



Lewisville City Council

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A G E N D A

LEWISVILLE CITY COUNCIL MEETING MARCH 2, 2015

LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057

WORKSHOP SESSION - 5:30 P.M. REGULAR SESSION - 7:00 P.M.

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 5:30 P.M.

- A. K-9 Demonstrations
- B. Presentation of Options Related to Future Planning for Special Events Including Western Days, Chalk This Way, and Pro Watercross Tour
- C. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Durham
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Vaughn
- C. **PROCLAMATION:** Declaring the Week of March 1 - 7, 2015, as “Severe Weather Awareness Week”
- D. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of an Ordinance for a Zone Change Request From Agriculture Open Space (AO) to Light Industrial (LI), for a 19.055 Acre Tract of Land Located on the South Side of Bennett Lane, Approximately 1,350 Feet East of I-35E; Further Identified as Tracts 9, 10, 11, 11A(1), 13, 14, 15 of the W. King Survey, Abstract 697, as Requested by DCT Waters Ridge LLC and Copernicus Investment the Property Owners (Case No. PZ-2015-02-03).

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

ADMINISTRATIVE COMMENTS:

The 19.055 acre property is located on the south side of Bennett Lane, approximately 125 feet west of Ridgeview Drive and 1,350 feet from the I-35E frontage road. The zone change request consists of several tracts that are currently zoned AO. A portion of the site is part of a land swap with the granite shop at the western edge of the site, while the majority of the site is proposed for an approximately 345,720 square foot office warehouse facility. The site is adjacent to the Waters Ridge Business Park and the proposed use is similar in nature to those in the business park. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on February 3, 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
Joe Williams, DCT Waters Ridge LLC

2. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a U-Haul Self Storage Facility and an Outdoor RV/Boat/Travel Trailer Storage Facility and one Associated Variance; on a 8.276 Acre Tract of Land Zoned Warehouse (WH); Located on the West Side of Valley Ridge Boulevard, North of Business SH 121 at 811 E. SH 121; Further Identified as Storage Super Center Addition, Lot 5, Block A, as Requested by Amerco Real Estate Co. of Texas, the Property Owner (Case No. SUP-2015-02-01).**

ADMINISTRATIVE COMMENTS:

The subject request is for the addition of a new warehouse building, covered and uncovered outside RV/boat /travel trailer parking to the existing U-Haul Self Storage facility. The zoning ordinance requires that an SUP be obtained both for self-storage facilities and for outdoor RV/boat/travel trailer storage. The Planning and Zoning Commission recommended approval of the SUP by a vote of 6-0 at their meeting on February 3, 2015.

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

RECOMMENDATION:

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

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning
Garner Carey Jr., U-Haul Marketing Company President

- 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.
- 3. Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Innovative Transportation Solutions, Inc., has been providing consultation services on a variety of transportation issues for the City of Lewisville since March, 2000. Their services include a variety of tasks including coordinating the transportation needs of the City, seeking federal/state/county funding for new projects, and working with the North Central Texas Council of Governments and Denton County on future mobility needs. Innovative Transportation Solutions, Inc., in the past year, has worked on behalf of the City related to the Regional Toll Revenue Funds, Old Town Sustainable Development projects, the IH-35E Reconstruction Project, Denton County TRIP-08 bond projects as well as various coordination efforts with TXDOT on other local transportation issues. Innovative Transportation Solutions, Inc. is seeking a renewal of their contract in the amount of \$90,000. Funding is available in the Community Development Department fiscal year 2014/2015 budget.

RECOMMENDATION:

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

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

- 4. Approval of a Bid Award for an Annual Requirements Contract for Miscellaneous Asphalt Rehab Projects to SPI Asphalt, LLC., Flower Mound, Texas for an Estimated Annual Expenditure of \$463,156.87.**

ADMINISTRATIVE COMMENTS:

A total of twenty (20) bid invitations were downloaded from Bidsync.com. Three (3) bids were received and opened December 4, 2014. This contract will be used to complete asphalt street rehabilitation repairs at various locations throughout the City on an as needed basis. Funding is available from Asphalt Street Capital Improvement Projects. The term of the contract will be twelve (12) months, with an option to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City.

RECOMMENDATION:

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

- 5. Approval of an Award for Renovations of Central Park to Schmoltdt Construction, Inc., Celina, Texas, in the Amount of \$766,700; Approval of a Supplemental Appropriation in the Amount of \$379,586 from 4B Available Cash; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville sent out requests for proposals for the renovation of Central Park to ensure compliance with the American with Disabilities Act and the Architectural Barriers Act Accessibility Standards. A total of forty-eight (48) request for proposals were downloaded from Bidsync.com. Seven (7) proposals were received and opened on December 11, 2014. This contract involves the renovation and expansion of the existing restroom building, construction of concrete walkways, accessible ramps, concrete staircase, handrails and guardrails, storm sewer, underground drain lines, site electrical, building mechanical, electrical and plumbing, irrigation renovation, landscape installation, concrete retaining walls, earthwork, erosion control and turf establishment.

RECOMMENDATION:

That the City Council approve the award and supplemental appropriation as set forth in the caption above.

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

G. REGULAR HEARINGS:

- 6. Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Fees for Personnel to Erect and Dismantle Tents Associated With the 2015 American Cancer Society Relay for Life Event, Located at the Lewisville High School-Harmon Campus; and Consideration of a Request for City In-Kind Support for the Same Event, as Requested by Jillian Schwarzenbach, Community Manager, Relay For Life American Cancer Society.**

ADMINISTRATIVE COMMENTS:

The 2015 Relay For Life of Lewisville/Flower Mound event will be held from Friday May 15, 2015, at 6:00 p.m. to Saturday May 16, 2015 at 6:00 a.m. A request is being made to: a) provide City in-kind support of eight (8) tents and staff time to erect and dismantle tents related to the event; and b) to waive any associated fees for the event including fees for personnel to erect and dismantle tents. This event was held last year at the Harmon- Lewisville High School, 1250 W. Round Grove Rd., Lewisville, TX 75067, and drew over 33 teams, over 500 participants, and raised over \$53,000.

RECOMMENDATION:

That the City Council approve the variance and request for City in-kind support as set forth in the caption above.

- 7. Consideration of Ordinances Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule By Adding a Fee for Municipal Setting Designations Applications; Increasing the Animal Adoption Fee From \$50 to \$90; and Adding a New Micro-Chipping Fee of \$15 per Animal; and Approval of a Supplemental Appropriation in the Amount of \$36,410 to the General Fund.**

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

ADMINISTRATIVE COMMENTS:

On February 26, 2015, City Council approved an ordinance, which established a process for considering local support of Municipal Setting Designations. The ordinance requires an application fee to be paid by persons seeking local support of the MSD. The proposed amendment to the fee schedule adds the MSD application fee to Chapter 2, Section 2-201 of the Lewisville Code. In addition, Animal Services currently charges a \$50 adoption fee for both dogs and cats, but is seeking to increase the fee to \$90 to cover sterilization of all pets prior to adoption. Staff also feels it is important to add a Micro-chipping fee. Many citizens come to the shelter expecting the micro-chipping service that is now offered in many surrounding shelters. Staff is seeking to add the new program for a fee to the public of \$15 per animal. Staff is seeking approval of a supplemental appropriation in the amount of \$36,410 to the General Fund to pay for the increased cost associated with the sterilization and micro-chipping programs.

RECOMMENDATION:

That the City Council approve the requested ordinance amendments and supplemental appropriation as set forth in the caption above.

- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- 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 551.071 (Consultation with Attorney/Pending Litigation): *City of Lewisville v. City of Farmers Branch and Camelot Landfill TX, LP*, Cause No.4:12-CV-00782, United States District Court for the Eastern District of Texas, Sherman Division; Texas Commission on Environmental Quality Modification to Municipal Solid Waste Permit No. 1312A; and Texas Commission on Environmental Quality Application to Obtain Municipal Solid Waste Permit Amendment - Permit No. 1312B

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

3. Section 551.072 (Real Estate): Property Acquisition
 4. 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).

Special Events

Long-Range Planning

- *Western Days 2015 - 2017*
- *Chalk This Way 2015 - 2016*
- *Pro Watercross Tour 2015 - ?*
- *Wayne Ferguson Plaza 2016*



Western Days

- Thought to have started in 1964 in conjunction with the Labor Day Rodeo.
- Grew into a weeklong community event before shortage of volunteers caused the event to shrink, then take a hiatus of several years
- Brought back in 2004 by OTBA; turned over to the city in 2007
- Promoter Line contract in place through 2017 to provide planning and logistic services



Western Days - Challenges

- Real estate (event site plan)
- Parade route
- Entertainment costs
- Staffing
- Hospitality suite
- Parking & transportation
- Security
- Cleanup



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Western Days - Opportunities

- **Western Week**
- **Wayne Ferguson Plaza**
- **Additional sponsors**
- **Emporium site**
- **Restaurants site**
- **South Village**
- **Valet parking program**
- **Cultural groups (Native American dancers)**
- **Lewisville Rodeo Arena**



Western Days - 2015

- Fixed \$10 adult admission charged one event day after 6pm (had planned on Saturday, but now recommend Friday based on band bookings)
- Site changes (car show, kids area, main stage, cowboy camp, cool zone)
- Incorporate Wayne Ferguson Plaza
- Hospitality suite changes
- Implement security recommendations from LPD
- Post-event review



Western Days - 2016

- Admission charge both days after 6pm (most families with younger children have arrived, or even left, before 6pm)
- Extended hours on Friday (noon or 2pm open)
- Incorporate restaurants site
- Western Week limited rollout (could impact parade, car show, Rodeo Arena, carnival)
- Prepare for impacts from Mill Street project
- Post-event review



Western Days - 2017

- Western Week full rollout (low-impact community events starting as early as the preceding weekend, with at least one activity each day leading up to the festival dates)
- Prepare for other development impacts
- Post-event review



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Chalk This Way

- **Managed by Lakeside Arts Foundation**
- **Started in 2011 in The Colony**
- **Moved to Old Town Lewisville in 2013**
- **Drew between 1,000 and 2,500 people during the past two years (with spotty weather conditions)**
- **Main features are amateur and professional chalk artists, children's chalk gallery, indoor and outdoor stages with live entertainment, food vendors, retail vendors**



Chalk This Way - 2015

- Adding an interactive kite demonstration
- Adding a pet parade
- Attempting to expand art-focused vendors
- Two site plans being developed – with and without access to Wayne Ferguson Plaza
- Will leave chalk art on sidewalks longer into the following week (was washed off during event cleanup past two years)



Chalk This Way - 2016

- Possible rebranding to “Lewisville Festival of Colors”
- Increased citywide/regional event marketing
- Chalk This Way would become one of several art-focused activities
- Poetry Corner using Poet Laureate and others
- New activities would rely on community groups, including UNT student groups
- Would require increased City involvement



Pro Watercross Tour

- In keeping with Lewisville 2025 recommendation to stage events at and around the lake
- Professional and pro-am personal watercraft racing (closed course, head-to-head)
- Features several international teams that participate in the full tour
- Also includes “freestyle” exhibitions
- Tour events are televised on cable and include a “host city” segment



Pro Watercross Tour - 2015

- Scheduled to make first visit to Lewisville Lake on July 17-19 at Lake Park
- Corporate Challenge event on Friday
- Competitive racing on Saturday and Sunday
- Required city investment of \$20,000 cash, in-kind event support, and some level of shore activities
- Projected hotel impact of 200-400 room-nights
- Also potential media marketing benefits



Pro Watercross Tour - 2015

- Staff has prepared a plan for potential shore activities that includes:
 - Mechanical/inflatable midway
 - Stage with live band(s)
 - Food trucks
 - Beer garden area
- Projected budget of \$42,700
- Projected income of \$11,000
- Money is available in HOT Fund Reserve



Pro Watercross Tour – future

- Staff and tour promoter will evaluate the Lewisville event after it is completed
- Based upon success of the 2015 event, the promoter has expressed interest in returning to Lewisville on an annual or bi-annual basis
- City benchmarks for success will be confirmed hotel-room nights, estimated economic impact, and marketing value
- Could be a future budget item



Wayne Ferguson Plaza - 2016

- January – no event (weather)
- February – Mardi Gras
- February – Chin Freedom Day
- March – St. Patty in the Plaza
- April – Earth Day
- May – Chalk This Way
- May – Keeping Tradition Alive
- June – Sounds of Lewisville
- June – Best Little Brewfest in Texas
- July – Sounds of Lewisville
- August – National Night Out
- September – Western Days
- October/November – single TBD event close to Nov. 1
- December – Old Town Holiday Stroll



PROCLAMATION

Whereas, Each year brings the potential for violent weather to Texas, and large portions of our state including the City of Lewisville, can be devastated by flooding, tornadoes, hail storms, straight line winds and other severe emergencies; and,

Whereas, The City of Lewisville, The Texas Division of Emergency Management, the National Weather Service and the Federal Emergency Management Agency (FEMA) have joined together to urge all citizens to prepare for severe weather events and to educate themselves on safety strategies; and,

Whereas, Governor Greg Abbott has declared the week of March 1 -7, 2015, as Severe Weather Awareness Week in Texas.

NOW, therefore, in official recognition of this statewide event I, Mayor Dean Ueckert, Mayor of the City of Lewisville, Texas, on behalf of the entire City Council, do hereby proclaim March 1 -7, 2015, as:

“Severe Weather Awareness Week”

and urge everyone in our community to learn more about and to participate in severe weather preparedness activities available in the City of Lewisville.

Proclaimed this 2nd day of March, 2015.

Dean Ueckert, Mayor
City of Lewisville

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: February 17, 2015

SUBJECT: **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture Open Space (AO) to Light Industrial (LI), for a 19.055 Acre Tract of Land Located on the South Side of Bennett Lane, Approximately 1,350 Feet East of I-35E; Further Identified as Tracts 9, 10, 11, 11A(1), 13, 14, 15 of the W. King Survey, Abstract 697, as Requested by DCT Waters Ridge LLC and Copernicus Investment the Property Owners (Case No. PZ-2015-02-03).**

BACKGROUND

The 19.055 acre property is located on the south side of Bennett Lane, approximately 125 feet west of Ridgeview Drive and 1,350 feet from the I-35E frontage road. The zone change request consists of several tracts that are currently zoned AO. The majority of properties surrounding this site are zoned Light Industrial with a few zoned AO. The three parcels on the eastern border of this site are zoned AO and contain three residences in AO zoning. The residential property owners were contacted about selling their properties but not all three were willing to sell, which resulted in the applicant not purchasing any of the three parcels along Ridgeview Drive. Staff received one phone call from one of the adjacent residents, asking about the proposed use of the property. The properties on the western side consist of a granite shop, Bobcat of Dallas, Texas Trailers, several Huffines car dealerships which are zoned LI and an old cemetery zoned AO. A portion of the site is part of a land swap with the site housing the granite shop at the western edge of the site. The remainder of the site is proposed for an approximately 345,720 square foot office warehouse facility.

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 site is adjacent to the Waters Ridge Business Park and the proposed use is similar in nature to those in the business park. The property is just outside of the I-35 Corridor Plan scope, but will complement the existing Waters Ridge Business Park and in turn the I-35 corridor. The Planning and Zoning Commission unanimously (6-0) voted to recommend approval of the zone change request at their meeting on February 3, 2015.

RECOMMENDATION

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

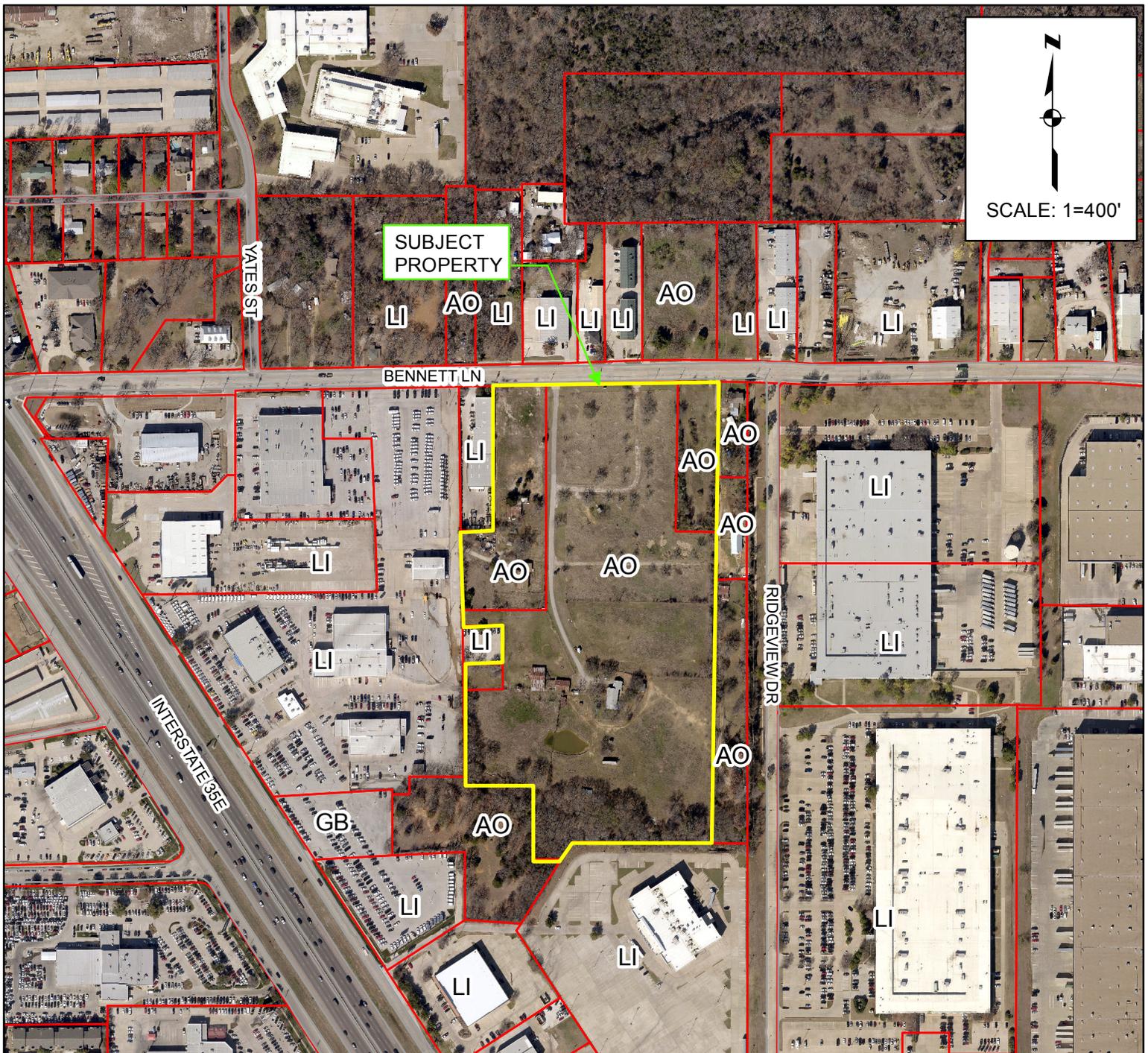
**MINUTES
PLANNING AND ZONING COMMISSION
FEBRUARY 3, 2015**

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 19.055 acres on the south side of Bennett Lane, west of Ridgeview Drive further identified as Tracts 9, 10, 11, 11A(1), 13, 14, 15 of the W. King Survey, Abstract 697. The request is being made by DCT Waters Ridge LLC and Copernicus Investment the property owners (Case No. PZ-2015-02-03).

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 Joe Williams, vice president for the construction side of DCT Industrial spoke in favor of the request. There being no one else present the public hearing was then closed. A motion was made by Brandon Jones to recommend approval of the zone change request, seconded by Brent Daniels. The motion passed unanimously (6-0).



ZONING CASE NO. PZ-2015-02-03

NAME: DCT WATERS RIDGE LLC AND COPERNICUS INVESTMENT

PROPERTY LOCATION: SOUTHWEST QUADRANT OF BENNETT LANE AND RIDGEVIEW DRIVE;
 FURTHER IDENTIFIED AS TRACTS 9, 10, 11, 11A(1), 13, 14, 15 OF THE W.
 KING SURVEY ABSTRACT 697;

CURRENT ZONING: AGRICULTURE OPEN SPACE (AO)

PROPOSED ZONING: LIGHT INDUSTRIAL (LI)

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



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ZONE CHANGE APPLICATION

Owner/s (name): <u>Copernicus Investment</u>	
Company Name:	
Mailing Address: <u>500 Bennett Lane</u>	
Work #: <u>214-878-8736</u>	Cell #:
E-Mail: <u>les.grabowski@gmail.com</u>	
Owner Signature (Owners Must Sign or Submit Letter of Authorization): <u>[Signature]</u>	Date: <u>1-15-15</u>
Printed Name: <u>GRABOWSKI</u>	

Applicant/Agent (name): <u>CLAYTON STROLLE</u>	
Company Name: <u>PACHECO KOCH</u>	
Mailing Address: <u>8350 N CENTRA EXPLY SUITE 1000 DALLAS, TX 75206</u>	
Work #: <u>972-235-3031</u>	Cell #: <u>214-906-6857</u>
E-Mail: <u>CSTROLLE@PKCE.COM</u>	
Applicant/Agent Signature <u>[Signature]</u>	Date: <u>1/15/15</u>
Printed Name: <u>CLAYTON STROLLE</u>	

Current Zoning: <u>AG</u>	Requested Zoning: <u>LI</u>	Acres: <u>2.1</u>
Legal Description (Lot/ Block/Tract/Abstract): <u>PART OF ALTON HOLDINGS, LLC, WILLIAM KEOG SURVEY, ADD. NO. 697</u>		
Address/Location: <u>SOUTH OF LOT 2, BLOCK A, GRABOWSKI ADDITION</u>		

Application and Sign Fees:

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

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

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

Amount Due (application & sign fee)	\$ _____
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2014-9 (NW)



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

ZONE CHANGE APPLICATION

RECEIVED DEC 23 2014

Owner/s (name): Joe Williams	
Company Name: DCT Waters Ridge LLC	
Mailing Address: 5430 LBJ Freeway, Suite 1030, Dallas, Texas 75240	
Work #: 972-982-8550	Cell #:
E-Mail: JWilliams@dctindustrial.com	
Owner Signature (Owners Must Sign or Submit Letter of Authorization):	Date: 12/22/14
Printed Name: Joe Williams V.P. Construction	

Applicant/Agent (name): Clayton J. Strolle, PE	
Company Name: Pacheco Koch, LLC	
Mailing Address: 8350 N. Central Expressway, Suite 1000, Dallas, Texas 75206	
Work #: 972-235-3031	Cell #:
E-Mail: CStrolle@pkce.com	
Applicant/Agent Signature	Date: 12/22/14
Printed Name: Clayton Strolle, PE	

Current Zoning: AG	Requested Zoning: LI	Acres: 19.290 AC
Legal Description (Lot/ Block/Tract/Abstract): William King Survey, Abstract No. 697		
Address/Location: 514 Bennett Lane		

Application and Sign Fees:

	Less than 1/2 acre	\$ 150.00
	1/2 acre up to 4.99 acres	\$ 250.00
X	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: 4	Zone Change Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ 140 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)	\$ 540 ⁰⁰
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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 19.055 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF BENNETT LANE, APPROXIMATELY 1,350 FEET EAST OF INTERSTATE 35E 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 19.055 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 MARCH, 2015.

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

DCT Lewisville

Legal Description for 19.055 Acre Tract

1780-14.370

DESCRIPTION, of an 19.055 acre tract of land situated in the William King Survey, Abstract No. 697, Denton County, Texas; said tract being part of that land described as "Tract 1" and part of that tract of land described as "Tract 2" in General Warranty Deed to Carr's L-Bar Cattle Co., Ltd. recorded in Document No. 200212417 of the Official Records of Denton County, Texas; all of that tract of land described in General Warranty Deed to Altion Holdings, LLC recorded in Document No. 2012-42806 of said Official Records; and part of that tract of land described in General Warranty Deed to Copernicus Investments, LLC recorded in Document No. 2008-42064 of said Official Records, said 19.055 acre tract being more particularly described as follows;

BEGINNING, at a 1/2-inch iron rod with "G&A" cap found in the south right-of-way line of Bennett Lane (a variable width right-of-way); said point being the northeast corner of Lot 1, Block A, Grabowski Addition, an addition to the City of Lewisville, Texas according to the plat recorded in Cabinet N, Page 215 of the Map Records of Denton County, Texas and also being the northwest corner of said Altion tract;

THENCE, North 88 degrees, 51 minutes, 32 seconds East, along the said south line of Bennett Lane and the north line of said Altion tract, a distance of 150.04 feet to a point for corner in the west line of said "Tract 1"; said point being the northeast corner of said Altion tract;

THENCE, North 00 degrees, 20 minutes, 04 seconds East, along an offset in the said south line of Bennett Lane, a distance of 17.11 feet to a point for corner; said point being the northwest corner of said "Tract 1";

THENCE, North 89 degrees, 45 minutes, 37 seconds East, along the said south line of Bennett Lane and the north line of said "Tract 1" and said "Tract 2", at a distance of 370.11 feet passing the northeast corner of said "Tract 2" and the northwest corner of said Copernicus tract, and continuing a total distance of 473.48 feet to a point for corner; said point being the northeast line of said Copernicus tract;

THENCE, South 00 degrees, 03 minutes, 23 seconds East, along an offset in the said south line of Bennett Lane and the east line of said Copernicus tract, at a distance of 9.66 feet passing a 60D Nail found for the northwest corner of a tract of land described in Warranty Deed to Jim William Hamilton recorded in Volume 841, Page 956 and Volume 543, Page 525 of said Official Records and continuing along the west line of said Hamilton tract and the west line of a tract of land described in Warranty Deed to Carl Anthony Noblitt recorded in Document No. 2011-34425 of said Official Records a total distance of 422.78 feet to a 1/2-inch iron rod found for corner; said point being the southeast corner of said Copernicus tract;

THENCE, South 00 degrees, 22 minutes, 07 seconds East, along the west line of said Noblitt tract, the east line of said "Tract 2", and the west line of a tract of land described in Warranty Deed to France Roberts recorded in Volume 491, Page 343 of said Official Records and conveyed to Margie Roberts in Probate Cause No. PR-91-284, a distance of 872.82 feet to a point for corner; said point being the southwest corner of said Roberts tract and a reentrant corner of said "Tract 2";

THENCE, North 89 degrees, 45 minutes, 37 seconds East, along the south line of said Roberts tract and a north line of said "Tract 2", a distance of 100.00 feet to a 5/8-inch iron rod found for corner in the west right-of-way line of Ridgeview Drive (a variable width right-of-way); said point being the southeast corner of said Roberts tract and the easternmost northeast corner of said "Tract 2";

THENCE, South 00 degrees, 14 minutes, 23 seconds East, along the said west line of Ridgeview Drive and an east line of said "Tract 2", a distance of 8.23 feet to a 5/8-inch iron pipe found for corner; said point being the southeast corner of said "Tract 2";

Legal Description
(continued)

THENCE, North 89 degrees, 26 minutes, 17 seconds West, along the south line of said "Tract 2", at a distance of 7.92 feet passing the northeast corner of Lot 2, Block E, Water's Ridge Addition, an addition to the City of Lewisville, Texas according to the plat recorded in Cabinet K, Page 218 of said Map Records, continuing along the said south line of "Tract 2", the south line of said "Tract 1", and the north line of said Lot 2, at a distance of 508.30 feet passing a 5/8-inch iron rod found at the northernmost northwest corner of said Lot 2, continuing a total distance of 591.84 feet to a point for corner; said point being the southeast corner of a called 1 acre tract of land described in Warranty Deed to Sam Walker for the purposes of a cemetery, recorded in Volume 82, Page 257 of said Official Records and also being the southernmost southwest corner of said "Tract 1";

THENCE, North 00 degrees, 14 minutes, 23 seconds West, along the east line of said Walker tract and a west line of said "Tract 1", a distance of 198.85 feet to a point for corner; said point being the northeast corner of said Walker tract and a reentrant corner of said "Tract 1";

THENCE, South 89 degrees, 45 minutes 37 seconds West, along the north line of said Walker tract and a south line of said "Tract 1", a distance of 219.04 feet to point for corner in the east line of Lot 1, Block A, Huffines Chevrolet Addition, an addition to the City of Lewisville, Texas according to the plat recorded in Cabinet E, Page 200 of said Map Records; said point being the westernmost southwest corner of said "Tract 1";

THENCE, North 00 degrees, 42 minutes, 35 seconds West, along the said east line of the second referenced Lot 1 and the west line of said "Tract 1", a distance of 299.34 feet to a point for corner; said point being the southwest corner of a tract of land described in General Warranty Deed to Huffines Lewisville Property, LP recorded in Document No. 2008137746 of said Deed Records;

THENCE, North 88 degrees, 07 minutes, 32 seconds East, departing the said east line of the second referenced Lot 1 and along the south line of said Huffines Lewisville Property tract, a distance of 113.18 feet to a 5/8-inch iron rod found for corner; said point being the southeast corner of said Huffines Lewisville Property tract;

THENCE, North 01 degrees, 33 minutes, 42 seconds West, along the east line of said Huffines Lewisville Property tract, a distance of 100.56 feet to a 3/4-inch iron rod found for corner, said point being the northeast corner of said Huffines Lewisville Property tract;

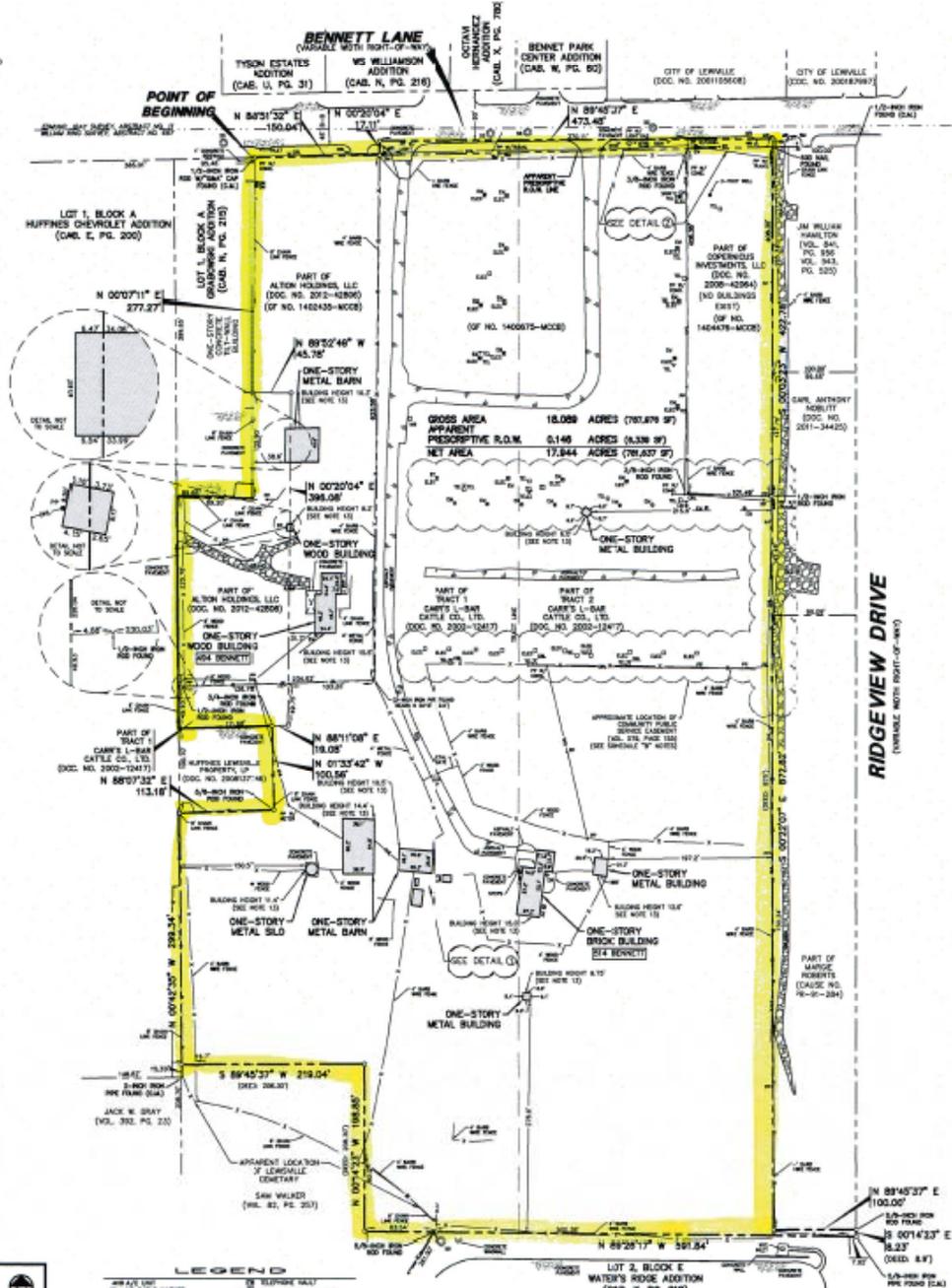
THENCE, South 88 degrees, 11 minutes, 08 seconds West, a distance of 111.68 feet to a point for corner in the said east line of the second referenced Lot 1 and the said west line of "Tract 1"; said point being the northwest corner of said Huffines Lewisville property;

THENCE, North 00 degrees, 42 minutes, 35 seconds West, along the said east line of the second referenced Lot 1, the said west line of "Tract 1", and the west line of said Altion tract, a distance of 275.97 feet to a point for corner; said point being the westernmost northwest corner of said Altion tract and the southwest corner of said first referenced Lot 1;

THENCE, South 89 degrees, 01 minutes, 16 seconds East, departing the said east line of the second referenced Lot 1, along the westernmost north line of said Altion tract and the south line of said first referenced Lot 1, a distance of 90.40 feet to a point for corner; said point being a reentrant corner of said Altion tract and the southeast corner of said first referenced Lot 1;

THENCE, North 00 degrees, 07 minutes, 11 seconds East, along a west line of said Altion tract and the east line of said first referenced Lot 1, a distance of 403.17 feet to the POINT OF BEGINNING;

CONTAINING, 830,049 square feet or 19.055 acres of land, more or less.



VICINITY MAP
(NOT TO SCALE)

LEGEND

- | | |
|-------------------|---------------------|
| --- 4" AIR LINE | --- TELEPHONE CABLE |
| --- 6" AIR LINE | --- TELEPHONE WIRE |
| --- 8" AIR LINE | --- TELEPHONE WIRE |
| --- 10" AIR LINE | --- TELEPHONE WIRE |
| --- 12" AIR LINE | --- TELEPHONE WIRE |
| --- 14" AIR LINE | --- TELEPHONE WIRE |
| --- 16" AIR LINE | --- TELEPHONE WIRE |
| --- 18" AIR LINE | --- TELEPHONE WIRE |
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| --- 22" AIR LINE | --- TELEPHONE WIRE |
| --- 24" AIR LINE | --- TELEPHONE WIRE |
| --- 26" AIR LINE | --- TELEPHONE WIRE |
| --- 28" AIR LINE | --- TELEPHONE WIRE |
| --- 30" AIR LINE | --- TELEPHONE WIRE |
| --- 32" AIR LINE | --- TELEPHONE WIRE |
| --- 34" AIR LINE | --- TELEPHONE WIRE |
| --- 36" AIR LINE | --- TELEPHONE WIRE |
| --- 38" AIR LINE | --- TELEPHONE WIRE |
| --- 40" AIR LINE | --- TELEPHONE WIRE |
| --- 42" AIR LINE | --- TELEPHONE WIRE |
| --- 44" AIR LINE | --- TELEPHONE WIRE |
| --- 46" AIR LINE | --- TELEPHONE WIRE |
| --- 48" AIR LINE | --- TELEPHONE WIRE |
| --- 50" AIR LINE | --- TELEPHONE WIRE |
| --- 52" AIR LINE | --- TELEPHONE WIRE |
| --- 54" AIR LINE | --- TELEPHONE WIRE |
| --- 56" AIR LINE | --- TELEPHONE WIRE |
| --- 58" AIR LINE | --- TELEPHONE WIRE |
| --- 60" AIR LINE | --- TELEPHONE WIRE |
| --- 62" AIR LINE | --- TELEPHONE WIRE |
| --- 64" AIR LINE | --- TELEPHONE WIRE |
| --- 66" AIR LINE | --- TELEPHONE WIRE |
| --- 68" AIR LINE | --- TELEPHONE WIRE |
| --- 70" AIR LINE | --- TELEPHONE WIRE |
| --- 72" AIR LINE | --- TELEPHONE WIRE |
| --- 74" AIR LINE | --- TELEPHONE WIRE |
| --- 76" AIR LINE | --- TELEPHONE WIRE |
| --- 78" AIR LINE | --- TELEPHONE WIRE |
| --- 80" AIR LINE | --- TELEPHONE WIRE |
| --- 82" AIR LINE | --- TELEPHONE WIRE |
| --- 84" AIR LINE | --- TELEPHONE WIRE |
| --- 86" AIR LINE | --- TELEPHONE WIRE |
| --- 88" AIR LINE | --- TELEPHONE WIRE |
| --- 90" AIR LINE | --- TELEPHONE WIRE |
| --- 92" AIR LINE | --- TELEPHONE WIRE |
| --- 94" AIR LINE | --- TELEPHONE WIRE |
| --- 96" AIR LINE | --- TELEPHONE WIRE |
| --- 98" AIR LINE | --- TELEPHONE WIRE |
| --- 100" AIR LINE | --- TELEPHONE WIRE |

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: February 17, 2015

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a U-Haul Self Storage Facility and an Outdoor RV/Boat/Travel Trailer Storage Facility and one Associated Variance; on a 8.276 Acre Tract of Land Zoned Warehouse (WH); Located on the West Side of Valley Ridge Boulevard, North of Business SH 121 at 811 E. SH 121; Further Identified as Storage Super Center Addition, Lot 5, Block A, as Requested by Amerco Real Estate Co. of Texas, the Property Owner (Case No. SUP-2015-02-01).**

BACKGROUND

The Special Use Permit (SUP) process allows for consideration of certain uses that may potentially be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions. The subject request is for the addition of a new warehouse building, covered and uncovered outside RV/boat /travel trailer parking to the existing U-Haul Self Storage facility located at 811 E. SH 121. The zoning ordinance requires that an SUP be obtained both for self-storage facilities and for outdoor RV/boat /travel trailer storage.

The site was originally site planned in 2005 for a self storage facility with intentions of adding outside RV/boat/travel trailer storage. The self storage portion of the site was completed along with one area for outside RV/boat storage, but the remainder was not. Since that time, the original site plan expired, changes to the fire code have occurred and the City now requires a SUP for the proposed uses. The site was sold to the current owners who would like to build additional RV/boat/travel trailer storage and a warehouse building for the storage of their U-Haul supplies for the retail portion of their business. The Warehouse zoned property abutting this site on the north is vacant, while the property to the south has businesses that front onto SH 121 zoned Heavy Industrial, Light Industrial and General Business. The Planning and Zoning Commission recommended approval of the SUP and requested variance by a vote of 6-0 at their meeting on February 3, 2015.

ANALYSIS

The SUP is being requested in order to construct a new warehouse building intended to provide storage for the retail portion of their business. The other additions to the site include two proposed covered and one uncovered RV storage areas. The limits of the development are the same as previously approved in 2005. A little over half of the site is already developed with the existing self storage buildings. The additional building and covered areas along with landscape enhancements affect the remaining half of the site.

The site is accessible from SH 121 via an access easement. The entrance off of Valley Ridge Boulevard is approximately 180 feet back and will be used for fire emergency access. This 180 feet is encumbered by a variety of easements and utility encroachments that limits the use of the area (70 foot electric easement for the existing transmission line and a 30 foot sanitary sewer easement for the existing 36 inch sanitary sewer force main).

New Building

The proposed warehouse building is approximately 5,000 square feet and will be fully sprinklered. The building will be 80% brick veneer with some metal and a metal seamed roof. It will be accessed with via two metal doors and a metal overhead dock door. This building will not be accessible to the general public and will be approximately 340 feet back from the street, screened by an eight foot masonry wall and trees and vegetation along Valley Ridge Blvd.

RV/Boat/Travel Trailer Parking & Screening

The plan shows the addition of three areas for RV/Boat/Travel Trailer parking, totaling 25,014 square feet or approximately 11% of the site. Two of those areas will be covered while a third will be uncovered (8,400 square feet). The entire rear portion of the lot where development will occur will be paved with concrete. The canopies will be supported with concrete pier footings, steel columns and a metal roof deck and frame. The RV storage area will be screened by split face block screening wall eight foot in height. The remainder of the site will be screened by the exterior walls of the existing buildings.

Landscaping & Signage

No new signage is proposed on-site. Existing signage consists of a pole sign interior to the lot and on SH 121. There is some existing trees and vegetation along Valley Ridge Boulevard that will be cleaned up and pruned. Twelve additional trees will be planted along Valley Ridge Blvd along and adjacent to the detention pond. These landscaping enhancements, in addition to the extended screening wall, will dramatically approve the appearance of the property.

Fire Lane Variance: To allow the existing 20 foot fire lane to remain in lieu of the required 24 foot fire lane

The applicant has requested to construct a new building and add additional recreational vehicle parking on the existing site. As such, a new engineering site plan showing the entire site is compliant with current development standards is required. However, the existing fire lanes were constructed to the requirements when the site originally developed in 2005 and required 20 ft wide fire lanes. The existing fire lanes are a minimum of 20 feet in width, but current requirements are a minimum of 24 feet in width. The existing buildings and their required 10 foot loading zones will not allow for the wider fire lane, without the demolition of the existing buildings. The fire lane being constructed around the new building and recreational vehicle storage will be constructed to the current standard of 24 feet in width. The Fire Chief and Fire Marshal have both provided memos (see attached) in support of granting the variance to allow a minimum 20 foot fire lane serving the existing buildings and have supported this variance in the past.

Subject: U-Haul Self Storage Facility Special Use Permit

February 17, 2015

Page 3 of 3

The Special Use Permit process allows the City to include additional conditions, such as increased landscaping, screening walls, and signage, which would make projects more compatible and higher quality in the long run. In this case, staff has already requested that additional landscaping be provided and the applicant has complied. The 5,000 square foot building façade will be enhanced with a brick veneer screened by an eight foot masonry wall with trees and vegetation along Valley Ridge Blvd. The applicant is providing a green space area approximately 150 feet deep and planting an additional 12 trees (10 Live Oak and two Bald Cypress trees) which significantly exceeds the required 10 foot landscape strip along Valley Ridge Blvd. They will be upgrading the existing chain link fence to split face block to provide screening of the site.

RECOMMENDATION

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

AMERCO[®]

REAL ESTATE COMPANY

CONSTRUCTION DEPARTMENT

AMERCO REAL ESTATE COMPANY • 2727 N. CENTRAL AVE. • PHOENIX, AZ 85004
PHONE: (602) 263-6502 • FAX: (602) 277-1026

Date: January 30, 2015

To: **Fire Marshal Ippolito**
Ms. Mary Paron

Re: **Variance request "Fire Lanes:**
811 E State Hwy 121

Mr. Ippolito and Ms. Paron

This email correspondence is our official request for a Variance to allow the existing 20 foot fire lanes that surround our existing buildings to remain as they originally approved on or about October 3, 2005. See Development / Fire Lane plan attached

This request for variance shall not hinder nor reduce the existing 10 foot wide loading areas that are designated in front of all our existing buildings. Currently, a 40 foot wide minimum concrete pavement exists between all buildings where the fire lanes are required. This existing distance allows for 10 foot striped loading areas on each side of the fire lane in order to serve each building.

Thank you for your consideration of this request.

Cordially,

David Pollock, Development Manager
Amerco Real Estate Company
2727 N Central Ave.
Phoenix, Az 85004

Memo



To: Eric Ferris, Assistant City Manager

From: Tim Tittle, Fire Chief

CC: Donna Barron, City Manager

Melinda Galler, Assistant City Manager

Date: February 16, 2015

Re: U-Haul RV Storage Addition-Special Use Permit

It is my understanding that the applicant has requested to construct a new building and add additional recreational vehicle parking on the existing site. In doing so this will require a special use permit as well as a new engineering site plan that shows the entire site is in compliance with current development standards. However, with the existing fire lanes constructed to the twenty foot minimum requirements, when the site was originally developed and with the existing required loading zones of ten feet on either side, this will not allow for a wider fire lane to meet today's codes, without having to tear down and relocate existing buildings.

With the existing fire lane and ten foot loading zones we have forty feet between the existing buildings. With the construction of the new buildings and recreational storage and the fire lanes being built at the twenty four feet minimum, as your Fire Chief I am in support of granting the variance to allow a minimum twenty foot fire lane serving the existing buildings.

If there are any further questions or clarification needed, please do not hesitate to call.

MEMORANDUM

TO: Eric Ferris, Assistant City Manager

FROM: Tim Ippolito, Fire Marshal

DATE: February 16, 2015

SUBJECT: U-HAUL RV STORAGE ADDITION—SPECIAL USE PERMIT

The applicant has requested to construct a new building and add additional recreational vehicle parking on the existing site. As such, a special use permit as well as a new engineering site plan showing the entire site is in compliance with current development standards is required. However, the existing fire lanes were constructed to the requirements when the site originally developed. The existing fire lanes are a minimum of twenty feet in width which does not meet our current requirement of a minimum of twenty-four in width. The existing buildings and their required ten-foot loading zones will not allow for the wider fire lane, without the demolition of the existing buildings. With the existing twenty-foot fire lane, and the ten-foot loading zones, the pavement between the buildings will be forty-feet. The fire lane being constructed for the new building and recreational vehicle storage will be constructed to the current standard of twenty-four feet in width. As your fire marshal, I am in support of granting the variance to allow a minimum twenty-foot fire lane serving the existing buildings.

Please do not hesitate to contact me should you require further clarification or have additional questions.

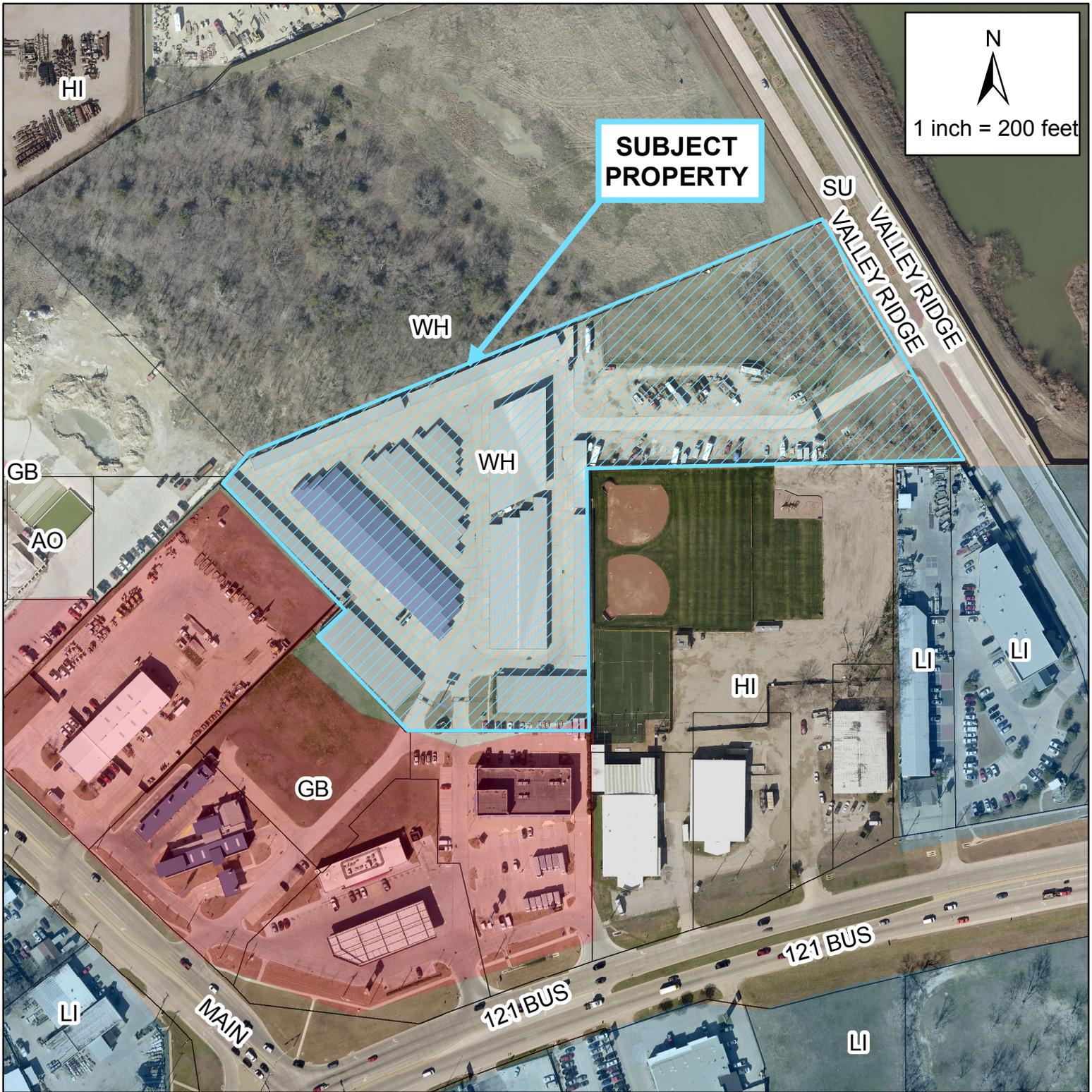
**MINUTES
PLANNING AND ZONING COMMISSION
FEBRUARY 3, 2015**

Item 5:

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

- B. Consideration of a Special Use Permit for a U-Haul Self Storage Facility and an Outdoor RV/Boat/Travel Trailer Storage Facility and one associated variance; on a 8.276 acre tract zoned Warehouse (WH); located on the west side of Valley Ridge Boulevard, north of Business SH 121 at 811 E. SH 121; further identified as Storage Super Center Addition, Lot 5, Block A; as requested by Amerco Real Estate Co. of Texas, the property owner. (Case No. SUP-2015-02-01)

Staff gave a presentation on the Special Use Permit request. The existing facility was constructed in 2005 and contains self storage buildings along with an outside covered canopy area for RV's. The remainder of the site not built out and since that time ownership of the site has changed hands. The existing part of the facility has fire lanes that complied at the time of construction (20 feet in width); but have since changed, requiring a width of 24 feet. The Fire Marshal supported the variance request to leave the fire lane as 20 feet around the existing portion of the facility and the new portion of the facility will comply with the 24 foot width fire lane requirement. The public hearing was then opened and there being no one present to speak on the item, the public hearing was then closed. A motion was made by Sean Kirk to recommend approval of the Special Use Permit request, seconded by Brandon Jones. The motion passed unanimously (6-0).



ZONING CASE NO. SUP-2015-02-01

NAME: AMERCO REAL ESTATE CO. OF TEXAS (U-HAUL)

PROPERTY LOCATION: 811 E. SH 121; FURTHER IDENTIFIED AS STORAGE SUPER CENTER ADDITION, LOT 5, BLOCK A (8.276 ACRES)

CURRENT ZONING: WAREHOUSE (WH)

PROPOSED ZONING: WAREHOUSE (WH) - WITH SPECIAL USE PERMIT (SUP)

SECTION 17-24. - "WH" WAREHOUSE DISTRICT REGULATIONS

- (a) *Use.* A building or premises shall be used only for the following purposes:
- (1) Bakery or bottling works, if fully enclosed in a building.
 - (2) Wholesale establishments, if fully enclosed in a building.
 - (3) Storage warehouses with open storage yards (SUP required).
 - (4) Contractor's yard (SUP required).
 - (5) Manufacturing uses - outside storage is limited to ten (10) percent of the lot for storage of equipment, materials or products.
 - (6) Truck parking lot (SUP required).
 - (7) Offices.
 - (8) Laboratory.
 - (9) Auto repair shops, including body shops (SUP required).
 - (10) Church worship facilities.
 - (11) Travel trailer/boat/RV storage (Outdoor) (SUP required).
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, mausoleum, crematorium and accessory uses (SUP required).
 - (15) Buildings and uses owned or operated by public governmental agencies.
 - (16) Communication towers (SUP required).
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisances. 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. Any use requiring more than 10% outside storage shall require a special use permit (SUP).
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories, or one hundred eighty (180) feet, at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall any building exceed two (2) stories when any portion of the building is located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (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 "WH", 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 "WH" within twenty-five (25) feet of the rear property line.

(2) *Reserved.*

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

SECTION 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

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

(b) *Application submittal and approval process.*

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

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

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

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

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

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

(c) *Compatibility criteria for approval.*

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

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

(d) *SUP conditions.*

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

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

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

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

(f) *Compliance mandatory with written requirements.*

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

(g) *Timing.*

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

(h) *Zoning map.*

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

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

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

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS BY GRANTING A SPECIAL USE PERMIT FOR A SELF-STORAGE FACILITY WITH OUTDOOR TRAVEL TRAILER/BOAT/RV STORAGE LOCATED ON LOT 5, BLOCK A OF THE STORAGE SUPER CENTER ADDITION, CONTAINING APPROXIMATELY 8.276 ACRES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Lewisville, Texas has recommended that the Special Use Permit, as requested on the property described as Lot 5, Block A of the Storage Super Center Addition (the “Property”), be approved;

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

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

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

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

SECTION 2. SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow a Self-Storage Facility with Outdoor Travel Trailer/Boat/RV Storage on the Property, which is zoned Warehouse (WH).

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

1. in compliance with the development plan, landscape and fence plan, and exterior elevations, attached hereto as Exhibit A;
2. in compliance with all representations relating to the proposed use as made by applicant in their Special Use Permit Application, attached hereto as Exhibit B; and
3. in accordance with all federal, state, and local laws and regulations.

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

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

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

1. One or more of the conditions imposed by the Special Use Permit have not been met or have been violated.

2. The Special Use Permit was obtained through fraud or deception.
3. Ad valorem taxes on the property are delinquent by six months or more.
4. Disconnection or discontinuance of water and/or electrical services to the property.
5. Abandonment of the structure, lease space, lot, or tract of land for 180 days or more.

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

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

SECTION 9. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

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

SECTION 11. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 2ND DAY OF MARCH, 2015.

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

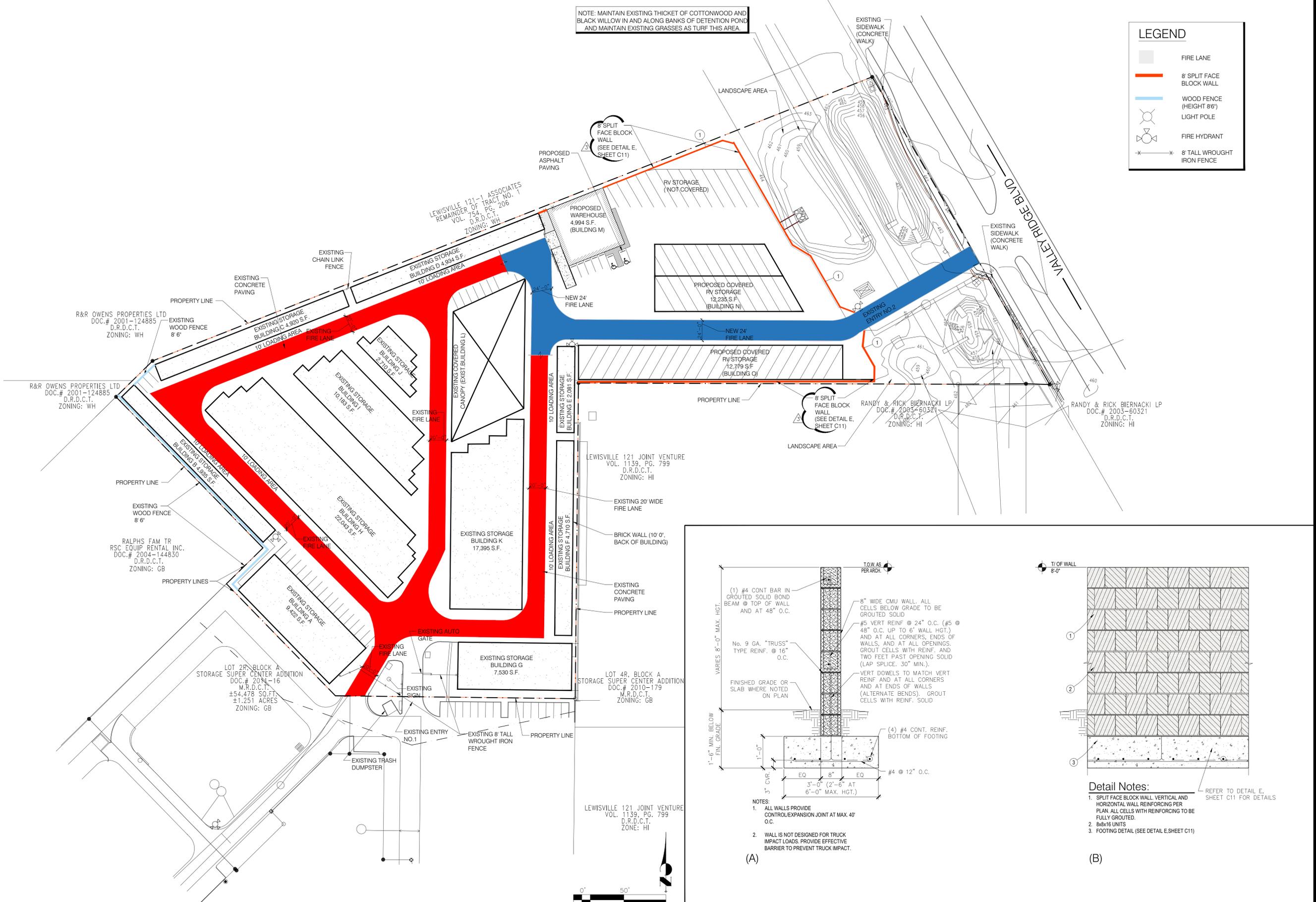
Exhibit A
Development Plan
Landscape and Fence Plan
Exterior Elevations

Exhibit B
Special Use Permit Application

NOTE: MAINTAIN EXISTING THICKET OF COTTONWOOD AND BLACK WILLOW IN AND ALONG BANKS OF DETENTION POND AND MAINTAIN EXISTING GRASSES AS TURF THIS AREA.

LEGEND

- FIRE LANE
- 8" SPLIT FACE BLOCK WALL
- WOOD FENCE (HEIGHT 8')
- LIGHT POLE
- FIRE HYDRANT
- 8' TALL WROUGHT IRON FENCE



GENERAL NOTES:

REVISIONS:

NO.	DATE	INITIALS	NOTES
1	11.18.14	DP	SUP PRESENTATION EXHIBIT
2	12.05.14	DP	CITY RE-SUBMITTAL #4
3	01.22.15	DP	CITY COMMENTS
4	01.30.15	DP	EXISTING FIRE LANES
5			
6			
7			
8			

PROFESSIONAL SEAL:

ARCHITECT LOGO:

AMERCO REAL ESTATE COMPANY

CONSTRUCTION DEPARTMENT
2727 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004
P: (602) 263-6502
F: (602) 277-1026

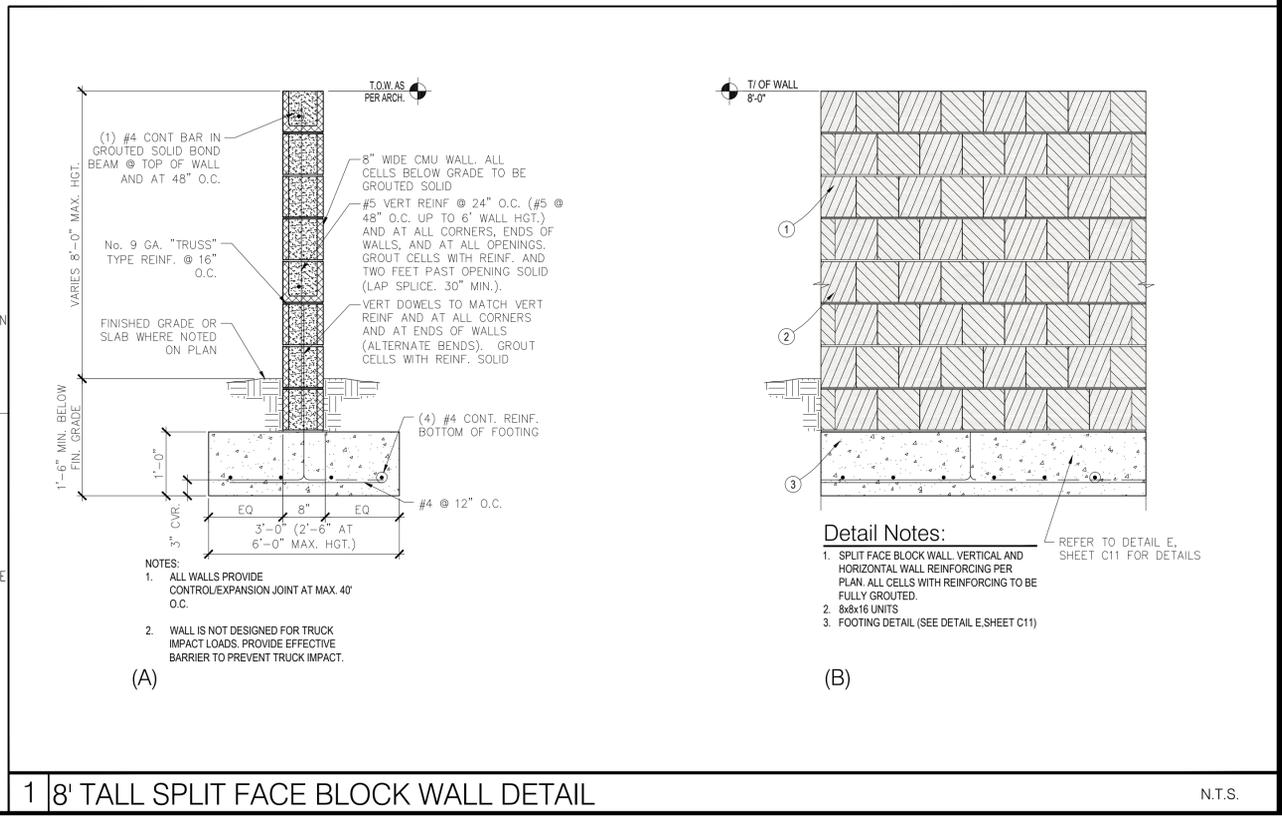
SITE ADDRESS:
U-HAUL LAKE LEWISVILLE
811 E. STATE HWY 121
LEWISVILLE, TX 75057

SHEET CONTENTS:
FENCE PLAN

859027

DRAWN: IL
CHECKED: DP
DATE: 11/14/14

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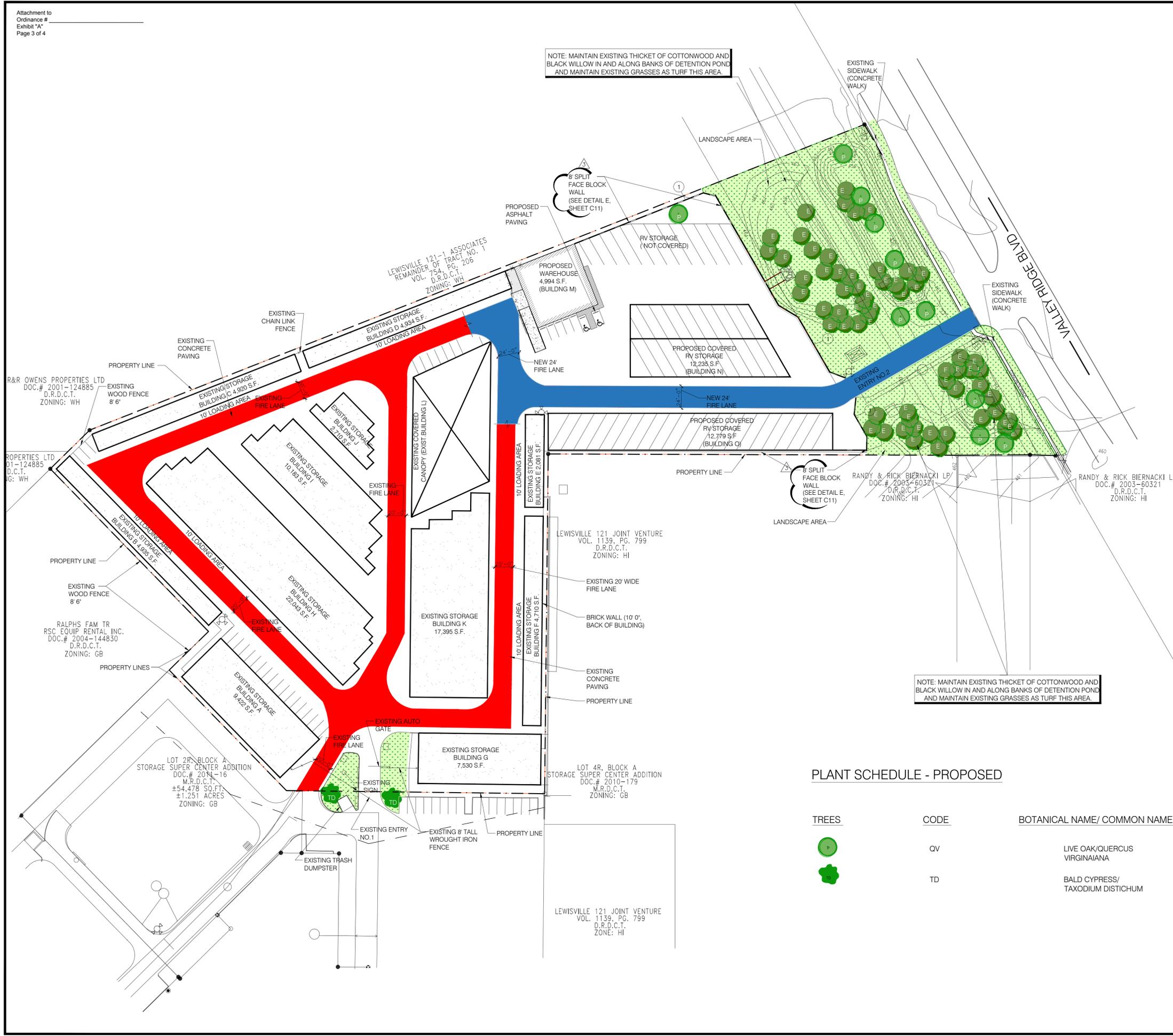


1 8' TALL SPLIT FACE BLOCK WALL DETAIL

N.T.S.

© 2014 AMERCO REAL ESTATE COMPANY

NOTE: MAINTAIN EXISTING THICKET OF COTTONWOOD AND BLACK WILLOW IN AND ALONG BANKS OF DETENTION POND AND MAINTAIN EXISTING GRASSES AS TURF THIS AREA.



GENERAL LANDSCAPE NOTES

- All landscape areas are to be received within .1' of proposed finish grade and free from all trash and debris.
- All trees are to be planted in pits twice the diameter of the tree ball and no deeper than the depth of the ball. Scarify all tree pit sides prior to planting. All trees are to be planted plumb and at or slightly above finish grade. All tree pits are to have a 3" watering saucer formed around the perimeter of the pit. All tree pits are to be top dressed with a 2" layer of shredded hardwood mulch. Stake and / or guy trees only at the direction of the landscape architect.
- Rotovate the existing soil of all planting beds to a minimum depth of 6". Add a 3" layer of premium compost as supplied by Living Earth Technology and till into the top 3" of the existing soil. Install all shrubs 1" above finish grade and fertilize with Agri-form slow release fertilizer tablets at the manufacturer's recommended rates of application. Top dress all planting beds with a 2" layer of shredded hardwood mulch.
- All planting beds not formed by a concrete curb or sidewalk are to edged with Steel Edging (1/8"x4" painted green) or an approved equal. All edging stakes are to be placed to the inside of the bed and the top of the edging is to be no less than 1" and no more than 1.5" above proposed finish grade.
- All turf areas are to be hydromulch Bermudagrass, unless otherwise noted on the plan.
- Hydromulch with Bermudagrass seed at a rate of two (2) pounds per one thousand (1,000) square feet. If installation occurs between September 1 and April 1, all hydromulch areas to be Winter Ryegrass at a rate of four (4) pounds per thousand square feet. Contractor shall be required to re-hydromulch with Bermudagrass the following growing season.
- All sodded areas are to receive common bermuda sod laid parallel to the contour of the land. All sod on slopes greater than 1:4 is to be pinned with 1"x1"x12" wooden stakes. All sod is to be laid with tight joints and with all joints staggered. Roll all sod with a water ballast lawn roller upon installation and fertilize with a complete fertilizer (13-13-13) at the rate of 1.5# actual nitrogen per 1000 square feet. Water all sod thoroughly.
- All irrigation meter(s) are to be by utility contractors as per local codes. Irrigation sleeves to be installed by licensed irrigation contractor as per the plan.
- All irrigation controllers are to have mini-click freeze and rain stats installed as per manufacturer's recommendations.
- All irrigation sleeves to be by licensed irrigation contractor. All sleeves to be PVC schedule 40 with 90 degree elbows on both ends with extensions protruding 18" above proposed finish grade.
- All turf and planting beds to be zoned separately. All planting bed heads to be on 12" pop-up risers. All turf heads to be on 4" pop-up risers. All valves to be plastic valves. All equipment to be Rainbird or approved equal.
- All mainline and lateral line to have a minimum of 12" of cover and to be SDR (class 200) pipe.
- Quantities shown on plant list are landscape architect's estimate only and should be verified prior to bidding. Contractor shall be responsible for bidding and providing quantity of plants required at spacing designated for bed sizes and configurations shown on the plans regardless of quantities designated on plant list.

IRRIGATION NOTES:

- All landscaped areas shall be irrigated with an automatic irrigation system capable of providing the proper amount of water for the particular type of plant material used. Irrigation will be provided by an underground sprinkler system, or a subterranean drip system as approved by the City Arborist.
- Automatic underground irrigation system shall be equipped with freeze guard set at 38 degrees F.
- Areas of open space which contain preserved trees need not be irrigated if the City Arborist determines irrigation would be harmful to the preserved trees.

LANDSCAPE TABULATIONS/LEWISVILLE, TX

10' BUFFER STRIP ADJACENT TO ALL PUBLIC/PRIVATE STREETS
1-3" CALIPER TREE TO BE PLANTED FOR EVERY 500 S.F. OF REQUIRED BUFFER STRIP

STREET FRONTAGE: VALLEY RIDGE BLVD. /420.98' x 10' = 4209.80 SF
4209.80 REQUIRED AND PROVIDED
4209.8/500 = 8.418 9 CANOPY TREES REQUIRED AND PROVIDED

3' HIGH PARKING SCREEN REQUIRED FOR ALL ADJACENT PARKING
NO ADJACENT PARKING PROVIDED/NO PARKING SCREENING PROVIDED.

PARKING LOT TREES/ 1 TREE PER EACH 15 SPACES
6 SPACES PROVIDED/ 1 TREE REQUIRED AND PROVIDED

NOTE: ALL DISTURBED AREAS WILL BE REVEGETATED WITH COMMON BERMUDA SOD

NOTE: ALL LANDSCAPE AREAS WILL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM AS REQUIRED BY LOCAL CODE.

PLANT SCHEDULE - PROPOSED

TREES	CODE	BOTANICAL NAME/ COMMON NAME	CAL	SIZE	QUANTITY
	QV	LIVE OAK/QUERCUS VIRGINAIANA	2.5" CAL	10'-12' HT	10
	TD	BALD CYPRESS/ TAXODIUM DISTICHUM	2.5" CAL	10'-12' HT	2

GENERAL NOTES:

REVISIONS:

NO.	DATE	INITIALS	NOTES
1	11.18.14	DP	SUP PRESENTATION EXHIBIT
2	12.05.14	DP	CITY RE-SUBMITTAL #1
3	01.22.15	DP	CITY COMMENTS
4	01.30.15	DP	EXISTING FIRE LANES
5			
6			
7			
8			

PROFESSIONAL SEAL:

ARCHITECT LOGO:

ARCHITECT LOGO:

PARKING LOT TREES/ 1 TREE PER EACH 15 SPACES
6 SPACES PROVIDED/ 1 TREE REQUIRED AND PROVIDED

NOTE: ALL DISTURBED AREAS WILL BE REVEGETATED WITH COMMON BERMUDA SOD

NOTE: ALL LANDSCAPE AREAS WILL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM AS REQUIRED BY LOCAL CODE.

AMERCO REAL ESTATE COMPANY

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2727 NORTH CENTRAL AVENUE
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P: (602) 263-6502
F: (602) 277-1026

SITE ADDRESS:

U-HAUL LAKE LEWISVILLE
811 E. STATE HWY 121
LEWISVILLE, TX 75057

SHEET CONTENTS:

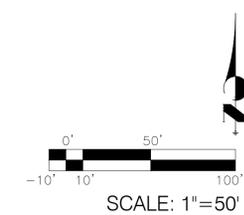
LANDSCAPE PLAN

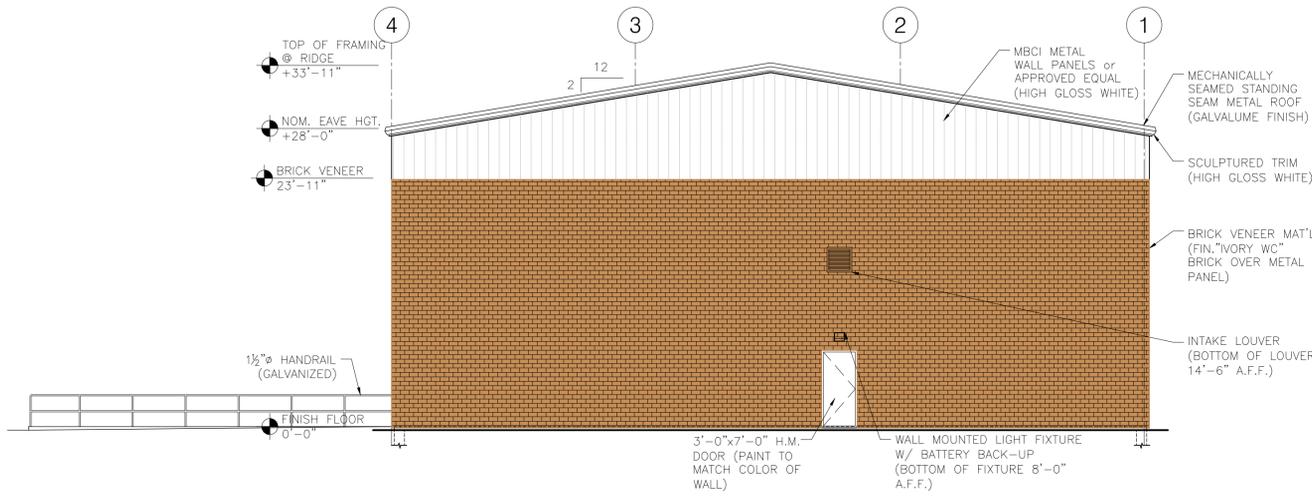
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DATE: 11/14/14

859027_C1.DWG

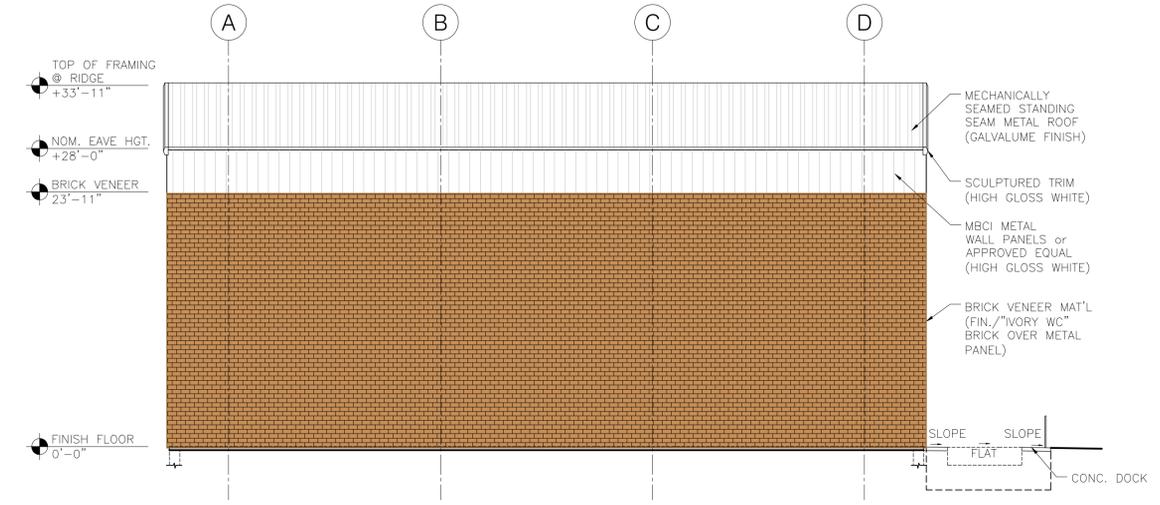
© 2014 AMERCO REAL ESTATE COMPANY





1 WEST ELEVATION

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

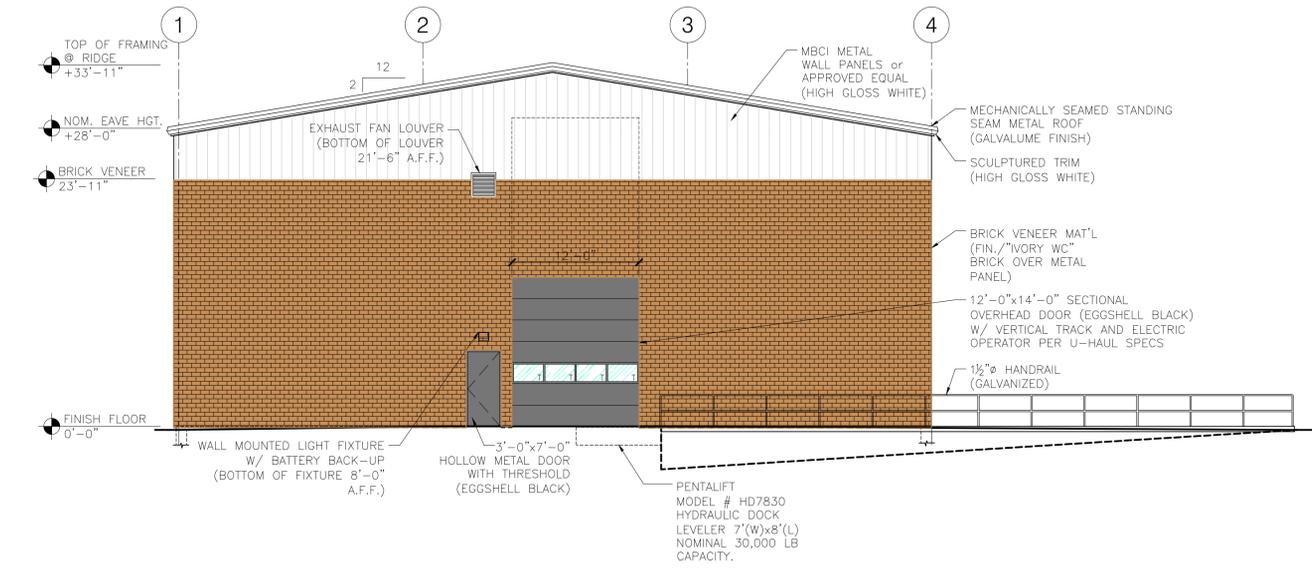


3 SOUTH ELEVATION (NORTH ELEVATION SIMILAR)

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

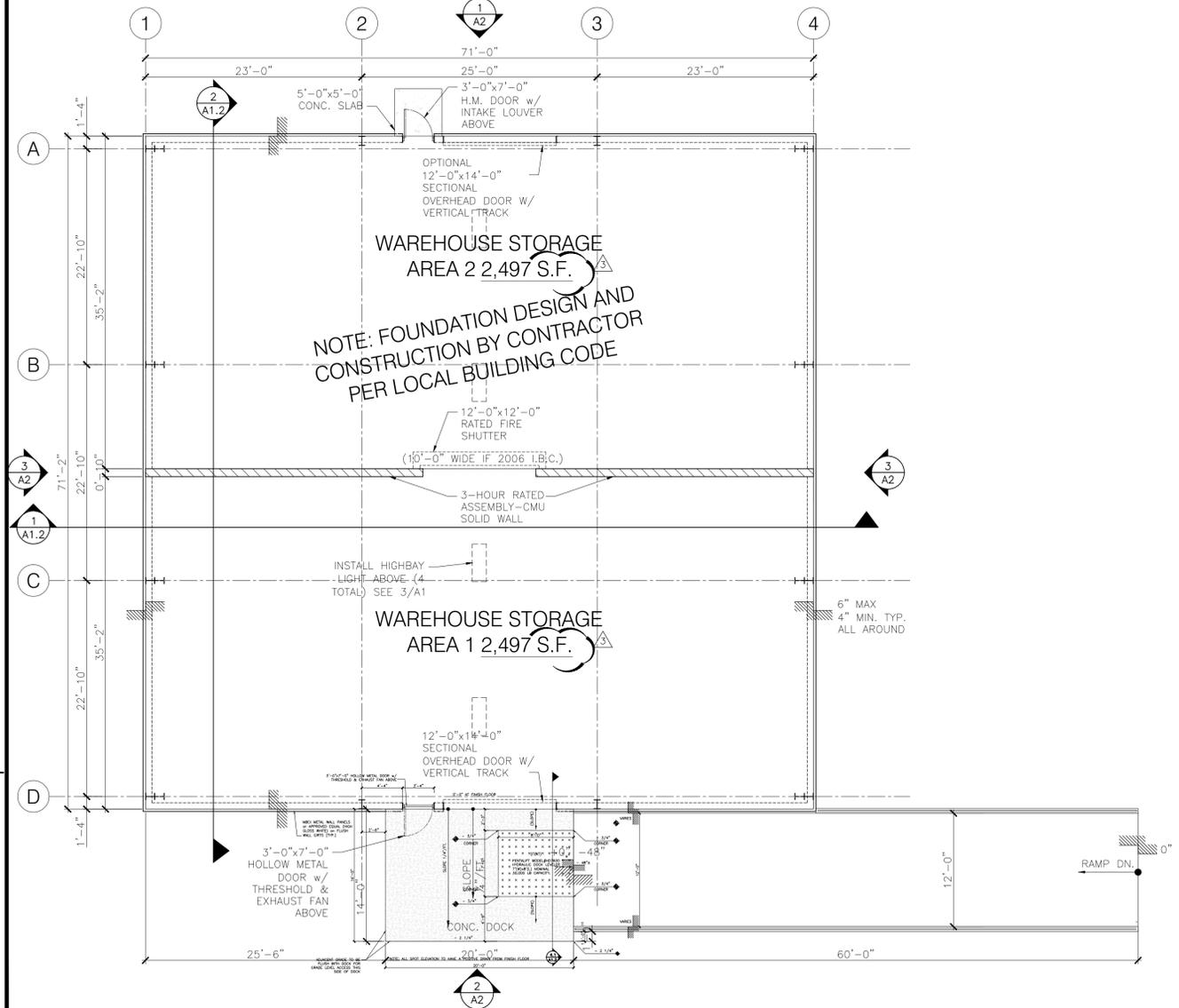
Exterior Materials (Square Foot Totals):	
Metal Panel Mat'l =	1,604 S.F. (or 20% of total)
Applied Brick Veneer =	6,538 S.F. (or 80% of total)
Total Surface Area =	8,142 S.F. (excl. doors)
	8,350 S.F. (with doors)

Construct Brick Veneer in conformance to 80% minimum for buildings on lots adjacent to Valley Ridge Blvd.



2 EAST ELEVATION

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



4 FLOOR PLAN

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

GENERAL NOTES:

REVISIONS:

NO.	DATE	INITIALS	NOTES
1	03.25.14	DP	CITY SUBMITTAL
2	09.24.14	DP	CITY RE-SUBMITTAL
3	12.01.14	DP	CITY COMMENTS
4			
5			
6			
7			
8			

PROFESSIONAL SEAL:

ARCHITECT LOGO:

AMERCO
REAL ESTATE COMPANY

CONSTRUCTION DEPARTMENT
2727 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004
P: (602) 263-6502
F: (602) 277-1026

SITE ADDRESS:
U-Haul of Lewisville
811 East State Hwy 121
Lewisville, TX 75057

SHEET CONTENTS:
PR. BUILDING "15"
4,994 S.F. BUILDING
EXTERIOR ELEVATIONS
& FLOOR PLAN

859027

DRAWN:	KD
CHECKED:	SJU
DATE:	10.25.13



Special Use Permit Application
for
RV Storage & Warehouse Addition
811 East SH 121
Lewisville, Texas 75057

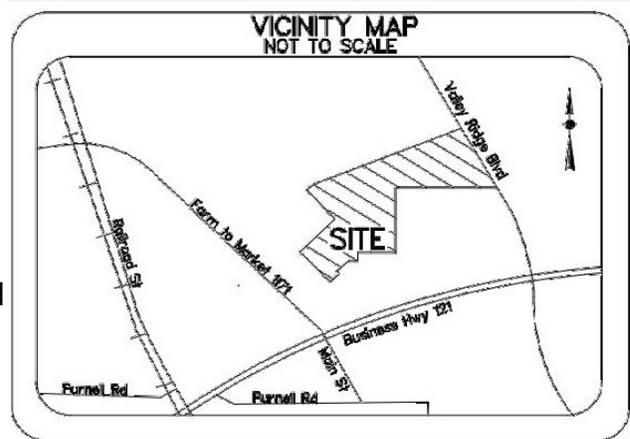


Date: 01-30-2015
Project No: 859027

Project Description

^ Site Location

The property is located on the northwest corner of Business Highway 121 and Valley Ridge Boulevard. It is within the City of Lewisville General Business (GB) and Warehouse (WH) zoning districts. The address is 811 E State Business Highway 121, Lewisville, Texas. The site is identified as Lot 5, Block A and is approximately 8.22 acres. The proposed development is located on Assessor's parcel (APN) R274413. The proposed project will only include changes to approximately 3.37 acres of the overall site U-Haul self-storage complex. The current application on file at the City of Lewisville is for a Special Use Permit for RV Storage and Site Plan approval in the existing Storage Super Center Addition, Block A, Lot 5.



^ Existing Site Uses and Structures

The existing parcel is currently occupied by eleven (11) one-story buildings as well as a partial two-story retail/leasing office with a manager's apartment unit upstairs. As illustrated below, buildings A, B, C, D, E, F, G, H, I, J, and K are all existing U-Haul self-storage facilities. Building L is an existing covered RV Canopy area. The property was purchased in 2012 by AMERCO Real Estate Company of Texas.



Primary access is provided by State Highway 121. The existing property has concrete-paved service access, sidewalks, parking and loading areas. In addition, the existing parcel has established landscaping at the front of the site. An automatic irrigation system is present in the landscape areas. The landscaping is in good condition and maintained.



An existing pylon sign and an ornamental steel security fence are located at the entrance. Lighting is provided by pole-mounted fixtures mounted on metal poles, approximately 25 feet in height, and spaced around the parking areas. Building mounted flood lights provide exterior building lighting. There will no changes to the existing buildings for this proposal.

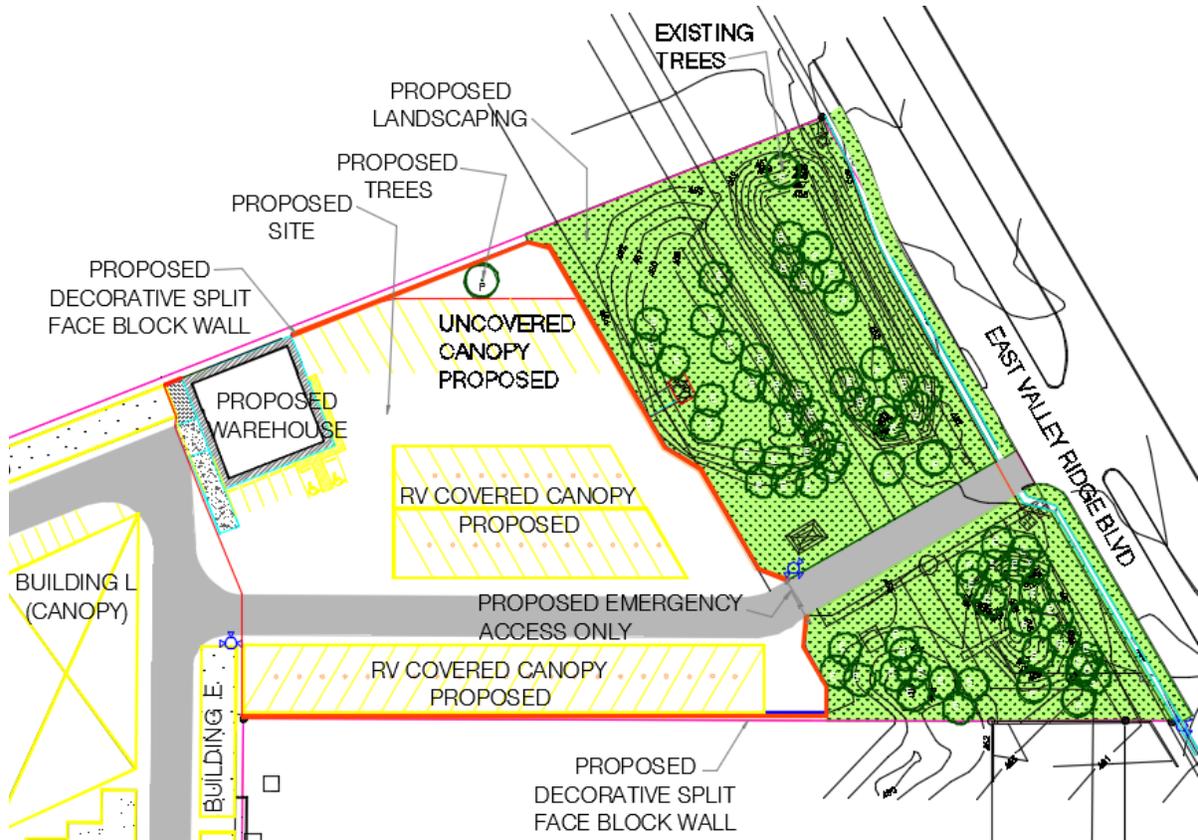


Purpose of Request

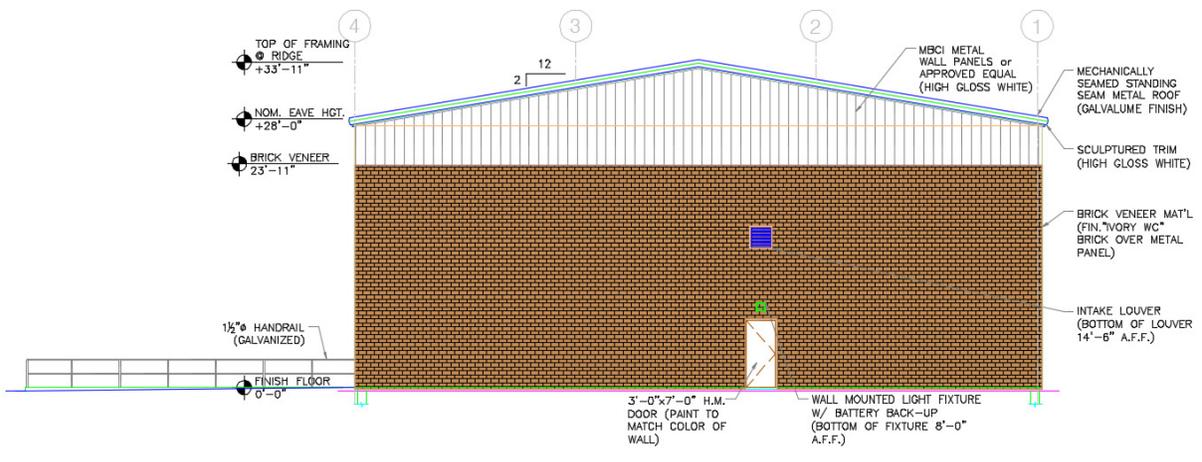
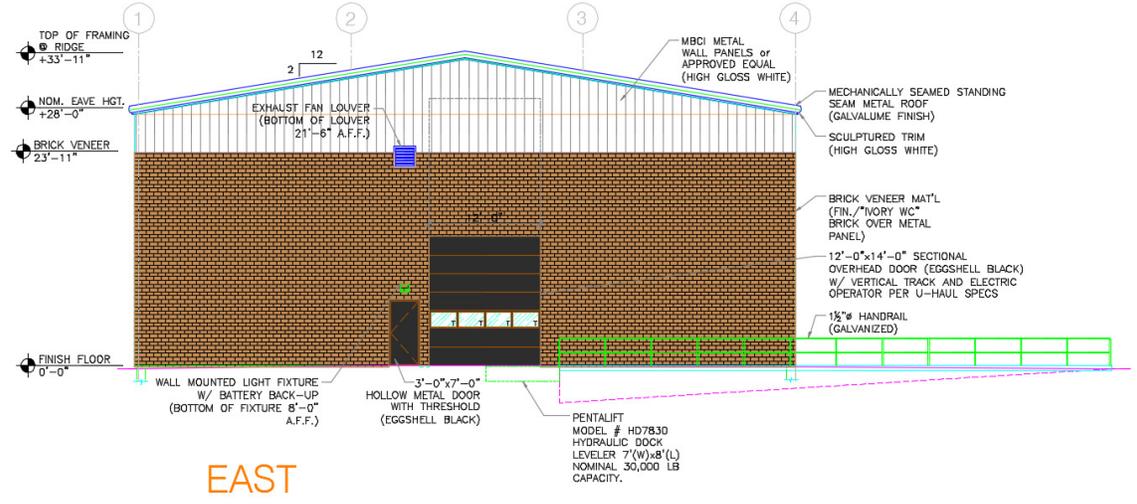
The purpose of this proposal is to request a Special Use Permit for modifications to the existing U-Haul center located on 811 E SH 121 Lewisville, Texas. The Special use will allow for an additional storage warehouse and both covered and uncovered RV parking areas. The proposed development is located on Assessor's parcel (APN) R274413 the property adjacent to the existing U-Haul complex. The proposed parcel is zoned Warehouse (WH) and in order to develop the intended use, we are requesting approval of the Special Use application to allow for expansion of the existing business.

Description of Proposal

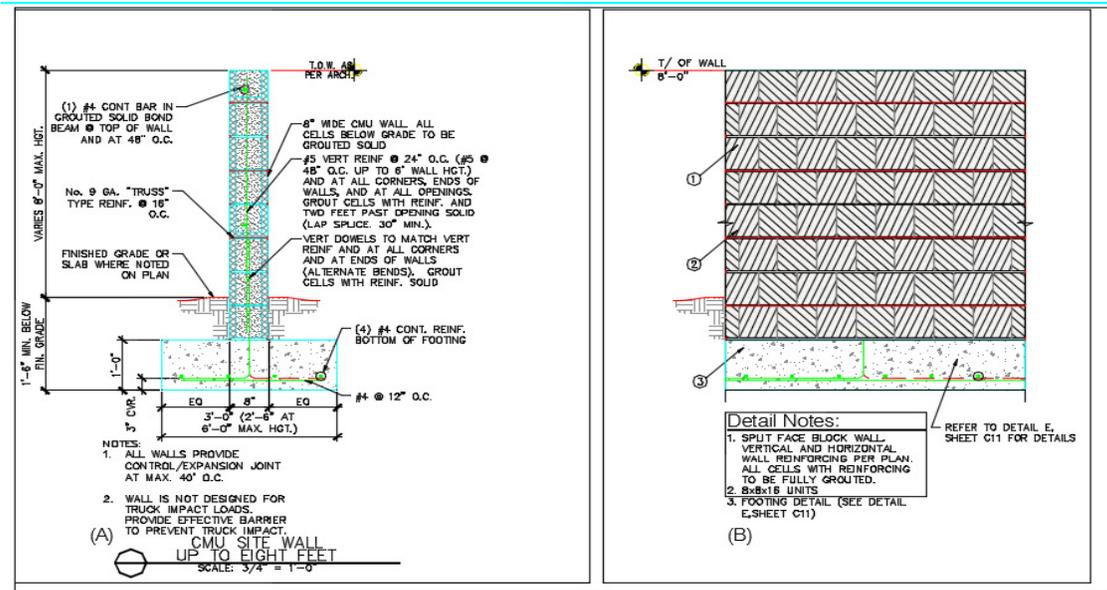
The proposed improvement is approximately 3.77 acres and is currently vacant except for a gravel ground cover and concrete driveway. The first part of the the improvement includes construction of a (4,994 sf) Storage Warehouse building. The warehouse will only be accessible by U-Haul employees and not by customers.



The warehouse will be constructed of a brick veneer finish over metal wall panels, concrete footing and foundation and a mechanically seamed metal roof. The warehouse also includes a concrete loading dock located on the west side of the building. The new building shall be fully protected by a supervisory fire sprinkler and alarm system.



The second part of the development includes both covered and uncovered Recreational Vehicle (RV) parking areas. There are three covered canopies with a total area of 25,014 sf. The uncovered RV parking area is 8,400 sf. New concrete surfacing is proposed for the RV parking lot and the existing concrete driveway will remain unchanged. The canopies are supported by concrete pier footings, steel columns and a metal roof deck and frame. The entire project will be completely screened by either the exterior walls of the existing building or the new decorative split face screen walls. Per City of Lewisville Fire department, an emergency access gate will be installed at the East Valley Ridge Boulevard entrance.



The northern portion of the site contains a variety of mature trees within the adjacent right-of-way and a detention area is located along Valley Ridge Boulevard. As part of the construction contract, all of the existing vegetation shall be cleaned-up and pruned when the proposed new trees are installed. Other improvements include a landscape buffer along Valley Ridge Boulevard. No new signs are proposed for the new development.



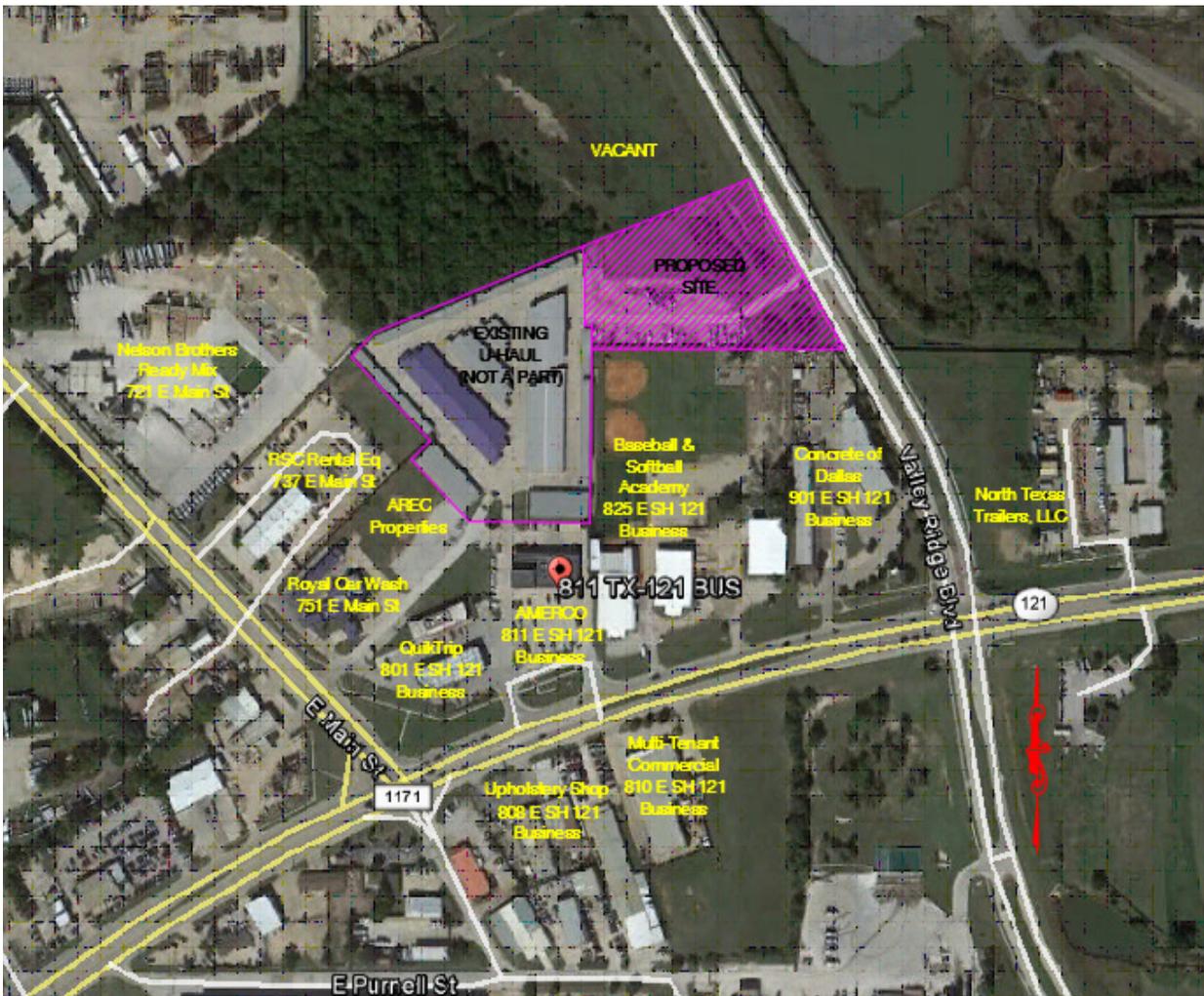
Currently, there are no outstanding Building, Zoning or Fire Code Violations on file with the city. Certificate of Occupancy for the existing structures are on file and this property is currently considered "Legal Nonconforming" since this property predates the Special Use requirements.

Criteria for Approval of Special Use Permit

1. *The proposed special use is compatible with the surrounding uses and community facilities.*

Since this site is an existing development and will remain the same except for various minor renovations, it will not create any adverse impacts to the adjoining properties. As outlined in the exhibit below, the immediately surrounding properties consist of the following businesses.

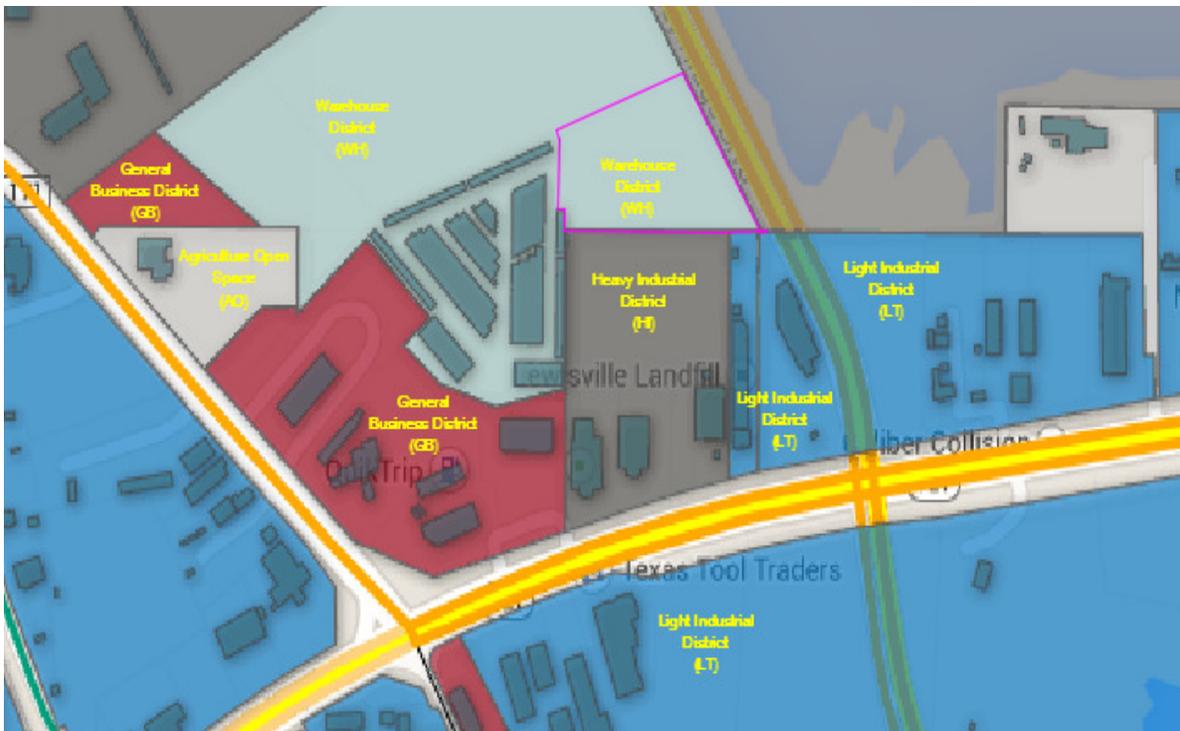
Directly south of the project is a baseball & softball academy and Concrete of Dallas. North of the project is a vacant lot with existing trees. To the west is Nelson Brothers ready mix and RSC equipment rental company. A Quik Trip gas station and car wash are located southwest of the project. Across Highway 121 is an upholstery shop and multi-tenant commercial facility. Finally, across Valley Ridge Boulevard to the east is a vacant lot and North Texas Trailers company.



As noted above, the land uses immediately surrounding the property primarily consist of commercial and industrial uses with much of the development built during the 1980s and 1990s. The quality of the surrounding properties exemplifies that the proposed project is compatible with the aesthetic character of the area. Consequently, the proposed RV Canopy and Warehouse structures are compatible with the surrounding uses and community facilities.

- 2. The proposed special use will conform in all other respects to all zoning regulations and standards.*

Per the City of Lewisville Zoning Verification Letter dated August 20, 2013 the existing property is located within two (2) zoning districts. The district for the proposed site is Warehouse (WH). The abutting zoning districts include Heavy Industrial (HI) to the south, Warehouse to the north, General Business (GB) and Agriculture Open Space (AO) to the west and Light Industrial (LI) across State Highway 121. The property is not in any special, restrictive or overlay districts. It is also not in a PUD and has not been granted any conditional use permits or zoning relief. The existing U-Haul property is currently legal nonconforming due to changes in the zoning code subsequent to the development.



The project is located within a mixed-commercial and industrial corridor. The proposed RV canopies and storage warehouse are permitted by special use in the Warehouse (WH) district. The project is consistent with the character and intent of the zoning district and the surrounding uses. The proposed project will conform in all other respects to all City of Lewisville zoning regulations and standards.

3. *The proposed special use will contribute to, or promote the welfare of the area of request and adjacent properties.*

U-Haul moving and storage centers are convenience businesses and provide valuable services to the community for its self-storage, RV parking and moving needs. Our philosophy is to place centers in high growth residential areas where we meet the daily needs of families in the immediate residential neighborhoods. Quality products, attractive imaging, and brand name recognition attract area residents.

The addition of the storage warehouse and RV parking area to the existing U-Haul center assures that the facility compliments the community it serves. Adherence to community objectives is key, so that the U-Haul center is a neighborhood asset, and is assured of economic success. The proposed special use will contribute to the welfare of the community and adjacent properties by taking an industrial property and turning it into a productive businesses which will generate tax revenue, provide jobs, and meet the citizens needs.

Our business plan is to serve the needs and desires of the neighborhood as well as supporting the surrounding community. With that in mind, our goal is to coexist with our surrounding area, create stability in business, and have positive impacts on the community. All of these goals will be accomplished with approval of the Special Use permit.

4. *The proposed special use will not be detrimental to the public health, safety, or general welfare of the community.*

The proposed special use will adhere to the City of Lewisville codes and Ordinances; thereby, meeting all required environmental and safety obligations. Since this site is an existing development and will remain the same except for various minor renovations, it will not create any adverse impacts to the adjoining properties.

All U-Haul storage customers are issued a card-swipe style identification card which must be used to gain access to their equipment or storage unit. Individually alarmed storage rooms with customer lock and electronically controlled access areas are provided for after hour business. This is but one of many security policies which protect the customer's belongings and decrease the ability of unauthorized access into the facility.

In addition, it is against policy for a business to be operated from a U-Haul storage room. Customers and community residents who wish to use the on-site dumpsters for disposing of refuse must gain permission to do so, and are assessed an additional fee. Other policies include strict adherence that items which may not be stored include chemicals, flammables and paints. Consequently, all storage centers are non-smoking facilities.

Finally, U-Haul facilities are protected by video surveillance camera and DVR equipment that are monitored twenty-four hours a day. Security features also include customer call

stations (MAX Stations) with directory, 24-hour entrance security zone with monitors and staged entry doors. These are electronically controlled access areas for after hours service. U-Haul provides added service and assistance to our customers with disabilities.

Safety is of the utmost importance to U-Haul. The new RV parking area will be designed with very high security measures including a security fence and gated entry. In conclusion, the proposed center will not be detrimental to the public health, safety or the general welfare of the community.

Conclusion

The proposal includes the addition of a Warehouse building and two covered and one uncovered RV canopy parking areas to be located on 811 E State Hwy 121 Business, Lewisville, Texas. AMERCO the company, has a long and proud history of taking industrial properties and turning them into productive businesses which generate tax revenue, provide jobs, and help to promote infill development to meet citizens needs. Our intent is to build a state of the art facility.

For more than seventy years, U-Haul has incorporated sustainable practices into its everyday operations. Today we remain focused on reducing waste and are dedicated to manufacturing reusable components and recyclable products. Our commitment to sustainability, through our products, services, and design philosophy, has helped us to reduce our impact on the environment. At U-Haul, we are committed to sustainable development through environmental protection, social responsibility, and economic efficiency.

Every year U-Haul develops many properties across the United States and Canada – from ground-up projects, existing building remodels and building additions. All projects utilize sustainable building techniques; from site selection in high-growth areas, to using recyclable building materials where possible. We have made much headway into introducing sustainable building practices in the building and remodeling of our projects and more innovative design techniques available for our site planning. The development of this industrial site is a prime example.

In conclusion, we would like to request the approval of the Special Use Permit from the City of Lewisville for the proposed Warehouse and RV parking areas. U-Haul is excited to expand its services to the City of Lewisville. We look forward to receiving further building permit and construction guidelines.

MEMORANDUM

TO: Donna Barron, City Manager

FROM: David Salmon, P.E., City Engineer

VIA: Eric Ferris, Assistant City Manager, Development Services

DATE: February 16, 2015

SUBJECT: **Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement.**

BACKGROUND

Innovative Transportation Solutions, Inc. has been providing consultation services on a variety of transportation issues for the City of Lewisville since March 2000. The City Council last approved a one-year contract with Innovative Transportation Solutions, Inc. (ITS, Inc.) in the amount of \$90,000 on March 3, 2014, to provide a variety of services including traffic analyses, assisting staff in expediting time lines and funding issues with TxDOT through the NCTCOG on multiple state routes within the city, funding developments, etc.

ANALYSIS

A variety of transportation related projects are still ongoing within the City of Lewisville that require outside consultant services. Innovative Transportation Solutions, Inc. has assisted the City and continues to assist with the COG driven transportation calls for projects, traffic modeling issues and coordinating work efforts between Denton County and TxDOT on the IH-35E reconstruction. ITS, Inc. has worked successfully on the inclusion of several key City projects in Denton County TRIP-08 bond program. ITS, Inc. is involved in funding alternatives being discussed by TxDOT and mandated by state statute. ITS, Inc. has also helped City staff coordinate with TxDOT on issues related to Old Town Sustainable Development projects, school speed zones, and other local transportation issues. Innovative Transportation Solutions, Inc. is seeking a renewal of their annual contract in the amount of \$90,000.

Funding is available in the General Operating Budget Account Number 101.30.200.4358 (Consultant/Advisory Fees).

RECOMMENDATION

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

TRANSPORTATION SERVICES CONTRACT

This TRANSPORTATION SERVICES CONTRACT (“Agreement”) is entered into by and between Innovative Transportation Solutions, Inc. (“ITS”) a Texas Corporation, and the City of Lewisville (“City”). ITS is pleased to submit this proposal to the City of Lewisville. ITS proposes the following scope of services and specific tasks.

I. INTRODUCTION

ITS is a full-service Transportation Consulting Firm led by John R. Polster, Sr. with an expertise in governmental affairs and extensive knowledge in the area of facilitating major transportation and infrastructure projects through local, state, and federal processes.

II. TERM

The term of this Agreement will be for one year beginning April 1, 2015, and ending March 31, 2016.

III. OBJECTIVES

As the City’s Transportation Consultants, ITS will serve as the entity responsible for such matters as project management, physical design, governmental interaction on local, state and federal levels and fiscal considerations.

ITS proposes to move the City’s Transportation Projects forward utilizing its comprehensive knowledge and understanding of the City’s needs through the following objectives:

- ◆ Background investigations and analyses for all Projects;
- ◆ Develop a “critical path” time line identifying the actions necessary to bring each Project to completion;
- ◆ Assist the City in drafting and negotiating TxDOT minute orders and funding agreements, when appropriate;
- ◆ Develop a strategy for each Project based on the background investigation, critical path and input from the City.
- ◆ Implement the developed strategy in an effort to bring each Project to completion.

IV. SCOPE OF SERVICES

In order to meet the City's Transportation needs, ITS proposes that the two parties enter into an agreement, where ITS will provide the following Transportation Consultation services for the City:

ITS will provide other transportation consulting services as directed by the appropriate City staff.

As a part of this Enhancement proposal, ITS will actively pursue all transportation related issues as identified by the City. ITS will continue dialogue with the City and appropriate City staff in order to ascertain the relative priority of each project to other projects and attend City of Lewisville Council meetings, when appropriate, to provide updates on all transportation activities. ITS will perform all tasks, as assigned by City Council or Staff related to advancing the transportation needs of the City of Lewisville.

V. COMPENSATION TERMS

In consideration of professional services rendered monthly by ITS, the City of Lewisville agrees to pay ITS a reasonable and customary annual fee of NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00) (the "Annual Fee") per year. The City of Lewisville agrees to pay ITS SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$7,500.00) (the "Monthly Payment") per month towards the City's annual fee obligation. ITS shall submit to the City a monthly itemized statement for all professional services rendered. The City of Lewisville shall make Monthly Payment, processing the itemized statement in its usual and customary fashion, making all reasonable efforts to process the monthly payment within thirty (30) business days from the City's receipt of each monthly payment.

ITS shall submit its monthly invoices to the City of Lewisville's City Manager, at 151 West Church Street, Lewisville, Texas 75057.

VI. PROVISIONS

Services covered by this authorization shall be performed in accordance with the following Provisions:

1. AUTHORIZATION TO PROCEED

Signing this form shall be construed as authorization by CLIENT for Innovative Transportation Solutions ("ITS") to proceed with work, unless otherwise provided for in the authorization.

2. COST ESTIMATES

Any cost estimates provided by ITS will be on a basis of experience and judgement, but since it has no control over market conditions or bidding procedures ITS cannot warrant that bids or ultimate construction costs will not vary from these cost estimates.

3. PROFESSIONAL STANDARDS

ITS shall be responsible, to the level of competency presently maintained by other practicing professional engineers in the same type of work in CLIENT’S community, for the professional and technical soundness, accuracy, and adequacy of all design, drawings, specifications, and other work and materials furnished under this Authorization. ITS makes no other warranty, expressed or implied.

4. LEGAL EXPENSES

In the event legal action is brought by CLIENT or ITS against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for fees, costs, and expenses as may be set by the court.

5. ADDITIONAL SERVICES

Services in addition to those specified in the “Scope” above, will be provided by ITS if authorized in a separate addendum signed by both parties. Additional services will be paid for by CLIENT as negotiated. Any agent of the CLIENT who has authorization to request or authorize work or in any way act on behalf of the CLIENT must sign this agreement or be appointed by the CLIENT through written notification to ITS. The CLIENT’s signature indicates his / her agreement to pay for changes in the scope of work requested by such an agent acting on behalf of the CLIENT.

6. NON ASSIGNABLE CONTRACT

This contract is not assignable, except with prior written consent of ITS, and no assignment shall relieve the CLIENT of any obligations under this contract.

In case any one or more of the provisions contained in this Agreement shall be held illegal, the enforceability of the remaining provisions contained herein shall not be impaired thereby.

7. CONFLICT OF INTEREST

It is understood that as a consulting firm, ITS works with a variety of clients throughout the region with a broad scope of interests. Should the occasion arise where an ITS client has interests that must be brought before the City, ITS will notify the City so that conflict of interest issues can be resolved.

VII. WITHDRAWAL

The City agrees that ITS shall be entitled to withdraw from the agreement upon failure of the City to make timely payments as required by the Fee agreement. The City shall be entitled to withdraw from the engagement upon thirty (30) days written notice by the City to ITS. In the event of such withdrawal, ITS shall not be entitled to monthly payments for the months remaining in the term of this agreement after the withdrawal. Notice sent pursuant to this term, or any other notices required by this agreement shall be sent by facsimile transmission or certified mail to the following addresses:

City of Lewisville
151 West Church Street
Lewisville, Texas 75057

Innovative Transportation Solutions, Inc.
2701 Valley View Lane
Farmers Branch, Texas 75234
(972) 484-2525
FAX (972) 484-4545

VIII. CONCLUSION

ITS looks forward to the opportunity to assist you with your transportation needs. Thank you for your time and interest in our firm's qualifications. Should you have any questions or comments, please do not hesitate to contact me at (972) 484-2525.

CITY OF LEWISVILLE, TEXAS

INNOVATIVE TRANSPORTATION SOLUTIONS, INC.

BY: _____

Donna Barron
City Manager

BY: _____

John R. Polster
President

ATTEST: _____

Julie Heinze, TRMC/CMC
City Secretary

ATTEST: _____

DATE: _____

DATE: _____

CITY OF LEWISVILLE
151 West Church Street
Lewisville, Texas 75057

INNOVATIVE TRANSPORTATION SOLUTIONS, INC
2701 Valley View Lane
Farmers Branch, Texas 75234

Approved As To Form:

Lizbeth Plaster
City Attorney

MEMORANDUM

TO: Todd White, Purchasing Manager

FROM: Ron Carson, Operations Supervisor, Street Division

DATE: February 9, 2015

SUBJECT: **Approval of a Bid Award for an Annual Requirements Contract for Miscellaneous Asphalt Rehab Projects to SPI Asphalt, LLC., Flower Mound, Texas for an Estimated Annual Expenditure of \$463,156.87.**

BACKGROUND

The Street Division operates the Five Year Street and Drainage Program through various maintenance contracts. This contract will be used to complete asphalt street rehabilitation repairs at various locations on an as needed basis.

ANALYSIS

On December 4, 2014, three (3) bids were received and opened for the Annual Contract for Asphalt Rehab Projects. The apparent low bid is from SPI Asphalt, LLC., Flower Mound, Texas, in the amount of \$463,156.87.

Background checks are favorable and SPI Asphalt, LLC. has completed work of this nature in the past with no problems. Funding is available from asphalt street capital improvement projects.

RECOMMENDATION

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

**CITY OF LEWISVILLE
PURCHASING DIVISION
BID TABULATION
BID NO. 15-03-A**

**ANNUAL REQUIREMENTS CONTRACT FOR
ASPHALT REHAB PROJECTS**

SPI ASPHALT, LLC. FLOWER MOUND, TEXAS	\$463,156.87
--	---------------------

REYNOLDS ASPHALT AND CONSTRUCTION COMPANY EULESS, TEXAS	\$476,364.60
---	--------------

PAVECON PUBLIC WORKS, LP GRAND PRAIRE, TEXAS	\$613,514.15
---	--------------

MEMORANDUM

TO: Todd White, Purchasing Manager

FROM: Bob Monaghan, Director of Parks & Leisure Services

DATE: February 10, 2015

SUBJECT: **Approval of an Award for Renovations of Central Park to Schmoltdt Construction, Inc., Celina, Texas, in the Amount of \$766,700; Approval of a Supplemental Appropriation in the Amount of \$379,586 from 4B Available Cash; and Authorization for the City Manager to Execute the Contract**

BACKGROUND

The City of Lewisville sent out Requests for Proposals for the renovation of Central Park to ensure compliance with the American with Disabilities Act and the Architectural Barriers Act Accessibility Standards. A total of forty-eight (48) request for proposals were downloaded from Bidsync.com. Seven (7) proposals were received and opened on December 11, 2014. This contract involves the renovation and expansion of the existing restroom building, construction of concrete walkways, accessible ramps, concrete staircase, handrails and guardrails, storm sewer, underground drain lines, site electrical, building mechanical, electrical and plumbing, irrigation renovation, landscape installation, concrete retaining walls, earthwork, erosion control and turf establishment.. Funding is available from Capital Improvements Projects. Each proposal was evaluated using the following criteria:

Cost of Construction	45 points
Previous related experience and qualifications of staff which includes	
Labor self-performed vs sub-contracted	20 points
Municipal Experience	10 points
Park Construction Related Experience	10 points
Building Construction Experience	5 points
Project Schedule which includes	
Samples of Previous Project Schedules	5 points
Number of Days to Complete Project	5 points

ANALYSIS

An evaluation committee was formed to review the proposals and rank each in accordance with the stated evaluation factors. The evaluation committee consisted of Todd White, Purchasing Manager, Bob Monaghan, Parks & Leisure Services Director, Larry Apple, Parks Manager, and Randy Johnson, Facilities Supervisor.

Subject: Central Park to Schmoldt Construction Inc.

February 10, 2015

Page 2 of 2

After all scoring was completed, it was determined that Schmoldt Construction received the highest score from the evaluation committee and had also submitted the lowest price. The scoring did not consider the quality of the proposers work and was purely quantitative. Reference checks were conducted on the highest scoring proposer to determine quality of past projects.

RECOMMENDATION

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

CITY OF LEWISVILLE
PURCHASING DIVISION
RFP # 14-34-C
CENTRAL PARK PLAZA

			SCHMOLDT CONSTRUCTION CELINA, TEXAS	GILBERT CONSTRUCTION GROUP, INC. ROYSE CITY, TEXAS	COOPER GENERAL CONTRACTORS CARROLLTON, TEXAS	MART, INC. IRVING, TEXAS	J.C. COMMERCIAL, INC. LEWISVILLE, TEXAS	REEDER GENERAL CONTRACTORS, INC. FORT WORTH, TEXAS	GFC CONTRACTING DALLAS, TEXAS
BID AMOUNT			\$697,000.00	\$698,000.00	\$726,000.00	\$775,000.00	\$777,070.00	\$880,000.00	\$950,000.00
10% CONTINGENCY			\$69,700.00	\$69,800.00	\$72,600.00	\$77,500.00	\$77,707.00	\$88,000.00	\$95,000.00
BID AMOUNT WITH CONTINGENCY			\$766,700.00	\$767,800.00	\$798,600.00	\$852,500.00	\$854,777.00	\$968,000.00	\$1,045,000.00
COST	45 POINTS		45	44.94	43.20	40.47	40.36	35.64	33.02
PREVIOUS RELATED EXPERIENCE AND QUALIFICATIONS OF STAFF	45 POINTS								
TOTAL LABOR	20 POINTS	(A)	20	6.67	6.67	16.67	10	0	5.33
AMOUNT OF LABOR - SELF PERFORMED			30%	10%	10%	25%	15%	0%	8%
AMOUNT OF LABOR - SUB-CONTRACTED			70%	90%	90%	75%	85%	100%	92%
MUNICIPAL EXPERIENCE	10 POINTS	(B)	10	10	10	10	10	10	0
PARK EXPERIENCE	10 POINTS	(C)	10	10	10	10	10	0	0
BUILDING EXPERIENCE	5 POINTS	(D)	5	5	5	5	5	5	5
PROJECT SCHEDULE									
SAMPLES OF PREVIOUS PROJECT SCHEDULES	5 POINTS	(E)	5	0	5	5	5	0	5
NUMBER OF DAYS TO COMPLETE			180 CALENDAR DAYS	130 CALENDAR DAYS	120 CALENDAR DAYS	120 CALENDAR DAYS	120 CALENDAR DAYS	150 CALENDAR DAYS	180 CALENDAR DAYS
	5 POINTS	(F)	3.33	4.62	5	5	5	4	3.33
GRAND TOTAL:	100 POINTS	(G)	98.33	81.22	84.87	92.14	85.36	54.64	51.68

NOTES

(A) MAXIMUM POINTS WERE GIVEN TO THE VENDOR THAT SELF-PERFORMED THE LARGEST MAJORITY OF THE WORK. SCHMOLDT CONSTRUCTION IS SELF-PERFORMING THE HIGHEST PERCENTAGE AT 30%. EACH SCORE WAS BASED ON THE PERCENTAGE OF WORK SELF-PERFORMED WHEN COMPARED TO SCHMOLDT CONSTRUCTION'S 30%.

(B) 10 POINTS WERE GIVEN IF THE PROPOSER HAD PREVIOUS MUNICIPAL EXPERIENCE. ZERO POINTS WERE GIVEN IF THE PROPOSER DID NOT HAVE PREVIOUS MUNICIPAL EXPERIENCE.

(C) 10 POINTS WERE GIVEN IF THE PROPOSER HAD PREVIOUS PARK CONSTRUCTION EXPERIENCE. ZERO POINTS WERE GIVEN IF THE PROPOSER DID NOT HAVE PREVIOUS PARK CONSTRUCTION EXPERIENCE.

(D) DUE TO THIS PROJECT INVOLVING RENOVATION OF A RESTROOM FACILITY, 5 POINTS WERE GIVEN IF THE PROPOSER HAD PREVIOUS BUILDING CONSTRUCTION EXPERIENCE.

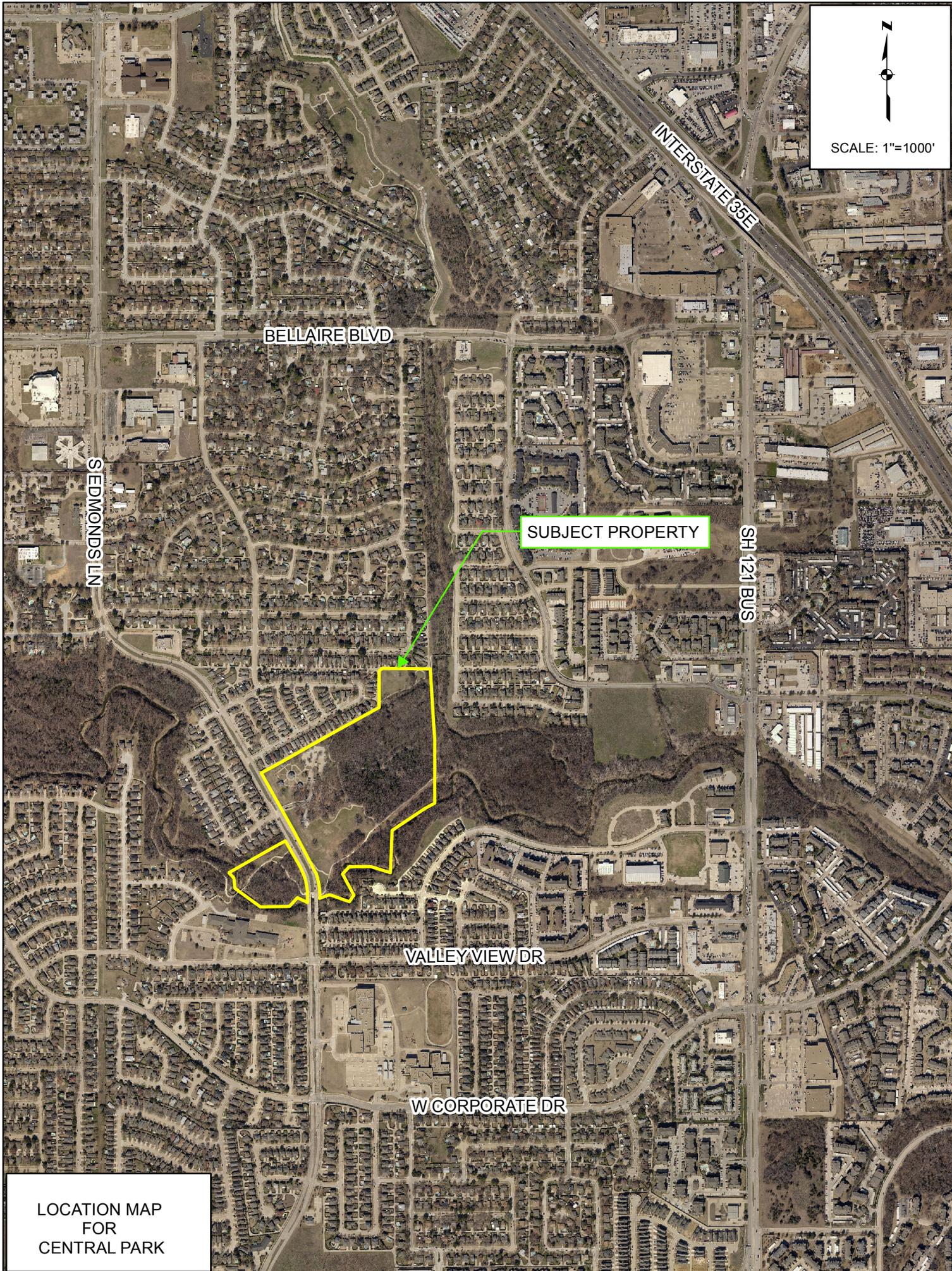
(E) 5 POINTS WERE GIVEN IF PROPOSER INCLUDED SAMPLES OF PREVIOUS PROJECT SCHEDULES. ZERO POINTS WERE GIVEN IF THE PROPOSER DID NOT INCLUDE SAMPLES OF PREVIOUS PROJECT SCHEDULES.

(F) 5 POINTS WERE GIVEN THE PROPOSER THAT HAD THE SHORTEST NUMBER OF CALENDAR DAYS TO COMPLETE THE PROJECT. EACH INDIVIDUAL SCORE WAS COMPUTED AT THE SAME PERCENTAGE.

(G) IT SHOULD BE NOTED THE GRAND SCORE DOES NOT CONSIDER THE "QUALITY" OF THE PROPOSER'S WORK. REFERENCE CHECKS PROVIDED BY THE HIGHEST SCORING PROPOSER ARE CONDUCTED TO DETERMINE QUALITY OF PAST PROJECTS



SCALE: 1"=1000'



BELLAIRE BLVD

SEDMONDS LN

INTERSTATE 35E

SUBJECT PROPERTY

SH 121 BUS

VALLEY VIEW DR

W CORPORATE DR

LOCATION MAP
FOR
CENTRAL PARK

February 11, 2015

Todd White, C.P.M.
Purchasing Manager
City of Lewisville
151 West Church Street
Lewisville, Texas 75057

Re: Schmoldt Construction References

Dear Mr. White:

Schmoldt Construction had numerous client references listed within their bid package. Dunkin Sims Stoffels, Inc. contacted those references related to municipal and park projects. Schmoldt Construction's references communicated that Schmoldt commenced and conducted their work in a timely manner, worked closely with the project representatives in resolving any issues that arose throughout construction and that the project superintendent was on the job site at all times. Their references also indicated that Schmoldt Construction's quality of work was high and that they were easy to work with if unforeseen issues arose on-site.

When asked if they would use Schmoldt Construction again, all the references enthusiastically replied that they would. One reference responded that Schmoldt Construction was his favorite contractor and that he looked forward to working with them on future projects.

Please contact me if we can be of further assistance.

Sincerely,



Bob Stoffels, RLA, ASLA

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Bob Monaghan, Parks and Leisure Services Director

DATE: February 19, 2015

SUBJECT: **Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Fees for Personnel to Erect and Dismantle Tents Associated With the 2015 American Cancer Society Relay for Life Event, Located at the Lewisville High School-Harmon Campus, and Consideration of a Request for City In-Kind Support for the Same Event, as Requested by Jillian Schwarzenbach, Community Manager, Relay For Life American Cancer Society**

BACKGROUND

The 2015 Relay For Life of Lewisville/Flower Mound event will be held from Friday May 15, 2015, at 6:00 p.m. to Saturday May 16, 2015, at 6:00 a.m. A request is being made to: a) provide City in-kind support of eight (8) tents and staff time to erect and dismantle tents related to the event; and b) to waive any associated fees for the event including fees for personnel to erect and dismantle tents. Total cost for tent rentals and labor is \$1,052.76. City Council has approved similar requests for this event since 2009. This event was held last year at the Harmon-Lewisville High School, 1250 W. Round Grove Rd., Lewisville, TX 75067, and drew over 33 teams, over 500 participants, and raised over \$53,000.

ANALYSIS

City staff does not categorize this event as a special event in that participants will be utilizing the existing track, field and bleachers for the event. Participants will be walking around the track during the event in order to raise money for the American Cancer Society. Individual food vendors, if present, will be responsible for obtaining a Temporary Food Vendor's permit and are not part of this request. City staff can supply the requested tents and provide the labor necessary to erect and dismantle the tents related to the event.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the variance and request for City in-kind support as set forth in the caption above.



American Cancer Society
8900 John W. Carpenter Fwy
Dallas, Texas 75247

February 10, 2015

Dear Mayor Ueckert and City Council,

Every year the American Cancer Society hosts Relay For Life events that take place across the nation to celebrate the lives of those who have battled cancer, remember loved ones lost and fight back against the disease. The monies raised at these events help support numerous local ACS services such as Look Good Feel Better, rides to appointments, financial assistance for treatment and research funding.

The Relay For Life of Lewisville/Flower Mound includes teams from Lewisville, Flower Mound, and Highland Village. The 2015 event is being held at Lewisville High School-Harmon campus beginning Friday May 15th at 6:00pm and ending Saturday May 16th at 6:00am. Last year this event drew in over 33 teams, over 500 participants, and over \$53,000.

Relay For Life of Lewisville/Flower Mound respectfully requests the following support for the event being held May 15-16, 2015 at Lewisville High School-Harmon Campus:

- City in-kind support of 8 tents and required staff to set up and take down Friday afternoon and Saturday morning.
- Waive any associated fees for Parks Department personnel to set up and take down tents.

On behalf of the Relay For Life of Lewisville/Flower Mound, we thank you for your consideration in this matter.

Sincerely,

Jillian Schwarzenbach
Community Manager, Relay For Life
American Cancer Society
214.819.1213
Jill.Schwarzenbach@cancer.org

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Lisa Weaver, Sustainability Manager

VIA: Steven L. Bacchus, Assistant City Manager

DATE: February 19, 2015

SUBJECT: Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule By Adding a Fee for Municipal Setting Designations Applications.

BACKGROUND

The Texas Commission on Environmental Quality (TCEQ) is the state agency authorized to consider and certify MSD applications. This certification can only occur if supported by the local government where the property is located. Lewisville established a process to consider support of MSD requests on February 16, 2015, with City Council approval an ordinance, which requires that applications for local approval of MSDs be accompanied by a non-refundable application fee as set forth in Section 2-201, Fee Schedule, of the Lewisville Code of Ordinances.

ANALYSIS

MSDs are used to limit the scope of investigation and remediation required for contaminated groundwater when that groundwater is not used and will not be used in the future for potable water. On the local level, MSDs facilitate development and redevelopment by making terms for financing or property sale/lease more favorable. The City must therefore evaluate the protection provided by restricted use of the groundwater as well as the impacts of beneficial use of impacted property to determine if local support of an MSD is appropriate. This evaluation process is time consuming and requires input from multiple departments. In some cases, it may also require third party technical review. The evaluation process combined with the significance of the ultimate decision for or against support of the MSD warrant an application fee to offset associated staff time commitments. Staff review of MSD ordinances in several other DFW cities identified application fees ranging from \$1,000 to \$5,000.

Arlington	\$1,000
Carrollton	\$2,500
Dallas	\$3,000
Denton	\$5,000
Fort Worth	\$2,000

The following MSD application fee is therefore proposed:

Economic Development

Municipal Setting Designations (MSD) Application Fee – \$1,500.00

RECOMMENDATION

That the City Council approve an Ordinance amending the Lewisville Code of Ordinances, as set forth in the caption above.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS AMENDING THE LEWISVILLE CODE OF ORDINANCES, CHAPTER 2, SECTION 2-201 FEE SCHEDULE BY ADDING A FEE FOR MUNICIPAL SETTING DESIGNATIONS APPLICATIONS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

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

SECTION I. AMENDMENTS.

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

ECONOMIC DEVELOPMENT:

Municipal Setting Designations (MSD) Application Fee	\$1,500.00
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SECTION II. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

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

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage.

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE 2nd DAY OF MARCH, 2015.

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Eric Ferris, Assistant City Manager

DATE: February 16, 2015

SUBJECT: **Consideration of an Ordinance Amending the Lewisville City Code, Section 2-201, Fee Schedule, Regarding Increasing the Animal Adoption Fee from \$50 to \$90 and Adding a new Micro-Chipping fee of \$15 per Animal; and Approval of a Supplemental Appropriation in the Amount of \$36,410 to the General Fund.**

BACKGROUND

Currently, Animal Services charges a \$50 adoption fee for both dogs and cats, but is seeking to increase the fee to \$90. Appropriately 75-80 % of the 662 animals adopted last year were sterilized by use of funding from the City's budget or through use of public donations.

ANALYSIS

Because the intake of animals are expected to increase this year and thereafter, staff feels they can no longer rely on public donations in order to sterilize the animals that come to the shelter. In an effort to save lives, reduce overcrowding in shelters, and promote additional adoptions, the City of Lewisville's Animal Shelter and Adoption Center has entered into a one year Professional Service Agreement Contract with local veterinarian Dr. Adam Poplewell of the ABC Veterinarian Clinic. He has committed to the terms of a one year sterilization contract that would allow for, (1) performing State required medical sterilization procedures on adoptable dogs and cats once the City has become the legal caregiver, and (2) agreed to maintain an affordable pricing plan for the Spay/Neuter procedure during the duration. Therefore, staff is requesting the adoption fee increase from \$50 to \$90 to cover the cost associated with the sterilization program.

Seven of sixteen cities surveyed have various prices that are similar or exceed the newly proposed adoption fees. The organizations surveyed have also stated that they have seen little to no impact in adoption rates because of the price increase. In fact, several have reiterated what staff is attempting to accomplish, which is to enhance the adoption experience for the families because they are able to take their forever pet home the same day, as oppose to the one to two day waiting period because of a necessary prearranged trip to the veterinarian's office.

In addition to the improved sterilization program, staff would also like to implement a new Micro-chipping Program at a fee of \$15 to meet the needs of walk in customers expecting the services that are commonly offered in other shelters. One Micro-chip will cost the City approximately \$6.50 per animal. The remainder of the program fee will cover staff time to process the required documents and perform the procedure. We currently have staff that is properly trained to perform this procedure. Ten of the sixteen surveyed cites currently provide this service for their customers.

Subject: Micro-chip fee

February 16, 2015

Page 2 of 2

Not only will adopters be taking a new pet home the same day (that has already been sterilized), the animal will also have been micro-chipped, given a pre-exposed rabies vaccination, dewormed, heartworm tested and given a series of other preventative vaccines that the new owner will not need to address.

Staff is seeking a supplemental appropriation to the General Fund in the amount of \$36,410 to pay for the increased cost associated with the sterilization and micro-chipping programs.

RECOMMENDATION

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

MEMORANDUM

To: Animal Shelter Staff
From: Ethel Strother, Animal Services Supervisor
Date: February 17, 2015
Subject: Microchip Policy

MICROCHIP POLICY AND PROCEDURE

Microchip Implant shall mean a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owners. The microchip implant shall be supplied with an exterior collar-type tag for purposes of an external means of notifying others that the animal has been implanted with a microchip.

Microchip Reader shall mean an electronic scanner with an operating frequency that is able to detect a microchip that has been implanted in an animal, and displays the number of the microchip to its operator. The microchip reader shall be of a type that activated and displays the number of a microchip manufactured by multiple vendors.

SCANNING PROCEDURES:

1. Any animal, including owner surrenders, entering the shelter by any means shall be scanned for a microchip on intake, upon moving up for adoption or prior to euthanasia.
2. Any animal that is to receive a microchip implant shall be scanned prior to implanting the microchip and after receiving the microchip.
3. If any animal is found to have previously been implanted with a microchip the person responsible for finding the microchip should immediately call the microchip company to attempt to locate the correct owner. Every attempt should be made to locate the owner.
4. Microchips consist of 9, 10, or 17 digits both numerical and alphabetical. The most common companies and their contact information are:

AVID: 1-800-336-AVID

HOME AGAIN: 1-888-466-3242

24 PETWATCH: 1-866-597-2424

PETLINK: 1-877-738-5465 or petlink.com

AKC REUNITE: 1-800-252-7894

Any and all microchips may be looked up at the following website petmicrochiplookup.org

Most microchip companies are able to tell you by the chip number which company the microchip was registered to.

5. In the event the chip was registered to an organization and not an individual. It is the responsibility of the person scanning the animal to contact the organization to attempt to locate who the chip was originally registered to by contacting the organization.
6. When scanning an animal for a microchip, hold the scanner in one hand and begin at the head of the animal, proceed down the back toward the tail in a side to side motion covering the entire body of the animal followed by the chest area and under each arm to check for any chip that may have migrated. Ensure the entire body of the animal is covered.
7. If the animal is aggressive or you are unable to scan, ask for assistance and the microchip scanner may be temporarily taped to a catch pole as an extension of arms to avoid getting bit by the animal.
8. All deceased animals are to be scanned prior to placement in the freezer.
9. Animals must not be scanned on a stainless steel table. When scanning make sure the animal is on the floor, wood/concrete counter, or surface. Stainless steel can interfere with the microchip being read or detected.

MICROCHIP IMPLANT PROCEDURES:

1. Before inserting a microchip in any animal, all animals should be scanned for a previously inserted microchip.
2. The microchip needle should be firmly and properly secured to the microchip applicator.
3. Size appropriate chip should be used for the animal it is being inserted in. The pink color microchip should be used for small or very young puppies and kittens or small animals such as ferrets, rabbits, etc.. Blue microchips are used for any other animal.
4. The animal must be securely restrained and muzzled when necessary.
5. The person implanting the microchip should hold the chip applicator with the attached chip in one hand, the applicator should be held with the needle bevel facing up with your thumb on the application lever.
6. With your other hand grasp the skin between the shoulder blades on the back of the animal. Pinch the skin forming a tent. Insert the needle all the way in to pinched tent section of the skin. Once the needle is inserted all the way, use your thumb to quickly push the lever forward. Pinch the skin while removing the needle. Gently rub the insertion area and in the event of bleeding, dab gently with gauze until the bleeding stops.
7. Enter all microchip and adopter/owner information in Petpoint so the microchip is properly registered.
8. Collect any fees if applicable.
9. Provide all paperwork and microchip tag to owner/adopter.

**SURVEY CITY
ADOPTION FEES AND MICROCHIP FEES**

CITY	ADOPTION FEE	MICROCHIP FEE
Arlington	*\$100 (dogs) \$90 (cats)	\$20
Carrollton	\$15.00 (must prepay vet serv)	Does not provide
Dallas	*\$85 (dogs) \$55 (cats)	\$20 outside service
Frisco	Collin County (TCAP) \$25 voucher	\$30 (Collin Co)
Fort Worth	*\$49 (dogs) \$25 (cats)	\$12
Garland	*80 and \$35 (previously altered)	\$37.99
Grand Prairie	*\$70	\$10 + \$17.99 registration
Irving	*\$70-\$100	\$10
Flower Mound	No fees	Does not provide
Denton	*\$60	Does not provide
Coppell	\$20 (must pay for altering)	Does not provide
Grapevine	\$40 (voucher for altering)	Does not provide
McKinney	*\$75 \$25 voucher	\$30
Mesquite	*\$110 & \$85(dogs), \$100 & \$65 (cats)	Does not provide
Plano	*\$80	\$15
Richardson	\$35 & \$25 (dogs), \$20 & \$15 (cats)	\$15

*Adoption Fee (includes adoption, city license, sterilization, microchipping, core vaccines, rabies vaccine and heartworm testing services)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS AMENDING THE LEWISVILLE CITY CODE, CHAPTER 2, ARTICLE VIII, SECTION 2-201 FEE SCHEDULE, BY INCREASING THE PER ANIMAL ADOPTION FEE AND ADDING A FEE FOR MICRO-CHIPPING AN ANIMAL; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the Lewisville City Council of has determined that for the health, welfare, and safety of its citizens, certain amendments to Chapter 2 of the Lewisville City Code are necessary;

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

SECTION I. AMENDMENT. Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule, is hereby amended by deleting the current fee amount for “Adoption fee, per animal” and in its place inserting the following new fee:

Animal control division::	
Adoption fee, per animal	\$ 90.00

SECTION II. AMENDMENT. Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule, is hereby amended by inserting the following new fee:

Animal control division::	
Micro-chipping fee, per animal/Public Program	\$ 15.00

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

SECTION IV. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of

the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION V. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage.

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE 2nd DAY OF MARCH, 2015.

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY