



Lewisville City Council

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AGENDA

LEWISVILLE CITY COUNCIL MEETING FEBRUARY 2, 2015

LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057

WORKSHOP SESSION - 6:30 P.M.
REGULAR SESSION - 7:00 P.M.

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

- A. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Pro Tem Gilmore
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Ueckert
- C. **PRESENTATION:** Presentation of Poem Celebrating Lewisville's 90th Birthday as Composed by Lewisville Poet Laureate J. Paul Holcomb
- D. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of an Ordinance for a Zone Change Request From Agriculture Open Space (AO) to Light Industrial (LI), Located on Approximately 0.959 Acre Tract of Land Located on the North Side of Bennett Lane, Approximately 525 Feet East of Yates Street, as Requested by Derek Baker of Keller Williams Realty on Behalf of Pensco Trust Co, FBO Diane Brandenburger and Patricia Morgan the Property Owners (Case No. PZ-2015-01-01).

ADMINISTRATIVE COMMENTS:

Pensco Trust Co. currently owns the property and is in the process of trying to sell it. This is a fairly long and narrow lot and is vacant of any buildings. The majority of property in this area is zoned Light Industrial (LI), although several parcels still retain their Agricultural Open Space (AO) designations. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 5-0 at their meeting on January 6, 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: Nika Reinecke, Dir. of Economic Development / Planning
Derek Baker, Keller Williams Realty

2. **Public Hearing:** Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1), Located at 254 West Walters Street on 0.30 Acres; Further Identified as Lot 5 (NW Part), Block 1 O.T. Lewisville Addition, as Requested by Lance Lindley the Property Owner (Case No. PZ-2015-01-02).

ADMINISTRATIVE COMMENTS:

The 0.30 acre property is located at the southeast corner of Herod Street and West Walters Street and is occupied by a one story residence built in 1942. The zone change request matches the Old Town Master Plan recommended zoning for this area. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 5-0 at their meeting on January 6, 2015.

RECOMMENDATION:

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

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning
Lance Lindley, Property Owner

- E. **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.
- F. **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.

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LEWISVILLE CITY COUNCIL
FEBRUARY 2, 2015**

3. **APPROVAL OF MINUTES: City Council Minutes of the January 26, 2015, Workshop Session and Regular Session.**
4. **Approval of Changes to Policy Statement 3.0 Finance, Adding Section XI - Lewisville 2025 Incentives and Special Projects Fund.**

ADMINISTRATIVE COMMENTS:

City Council authorized the creation of the Lewisville 2025 Incentives and Special Projects Fund during the 2014-15 budget process by allocating one cent on the property tax rate. The funding will be used to support the Lewisville 2025 “Big Moves” and action priorities. Examples of appropriate expenditures include incentives, consultant fees, and equipment purchases. On-going expenses related to Lewisville 2025 will be funded out of the annual operating budgets. All requests for funding will be approved by the City Manager will follow approved purchasing policy.

RECOMMENDATION:

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

G. **REGULAR HEARINGS:**

5. **Consideration of a Variance to the 1996 Castle Hills Agreement to Allow a Single Family Residence Located at 661 The Lakes Boulevard, in Castle Hills to Encroach Nine Inches Into the 10 Foot Front Yard Setback; Nine Inches Into the Six Foot Utility Easement and up to Fourteen and a Half Inches Into the 10 Foot Wall Maintenance Easement, as Requested by Matt Taylor Representing American Legend Homes.**

ADMINISTRATIVE COMMENTS:

On August 5, 2014, Barrow Land Surveying unknowingly staked the lot incorrectly at 661 The Lakes Blvd. As a result the house was built slightly askew on the lot and created three encroachments on the property. American Legend Homes, the home builder, is requesting the following variances: a) to allow the single family residence to encroach up to nine inches into the 10 foot front setback; b) to allow the single family residence to encroach nine inches into the six foot utility easement; and c) to allow the single family residence to encroach up to fourteen and a half inches into the 10 foot wall maintenance easement. This lot is a corner lot and the encroachments face the front and side street.

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RECOMMENDATION:

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

- 6. Consideration of a Resolution Ordering a Special Election to be Held in Conjunction With the May 9, 2015, Lewisville City Council Election for the Purpose of Electing One (1) Member to the City Council to Fill the Unexpired Term of Councilman – Place No. 5; Authorization of an Election Calendar; and Authorization for the Mayor to Sign the Election Order.**

ADMINISTRATIVE COMMENTS:

On January 26, 2015, the City Council called an election for the Mayor's position and Place No. 2. Councilman Rudy Durham submitted an Application to run for the Mayor position on January 28, 2015. Per State law, by submitting this application, Councilman Durham has automatically resigned from Place No. 5. Pursuant to Article XI, Section 11 of the Texas Constitution, a vacancy for a City with three year terms must be filled with a special election and such election must be held within 120 days after such vacancy occurs. Therefore, the special election can be held in conjunction with the May 9, 2015, City Council Election. All of the aspects of the special election will be the same as the general election except for the filing period. The filing period will be February 6 through March 9, 2015 (per the attached election calendar). Councilman Durham will continue to serve in Place 5 until the election results are canvassed and his successor is sworn into office pursuant to Article 16, Section 17, of the Texas Constitution.

RECOMMENDATION:

That the City Council approve the proposed resolution and election calendar as set forth in the caption above.

- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 2, 2015**

- I. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
 - 1. Section 551.071 (Consultation with Attorney): Legal Issues Related to the Construction of the Old Town Park Plaza
 - 2. Section 551.072 (Real Estate): Property Acquisition
 - 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- J. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- K. **ADJOURNMENT**

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

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: January 21, 2015

SUBJECT: **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture Open Space (AO) to Light Industrial (LI), Located on Approximately 0.959 Acre Tract of Land Located on the North Side of Bennett Lane, Approximately 525 Feet East of Yates Street, as Requested by Derek Baker of Keller Williams Realty on Behalf of Pensco Trust Co, FBO Diane Brandenburger and Patricia Morgan the Property Owners (Case No. PZ-2015-01-01).**

BACKGROUND

Pensco Trust Co. currently owns the property and is in the process of trying to sell it. Potential purchasers of the property have spoken with staff regarding development of a small office building and parking lot for cars and equipment. There will be no storage of debris on site. This is a fairly long and narrow lot (approximately 83 feet wide and 504 feet long). The property is vacant of any buildings. The majority of property in this area is zoned Light Industrial (LI), although several parcels still retain their Agricultural Open Space (AO) designations.

ANALYSIS

The proposed zoning classification of Light Industrial (LI) is in keeping with the prevalent zoning pattern of the surrounding area. At a minimum, a plat and engineering site plan will be required to develop the property. The Planning and Zoning Commission unanimously (5-0) voted to recommend approval of the zone change request at their meeting on January 6, 2015.

RECOMMENDATION

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

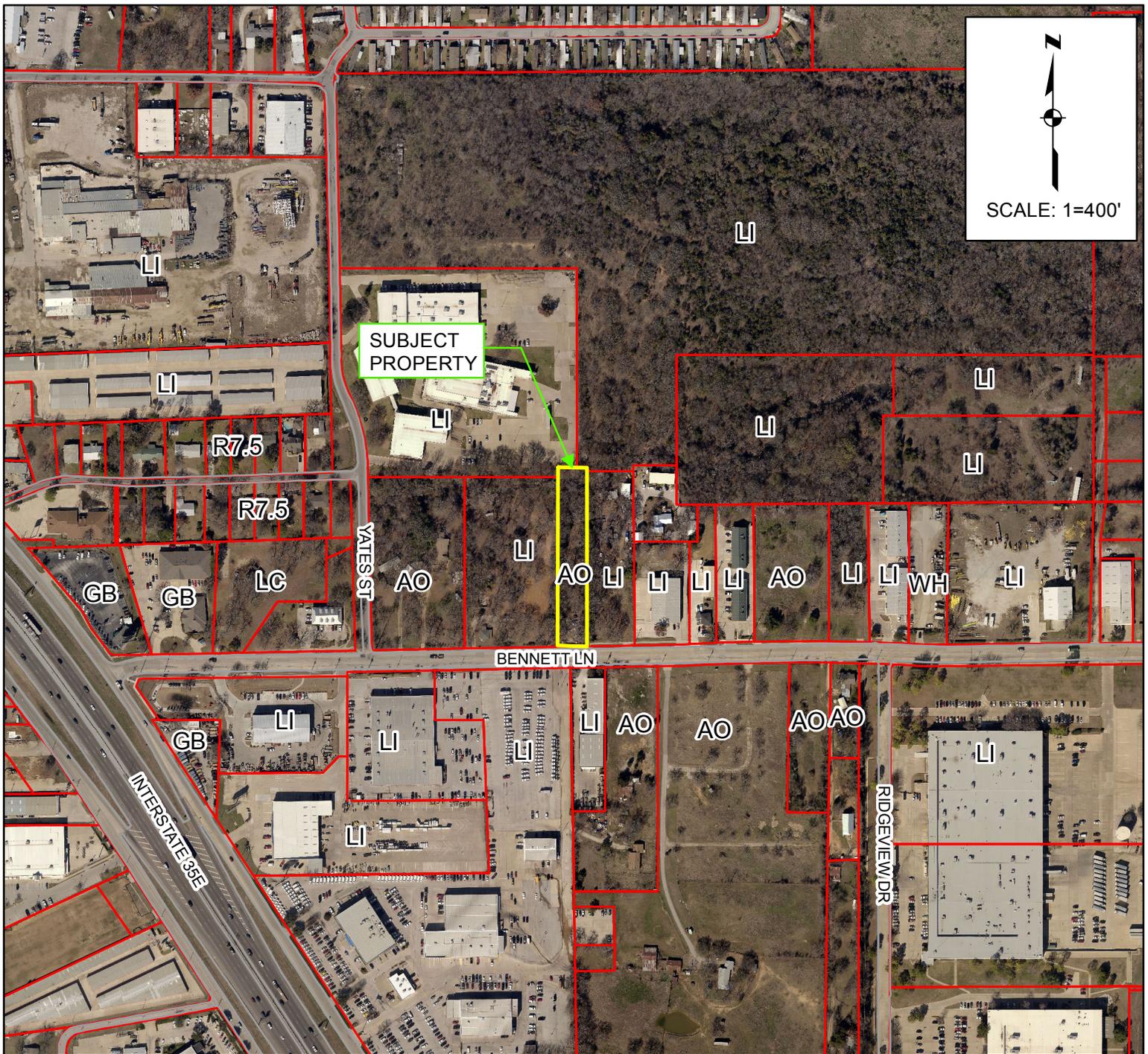
MINUTES
PLANNING AND ZONING COMMISSION
JANUARY 6, 2015

Item 5:

Public hearings for zoning cases were the next items on the agenda. There were two items for consideration.

- A. Consideration of a zone change request from Agriculture Open Space (AO) to Light Industrial (LI), located on 0.959 acres on the north side of Bennett Lane, east of Yates Street; further identified as Tract 25 of the E. Aday Survey, Abstract 11. The request is being made by Derek Baker on behalf of Pensco Trust Co, FBO Diane Brandenburger and Patricia Morgan, the property owners (Case No. PZ-2015-01-01).

Staff gave a brief presentation on the zone change request and that it is in keeping with the prevalent zoning pattern of the surrounding area. The Public hearing was then opened and Derek Baker, realtor for the property spoke in favor of the request. There being no one else present the public hearing was then closed. *A motion was made by Kristin Green to recommend approval of the zone change request, seconded by Brent Daniels. The motion passed unanimously (5-0).*



ZONING CASE #	PZ-2015-01-01
APPLICANT:	DEREK BAKER
OWNER:	PENSCO TRUST CO., FBO DIANE BRANDENBURGER AND PATRICIA MORGAN
PROPERTY LOCATION:	NORTH SIDE OF BENNETT LANE, EAST OF YATES STREET; FURTHER IDENTIFIED AS TRACT 25 OF THE E. ADAY SURVEY, ABSTRACT 11 (0.959 ACRES)
CURRENT ZONING:	AGRICULTURE OPEN SPACE (AO)
PROPOSED ZONING:	LIGHT INDUSTRIAL (LI)

This Section (Office Use Only)	
Case:	PZ-2015-01-01
PZ:	JAN. 6, 2015
CC:	FEB. 2, 2015
Sign/s Picked Up By:	



LEWISVILLE
 Deep Roots. Broad Wings. Bright Future.

ZONE CHANGE APPLICATION

Owner/s (name): PENSICO TRUST CO., FBO DIANE BRANDENBURGER AND PATRICIA MORGAN	
Company Name: LOCAL	
Mailing Address: P.O. BOX 173859, DENVER CO 80217 / P.O. BOX 1305, FRISCO, TX 75035	
Work #:	Cell #: 214-384-6163
E-Mail: REUKATHYMORGAN@GMAIL.COM	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): <i>Diane Brandenburg</i>	Date: 11/26/14
Printed Name: DIANE BRANDENBURGER AND PATRICIA MORGAN	

Applicant/Agent (name): DEREK BAKER	
Company Name: KELER WILLIAMS REALTY	
Mailing Address: 6951 VIRGINIA PKV, MCKINNEY, TX 75071	
Work #:	Cell #: 214-551-4604
E-Mail: DEREKVBAKER@GMAIL.COM	
Applicant/Agent Signature <i>Derek Baker</i>	Date: 11/26/14
Printed Name: DEREK BAKER	

Current Zoning: AO	Requested Zoning: LI	Acres: .959
Legal Description (Lot/Block/Tract/Abstract): ABOBIA E. ADAY, TR 25, .959 ACRES, OR OLD ROAD TR#15, PARCEL ID # R16696		
Address/Location: 475 BENNETT LANE, LEWISVILLE, TX 75057		

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: 1	Zone Change Signs - \$35 each 1 sign required for each 5 acres (max 5 per site)	\$ 35.00
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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)	\$ 285.00
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Zone change sign – Bennett Lane



E&H Contractors

1595 S. Old Orchard Ln. #2308
214-960-6139 972-352-3246

December 31, 2014

City of Lewisville
151 W. Church Street
Lewisville, TX 75057

To Whom It May Concern,

E&H Contractors has a signed contract to purchase the property located at 475 Bennett Lane in Lewisville. The current property owners have recently submitted an application to change the zoning from Agriculture Open Space (AO) to Light Industrial (LI). Since settlement on this property is scheduled to occur before the zoning process has been completed, we are requesting the City of Lewisville continue the zoning change under the new ownership of E&H Contractors.

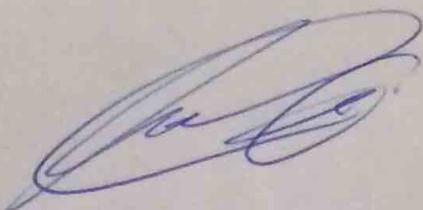
E&H Contractors intends to use the property for the purposes of a parking lot for cars and equipment and a small business office.

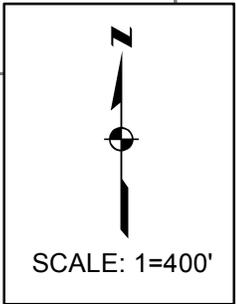
As such, we are requesting that there be no interruption or delay in the zoning application process during the transfer of ownership, and are happy to accommodate the process any way we can.

Thank you very much for your assistance. Please do not hesitate to contact me if you have any questions or concerns.

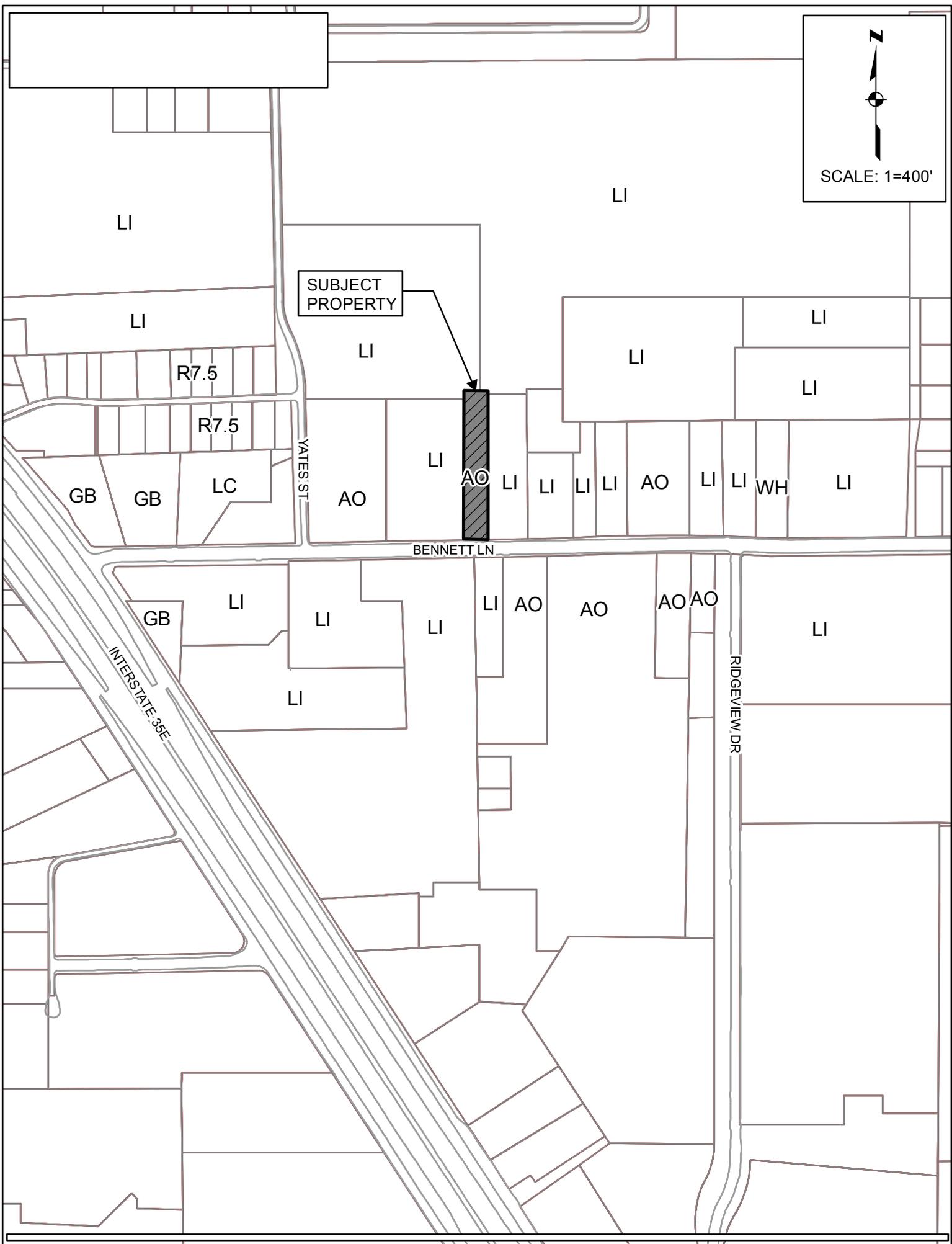
Respectfully,

Erick Jaramillo & Filipe Jaramillo
E&H Contractors
Erick_jaramillo41@hotmail.com





SUBJECT
PROPERTY



SECTION 17-6. - "AO" AGRICULTURE – OPEN SPACE DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) All general and special agricultural, farming, ranching, stock and poultry raising, dairy and other related uses so long as same does not cause a hazard to health by reason of unsanitary conditions; and are not offensive by reason of odors, dust, fumes, noise or vibration; and are not otherwise detrimental to the public welfare; and in all cases poultry or livestock shall be kept as per the city's animal control ordinances.
 - (2) Public parks and recreation areas.
 - (3) Single-family dwellings on building lots of one (1) acre or more in areas where such dwellings can be served by city water and/or sanitary sewer services if practical or can be adequately served by water wells and/or septic tanks located on the building lot. The minimum floor area of any dwelling shall be one thousand four hundred (1400) square feet, exclusive of garages, breezeways and porches.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor)..
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Church worship facilities.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) Accessory dwelling unit (SUP required).
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of Yards.* All front, side, and rear yards shall have a dimension of not less than one hundred (100) feet.
 - (2) *Size of Lot.* No lot shall have an area of less than one (1) acre.
 - (3) *Lot Coverage.* In no case shall more than ten percent (10%) of the total area of the lot be covered by the combined area of the main buildings and accessory buildings.

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.
 - (6) Airport/Heliport (SUP required).
 - (7) Auto repair shops including body shops (SUP required).
 - (8) Church worship facilities.
 - (9) Buildings and uses owned or operated by public governmental agencies.
 - (10) Cemetery, mausoleum, crematorium & accessory uses (SUP required).
 - (11) Cosmetic manufacturer.
 - (12) Drugs and pharmaceutical products manufacturing.
 - (13) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (14) Electronic products manufacturing.
 - (15) Fur good manufacture, but not including tanning or dyeing (SUP required).
 - (16) Gas and oil drilling accessory uses (SUP required).
 - (17) Glass products, from previously manufactured glass.
 - (18) Heavy equipment – outdoor rental/sales/service (SUP required).
 - (19) Household appliance products assembly and manufacture from prefabricated parts.
 - (20) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
 - (21) Musical instruments assembly and manufacture.
 - (22) Paint, shellac and varnish manufacture (SUP required).
 - (23) Plastic products manufacture, but not including the processing of raw materials.
 - (24) Racing facilities (SUP required).
 - (25) Recreational Vehicle (RV) Park. (Private) (SUP required).
 - (26) Self storage/mini warehouse facility (SUP required).
 - (27) Shooting Range (indoor or outdoor) (SUP required.).
 - (28) Sporting and athletic equipment manufacture.
 - (29) Testing and research laboratories.
 - (30) Auction yard (vehicle) (SUP required).
 - (31) Communication towers (SUP required).
 - (32) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (33) 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.
 - (34) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (35) 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 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".

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 0.959 ACRE TRACT OF LAND LOCATED AT THE NORTH SIDE OF BENNETT LANE, APPROXIMATELY 525 FEET EAST OF YATES STREET FROM AGRICULTURE OPEN SPACE (AO) DISTRICT ZONING TO LIGHT INDUSTRIAL (LI) 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 0.959 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 **LIGHT INDUSTRIAL (LI) 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 2ND DAY OF FEBRUARY, 2015.

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Being a 0.959 acre tract of land situated in the E. Aday Survey, Abstract No. 11 in the City of Lewisville, Denton County, Texas, being all of a tract of land conveyed to Providence Trust Company, Successor Trustee of the Wally L. Morgan Individual Retirement Account, by deed recorded in Volume 3305, Page 557, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point for corner at an interior ell in the North line of Bennett Lane (a variable width right-of-way), being the Southeast corner of said Providence Trust Company, Successor Trustee of the Wally L. Morgan Individual Retirement Account tract;

Thence South 88 degrees 43 minutes 11 seconds West, along the said North line of Bennett Lane, a distance of 82.70 feet to a point for corner in the East line of a tract of land conveyed to John H. Pearson, Jr., and wife, Mildred Pearson, by deed recorded in Volume 409, Page 357, Deed Records, Denton County, Texas;

Thence North 00 degrees 35 minutes 12 seconds East, along the said East line of Pearson tract, passing a 1/2 inch iron rod set at a distance of 17.65 feet, and along the most Southern East line of a tract of land conveyed to Active Organics, Inc. by deed recorded in Document No. 2012-147800, Deed Records, Denton County, Texas, and continuing for a total distance of 505.00 feet to a 1/2 inch iron found for corner at an interior ell in the South line of said Active Organics, Inc. tract;

Thence North 88 degrees 43 minutes 45 seconds East, along the said South line of said Active Organics, Inc. tract, passing a 1/2 inch iron rod found at the most Northern Southeast corner of said Active Organics, Inc. tract at a distance of 56.08 feet, same being the Southwest corner of a tract of land conveyed to WRN Creekside Development, LLC, a Texas limited liability company, by deed recorded in Document No. 2014-93013, Deed Records, Denton County, Texas, and continuing along South line of said WRN Creekside Development, LLC tract, for a total distance of 82.80 feet to a 5/8 inch iron rod found at the Northwest corner of Lot 1, Block A, Tyson Estates, an addition to the City of Lewisville, Denton County, Texas, according to the plat thereof recorded in Cabinet U, Page 31, Plat Records, Denton County, Texas;

Thence South 00 degrees 35 minutes 55 seconds West, along the West line of said Lot 1, a distance of 504.99, passing a 1/2 inch iron rod set at a distance of 489.39 feet, and continuing for a total distance of 504.99 feet to the Point of Beginning and containing 41,765 square feet or 0.959 acres of land.

ACTIVE ORGANICS, INC.
DOC. NO. 2012-147800
D.R.D.C.T.

WRN CREEKSIDE DEVELOPMENT, LLC.
A TEXAS LIMITED LIABILITY COMPANY
DOC. NO. 2014-93013
D.R.D.C.T.

REVISIONS		
DATE	BY	NOTES

475 Bennett Lane

Being a 0.959 acre tract of land situated in the E. Aday Survey, Abstract No. 11 in the City of Lewisville, Denton County, Texas, being all of a tract of land conveyed to Providence Trust Company, Successor Trustee of the Wally L. Morgan Individual Retirement Account, by deed recorded in Volume 3305, Page 557, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

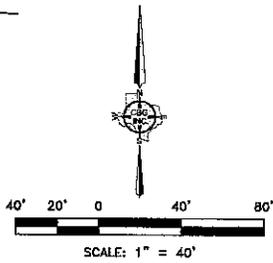
Beginning at a point for corner at an interior all in the North line of Bennett Lane (a variable width right-of-way), being the Southeast corner of said Providence Trust Company, Successor Trustee of the Wally L. Morgan Individual Retirement Account tract;

Thence South 88 degrees 43 minutes 11 seconds West, along the said North line of Bennett Lane, a distance of 82.70 feet to a point for corner in the East line of a tract of land conveyed to John H. Pearson, Jr., and wife, Mildred Pearson, by deed recorded in Volume 409, Page 357, Deed Records, Denton County, Texas;

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Thence North 88 degrees 43 minutes 45 seconds East, along the said South line of said Active Organics, Inc. tract, passing a 1/2 inch iron rod found at the most Northern Southeast corner of said Active Organics, Inc. tract of a distance of 56.08 feet, same being the Southwest corner of a tract of land conveyed to WRN Creekside Development, LLC, a Texas limited liability company, by deed recorded in Document No. 2014-93013, Deed Records, Denton County, Texas, and continuing along South line of said WRN Creekside Development, LLC tract, for a total distance of 82.80 feet to a 5/8 inch iron rod found at the Northwest corner of Lot 1, Block A, Tyson Estates, an addition to the City of Lewisville, Denton County, Texas, according to the plat thereof recorded in Cabinet U, Page 31, Plat Records, Denton County, Texas;

Thence South 00 degrees 35 minutes 55 seconds West, along the West line of said Lot 1, a distance of 504.99 feet, passing a 1/2 inch iron rod set at a distance of 489.39 feet, and continuing for a total distance of 504.99 feet to the Point of Beginning and containing 41,765 square feet or 0.959 acres of land.



General notes:

- 1) Bearings are based on the deed recorded in Volume 3305, Page 557, D.R.D.C.T.
- 2) Property is subject to easement to Denton County, Electric Cooperative recorded in Volume 388, Page 522. (blanket in nature)
- 3) Property is subject to terms, provisions and conditions of Boundary Agreement recorded in Volume 1079, Page 337

SURVEYOR'S CERTIFICATE

This survey is made relying on information provided by Republic Title of Texas, Inc. in connection with the transaction described in Off# 1009-127225-RTT. The undersigned Registered Professional Land Surveyor (Bryan Connolly) hereby certifies to Deborah Rothermel, First American Title Insurance Company and Republic Title of Texas, Inc. that, (a) this plat of survey and the property description set forth hereon were prepared from an actual on-the-ground survey of the real property (the "Property") described in (instrument), and shown hereon; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; (d) except as shown hereon there are no observable protrusions on to the Property or observable protrusions there from, there are no observable discrepancies, conflicts, shortages in area or boundary line conflicts; (e) the size, location and type of improvements, are shown hereon, and all are located within the boundaries of the Property and setback from the Property lines the distances indicated; (f) the distance from the nearest intersection street or road is as shown; (g) the Property has apparent access to and from a public roadway; (h) recorded easements listed hereon have been labeled and plotted hereon; (i) the boundaries, dimensions and other details shown hereon are shown to the appropriate accuracy standards of the State of Texas; (j) the Property is not located in a 100 Year Flood Plain or in an Identified "Flood Prone Area" as defined by the U. S. Department of Housing and Urban Development (Flood Insurance Rate Map No. 48121C0565 G) pursuant to the Flood Disaster Protection Act of 1973.

The surveyor expressly understands and agrees that Deborah Rothermel, First American Title Insurance Company, and Republic Title of Texas, Inc. are entitled to rely on this survey as having been performed to the appropriate standards of the current (1999 Edition) Texas Society of Professional Surveyors Standards and Specifications for a Texas Land Title Survey as set forth by the Texas Board of Professional Land Surveying.

Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned.

Executed this 4th day of December, 2014

Bryan Connolly
Bryan Connolly
Registered Professional Land Surveyor No. 5513



PROPERTY PICTURES



NOTE: According to the F.I.R.M. in Map No. 48121C0565 G, this property does lie in Zone X, and DOES NOT lie within the 100 year flood zone.

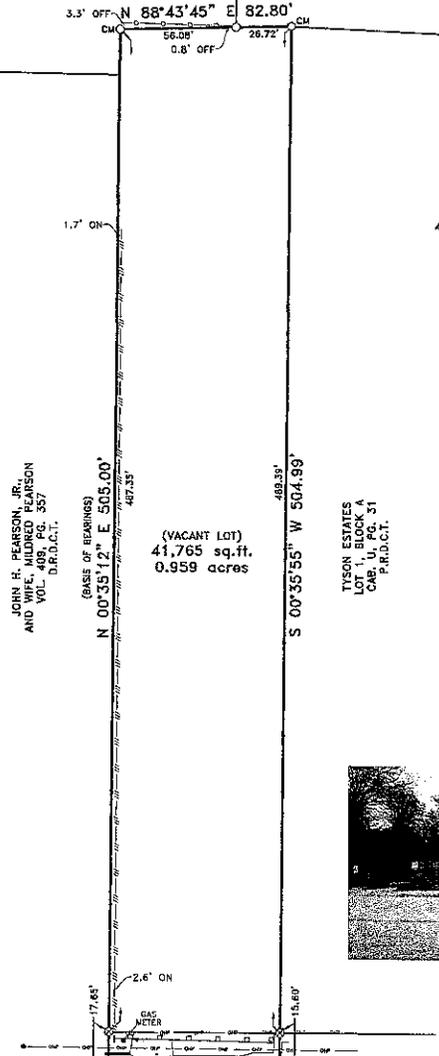
LEGEND	
○ CONTROLLING MONUMENT	PC - POOL COMPARTMENT
○ 1/2" IRON ROD FOUND	PC - POOL COLUMN
○ 1/2" IRON ROD SET	AC - AIR CONDITIONING
○ 5/8" IRON ROD FOUND	○ FINE HYDRANT
○ POINT FOR CORNER	○ FOUND / SET
○ UNDERGROUND ELECTRIC	○ OVERHEAD ELECTRIC
○ POWER POLE	○ ASPHALT PAVING
○ GRATE/POLE ROAD OR DRIVE	○ CONCRETE PAVING
○ CHAIN LINK FENCE	○ WOOD FENCE
○ U.S. MILE TYPICAL	○ IRON FENCE
○ PIPE FENCE	○ PIPE FENCE
○ COVERED PORCH/DECK OR CARPORT	○ OVERHEAD ELECTRIC SERVICE
○ OVERHEAD POWER LINE	○ OVERHEAD POWER LINE

C.B.G. Surveying, Inc.
12025 Shiloh Rd, Suite 230
Dallas, Texas 75228
P 214-349-9455 F 214-349-2216
Firm No. 10168800
www.cbglw.com

SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1" = 40'	12/05/14	1412802	108-1225-RTT	CG

TEXAS LAND TITLE SURVEY
E. ADAY SURVEY, ABSTRACT NO. 11
CITY OF LEWISVILLE, DENTON COUNTY, TEXAS
475 BENNETT LANE

ACCEPTED BY: _____ DATE: _____ SIGNATURE: _____ DATE: _____



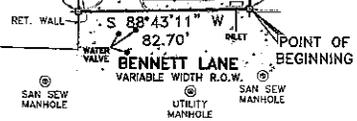
JOHN H. PEARSON, JR.,
MILDRED PEARSON
AND WALLY L. MORGAN, JR.
BY: _____
D.R.D.C.T.

(BASIS OF BEARINGS)
N 00°35'12" E 505.00'
487.35'

(VACANT LOT)
41,765 sq.ft.
0.959 acres

S 00°35'55" W 504.99'
489.39'

TYSON ESTATES
LOT 1, BLOCK
CAB. U, PG. 31
P.R.D.C.T.



MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: January 21, 2015

SUBJECT: **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1), Located at 254 West Walters Street on 0.30 Acres; Further Identified as Lot 5 (NW Part), Block 1 O.T. Lewisville Addition, as Requested by Lance Lindley the Property Owner (Case No. PZ-2015-01-02).**

BACKGROUND

The 0.30 acre property is located at the southeast corner of Herod Street and West Walters Street and is occupied by a one story residence built in 1942. The property owner bought the home in 2012 and is proposing to add a garage onto the residence.

ANALYSIS

The designation of Old Town Mixed Use One (OTMU1) being requested is consistent with the Old Town Master Plan's recommended zoning for the property. The rezoning would provide greater flexibility with setbacks and maintains the residential character for that area. The Planning and Zoning Commission unanimously (5-0) voted to recommend approval of the zone change request at their meeting on January 6, 2015.

RECOMMENDATION

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

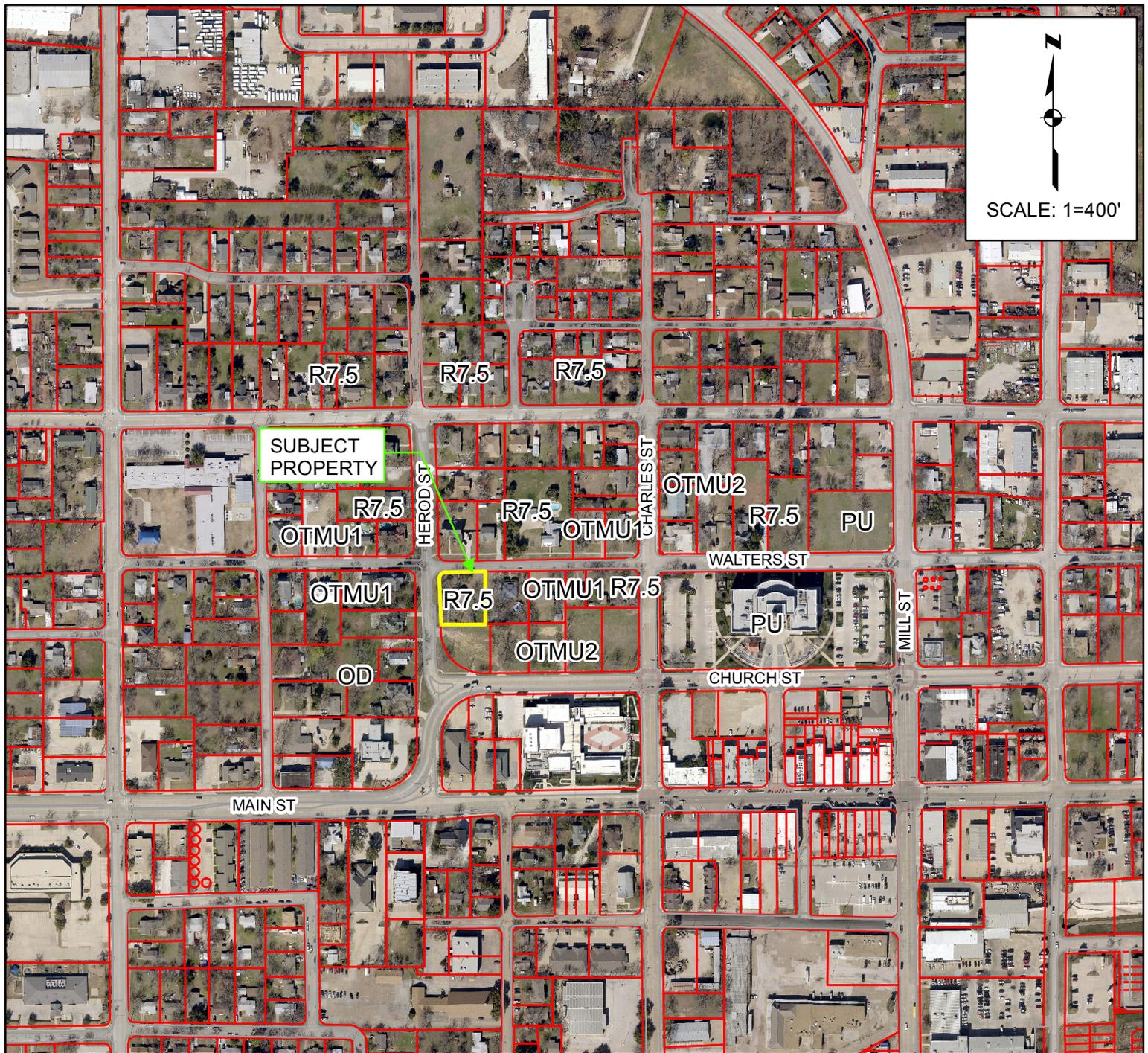
MINUTES
PLANNING AND ZONING COMMISSION
JANUARY 6, 2015

Item 5:

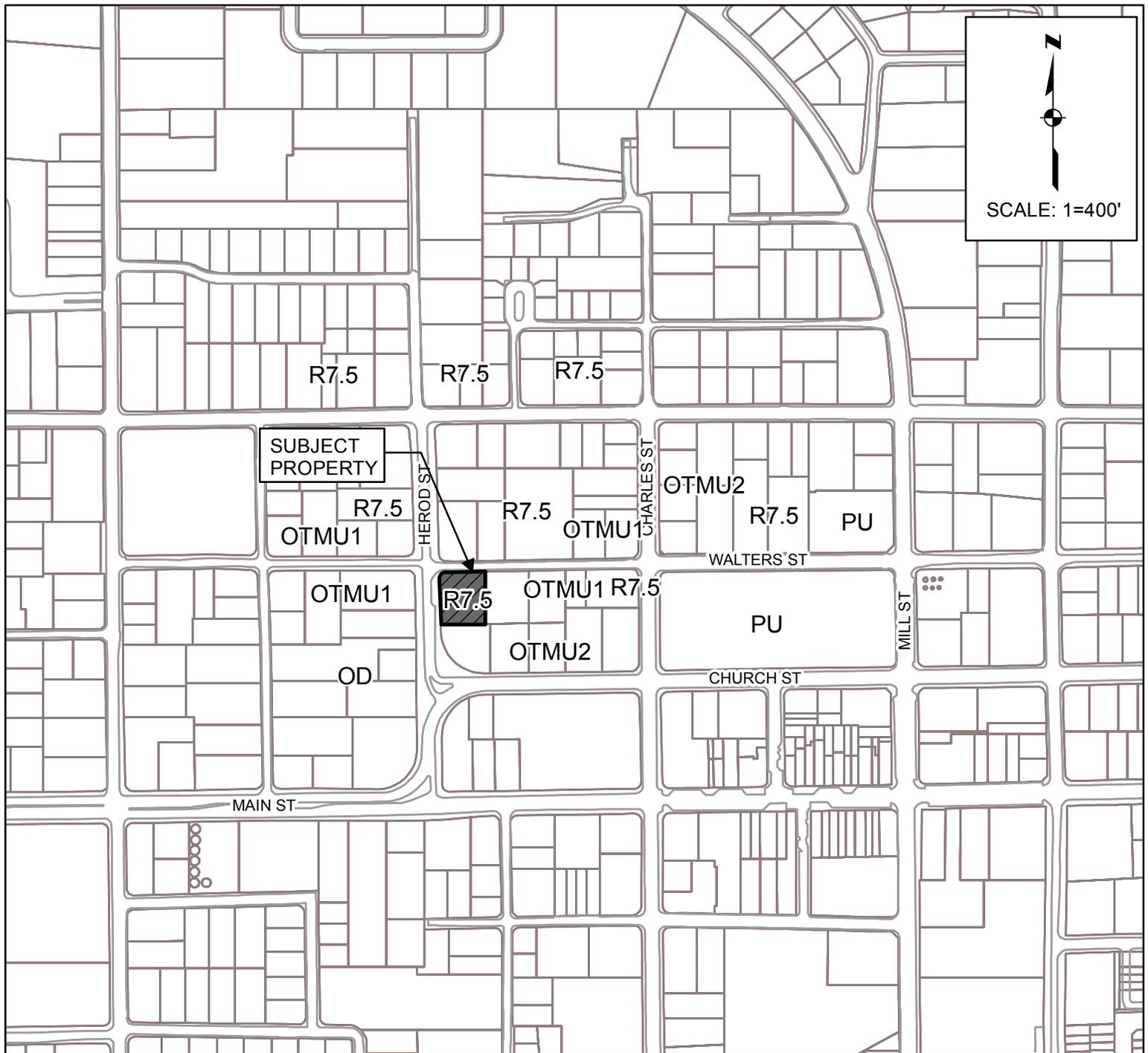
Public hearings for zoning cases were the next items on the agenda. There were two items for consideration.

- B. Consideration of a zone change request from Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1), located at 254 West Walters Street on 0.30 acres. The request is being made by Lance Lindley, the property owner (Case No. PZ-2015-01-02).

Staff gave a brief presentation on the zone change request and that it is in keeping with the Old Town Master Plan and OTMU1 allows for only residential uses. The public hearing was opened and there being no one present to speak on the item, the public hearing was then closed. *A motion was made by Steve Byars to recommend approval of the zone change request, seconded by Kristin Green. The motion passed unanimously (5-0).*



ZONING CASE #	PZ-2015-01-02
APPLICANT/OWNER:	LANCE LINDLEY
PROPERTY LOCATION:	254 WEST WALTERS STREET (0.30 ACRES)
CURRENT ZONING:	SINGLE-FAMILY RESIDENTIAL (R-7.5)
PROPOSED ZONING:	OLD TOWN MIXED USE ONE (OTMU1)



ZONING CASE #	PZ-2015-01-02
APPLICANT/OWNER:	LANCE LINDLEY
PROPERTY LOCATION:	254 WEST WALTERS STREET (0.30 ACRES)
CURRENT ZONING:	SINGLE-FAMILY RESIDENTIAL (R-7.5)
PROPOSED ZONING:	OLD TOWN MIXED USE ONE (OTMU1)

Zone change sign – 254 W. Walters St.



SECTION 17-10. - "R-7.5" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than thirty (30) feet, except where entrance to the garage is provided from an alley in the rear of the house, in which case the minimum front yard may be twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than six and one-half (6.5) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than sixty-five (65) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.

- c. [Exception] Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-22.6.1. - "OTMU1" OLD TOWN MIXED USE 1 DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Single-family attached dwellings, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Two-family dwellings (duplexes).
 - (4) Multi-family dwellings. Projects shall be a minimum of two (2) acres in area on a single platted lot. A minimum of twenty (20) units must be built in the first phase of construction.
 - (5) Church worship facilities.
 - (6) Buildings and uses owned or operated by public governmental agencies.
 - (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (8) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (9) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provide that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (10) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
 - (11) Bed and breakfast (SUP required).
 - (12) Professional and administrative offices where only services are provided, no goods are offered for sale, no drive-thru's are allowed and no outside storage is provided on the premises.
 - (13) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Single-family detached and two-family dwelling requirements.*
- (1) *Maximum height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
 - (2) *Minimum dwelling size.* The minimum floor area of any single-family dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
 - (3) *Front yard.* No front setback is required.
 - (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than six and one-half (6.5) feet.
 - (5) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet.
- (c) *Single-family attached, multi-family and institutional building requirements.*
- (1) *Maximum height.* No building shall exceed shall not exceed forty-five (45) feet in height or three and one-half (3-1/2) stories in height.
 - (2) *Minimum dwelling size.* The minimum floor area of any single-family attached dwelling shall be one thousand four hundred fifty (1,450) square feet. The minimum floor area of any multi-family dwelling shall be eight hundred fifty (850) square feet, exclusive of garages, breezeways and porches.
 - (3) *Front yard.* No front setback is required.
 - (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than six and one-half (6.5) feet.

- (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be zero (0) feet.
 - (6) *Density.* In no case shall the density of multi-family dwelling units per platted acre exceed forty (40) units per acre. Density shall be based on the size of the platted lot.
- (d) *Size of lot.*
- (1) *Lot area.* No detached single-family dwelling or non-residential building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet. Attached single-family dwellings shall be constructed on lots with a minimum of two thousand (2,000) square feet. Multi-family dwelling projects shall be constructed on lots of a minimum of two (2) acres in size.
 - (2) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- (e) *Other setbacks.*
- (1) The old town mixed use 1 district shall not be subject to the following setback provisions contained elsewhere in this ordinance:
 - a. "On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets".
 - b. "...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets".
 - c. "In any residential or MF district where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards."
 - (2) There shall be a minimum ten (10) foot setback on the driveway side of a lot when there is not sufficient maneuvering space on site to allow vehicles to exit the lot without backing into the street.

2014-7 CNW)



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.

RECEIVED DEC 18 2014

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

ZONE CHANGE APPLICATION

Owner/s (name): Lance Lindley
 Company Name: _____
 Mailing Address: 254 W. Walters St
 Work #: 972-345-9028 Cell #: 972-345-9028
 E-Mail: Lance.Lindley@yahoo.com
 Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): _____ Date: 12/11/14
 Printed Name: Lance Lindley

Applicant/Agent (name): Lance Lindley
 Company Name: _____
 Mailing Address: 254 W. Walters St
 Work #: _____ Cell #: 972-345-9028
 E-Mail: Lance.Lindley@yahoo.com
 Applicant/Agent Signature _____ Date: 12/11/14
 Printed Name: Lance Lindley

Current Zoning: R 1.5 Requested Zoning: OTMU1 Acres: 0.30
 Legal Description (Lot/ Block/Tract/Abstract): 254 W. Walters St.
NW Part of lot 5, Block 1, Original town of Lewisville
 Address/Location: R14741

Application and Sign Fees: -GT. - No fee.

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: 1 Zone Change Signs - \$35 each
 1 sign required for each 5 acres (max. 5 per site) \$ 35

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

Amount Due (application & sign fee) \$ 35

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 APPROXIMATELY A 0.30 ACRE TRACT OF LAND LOCATED AT 254 WEST WALTERS STREET FROM SINGLE-FAMILY RESIDENTIAL (R-7.5) DISTRICT ZONING TO OLD TOWN MIXED-USE ONE (OTMU1) DISTRICT ZONING; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS AND GENERAL WELFARE DEMAND 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 0.30 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 MIXED-USE ONE (OTMU1) 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 2ND DAY OF FEBRUARY, 2015.

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

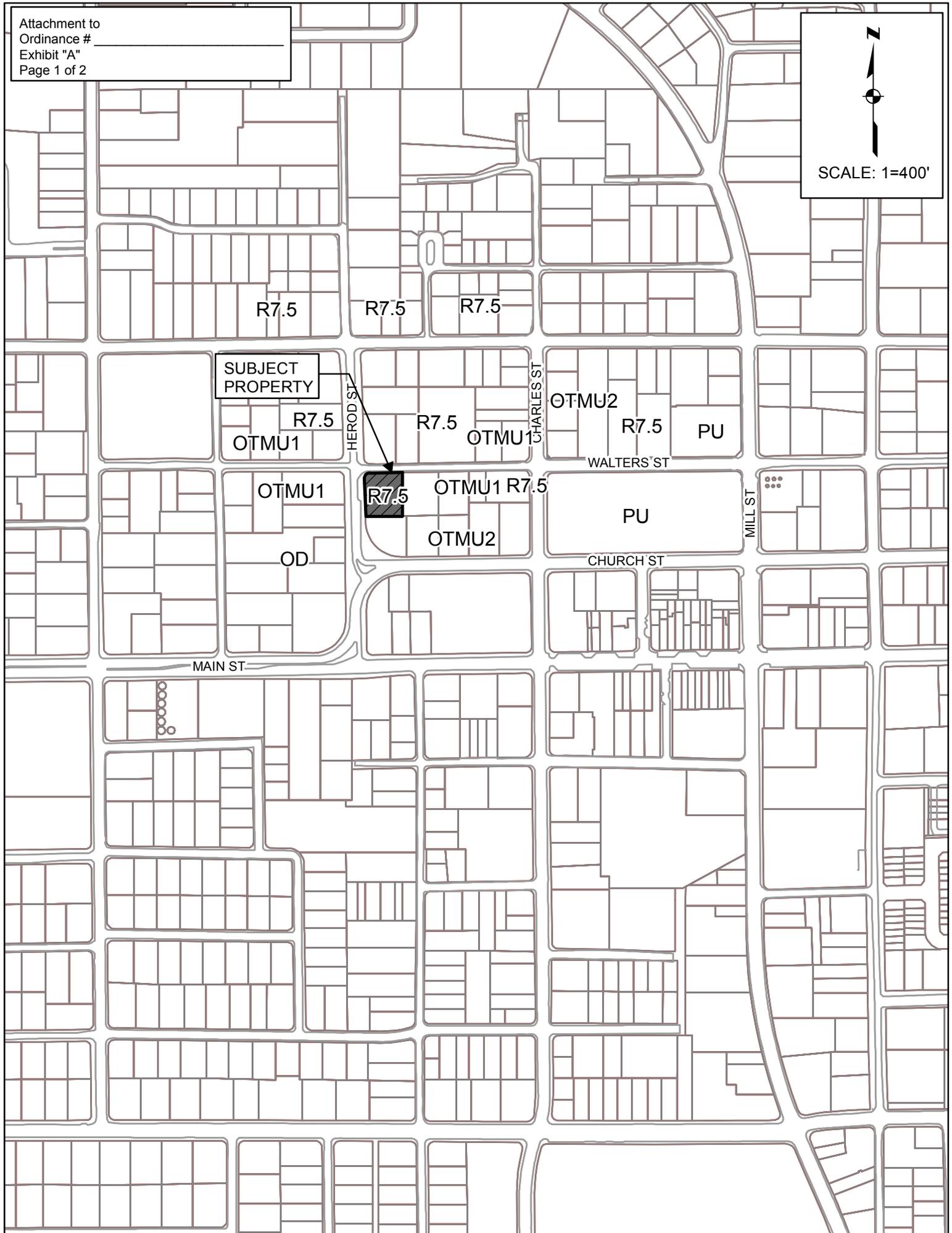
Julie Heinze, CITY SECRETARY

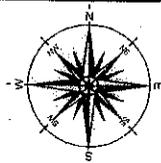
APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY



SCALE: 1=400'





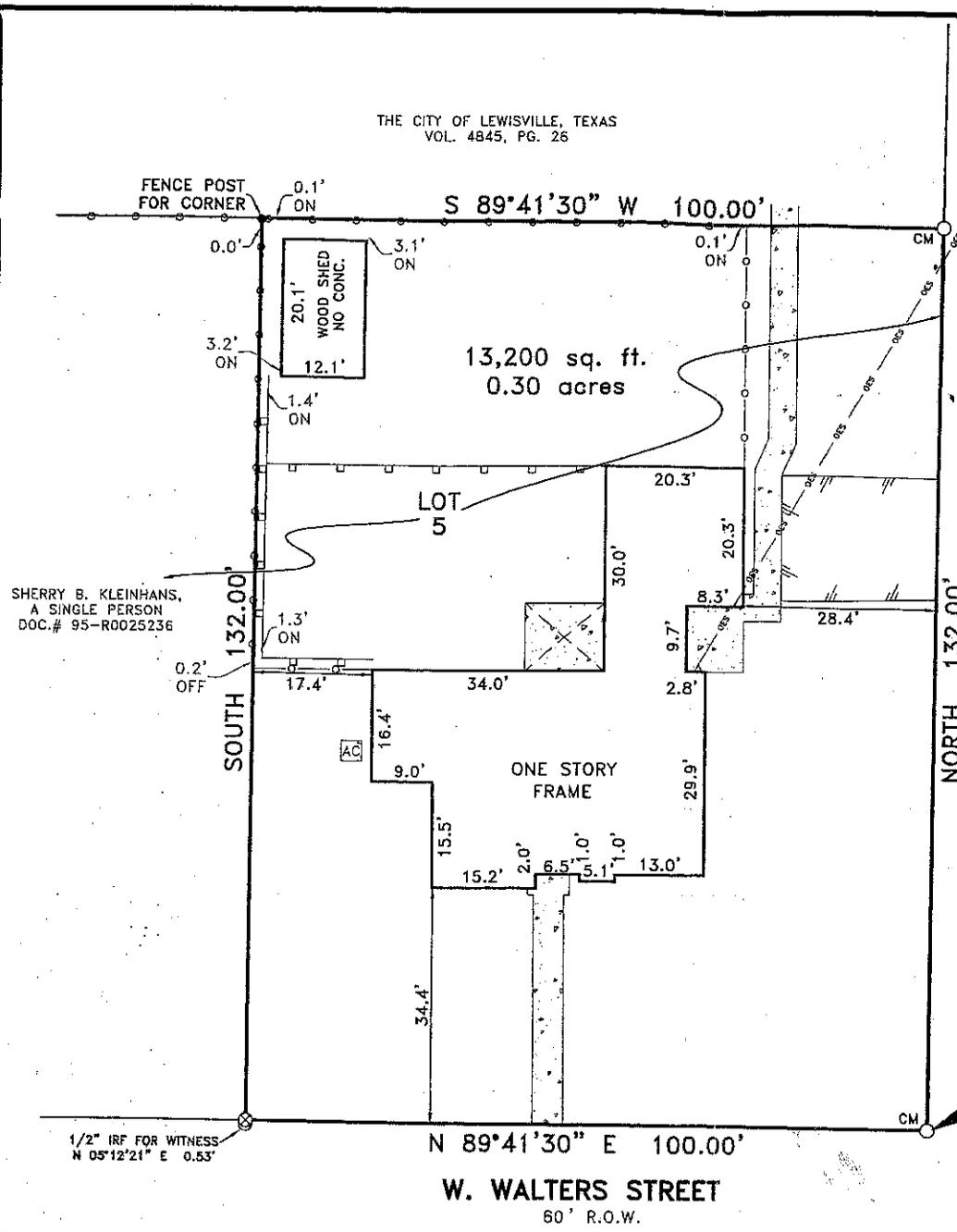
C.B.G. Surveying, Inc.



LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- 1" PIPE FOUND
- ⊗ "X" FOUND/SET
- ◆ 60d NAIL FOUND
- T TRANSFORMER PAD
- COLUMN
- ▲ UNDERGROUND ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- POWER POLE
- ▲ OVERHEAD ELECTRIC
- I— IRON FENCE
- X— BARBED WIRE
- /// EDGE OF ASPHALT
- ▲ EDGE OF GRAVEL
- CONCRETE COVERED AREA

EXCEPTIONS:



SHERRY B. KLEINHANS, A SINGLE PERSON DOC.# 95-R0025236

254 W. Walters Street

Being part of Lot 5, Block 1 in the Original Town of Lewisville, Denton County, Texas, according to the Map thereof recorded in Volume 75, Page 162, Deed Records, Denton County, Texas, and being the same tract of land conveyed to Jepp Jones ET UX Jeneeu Jones, by deed recorded in Volume 1008, Page 111, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 Inch Iron rod found for corner, said corner being in the Intersection of the South line of W. Walters Street (60 foot right-of-way) and the East line of Herod Street (60 foot right-of-way);

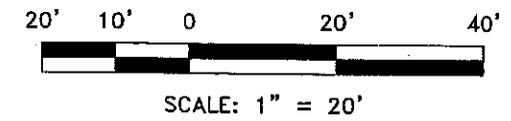
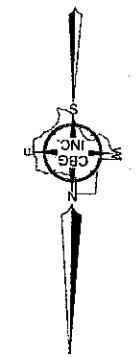
THENCE North 89 degrees 41 minutes 30 seconds East, along the South line of said W. Walters Street, a distance of 100.00 feet to a 1/2 Inch Iron rod set for corner, said corner being the Northwest corner of a tract of land conveyed to Sherry B. Kleinhans, a single person, by deed recorded in Document No. 95-R0025236, of the Deed Records of Denton County, Texas;

THENCE South, along the West line of said Kleinhans tract, a distance of 132.00 feet to a fence post found for corner, said corner lying in the North line of a tract of land conveyed to the City of Lewisville, Texas, by deed recorded in Volume 4845, Page 26, Deed Records, Denton County, Texas;

THENCE South 89 degrees 41 minutes 30 seconds West, along the North line of said City of Lewisville tract, a distance of 100.00 feet to a 1/2 Inch Iron rod found for corner, said corner lying in the East line of said Herod Street;

THENCE North, along the East line of said Herod Street, a distance of 132.00 feet to the POINT OF BEGINNING and containing 13,200 square feet or 0.30 acres of land.

We hereby certify that this is a true and correct copy of the original hereof. Hexter-Fair First American Title Co.



NOTES: BEARINGS ARE BASED ON DEED RECORDED IN VOLUME 1008, PAGE 111, DEED RECORDS, DENTON COUNTY, TEXAS. FLOOD NOTE: According to the F.I.R.M. No. 48121C0565 G, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Hexter-Fair/First American Title Company. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Date: 3/21/12 Accepted by: [Signature] Purchaser: [Signature] Pinchhear: [Signature]

Drawn By: R.G.
 Scale: 1"=20'
 Date: 03/22/12
 GF NO.: SF12633764
 Job No. 1201027-1

C.B.G. Surveying, Inc. REGISTERED PROFESSIONAL LAND SURVEYOR
 12025 Shiloh Road, Ste. 230
 Dallas, TX 75228
 P 214.349.9485
 F 214.349.2216
 www.cbqdfw.com

BRYAN CONNALLY
 5613
 BRYAN CONNALLY

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Gina Thompson, Director of Strategic Services

DATE: January 23, 2015

SUBJECT: **Approval of Changes to Policy Statement 3.0 Finance, Adding Section XI – Lewisville 2025 Incentives and Special Projects Fund.**

BACKGROUND

City Council authorized the creation of the Lewisville 2025 Incentives and Special Projects Fund during the 2014-15 budget process by allocating one cent on the property tax rate. For FY 2014-15, \$757,027 was set aside.

ANALYSIS

The funding will be used to support the Lewisville 2025 “Big Moves” and action priorities. Examples of appropriate expenditures include incentives, consultant fees, and equipment purchases. On-going expenses related to Lewisville 2025 will be funded out of the annual operating budgets. All requests for funding will be approved by the City Manager and then will follow the approved purchasing policy.

RECOMMENDATION

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

Effective Date: 08/16/10

Approval: _____

**CITY OF LEWISVILLE
POLICY STATEMENTS**

TOPIC: FINANCE
REFERENCE: 3.0

- I. AUDIT**
- II. REVENUE MANAGEMENT**
- III. RESERVES**
- IV. DEBT**
- V. PURCHASING**
- VI. INVESTMENTS**
- VII. INVESTMENTS – OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST**
- VIII. BUDGET TRANSFERS**
- IX. CAPITAL BUDGET/APPROPRIATIONS AND TRANSFERS**
- X. IDENTITY THEFT PREVENTION PROGRAM**
- XI. LEWISVILLE 2025 INCENTIVES AND SPECIAL PROJECTS FUND**
- XII. GENERAL PROVISIONS**

I. AUDIT

- A. Audit Type – A Comprehensive Annual Financial Report (CAFR) shall be prepared and published in accordance with generally accepted accounting principles as defined by the Governmental Accounting Standards Board.
- B. Auditor – The audit shall be made by an independent certified public accounting firm of national or regional reputation and must demonstrate that the firm has the breadth and depth of staff to conduct the City's audit in accordance with generally accepted auditing standards as defined by the American Institute of Certified Public Accountants, the standards set forth for financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the current provisions required for federal and state grant recipients. The firm selected by the City Council shall have no interest, direct or indirect, in financial affairs of the City government or in any of its officers. Auditors are accountable to the City Council. Mandated audit firm rotation is not required. Circulation of a Request for Proposal (RFP) for audit services is required at least every five years.
- C. Council Responsibility – While management is primarily responsible for financial reporting (including the comprehensive framework of internal control used to

generate the financial statements), the City Council remains ultimately responsible for ensuring that management meets its obligations in this regard.

II. REVENUE MANAGEMENT

- A. Reliability – Component segments of revenue sources will be reviewed and consistent collection practices will be enacted so that assurances can be provided that the revenue base will materialize according to budgets and plans.
- B. Sales Tax – The budgeting of sales tax revenue for the upcoming fiscal year shall not exceed the estimated projection of sales tax revenue for the current fiscal year.
- C. Equity – Equity will be maintained in the revenue system structure. All forms of subsidization will be minimized or eliminated between entities, funds, services, utilities, or customers.
- D. Receivables – Receivables will be reviewed and adjusted periodically pursuant to generally accepted accounting principles. Allowances may be established for receivables over 90 days and as part of year-end accounting procedures accounts may be written off if outstanding one year or more. These actions do not release or extinguish the debt or the debtor as per state law. Collection efforts will remain ongoing on those accounts that can be pursued further.

III. RESERVES

- A. The General Fund and all funds with outstanding long-term debt will maintain working capital resources at a minimum of 15% of the operating expenditure budget.
- B. The City Manager is authorized by City Council to establish other funds' reserve balances as operations dictate.

IV. DEBT

- A. Usage of Debt Proceeds – Debt will not be used for recurring operating purposes.
- B. Debt Reserves – Debt service reserves shall be maintained at those levels restricted by bond covenants. For debt not restricted by bond covenants, reserves shall be maintained at an amount no less than the greatest annual debt service requirement for outstanding debt, less self-supporting revenues, times the greatest percentage of uncollected current year ad valorem taxes multiplied by a factor of two; and in an amount no more than 15 percent of total outstanding bond principal.
- C. Bond Amortization – Bonds will in most instances be issued with the bond series final maturity being no longer than 16 years. The City Manager is authorized by City Council to structure longer maturities when in the best interest of the City. No

extension of debt past the original maturity will occur with the issuance of refunding bonds.

V. PURCHASING

- A. Pursuant to state law, City Council issues the following policy statements:
1. Best Alternative Delivery Method – The City Manager is authorized by City Council to select the best alternative project delivery method as defined by state law.
 2. Competitive Sealed Bidding or Proposals – The City Manager, or his designee is authorized by City Council to select a procurement method of either competitive sealed bidding or competitive sealed proposals for the procurement of goods and services as defined by state law.
 3. Electronic Bids & Proposals – The following rules are adopted to ensure the identification, security, and confidentiality of electronic bids or proposals, and that the electronic bids or proposals remain effectively unopened until the proper time:
 - a. Users of the system shall be assigned unique user names and passwords.
 - b. Access to the system by authorized users shall be logged and tracked in order to record when any user has accessed the system, and what data the user has accessed.
 - c. Transmittal of data through the internet shall be encrypted using SSL technology. All sensitive data within the system shall be encrypted using the Advanced Encryption Standard algorithm (SES), or better.
 - d. All data shall be encrypted using a time-sensitive mechanism that allows the data to be decrypted only after the due date and time.
 - e. The system shall be synchronized to two or more atomic clocks to ensure exact recording of the due date and time, and the receipt date and time, of each submission.
 - f. Neither vendor identities nor the contents of submissions are available during the bidding process.
 - g. Only the City's purchasing manager or his designee, with an authorized password, and only at the established due date and time, can request that the bid/proposal be opened.

- B. Rejection of Bids – Although full compliance to specifications may have been met, all bids, quotations or proposals may be rejected prior to award if it is determined to be in the best interest of the City of Lewisville. The City Manager, or his designee, is authorized by City Council to reject bids or proposals that are not in the best interest of the City.
- C. Exceptions from Council Approval – Items within the dollar amount previously approved by the City Council require no further City Council action when being purchased through:
1. an Interlocal Agreement,
 2. a State Cooperative Program,
 3. a regional Council of Government (COG) Program,
 4. a sole source as defined under state bidding laws, or
 5. maintenance agreements for existing hardware.

VI. INVESTMENTS

Pursuant to Chapter 2256 of the Texas Government Code, also known as the Public Funds Investment Act, an investment policy shall be submitted and approved by the governing body on an annual basis. The following are City Council policy statements regarding the investments of City funds:

- A. Scope
1. The investment policy applies to the investment activities of the Government of the City of Lewisville. These policies serve to satisfy the statutory requirement to define and approve a formal investment policy.
 2. Funds Included – All financial assets of all funds, including the General Fund, Water and Sewer Utility Fund, the Capital Projects Funds, the Special Revenue Funds, the Self Insurance Funds, the Debt Service Funds, and all other funds that may be created from time to time not identified in Section A.3 below, shall be administered in accordance with the provisions of these policies.
 3. Funds Excluded – All financial assets of all funds associated with an Other Post Employment Benefits (OPEB) Trust.

B. Investment Strategy

1. The City of Lewisville maintains a consolidated pooled investment portfolio that utilizes specific investment strategy considerations designed to address the investment objectives of the individual fund types represented in the pooled investment portfolio. Fund types within the consolidated investment pool include the general fund, special revenue funds, debt service fund, capital project fund, internal service fund, and expendable trust funds. Additionally, the City maintains separate investment portfolios for the water and sewer and health insurance proprietary funds.
2. In order to minimize risk of loss due to interest rate fluctuations, investment maturities will not exceed a maximum of two years. Investment strategy for each of the investment portfolios have as their primary objective to assure that anticipated cash flows are consistent with adequate investment liquidity. The second objective is to create a portfolio structure that will experience minimal market volatility during economic cycles. These objectives are to be accomplished by investing in high quality, short-term securities in combination with investing in a qualified investment pool that provides same day liquidity.

C. Objectives

1. Safety – Safety of principal is the foremost objective of the City of Lewisville. Investments of the City of Lewisville shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities or pooled securities do not exceed the income generated from the remainder of the portfolio.
2. Liquidity – The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated.
3. Yield – Funds held for future capital projects shall be invested in securities that reasonably can be expected to produce enough income to offset inflationary construction cost increases.

D. Investment Committee

1. Members – There is hereby created an Investment Committee, consisting of the Director of Finance, Fiscal Services Manager, Assistant City Manager over Finance, and four others to be designated by the City Manager. The Investment Committee shall meet at quarterly intervals to determine general strategies and to monitor results. The Investment Committee shall be

authorized to invite advisors to the meetings as needed including the City Attorney and outside advisors.

2. Committee Scope – The Investment committee shall include in its deliberations such topics as: economic outlook, portfolio diversification, maturity structure, potential risk to the City's funds, and authorized brokers and dealers.
3. Procedures – The Investment Committee shall provide for minutes of its meetings. Any two members may request a special meeting, and four members shall constitute a quorum. The Investment Committee shall establish its own rules of procedure.

E. Investment Officers

1. The following positions: Assistant City Manager over Finance, Finance Director, and the Fiscal Services Manager are exclusively designated as Investment Officers by the City Council.
2. Investment Officers may, on behalf of the City, execute purchases and sales of investments as permitted by the Investment Policy.
3. Investment officers are required to adhere to training guidelines in accordance with the Government Code 2256.008.
4. Investment Officers will additionally submit signed quarterly reports to the City Council and the City Manager.

F. Responsibility and Control

1. Delegation – Management responsibility for the investment program is hereby delegated to the Director of Finance, who shall establish written procedures for the operation of the investment program, consistent with this investment policy. Such procedures shall include explicit delegation to persons responsible for investment transaction accounting.
2. Management and Internal Controls – The Director of Finance shall establish a system of internal controls, which shall be documented in writing. The internal controls shall be reviewed by the investment committee and with the independent auditor. The controls shall be designed to reasonably prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City of Lewisville.
3. Controls and managerial emphasis deemed most important that shall be employed where practical are:

- a. Control of collusion.
 - b. Separation of duties.
 - c. Separation of transaction authority from accounting and record keeping.
 - d. Custodian safekeeping receipts records management.
 - e. Avoidance of bearer-form securities.
 - f. Documentation of investment bidding events.
 - g. Written confirmation of telephone transactions.
 - h. Accurate and timely reports.
 - i. Adequate training and development of investment officials.
 - j. Review of financial condition of all brokers, dealers, and depository institutions.
 - k. Staying informed about market conditions, changes, and trends that require adjustments in investment strategies.
4. Transaction Authority – Certain signatory responsibilities are required to transact investments. Positions authorized as depository signatories shall be established by the City Manager.
- a. The persons holding these positions are also designated as authorized to transact wire transfers, buy/sell, and trade investments in accordance with the goals and objectives of the City's investment strategy.
 - b. Bonding of all those individuals authorized to place, purchase, or sell investment instruments shall be required.
5. Prudence – Investments shall be made with the exercise of due care, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their own capital as well as the probable income to be derived. Prudence extends beyond the consideration of single investments to include the prudence of the entire portfolio structure.

6. Investment Officers acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price dangers, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

G. Ethics

1. Conflicts of Interest – Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Conflict of interest provisions in state law shall apply to the selection of depositories.
2. Disclosure – Employees and Investment Officials shall disclose to the City Manager any material financial interests in financial institutions that conduct business with the City of Lewisville, and shall further disclose any large personal financial or investment positions that could be related to the performance of the City's portfolio. Employees and Investment Officers shall subordinate their personal investment transactions to those of this jurisdiction, particularly with regard to the timing of purchases and sales.

H. Reporting Investment Earning Evaluation

1. Quarterly Reports – The Investment Officers shall submit quarterly, an investment report that:
 - a. Describes in detail the investment position of the City on the date of the report;
 - b. Must be prepared jointly by all Investment Officers of the entity;
 - c. Must be signed by each Investment Officer of the City;
 - d. Contains a summary statement of each pooled fund group that states:
 - (1) Beginning market value for the reporting period;
 - (2) Additions and changes to market value during the period;
 - (3) Ending market value for the period; and
 - (4) Fully accrued interest for the reporting period.

- e. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
 - f. State the maturity date of each separately invested asset that has a maturity date;
 - g. State the City's pooled fund group (Consolidated, Water/Sewer, Health) for which each individual investment was acquired; and
 - h. States compliance of the portfolio in aspect to investment strategy.
2. Annual Report – Within 60-days of the end of the Fiscal Year, the Director of Finance shall present an annual report on the investment program activity. The annual report shall include 12-month performance information, and shall suggest improvements that might be made in the investment program.

I. Investments

- 1. Strategy Statement – The City intends to pursue an active vs. a passive portfolio management philosophy. That is, securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade. The maximum maturity terms for individual securities will not exceed three years. The maximum weighted average maturity for the composite portfolio is one year.
- 2. Eligible Investments – Financial assets of the government of the City of Lewisville may be invested in:
 - a. Obligations of the United States or its agencies and instrumentalities; and
 - b. Direct obligations of the State of Texas or its agencies, and instrumentalities; and
 - c. Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or its agencies and instrumentalities; and
 - d. Fully collateralized direct repurchase agreements meaning a simultaneous agreement to buy, hold for a specified time, and then sell back at a future date, obligations described by Subsection (a) of this section, the principal and interest of which are guaranteed by the United States or any of its agencies, market value of not less than the principal amount of the funds disbursed. Repurchase agreements

include direct security repurchases and reverse security repurchase agreements not exceeding 90 days after the date delivered. Such repurchase securities shall be pledged to the City and deposited with a third party selected and approved by the City, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a bank domiciled in this state; and

- e. Up to a legal limit of 15% of operating fund can be placed in a no load money market mutual fund that is regulated by the Federal Securities and Exchange Commission with a dollar weighted average stated maturity of 90 days or less and whose investment objectives include seeking to maintain a stable net asset value of \$1 per share up to a maximum of 80 percent of the aggregate monthly average fund balance, excluding bond proceeds in money market funds. The City's account may not exceed 10 percent of the total assets of the money market mutual fund.
- f. Public Funds Investment Pools created to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are: first, safety of principal; second, liquidity; and third, income. The pool may consist of assets authorized through the Public Funds Investment Act (Government Code 2256) and have an established advisory board composed of participants and other qualified persons. The Council must approve a resolution authorizing investment in the particular pool following Finance Director evaluation of an offering circular containing the following comprehensive information: the pools qualified investments; maximum average dollar-weighted maturity allowed based on the stated maturity date; maximum stated maturity date of any investment security within the pool portfolio; objectives of the pool; size of the pool; names and terms of the advisory board; custodian bank used for safekeeping pool assets; pool intent to maintain a net asset value of one dollar and the risk of market price fluctuation; whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or other described guarantees; the name and address of the pool's independent auditor; deposit and withdrawal guidelines; and performance history.

Additionally, approved pools are required to furnish a monthly report with the following minimum information:

- (1) The types and percentage breakdown of securities in which the pool is invested;

- (2) The current average dollar-weighted maturity, based on the stated maturity date, of the pool;
 - (3) The current percentage of the pool's portfolio in investments that have stated maturities of more than one year;
 - (4) The book value versus the market value of the pool's portfolio, using amortized cost valuation;
 - (5) The size of the pool;
 - (6) The number of participants in the pool;
 - (7) The custodian bank that is safekeeping the assets of the pool;
 - (8) A listing of daily transaction activity of the entity participating in the pool;
 - (9) The yield and expense ratio of the pool;
 - (10) The portfolio managers of the pool; and
 - (11) Any changes or addenda to the offering circular.
3. Length of Investments – The City of Lewisville shall invest in instruments with scheduled maturity of duration not to exceed two (2) years at the time of purchase. In the event a coupon security maturity exceeds the specified limit with a calculated duration of two (2) years, the instrument will satisfy this policy requirement.
4. Diversification – It shall be the policy of the City of Lewisville to diversify the investment portfolio. Diversification strategies shall be determined and revised periodically by the Investment Committee. In establishing specific diversification strategies, the following general constraints shall apply:
- a. Portfolio maturities shall be staggered to avoid concentration of assets in a specific maturity sector. The maximum weighted average maturity of the composite portfolio will not exceed one year.
 - b. Portfolio investment instruments and issuers shall be diversified by type.
 - c. The following maximum limits by instruments are established for the City's total portfolio:
 - (1) U.S. Treasury Securities 100%

(2)	U.S. Agency and Instrumentalities	75%
(3)	Authorized pools	50%
(4)	Repurchase Agreements	25%
(5)	No-load Money Market Mutual Funds	15%

- d. Competitive quotes among dealers/pools for placement of investments must facilitate diversification. However, Repurchase Agreements shall be placed only with primary government securities dealers.

J. Selection of Depositories

1. Bidding Process – Depositories shall be selected through the city's banking services application process. Before awarding a depository services contract, the Council shall receive applications for the performance of depository services from one or more state or national banks, state or federal credit unions or state or federal savings associations.
 - a. Notice Content – The Director of Finance shall give notice to banks, credit unions, and savings associations requesting submission of application proposals to perform depository services. This notice to institutions must contain the responsible staff person's name and address, date and time the applications are to be received by staff, and the date, time, and place the Council will consider the selection of one or more depositories.
 - b. Notice Publication – Notice of the request for depository application proposals shall be published at least once no later than 21 days prior to the deadline for receipt of applications in the City's official newspaper.
2. Review of Applications – In reviewing applications, the Director of Finance shall consider the terms and conditions for the performance of depository services, including the type and cost of services to be provided to the City, consistent with this policy to include the following general criteria:
 - a. Sound capital and operating structure capable of providing a full range of depository services.
 - b. Ability to perform securities safekeeping custody and book entry securities clearance for the City's investment portfolio.

- c. Continuous ability and contractual commitment to pledge acceptable collateral to guarantee public funds deposits.
 - d. Enhance treasury cash management performance by maximizing earnings on demand deposits, securities investments, and in the event of favorable market pricing, the placement of time deposits with the depository.
 - e. Competitive fees for depository services.
 - f. Active community reinvestment of public funds deposits back into the local economy through loans for businesses, property development, and improvements within Lewisville. Diversification of loan recipients and a Community Reinvestment Act rating of "Outstanding" are considered prerequisite.
3. Term, Conditions, and Additional Services – The City may approve, execute, and deliver any depository services contract whose term does not exceed five (5) years. The depository services contract(s) may contain terms and conditions approved by Council. In addition to depository services, the City may elect to contract with financial institutions under separate contract(s) if additional financial services are necessary in the administration, collection, investment, and transfer of City funds.
4. Qualification as Depository – The selected depository institution shall, not later than five (5) days before the commencement of the term of the depository services contract, provide security for the public funds.

K. Selection of Brokers, Dealers, and Pools

Primary Dealers and Approved List – For brokers and dealers of government securities, the Investment Committee shall select only those dealers reporting to the Market Reports Division of the Federal Reserve Bank of New York, also known as the "primary government securities dealers," unless a broker/dealer comprehensive questionnaire and certification reveals that regional firms are adequately managed and financed to conduct public business. All brokers and dealers must be authorized by the Investment Committee. Investment officers shall not conduct business with any firm which has been removed from the approved list by the Investment Committee. An Investment Officer may not buy any securities from a firm which has not filed a written certification that the broker/dealer has received and thoroughly reviewed the government's investment policy and have implemented reasonable procedures and controls. All Brokers/Dealers should be reviewed and re-approved or removed annually by the Investment Committee.

L. Safekeeping and Custody

1. Insurance or Collateral – All deposits and investments of City funds with commercial banks shall be secured by pledged collateral with a market value equal to no less than 100% of the deposits or investments less an amount insured by the FDIC. Collateral shall be reviewed monthly to assure the market value of the securities pledged equals or exceeds the related bank balances. Master repurchase agreement shall be in place documenting the terms and conditions of the fully collateralized repurchase transactions placed only with primary dealers.
2. Pledged Collateral Safekeeping Agreement – All safekeeping arrangements shall be in accordance with a Safekeeping Agreement approved by the Investment Committee which clearly defines the procedural steps for gaining access to the collateral should the City of Lewisville determine that the City's funds are in jeopardy. The safekeeping institution, or Trustee, shall be the Federal Reserve Bank or a third party custodial institution, not a branch of the firm pledging the collateral. Collateral is to be deposited in the custodian account subject to the order and direction of the City as pledgee, and the written consent of the City shall be required before release from the custodian. The safekeeping agreement shall include the authorized signatures of the City of Lewisville, the depository pledging the collateral, and the custodian.
3. Collateral Defined – The City of Lewisville shall accept only the following securities as collateral:
 - a. Negotiable direct obligations of the United States with maturities under 10 years shall use current market value equal to 100% of total City deposits, OR with maturities over 10 years shall use current market value equal to 102% of total City deposits; or
 - b. Negotiable general obligations of the United States and backed by its full faith and credit with maturities under 10 years shall use current market value equal to 100% of total City deposits, OR with maturities over 10 years shall use current market value equal to 102% of total City deposits; or
 - c. Negotiable obligations, the principal of and interest on which are unconditionally guaranteed by the United States, with maturities under 10 years shall use current market value equal to 100% of total City Deposits OR with maturities over 10 years shall use current market value equal to 102% of total City deposits; or
 - d. Negotiable general or special obligations issued by the State of Texas or any county, city town or municipal corporation of the State of

Texas or any other political subdivision of the State of Texas, payable from taxes, revenues, or a combination of taxes and revenues that has been rated as to investment quality by a nationally recognized rating agency and that has a current rating of not less than "A" or its equivalent with maturities under 10 years using current market value equal to 100% of total City deposits, OR with maturities over 10 years using current market value equal to 102% of total city deposits; or

4. Subject to Audit – All collateral shall be subject to inspection and audit by the Director of Finance or the City's independent auditors.
5. Delivery vs. Payments – Eligible investment securities shall be purchased using the delivery vs. payment method. That is, funds shall not be wired or paid until verification has been made that the security was received by the City Safekeeping/Clearance Agent. The security shall be held in the name of the City. The original copy of all safekeeping receipts shall be delivered to the City.

VII. INVESTMENTS – OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST

A trust has been established to fulfill the City's current and long-term OPEB obligations, the OPEB Trust Fund. Investments of the OPEB Trust Fund do not fall under state law regarding investments. The City Manager is responsible for the establishment of procedures for proper investment of the OPEB Trust Fund.

VIII. BUDGET TRANSFERS

- A. Transfers between funds which change the appropriations of both funds require the prior approval of the City Council. All other transfers, including transfers between accounts and between departments, are delegated to the City Manager.
- B. Transfers between departments within the same fund not changing appropriations of the fund will be detailed in a report to City Council within 30 days of the transaction.

IX. CAPITAL BUDGET/APPROPRIATIONS AND TRANSFERS

- A. Appropriations for capital projects require City Council approval except for public improvement projects for which funds are deposited in escrow subject to terms of a written agreement executed by a developer or property owner and the City Manager.
- B. Capital appropriations shall be submitted annually to the City Council. Prior year capital balances as of September 30th will be reappropriated by City Council effective October 1st each year.

- C. A capital budget transfer between capital projects of a similar purpose does not require City Council approval. The City Manager, or his designee, may approve such transfers.

X. IDENTITY THEFT PREVENTION PROGRAM

Pursuant to the Fair and Accurate Credit Transactions Act of 2003, the Federal Trade Commission has required the development and implementation of an identity theft program. The following are City Council policy statements regarding the program:

A. Purpose

To establish an Identity Theft Prevention Program (“Program”) pursuant to and in compliance with the Federal Trade Commission under the Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003 (“Red Flag Rules”). 16 C.F.R. § 681.2.

B. Scope

This Program consists of procedures designed to identify, detect and respond appropriately to patterns, practices or specific activities – known as red flags – that indicate the possible existence of identity theft. Specifically, the Program includes procedures to: (1) identify relevant red flags for new and existing covered accounts and incorporate those red flags into the Program; (2) detect red flags that have been incorporated into the Program; (3) respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and (4) ensure the Program is updated periodically to reflect changes in risks to customers or to the safety and soundness of the City of Lewisville from identity theft.

C. Procedures

Every department of the City of Lewisville that offers or maintains a “covered account,” as defined by the Red Flag Rules, shall develop specific operational procedures for that department.

1. The departmental procedures shall comply with the Red Flag Rules.
2. The City Manager must approve all such procedures prior to implementation.

D. Administration of the Program

1. The City Manager shall appoint a designee in each department (“Department Administrator”) in which this Program will be administered

to develop, implement and oversee the administration of this Program and the applicable departmental procedures.

2. The Department Administrator(s) shall comply with the responsibilities set forth in the Red Flag Rules, including but not limited to, ensuring the appropriate training of the necessary personnel; reviewing reports required by the Red Flag Rules; making changes to the Program, as necessary; and overseeing service provider arrangements.
3. The City Manager shall review reports prepared by the Department Administrator(s) and approve material changes to the Program as necessary to address changing identity theft risk.

XI. LEWISVILLE 2025 INCENTIVES AND SPECIAL PROJECTS FUND

A. Purpose

To establish a funding mechanism for implementation of the Lewisville 2025 Plan.

B. Scope

This fund will be used to support the Lewisville 2025 “Big Moves” and action priorities. Eligible expenses will be one-time or short term in nature. Examples of appropriate expenditures include incentives, consultant fees, and equipment purchases. On-going expenses related to Lewisville 2025 will be funded out of the annual operating budgets.

C. Procedures

All requests for funding out of the Lewisville 2025 Incentives and Special Projects Fund will be submitted to the City Manager’s Office for approval and then will follow the purchasing procedures outlined in Section V of this policy.

XII. GENERAL PROVISIONS

The City of Lewisville reserves the right to change, modify, amend, revoke or rescind all or part of these policies in the future.

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Eric Ferris, Assistant City Manager

DATE: February 2, 2015

SUBJECT: **Consideration of a Variance to the 1996 Castle Hills Agreement to Allow a Single Family Residence Located at 661 The Lakes Boulevard, in Castle Hills to Encroach Nine Inches Into the 10 Foot Front Yard Setback; Nine Inches Into the Six Foot Utility Easement and up to Fourteen and a Half Inches Into the 10 Foot Wall Maintenance Easement, as Requested by Matt Taylor Representing American Legend Homes.**

BACKGROUND

On August 5, 2014, Barrow Land Surveying unknowingly staked the lot incorrectly at 661 The Lakes Blvd. As a result the house was built slightly askew on the lot and created three encroachments on the property. This lot is a corner lot and the encroachments face the front and side street. A letter was received from Barrow Land Surveying stating that they believed the form boards were in the correct location both at the time of staking and the initial form survey, however, this was not the case. The mistake was not identified until the final survey was done most recently, where it was discovered that the forms had been set to the wrong pin creating an encroachment of fourteen and a half inches into the 10 foot wall maintenance easement; nine inches into the six foot utility easement, and nine inches into a portion of the 10 foot front yard setback.

Issues relating to variances to the Zoning Ordinance such as setbacks and height, for properties located within the City are dealt with via the Zoning Board of Adjustment (ZBOA). ZBOA variances are granted based on hardship, such as topography, lot configuration or other conditions provided such variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Ordinance will result in unnecessary hardship. Castle Hills, however, is not located in the City of Lewisville, but rather it is located in the City of Lewisville's Extra-Territorial Jurisdiction, and does not have zoning. Per the 1996 Castle Hills Agreement, Castle Hills agreed to develop properties in accordance with City of Lewisville zoning categories and are listed as zoning designations. Castle Hills has received variances to zoning items in the past via variances by City Council to the 1996 Castle Hills Agreement. On April 12, 2010, the City Council approved a variance for Castle Hills Phase VI Section A, a residential subdivision, allowing a reduction of the required minimum interior lot side yard width to 5 feet in lieu of the standard 6.5 feet. Within the city, staff has processed numerous ZBOA encroachments into the various setbacks of homes in existence.

Subject: Castle Hills – 661 The Lakes Boulevard

February 2, 2015

Page 2 of 2

ANALYSIS

American Legend Homes does not believe that the house at its current location poses any concern for the adjacent properties due to this home being located on a corner lot and does not impact the adjacent property. An exhibit provided by the survey company illustrates the encroachments. In order to correct these issues American Legend Homes is requesting the following variances.

Variance a): To allow the single family residence to encroach nine inches into the 10 foot front setback

The exhibit illustrates that the front yard encroachment affects a small portion of the house. It is approximately nine inches in depth and spans ten feet in width for a total of 6.73 square feet. Staff has no objection to this variance request.

Variance b): To allow the single family residence to encroach nine inches into the six foot utility easement

The house is situated on a corner lot and the encroachment occurs at the point where the lot curves. The front corner of the house clips the six foot utility easement 0.30 square feet, as illustrated in the exhibit. A letter from the Denton County Fresh Water Supply District No. 1-A indicates that they are aware of the encroachments and are not opposed to the variances requested.

Variance c): To allow the single family residence to encroach up to fourteen and a half inches into the 10 foot wall maintenance easement

The house is located on an angled lot that is approximately 71 feet wide at the rear property line. The house was constructed slightly askew on the lot, creating an encroachment of fourteen and a half inches at its widest point and narrows back to zero as it approaches the front of the house, into the 10 foot wall maintenance easement. There is a wide angled street side yard, with the back corner of the house approximately 23 feet from the side property line. The encroachment is not into the building setback, but rather the wall maintenance easement. A letter from the Denton County Fresh Water Supply District No. 1-A indicated that they are aware of the encroachments and are not opposed to the variances requested.

RECOMMENDATION

It is City Staff's Recommendation that the City Council approve the variances as set forth in the caption above.



January 15, 2015

To Whom It May Concern:

American Legend Homes (ALH) is requesting a variance at the address of 661 The Lakes on Lot 1 Block G of Castle Hills Golf Course. ALH built a single family residence that is over the front 10 feet build line, over the 6' Utility Easement, and over the 10 feet Wall Maintenance Easement as shown on the Final Survey attached. Also attached are the Form Survey, a letter from Barrow Land Surveying, the Lot referenced on the Final Plat, and pictures of the actual property.

ALH takes precautionary measures to ensure an error like this does not happen. We have the property pins staked prior to foundation form boards and then a form survey after forms are set. In this case, our foundation contractor used a pin for the property behind this property which is 2 feet over from the actual back left property pin. When the surveyor came to do the form survey (see attached to reference), they used the same incorrect pin. We then in turn constructed the home with it built over the build lines using this incorrect data.

ALH does not believe that the house at its current location poses any concern for the adjacent properties due to this home is located on a corner lot and subsequently farther away from each property. The streets in the community of Castle Hills Golf Course are private streets and gated.

Thanks for your consideration in reviewing this variance. If there are any questions pertaining to this variance, you can contact me via email at mtaylor@alhlt.com or directly at 972-897-5478.

Respectfully,

Matt Taylor
Division Manager
American Legend Homes



January 28, 2015

Mr. Eric D. Stanley
President, Bright Realty
2520 King Arthur Blvd
Lewisville, Texas 75056

Re: 661 The Lakes Blvd. encroachments

Dear Mr. Stanley:

I am aware of the encroachments into the front set-back, the sidewalk, utility easement and wall maintenance easement by the home located at 661 The Lakes Blvd. As General Manager representing the Districts 1-A and 1-C, of which the subject property is within, I am writing to confirm I have no issue with granting the variance requested by the developer to accommodate all such encroachments.

Please refer to the attached plat by Barrow Land Surveying showing such encroachments.

Regards,



J. Philip Brosseau, General Manager
Denton County Fresh Water Supply District No. 1-A
2540 King Arthur Blvd., Suite 220
Lewisville, Texas 75056

cc: Eric Ferris, Assistant City Manager
City of Lewisville, Texas



Platting / Planning / Residential / Commercial

**105 Denton Street
Roanoke, TX 76262-6114
817-961-0082 phone
817-961-0086 fax**

DATE: 1/14/2015

TO: Trent Schrader

RE: 661 The Lakes Block G Lot 01-INCORRECT FORM SURVEY

On 8/5/2014 our crew went to 661 The Lakes Blvd. and staked the lot correctly. On 8/8/2014 a form survey was performed and the form boards were not in the correct location. However it appeared to our crew that they were in the correct location by mistake and our office prepared a survey to show the form boards in the correct location by mistake. The forms were set to a property corner that went to the adjacent lot behind 661 The Lakes Blvd. which was offset from the correct property corner 2 foot. Our crew failed to measure or check to make sure the home was built to the correct property corner. The left side of the home should have been placed parallel to the property line. The incorrect location placed the home at an 1'-6" angle off of parallel which pushed the home to the right thus over the 10' wall maintenance easement at the right rear of the house & over the 6' utility easement and 10' building line at the front right of the house.

Please call the office if you have any other questions.

Respectfully,

A handwritten signature in blue ink, appearing to read "Terry Barrow", with a long horizontal flourish extending to the right.

Terry Barrow

PLAT SHOWING

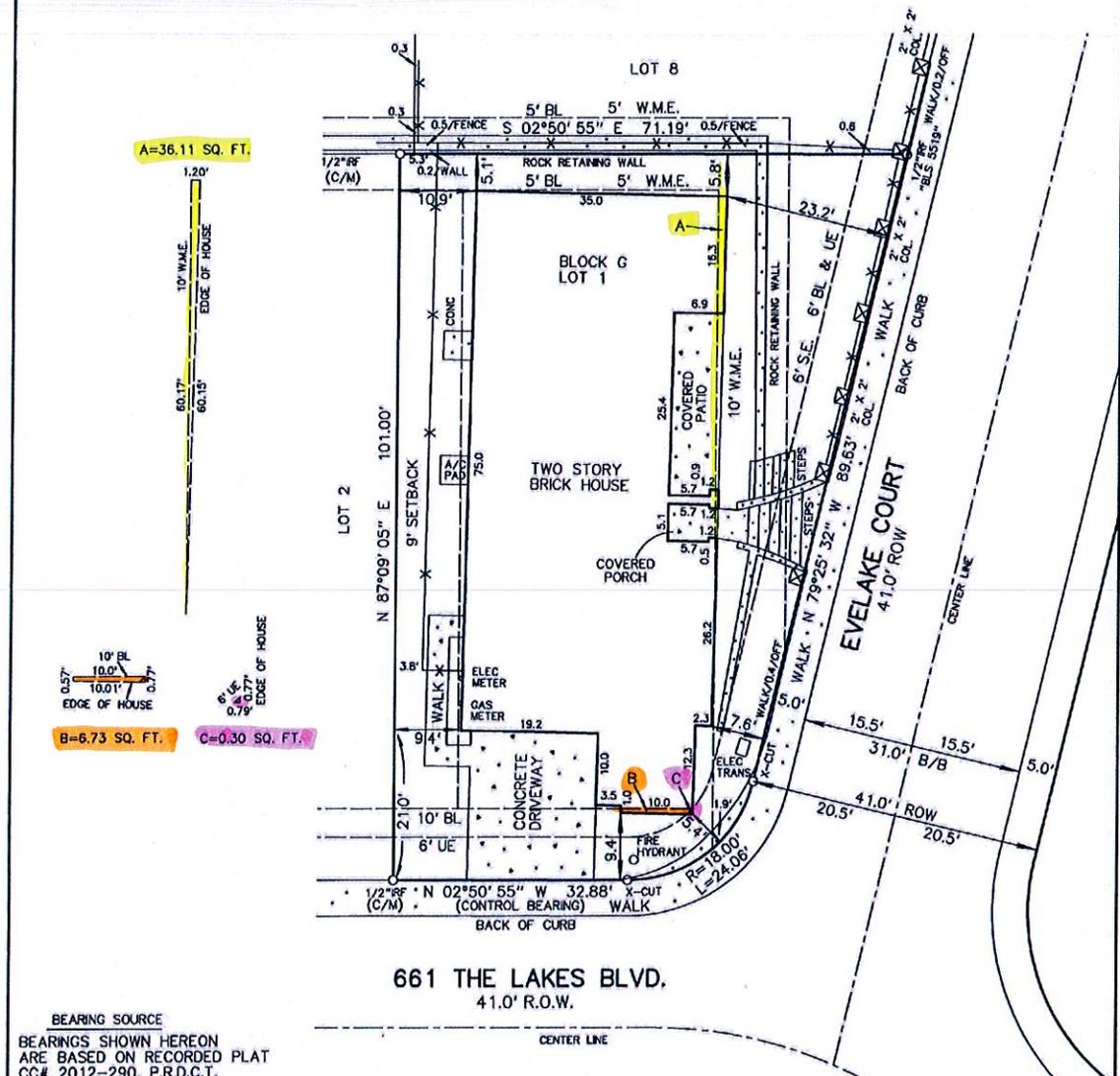
Being Lot 1, in Block G, of CASTLE HILLS GOLF COURSE, an Addition to the City of Lewisville ETJ, Denton County, Texas, according to the Plat thereof recorded under CC# 2012-290, Plat Records, Denton County, Texas.

661 THE LAKES BLVD.

A = Wall Maintenance Easement

B = Front Yard Setback

C = Utility Easement



A=36.11 SQ. FT.

B=6.73 SQ. FT.

C=0.30 SQ. FT.

BEARING SOURCE
BEARINGS SHOWN HEREON
ARE BASED ON RECORDED PLAT
CC# 2012-290, P.R.D.C.T.

"FLOOD CERTIFICATION"
Subject property is located in
Zone "X" (unshaded) according
to the Flood Insurance Rate Map
Community Map # 48121C0570 G
Dated: April 18, 2011

"Zone X (unshaded)"
Areas determined to be
outside the 0.2% annual
chance floodplain.

"The Plat hereon is an accurate representation of the property as determined by a survey made on the ground under my direction and supervision on the date shown below, the lines and dimensions of said property being as indicated by the Plat, the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, except as shown, set back from the property lines the distances indicated and that the distance from the nearest intersecting street or road is as shown on said Plat. There are no apparent encroachments, conflicts, protrusions or apparent easements, except as shown."

SURVEY DATE: 1-7-2015

BL = BUILDING LINE	SCALE: 1" = 20'
UE = UTILITY EASEMENT	DRAWN BY: MS
DE = DRAINAGE EASEMENT	ALH JOB # CHGV-G-01
PUE = PUBLIC UTILITY EASEMENT	BLS JOB # 1401288-03
CM = CONTROLLING MONUMENT	
IRF = IRON ROD FOUND	
IRS = IRON ROD SET	
O = IRON ROD	
-X- = FENCE	
→ = DIRECTION OF FLOW	

BARROW
LAND SURVEYINGSM

Plotting / Planning / Residential / Commercial

105 DENTON ST.
ROANOKE, TEXAS 76262
PHONE (817) 961-0082
FAX (817) 961-0086
FIRM REGISTRATION NO. 10183700





EV 7010 EVELAKE CT
EV 400 THE LAKES DR

STOP

WASTE
RECYCLING

White van with logo and text on the side.







EVELINE

THE LAKES BLVD

STOP

661

CA 2245





THE LAKES BLVD

STOP

661



600 THE LAKES BLVD

STOP



N

SCALE: 1"=200'

LADY OF THE LAKE

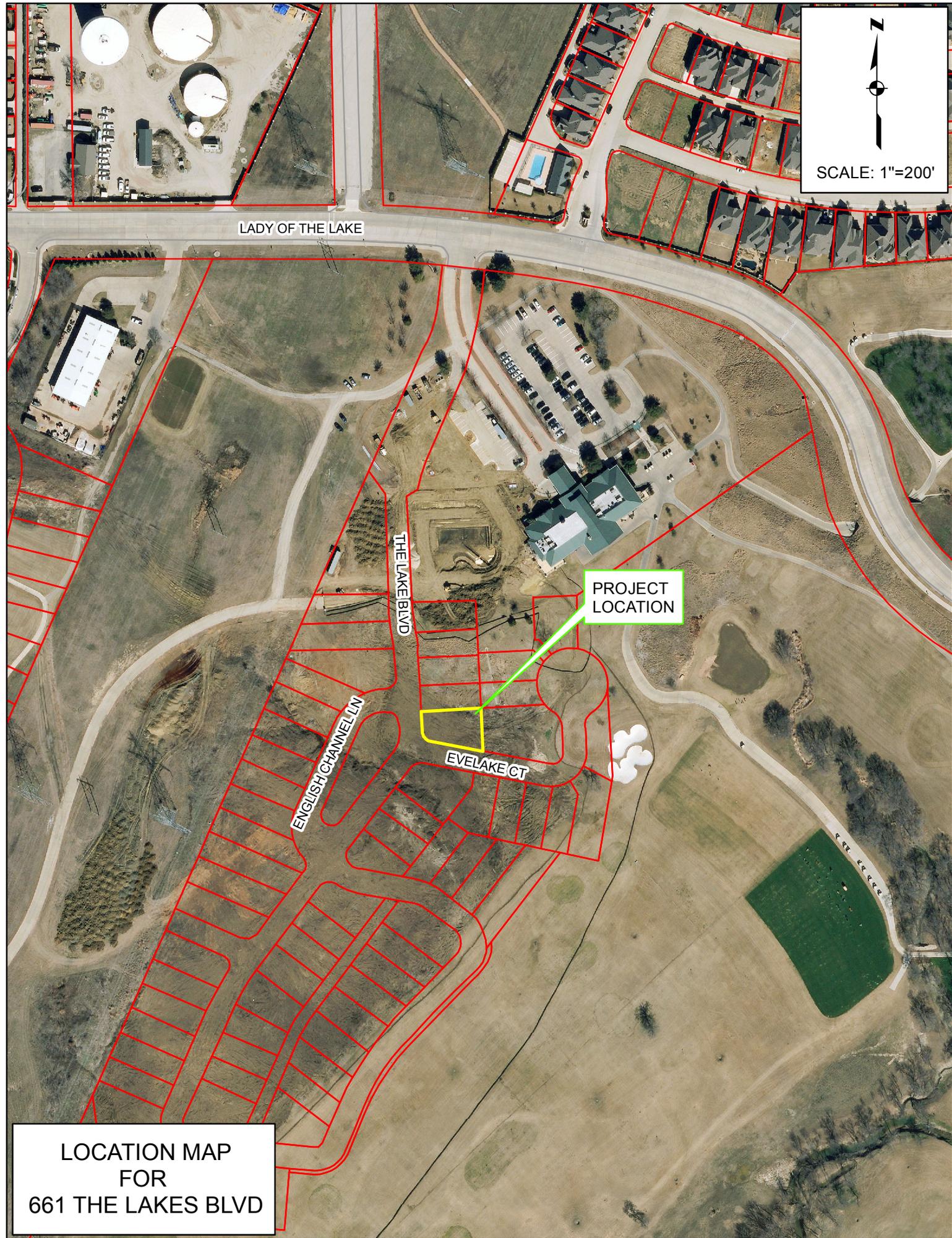
THE LAKE BLVD

PROJECT
LOCATION

ENGLISH CHANNEL LN

EVELAKE CT

LOCATION MAP
FOR
661 THE LAKES BLVD





SCALE: 1"=200'

LADY OF THE LAKE

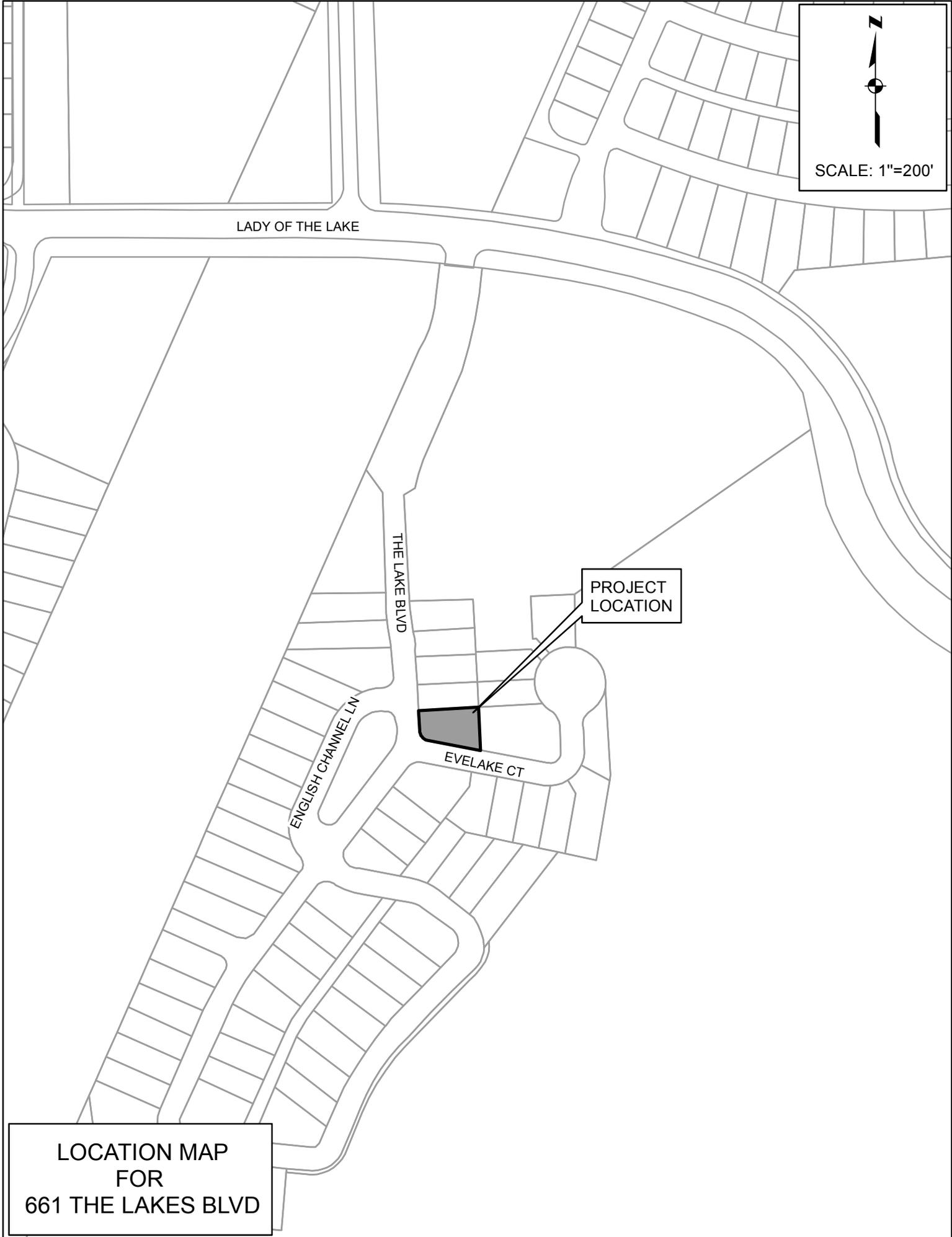
THE LAKE BLVD

ENGLISH CHANNEL LN

EVELAKE CT

PROJECT
LOCATION

LOCATION MAP
FOR
661 THE LAKES BLVD





LEWISVILLE

Deep Roots. Broad Wings. Bright Future.

MEMORANDUM

TO: Mayor Dean Ueckert
Mayor Pro Tem TJ Gilmore
Deputy Mayor Pro Tem R Neil Ferguson
Councilman Leroy Vaughn
Councilman Greg Tierney
Councilman Rudy Durham

FROM: Julie Heinze, City Secretary

DATE: January 28, 2015

SUBJECT: **Consideration of a Resolution Ordering a Special Election to be Held in Conjunction With the May 9, 2015, Lewisville City Council Election for the Purpose of Electing One (1) Member to the City Council to Fill the Unexpired Term of Councilman – Place No. 5; Authorization of an Election Calendar; and Authorization for the Mayor to Sign the Election Order.**

BACKGROUND

On January 26, 2015, the City Council called an election for the Mayor's position and Place No. 2. Councilman Rudy Durham submitted an Application to run for the Mayor position on January 28, 2015. Per State law, by submitting this application, Councilman Durham has automatically resigned from Place No. 5. Pursuant to Article XI, Section 11 of the Texas Constitution, a vacancy for a City with three year terms must be filled with a special election and such election must be held within 120 days after such vacancy occurs. Therefore, the special election can be held in conjunction with the May 9, 2015, City Council Election. All of the aspects of the special election will be the same as the general election except for the filing period. The filing period will be February 6 through March 9, 2015 (per the attached election calendar). Councilman Durham will continue to serve in Place 5 until the election results are canvassed and his successor is sworn into office pursuant to Article 16, Section 17, of the Texas Constitution.

RECOMMENDATION

The City staff's recommendation is that the City Council approve the proposed resolution and election calendar as set forth in the caption above.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, DENTON/DALLAS COUNTIES, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE MAY 9, 2015, CITY COUNCIL ELECTION, FOR THE PURPOSE OF ELECTING ONE (1) MEMBER TO THE CITY COUNCIL TO FILL THE UNEXPIRED TERM OF COUNCILMAN - PLACE NO. 5; DESIGNATING LOCATIONS OF THE POLLING PLACES; AND ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION.

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

SECTION 1. A special election be and is hereby ordered to be held on Saturday, May 9, 2015, for the purpose of electing one (1) member to the City Council to fill the unexpired term of Councilman - Place No. 5 on the Lewisville City Council.

SECTION 2. The respective City election precincts (the "Election Precincts") for the election shall consist of the territory within those Denton County election precincts and Dallas County election precincts which are located within the corporate limits of the City. The polling places and county election precincts whose qualified voters shall cast ballots at such location in the City of Lewisville, 2015 General Election, shall be determined per the Joint Election Agreement and Contract for Election Services with both the Denton County Elections Administrator and the Dallas County Elections Administrator.

Election polls shall be open from 7 a.m. until 7 p.m.

SECTION 3. The filing period for the special election shall be beginning on February 17, 2015 to 5:00 p.m. on March 3, 2015.

SECTION 4. The City Secretary is hereby designated as the early voting clerk.

SECTION 5. Early voting by personal appearance for all Denton County residents will be held jointly with other Denton County public entities at Denton County’s Main Early Voting Site located at the Denton County Administration Building, 701 Kimberly Drive, Denton, Texas beginning on April 27th and continuing through May 5, 2015 at dates and times as determined per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

In addition, all qualified and registered voters may vote by early appearance at the Lewisville Municipal Annex, 1197 West Main Street, Lewisville at dates and times as determined per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

SECTION 6. Any eligible Denton County Registered Voter may cast their vote at any of the additional early voting locations identified per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

SECTION 7. Early voting by personal appearance for all Dallas County residents will be held jointly with other Dallas County public entities at Dallas County’s Main Early Voting Site located at the Dallas County Records Building, 509 Main Street, Dallas, Texas beginning on April 27th and continuing through May 5, 2015 at dates and times as determined per the Joint Election Agreement and Contract for Election Services with the Dallas County Elections Administrator.

In addition, all qualified and registered voters may vote by early appearance at the Coppell Town Center, 255 Parkway Blvd., Coppell, Texas at dates and times as determined per the Joint Election Agreement and Contract for Election Services with the Dallas County Elections Administrator.

SECTION 8. Any eligible Dallas County Registered Voter may cast their vote at any of the additional early voting locations identified per the Joint Election Agreement and Contract for Election Services with the Dallas County Elections Administrator.

SECTION 9. For the portion of the election where Denton County precincts are located within Denton County, Lannie Noble, Denton County Election Administrator shall be appointed to serve as the Early Voting Clerk and his permanent county employees are appointed as deputy early voting clerks. For the portion of the election where Dallas County precincts are located within Dallas County, Toni Pippins-Poole, Dallas County Election Administrator shall be appointed to serve as the Early Voting Clerk and her permanent county employees are appointed as deputy early voting clerks.

Denton County Registered Voters - Applications for ballot by mail shall be mailed to:

Lannie Noble, Early Voting Clerk
Denton County Elections Administrator
Denton County Elections Administration Building
701 Kimberly Drive
Denton, TX 76208

Dallas County Registered Voters - Applications for ballot by mail shall be mailed to:

Toni Pippins-Poole, Early Voting Clerk
Dallas County Elections Administrator
Elections Department – 8th Floor
Health and Human Services Building

2377 N. Stemmons Frwy
Dallas TX 75207

Applications for ballots by mail must be received no later than the close of business on Friday, April 24, 2015.

SECTION 10. The election shall be conducted pursuant to the election laws of the State of Texas.

SECTION 11. Should a runoff election be required following the canvass of the May 9, 2015 election, the Council hereby orders that a runoff election be held on Saturday, June 20, 2015, or as determine by the Joint Election Agreement and Contract for Election Services with both the Denton County Elections Administrator and the Dallas County Elections Administrator. The polling places for both Election Day and Early Voting for the runoff election shall be determined at the time a runoff election is called by the City Council.

SECTION 12. This resolution shall be construed with any action of the Denton County Commissioners Court and the Dallas County Commissioners Court providing for the conduct of a joint election with other public entities as herein contemplated.

SECTION 13. The City Secretary is hereby authorized and directed to file, publish and/or post, in the time and manner prescribed by law, all notices required to be so filed, published and/or posted in connection with the conduct of this election.

SECTION 14. That this resolution shall be effective immediately upon adoption.

RESOLUTION NO. _____

Page 5

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
LEWISVILLE, TEXAS, ON THIS THE 2ND DAY OF FEBRUARY, 2015.**

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

**SPECIAL ELECTION
CITY COUNCIL (PLACE 5)
MAY 9, 2015**

- February 2** Special Election Called
- February 6** First day for filing application for place on ballot.
- February 6** First day a write-in candidate may file declaration.
- March 9** Last day for filing application for place on ballot. (Must be received by 5:00 p.m.)
- March 9** Last day for write-in candidate to declare candidacy. (Must be received by 5:00 p.m.)
- March 10** First day to accept applications for early mail ballot.
- March 10** Drawing for order of names on the ballot (8:30 a.m.- City Council Conference Room).
- March 16** Last day for a candidate to withdraw (Must be received by 5:00 p.m.)
- April 9** File first report of campaign contributions and expenditures. (Must be received by 5:00 p.m.)
- April 9** Last day for submitting voter registration application in time to vote in May 9th election.
- April 24** Last day to receive application in person for a ballot to be voted by mail. (Must be received by 5:00 p.m.).
- April 27** First day for early voting by personal appearance.
- April 30** Last day to receive application by mail for a ballot to be voted by mail. (Must be received by 5:00 p.m.).
- May 1** File second report of campaign contributions and expenditures. (Must be received by 5:00 p.m.)
- May 5** Last day of regular early voting by personal appearance.
- MAY 9** **ELECTION DAY** (7:00 a.m. - 7:00 p.m.)
- May 18** City Council Meeting to Canvass the Returns of Election; Issue Certificates of Election; Administer Oaths of Office.
- JUNE 13** **RUNOFF ELECTION (IF NECESSARY)**
- June 22** Special-Called City Council Meeting to Canvass the Returns of Runoff Election; Issue Certificates of Election; Administer Oaths of Office.
- July 15** Filing Semi-Annual Report of Contributions and Expenditures for Candidates and Officeholders. (Must be received by 5:00 p.m.)

ORDER OF ELECTION

An election is hereby ordered to be held on Saturday, May 9, 2015, for the purpose of: Electing the following officers for the City of Lewisville:

Councilman - Place No. 5 (Unexpired Term)

DENTON COUNTY REGISTERED VOTERS ONLY

Early voting by personal appearance shall be conducted jointly with other Denton County public entities in the Denton County Administration Building, 701 Kimberly Drive, Denton, Texas, which is hereby designated as the Main Early Voting location beginning on April 27th and continuing through May 5, 2015 at dates and times to be determined per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator. (Dates and times to be attached as soon as available.)

In addition, all Denton County qualified and registered voters may vote by early appearance at the Lewisville Municipal Annex, 1197 West Main Street, Lewisville, Texas beginning on April 27th and continuing through May 5, 2015 at dates and times to be determined per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator. (Dates and times to be attached as soon as available.) Additional early voting locations will be determined per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

Any eligible Denton County Registered Voter may cast their vote at any of the additional early voting within Denton County polling locations.

Applications for ballot by mail shall be mailed to: Lannie Noble, Early Voting Clerk
Denton County Elections Administrator
Denton County Elections Administration Building
701 Kimberly Drive
Denton, Texas 76208

DALLAS COUNTY REGISTERED VOTERS ONLY

Early voting by personal appearance shall be conducted jointly with other Dallas County public entities in the Dallas County Records Building, 509 Main Street, Dallas, Texas, which is hereby designated as the Main Early Voting location beginning on April 27th and continuing through May 5, 2015 at dates and times to be determined per the Joint Election Agreement and Contract for Election Services with the Dallas County Elections Administrator. (Dates and times to be attached as soon as available.)

In addition, all Dallas County qualified and registered voters may vote by early appearance at the Coppell Town Center, 255 Parkway Blvd., Coppell, Texas beginning on April 27th and continuing through May 5, 2015 at dates and times to be determined per the Joint Election Agreement and Contract for Election Services with the Dallas County Elections Administrator. (Dates and times to be attached as soon as available.) Additional early voting locations will be determined per the Joint Election Agreement and Contract for Election Services with the Dallas County Elections Administrator.

Any eligible Dallas County Registered Voter may cast their vote at any of the additional Dallas County early voting locations.

Applications for ballot by mail shall be mailed to: Toni Pippins-Poole, Early Voting Clerk
Dallas County Elections Administrator
Elections Department – 8th Floor
Health and Human Services Building
2377 N. Stemmons Frwy
Dallas TX 75207

DENTON AND DALLAS COUNTY REGISTERED VOTERS

Applications for ballots by mail must be received no later than the close of business on Friday, April 24, 2015.

The polling places and the county election precincts where qualified voters shall cast their ballots on Election Day from 7 a.m. until 7 p.m. will be determined per the Joint Election Agreement and Contract for Election Services with both the Denton County Elections Administrator and the Dallas County Elections Administrator and will be posted at each City of Lewisville Voting Location.

Issued this the 2nd day of February, 2015.

Dean Ueckert, Mayor

ORDEN DE ELECCIÓN

Una elección la presente se ordena que se celebrará el Sábado, 09 de mayo 2015, con el propósito de : Elegir a los siguientes funcionarios de la Ciudad de Lewisville :

Concejal - Lugar No. 5 (término no vencido)

VOTANTES DEL CONDADO DE DENTON REGISTRADOS

La votación anticipada en persona será conducida conjuntamente con otras entidades públicas del Condado de Denton en el Edificio de Administración del Condado de Denton, 701 Kimberly Drive, Denton, Texas, al que se designa como el lugar principal de votación anticipada que comienza el 27 de abril y hasta el 05 de mayo, 2015 en fechas y horas que se determinen por el Convenio de Elecciones Conjuntas y Contrato de Servicios de Elecciones con el Administrador de Elecciones del Condado de Denton. (Las fechas y horas que se adjunta en cuanto esté disponible.)

Además, todos los votantes calificados y registrados del Condado de Denton pueden votar por la temprana aparición en el Anexo Municipal Lewisville, 1197 West Main Street, Lewisville, Texas comenzando el 27 de abril y hasta el 05 de mayo 2015 en fechas y horas que se determine por la elección conjunta Acuerdo y Contrato de Servicios de Elecciones con el Administrador de Elecciones del Condado de Denton. (Las fechas y horas que se adjunta en cuanto esté disponible.) Lugares de votación temprana adicionales serán determinadas por el Convenio de Elecciones Conjuntas y Contrato de Servicios de Elecciones con el Administrador de Elecciones del Condado de Denton.

Cualquier elegibles del Condado de Denton votante registrado puede emitir su voto en cualquiera de la votación anticipada adicional dentro de los lugares de votación del condado de Denton.

Las solicitudes para votar por correo deberán enviarse a:

Lannie Noble, Early Voting Clerk
Denton County Elections Administrator
Denton County Elections Administration Building
701 Kimberly Drive
Denton, Texas 76208

VOTANTES CONDADO DE DALLAS REGISTRADOS

La votación anticipada en persona será conducida conjuntamente con otras entidades públicas del Condado de Dallas en el edificio de registros del Condado Dallas, 509 Main Street, Dallas, Texas, al que se designa como el lugar principal de votación anticipada que comienza el 27 de abril y hasta el 05 de mayo, 2015 en fechas y horas que se determinen por el Convenio de Elecciones Conjuntas y Contrato de Servicios de Elecciones con el Administrador de Elecciones del Condado de Dallas. (Las fechas y horas que se adjunta en cuanto esté disponible.)

Además, todos los votantes calificados y registrados del condado de Dallas podrán votar por la temprana aparición en Coppell Town Center, 255 Parkway Blvd., Coppell, Texas comenzando el 27 de abril y hasta el 05 de mayo 2015 en fechas y horas que se determine por la elección conjunta Acuerdo y Contrato de Servicios de Elecciones con el Administrador de Elecciones del Condado de Dallas. (Las fechas y horas que se adjunta en cuanto esté disponible.) Lugares de votación temprana adicionales serán determinadas por el Convenio de Elecciones Conjuntas y Contrato de Servicios de Elecciones con el Administrador de Elecciones del Condado de Dallas.

Cualquier elegibles del Condado de Dallas votante registrado puede emitir su voto en cualquiera de la votación anticipada adicional dentro de los lugares de votación del condado de Dallas.

Las solicitudes para votar por correo deberán enviarse a:

Toni Pippins-Poole, Early Voting Clerk
Dallas County Elections Administrator
Elections Department – 8th Floor
Health and Human Services Building
2377 N. Stemmons Frwy
Dallas TX 75207

VOTANTES REGISTRADOS DEL CONDADO DE DENTON Y DALLAS

Las solicitudes de boletas por correo deberán recibirse a más tardar el cierre del negocio el Viernes, 24 de abril 2015.

Los lugares de votación y los precintos electorales del condado donde los votantes calificados deberán emitir su voto en la jornada electoral desde las 7 am hasta las 7 pm será determinado por el Convenio de Elecciones Conjuntas y Contrato de Servicios de Elecciones tanto con el Administrador de Elecciones del Condado de Denton y el Administrador de Elecciones del Condado de Dallas y será publicado en cada ciudad de Lewisville Votar Ubicación.

Emitida este día 2 de febrero de 2015.

Dean Ueckert, Alcalde