Only)	
Case:	
PZ: <u>9/15/2015</u>	CC: <u>10/5/2015</u>
Sign/s Picked Up By:	



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

ZONE CHANGE APPLICATION

Owner/s (name): <u>CITY OF LEWISVILLE</u>	
Company Name:	
Mailing Address: <u>151 W. CHURCH ST.</u>	
Work #: <u>972-219-3461</u>	Cell #:
E-Mail: <u>eferris@cityoflewisville.com</u>	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): <i>Eric Ferris</i>	Date: <u>9/4/2015</u>
Printed Name: <u>ERIC FERRIS, ASSISTANT CIM MANAGER</u>	

Applicant/Agent (name):	
Company Name:	
Mailing Address:	
Work #:	Cell #:
E-Mail:	
Applicant/Agent Signature	Date:
Printed Name:	

Current Zoning: <u>GB/OTC</u>	Requested Zoning: <u>OTC</u>	Acres: <u>1.241</u>
Legal Description (Lot/ Block/Tract/Abstract): _____		
Address/Location: <u>NEC OF CHARLES ST. AND MAIN ST; BOUNDED BY CHURCH ST (NORTH); MILL ST (EAST); MAIN ST (SOUTH); CHARLES ST (WEST)</u>		

Application and Sign Fees:

Less than 1/2 acre	\$ 150.00
1/2 acre up to 4.99 acres	\$ 250.00
5 acres up to 24.99 acres	\$ 400.00

25 acres up to 49.99 acres	\$ 750.00
50 acres up to 99.99 acres	\$1,000.00
100 acres and more	\$1,500.00

Qty: _____	Zone Change Signs - \$35 each 1 sign required for each 5 acres (max. 5 per site)	\$ _____
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ <u>0</u>
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS BY REZONING AN APPROXIMATELY 1.216-ACRE TRACT OF LAND OUT OF THE J.W. KING SURVEY, ABSTRACT NO. 696, BOUNDED BY WEST CHURCH STREET TO THE NORTH, WEST MAIN STREET TO THE SOUTH, NORTH CHARLES STREET TO THE WEST AND NORTH MILL STREET TO THE EAST, FROM GENERAL BUSINESS (GB) DISTRICT ZONING AND OLD TOWN CENTER BUSINESS (OTC) 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 THIS ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made to amend the Official Zoning Map of Lewisville, Texas by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by State statutes and the Zoning Ordinances of the City of Lewisville, Texas, said Planning and Zoning Commission has recommended that rezoning of the approximately 1.216-acre property described in the attached Exhibit “A” (the “Property”) be **approved**, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Lewisville, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and,

WHEREAS, the City Council of the City of Lewisville, Texas, at a public hearing called by the City Council of the City of Lewisville, Texas, did consider the following factors in making a determination as to whether this requested change should be granted or denied: effect on the

congestion of the streets; the fire hazards, panics and other dangers possibly present in the securing of safety from same; the effect on the promotion of health and the general welfare; effect on adequate light and air; the effect on the overcrowding of the land; the effect of the concentration on population; the effect on the transportation, water, sewerage, schools, parks and other public facilities; and,

WHEREAS, the City Council further considered among other things the character of the district and its peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this City; and,

WHEREAS, the City Council of the City of Lewisville, Texas, does find that there is a public necessity for the zoning change, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of adjacent property owners; and,

WHEREAS, the City Council of the City of Lewisville, Texas, does find that the change in zoning lessens the congestion in the streets; helps secure safety from fire, panic and other dangers; promotes health and the general welfare; provides adequate light and air; prevents the overcrowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and,

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that there is a necessity and need for this change in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the Property since it was originally classified and, therefore, feels that a change in zoning classification for the Property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Lewisville, Texas, and helps promote the general health, safety, and welfare of this community.

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

SECTION 1. The Zoning Ordinance of the City of Lewisville, Texas, be, and the same is hereby amended and changed in that the zoning of the Property is hereby changed to **OLD TOWN CENTER BUSINESS (OTC) DISTRICT ZONING.**

SECTION 2. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this change in zoning.

SECTION 3. That in all other respects the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Lewisville Zoning Ordinance and all other applicable and pertinent ordinances of the City of Lewisville, Texas.

SECTION 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewage, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

SECTION 5. This Ordinance shall be cumulative of all other ordinances of the City of Lewisville, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances, except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this Ordinance.

SECTION 6. That the terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the Property shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

SECTION 7. Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. The fact that the present Zoning Ordinance and regulations of the City of Lewisville, Texas are inadequate to properly safeguard the health, safety, peace and general welfare of the inhabitants of the City of Lewisville, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this Ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE 5TH DAY OF OCTOBER, 2015.

ORDINANCE NO. _____

Page 5

APPROVED:

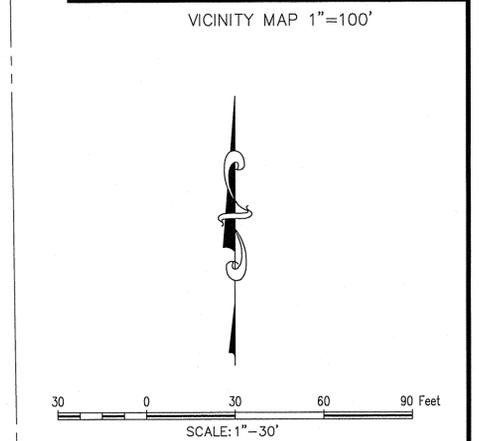
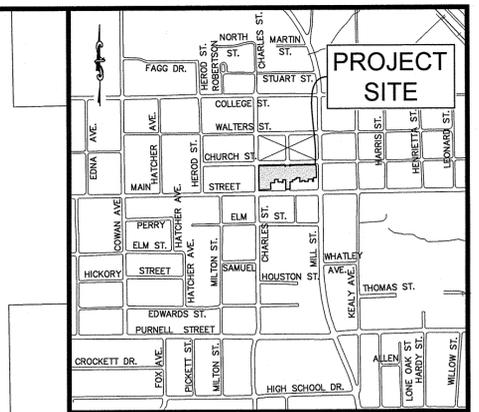
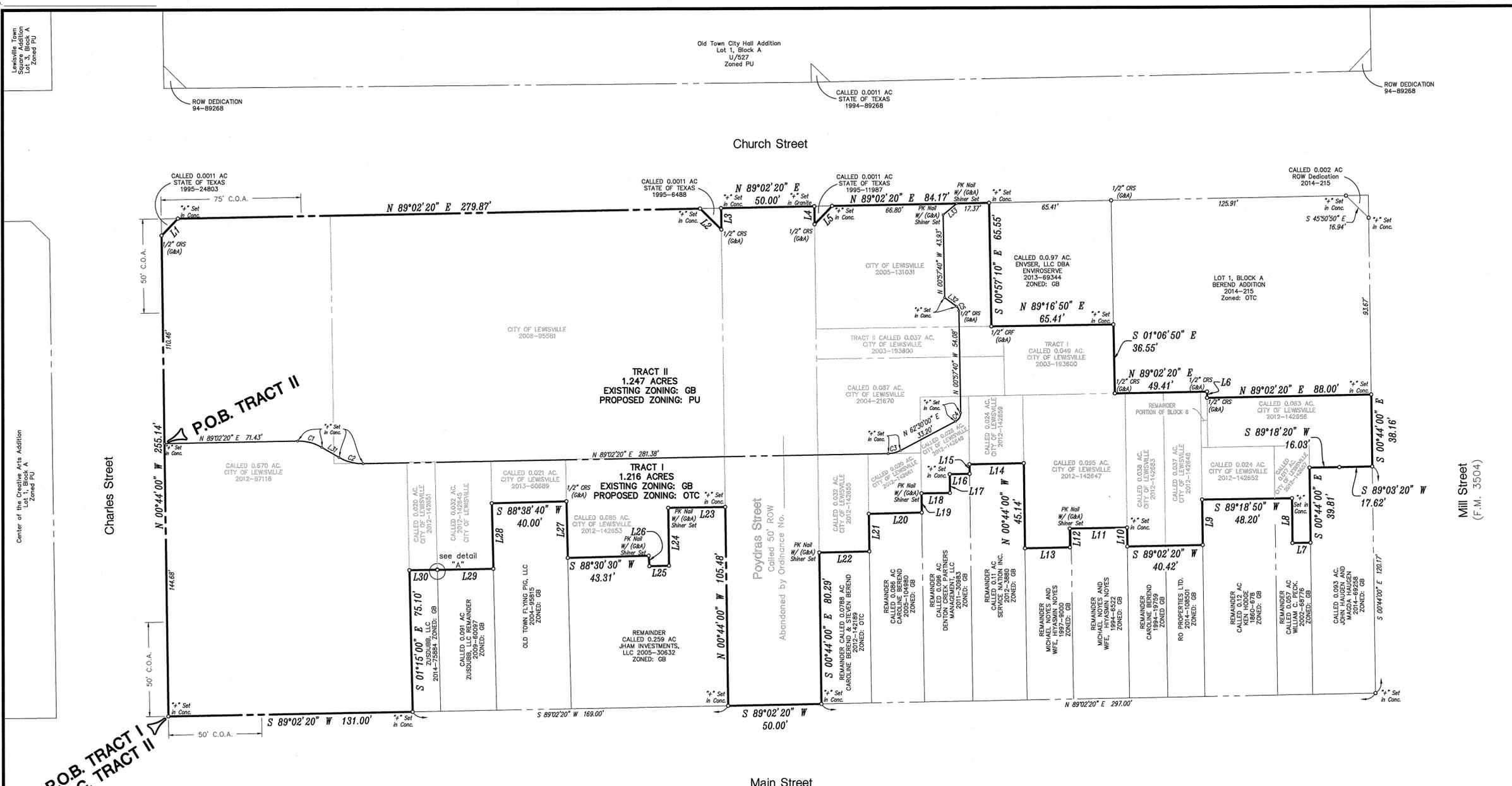
Rudy Durham, MAYOR

ATTEST:

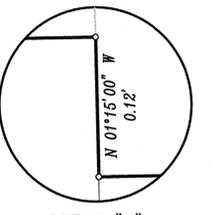
Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY



P.O.B. TRACT I
P.O.C. TRACT II



LOT LINE TABLE			LOT LINE TABLE			LOT LINE TABLE			CURVE TABLE				
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	LONG CHORD
L1	N 44°16'20" E	12.58'	L16	S 89°11'35" W	10.65'	L31	S 60°00'00" E	10.70'	C1	25.00'	30°57'40"	13.51'	S 75°28'50" E, 13.35'
L2	S 45°27'15" E	15.96'	L17	S 00°28'15" E	9.97'	L32	N 53°42'00" W	7.88'	C2	25.00'	30°57'40"	13.51'	S 75°28'50" E, 13.35'
L3	N 00°44'00" W	11.39'	L18	S 89°22'20" W	15.23'	L33	N 50°25'00" E	9.44'	C3	15.00'	26°32'20"	6.95'	N 30°46'10" E, 6.89'
L4	S 00°44'00" E	9.59'	L19	S 00°44'00" E	10.19'				C4	5.00'	63°27'40"	5.54'	N 30°46'10" E, 5.26'
L5	N 43°55'20" E	13.54'	L20	S 88°48'00" W	28.40'				C5	3.00'	52°44'20"	2.76'	N 27°19'50" W, 2.66'
L6	S 00°44'00" E	3.30'	L21	S 00°44'00" E	19.95'								
L7	S 89°02'00" W	9.70'	L22	S 88°53'15" W	26.87'								
L8	N 00°29'30" W	23.79'	L23	S 89°15'55" W	30.59'								
L9	S 00°44'00" E	24.11'	L24	S 00°43'25" E	30.73'								
L10	N 00°44'00" W	10.03'	L25	S 89°01'45" W	10.54'								
L11	S 89°13'45" W	30.74'	L26	N 03°41'35" W	5.56'								
L12	S 00°45'40" E	10.01'	L27	N 01°15'00" W	30.05'								
L13	S 88°52'10" W	24.11'	L28	S 01°15'00" E	34.79'								
L14	S 89°00'15" W	29.08'	L29	S 89°01'00" W	30.00'								
L15	S 00°44'00" E	5.06'	L30	S 88°59'50" W	15.00'								

LEGEND

- RF = REBAR FOUND
- CRS = CAPPED REBAR SET
- CRF = CAPPED REBAR FOUND
- P.O.B. = POINT OF BEGINNING
- G&A = G&A CONSULTANTS, INC.
- COA = CONTROL OF ACCESS
- AE = ACCESS EASEMENT
- UE = UTILITY EASEMENT

EXHIBIT A
ZONING EXHIBIT
Wayne Ferguson Plaza Addition
Lots 1-3, Block A
2.463 Acres
Zoned PU & OTC
Being a Replat of Lot 2, Block 3,
part of Lot 1 and Lots 3-6 Block 3,
part of Lots 1-9 Block 6 and all of
Poydras Street (called 50' right-of-way)
Original Town of Lewisville
in the
J.W. KING SURVEY, ABSTRACT NO. 696
CITY OF LEWISVILLE
DENTON COUNTY, TEXAS



G&A

SITE PLANNING CIVIL ENGINEERING PLATTING
CONSULTANTS, LLC
 LAND SURVEYING LANDSCAPE ARCHITECTURE



111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
 144 Old Town Blvd. North, Ste 2 • Argyle, TX 75226 • P: 940.240.1012 • F: 940.240.1028
 TBEPE Firm No. 1788 TBLPS Firm No. 10047700

OWNER/DEVELOPER
 City of Lewisville
 P.O. Box 299002
 Lewisville, Texas 75029-9002
 Ph. 972-219-3400
 Contact: Eric Ferris

DRAWN BY: CC DATE: 9/10/2015 SCALE: 1"=30' JOB. No. 15148

LEGAL DESCRIPTION

TRACT I
1.216 ACRES

Being all that certain lot, tract or parcel of land situated in the J. W. King Survey, Abstract Number 696, City of Lewisville, Denton County, Texas, and being all of Lot 4 and part of Lots 2, 3, 5 and 6, Block 3 and part of Lots 1-3 and 1-9, Block 6 and a portion of Poydras Street (called 50 foot right-of-way) between Main Street and Church Street, all of which are shown on the plat of the Original Town of Lewisville, recorded in Volume 75, Page 158 of the Deed Records of Denton County, Texas, and being all of that certain called 0.049 acre tract of land described as Tract I and part of that certain called 0.037 acre tract of land described as Tract II in deed to the City of Lewisville, recorded in Document Number 2003-193600 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.087 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2004-21670 of the Real Property Records of Denton County, Texas, and being part of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2005-131031 of the Real Property Records of Denton County, Texas, and being part of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2008-95581 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.670 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-87118 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.032 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142645 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.095 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142647 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.037 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142648 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.028 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142649 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.020 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142651 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.024 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142652 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.085 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142653 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.032 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142655 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.063 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142656 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.017 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142657 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.024 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142659 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.020 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142661 of the Real Property Records of Denton County, Texas, and being part of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142663 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.021 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2013-60689 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a "+" found in concrete (reset due to construction) at the intersection of the north line of Main Street and the east line of Charles Street, being the southwest corner of said Lot 4, Block 3 and being the southwest corner of said 0.670 acre tract, from which a building corner bears N 48°20'40" E, 0.82 feet;

THENCE N 00°44'00" W, 144.68 feet with the east line of Charles Street and the west line of said 0.670 acre tract to a "+" set in concrete;

THENCE N 89°02'20" E, 71.43 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the right having a radius of 25.00 feet, a central angle of 30°57'40" and an arc length of 13.51 feet, whose chord bears S 75°28'50" E, 13.35 feet to a "+" set in concrete at a point of tangency;

THENCE S 60°00'00" E, 10.70 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the left having a radius of 25.00 feet, a central angle of 30°57'40" and an arc length of 13.51 feet, whose chord bears S 75°28'50" E, 13.35 feet to a "+" set in concrete at a point of tangency;

THENCE N 89°02'20" E, 281.38 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the left having a radius of 15.00 feet, a central angle of 26°32'20" and an arc length of 6.95 feet, whose chord bears N 75°46'10" E, 6.89 feet to a "+" set in concrete at a point of tangency;

THENCE N 62°30'00" E, 33.20 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the left having a radius of 5.00 feet, a central angle of 63°27'40" and an arc length of 5.54 feet, whose chord bears N 30°46'10" E, 5.26 feet to a "+" set in concrete at a point of tangency;

THENCE N 00°57'40" W, 54.08 feet to a 1/2" capped rebar set (G&A) at a point of curvature;

THENCE with the arc of a curve to the left having a radius of 3.00 feet, a central angle of 52°44'20" and an arc length of 2.76 feet, whose chord bears N 27°19'50" W, 2.66 feet to a "+" set in concrete at a point of tangency;

THENCE N 53°42'00" W, 7.88 feet to a "+" set in concrete;

THENCE N 00°57'40" W, 43.93 feet to a PK nail with G&A shiner set;

THENCE N 50°25'00" E, 9.44 feet to a PK nail with G&A shiner set on the south line of Church Street and the north line of the aforementioned City of Lewisville Tract in Document Number 2005-131031;

THENCE N 89°02'20" E, 17.37 feet with the south line of Church Street and the north line of said City of Lewisville tract in Document Number 2005-131031 to a "+" found in concrete (reset due to construction) at the northeast corner thereof, being the northwest corner of that certain called 0.097 acre tract of land described in deed to EnvSer, LLC, recorded in Document Number 2013-69344 of the Real Property Records of Denton County, Texas;

THENCE S 00°57'10" E, 65.55 feet with the east line of said City of Lewisville tract in Document Number 2005-131031 and the west line of said EnvSer, LLC tract to a 1/2" capped rebar found (G&A) at the southeast corner of said City of Lewisville tract in Document Number 2005-131031 and the southwest corner of said EnvSer, LLC tract, being on the north line of said 0.037 acre Tract II;

THENCE N 89°16'50" E, with the south line of said EnvSer, LLC tract and the north line of said 0.037 acre Tract II, passing the northeast corner thereof and the northwest corner of said 0.049 acre Tract I at 6.41 feet, continuing with the north line of said 0.049 acre Tract I a total distance of 65.41 feet to a 1/2" capped rebar set (G&A) at the northeast corner of said 0.049 acre Tract I, being the southeast corner of said EnvSer, LLC tract and being on the west line of Lot 1, Block A, Berend Addition, according to the plat thereof recorded in Document Number 2014-215 of the Plat Records of Denton County, Texas;

THENCE S 01°06'50" E, 36.55 feet with the east line of said 0.049 acre City of Lewisville tract and the west line of said Berend Addition to a 1/2" capped rebar set (G&A) at the southeast corner of said 0.049 acre Tract I and the westerly southwest corner of said Berend Addition, being on the north line of said 0.095 acre City of Lewisville tract;

THENCE N 89°02'20" E, with the south line of said Berend Addition and the north line of said 0.095 acre City of Lewisville tract, passing at 5.54 feet the northeast corner thereof and the northwest corner of said 0.038 acre City of Lewisville tract, continuing with the north line thereof, passing at 26.04 feet the northeast corner thereof and the northwest corner of said 0.037 acre City of Lewisville tract, 2012-142648 continuing with the north line thereof, passing at 45.96 feet the northeast corner thereof and the northwest corner of a remainder portion of said Block 6, continuing with the north line thereof a total distance of 49.41 feet to a 1/2" capped rebar set (G&A) at the northeast corner thereof, being an inner ell corner in the south line of said Berend Addition;

THENCE S 00°44'00" E, 3.30 feet with the east line of said remainder tract and the south line of said Berend Addition to a 1/2" rebar found (reset 1/2" capped rebar (G&A) due to construction) at the southerly southwest corner of said Berend Addition, being the northwest corner of said 0.063 acre City of Lewisville tract;

THENCE N 89°02'20" E, 88.00 feet with the south line of said Berend Addition and the north line of said 0.063 acre City of Lewisville tract to a 1/2" rebar found (reset "+" in concrete due to construction) at the southeast corner of said Berend Addition and the northeast corner of said 0.063 acre City of Lewisville tract, being on the west line of Mill Street;

THENCE S 00°44'00" E, 38.16 feet with the west line of Mill Street and the east line of said 0.063 acre City of Lewisville tract to the southeast corner thereof, being the northeast corner of that certain called 0.093 acre tract described in deed to John Haugen and Magda Haugen recorded in Document Number 2014-69258 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set) from which a "+" set in concrete bears S 00°44'00" E, 120.17 feet;

THENCE S 89°03'20" W, 17.62 feet with the south line of said 0.063 acre City of Lewisville tract and the north line of said 0.093 Haugen tract, to an angle point (point is in an existing building and cannot not be set);

THENCE S 89°18'20" W, 16.03 feet with the south line of said 0.063 acre City of Lewisville tract and the north line of said 0.093 Haugen tract to the southerly southwest corner of said 0.063 acre City of Lewisville tract and the northwest corner said 0.093 Haugen tract, being on the east line of said 0.017 acre City of Lewisville tract and being on the east line of that certain called 0.057 acre tract described in deed to William C. Peck, recorded in Document Number 2002-68776 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE S 00°44'00" E, 39.81 feet with the west line of said 0.093 acre Haugen tract, the east line of said 0.057 acre Peck tract and the east line of said 0.017 acre City of Lewisville tract to the southeast corner of said 0.017 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 89°02'00" W, 9.70 feet with the south line of said 0.017 acre City of Lewisville tract to a "+" set in concrete at the southerly southwest corner thereof;

THENCE N 00°29'30" W, 23.79 feet continuing with the south line of said 0.017 acre City of Lewisville tract to a "+" set in concrete at an inner ell corner in the south line thereof;

THENCE S 89°18'50" W, continuing with the south line of said 0.017 acre City of Lewisville tract, passing at 9.20 feet the westerly southwest corner thereof, the southeast corner of said 0.024 acre City of Lewisville tract, the west line of said 0.057 Peck tract and the east line of that certain called 0.12 acre tract of land described in deed to Ken Hodge, recorded in Volume 1860, Page 678 of the Real Property Records of Denton County, Texas, continuing with the south line of said 0.024 acre City of Lewisville tract a total distance of 48.20 feet to the southwest corner thereof, being on the west line of said 0.12 acre Hodge tract and the east line of said 0.037 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 00°44'00" E, 24.11 feet with the west line of said 0.12 acre Hodge tract and the east line of said 0.037 acre City of Lewisville tract to the southeast corner thereof, being the northeast corner of that certain tract of land described in deed to RO Properties, Ltd., recorded in Document Number 2014-108501 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE S 89°02'20" W, with the south line of said 0.037 acre City of Lewisville tract and the north line of said RO Properties, Ltd., recorded in Document Number 2014-108501 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE N 00°44'00" W, 10.03 feet with the west line of said Caroline Berend tract and the east line of said Noyes tract to a "+" set in concrete at the easterly southeast corner of said 0.095 acre City of Lewisville tract;

THENCE S 89°13'45" W, with the south line of said 0.095 acre City of Lewisville tract, passing at 30.00 feet the west line of said Noyes tract and the east line of that certain tract of land described in deed to Michael Noyes and wife, Hiyasmin Noyes, recorded in Document Number 1997-9000 of the Real Property Records of Denton County, Texas, continuing a total distance of 30.74 feet to a "PK" nail with G&A shiner set at an inner ell corner in the south line of said 0.095 acre City of Lewisville tract;

THENCE S 00°45'40" E, 10.01 feet continuing with the south line of said 0.095 acre City of Lewisville tract to the southerly southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 88°52'10" W, 24.11 feet continuing with the south line of said 0.095 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said Noyes tract in Document Number 1997-9000 and the east line of that certain called 0.11 acre tract of land described in deed to Service Nation, Inc. recorded in Document Number 2012-3880 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE N 00°44'00" W, 45.14 feet with the west line of said 0.095 acre City of Lewisville tract and the east line of said 0.11 acre Service Nation tract to the southeast corner of said 0.024 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 89°00'15" W, 29.08 feet with the south line of said 0.024 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said 0.11 acre Service Nation tract, the east line of said 0.028 acre City of Lewisville tract and the east line of that certain called 0.096 acre tract of land described in deed to Denton Creek Partners Management, LLC, recorded in Document Number 2011-30983 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE S 00°44'00" E, 5.06 feet with the west line of said 0.11 acre Service Nation tract, the east line of said 0.096 acre Denton Partners tract and the east line of said 0.028 acre City of Lewisville tract to the easterly southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 89°11'35" W, 10.65 feet with the south line of said 0.028 acre tract to a "+" set in concrete an inner ell corner in the south line thereof (point is in an existing building and cannot be set);

THENCE S 00°28'15" E, 9.97 feet continuing with the south line of said 0.028 acre City of Lewisville tract to the southerly southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 89°22'20" W, 15.23 feet continuing with the south line of said 0.028 acre City of Lewisville tract to a "pk" nail set at the southwest corner thereof, being on the west line of said 0.096 acre Denton Partners tract, the east line of said 0.020 acre City of Lewisville tract in Document Number 2012-142661 and the east line of that certain called 0.086 acre tract of land described in deed to Caroline Berend recorded in Document Number 2005-104980 of the Real Property Records of Denton County, Texas;

THENCE S 00°44'00" E, 10.19 feet with the west line of said 0.096 acre Denton Partners tract, the east line of said 0.086 acre Berend tract and the east line of said 0.020 acre City of Lewisville tract to the southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 88°48'00" W, 28.40 feet with the south line of said 0.020 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said 0.086 acre Berend tract and the east line of said 0.032 acre City of Lewisville tract in Document Number 2012-142665 and the east line of that certain called 0.0778 acre tract of land described in deed to Caroline Berend and Steven Berend, recorded in Document Number 2012-142189 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE S 00°44'00" E, 19.95 feet with the west line of said 0.086 Berend tract, the east line of said 0.0778 acre Berend tract and the east line of said 0.032 acre City of Lewisville tract to the southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 88°53'15" W, 26.87 feet with the south line of said 0.032 acre City of Lewisville tract to a "PK" nail with G&A shiner set at the southwest corner thereof, being on the west line of said 0.0778 acre Berend tract and the east line of Poydras Street;

THENCE S 00°44'00" E, 80.29 feet with the east line of Poydras Street and the west line of said 0.0778 acre Berend tract and to a "+" set in concrete at the southwest corner thereof, being the intersection of the north line of Main Street and the East line of Poydras Street;

THENCE S 89°02'20" W, 50.00 feet to a "+" set in concrete at the intersection of the north line of Main Street and the west line of Poydras Street, being the southeast corner of that certain called 0.259 acre tract of land described in deed to Jham Investments, LLC, recorded in Document Number 2005-30632 of the Real Property Records of Denton County, Texas;

THENCE N 00°44'00" W, 105.48 feet with the west line of Poydras Street and the east line of said 0.259 acre Jham tract to a "+" set in concrete at the easterly southeast corner of said 0.085 acre City of Lewisville tract;

THENCE S 89°15'55" W, 30.59 feet with the south line of said 0.085 acre City of Lewisville tract to "PK" nail with G&A shiner set at the easterly inner ell corner in the south line thereof;

THENCE S 00°43'25" E, 30.73 feet continuing with the south line of said 0.085 City of Lewisville tract to the southerly southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 89°01'45" W, 10.54 feet continuing with the south line of said 0.085 acre City of Lewisville tract to the southerly southwest corner thereof, (point is in an existing building and cannot be set);

THENCE N 03°41'35" W, 5.56 feet continuing with the south line of said 0.085 acre City of Lewisville tract "PK" nail with G&A shiner set at the westerly inner ell corner in the south line thereof;

THENCE S 88°30'30" W, 43.31 feet continuing with the south line of said 0.085 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said 0.259 acre Jham tract and the east line of that certain tract of land described in deed to Old Town Flying Pig, LLC, recorded in Document Number 2004-95815 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE N 01°15'00" W, 30.05 feet to a 1/2" capped rebar set (G&A) at the southeast corner of said 0.021 acre City of Lewisville tract;

THENCE S 88°38'40" W, 40.00 feet with the south line of said 0.021 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said Old Town Flying Pig tract, the east line of said 0.032 acre City of Lewisville tract in Document Number 2012-142645 and the east line of that certain called 0.091 acre tract of land described in deed to Zusdubb, LLC, recorded in Document Number 2009-60097 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE S 01°15'00" E, 34.79 feet with the west line of said Old Town Flying Pig tract, the east line of said 0.091 acre Zusdubb tract and the east line of said 0.032 acre City of Lewisville tract to the southeast corner thereof, (point is in an existing building and cannot be set);

THENCE S 89°01'00" W, 30.00 feet with the south line of said 0.032 acre tract to the southwest corner thereof, being on the west line of said 0.091 acre Zusdubb tract and the east line of that certain tract of land described in deed to Zusdubb, LLC, recorded in Document Number 2014-75884 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot be set);

THENCE N 01°15'00" W, 0.12 feet with the west line of said 0.032 acre City of Lewisville tract and the east line of said Zusdubb tract in Document Number 2014-75884 to the northeast corner thereof, being the southeast corner of said 0.020 acre City of Lewisville tract in Document Number 2012-142651, (point is in an existing building and cannot be set);

THENCE S 88°59'50" W, 15.00 feet with the south line of said 0.020 acre City of Lewisville tract and the north line of said Zusdubb tract in Document Number 2014-75884 to the northwest corner thereof, being the southwest corner of said 0.020 acre City of Lewisville tract and being on the east line of said 0.670 acre City of Lewisville tract, (point is in an existing building and cannot be set);

THENCE S 01°15'00" E, 75.10 feet with the west line of said Zusdubb tract in Document Number 2014-75884 and the east line of said 0.670 acre City of Lewisville tract to a "+" found in concrete (reset "+" in concrete due to construction) at the southwest corner of said Zusdubb tract and the southeast corner of said 0.670 City of Lewisville tract, being on the north line of Main Street;

THENCE S 89°02'20" W, 131.00 feet with the south line of said 0.670 acre City of Lewisville tract and the north line of Main Street to the POINT OF BEGINNING and containing approximately 1.216 acres of land.

LEGAL DESCRIPTION
TRACT II
1.247 ACRES

Being all that certain lot, tract or parcel of land situated in the J. W. King Survey, Abstract Number 696, City of Lewisville, Denton County, Texas, and being part of Lot 1, 2 and 3, Block 3 and part of Lot 3, Block 6 and a portion of Poydras Street (called 50 foot right-of-way) between Main Street and Church Street, all of which are shown on the plat of the Original Town of Lewisville, recorded in Volume 75, Page 158 of the Deed Records of Denton County, Texas, and part of that certain called 0.037 acre tract of land described as Tract II in deed to the City of Lewisville, recorded in Document Number 2003-193600 of the Real Property Records of Denton County, Texas, and being part of that certain called 0.087 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2004-21670 of the Real Property Records of Denton County, Texas, and being part of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2005-131031 of the Real Property Records of Denton County, Texas, and being part of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-87118 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at a "+" found in concrete (reset due to construction) at the intersection of the north line of Main Street and the east line of Charles Street, being the southwest corner of said Lot 4, Block 3 and being the southwest corner of said 0.670 acre tract, from which a building corner bears N 48°20'40" E, 0.82 feet;

THENCE N 00°44'00" W, 144.68 feet with the east line of Charles Street and the west line of said 0.670 acre tract to a "+" set in concrete at the POINT OF BEGINNING;

THENCE N 00°44'00" W, 110.46 feet continuing with the east line of Charles Street and the west line of said 0.670 acre tract to a "+" found in concrete (reset a 1/2" capped rebar (G&A) due to construction) at the south corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-24803 of the Real Property Records of Denton County, Texas, being the westerly northwest corner of said 0.670 acre tract;

THENCE N 44°16'20" E, 12.58 feet continuing with the east line of said 0.670 acre tract and with the southeasterly line of said 0.0011 acre tract to a "+" set in concrete at the east corner thereof, being the northerly northwest corner of said 0.670 acre tract and being on the south line of Church Street;

THENCE N 89°02'20" E, with the south line of Church Street and the north line of said 0.670 acre tract, passing at 81.76 feet a 1/2" rebar found (destroyed by construction) at the northeast corner of said 0.670 acre tract, being the northwest corner of said City of Lewisville tract recorded in Document Number 2008-95581, continuing with the north line thereof a total distance of 279.87 feet to a "+" set in concrete at the west corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-6488 of the Real Property Records of Denton County, Texas;

THENCE S 45°27'15" E, 15.96 feet with the southwesterly line of said 0.0011 acre tract in Document Number 1995-6488 to a 1/2" capped rebar set (G&A) at the south corner thereof, being on the west line of Poydras

Street and the east line of said Lot 1, Block 3;

THENCE N 00°44'00" W, 11.39 feet with the east line of said 0.0011 acre tract in Document Number 1995-6488, the east line of said Lot 1, Block 3 and the west line of Poydras Street to a "+" set in concrete at the northeast corner of said 0.0011 acre tract in Document Number 1995-6488 and the northeast corner of said Lot 1, Block 3, being the intersection of the west line of Poydras Street and the south line of Church Street;

THENCE N 89°02'20" E, 50.00 feet to a "+" set in granite at the northwest corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-11987 of the Real Property Records of Denton County, Texas, being the northwest corner of said Lot 3, Block 6 and being the intersection of the east line of Poydras Street and the south line of Church Street;

THENCE S 00°44'00" E, 9.59 feet with the west line of said 0.0011 acre tract in Document Number 1995-11987 and the west line of said Lot 3, Block 6 to a 1/2" capped rebar set (G&A) at the south corner of said 0.0011 acre tract, being the westerly northwest corner of said City of Lewisville tract recorded in Document Number 2005-131031;

THENCE N 43°55'20" E, 13.54 feet with the southeast line of said 0.0011 acre tract in Document Number 1995-11987 and the northwest line of said City of Lewisville tract in Document Number 2005-131031 to a "+" set in concrete at the east corner of said 0.0011 acre tract and the northerly northwest corner of said City of Lewisville tract in Document Number 2005-131031, being on the south line of Church Street and the north line of said Lot 3, Block 6;

THENCE N 89°02'20" E, 66.80 feet with the south line of Church Street and the north line of said City of Lewisville tract in Document Number 2005-131031 to a PK nail with G&A shiner set;

THENCE S 50°25'00" W, 9.44 feet to a PK nail with G&A shiner set;

THENCE S 00°57'40" E, 43.93 feet to a "+" set in concrete;

THENCE S 53°42'00" E, 7.88 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the right having a radius of 3.00 feet, a central angle of 52°44'20" and an arc length of 2.76 feet, whose chord bears S 27°19'50" E, 2.66 feet to 1/2" capped rebar set (G&A) at a point of tangency;

THENCE S 00°57'40" E, 54.08 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the right having a radius of 5.00 feet, a central angle of 63°27'40" and an arc length of 5.54 feet, whose chord bears S 30°46'10" W, 5.26 feet to a "+" set in concrete at a point of tangency;

THENCE S 62°30'00" W, 33.20 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the right having a radius of 15.00 feet, a central angle of 26°32'20" and an arc length of 6.95 feet, whose chord bears S 75°46'10" W, 6.89 feet to a "+" set in concrete at a point of tangency;

THENCE S 89°02'20" W, 281.38 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the right having a radius of 25.00 feet, a central angle of 30°57'40" and an arc length of 13.51 feet, whose chord bears N 75°28'50" W, 13.35 feet to a "+" set in concrete at a point of tangency;

THENCE N 60°00'00" W, 10.70 feet to a "+" set in concrete at a point of curvature;

THENCE with the arc of a curve to the left having a radius of 25.00 feet, a central angle of 30°57'40" and an arc length of 13.51 feet, whose chord bears N 75°28'50" W, 13.35 feet to a "+" set in concrete at a point of tangency;

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: October 5, 2015

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) With Four Associated Variances to the Lewisville City Code of Ordinances Including Section 6-103 Access Management; Section 6-121 (i) Approved Tree List; and Section 6-123 (b) Landscape Strip; for the Construction of a Communications Tower on an Existing 0.778-Acre Lot, Legally Described as Lot 1, Block B, Hillside Office Park; Located at the Southeast Corner of Hillside Drive and Office Park Circle; at 819 Hillside Drive; Zoned Light Industrial District (LI), as Requested by G&A Consultants, LLC., Representing Texas New-Mexico Power Company, the Property Owner (Case No. SUP-2015-09-09).**

BACKGROUND

The Special Use Permit process allows for consideration of certain uses that may potentially be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions. The request is for the addition of a single monopole communications tower measuring 80 ft in height (including antennas), located at the rear of the building. This site is surrounded by other properties zoned Light Industrial. A variance was granted by the Zoning Board of Adjustment in August of this year to allow the existing building encroachment into the side yard setback. This site will serve as the operational backup facility for power outages and restoration of power as required by federal government regulations.

ANALYSIS

The property at 819 Hillside Drive was constructed in 1985 as an office warehouse facility. Texas New Mexico Power (TNMP) has recently purchased this site and the neighboring property at 815 Office Park Circle as part of a federally required backup operations system. TNMP will be using the site to consolidate their operations, bringing in other departments currently located in other cities. The Special Use Permit (SUP) request to place a communication tower at the rear of this site is a result of the emergency management requirements from the federal government. The applicant is not proposing to expand the building footprint, however, review of the current site layout in relation to current ordinance requirements has resulted in four variance requests relating to landscaping, driveway stacking and driveway radii for consideration in conjunction with the SUP request.

Building

The concept plan shows the existing 13,332 square foot building which will be used as mainly for office (10,797 sq. ft.) and the remainder as warehouse space (2,535 sq. ft.). The existing building has a tilt wall aggregate exterior with metal trim above the entrances. The applicant is proposing to remove the metal trim and replace it with a stucco canopy structure to better match the exterior finish. The existing glass doors and sidelites will be replaced with hollow metal doors and new glass block walls.

Communication Tower

The SUP request is for the addition of a single monopole communications tower measuring 80 ft in height (including antennas), located at the rear of the building. It will be enclosed by a six foot chain link fence with three strands of barbed wire. For security purposes they are using a chain link fence versus an opaque fence. The tower meets to 3:1 height to distance ratio from single-family zoning as specified by Section 17-32 of the Zoning Ordinance.

Variations Requested:

- 1) To allow a variable width landscape buffer in lieu of a 10-foot landscape strip.

Section 6-123 (b) of the Code of Ordinances requires a 10-foot landscape strip along street frontages. The site was developed in 1985, when a five-foot landscape strip was allowed by ordinance. The landscape strip currently varies from nine feet to a maximum of 42 feet. As the variance request letter states the current requirement would have resulted in approximately 4,400 square feet of landscaping; however, the variable width landscaping provided exceeds this amount by providing approximately 7,200 square feet of landscaped area. Staff has no objection to this variance request.

- 2) To waive the 40-foot stacking requirement on driveway entrances into the site.

Section 6-103 of the Code of Ordinances requires 40 feet of stacking for all commercial driveways. The driveway to Office Park Circle currently provides approximately 19.5 feet of stacking while the driveway to Hillside Drive currently provides approximately 27.6 feet of stacking. The site is located on an oddly shaped lot that narrows to a point at the Hillside Drive and Office Park Circle intersection. The parking configuration is from the original 1985 site plan. The site is not on a major collector or thoroughfare, but rather in a fairly isolated office park with low traffic volumes. Enforcing the 40-ft stacking requirement would reduce the already limited amount of parking available onsite. Staff has no objection to this requested variance.

3) Allow for the use of Crepe Myrtles in addition to the approved tree list.

Sec. 6-121 (i) of the Code of Ordinances requires that trees from the approved tree list be used for required landscaping on private property. At the time of construction in the 1980's, Crape Myrtles were an approved landscaping tree; however, in the current ordinance they are not an approved landscaping tree. The current landscape ordinance would require 8 large canopy trees on this site. The site contains six existing Crape Myrtles. The applicant is requesting to add an additional four Crape Myrtles, all along the Office Park Circle street frontage. This street frontage is limited in width and also contains a utility easement. Allowing the Crape Myrtles would reduce the likelihood of it growing into the building foundation or utility lines. The applicant is also proposing to install two Red Oaks in a larger landscape buffer area at the north of the site. Additional landscaping improvements include screening hedges in the parking areas with street facing spots and additional landscaping near the entrances of the buildings. Staff has no objection to this variance request.

4) Waive the Required 20-foot drive radii

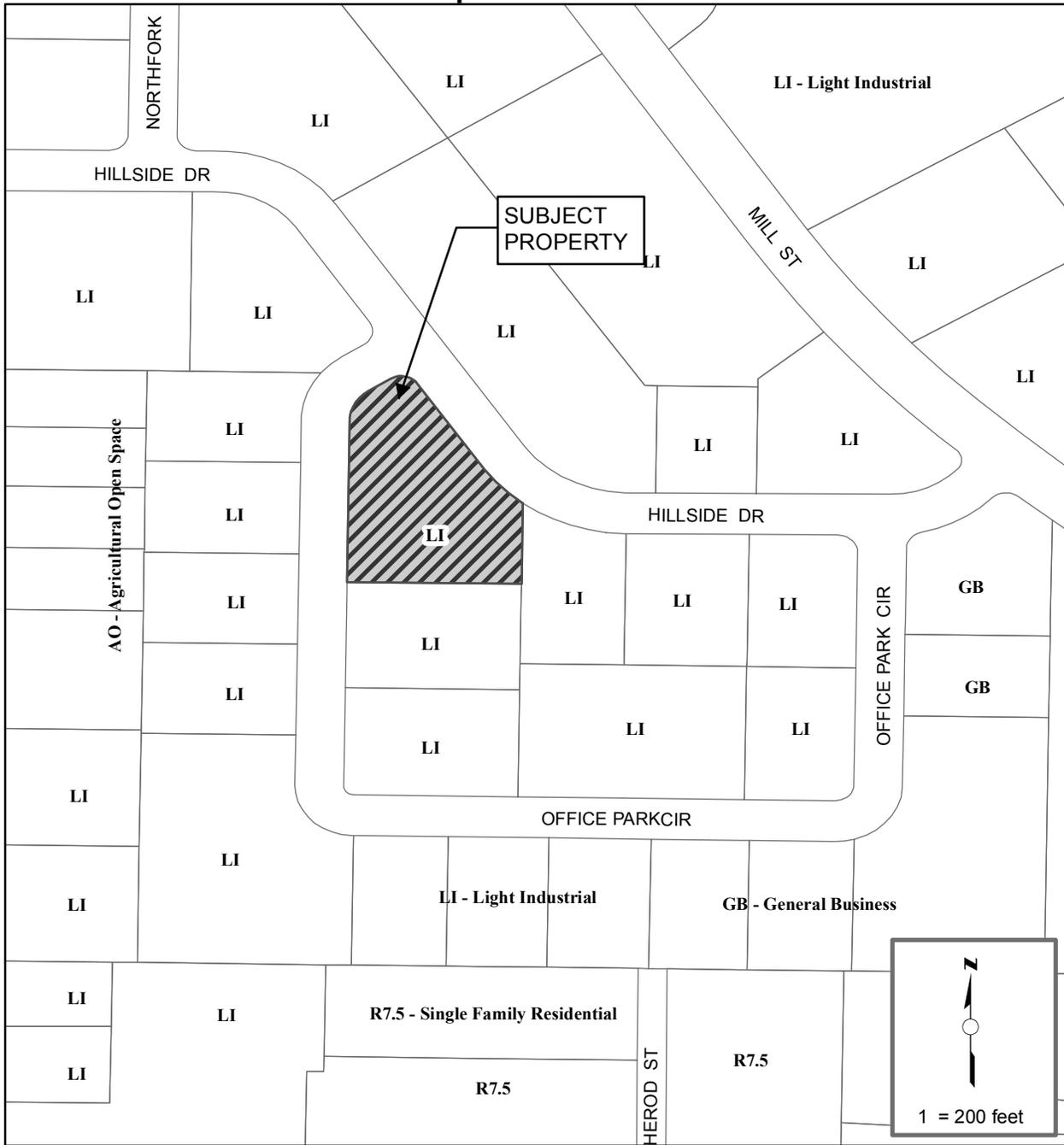
The existing curb radii do not meet current regulations specified in Section 6-103 of the Code of Ordinances. The two driveways on Office Park Circle have a radii of 10 feet while the driveway to Hillside Drive has a radii of 5 feet. Again, this requirement is more relevant for sites with higher traffic counts and high amounts of in and out traffic. Also, there are no on-site fire lanes required that would necessitate the 20-foot radii. Staff has no objection to this variance request.

The Planning and Zoning Commission recommended approval of the Special Use Permit by a vote of 6-0 at their meeting on September 15, 2015.

RECOMMENDATION:

It is City staff's recommendation that the City Council approve the proposed ordinance and requested variances as set forth in the caption above.

Location Map - 819 Hillside Drive



SUP CASE NO. SUP-2015-09-09

PROPERTY OWNER: TEXAS NEW MEXICO POWER COMPANY

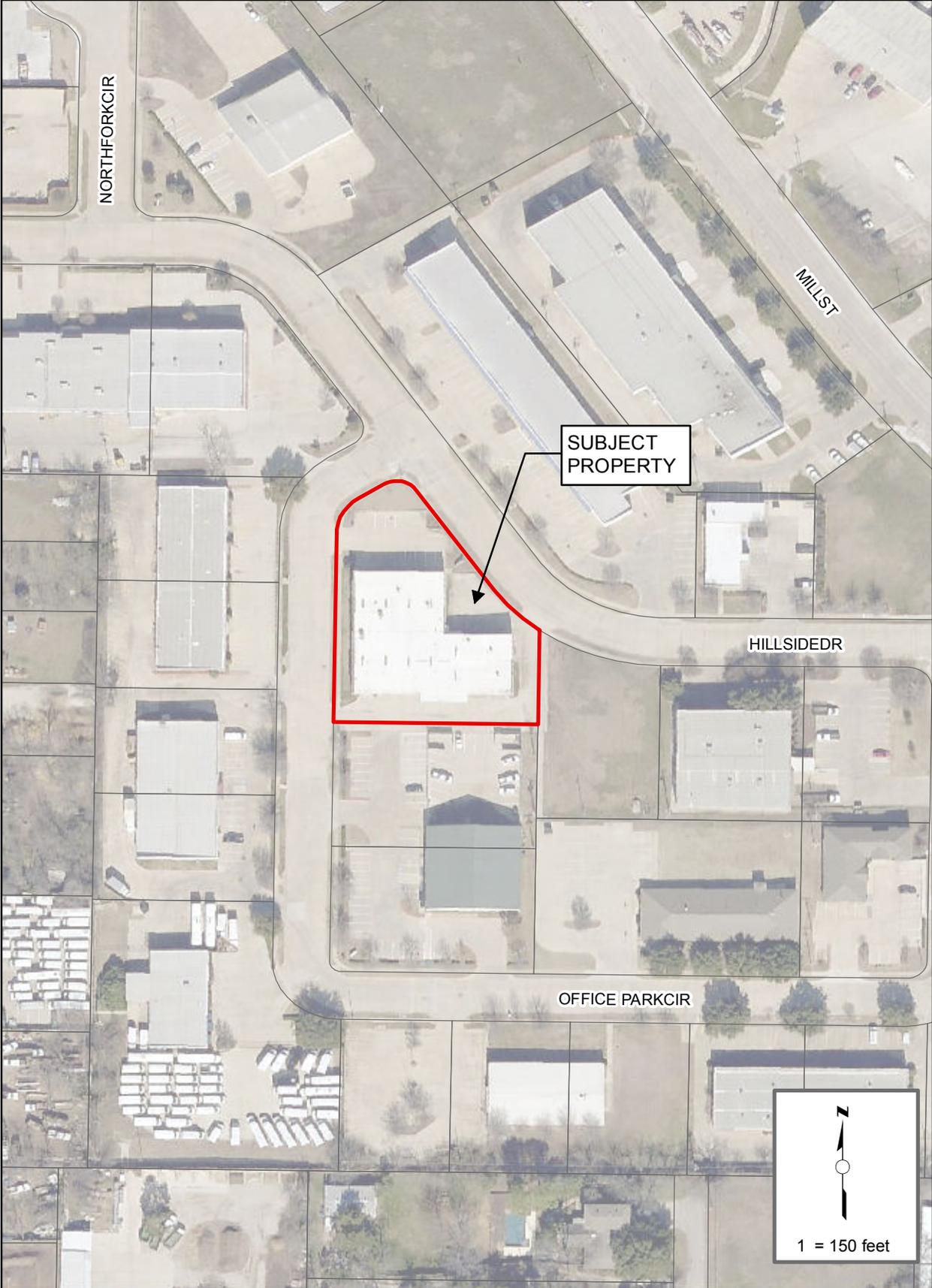
APPLICANT: G&A CONSULTANTS

PROPERTY LOCATION: 819 HILLSIDE DRIVE (0.778 ACRES)

CURRENT ZONING: LIGHT INDUSTRIAL (LI)

PROPOSED USE: SPECIAL USE PERMIT (SUP) FOR COMMUNICATIONS TOWER

Aerial Map - 819 Hillside Dr



**MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 15, 2015**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 p.m. Members present: James Davis (Chairman), Sean Kirk, Brandon Jones, Mary Ellen Miksa, Alvin Turner, and Kristin Green. Member Steve Byars was absent.

Staff members present: Richard Luedke, Planning Manager; Mary Paron-Boswell, Senior Planner; and June Sin, Planning Intern.

Item 5:

Public Hearings for Zoning and Special Use Permits were next on the agenda.

- C. Consideration of a Special Use Permit for the Construction of a Communications Tower on an Existing 0.778 Lot, Legally Described as Lot 1, Block B, Hillside Office Park; Located at the Southeast Corner of Hillside Drive and Office Park Circle; at 819 Hillside Drive; Zoned Light Industrial District (LI); as Requested by G&A Consultants, LLC., Representing Texas New-Mexico Power Company, the Property Owner. (Case No. SUP-2015-09-09)

Richard Luedke gave a brief presentation on the Special Use Permit (SUP) for construction of a communications tower including associated variance requests that will be considered by the City Council. Variances are requested for a variable landscape buffer, reduced stacking requirement at the driveways, the addition of crape myrtle to the list of approved trees, and waiver of the 20-foot driveway radii requirement. Chairman Davis opened the regular hearing. Doug Weaver, senior engineer from G&A Consultants, LLC. spoke on behalf of the property owner. He offered to answer any questions commission members had for the project. He explained that the renovation of the existing facility is response to changes in federal regulation regarding Backup Systems Operations Centers. The communications tower will be a pole tower approximately 80 feet in height. For security reasons, this facility will be accessible for employees only.

There being no one else present to speak on the proposal, the public hearing was closed. *A motion was made by Kristin Green to recommend approval of the Special Use Permit as requested, seconded by Sean Kirk. The motion passed unanimously (6-0).*

SECTION 17-23. - "LI" LIGHT INDUSTRIAL DISTRICT REGULATIONS

- (a) *Use.* Buildings and premises may be used for retail, wholesale, office and service uses and campus style light manufacturing and industrial uses provided there is no dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produces no noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and no more than ten percent (10%) of the total lot is used for outside storage, and further provided that such use does not create fire or explosive hazards on adjacent property.
- (1) Any use permitted in districts "LC" and "GB" as regulated in said districts.
 - (2) Apparel and other products assembled from finished textiles.
 - (3) Bottling works.
 - (4) Warehouse distribution facilities.
 - (5) Airport/Heliport (SUP required).
 - (6) Auto repair shops including body shops (SUP required).
 - (7) Church worship facilities.
 - (8) Buildings and uses owned or operated by public governmental agencies.
 - (9) Cemetery, mausoleum, crematorium & accessory uses (SUP required).
 - (10) Cosmetic manufacturer.
 - (11) Drugs and pharmaceutical products manufacturing.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Electronic products manufacturing.
 - (14) Fur good manufacture, but not including tanning or dyeing (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Glass products, from previously manufactured glass.
 - (17) Heavy equipment – outdoor rental/sales/display/service (SUP required).
 - (18) Household appliance products assembly and manufacture from prefabricated parts.
 - (19) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
 - (20) Musical instruments assembly and manufacture.
 - (21) Paint, shellac and varnish manufacture (SUP required).
 - (22) Plastic products manufacture, but not including the processing of raw materials.
 - (23) Racing facilities (SUP required).
 - (24) Recreational Vehicle (RV) Park. (Private) (SUP required).
 - (25) Self storage/mini warehouse facility (SUP required).
 - (26) Shooting Range (indoor or outdoor) (SUP required.).
 - (27) Sporting and athletic equipment manufacture.
 - (28) Testing and research laboratories.
 - (29) Auction yard (vehicle) (SUP required).
 - (30) Communication towers (SUP required).
 - (31) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (32) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (33) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (34) Other uses similar to the above listed uses are allowed by special use permit (SUP) only, except that the following uses are specifically prohibited:
 - a. Acetylene gas manufacture or storage.
 - b. Acid manufacture.
 - c. Alcohol manufacture.
 - d. Ammonia, bleaching powder or chlorine manufacture.
 - e. Arsenal.
 - f. Asphalt manufacture or refining.
 - g. Blast furnace.
 - h. Bag cleaning, unless clearly accessory to the manufacture of bags.

- i. Boiler works.
- j. Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft or concrete products.
- k. Reserved.
- l. Celluloid manufacture or treatment.
- m. Cement, lime, gypsum, or plaster of paris manufacture.
- n. Central mixing plant for cement.
- o. Coke ovens.
- p. Cotton gins.
- q. Cottonseed oil manufacture.
- r. Creosote manufacture or treatment.
- s. Disinfectants manufacture.
- t. Distillation of bones, coal or wood.
- u. Dyestuff manufacture.
- v. Exterminator and insect poison manufacture.
- w. Emery cloth and sandpaper manufacture.
- x. Explosives or fireworks manufacture or storage.
- y. Fat rendering.
- z. Fertilizer manufacture.
- aa. Fish smoking and curing.
- bb. Forge plant.
- cc. Garbage, offal or dead animals reduction or dumping.
- dd. Gas manufacture or storage, for heating or illuminating purposes.
- ee. Glue, size or gelatine manufacture.
- ff. Hatchery.
- gg. Iron, steel, brass or copper foundry or fabrication plant.
- hh. Junk, iron or rag storage or baling.
- ii. Match manufacture.
- jj. Lampblack manufacture.
- kk. Oilcloth or linoleum manufacture.
- ll. Oiled rubber goods manufacture.
- mm. Ore reduction.
- nn. Oil or turpentine manufacture.
- oo. Paper and pulp manufacture.
- pp. Petroleum or its products, refining or wholesale storage of.
- qq. Pickle manufacturing.
- rr. Planing mills.
- ss. Potash works.
- tt. Pyroxline manufacture.
- uu. Rock crusher.
- vv. Rolling mill.
- ww. Rubber or gutta-percha manufacture or treatment but not the making of articles out of rubber.
- xx. Sauerkraut manufacture.
- yy. Salt works.
- zz. Shoe polish manufacture.
- aaa. Smelting of tin, copper, zinc, or iron ores.
- bbb. Soap manufacture other than liquid soap.
- ccc. Soda and compound manufacture.
- ddd. Stock yard or slaughter of animals or fowls.
- eee. Stone mill or quarry.
- fff. Storage yard.
- ggg. Stove polish manufacture.
- hhh. Tallow grease or lard manufacture or refining from or of animal fat.
- iii. Tanning, curing or storage of raw hides or skins.
- jjj. Tar distillation or manufacture.
- kkk. Tar roofing or water-proofing manufacture.
- lll. Tobacco (chewing) manufacture or treatment.
- mmm. Vinegar manufacture.

- nnn. Wool pulling or scouring.
- ooo. Yeast plant.

(b) *Height.* No building shall exceed in height the width of the street right-of-way on which it faces plus the depth of the front yard. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.

(c) *Area.*

(1) *Size of yards.*

a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "LI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.

b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

c. *Rear yard.* No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in district "LI" within twenty-five (25) feet of the rear property line.

(2) *Reserved.*

(d) *Outside storage regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

The special use permit (SUP) provides a means for evaluating land uses identified in this ordinance to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.

(b) *Application submittal and approval process.*

(1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:

- a. A scaled development plan depicting the items listed in Section 17-29.5(b)(2);
- b. A meets and bounds description of the property boundary;
- c. A narrative explaining how the property and use(s) will function;
- d. Colored elevations of the building and other structures including dimensions and building materials;
- e. A Landscaping Plan, meeting the requirements of Section 6-124 of the Lewisville Code of Ordinances;
- f. A Tree Survey and Mitigation Plan if required by Section 6-125 of the Lewisville Code of Ordinances;
- g. Detailed elevations and descriptions of proposed signage;
- h. An exhibit illustrating any requested variances; and
- i. Any other information, drawings, operating data or expert evaluations that city staff determines are necessary to evaluate the compatibility criteria for the proposed use and development.

(2) The development plan submitted along with an SUP application must include the following:

- a. The layout of the site;
- b. A north arrow;
- c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
- d. Name, address, and phone number for applicant, developer, owner, builder, engineer, and/or surveyor;
- e. Building location, property lines, and setbacks;
- f. Summary tables listing building square footage, required parking, and required landscaping;
- g. Locations of utility easements, if applicable;
- h. Zoning and ownership of adjacent properties;
- i. Easements, deed restrictions, or encumbrances that impact the property;
- j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
- k. Streets, alleys, and easements adjacent to the site;
- l. Driveways and sidewalks;
- m. Parking configuration, including maneuvering lanes and loading areas;
- n. Location and details of dumpsters and screening devices; and
- o. Location of all proposed signage.

(3) Variances from the regulations of the city's General Development Ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.

- (4) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (5) The planning and zoning commission, after holding a public hearing, shall recommend to the city council approval or denial of each SUP along with any recommended conditions. The city council shall review each case on its own merit, apply the compatibility criteria established herein, and if appropriate, grant the special use permit for said use(s).
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the General Development Ordinance.

(c) *Compatibility criteria for approval.*

The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans;
- (2) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- (3) not be detrimental to the public health, safety, or general welfare; and
- (4) conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.*

The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications, or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner, and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

(g) *Timing.*

All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

(h) *Zoning map.*

When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.

(i) *Rescind and terminate a special use permit.*

City council may rescind and terminate an SUP after a public hearing if any of the following occur:

- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (2) The SUP was obtained through fraud or deception.
- (3) Ad valorem taxes on the property are delinquent by six months or more.
- (4) Disconnection or discontinuance of water and/or electrical services to the property.
- (5) Abandonment of the structure, lease space, lot, or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

RECEIVED AUG 05 2015



LEWISVILLE

This Section (Office Use Only)	
Case:	
PZ:	CC:
Sign/s Picked Up By:	

SPECIAL USE PERMIT (SUP) APPLICATION

Owner/s (name):	Keith Nix		
Company Name:	Texas - New Mexico Power Company (TNMP)		
Mailing Address:	577 N. Garden Ridge Blvd. Lewisville, TX 75067		
Work #:	214-222-4144	Cell #:	505-264-1858
E-Mail:	Keith.Nix@tnmp.com		
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization):		Date:	7/2/15
Printed Name:	Keith Nix		

Applicant/Agent (name):	Douglas Weaver / Michael Duval		
Company Name:	G&A Consultants		
Mailing Address:	111 Hillside Drive Lewisville, Tx 75057		
Work #:	972-436-9715	Cell #:	
E-Mail:	Doug@gacn.com		
Applicant/Agent Signature		Date:	7/2/15
Printed Name:	Michael Duval		

Current Zoning:	LI	Requested Zoning:	S.U.P.	Acres:	0.778
Legal Description (Lot/Block/Tract/Abstract):	Lot 1, Block B of Hillside Office Park Addition J.W. King Survey, Abstract No. A-696				
Address/Location:	819-821 Office Park Circle, Lewisville, Tx 75057				

Application and Sign Fees:

<input checked="" type="checkbox"/>	Less than 1/2 acre	\$ 150.00
<input type="checkbox"/>	1/2 acre up to 4.99 acres	\$ 250.00
<input type="checkbox"/>	5 acres up to 24.99 acres	\$ 400.00

<input type="checkbox"/>	25 acres up to 49.99 acres	\$ 750.00
<input type="checkbox"/>	50 acres up to 99.99 acres	\$1,000.00
<input type="checkbox"/>	100 acres and more	\$1,500.00

Qty: _____	SUP Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ _____
------------	--	----------

Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ _____
--	----------

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS BY GRANTING A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A COMMUNICATIONS TOWER ON AN ON EXISTING 0.778-ACRE LOT, LEGALLY DESCRIBED AS LOT 1, BLOCK B, HILLSIDE OFFICE PARK; LOCATED AT THE SOUTHEAST CORNER OF HILLSIDE DRIVE AND OFFICE PARK CIRCLE AND ZONED LIGHT INDUSTRIAL DISTRICT (LI); PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made requesting approval of a Special Use Permit for the construction of a communications tower by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by state statutes and the Zoning Ordinances of the City of Lewisville, Texas; said Planning and Zoning Commission has recommended that the Special Use Permit on the 0.778-acre lot (the “Property”) be **approved**; and

WHEREAS, this application for a Special Use Permit comes before the City Council of the City of Lewisville, Texas (the “City Council”) after all legal notices, requirements, conditions and prerequisites have been met; and

WHEREAS, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) compliments or is compatible with the surrounding uses and community facilities; (2) contributes to, enhances, or promotes the welfare of the area of request and adjacent properties; (3) is not detrimental to the public health, safety, or general welfare; and (4) conforms in all other respects to all zoning regulations and standards.

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

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow construction of a communications tower on the Property, which is zoned Light Industrial (LI).

SECTION 3. CONDITIONS OF SPECIAL USE PERMIT. The Property shall be developed and maintained:

1. in compliance with the narrative, development plan, conceptual landscape plan, and exterior elevations attached hereto as Exhibit "A"; and
2. in accordance with all federal, state, and local laws and regulations.
3. by complying with all landscape and driveway requirements whether set forth in the Code of Ordinances or otherwise modified by City Council through a variance.

SECTION 4. CORRECTING OFFICIAL ZONING MAP. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this Special Use Permit.

SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS. The Property shall comply with all applicable municipal ordinances, as amended. In no way shall this Special Use Permit be interpreted to be a variance to any municipal ordinance.

SECTION 6. RESCINDING AND TERMINATION. The City Council may rescind and terminate the Special Use Permit after a public hearing if any of the following occur:

1. One or more of the conditions imposed by the Special Use Permit have not been met or have been violated.
2. The Special Use Permit was obtained through fraud or deception.
3. Ad valorem taxes on the property are delinquent by six months or more.
4. Disconnection or discontinuance of water and/or electrical services to the property.
5. Abandonment of the structure, lease space, lot, or tract of land for 180 days or more.

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. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 11. 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 ____ TO ____, ON THIS THE 5TH DAY OF OCTOBER, 2015.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

ORDINANCE NO. _____

Page 5

Exhibit A
SUP Narrative
Development Plan
Conceptual Landscape Plan
Exterior Elevations



EXHIBIT A - SUP NARRATIVE

SITE PLANNING CIVIL ENGINEERING PLATTING
CONSULTANTS, INC.
LAND SURVEYING LANDSCAPE ARCHITECTURE

September 11, 2015

Mary Paron-Boswell
Senior Planner
City of Lewisville
151 W. Church Street
Lewisville, TX 75057

**RE: VARIANCE REQUESTS AND SUP NARRATIVE
Lot 1, Block B of the Hillside Office Park Addition
Variance Request Letter
G&A Job No. 15122**

Ms. Paron-Boswell:

Please accept this letter, on behalf of our client Texas-New Mexico Power, as an explanation of the Variance Requests for approximately .778 acres of land generally located at the southerly intersection of Hillside Drive and Office Park Circle in Lewisville.

TNMP performs Transmission Operator functional obligations primarily at its Alvin System Operations Center (ASOC) facility in Alvin, Texas. SOC functions can also be performed at Backup System Operations Center (BSOC) in Lewisville, Texas. Federal law (<https://federalregister.gov/a/2011-10266>) requires TNMP to have facilities for backup functionality in the event the primary Control Center becomes inoperable. Since July of 2008 TNMP has had a backup facility located within its Construction Center located at 1479 Justin Rd Lewisville, TX. However since that time TNMP has had more federal regulations thrust upon it by the North American Electric Reliability Corporation (NERC). The regulations that have had the most impact are the NERC Critical Infrastructure Protection (CIP) Reliability Standards that involve cyber security. The current generation of cyber security standards, CIP version 3, have resulting in the existing computing and cooling space at the Justin Rd facility to reach its limit. The upcoming generation of cyber security standards, CIP version 5, will result in TNMP exceeding the design limit of the existing facility. These standards become effective on 1 April 2016. The CIP cyber security standards both version 3 and version 5 require that only employees, vendors, or contractors with a need to these computing systems have unescorted access. This prevents TNMP from simply making room in any existing office space because the space would be unusable for most employees. In addition TNMP is deploying an Outage Management System (OMS) this year with the primary location in Alvin and the backup location in Lewisville at the Justin Rd facility. The system enables TNMP to more swiftly locate outages and restore power. The space used by operators for Transmission Operations and Distribution Operations that include OMS at the backup facility is at capacity as a result of this deployment. The project also calls for the backup facility to host more servers related to the OMS system in three years' time. More space and cooling capacity is needed to meet this objective.

TNMP is planning to renovate an existing building on the property at 819 Hillside Drive in Lewisville. The remodeled facility will be sized to address the projected computing space and cooling capacities needed

for at least the next ten years. Appropriate size control room spaces for both Transmission and Distribution Operations are part of the plans for the renovated facility. During an evacuation of the primary facility due to an imminent landfall of a hurricane or annual emergency drills the occupancy would be 24x7 with two to six people working during the evening and early morning hours. Occupancy during the day for a hurricane evacuation situation could be up to fourteen people. Other TNMP operations are being incorporated into this new renovated facility.

In summary TNMP will be able to maintain the same level of quality in Transmission and Distribution Operations at the renovated facility for years to come. The new facility will help TNMP maintain compliance with ever changing federal laws and mandates (e.g. NERC CIP, Presidential Policy Directive 21 (PPD-21), Executive Order (EO 13636 Improving Critical Infrastructure Cyber Security).

This site is currently zoned Light Industrial. We respectfully request the four (4) variance requests below:

1. In order to accommodate the existing site conditions, we would like to propose a landscape buffer of variable width in place of the required 10' landscape buffer. The proposed landscape buffer features a minimum width of 9 feet and a maximum width of 42 feet. The required 10 foot landscape buffer along Hillside Drive and Office Park Circle would have provided approximately 4,400 square feet of landscaping; we are providing approximately 7,200 square feet within the variable width buffer. See attached Exhibit EX1.
2. We would also like to request an elimination of the forty foot stacking requirement for all entrances to the site. The rear entrance from Office Park Circle appears to meet the 40 foot minimum stacking distance. However both front entrances, one on Office Park Circle and the other on Hillside Drive both are less than the minimum stacking distance. See attached Exhibit EX2.
3. We request to replace the required landscape strip trees along Office Park Circle from shade trees to be single trunk Crape Myrtle trees. There is an existing utility easement running in the landscape strip so the easement is very close to the building (within 3') and a shade tree would grow into the building façade. Also, the roots from a shade tree could grow into the utility lines within the easement possibly damaging them or any maintenance performed could damage the root system causing the tree to decline. Shade trees planted this close to the building could compromise the foundation causing it to possibly fail. This is an additional reason we are proposing Crape Myrtles. See attached Exhibit EX3.
4. We request a variance to the 20' drive radii. The existing curb radii do not meet current regulations and have been in place since the building was built in the 1980's. There is not sufficient space without losing some parking to install a drive radius to current standards. We are already very close on the parking with the shared parking agreement.

The Zoning Board of Adjustment approved our variance request for an encroachment into the 15' building setback on August 5th, 2015. The building was built only 13' off of Office Park Circle property line. The current plat has no building setback shown along Office Park Circle. See attached Exhibit EX4.

Hillside Office Park Addition – Variance Requests
September 11, 2015
Page 3 of 3

Enforcing these standards as required would cause undue hardship for our client, as the existing building limits the dimensions of the site.

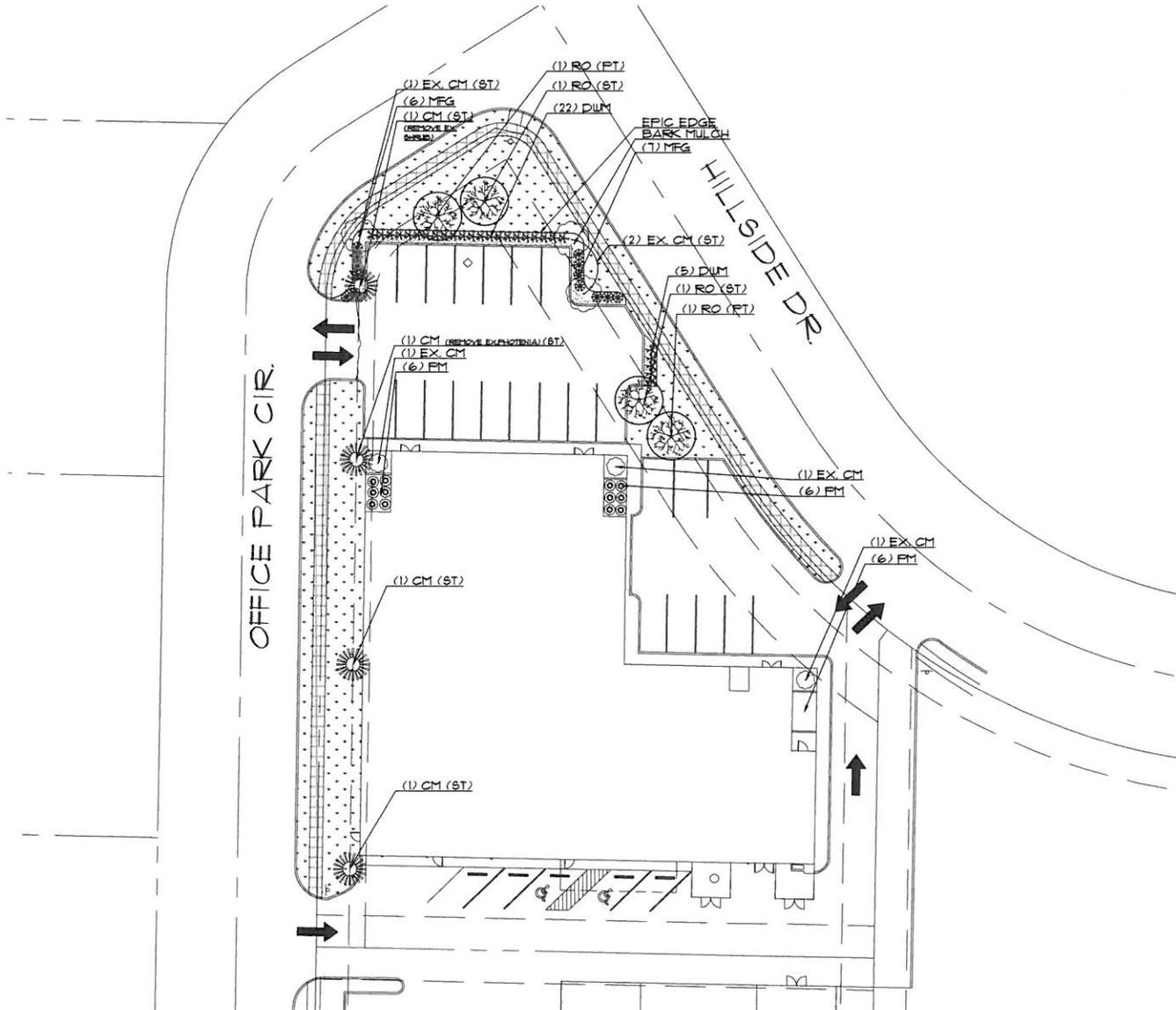
Thank you in advance for your consideration of these requests. Please do not hesitate to contact me with any questions or comments regarding this application.

Sincerely,



Randi L. Rivera, AICP

cc: Doug Weaver, PE
Keith Nix
Frank Hennie
Michael Malone



VARIANCE #1

Lot 1, Block B

Zoned LI

0.778 Acres

in the

J.W. KING SURVEY, ABSTRACT NO. A-696

CITY OF LEWISVILLE

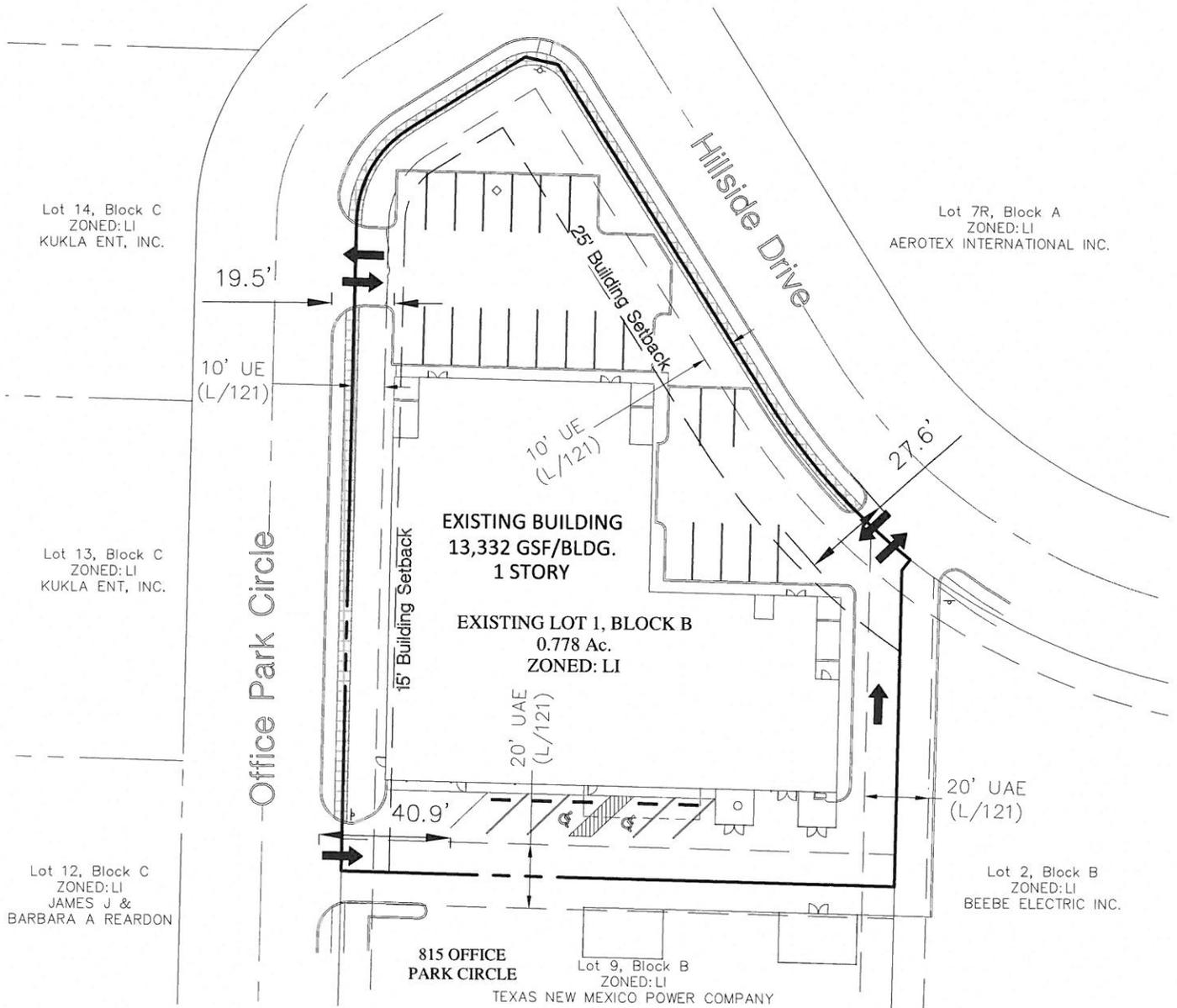
DENTON COUNTY, TEXAS

G & A SITE PLANNING CIVIL ENGINEERING PLATTING
CONSULTANTS, LLC
 LAND SURVEYING LANDSCAPE ARCHITECTURE

111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
 144 Old Town Blvd. North, Ste 2 • Argyle, TX 76226 • P: 940.240.1012 • F: 940.240.1028
 TBPE Firm No. 1798 TBPLS Firm No. 10047700



File: Z:\2015\15122\Drawings\Exhibit\15122_Zoning_Exhibit_Variences 1 & 3
 Plotted: 9/3/2015 9:41 AM, by William Swardlow, Saved: 9/3/2015 9:29 AM, by William



GENERAL NOTES

- XXX.

VARIANCE #2

Lot 1, Block B

Zoned LI

0.778 Acres

in the

J.W. KING SURVEY, ABSTRACT NO. A-696

CITY OF LEWISVILLE

DENTON COUNTY, TEXAS



SITE PLANNING CIVIL ENGINEERING PLATTING

CONSULTANTS, LLC

LAND SURVEYING LANDSCAPE ARCHITECTURE

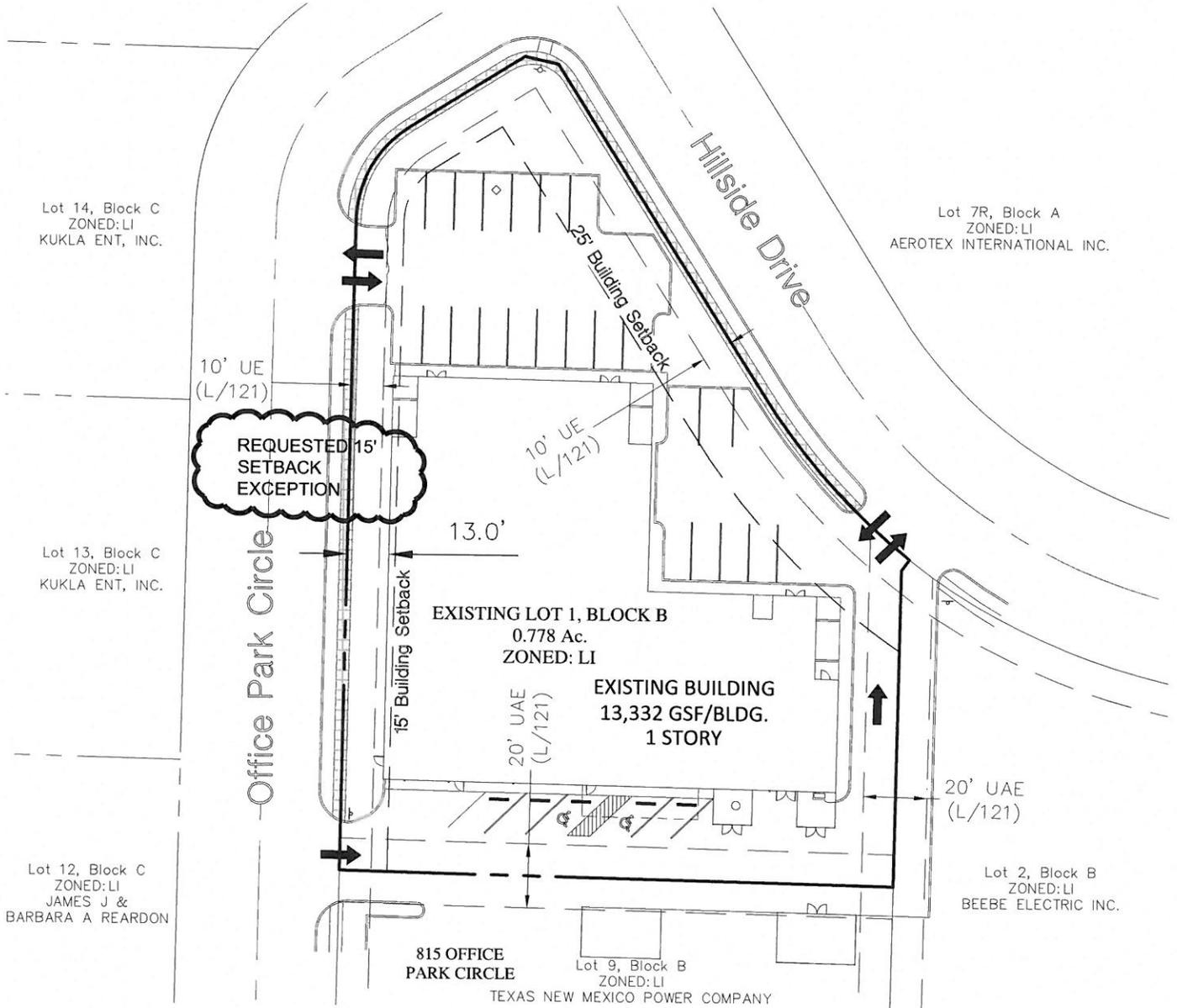
111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
144 Old Town Blvd. North, Ste 2 • Argyle, TX 76226 • P: 940.240.1012 • F: 940.240.1028

TBPE Firm No. 1798

TBPLS Firm No. 10047700



DRAWN BY: MLP DATE: 9/03/2015 SCALE: 1" = 50' JOB. NO. **15122**



GENERAL NOTES

- XXX.

VARIANCE #4
Lot 1, Block B
Zoned LI
0.778 Acres

in the
 J.W. KING SURVEY, ABSTRACT NO. A-696
 CITY OF LEWISVILLE
 DENTON COUNTY, TEXAS

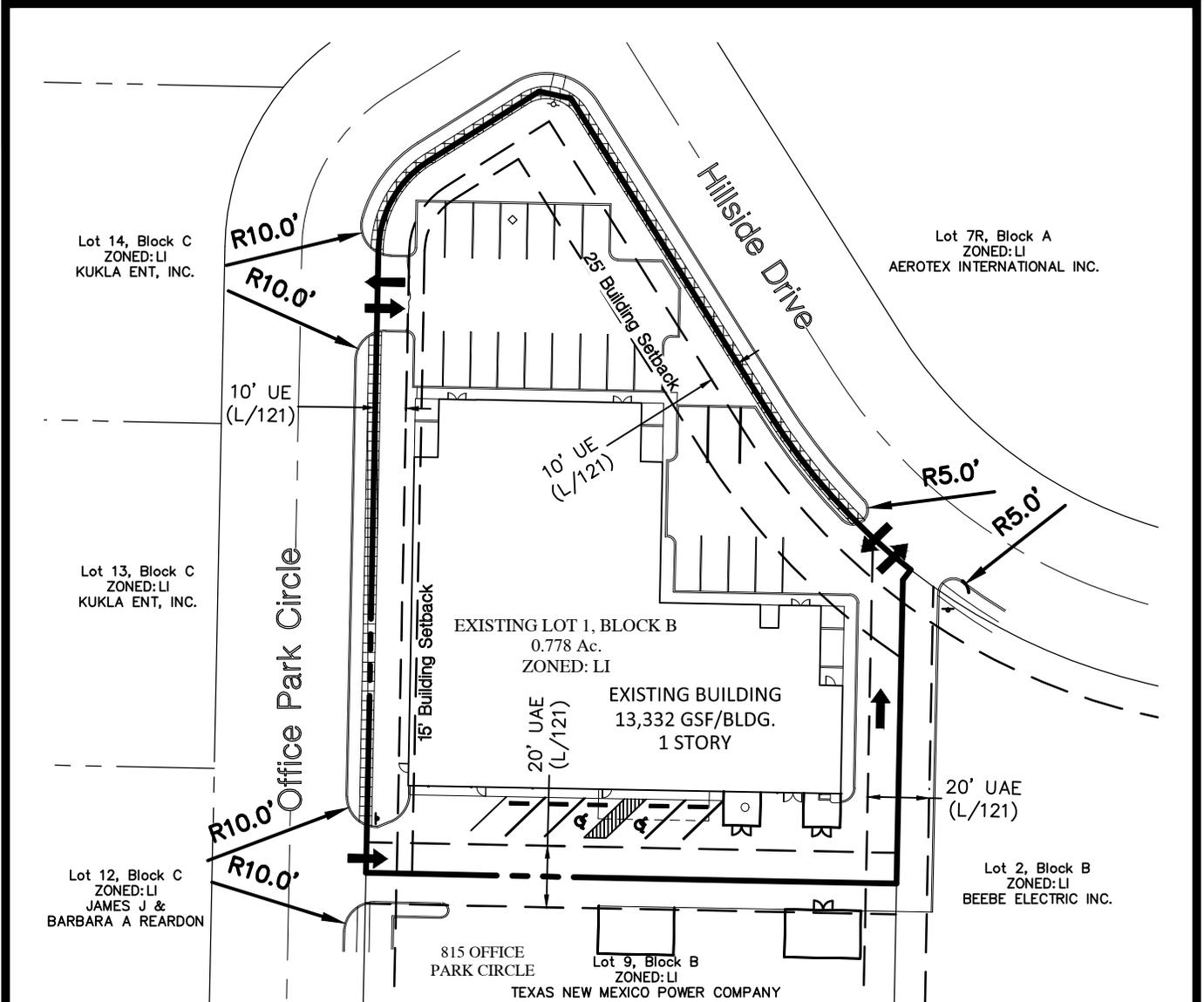


SITE PLANNING CIVIL ENGINEERING PLATTING
CONSULTANTS, LLC
 LAND SURVEYING LANDSCAPE ARCHITECTURE

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 144 Old Town Blvd. North, Ste 2 • Argyle, TX 76226 • P: 940.240.1012 • F: 940.240.1028
 TBPE Firm No. 1798 TBPLS Firm No. 10047700



DRAWN BY: MLP DATE: 9/03/2015 SCALE: 1" = 50' JOB. NO. **15122**



GENERAL NOTES

- 1. XXX.

VARIANCE #5

Lot 1, Block B

Zoned LI

0.778 Acres

in the

J.W. KING SURVEY, ABSTRACT NO. A-696

CITY OF LEWISVILLE

DENTON COUNTY, TEXAS



SITE PLANNING CIVIL ENGINEERING PLATTING
CONSULTANTS, LLC
LAND SURVEYING LANDSCAPE ARCHITECTURE



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144 Old Town Blvd. North, Ste 2 • Argyle, TX 76226 • P: 940.240.1012 • F: 940.240.1028
TBPE Firm No. 1798 TBPLS Firm No. 10047700

DRAWN BY: MLP DATE: 9/03/2015 SCALE: 1" = 50' JOB. NO. 15122

Lot 15, Block C
ZONED: LI
N.e. Interests Ltd

Lot 14, Block C
ZONED: LI
KUKLA ENT, INC.

Lot 13, Block C
ZONED: LI
KUKLA ENT, INC.

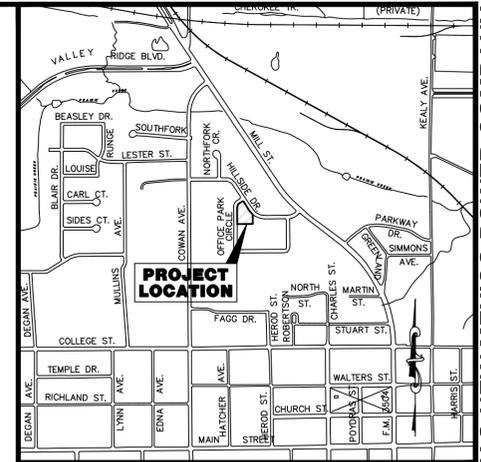
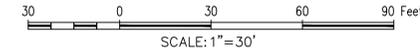
Lot 12, Block C
ZONED: LI
JAMES J & BARBARA A REARDON

Lot 11, Block C
ZONED: LI
JAMES J & BARBARA A REARDON

NOTES: NO SIDE SETBACKS LABELED ON PLAT. 15' BUILDING SETBACK ON OFFICE PARK CIRCLE HAS BEEN ADDED. ZONING BOARD OF ADJUSTMENT APPROVED ENCROACHMENT ON AUGUST 05, 2015.

THERE ARE NO RESIDENTIAL AREAS WITHIN A 240' RADIUS (3:1 RATIO) OF THE PROPOSED COMMUNICATIONS MONOPOLE

LEGEND	
RF	= REBAR FOUND
CRS	= CAPPED REBAR SET
CRF	= CAPPED REBAR FOUND
P.O.B.	= POINT OF BEGINNING
ROW	= RIGHT-OF-WAY
BL	= BUILDING LINE
PFE	= PRIVATE FIRE LINE EASEMENT
PDE	= PRIVATE DRAINAGE EASEMENT
UE	= UTILITY EASEMENT
UAE	= UTILITY & ACCESS EASEMENT
MAE	= MUTUAL ACCESS EASEMENT
SSE	= SANITARY SEWER EASEMENT
WLE	= WATER LINE EASEMENT
PE	= PIPELINE EASEMENT



Vicinity Map 1"=1000'

SITE DATA TABLE	
PHYSICAL ADDRESS	819-821 HILLSIDE DRIVE
GROSS SITE AREA	0.778 AC; 33,877 SF
NET SITE AREA	0.778 AC; 33,877 SF
EXISTING ZONING	LI
PROPOSED ZONING	SUP FOR MONOPOLE TOWER
CURRENT USE	VACANT
PROPOSED USE	OFFICE
BUILDING SUMMARY	
BUILDING SQUARE FEET PER FLOOR	13,332 SF
NUMBER OF STORIES / BUILDING HEIGHT	1 STORY
GROSS BUILDING AREA	13,332 SF
BUILDING MATERIALS	CONCRETE
PARKING SUMMARY	
REQUIRED PARKING	75 SPACES
PROVIDED PARKING	82 SPACES
HANDICAP PARKING	4 SPACES

VARIANCES

- In order to accommodate the existing site conditions, we would like to propose a landscape buffer of variable width in place of the required 10' landscape buffer.
- We would also like to request an elimination of the forty foot stacking requirement for all entrances to the site.
- Replace required landscape strip trees along Office Park Circle from shade trees to be single trunk crape myrtles.
- The Zoning Board of Adjustment approved the variance request for the existing encroachment into the required 15-foot building setback dated August 05, 2015.
- We request a variance to the 20' drive radii.

PARKING CALCULATIONS

819 HILLSIDE DRIVE
BUILDING AREA: 13,332 SF
REQUIRED SPACES
OFFICE 10,797 SF/250 SF = 44 SPACES
WAREHOUSE 2,535 SF/1,000 SF = 3 SPACES
TOTAL REQUIRED = 47 SPACES
TOTAL PROVIDED = 27 SPACES
ACCESSIBLE PARKING PROVIDED = 2 SPACES

815 OFFICE PARK CIRCLE
BUILDING AREA: 7,200 SF
REQUIRED SPACES
OFFICE 5,215 SF/200 SF = 26 SPACES
WAREHOUSE 1,985 SF/1,000 SF = 2 SPACES
TOTAL REQUIRED = 28 SPACES
TOTAL PROVIDED = 55 SPACES
ACCESSIBLE PARKING PROVIDED = 2 SPACES

SHARED PARKING
TOTAL REQUIRED = 75 SPACES
TOTAL PROVIDED = 82 SPACES
ACCESSIBLE PARKING PROVIDED = 4 SPACES

DEVELOPMENT PLAN
TEXAS-NEW MEXICO POWER COMPANY
Lot 1, Block B
0.778 Acres
Zoned LI
in the
J.W. KING SURVEY, ABSTRACT No. A-696
CITY OF LEWISVILLE
DENTON COUNTY, TEXAS

PRELIMINARY PLANS

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.
G&A CONSULTANTS, F-1798
DOUGLAS W. WEAVER,
P.E. #117386
DATE 9/8/2015

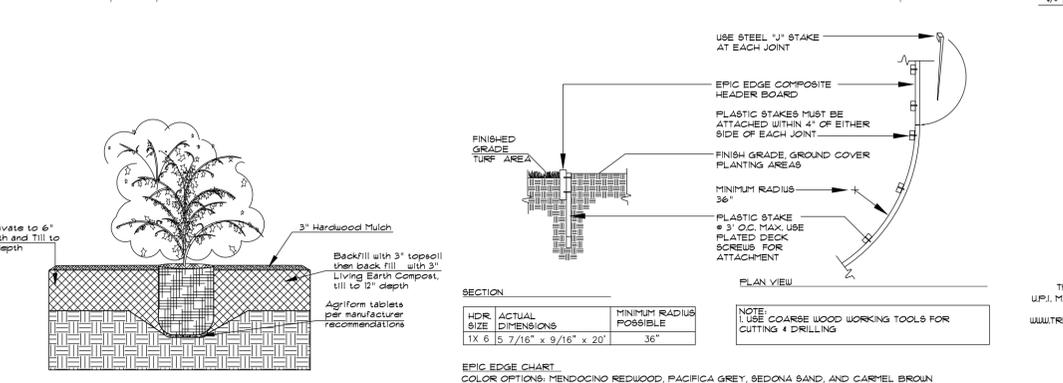
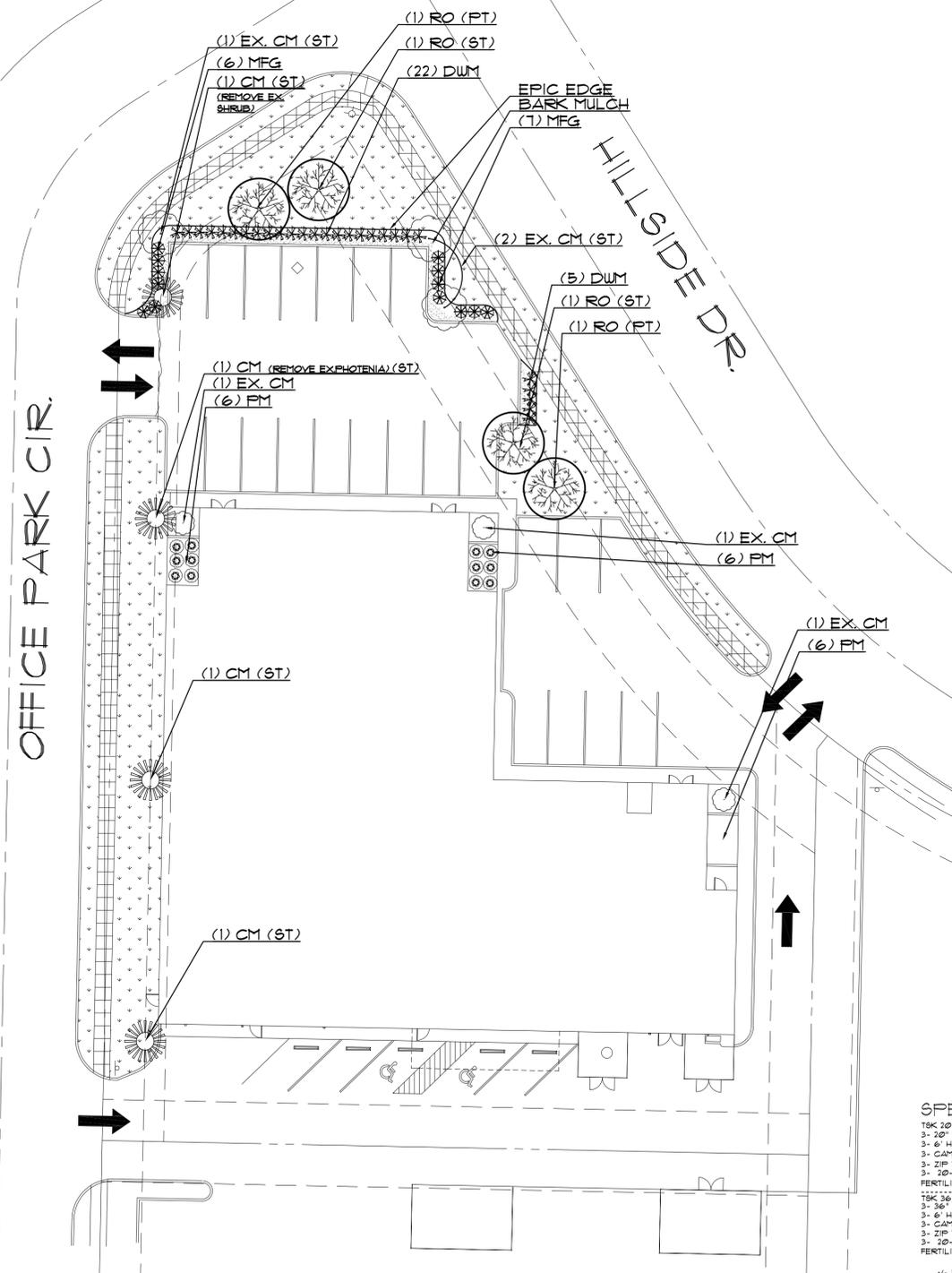
OWNER/DEVELOPER
TEXAS-NEW MEXICO POWER COMPANY
1479 FM 407
LEWISVILLE, TX 76077
Ph. (972) 317-5542
Contact: FRANK HENNIE

Revisions:

G&A CONSULTANTS, LLC
LAND SURVEYING LANDSCAPE ARCHITECTURE
111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
144 Old Town Blvd. North, Ste 2 • Argyle, TX 76226 • P: 940.240.1012 • F: 940.240.1028
TBPE Firm No. 1798 TBPLS Firm No. 10047700

DP 1 OF 2

DRAWN BY: MLP Date: 09/08/2015 SCALE: 1"=30' JOB No. 15122



1. SHRUB DETAIL
NOT TO SCALE

2. EPIC EDGE COMPOSITE HEADER BOARD DETAIL #210
NOT TO SCALE
Bella Board is intended for non-structural use only.

3. TREE STAKING
NOT TO SCALE

**City of Lewisville
LANDSCAPE REQUIREMENTS COMPLIANCE**

Landscape Strip:
A landscape strip shall be provided adjacent to all public and private streets. The landscape strip shall be a minimum of 10 feet, exclusive of street right-of-way.
Required- minimum 10' width
Provided- variable width as per existing conditions

Street Trees:
Within the landscaped strip, one shade tree (2 1/2" caliper minimum) shall be provided per five hundred square feet of required landscape strip.
Required- l.f. frontage (times) 10' (divided by) 500
Hillside Dr. - 170 l.f. (10) / 500 = 2 new trees + 2 EX. CM = 4 trees
Office Park - 243 l.f. (10) / 500 = 4 new trees + 1 EX. CM = 5 trees
Provided- Total Street Buffer Trees
9 trees (min. 2 1/2" cal.)

PARKING LOT TREES:
Interior parking areas shall be landscaped in addition to the required landscaped strip. Trees must be provided in each parking lot at a minimum average density of one shade tree (3" caliper minimum) for each 15 parking spaces

Required: 27 new parking spaces (divided by) 15= (2) trees
Provided: (2) new trees (placed and labeled on plan as "PT")

Parking Lot Screening:
Where parking lots and drives abut the landscape strip along street right-of-way, evergreen shrubs must be provided for screening. The screening must be a minimum of 2'- high and extend along the entire street frontage of the parking lot. If a parking lot is located 50' from the street R.O.W. line, no shrubs will be required.

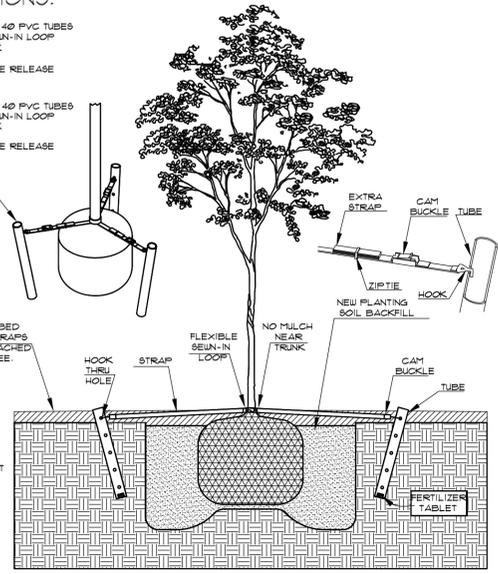
Required- 2' high screening shrubs
Provided- 2' high screening shrubs where existing conditions allowed

*All landscape shall be 100% watered by underground automatic irrigation system. Irrigation system shall have a freeze sensor. Contractor to ensure that all existing irrigation is operable, restored and meets all of TCEQ requirements. Any new irrigation will be added to existing system if applicable.

QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	MIN. HT.	SPACE	REMARKS
4	RED OAK	<i>Quercus shumardii</i>	3"	10'-12'	Per Plan	Single Trunk
4	CRAFEMYRTLE	<i>Lagerstroemia indica</i>	3"	7'-8'	Per Plan	Full
27	DWARF WAX MYRTLE	<i>Morella pusilla</i>	3gal.	30"	3'-0"	Full
13	MEXICAN FEATHER GRASS	<i>Nassella tenuisima</i>	3gal.	18"	3'-0"	Full
18	PINK MUHLY	<i>Muhlenbergia capillaris</i>	3gal.	24"	3'-0"	Full

SPECIFICATIONS:

- TSK 20**
 3- 20' PERFORATED SCH. 40 PVC TUBES
 3- 6" HARNESSES WITH SEUN-IN-LOOP
 3- CAM BUCKLES W/ HOOK
 3- ZIP TIES
 3- 20-10-15 2 YEAR TIME RELEASE FERTILIZER TABLETS
- TSK 36**
 3- 36" PERFORATED SCH. 40 PVC TUBES
 3- 6" HARNESSES WITH SEUN-IN-LOOP
 3- CAM BUCKLES W/ HOOK
 3- ZIP TIES
 3- 20-10-15 2 YEAR TIME RELEASE FERTILIZER TABLETS
- 4- 120 DEG. APART**



USE STEEL 1/2" STAKE AT EACH JOINT

EPIC EDGE COMPOSITE HEADER BOARD

PLASTIC STAKES MUST BE ATTACHED WITHIN 4" OF EITHER SIDE OF EACH JOINT.

FINISH GRADE GROUND COVER PLANTING AREAS

MINIMUM RADIUS 36"

PLASTIC STAKE # 3" O.D. MAX. USE PLATED DECK SCREWS FOR ATTACHMENT

SECTION

HDR.	ACTUAL SIZE DIMENSIONS	MINIMUM RADIUS POSSIBLE
1X	6 5/8" x 9 1/8" x 20"	36"

NOTE:
1. USE COARSE WOOD WORKING TOOLS FOR CUTTING & DRILLING

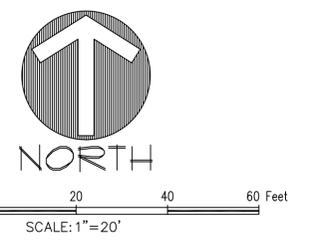
TREE STABILIZER KIT
U.P.I. MANUFACTURING, L.P.
800-691-1148
WWW.TREESTABILIZER.COM

LANDSCAPE NOTES:

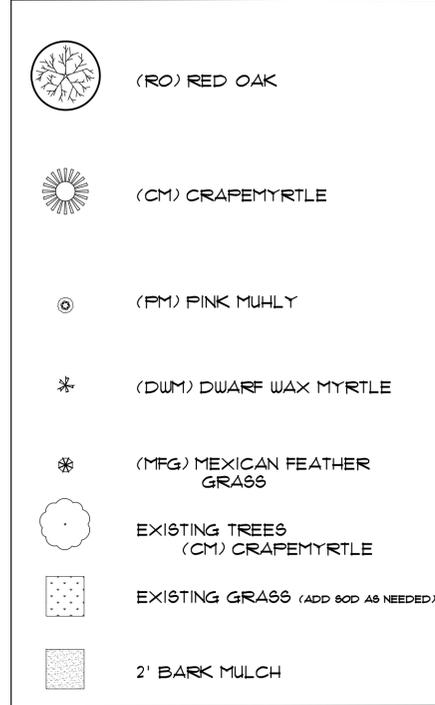
- Contractor shall stake out tree locations and bed configuration for approval approval by owner prior to installation.
- Contractor is responsible for verifying location of all underground utilities prior to construction.
- It is the responsibility of the contractor to advise the owners representative of any condition found on site which prohibits installation as shown on these plans.
- All shrub and groundcover beds shall have a minimum of 3" of hardwood bark mulch.
- Landscape edging shall be located as noted on plan.
- Trees overhanging walks and parking areas shall have a clear trunk height of seven feet.
- Multi trunk and ornamental trees will be allowed in the city's right of way with staff approval only. Must be outside any visibility triangles.
- A visibility triangle must be provided at all intersections as required by the thoroughfare standards code. Trees will have a minimum clear trunk branching height of nine feet.
- All plant material shall be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed, or removed.
- Landscape areas shall be kept free of trash, litter and weeds.
- An automatic irrigation system shall be provided to maintain all landscape areas. Over spray on streets and walks is prohibited. A permit from the building inspection department is required for such irrigation system. Impact fees must be paid to the development services department for separate irrigation meters prior to any permit release.
- Irrigation Controller to have a Rain and Freeze Stat.
- All landscape is to be greater than 8 feet from all underground utilities.
- All areas of grading disturbance are to have grass reestablished at 75% coverage prior to letter of acceptance from the city. Means and methods of grass establishment and application of water for grass establishment are at the discretion of the owner and contractor.

NOTE-CONTACT DIGTESS FOR LOCATION OF ALL UNDERGROUND UTILITIES.

NOTE- RETROFIT EXISTING IRRIGATION TO INSURE 100% WATER COVERAGE WITH NEW LANDSCAPE DESIGN.



PLANT LEGEND



CONCEPTUAL LANDSCAPE PLAN
 Lot 1, Block B
 0.778 Acres
 in the
 J.W. KING SURVEY, ABSTRACT NO. A-696
 CITY OF LEWISVILLE
 DENTON COUNTY, TEXAS

CONCEPTUAL LANDSCAPE PLAN

15122

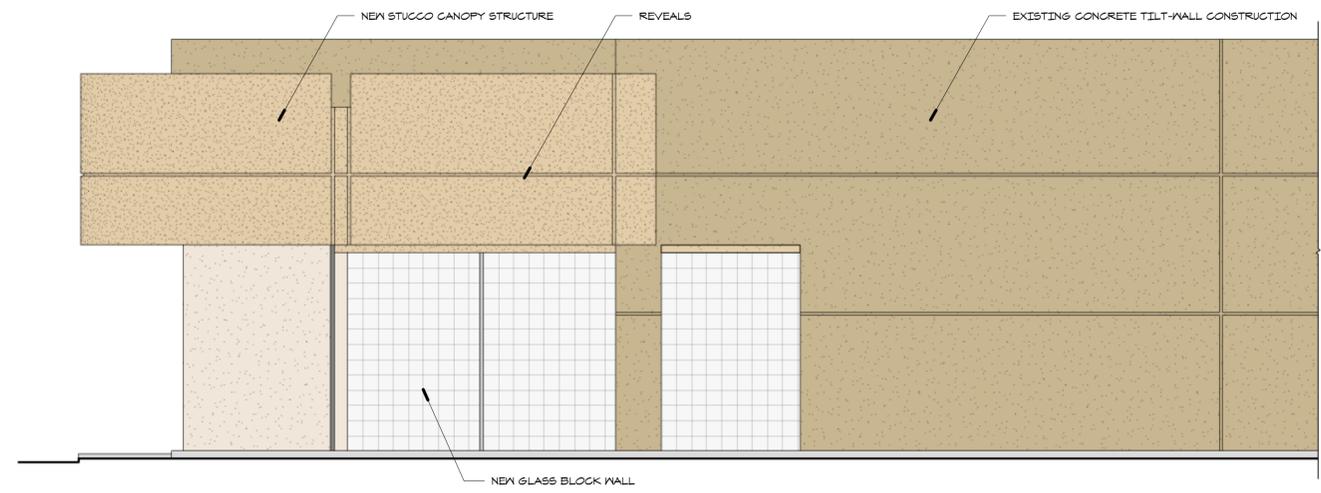
L1.0

OWNER/DEVELOPER
 TEXAS-NEW MEXICO
 POWER COMPANY
 1479 FM 407
 LEWISVILLE, TX 75077
 Ph. (972) 317-5542
 Contact: FRANK HENNIE

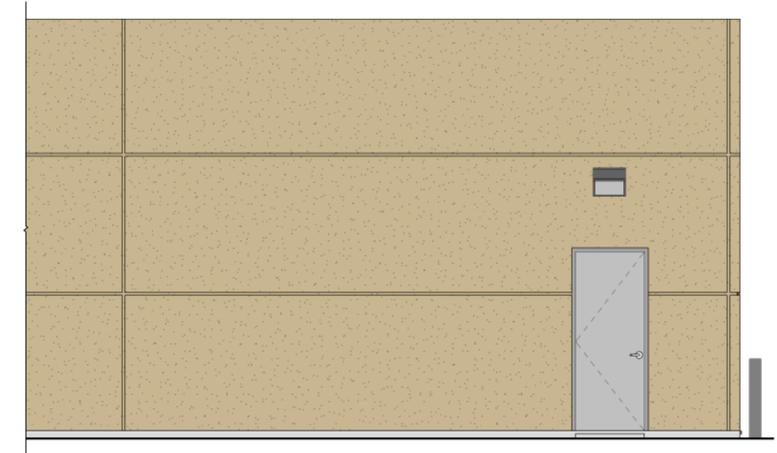
PRELIMINARY PLANS
 THIS DOCUMENT IS FOR CONSTRUCTION REVIEW
 AND IS NOT INTENDED FOR BIDDING OR PERMIT
 APPLICABLE
 RON STEWART LANDSCAPE ARCHITECT
 STATE OF TEXAS
 DATED 8/27/2015

Drawn By: RLS
 Date: 07/02/15
 Scale: 1"=20'
 Revisions:

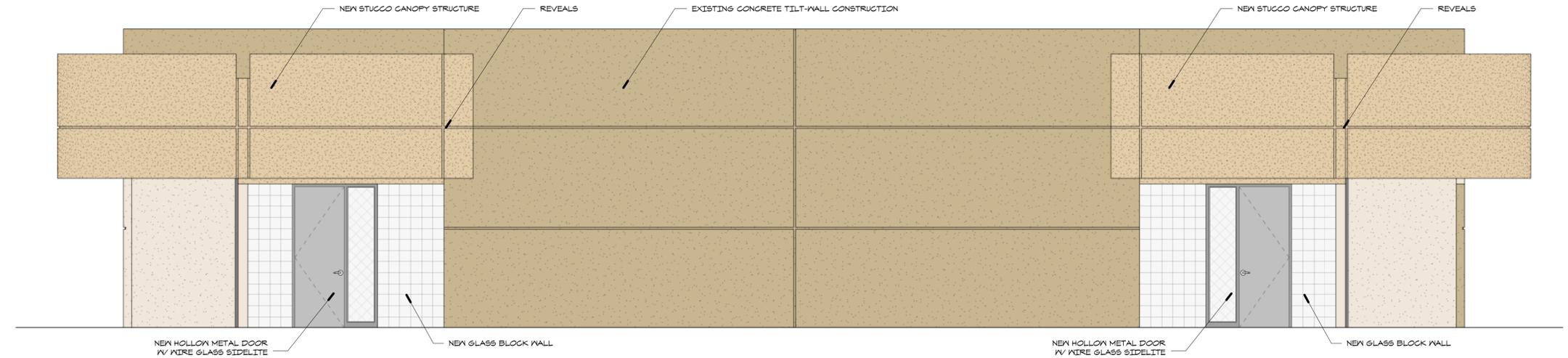
SITE PLANNING CIVIL ENGINEERING PLANNING
CONSULTANTS, LLC
 LAND SURVEYING LANDSCAPE ARCHITECTURE
 111 Hillside Drive - Lewisville, TX 75057 - P: 972.488.9712 - F: 972.488.9715
 611 Dallas Drive, Suite 114 - Rowlett, TX 75082 - P: 982.251.9712 - F: 817.680.4043
 TPE Firm No. 178



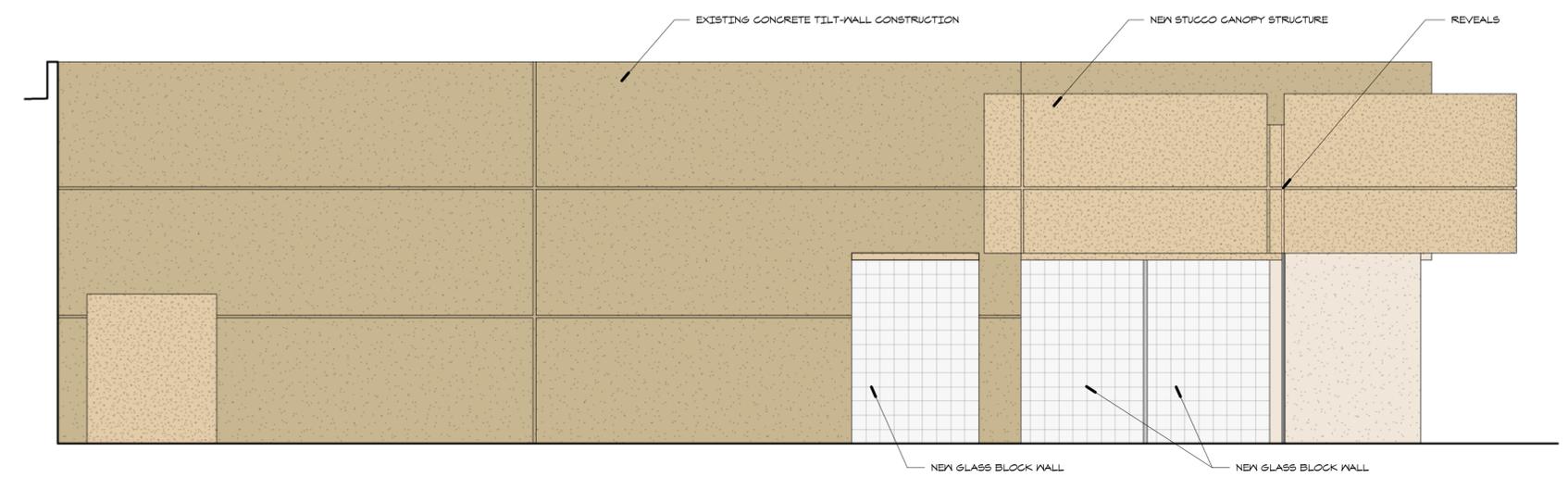
4 WEST ELEVATION
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION
SCALE: 1/4" = 1'-0"



1 SITE PLAN
SCALE: 1/32" = 1'-0"

Malone Maxwell Borson Architects
P 214-969-5440
WWW.MMBARCHITECTS.COM
718 NORTH BUCKNER BOULEVARD
SUITE 400
DALLAS, TEXAS 75218

TNMP - HILLSIDE
814 HILLSIDE DR.
LEWISVILLE, TX 75057

GENERAL NOTES:
NOT FOR REGULATORY APPROVAL OR PERMITTING OR CONSTRUCTION
24 MAR 2015

SET ISSUE DATES	
DATE	ISSUE
01.27.15	SD SET
02.27.15	DD SET
03.24.15	PERMIT SET

REVISIONS		
NO.	DATE	DESCRIPTION

CANOPY ELEVATIONS
SHEET NO.

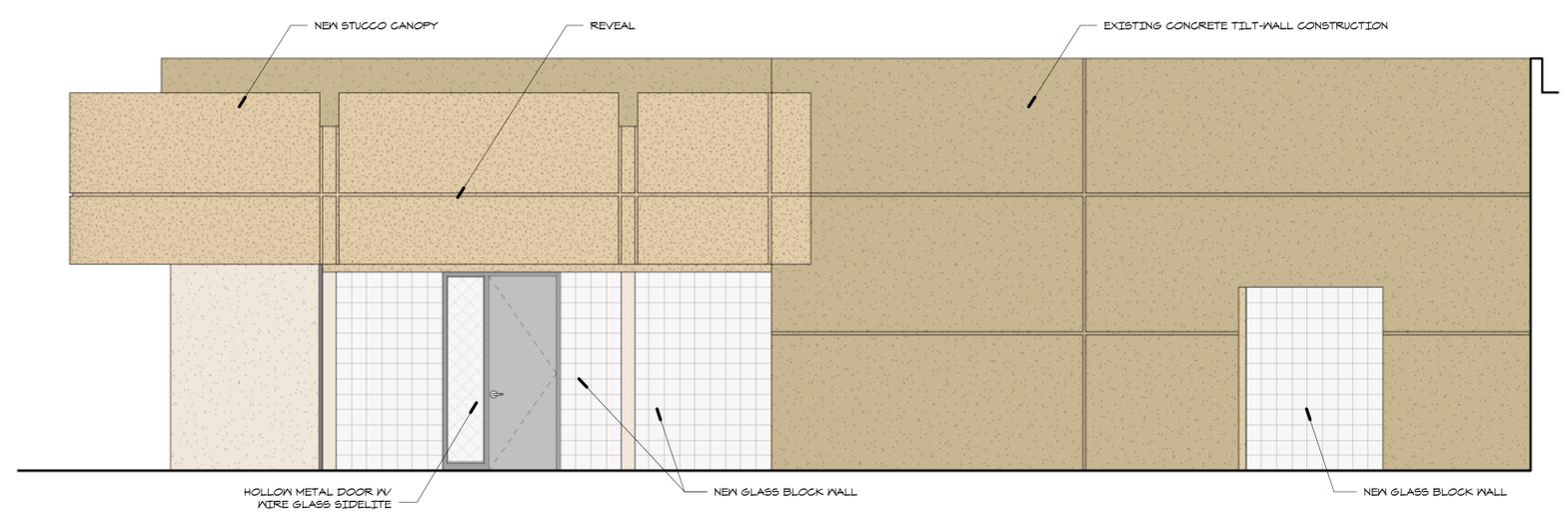
SD06
OF

PROJECT NO. 14016
DATE 07/29/2015

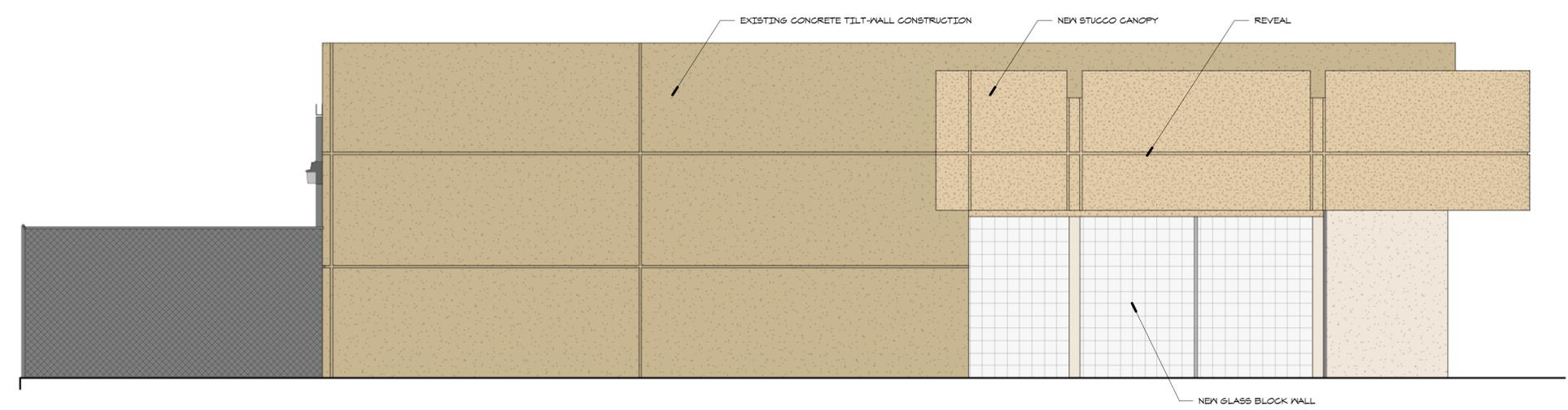


P 214-969-5440
 WWW.MMBARCHITECTS.COM
 718 NORTH BUCKNER BOULEVARD
 SUITE 400
 DALLAS, TEXAS 75218

TNMP - HILLSIDE
 814 HILLSIDE DR.
 LEWISVILLE, TX 75057



2 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



1 EAST ELEVATION
 SCALE: 1/4" = 1'-0"

GENERAL NOTES:



SET ISSUE DATES	
DATE	ISSUE
01.27.15	SD SET
02.27.15	DD SET
03.24.15	PERMIT SET

REVISIONS		
NO.	DATE	DESCRIPTION

CANOPY ELEVATIONS
 SHEET NO.

SD07
 OF

PROJECT NO. 14016
 DATE 07/29/2015

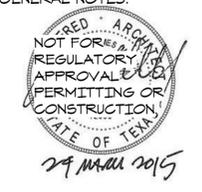


P 214-969-5440
 WWW.MMBARCHITECTS.COM
 718 NORTH BUCKNER BOULEVARD
 SUITE 400
 DALLAS, TEXAS 75218

TNMP - HILLSIDE

814 HILLSIDE DR.
 LEWISVILLE, TX 75057

GENERAL NOTES:



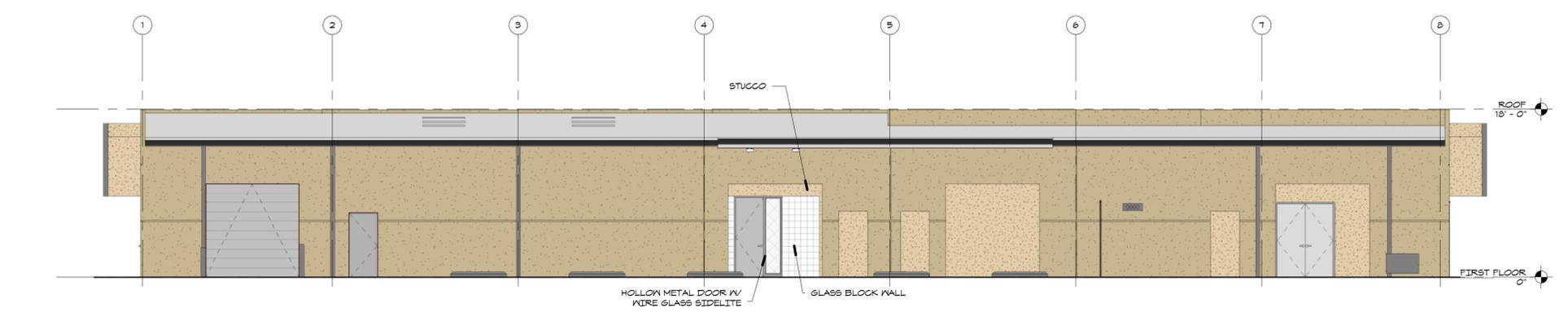
SET ISSUE DATES	
DATE	ISSUE
01.27.15	SD SET
02.27.15	DD SET
03.24.15	PERMIT SET

REVISIONS		
NO.	DATE	DESCRIPTION

ELEVATIONS
 SHEET NO.

SD09
 OF

PROJECT NO. 14016
 DATE 07/29/2015



1 SOUTH ELEVATION
 SCALE : 1/8" = 1'-0"



3D VIEW - NORTHEAST CORNER

Malone Maxwell
Borson Architects

P 214-969-5440
WWW.MMBARCHITECTS.COM
718 NORTH BUCKNER BOULEVARD
SUITE 400
DALLAS, TEXAS 75218

TNMP - HILLSIDE

814 HILLSIDE DR.
LEWISVILLE, TX 75057

GENERAL NOTES:



SET ISSUE DATES	
DATE	ISSUE
01.27.15	SD SET
02.27.15	DD SET
03.24.15	PERMIT SET

REVISIONS		
NO.	DATE	DESCRIPTION

3D VIEW

SHEET NO.

SD08
OF

PROJECT NO. 14016
DATE 07/29/2015

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Karen Emadiazar, Utilities Manager

VIA: Carole Bassinger, Director of Public Services

DATE: September 24, 2015

SUBJECT: **Approval of the Contract Award for the Elevated Tank No. 3 Interior and Exterior Repaint/Overcoat Project to J. R. Stelzer Company, Lincoln, Nebraska, in the Amount of \$1,562,212.05; and Authorization for the City Manager to Execute the Contract.**

BACKGROUND

Surface and structural inspections of the Feaster Water Plant and Elevated Storage Tanks were conducted in 2013 to determine current conditions and immediate needs. Based on Birkhoff, Hendricks and Carter's engineering report findings, the #3 Elevated Storage Tank (a 2.5 million gallon located at Valley Parkway and FM3040 would require extensive internal structural repairs in addition to repainting of the tanks interior and exterior. This project includes provisions for surface preparation, blasting and coating of the interior and exterior surfaces and includes the removal, containment and disposal of the debris and spent media; removal and installation of the roof hatch, a fiberglass manway door, electrical system upgrades, a handrail, a dry riser ladder, a tank mixing system, sample port system, a tank vent, obstruction and emergency lights; welding services to repair the existing structure; tank disinfection and repainting of the City's logo. The previous repaint/repair was performed in 1997 with complaints received from residents adjacent to the tank.

ANALYSIS

Eight proposals were received on August 27, 2015. Proposals were evaluated based on a weighted metric composed of the proposed cost, contractor experience, and quality of work. This selection process was used to select the best responsible bid considering the limitations in time for access to this tank; protection of the City's drinking water and infrastructure; and ensuring best management practices and methodology to meet quality standards by the July 29, 2016 project deadline. Provisions within the specifications have been modified since the 1997 project to reduce the number of complaints. Based on the committee's evaluation, J. R. Stelzer of Lincoln, Nebraska was selected for repair and repainting of the #3 Elevated Storage Tank. Funding is available in the Capital Improvement Project accounts.

Subject: Approval of RFP 15-44-C
September 24, 2015
Page 2

RECOMMENDATION

It is City staff's recommendation that the City Council approve the contract award as set forth in the caption above.



SCALE: 1"=200'

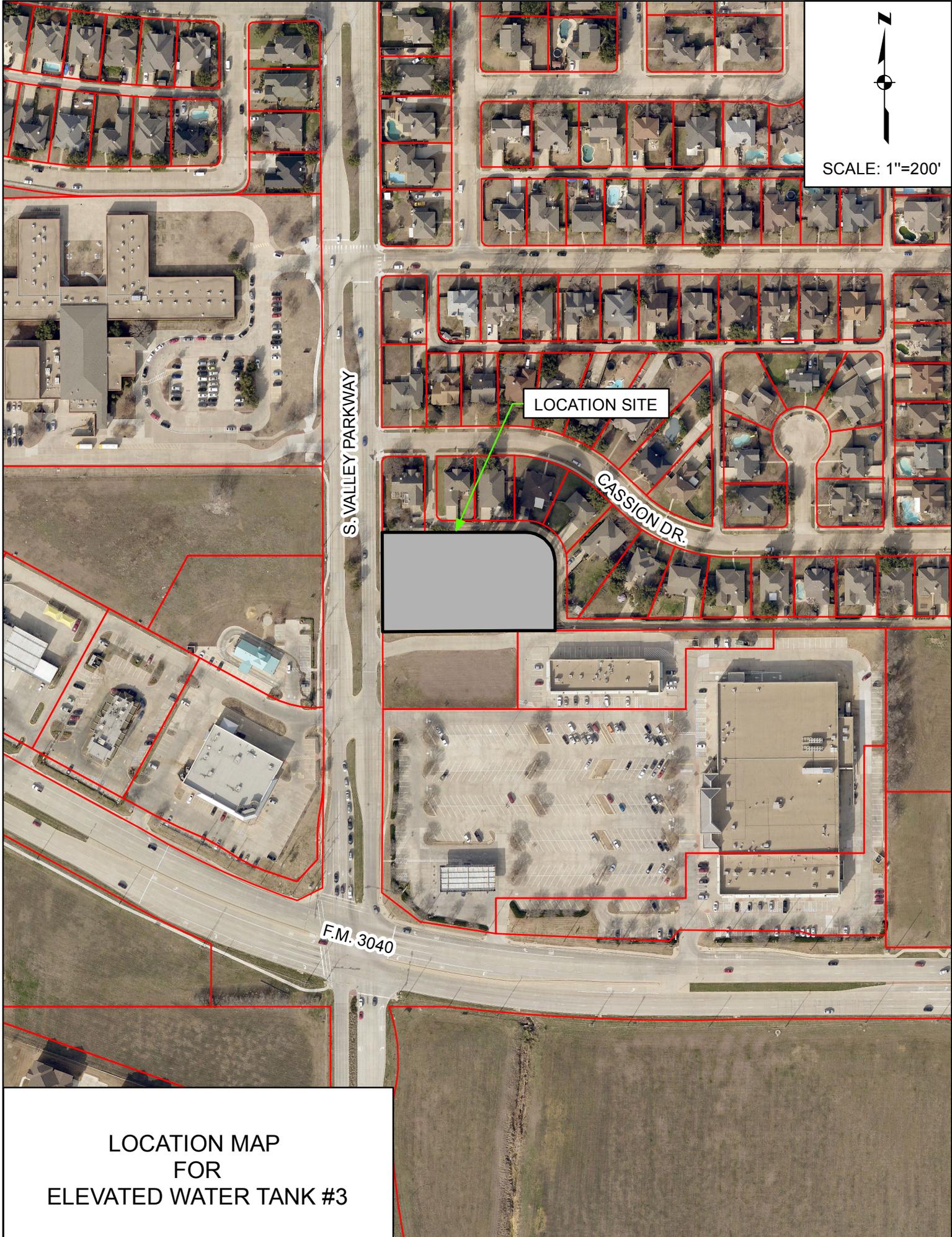
S. VALLEY PARKWAY

LOCATION SITE

CASSION DR.

F.M. 3040

LOCATION MAP
FOR
ELEVATED WATER TANK #3



MEMORANDUM

TO: Donna Barron, City Manager

FROM: Steve Bacchus, Assistant City Manager

DATE: September 30, 2015

SUBJECT: **Approval of Change Order No. 1 in the Amount of \$232,485 With Cooper General Contractors to Install a Natural Gas Supply Line to Service Fire Station 6; and Authorization for the City Manager to Execute the Change Order.**

BACKGROUND

Council awarded the remodel project for Fire Station 2 (Old Town) and 6 (Midway/FM 544) on March 16, 2015 to Cooper General Contractors. The project also included the expansion of Station 6 to accommodate a truck company in FY 17/18. The use of liquefied propane was used in the station for cooking, heating and hot water supply. A 1,000 gallon propane tank was installed onsite during original construction in 2006. With the expansion, additional propane storage would have been warranted. With the expense of liquefied propane and delivery concerns during extreme cold weather events, staff reviewed the possibility to provide a more permanent and reliable gas supply by installing natural gas service to the station.

ANALYSIS

Cooper General Contractors has submitted a change order in the amount of \$232,485 to install the required six (6 inch) Atmos Energy natural gas line. Atmos Energy will reimburse the oversize portion of the gas line upon completion, which is estimated to be \$30,000. The payback for cost and use of natural gas service versus propane supply is approximately 11 years and reduces any concerns for delivery during extreme weather condition. The contractor has requested additional 5 calendar days to the contract schedule. The new scheduled completion date for Station 6 per the contractor is January 24, 2016. Funding is available in the Capital Project account.

RECOMMENDATION

It is City staff's recommendation that the City Council approve Change Order No. 1 as set forth in the caption above.



MEMO

DATE: October 1, 2015

TO: Division Chief Steve Carter
City of Lewisville

ADDRESS: 188 N. Valley Park Way
Lewisville, TX 75067

FROM: Carol Kesler, AIA
Project Architect

RE: Fire Station No. 6: Change Order 01 – Installation of new natural gas main

BRW PROJECT NO: 214092.00

CC: File

MESSAGE:

We have reviewed the proposed pricing dated May 12, 2015 from Cooper General Contractors for the installation of a new natural gas main to Fire Station No. 6, find it to be fair and reasonable, and recommend approval. Additionally, given the proposed installation duration, we recommend construction on the gas main begin as soon as possible to restore heat to the building before the onset of winter and mitigate the risk of the water freezing and rupturing the building's pipes.

At the request of the City, as part of our pricing review we have performed a low level Return on Investment (ROI) analysis of providing natural gas in lieu of propane to Station 6. This is very broad brush as we are projecting energy use on a building that's not yet built and we don't have all the information we usually do when we perform an energy analysis. No building energy modeling has been performed. Analysis assumptions are based on City provided propane costs for last year, existing equipment estimated efficiencies and capacities, new added equipment specified efficiencies and capacities, the average number of heating degree days for the DFW area, as well as average propane and natural gas pricing and energy cost escalation factor projections for this region as extrapolated by the U.S. Energy Information Administration.

The expanded Fire Station No. 6's projected energy use of natural gas and propane compared side by side indicate the annual natural gas costs would be about 75% less than that of propane, which would be a savings of about \$16,000 the first year. We estimate the breakeven point for the investment in natural gas in lieu of propane to the building would be in about 11 years. Calculations assume the upfront base construction cost from Cooper is \$211,350.00, and a first year minimum reimbursement from Atmos Energy, estimated by the City based on recent experience, will be \$30,000. In conjunction with this initial reimbursement from Atmos Energy, additional reimbursements are possible, and as energy costs rise, the annual cost savings of using natural gas in lieu of propane would increase correspondingly.

Please let us know if you have any questions or need anything further. Thank you.

CONTRACT CHANGE ORDER

PROJECT:
LEWISVILLE FIRE STATION No. 6
 2120 Midway Road
 Lewisville, Texas 75056

CHANGE ORDER NO.: 01

DATE OF ISSUANCE: October 1, 2015

TO GENERAL CONTRACTOR:
Cooper General Contractors
 1225 E. Crosby Road, Suite A-1
 Carrollton, Texas 75006

ARCHITECT'S PROJECT NO: 214092.00

CONTRACT FOR: General Construction

THE CONTRACT IS CHANGED AS FOLLOWS:

ITEM	DESCRIPTION OF REVISIONS	AMOUNT
1.01	Install new natural gas main per Proposal Request item 1.01	\$232,485.00
	Total	\$232,485.00

NOT VALID UNTIL SIGNED BY ARCHITECT, GENERAL CONTRACTOR, AND OWNER.

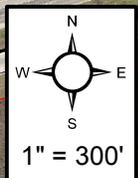
This Change Order is specific and final as to price and extension of time, with no reservations or other provisions allowing for future additional money or time as a result of the particular changes identified and fully compensated in this Change Order. Signature of the General Contractor indicates his agreement herewith, including adjustments to the contract term and contract time.

The Original Contract amount was..... \$2,128,297.50
 The net change by previously authorized Change Orders was\$0.00
 The Contract amount prior to this Change Order was \$2,128,297.50
 The Contract total will be increased by this Change Order in the amount of\$232,485.00
 The new Contract amount, including this Change Order will be**\$2,360,782.50**

The original contacted Substantial Completion date: December 7, 2015
 The Contract Time had been changed by Contingency Expenditures 1 - 6 for a total of: 43 Days
 The Contract Time will be changed by this Change Order by: 5 Days
 The date of Substantial Completion as of the date of this Change Order is: January, 24, 2016

Authorized:

<u>Brown Reynolds Watford Architects, Inc.</u>	<u>Cooper General Contractors</u>	<u>City of Lewisville</u>
ARCHITECT	GENERAL CONTRACTOR	OWNER
<u>3535 Travis Street; Suite 250</u>	<u>1225 E. Crosby Road</u>	<u>151 W. Church St.</u>
<u>Dallas, TX 75204</u>	<u>Carrollton, TX 75006</u>	<u>Lewisville, TX 75057</u>
ADDRESS	ADDRESS	ADDRESS
(Signature)	<i>John Weedon</i> (Signature)	(Signature)
BY <u>Gary Devries, AIA</u>	BY <u>John Weedon</u>	BY <u>Donna Barron, City Manager</u>
DATE	DATE <u>10.1.15</u>	DATE



LOCATION MAP
FOR
FIRE STATION # 6

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Cleve Joiner, Director of Neighborhood Services

VIA: Eric Ferris, Assistant City Manager

DATE: October 5, 2015

SUBJECT: **Consideration of a Variance to the Lewisville City Code, Chapter 6, Article VIII, Section 6-162 – Parking Requirements Based on Use, Relating to the Residence Located at 948 Boxwood Drive, as Requested by Tamela Baggett, the Property Owner.**

BACKGROUND

The single family residence in the Sylvan Creek Subdivision was built in 1984 with a front entry attached two car garage. The property owner purchased the residence in 2000 and desires to convert the garage to a living space in order to provide bedrooms for their grandchildren as they have significant needs that require assistance. Garage conversions have been allowed off and on for a number of years. Since that time, the City Code has been amended disallowing garage conversions unless the equivalent of the garage can be reconstructed on the same lot. Staff has determined that an addition to the house; in lieu of the garage conversion is not feasible due to the size of the lot. The owner agrees that should the variance be approved the garage would be converted back should they sell their residence or their grandchildren relocate. The letters will be available to Council members at the October 5, 2015 workshop, if needed. Similar variances were granted by City Council on August 15, 2011, for 418 Wind Wood Drive and, March 18, 2013 for 1121 Meriwood Drive although both were rear entry garages. In both cases, staff was requested to develop a tracking mechanism for these conversions. Currently, the two prior conversions are earmarked in the permit software program that alerts staff that a variance was granted if any permit is requested allowing them to check ownership. The program also allows for periodic queries on all variances once the data has been logged in the system.

ANALYSIS

Following a recommendation of the City Council appointed Neighborhood Preservation Committee to help curtail parking issues on residential streets, City Council voted April 18, 2011, 3 to 2 to amend the City Code with the following language:

Section 6-166 (8)

Dwellings, single-family attached or detached: A minimum of one car garage plus two additional concrete spaces shall be provided. Conversion, enclosure or alterations of a garage for non-parking use shall be prohibited.

Exception: Conversion, enclosure or alteration of a garage may be allowed, provided that an equivalent to the existing garage be constructed on the lot, which meets all applicable city codes and permit requirements, prior to any changes being made to the existing garage.

The Neighborhood Preservation Committee reiterated in their recommendation that, if a party could demonstrate a hardship, then a variance request would be warranted. The zoning TH (Townhouse) lot coverage along with being a zero lot line side yard does not allow for an addition to the side yard setbacks of the residence and the rear yard setback is already maximized at 20 feet. Simply put there is no room to add a garage or a footprint addition to the residence. The property owners met with City staff and expressed their desire to make the garage conversion one that could be returned to a garage, should the time arise for them to sell the home or their grandchildren relocate. Since the garage entrance is from the front, the conversion will have an adverse effect on the aesthetics of the neighborhood. There are two other front entry garage conversions on the same street as this residence. Those garage conversions were grandfathered in at the time the ordinance was changed. The driveway can accommodate two parking spaces. In order for the conversion to be compliant with building codes the bedrooms would be required to have a secondary means of egress which is part of a required windows with specific opening sizes. Therefore, the garage door could not be left in place and allow a conversion. In addition, the home will be required to have interconnected smoke alarms in all bedrooms and hallways that are intended to activate together should a fire occur. Staff has considered the nature of the request being the need for the owners to provide for their grandchildren's special assistance, however, due to the aesthetic impact to the neighborhood, staff is recommending council consider the variance. If Council approves the owners agree to convert the garage back to its original condition should they sell the home in the future or the grandchildren relocate.

RECOMMENDATION

It is City staff's recommendation that the City Council consider the variance for the garage enclosure as set forth in the caption above, and if approved the enclosure is to be returned to a garage at such time the residence is sold or the conversion is vacated by the Baggett family.

9/1/15 City of Lewisville

My name is Jamela Baggett. I moved to Lewisville in 1999 and purchased my home (948 Boxwood Dr) in March of 2000. My home is a 2 bedroom, 2 bath, 2 car garage.

A little about myself. I am a divorced grandmother & court finalized custody of my 3 grandchildren. My grandchildren came to live with me in 2013. As of today's date their names and ages are Logan age 7, Rylynn age 5 and Nathian age 2 1/2. Logan and Rylynn have shared a room with twin beds furnishing the room. Nathian was in a crib in my room and is now in a grow up bed in my room.

As they have grown storage and space has decreased to very little. My living room is our family room and toy storage because the 2 bedrooms are wall to wall beds and dressers.

My granddaughter Rylynn is legally blind (I have M.D. documentation) as our space crowds with toys and furniture it becomes a safety issue.

Rylynn and Logan are enrolled in ALSID
Rylynn in Kindergarten with a vision and
mobility therapist, Logan is in 2nd grade.

Both attend Victory Elementary.

I am trying to keep stability and consistency
in all of our lives and have consulted
a contractor to remodel my home. My
plans were to convert the garage into 2
more bedrooms to keep from moving.

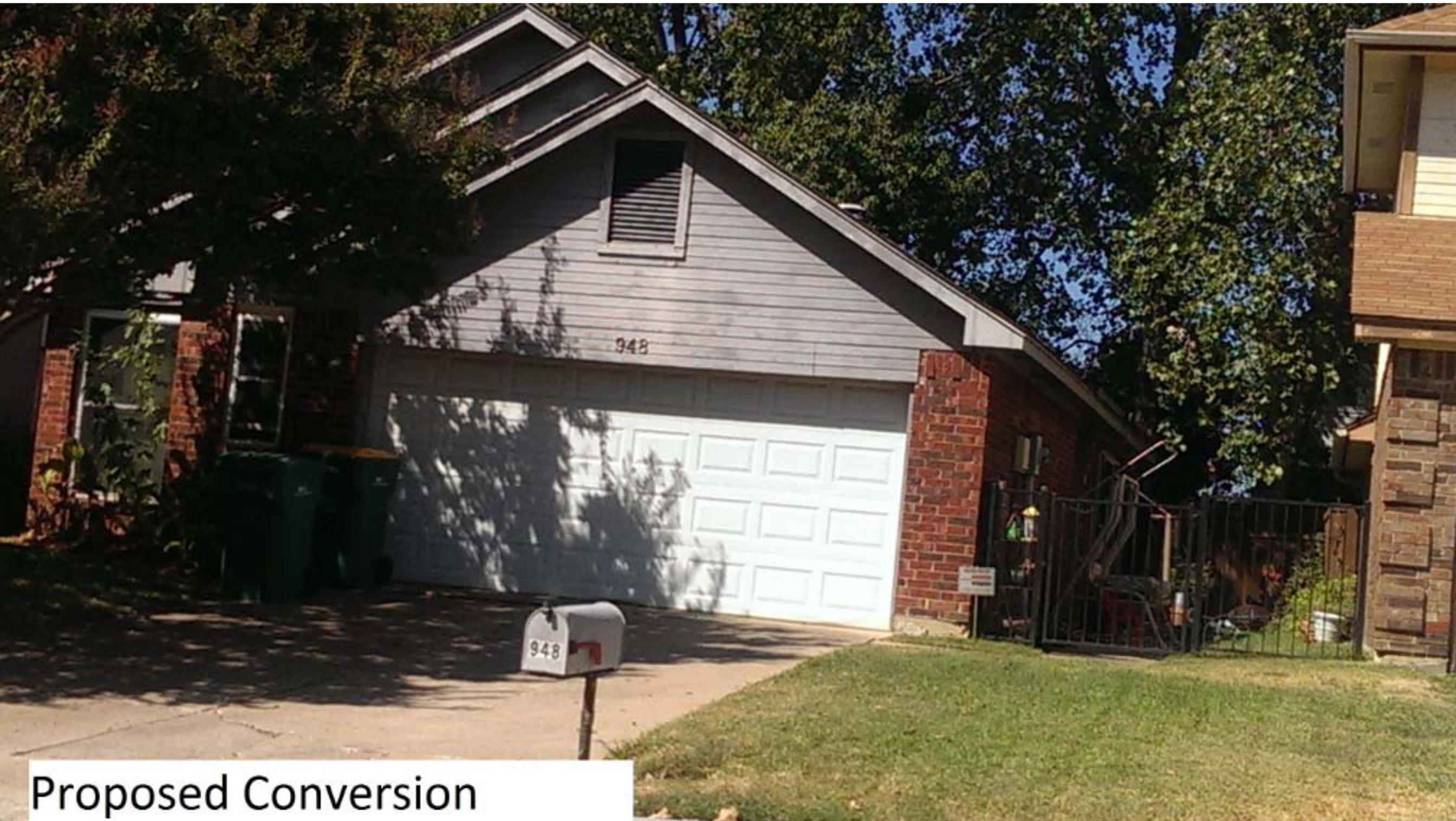
With the older 2 in school making friends
and developing their personalities they
need their separate spaces. Even Nathan
and I need our separate spaces.

I hope the remodel will be approved
for myself and grandchildren this is a
long term situation for us.

Thank You
Janette Baggett



920 Boxwood - Conversion



Proposed Conversion



936 Boxwood - Conversion



SCALE: 1"=100'

STELLA DR

PROJECT
LOCATION

BOXWOOD DR

RAMBLEWOOD DR

948

LOCATION MAP
FOR
948 BOXWOOD DR



SCALE: 1"=100'



STELLA DR

BOXWOOD DR

RAMBLEWOOD DR

PROJECT
LOCATION

948

LOCATION MAP
FOR
948 BOXWOOD DR

MEMORANDUM

TO: Donna Barron, City Manager

FROM: David Salmon, PE, City Engineer

VIA: Eric Ferris, Assistant City Manager

DATE: September 21, 2015

SUBJECT: Consideration of an Ordinance Abandoning North Poydras Street Right-of-Way Between West Main Street and West Church Street.

BACKGROUND

This section of North Poydras Street right-of-way has been incorporated into Wayne Ferguson Plaza. In 2003 the southern half of this block of North Poydras Street was physically removed with the installation of Old Town Streetscapes Improvements. Recently the northern half of this block of North Poydras Street pavement was physically removed with the installation of Wayne Ferguson Plaza. All franchise utilities have been relocated to the alley adjacent to the park in a utility easement.

ANALYSIS

The City of Lewisville is platting the Wayne Ferguson Plaza and all its contiguous parcels into three lots: Lot 1 will include the park, Lot 2 will include the alley between the park and the neighboring businesses and will provide for access, drainage and utilities, and Lot 3 will include the City owned building addressed as 191 West Main Street on the northeast corner of West Main Street and North Charles Street (existing location of Commercial Bank of Texas). The City of Lewisville is also in the process of rezoning Lot 1 from General Business to Public Use and Lots 2 and 3 from General Business to Old Town Center, which will be requested at an upcoming City Council Meeting. The first step in the platting and rezoning process is to abandon the North Poydras Street Right-of-Way between West Main Street and West Church Street.

RECOMMENDATION

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS PROVIDING FOR THE ABANDONMENT, VACATION, AND CLOSURE OF THE FOLLOWING STREET SEGMENTS TO WIT: NORTH POYDRAS STREET FROM WEST MAIN STREET/WEST CHURCH STREET; AND PROVIDING FOR THE TERMS AND CONDITIONS OF THIS ABANDONMENT, VACATION, AND CLOSURE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville, Texas, acting pursuant to Chapter 311.007 of the Texas Transportation Code, deems it advisable to abandon, vacate, and close the hereinafter described street segment and is of the opinion that said land is not needed for public use as a right-of-way and, therefore, constitutes a public charge without corresponding benefit, and that same should be abandoned, vacated, and closed as hereinafter provided; and

WHEREAS, the City Council of the City of Lewisville, Texas is of the opinion that the best interest and welfare of the public will be served by abandoning, vacating, and closing same resulting in the vesting of title in the abutting property owner(s), subject to the conditions, requirements, and restrictions contained herein; and

WHEREAS, the City of Lewisville, Texas is the owner of the property abutting North Poydras Street.

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

SECTION 1. ABANDONMENT. North Poydras Street located in Lewisville, Texas, Denton County, Texas is hereby abandoned, vacated and closed insofar as the right, title, and

easement of the public in such right-of-way is concerned; subject, however, to the conditions, requirements, and restrictions hereinafter more fully set out and which street segment is described more particularly in attached Exhibit "A" which is incorporated herein for all purpose.

SECTION 2. SUBJECT TO ALL ZONING AND DEED RESRICTIONS. The abandonment, vacation and closure provided for herein is made and accepted subject to all present zoning and deed restrictions if the latter exist, and all easements, whether apparent or non-apparent, aerial, surface or underground.

SECTION 3. RETAINING ALL OTHER EASEMENTS HELD BY THIRD PARTIES. That the abandonment, vacation and closure provided for herein shall extend only to the public right, title, easement, and interests relating to the right-of-way and shall be construed to extend only to that interest which the governing body for the City of Lewisville may legally and lawfully abandon, vacate and close. Any other easements held by third parties shall not be affected by this abandonment.

SECTION 4. DOCUMENTS NECESSARY TO TRANSFER OWNERSHIP. That the City Manager of the City of Lewisville, Texas is authorized to execute any documents necessary to show full ownership of the unencumbered land vesting in the abutting landowners, which at the time of the passage of this Ordinance, the abutting land owner is the City of Lewisville, Texas.

SECTION 5. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 6. 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 7. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$500.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect immediately upon passage of this Ordinance.

SECTION 9. 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 ____ TO ____, ON THIS THE 5th DAY OF OCTOBER, 2015.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

EXHIBIT A

EXHIBIT "A"
LEGAL DESCRIPTION
NORTH POYDRAS STREET
0.303 ACRES

Being all that certain lot, tract or parcel of land situated in the J. W. King Survey, Abstract Number 696, City of Lewisville, Denton County, Texas, and being a portion of North Poydras Street (called 50 foot right-of-way) between West Main Street and West Church Street, as shown on the plat of the Original Town of Lewisville, recorded in Volume 75, Page 158 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at a "+" found in concrete (reset due to construction) at the intersection of the north line of West Main Street and the east line of North Charles Street, being the southwest corner of Lot 4, Block 3 of said Original Town of Lewisville and the southwest corner of said 0.670 acre tract, from which a building corner bears N 48°20'40" E, 0.82 feet;

THENCE N 89°02'20" E, with the north line of West Main Street and the south line of said 0.670 acre tract, passing at 131.0 feet a "+" set in concrete at the southeast corner thereof, being the southwest corner of that certain tract of land described in deed to Zusdubb, LLC, recorded in Document Number 2014-75884 of the Real Property Records of Denton County, Texas, continuing with the south line thereof, passing at 146.0 feet the southeast corner thereof, being the southwest corner of that certain called 0.091 acre tract described in deed to Zusdubb, LLC, recorded in Document Number 2009-60097 of the Real Property Records of Denton County, Texas, continuing with the south line thereof, passing at 176.0 feet the southeast corner thereof, being the southwest corner of that certain tract of land described in deed to Old Town Flying Pig, LLC, recorded in Document Number 2004-95815 of the Real Property Records of Denton County, Texas, continuing with the south line thereof, passing at 216.0 feet the southeast corner thereof, being the southwest corner of that certain called 0.259 acre tract of land described in deed to Jham Investments, LLC, recorded in Document Number 2005-30632 of the Real Property Records of Denton County, Texas, continuing with the south line thereof a total distance of 300.0 feet to a "+" set in concrete at the POINT OF BEGINNING, being the southeast corner of said JHAM tract, the southeast corner of Lot 6, Block 3 of said Original Town of Lewisville and being the intersection of the north line of West Main Street and the west line of North Poydras Street;

THENCE N 00°44'00" W, with the west line of North Poydras Street, the east line of said Lot 6, Block 3 and the east line of said 0.259 acre tract, passing at 105.48 feet a "+" set in concrete at the southeast corner of that certain called 0.085 acre tract of land described in deed to the City of Lewisville recorded in Document Number 2012-142653 of the Real Property Records of Denton County, Texas continuing with the east line thereof, passing at 132.29 feet the northeast corner thereof and the northeast corner of said Lot 6, Block 3 and being the southeast corner of Lot 1, Block 3 of said Original Town of Lewisville and being the southeast corner of that certain tract of land described in deed to the City of Lewisville recorded in Document Number 2008-95581 of the Real Property Records of Denton County, Texas,

continuing with the east line thereof and the east line of said Lot 1, Block 3, passing at 252.61 feet a 1/2" capped rebar set at the easterly northeast corner thereof, being the south corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-6488 of the Real Property Records of Denton County, Texas, continuing with the east line thereof a total distance of 264.00 feet to a "+" set in concrete at the northeast corner thereof, being the northeast corner of said Lot 1, Block 3 and being the intersection of the west line of North Poydras Street and the south line of West Church Street;

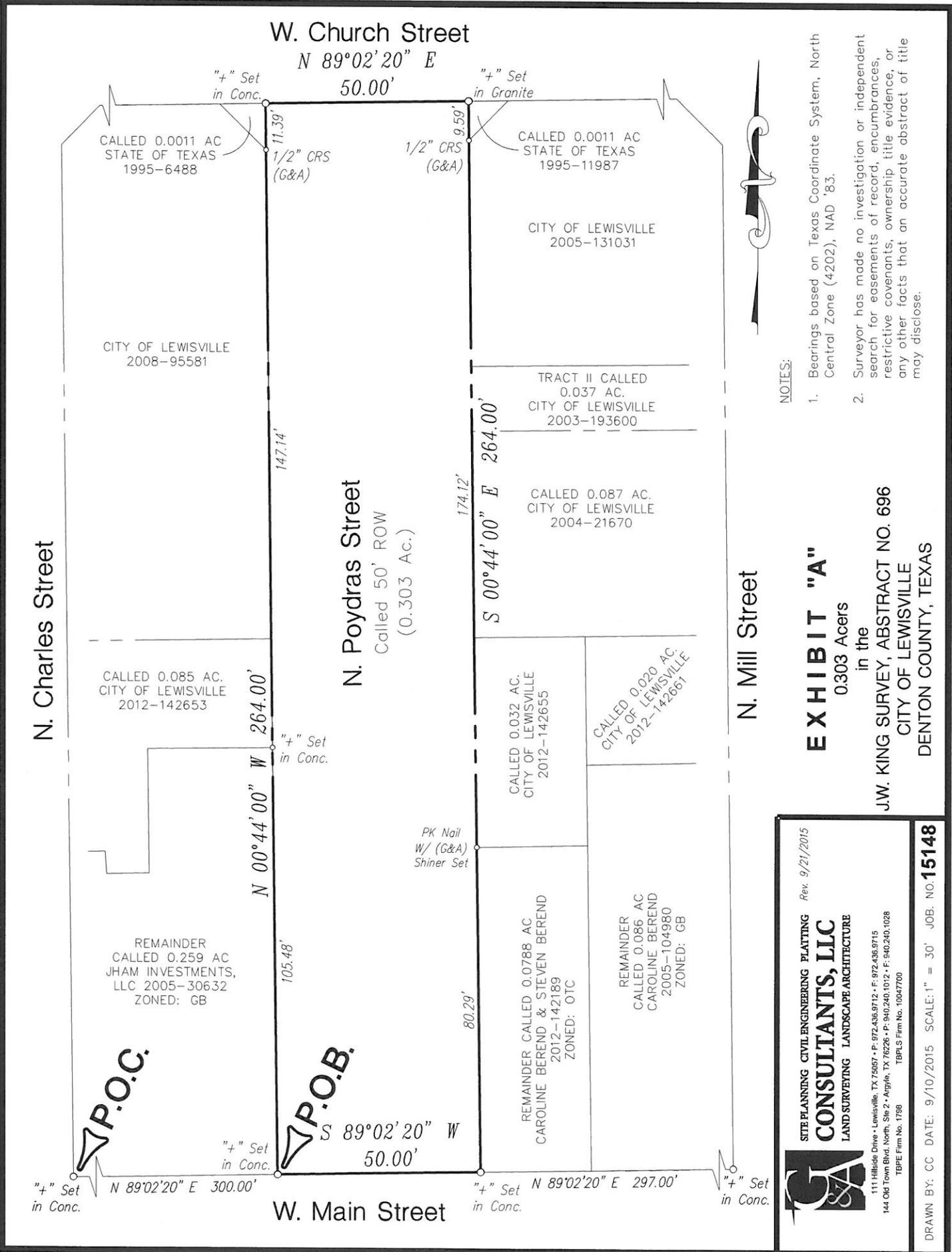
THENCE N 89°02'20" E, 50.00 feet to a "+" set in granite at the northwest corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-11987 of the Real Property Records of Denton County, Texas, being the northwest corner of Lot 3, Block 6 of said Original Town of Lewisville and being the intersection of the east line of North Poydras Street and the south line of West Church Street;

THENCE S 00°44'00" E, with the east line of North Poydras Street, the west line of said 0.0011 acre tract in Document Number 1995-11987 and the west line of said Lot 3, Block 6, passing at 9.59 feet a 1/2" capped rebar set (G&A) at the south corner of said 0.0011 acre tract, being the westerly northwest corner of that certain tract of land described in deed to the City of Lewisville tract recorded in Document Number 2005-131031 of the Real Property Records of Denton County, Texas, continuing with the west line thereof, passing at 65.15 feet to the southwest corner thereof, being the northwest corner of that certain called 0.037 acre tract of land described as Tract II in deed to the City of Lewisville recorded in Document Number 2003-193600 of the Real Property Records of Denton County, Texas, continuing with the west line thereof, passing at 81.15 feet the southwest corner thereof, being the northwest corner of that certain called 0.087 tract of land described in deed to the City of Lewisville recorded in Document Number 2004-21670 of the Real Property Records of Denton County, Texas, continuing with the west line thereof, passing at 132.00 feet the southwest corner thereof, being the southwest corner of said Lot 3, Block 6 and the northwest corner of Lot 9, Block 6 of said Original Town of Lewisville and being the northwest corner of that certain called 0.0788 acre tract of land described in deed to Caroline Berend and Steven Berend recorded in Document Number 2012-142189 of the Real Property Records of Denton County, Texas, and being the northwest corner of that certain called 0.032 acre tract of land described in deed to the City of Lewisville recorded in Document Number 2012-142655 of the Real Property Records of Denton County, Texas, continuing with the west line said Lot 9, Block 6, the west line of said Berend tract and the west line of said 0.032 acre City of Lewisville tract, passing at 183.72 feet a PK nail with G&A shiner set at the southwest corner of said 0.032 acre City of Lewisville tract, continuing with the west line of said Lot 9, Block 6 and the west line of said Berend tract to a "+" set in concrete at the southwest corner thereof, being the southwest corner of said Lot 9, Block 6 and being the intersection of the east line of North Poydras Street and the north line of West Main Street;

THENCE S 89°02'20" W, 50.00 feet to the POINT OF BEGINNING and containing approximately 0.303 acres of land.



File: Z:\2015\15148 Drawings\Survey\15148 N.Poydras Exhibit
 Plotted: 9/21/2015 10:34 AM, by Cole Carpenter, Saved: 9/21/2015 10:36 AM, by Cole



NOTES:

1. Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.
2. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.

N. Mill Street

EXHIBIT "A"

0.303 Acres
in the

J.W. KING SURVEY, ABSTRACT NO. 696
CITY OF LEWISVILLE
DENTON COUNTY, TEXAS

SITE PLANNING CIVIL ENGINEERING PLATTING
CONSULTANTS, LLC
 LAND SURVEYING LANDSCAPE ARCHITECTURE

Rev. 9/21/2015

111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
 144 Old Town Blvd. North, Ste 2 • Argyle, TX 75226 • P: 940.240.1012 • F: 940.240.1028
 TBPLS Firm No. 10047700

DRAWN BY: CC DATE: 9/10/2015 SCALE: 1" = 30' JOB. NO: **15148**

1" = 100'



CHURCH STREET

CHARLES STREET

MAIN STREET

MILL STREET

POYDRAS STREET
ABANDONMENT

LOCATION MAP
FOR
POYDRAS STREET
ABANDONMENT
OCTOBER 5, 2015 CC EG1



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.

MEMORANDUM

TO: Mayor Rudy Durham
Mayor Pro Tem R Neil Ferguson
Deputy Mayor Pro Tem Greg Tierney
Councilman T J Gilmore
Councilman Leroy Vaughn
Councilman Brent Daniels

FROM: Donna Barron, City Manager

DATE: October 5, 2015

SUBJECT: Tabled Item: Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

BACKGROUND

As part of the annual budget process, the entire fee schedule is reviewed for possible modifications based on an analysis of current charges as compared to cost recovery goals, authorized charges that may no longer be applicable, and new fees.

ANALYSIS

This year the recommended fee schedule modifications include those discussed during the Budget Workshop as well as additional modifications being proposed now. Recommended fee schedule changes discussed during the budget workshop include the following:

Proposed sky tower fee - including two hour vehicle porter time at overtime rate of \$61.40 and two hours 1 ton pickup time \$40.00, and tower at \$8.25/hour. Minimum of 8 hours at \$167.40 and \$8.25 for every hour thereafter up to 72 hours max. Single location per minimum charge.

Event Planning and professional marketing fee - The fees would be added to the current list of charges for police, fire, parks, streets and other professional services provided by the city for approved special events that are charged to the event permit holder as part of a special event permit application. Typical market-rate charges in North Texas is more than \$100 per hour for marketing services and \$75 per hour for event planning services. Because a client would not be receiving the full attention of staff, and to keep these charges in line with fees assessed by other departments, staff is proposing "discounted" rates of \$40 per hour for professional marketing services and \$25 per hour for event planning services.

Pump Simulator - Area department's use of pump simulator. Fees include charges if the simulator is taken off site. Four hour minimum slot and charge \$1500.00 per four hour slot. This covers the cost of having a member of the Lewisville Fire Department present during the training scenarios. Members of our department will be trained in the safe and appropriate operation of the simulator.

Also included in the fee schedule is an increase to all of the fees associated with water and sewer utilities of 5.5%. Denton County Fresh Water Supply District 1-A fees are proposed as follows:

Wholesale water sales (maximum demand charge) current = \$338,908, proposed = \$349,314
 Wholesale water sales (monthly demand charge) current = \$28,242, proposed = \$29,109
 Wholesale water sales (volume per 1,000 gallons) current = \$1.73, proposed = \$1.90
 Sewer wholesale rate (volume per 1,000 gallons) current = \$3.37, proposed = \$2.78

The additional changes being proposed relate to camping fees at LLELA (removing the single rates adopted by Council in August and creating individual and group camping fees), changing the wording on engineering site plans to include modified site plans, changing the wording on zoning changes to include special use permits, removing the entry fee for the Western Days Parade (as it is not assessed currently), removing the electronic plan review fee for fire prevention permits (not utilized), and adding permits with plans fees for irrigation, banners, special events, mechanical, plumbing, and electrical permits. The City currently charges \$100 for a residential remodel convenience fee. It is proposed to reduce this fee to \$25 to be more in line with other similar fees.

In addition, changes to the fire training tower rental and miscellaneous recreation fees are being proposed. Because these changes are related to a number of different reasons, charts are included for each of these to explain the reason for the modification.

Fire training tower rental (available to fire departments and related agencies only):		
Facility use only—Facility use without live fire activity (four hour minimum) (Physical Agility, Driving, rappelling, Combat challenge)	25.00 per hour 30.00 per hour	Change in description and rate. Rate was raised 5 per hour to help with maintenance of the facility.
—Facility use (driver/engineer training, New hire process, rappelling, non-fire prop use, etc.)	25.00 per hour	Remove this row, it has been combined with the above.
—Materials (lumber, roofing material, etc.)	Current market price	Remove this row, we do not supply materials
—Panel construction (pre-constructed prop panels)	22.00 per panel	Remove this row, we do not supply materials
Non-fire prop use—Four hour minimum plus the cost or replacement of materials used.	25.00 per hour 50.00 per hour	We do not supply materials, and the rate change reflects a 5 per hour increase plus the 20 repair and maintenance that is being removed

		later in this document.
— Panel construction (pre-constructed prop panels)	22.00 per panel	We do not offer this
Live fire training—Four hour minimum. Must meet NFPA 1401 Guidelines. If LFD is providing the instruction, a minimum of 3 instructors are required at the LFD instructor rate.	67.00 per hour 125 per hour	Rate change is needed to cover repair and maintenance. Verbiage in first column is added for clarity.
One LFD facility supervisor (trained LFD personnel to monitor live fire training and facility clean-up)	Base pay Overtime rate for a top of range, fire captain/per hour/per instructor	OT rate is based on a Captain that is at the top of the step raises
— Repair and maintenance (recovery cost for repairs and {facility maintenance})	20.00 per hour	We have included this price in the individual sections for simplicity.
— Materials (pallets, hay, lumber, roofing material)	Current market price	We do not provide supplies
Flashover training— Up to 15 students 3 Instructors provided. Requesting agency must provide materials. (OSB/Particle Board). One burn per hour with one hour added to the day to cover set up and clean up.	161.00 per hour 175 per hour	Rate increased to cover repair and maintenance costs.
— Phase I—Classroom instruction (one instructor)	Base pay overtime rate for a fire captain/per hour/per instructor	Remove this row. It is covered in another line.
— Phase II—Simulation—Minimum of three LFD instructors (up to 15 students)	Base pay overtime rate for a fire captain/per hour/per instructor	Remove this row. It is covered in the flashover training line.
— Repair and maintenance (Recovery cost for repairs and {facility maintenance})	20.00 per hour	This cost has been added to the individual lines
— Materials (pallets, hay, lumber, etc.)	Current market price	We do not provide supplies
— Training by request, provided by LFD instructors— Instruction for firefighters not employed by the city, instructed by city firefighters. If the training involves live	First instructor per hour: \$20.00 + base pay overtime rate	Remove this row. This information is included in other sections.

fire, three instructors will be required-	for a fire captain.- Additional- instructors per hour:- Base pay overtime- rate for a fire- captain. Plus the cost or replacement- of materials-	
Non-live fire training—Training by request—Instruction for firefighters not employed by the city, instructed by city firefighters and not involving live fires		
LFD instructors, two minimum (LFD personnel trained and approved to conduct miscellaneous training)	First instructor per- hour: \$20.00 + base pay-Overtime rate for a top of range, fire captain. Additional- instructors per hour:- Base pay overtime- rate for a fire- captain. Plus the cost or replacement- of materials	Changes made to reflect current operations
—Materials (pallets, hay, lumber, etc.)	Current market price	Supplies not provided
—Repair and maintenance	20.00 per hour	This has been added to the individual lines.
Materials (items shall be reimbursed at current market prices):		Supplies not provided
—Hay (per bail)	Current market price	Supplies not provided
—Lumber (2 × 4 × 8)	Current market price	Supplies not provided
—Lumber (2 × 4 × 10)	Current market price	Supplies not provided
—Plywood (½ × 4 × 8 CDX)	Current market price	Supplies not provided
—Particle board (5/8 × 4 × 8)	Current market price	Supplies not provided

—Roof felt (15 lbs.)	Current market price	Supplies not provided
—Roof shingles (Bundle)	Current market price	Supplies not provided

PARKS AND LEISURE SERVICES DEPARTMENT:	<i>Current Amount</i>	<i>Proposed Change</i>	<i>Explanation</i>
Recreation participation fees:			
Adult athletics:			
Early Registration, per participant	\$4.00	remove "Early" - should read "Registration, per participant"	clean up text to accurately reflect fee
Recreation classes, per participant	\$2.00	\$6	For many years the public has been charged a \$2 participation fee that has been directed to the General Fund. They have also been charged a \$4 fee that has been directed to the Recreation Fund. This will just clean up the current fees already charged.
Recreation classes, non-resident fee		\$2	This fee has been in use for many years, but has not been reflected in the fee schedule. The fee currently goes into the general fund.
Lake Park Entrance:			
<i>Lake Park Pavilion (Conner):</i>			
Cancellation fee: if cancelled at least 21 days in advance	\$10.00	if reservation is cancelled at least two weeks in advance of event	clean up to keep facility policies consistent
If reservation is cancelled less than two weeks in advance	All rentals fees are retained.	New	clean up to keep facility policies consistent
<i>Lake Park Pavilion (Pike)</i>			
Cancellation fee: if cancelled at least 21 days in advance	\$10.00	if reservation is cancelled at least two weeks in advance of event	clean up to keep facility policies consistent
If reservation is cancelled less than two weeks in advance	All rentals fees are retained.	New	clean up to keep facility policies consistent
<i>Lake Park Group Picnic Areas (2):</i>			
Cancellation fee: if cancelled at least 21 days in advance	\$10.00	if reservation is cancelled at least two weeks in advance of event	clean up to keep facility policies consistent
If reservation is cancelled less than two weeks in advance	All rentals fees are retained.	New	clean up to keep facility policies consistent

Senior Activity Center (cannot be reserved more than two months in advance; all fees include supervisory costs)			
Meeting room rental fees (two-hour minimum) (per hour)	\$50.00 per hour	\$50.00 per hour, plus current hourly rate of part time of Recreation Leader	Clarify the actual cost of the room rental.
Kitchen usage fee	\$25.00 per activity	remove this fee	No longer wish to make this an option for the public. Quite often the public does not properly care for the kitchen, items go missing, and staff spends a great deal of time "locking up" items for rentals and then pulling everything back out for standard operations on Monday.
Cancellation fee: if reservation is cancelled more than 21 days before the rental date	\$10.00	if reservation is cancelled at least two weeks in advance of event	clean up to keep facility policies consistent
If reservation is cancelled less than two weeks in advance	All rentals fees are retained.	New	clean up to keep facility policies consistent
Hedrick House: reservations begin September 1 for succeeding year		reservations will be allowed one year in advance of desired date	clean up to keep facility policies consistent
Rental fee for each hour exceeding the four hour minimum (eight hour maximum rental period allowed)	\$150.00	\$100.00 per hour maximum additional hour rental is 12 hours	Somehow this has not been implemented properly and is not correct according to the PALS records. This change would simplify the current fees.
Cancellation fees (retained from the deposit)		rental fees	The cancellation fees should all come out of the rental fees. In the event that the rental fees have not been fully paid, then the cancellation fees will be retained from the deposit prior to any refund being issued.
If cancellation occurs at least 30 days in advance.	\$10.00	New	This is an addition to what currently exists. This allows for more consistency among the facility policies. Due to the popularity of the house, quite often the reservation can be replaced if the reservation is cancelled more than a month in advance.

If cancellation occurs less than 30 days (but not less than one week) in advance of the rental date	half of deposit is forfeited	two weeks minimum rental fee is retained	Due to the popularity of the facility, this will encourage renters to not wait until the last minute to cancel at the last minute and cause PALS to miss out on other potential revenue.
If cancellation occurs less than one week in advance of the rental date	\$200.00	two weeks entire rental fee is forfeited	Due to the popularity of the facility, this will encourage renters to not wait until the last minute to cancel at the last minute and cause PALS to miss out on other potential revenue.
Alarm system activation (non-emergencies deducted from deposit)	\$25.00	remove	There is no longer an alarm system at the Hedrick House.
Failure to return tables/chairs to proper storage (deducted from deposit)	\$25.00	new	This is new, but it fall in line with the fees at the Senior Center and the MCL Grand.
Use of facility during non-reserved times (deducted from deposit)	\$100.00	add "per hour or portion thereof"	Adding text to clarify the fee.
Glenmore Savage Community Room: (cannot be reserved more than two months in advance of the date)			
Failure to submit rental fee within seven days of reservation date	deposit is forfeited	Fourteen minimum rental fee is forfeited.	Creating consistency among the rental policies.
Cancellation fee when made at least 14 days prior to reservation:	\$10.00	if reservation is cancelled at least two weeks in advance of event	clean up to keep facility policies consistent
If reservation is cancelled less than two weeks in advance	Minimum rental fee retained.	new	clean up to keep facility policies consistent
Central Park:			
<i>Band Shell (reservations begin September 1st for the succeeding year)</i>		January 1st for current calendar year	clean up to keep facility policies consistent
Deposit (refunded by mail)	\$50.00		
Rental per day (capacity 50 people)	\$50.00		
<i>Picnic Shelters (2) (Reservations begin September 1st for the succeeding year)</i>		January 1st for current calendar year	clean up to keep facility policies consistent
Deposit (refunded by mail) (per shelter)	\$50.00		
Rental per day (capacity 25 people) (per shelter)	\$50.00		

Cancellation fees if the reservation if cancelled at least one week prior to the event	\$10.00	two weeks	clean up to keep facility policies consistent
Cancellation fees if the reservation is cancelled less than one week prior to the event.	forfeit all rental fees	two weeks	clean up to keep facility policies consistent
L.L. Woods Park			New
<i>Picnic Shelters (2) (Reservations begin January 1st for the calendar year)</i>			
Deposit (refunded by mail) (per shelter)	\$50.00		new
Rental per day (capacity 25 people) (per shelter)	\$50.00		new
Cancellation fees if the reservation if cancelled at least two weeks prior to the event	\$10.00		new
Cancellation fees if the reservation is cancelled less than two weeks prior to the event.	forfeit all rental fees		new
Failure to return keys by the deadline	\$10.00 per day		new
Ellis Park			New
<i>Picnic Shelters (Reservations begin January 1st for the calendar year)</i>			
Deposit (refunded by mail) (per shelter)	\$50.00		new
Rental per day (capacity 25 people) (per shelter)	\$50.00		new
Cancellation fees if the reservation if cancelled at least two weeks prior to the event	\$10.00		new
Cancellation fees if the reservation is cancelled less than two weeks prior to the event.	forfeit all rental fees		new
Failure to return keys by the deadline	\$10.00 per day		new
Aquatic Facilities:			
Sun Valley Aquatic Facility	\$5.00 per person	Sun Valley Aquatic Center	Correct facility name in fee schedule.
Group Reservations	\$25.00 for two hours plus \$4.00 per person admission.	remove	This is redundant and is covered under partybrella rentals.
College Street Aquatic Facility	\$3.00 per person	Old Town Aquatic Park	Correct facility name in fee schedule.

Group Reservations	\$25.00 for two hours plus \$2.00 per person admission.	remove	This is redundant and is covered under partybrella rentals.
Group/Corporate rates:			
Rental (two hours on designated evenings after public swim times)	\$400.00	\$300.00	The most it has ever been is \$300. This is just to correct the incorrect amount listed in the fee schedule.
Recreation Center:			
<i>Fitness room:</i>			
Guest pass (must be escorted by facility use card member), per person, per visit.	\$2.00	remove "(must be escorted by facility use card member)"	Too restrictive, especially to new residents who may want to use the Centers once in order to determine if he/she wants a building card.
All senior citizens (60 years and older) receive a 50% discount on all recreation fees		remove	This is not accurate. There is no discount for programs and thus confusing.
Parks and Recreation:			
Spooktacular Trails and Funny bunny Festival		add Motorcycle Toy Run	Event needs added to list.
10x10 activity/game booth	\$100.00	\$150.00	With the increase in the event participation, the visibility for vendors per capita at each event has increased.
Doggie Dive In		add Senior Health Fair, Ducky Derby, and Family Fun Pumpkin Walk	Adding events that are not currently covered in the fee ordinance.
10x10 booth	\$50.00	\$100.00	With the increase in the event participation, the visibility for vendors per capita at each event has increased.
LLELA:			
LLELA Pavilion Rental		\$25.00	

RECOMMENDATION

It is City staff's recommendation that the City Council approve an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS AMENDING THE LEWISVILLE CODE OF ORDINANCES, CHAPTER 2, SECTION 2-201 FEE SCHEDULE WITH VARIOUS FEES CHARGED BY SEVERAL DEPARTMENTS OF THE CITY; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that for the health, welfare, and safety of its citizens, it is desirable that certain amendments to Chapter 2, Section 2-201 of the Code of Ordinances of the City of Lewisville, Texas, are necessary;

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

SECTION I. REPEAL

A. Code of Ordinances, Chapter 2, Section 2-201, Fee Schedule, is hereby amended by repealing the following fees:

ECONOMIC DEVELOPMENT AND PLANNING:

Engineering Site Plans - 1st Submittal - (all) - Less than 5 acres	75.00
Engineering Site Plans - 1st Submittal - (all) - 5 acres to 10 acres	100.00
Engineering Site Plans - 1st Submittal - (all) - More than 10 acres	150.00
Engineering Site Plans - 1st Submittal - (all) - Annual User Access Fee	150.00
Engineering Site Plans - 2nd Submittal - (all) - Less than 5 acres	50.00
Engineering Site Plans - 2nd Submittal - (all) - 5 acres to 10 acres	75.00
Engineering Site Plans - 2nd Submittal - (all) - More than 10 acres	100.00
Engineering Site Plans - 3rd+ Submittal - (all) - Less than 5 acres	25.00
Engineering Site Plans - 3rd+ Submittal - (all) - 5 acres to 10 acres	50.00
Engineering Site Plans - 3rd+ Submittal - (all) - More than 10 acres	75.00
Board Submittals - Zoning Change (Less Than 5 Acres)	25.00
Board Submittals - Zoning Change (5 to 10 Acres)	50.00

Board Submittals - Zoning Change (More Than 10 Acres)	75.00
Board Submittals - Zoning Change (Annual User Access Fee)	10.00

Engineering site plan:	
Less than one acre	250.00
1.00—4.99 acres	400.00
5.00—24.99 acres	400.00, plus \$30.00 per acre
25.00 and up	750.00, plus \$30.00 per acre
Final plat:	
Single-family	200.00
Plus, per lot	5.00
Commercial, industrial and multifamily	200.00
Plus, per acre	30.00

(On re-plats, additional charge based on Denton County filing fee for each page to be filed in Denton County Plat Records.)	
Development and construction variance request fee	350.00
Zoning change request:	
Less than 0.5 acre	150.00
0.5—4.99 acres	250.00
5.00—24.99 acres	400.00
25.00—49.99 acres	750.00
50.00—99.99 acres	1,000.00
100 acres and more	1,500.00
Zoning district change request sign	35.00

PARKS AND RECREATION:

LLELA Fees	
Campsite -per night (plus entry fee)	\$10
Group Campsite - per night (plus entry fee) for groups of 20 or more	\$10

Adult athletics:	
Early registration, per participant	4.00
Recreation classes, per participant	2.00
Lake Park entrance:	
Lake Park pavilion (Conner):	
Cancellations (reservation is not cancelled at least 21 days in advance)	Deposit minus a 10.00 cancellation fee will be refunded only if the cancelled reservation can be replaced
Lake Park pavilion (Pike):	
Cancellations (reservation is not cancelled at least 21 days in advance)	Deposit minus a 10.00 cancellation fee will be refunded only if the cancelled reservation can be replaced
Lake Park group picnic areas:	
Cancellations (If reservation is cancelled more than 21 days before the rental date)	Rent minus a ten-dollar cancellation fee will be refunded
Senior activity center usage fees (cannot be reserved more than two months in advance; all fees include supervisory costs):	
Kitchen usage fee	25.00 per activity
Cancellation fee (retained from the deposit. If cancellation occurs less than one week in advance, rental fee is forfeited)	\$10.00 or up to entire rental fee
Hedrick House (reservations begin September 1 for succeeding year):	
Rental fee for each hour exceeding the four-hour minimum (eight-hour maximum rental period allowed)	150.00
Cancellation fees (retained from deposit):	
If cancellation occurs less than 30 days (but not less than one week) in advance of the rental date)	Half of deposit is forfeited

If cancellation occurs less than one week in advance of the rental date)	Entire deposit is forfeited
Alarm system activation (non-emergencies) (deducted from deposit)	25.00
Failure to return chairs to proper storage (deducted from deposit)	25.00
Use of facility during non-reservation times (deducted from deposit)	100.00
Glenmore Savage Community Room (cannot be reserved more than two months in advance):	
Failure to submit rental fee within seven days of reservation date	Deposit is forfeited
Cancellation fee	10.00
Central Park:	
Band shell (reservations begin September 1 for succeeding year):	
Rental per day (Up to 50 people)	50.00
Deposit	50.00
Picnic shelters (2) (reservations begin September 1 for succeeding year):	
Deposit	50.00
Cancellation fee(s) (If the reservation is cancelled at least one week prior to the event)	All rental fees
Cancellation fee(s) (If the reservation is cancelled less than one week prior to the event)	10.00 + all rental fees
Aquatic facilities:	
Sun Valley aquatic facility	5.00 per person
Group reservations	25.00 for two hours plus 4.00 per person admission
College Street aquatic facility	3.00 per person
Group reservations	25.00 for two hours plus 2.00 per person admission
Group/corporate rates:	
Rental (two hours on designated evenings after public swim times)	400.00
Recreation center:	
Fitness room:	
Guest pass (must be escorted by facility use card member), per person, per visit	2.00
Senior citizen (persons 60 years of age or older) building use card discount	50% off individual card rate. Discount not applicable to family card rates
Spooktacular Trails and Funny Bunny Festival	

10x10 activity/game booth	100.00
Doggie Dive In	
10x10 booth	50.00

COMMUNITY RELATIONS:

Western Days Parade Entry	10.00
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COMMUNITY DEVELOPMENT:

Fire Sprinkler Permit Electronic Plan Review	25.00
Fire Alarm Permit Electronic Plan Review	25.00

NEIGHBORHOOD SERVICES:

Residential Remodel Change Convenience Fee	100.00
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FINANCE:

The monthly rates or charges for retail service furnished by the city water works system shall be as follows:	
Meter Size	Current Charge
¾-inch	13.54
1-inch	19.73
1½-inch	37.34
2-inch	62.03
3-inch	132.63
4-inch	231.40
6-inch	513.74
8-inch	909.00
10-inch	1,417.17
Volumetric rate	2.80

Sewer rates:	
Single-family dwelling:	
Current customers' rates shall be based upon the four-month winter average of monthly water consumption billed in the most recent December, January, February and March for such dwellings and charged:	
Monthly minimum bill (2,000 gallons)	8.20
Volume charge per 1,000 (over 2,000 gallons)	3.30
Non-single-family dwelling:	
Rates shall be based upon 100 percent of each month's water consumption and charged:	
Monthly minimum bill (2,000 gallons)	8.20
Volume charge per 1,000 (over 2,000 gallons)	3.30
New customers:	
All new residential customers shall be charged a flat fee per month until the winter average can be established.	21.39
All residential customers transferring their service to a new address in the city shall be charged a sewer charge based on their winter average at the prior service address until a new winter average is established at the new address.	
Sewer only customers:	
In instances where dwellings are not served by the city waterworks system, the charge for services furnished by the city sanitary sewer system shall be a flat fee per dwelling unit per month.	21.39
Denton County Fresh Water Supply District 1-A:	
Wholesale water sales (maximum demand charge)	338,908
Wholesale water sales (monthly demand charge)	28,242
Wholesale water sales (volume per 1,000 gallons)	1.73
Sewer wholesale rate (volume per 1,000 gallons)	3.37
Industrial surcharge:	
The factors per 1,000 gallons for the industrial surcharge ordinance are \$0.003577 per mg/l of BOD and \$0.003019 per mg/l of TSS for industrial/commercial customers whose sewage strengths exceed maximum allowance of 240 mg/l.	
Transported liquid waste:	
The rate for sewage transported by vehicle from within the corporate limits of the city is \$8.20 for the first 2,000 gallons. Points of collection are restricted to portable sanitary units and septic systems approved by the city. A volume charge of \$3.30 per 1,000 gallons, in excess of 2,000 gallons, shall be in addition to the basic rate charged. The city may refuse any waste if material is non-conforming with pretreatment standards as adopted by the city.	

FIRE DEPARTMENT:

Fire training tower rental (available to fire departments and related agencies only):	
Facility use only—Facility use without live fire activity (four hour minimum)	25.00 per hour
Facility use (driver/engineer training, New hire process, rappelling, non-fire prop use, etc)	25.00 per hour
Materials (lumber, roofing material, etc)	Current market price
Panel construction (pre-constructed prop panels)	22.00 per panel
Non-fire prop use—Four hour minimum plus the cost or replacement of materials used.	25.00 per hour
Panel construction (pre-constructed prop panels)	22.00 per panel
Live fire training—Four hour minimum	67.00 per hour
One LFD facility supervisor (trained LFD personnel to monitor live fire training and facility clean-up)	Base pay overtime rate for a fire captain/per hour/per instructor
Repair and maintenance (recovery cost for repairs and [facility maintenance])	20.00 per hour
Materials (pallets, hay, lumber, roofing material)	Current market price
Flashover training—Up to 15 students	161.00 per hour
Phase I—Classroom instruction (one instructor)	Base pay overtime rate for a fire captain/per hour/per instructor
Phase II—Simulation—Minimum of three LFD instructors (up to 15 students)	Base pay overtime rate for a fire captain/per hour/per instructor
Repair and maintenance (Recovery cost for repairs and [facility maintenance])	20.00 per hour
Materials (pallets, hay, lumber, etc)	Current market price
Training by request, provided by LFD instructors—Instruction for firefighters not employed by the city, instructed by city firefighters. If the training involves live fire, three instructors will be required	First instructor per hour: \$20.00 + base pay overtime rate for a fire captain. Additional instructors per hour: Base pay overtime rate for a fire captain. Plus the cost or replacement of materials

Non-live fire training—Training by request—Instruction for firefighters not employed by the city, instructed by city firefighters and not involving live fires	
LFD instructors, two minimum (LFD personnel trained and approved to conduct miscellaneous training)	First instructor per hour: \$20.00 + base pay overtime rate for a fire captain. Additional instructors per hour: Base pay overtime rate for a fire captain. Plus the cost or replacement of materials
Materials (pallets, hay, lumber, etc)	Current market price
Repair and maintenance	20.00 per hour
Materials (items shall be reimbursed at current market prices):	
Hay (per bail)	Current market price
Lumber (2 × 4 × 8)	Current market price
Lumber (2 × 4 × 10)	Current market price
Plywood (½ × 4 × 8 CDX)	Current market price
Particle board (5/8 × 4 × 8)	Current market price
Roof felt (15 lbs)	Current market price
Roof shingles (Bundle)	Current market price

SECTION II. AMENDMENTS.

A. Code of Ordinances, Chapter 2, Section 2-201, Fee Schedule, is hereby amended by adding the following fees:

ECONOMIC DEVELOPMENT AND PLANNING:

Engineering Site Plans/Modified Site Plans - 1st Submittal - (all) - Less than 5 acres	75.00
Engineering Site Plans/Modified Site Plans - 1st Submittal - (all) - 5 acres to 10 acres	100.00
Engineering Site Plans/Modified Site Plans - 1st Submittal - (all) - More than 10 acres	150.00
Engineering Site Plans/Modified Site Plans - 1st Submittal - (all) - Annual User Access Fee	150.00
Engineering Site Plans/Modified Site Plans - 2nd Submittal - (all) - Less than 5 acres	50.00
Engineering Site Plans/Modified Site Plans - 2nd Submittal - (all) - 5 acres to 10 acres	75.00
Engineering Site Plans/Modified Site Plans - 2nd Submittal - (all) - More than 10 acres	100.00
Engineering Site Plans/Modified Site Plans - 3rd+ Submittal - (all) - Less than 5 acres	25.00
Engineering Site Plans/Modified Site Plans - 3rd+ Submittal - (all) - 5 acres to 10 acres	50.00
Engineering Site Plans/Modified Site Plans - 3rd+ Submittal - (all) - More than 10 acres	75.00
Board Submittals - Zoning Change/Special Use Permit (Less Than 5 Acres)	25.00
Board Submittals - Zoning Change/Special Use Permit (5 to 10 Acres)	50.00
Board Submittals - Zoning Change/Special Use Permit (More Than 10 Acres)	75.00
Board Submittals - Zoning Change/Special Use Permit (Annual User Access Fee)	10.00
Board Submittals - Zoning Change/Special Use Permit (Annual User Access Fee)	10.00
Engineering site plan/Modified Site Plan:	
Less than one acre	250.00
1.00—4.99 acres	400.00
5.00—24.99 acres	400.00, plus \$30.00 per acre
25.00 and up	750.00, plus \$30.00 per acre
Final plat:	
Single-family	200.00
Plus, per lot	5.00
Commercial, industrial and multifamily	200.00
Plus, per acre	30.00
(On replats, additional charge based on Denton County filing fee for each page to be filed in Denton County Plat Records.)	
Development and construction variance request fee	350.00
Zoning change/Special Use Permit request:	

Less than 0.5 acre	150.00
0.5—4.99 acres	250.00
5.00—24.99 acres	400.00
25.00—49.99 acres	750.00
50.00—99.99 acres	1,000.00
100 acres and more	1,500.00
Zoning district change/Special Use Permit request sign	35.00

NEIGHBORHOOD SERVICES:

Permits with Plans – Irrigation (one-time fee)	25.00
Permits with Plans – Irrigation convenience fee	10.00
Permits with Plans – Banners (one-time fee)	25.00
Permits with Plans – Banners convenience fee	10.00
Permits with Plans – Special Events convenience fee	10.00
Permits with Plans – Mechanical (one-time fee)	25.00
Permits with Plans – Mechanical convenience fee	10.00
Permits with Plans – Plumbing (one-time fee)	25.00
Permits with Plans – Plumbing convenience fee	10.00
Permits with Plans – Electrical (one-time fee)	25.00
Permits with Plans – Electrical convenience fee	10.00
Residential Remodel Convenience fee	25.00

COMMUNITY RELATIONS:

Special Event Permit	
Event Planning	25.00 per hour
Professional Marketing	40.00 per hour

FIRE DEPARTMENT:

Pump Simulator rental	
Four hour minimum block	1500.00 per four hour block

Fire training tower rental (available to fire departments and related agencies only):	
Facility use only—Facility use without live fire activity (four hour minimum)	30.00 per hour
Non-fire prop use—Four hour minimum	50.00 per hour
Live fire training—Four hour minimum. Must meet NFPA 1401 Guidelines. If LFD is providing the instruction, a minimum of 3 instructors are required at the LFD instructor rate.	125.00 per hour
One LFD facility supervisor (trained LFD personnel to monitor live fire training and facility clean-up)	Overtime rate for a fire captain/per hour/per instructor
Flashover training—3 Instructors provided. Requesting agency must provide materials. (OSB/Particle Board). One burn per hour with one hour added to the day to cover set up and clean up.	175.00 per hour
Non-live fire training—Training by request—Instruction for firefighters not employed by the city, instructed by city firefighters and not involving live fires	
LFD instructors (LFD personnel trained and approved to conduct miscellaneous training)	Overtime rate for top of range fire captain.

POLICE DEPARTMENT:

Sky Tower	
Minimum 8 hours Rental	167.40
Hourly rate after first 8 hours up to 72 hours maximum	8.25

PARKS AND LEISURE SERVICES DEPARTMENT:

Primitive Campsite -	
Up to 6 campers	10.00 per campsite per night plus park entrance fee
Primitive Group Campsite -	
25 to 50 campers	50.00 per campsite per night plus park entrance fee
51 to 75 campers	75.00 per campsite per night plus park entrance fee
76 to 100 campers	100.00 per campsite per night

	plus park entrance fee
Adult athletics:	
Registration, per participant	4.00
Recreation classes, per participant	6.00
Recreation classes, non-resident fee	Additional 2.00
Lake Park entrance:	
Lake Park pavilion (Conner):	
Cancellations (reservation is cancelled at least two weeks in advance)	Rental fee and deposit minus a 10.00 cancellation fee will be refunded
Cancellations (reservation cancelled less than two weeks in advance)	All rental fees are retained
Lake Park pavilion (Pike):	
Cancellations (reservation is cancelled at least two weeks in advance)	Rental fee and deposit minus a 10.00 cancellation fee will be refunded
Cancellations (reservation cancelled less than two weeks in advance)	All rental fees are retained
Lake Park group picnic areas:	
Cancellations (if reservation is cancelled more than two weeks before the rental date)	Rental fee and deposit minus a 10.00 cancellation fee will be refunded
Cancellations (reservation cancelled less than two weeks in advance)	All rental fees are retained
Senior activity center usage fees (cannot be reserved more than two months in advance; all fees include supervisory costs):	
Meeting room rental fees (two hour minimum, per hour)	50.00 per hour, plus current hourly rate of part time Recreation Leader staff position
Cancellation fee (reservation is cancelled at least two weeks in advance)	Rental fee and deposit minus a 10.00 cancellation

	fee will be refunded
Cancellations (reservation cancelled less than two weeks in advance)	All rental fees are retained
Hedrick House (reservations will be allowed one year in advance of desired date):	
Rental fee for each hour exceeding the four-hour minimum	100.00 per hour maximum additional hour rental is 12
Cancellation fees (retained from rental fees):	
Cancellation fee – if cancellation occurs at least one month in advance	Rental fee and deposit minus a 10.00 cancellation fee will be refunded
If cancellation occurs less than one month (but more than two weeks in advance)	Minimum rental fee is forfeited
If cancellation occurs less than two weeks in advance of the rental date	Entire rental is forfeited
Use of facility during non-reservation times (deducted from deposit)	100.00 per hour or portion thereof
Glenmore Savage Community Room (cannot be reserved more than two months in advance):	
Failure to submit rental fee within two weeks of reservation date	Minimum rental fee is forfeited
Cancellation fee if reservation is cancelled at least two weeks in advance of event	Rental fee and deposit minus a 10.00 cancellation fee will be refunded
Cancellation fee if reservation is cancelled less than two weeks in advance	Minimum rental fee is forfeited
Central Park:	
Band shell (reservations begin January 1 st for current calendar year):	
Rental per day (capacity 50 people)	50.00
Deposit (refunded by mail)	50.00
Picnic shelters (2) (reservations begin January 1 st for the current calendar year):	
Rental per day (capacity 25 people) (per shelter)	50.00
Deposit (refunded by mail) (per shelter)	50.00
Cancellation fee(s) (if the reservation is cancelled at least two weeks prior to the event)	Rental fee and deposit minus a

	10.00 cancellation fee will be refunded
Cancellation fee(s) (if the reservation is cancelled less than two weeks prior to the event)	Rental fee retained
Aquatic facilities:	
Sun Valley Aquatic Center	5.00 per person
Old Town Aquatic Center	3.00 per person
Group/corporate rates:	
Rental (two hours on designated evenings after public swim times)	300.00
Recreation center:	
Fitness room:	
Guest pass (per person, per visit)	2.00
Spooktacular Trails, Funny Bunny Festival, Motorcycle Toy Run	
10x10 activity/game booth	150.00
Doggie Dive In, Senior Health Fair, Ducky Derby, Family Fun Pumpkin Walk	
10x10 booth	100.00
L.L. Woods Park:	
Picnic shelters (2) (reservations begin January 1 st for the current calendar year):	
Rental per day (capacity 25 people) (per Shelter)	50.00
Deposit (refunded by mail) (per shelter)	50.00
Cancellation fee if the reservation is cancelled at least two weeks prior to the event	Rental fee and deposit minus a 10.00 cancellation fee will be refunded
Cancellation fee is the reservation is cancelled less than two weeks prior to the event	Rental fee retained
Failure to return keys by the deadline	10.00 per day
Ellis Park:	
Picnic shelters (2) (reservations begin January 1 st for the current calendar year):	
Rental per day (capacity 25 people) (per Shelter)	50.00
Deposit (refunded by mail) (per shelter)	50.00
Cancellation fee if the reservation is cancelled at least two weeks prior to the event	Rental fee and deposit minus a 10.00 cancellation fee will be refunded
Cancellation fee is the reservation is cancelled less than two weeks prior to the event	Rental fee retained

Failure to return keys by the deadline	10.00 per day
LLELA:	
LLELA Pavilion Rental	25.00

FINANCE:

Water rates:	
The monthly rates or charges for retail service furnished by the city water works system shall be as follows:	
Meter Size	Current Charge
¾-inch	14.28
1-inch	20.82
1½-inch	39.39
2-inch	65.44
3-inch	139.92
4-inch	244.13
6-inch	542.00
8-inch	959.00
10-inch	1,495.11
Volumetric rate	2.95
Sewer rates:	
Single-family dwelling:	
Current customers' rates shall be based upon the four-month winter average of monthly water consumption billed in the most recent December, January, February and March for such dwellings and charged:	
Monthly minimum bill (2,000 gallons)	8.65
Volume charge per 1,000 (over 2,000 gallons)	3.48
Non-single-family dwelling:	
Rates shall be based upon 100 percent of each month's water consumption and charged:	
Monthly minimum bill (2,000 gallons)	8.65
Volume charge per 1,000 (over 2,000 gallons)	3.48
New customers:	
All new residential customers shall be charged a flat fee per month until the winter average can be established.	22.58

All residential customers transferring their service to a new address in the city shall be charged a sewer charge based on their winter average at the prior service address until a new winter average is established at the new address.	
Sewer only customers:	
In instances where dwellings are not served by the city waterworks system, the charge for services furnished by the city sanitary sewer system shall be a flat fee per dwelling unit per month.	22.58
Denton County Fresh Water Supply District 1-A:	
Wholesale water sales (maximum demand charge)	349,314
Wholesale water sales (monthly demand charge)	29,109
Wholesale water sales (volume per 1,000 gallons)	1.90
Sewer wholesale rate (volume per 1,000 gallons)	2.78
Industrial surcharge:	
The factors per 1,000 gallons for the industrial surcharge ordinance are \$0.003697 per mgl of BOD and \$0.003174 per mgl of TSS for industrial/commercial customers whose sewage strengths exceed maximum allowance of 240 mgl.	
Transported liquid waste:	
The rate for sewage transported by vehicle from within the corporate limits of the city is \$8.65 for the first 2,000 gallons. Points of collection are restricted to portable sanitary units and septic systems approved by the city. A volume charge of \$3.48 per 1,000 gallons, in excess of 2,000 gallons, shall be in addition to the basic rate charged. The city may refuse any waste if material is non-conforming with pretreatment standards as adopted by the city.	

SECTION II. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. 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 IV. EFFECTIVE DATE. This ordinance shall become effective on October 5, 2015.

SECTION V. 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.

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

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY