



# Lewisville City Council

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**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
JUNE 1, 2015**

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

**WORKSHOP SESSION - 6:10 P.M.  
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 6:10 P.M.**

- A. Mental Health Best Practice Opportunities for Denton County (Presented by Gary Henderson, Executive Director – Denton United Way)
- B. Discussion of Regular Agenda Items and Consent Agenda Items

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

- A. **INVOCATION:** Councilman Vaughn
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Tierney
- C. **PRESENTATION:** Presentation of Maurice Strickland Award
- D. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.074 (PERSONNEL): Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem.

**AGENDA  
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E. **PUBLIC HEARINGS:**

1. **Public Hearing:** Consideration of Lewisville Juvenile Curfew Ordinance.

**ADMINISTRATIVE COMMENTS:**

The public hearing is being conducted in accordance with provisions of the Local Government Code Section 370.002 in order to allow public input regarding the need to continue the City's Juvenile Curfew Ordinance. The ordinance was adopted September 12, 1994. A review of the ordinance is required every three years. Two public hearings will be held. The second public is scheduled for June 15, 2015.

**RECOMMENDATION:**

That the City Council conduct the public hearing as set forth in the caption above.

2. **Public Hearing:** Consideration of an Ordinance Granting a Special Use Permit (SUP) With Four Associated Variances to the Lewisville City Code of Ordinances Including Section 6-103 (Access Management); Section 6-92 (Paving); Section 6-123 (b) (Landscape Strip); Section 6-123 (d) (Interior Landscaping); for an Auto Display and Sales Facility on a 0.45-Acre Tract of Land out of the E. Pickett Survey, Abstract No. 1014; Located on the Northwest Corner of South Mill Street and Harvard Avenue, at 867 South Mill Street; and Zoned General Business (GB), as Requested by Ridinger Associates Inc. on Behalf of Mr. Reid Anderson of Reid's Auto Connection, the Property Owner (Case No. SUP-2015-04-04).

**ADMINISTRATIVE COMMENTS:**

The request is for the expansion of the existing Reid's Auto Connection facility located on the northwest corner of South Mill Street and Harvard Avenue. The proposed expansion involves the construction of a new building on the site and a reconfiguration of the display and customer parking areas. The variance requests include: 1) a reduced control of access of 46 feet along South Mill Street; 2) a waiver of the required sidewalk along Harvard Avenue; 3) a waiver of the required 10-foot landscape strip along South Mill Street and Harvard Avenue; and 4) a waiver of the interior landscaping requirements. On May 19, 2015, the Planning and Zoning Commission recommended denial of the Special Use Permit by a vote of 4-2.

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**RECOMMENDATION:**

That the City Council deny the Special Use Permit and the four associated variances as set forth in the caption above.

**PRESENTATION:** Nika Reinecke, Dir. of Economic Development / Planning  
Tracy A. LaPiene, Ridinger Associates, Inc.

3. **Public Hearing: Consideration of Comments Related to a 90 Day Moratorium on the Acceptance of Permit Applications for Development of Commercial Property Zoned Light Industrial Within the Northern Gateway of the I-35 Corridor, as Defined by the Lewisville 2025 Plan, Generally Located South of Lake Lewisville and North of Valley Ridge Boulevard.**

**ADMINISTRATIVE COMMENTS:**

The City Council adopted the Lewisville 2025 Plan in June 2014 and the IH-35E Redevelopment Plan in November 2014 to improve property values, create a strong future tax base and to ensure that all property owners are protected from uses that may be contrary to the adopted plans. Both plans envision the creation of a mixed use district on the west side of IH-35E located north of Valley Ridge Boulevard and south of Lewisville Lake (the “Northern Gateway”). A charrette was conducted with several major land owners in the Northern Gateway to achieve an understanding of the adopted plans and the potential increase in value that can result if all property owners work together toward a cohesive plan. The proposed moratorium would allow time to finalize the charrette/study and to create a framework to implement the Council adopted plans. Notice was published in the Dallas Morning News related to the adoption of an ordinance imposing a 90 day moratorium on the acceptance of permit applications for development of commercial property zoned Light Industrial within the Northern Gateway. After further consideration and given the 90 day time frame, staff is recommending that the geographical boundaries of the moratorium be further limited to undeveloped properties zoned Light Industrial located north of Valley Ridge Boulevard, west of McGee Lane, east of IH-35E and south of Lake Lewisville, all of which is located within the Northern Gateway. The Texas Local Government Code, Chapter 212, Subchapter E requires that the City Council conduct a public hearing to provide municipal residents and affected parties an opportunity to be heard regarding the proposed moratorium.

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**RECOMMENDATION:**

That the City Council Staff recommends that the City Council conduct the public hearing.

- F. **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.
- G. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
4. **APPROVAL OF MINUTES:** **City Council Minutes of the May 18, 2015, Workshop Session and Regular Session.**
- H. **REGULAR HEARINGS:**
5. **Consideration of Five Variances to the Lewisville City Code Chapter 9.5 - Old Town Development Regarding Driveways, Sidewalks and Landscaping, for The Witherspoon Distillery Located at 225 South Charles Street, as Requested by Quentin D. Witherspoon, the Owner.**

**ADMINISTRATIVE COMMENTS:**

The subject site is the former Piggly Wiggly grocery store in Old Town. The property is being re-developed and remodeled for a distillery use. Staff has reviewed and approved the Old Town Development Plan pending approval of five variances including: 1) to allow the existing driveway radius to extend beyond the adjacent property lines at the north entrance off of Charles Street and the west entrance off of Samuel Street; 2) to waive the sidewalk requirement along Charles Street and Samuel Street; 3) to allow an alternate Smartscape plan in lieu of the required irrigation; 4) to waive the landscape buffer requirements; and 5) to reduce the interior landscaping to 6.5% in lieu of the required 8% of the gross parking area. The Old Town Design Review Committee approved the plan on March 23, 2015 by a vote of 4-0.

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**RECOMMENDATION:**

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

**PRESENTATION:** Cleve Joiner, Director of Neighborhood Services  
Quentin D. Witherspoon, Owner Witherspoon Distillery  
LLC

- 6. Consideration of a Variance to the Lewisville City Code Section 6-103 (Access Management) Regarding Driveway Width and Radii Requirements at the Proposed Majestic Airport Center, Buildings 4 & 6 Located at the Southeast Corner of Valley Parkway and Spinks Road, as Requested by Greg Gerbig, P.E., Pacheco Koch Consulting Engineers, Inc., on Behalf of the Owner.**

**ADMINISTRATIVE COMMENTS:**

The subject site is a 15.357-acre lot (Building 4) and an 18.836-acre lot (Building 6) zoned Light Industrial (LI) within the Majestic Addition. Majestic Realty is proposing to construct two new office/warehouse developments on the subject properties with shared access. Majestic Realty is requesting a variance to allow three driveways to exceed the maximum width and maximum radii allowed.

**RECOMMENDATION:**

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

- 7. Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule by Amending the Fees Related to the Wayne Ferguson Plaza.**

**ADMINISTRATIVE COMMENTS:**

Council previously approved a schedule of rental fees for Wayne Ferguson Plaza. However, a staff walk-through of the plaza revealed some changes that needed to be made in the definitions of different rental spaces, including a new rental space option. The proposed changes would revise the space definitions and add the Party Lawn Rental option.

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**RECOMMENDATION:**

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

- 8. Consideration of a Request to Utilize Associated City Property at the Toyota of Lewisville Railroad Park for the CASA of Denton County TollTag Triathlon Fundraising Event; and Consideration of a Variance to the Lewisville City Code Section 2-201 Regarding Waiving Special Event Permit Fees, as Requested by Sherri Gideon, Executive Director, Representing CASA of Denton County.**

**ADMINISTRATIVE COMMENTS:**

CASA of Denton County is planning the fourth annual triathlon event for July 26, 2015, at Toyota of Lewisville Railroad Park. This event was previously sponsored by the Kiwanis Club of Southern Denton County with all proceeds given to support CASA of Denton County. Beginning this year, CASA of Denton County will be sponsoring the event. The event will be operated in the same manner as the first three triathlons with no significant changes. In addition to a request for a permit, CASA is requesting a waiver of fees and use of City property for the fundraising event. All profits will continue to be used to support CASA of Denton County. City Council approved a similar request for this event in 2012, 2013 and 2014. The total amount of the request for waiver of fees for this event is \$5,919.12.

**RECOMMENDATION:**

That the City Council approve the variance and use of City property as set forth in the caption above.

- 9. Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.**

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**ADMINISTRATIVE COMMENTS:**

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Notebooks have been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the books along with attendance data for existing members requesting to be reappointed. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

**RECOMMENDATION:**

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

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

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

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# Mental Health Best Practice Opportunities for Denton County

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March 2015



*Made possible by the generous support  
of the following organizations:*



## Acknowledgements

This report was made possible by the generous support of the following organizations:

- Denton County
- City of Denton
- Denton Regional Medical Center
- The Center for Children’s Health led by Cook Children’s
- Flow Health Care Foundation
- Texas Health Presbyterian Hospital of Denton
- City of Lewisville
- United Way of Denton County, Inc.



United Way  
of Denton County, Inc.



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## Executive Summary

The Denton County Citizen's Council on Mental Health (Citizen's Council) is one of the fastest developing, inclusive community **collaborative processes** that the MMHPI team has observed. Having brought together a critical mass of local leaders catalyzed for **system change**, the time has come to embrace system change formally and organize for that purpose.

**System recommendations** center on shifting the Citizen's Council from **fact-finding to action**:

- **Charter a Denton County Behavioral Health Leadership Team (BHLT):**
  - The BHLT must have the formal chartered backing of political leaders;
  - It functions as a focused (15-28 member) executive team for system change;
  - Its primary function is to develop a strategic plan and actions to implement it;
  - The BHLT should represent all local system resources and political leadership;<sup>1</sup>
  - The BHLT should meet at least quarterly in its executive oversight role.
- **Organize a BHLT Work Group Structure:**
  - The work of system change will require work groups accountable to the BHLT.
  - Their function is detailed planning and implementation coordination.
  - Two to four initial work groups are recommended to addressing the following areas:
 

Veterans	Crisis System / Detention / Commitment
Housing	Child and Family Systems
Mental Health Court	Integrated Care
Jail Diversion	Workforce Development
Community Case Management (data sharing individual and aggregate / QI)	
- **Recruit and Deploy a Senior Director-Level Dedicated Staff Position to Coordinate and Manage the Process.** Through the backbone of the United Way of Denton County, this position will facilitate overall development, support system planning and coordination.
- **Continue to Expand the Citizen's Council**, meeting at least twice annually in order to:
  - Empower Change Agents across the system to support Work Group efforts;
  - Function as the primary forum for community awareness, involvement and participation to support mental health system development;
  - Broaden community awareness and community engagement.

### Potential Targeted Improvement Activities:

- Continued crisis response system improvement;
- Systemic justice system diversion across multiple intercepts;
- Enhancing services for children and families;
- Expanding integrated primary care / behavioral health home capacity;
- Implementing specific best practices treatment (e.g., ACT, wraparound); and
- Workforce development, and focused initiatives (e.g., veterans, cross-cultural outreach).

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<sup>1</sup> Recommended initial members (and number): Commissioners Court (3-5), Denton City Council (2), Lewisville City Council (2), Small Cities/Towns (1), Health Systems (Hospitals, MHMR, Health Dept.: 3-7), Health Funders/Insurance Providers (1-2), Human Services (ISDs, Higher Ed., Law Enforce., WATCH, Housing: 4-8), United Way (1). Members may serve on multiple work groups.

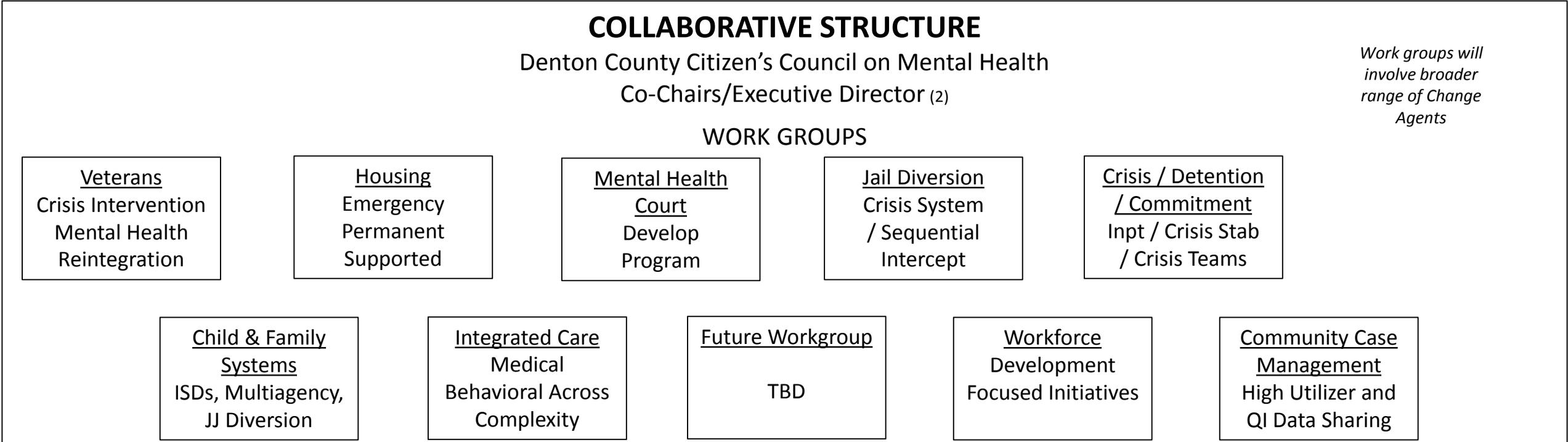
# Denton County Citizens Council On Mental Health - NEXT STEPS

Denton County Commissioners Court  (3 - 5)	Denton City Council  (1-2)	Lewisville City Council  (1-2)	Small Cities/Towns Coalition  (1)	Health Systems Hospitals, MHMR, Health Department  (3-7)	Health Funders Insurance Providers  (1-2)	Human Systems ISDs, Higher Ed., Law Enforcement, Housing, WATCH  (4-8)	United Way of Denton County  (1)
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## DENTON COUNTY BEHAVIORAL HEALTH LEADERSHIP TEAM

serves as the County oversight committee (1)  
15 - 28 Total Members

*Individuals may  
serve on multiple  
work groups*



*Work groups will  
involve broader  
range of Change  
Agents*

1 – Chartered by political entities, formal reporting, accountability

2 – Transition from voluntary Co-Chairs to professional staff position developed between Denton County Health Department and United Way of Denton County

## Purpose of the Report

United Way of Denton County, on behalf of the Denton County Citizen's Council on Mental Health (Citizen's Council), contracted with the Meadows Mental Health Policy Institute (MMHPI) to carry out an independent analysis of the county's local mental health system performance and identify specific strategies for Denton County to support continued development of a highly responsive, clinically effective, and efficient community behavioral health system for the population of the entire county. The project objectives focused on evaluating current capacity based on a self-assessment completed by the Citizen's Council in 2014 and determining viable strategies to continue to develop a system of care for the community that:

- Is responsive, vision-driven, recovery-oriented and integrated;
- Increases the quality and effectiveness of service delivery for populations with increasing complexity; and
- Improves the efficiency of system operations, resource allocations, and revenue generation processes across available federal, state and local funding streams.

The primary deliverables for the project and their anticipated timing as proposed, include:

- A draft report putting the 2014 services inventory and November 2014 preliminary findings in the context of state and national best practices and offers improvement options;
- A final report that includes recommendations to Denton County leaders for continued mental health system of care improvement.

## Methods and Approach

MMHPI initiated this review in mid-December 2014 with initial meetings with United Way leadership and a review of the 2014 assessment. Key informant interviews were carried out in January and February 2015 with a cross-section of Citizen's Council members (see table below) provided to MMHPI. An initial draft report was reviewed with Mr. Joe Mulroy and Mr. Gary Henderson in early February, and multiple iterations were worked through. This report is the final report for review with a broader set of stakeholders and will be finalized in March after the final stakeholder review.

Name	Title	Organizational Affiliation
Richard Godoy	Family Services Coordinator	Denton Police Department
Pam Gutierrez	CEO	Denton County MHMR
Gary Henderson	President and CEO	United Way of Denton County
Russ Kerbow	Chief of Police	City of Lewisville
Bryan Langley	Assistant City Manager, CFO	City of Denton

Name	Title	Organizational Affiliation
Amy Lawrence	Director of Counseling Services	Denton Independent School District
Sherri McDade	Deputy CEO	Denton Housing Authority
Stan Morton Tim Harris, MD An Nguyen, MD Kathy Srokosz	CEO Chief Medical Officer Emergency Department Medical Director Director, Outpatient and Chronic Care Services	Texas Health Presbyterian Hospital Denton
Joe Mulroy	Co-Chair	Citizen's Council
Randy Plemons	Assistant Chief Deputy	Denton County Sheriff's Office
Laura Prillwitz	Deputy Director	Denton County Juvenile Probation
Matt Richardson	Director	Denton County Health Department
Hon. Bonnie Robison	Judge	Probate Court
Doreen Rue	CEO	Health Services of North Texas
Nicki Roderman	Chief Nursing Officer	Denton Regional Medical Center
Tammy Russell	Probation Officer	Denton County Adult Probation
Hon. Coby Waddill	Judge Board Chair	County Criminal Court No. 5 Denton County MHMR
Chris Watts	Mayor	City of Denton
Julie Westlake	Supervisor	Child Protective Services

## Overall Findings

The interviews revealed two major findings related to the Citizen's Council. The individuals involved are highly complimentary of the Citizen's Council for having brought together key community leaders to raise awareness of local mental health needs and build momentum toward system improvement. In the experience of the MMHPI team conducting this review, this is one of the strongest and most rapidly developed community collaboratives we have encountered. Now there is strong interest in "How do we organize ourselves to actually get things done?" The recommendations below offer specific guidance to achieve that goal.

Related to service capacity, the fact-finding by the Council and our supplementary interviews identified several subsets of priority unmet need that could benefit from enhanced and refocused service delivery, described in more detail below.

Prior to discussing these findings, this report provides additional system performance data assembled by the MMHPI team. These data that compare needs and service availability in Denton County to comparison counties in Texas generally, to put the 2014 services inventory findings in additional context.

### **Denton County Mental Health Needs and Service Capacity**

Statistics on mental health need generally focus on the one in five individuals at some level of need for mental health (MH) services in a given year. However, more refined 12-month prevalence estimates show an even higher level of overall need (estimated at 29.1 percent to 30.5 percent, inclusive of substance use disorders),<sup>2</sup> suggesting that as many as 200,000 Denton County residents a year are in need of services.

However, it is also possible to use these more recent studies to differentiate between different levels of functional impairment associated with each disorder to allow more refined policy development. Examples of different levels of functional impairment include (differences in estimates reflect in part differences in defining mild, moderate and serious):

- 11.5 percent with substance use disorders (SUD) of any kind,
- 10.8 percent to 13.8 percent (depending on the study) with mild conditions (MH, SUD and co-occurring),
- An additional 7 percent to 13.5 percent (depending on the study) with moderate needs, and
- An additional 6.3 percent to 8.2 percent (depending on the study) with severe needs.

Based on these more refined studies, MMHPI worked with Dr. Charles Holzer to develop precise estimates of severe need based on the specific socioeconomic and demographic factors of each Texas county. Using these projections, MMHPI estimates that in 2012, slightly over 20,000 adults and just over 13,000 children and adolescents in Denton County<sup>3</sup> suffered from severe psychiatric disorders (serious mental illness, or SMI, for adults and severe emotional disturbance, or SED, for children – please see Appendix One for more information on MMHPI

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<sup>2</sup> Bilj, R., de Graaf, R., Hiripi, E., Kessler, R., Kohn, R., Offord, D., et al. (May/June 2003). The prevalence of treated and untreated mental disorders in five countries. *Health Affairs*, 22(3), 122-133.

Kessler, R. C., Demler, O., Frank, R. G., Olfson, M., Pincus, H. A., Walters, E. E., Wang, P., Wells, K. B., and Zaslavsky, A. M. (2005). Prevalence and treatment of mental disorders, 1990 to 2003. *New England Journal of Medicine*, 352:2515-23.

<sup>3</sup> Holzer, C., Nguyen, H., Holzer, J. (2015). *Texas county-level estimates of the prevalence of severe mental health need in 2012*. Dallas, TX: Meadows Mental Health Policy Institute.

estimates of need). The table below compares these needs to the total county adult and child populations, and provides comparable data for neighboring (Tarrant) and comparison (Nueces) counties.

County	Adults with SMI	Total Adult Population	Children with SED	Total Child Population
Denton	20,308	517,031	13,178	189,724
Nueces	12,212	259,019	6,962	87,898
Tarrant	64,191	1,365,940	39,006	513,823

This is our current best estimate of the overall county need for individuals with severe disorders, which provides a much more manageable target for service delivery system development than the larger number. MMHPI recommends that service delivery system planning for individuals with severe needs focus both on the overall level of need within the county as well as the specific number of individuals with severe needs.

It is also possible to make two further distinctions:

- The number of adults and children with severe needs who live in poverty<sup>4</sup> (just under 8,700 adults and just over 4,500 children in 2012);
- The number of adults with severe and persistent mental illness (SPMI), which is defined as the subset with a disorder that more seriously impairs their ability to work and live independently and that has either persisted for more than a year or resulted in psychiatric hospitalizations (11,326 in 2012, of whom 4,625 were in poverty); and
- The very small subset of adults at highest risk for repeat use of hospitals, emergency rooms, jails, and homeless services, which MMHPI estimates to be approximately 400 per year.<sup>5</sup>

This analysis puts in context the 2014 Denton County services inventory finding that just under 13,000 Denton County residents receive mental health services each year. Compared to the overall need, these levels of services appear starkly inadequate. However, compared to those with more severe needs and the subset of those with severe needs in poverty, being able to address these needs becomes more feasible.

This also raises the question of which of the services described in the 2014 services inventory are available for those with the most severe needs. It is unlikely that all 13,000 treatment slots

<sup>4</sup> For prevalence analyses, MMHPI defines poverty as the proportion of the population with income at or below 200% of FPL (\$23,540 for an individual).

<sup>5</sup> Based on findings from Cuddeback, G.S., Morrissey, J.P., & Meyer, P.S. (2006). How many assertive community treatment teams do we need? *Psychiatric Services*, 57, 1803-1806.

are designed for those with severe needs, so MMHPI used data available from the Department of State Health Services (DSHS) to determine the capacity of the local mental health authority (LMHA), MHMR of Denton County, to provide more intensive treatment.

The table that follows compares 2014 service delivery patterns for Denton County to those of Tarrant and Nueces counties, focusing just on individuals in ongoing treatment (excluding those that received only crisis services). The columns show the proportion of individuals treated by level of care, going from lowest (medication only) to highest (assertive community treatment, or ACT, an evidence-based treatment for those with repeat hospital, jail and homeless services). Note that the pattern of service delivery in Denton County is similar to the two comparison counties, namely that most people received only skills-building rehabilitative therapy and relatively few received the more intensive services necessary for people with the most severe needs. These data suggest that current capacity is adequate to serve just under one-third of people with severe needs (SMI) in poverty (2,844 out of 8,696 or 32.7%), which is nearly identical to the percentages for Tarrant (30.4%) and Nueces (32.5%) counties. Furthermore, the capacity for those with the most severe needs (and those most likely to repeatedly use hospital, emergency department, jail and homeless services) is approximately one-quarter of capacity (101 out of 400; Tarrant and Nueces have even less capacity, at 7% and 21% of need, respectively).

#### Adult Levels of Care Analysis FY 2014

LMHA	Medication Management	Skills Training	Medication Coordination and Therapy	Medication and Case Management	Assertive Community Treatment	Total
<b>Denton</b>	6	2,047	321	369	101	<b>2,844</b>
% Total	0%	72%	11%	13%	4%	
<b>Nueces</b>	16	2,002	35	350	68	<b>2,471</b>
% Total	1%	81%	1%	14%	3%	
<b>Tarrant</b>	2	8,386	386	2,037	101	<b>10,912</b>
% Total	0%	77%	4%	19%	1%	
<b>Combined</b>	<b>24</b>	<b>12,437</b>	<b>742</b>	<b>2,756</b>	<b>270</b>	<b>16,227</b>
% Total	<b>0%</b>	<b>77%</b>	<b>5%</b>	<b>15%</b>	<b>3%</b>	

Intensive service capacity for children is even more limited, and – like other Texas counties – most of the capacity resides in the juvenile justice system. Only 410 children received MHMR services in 2014 (less than 10% of those in poverty with severe needs) and just over 125 received the most intensive services. This compares with the hundreds in care with juvenile probation in Denton County any given year (500 to 800, per interviews), many of whom receive intensive services. One factor that may help with this is the potential of Denton County's future

participation in the state's YES Waiver for Medicaid. Tarrant County currently participates in this waiver and was able to increase both the range of its intensive services (the YES Waiver pays for additional supports such as respite) and the number of children receiving intensive services (increasing capacity by 40%).

These additional data on need and capacity for intensive services informed the recommendations that follow.

## System-Level Recommendations

Within the context of the overall findings and data on needs and system capacity, MMHPI makes the following system-level recommendations. As noted, the Citizen's Council is one of the fastest developing, inclusive community collaborative processes that the MMHPI team has observed. Having brought together a critical mass of local leaders catalyzed for system change, the time has come to embrace system change formally and organize for that purpose. In addition, there must be capacity to continue to add more partners to the process, including additional county and municipal leaders not currently involved, and others with relevant resources.

The following system recommendations center on shifting the Citizen's Council from fact-finding to action. They include priority activities ideally to be achieved in the next 90 days (by June 30, 2015) and follow-on activities for the remainder of 2015.

### Priority System Level Activities (April to June 2015)

- **Charter a Behavioral Health Leadership Team (BHLT) for Denton County:** The process must have the formal backing of political and system leaders with formal authority over the financial, health care delivery, and human services resources needed to address community mental health needs. MMHPI recommends developing as soon as possible a focused (15-17 member)<sup>6</sup> executive team to guide system change by overseeing development of a strategic plan and initiating the actions necessary to implement it. The BHLT should strive over time to represent all local system resources and political leadership involved in mental health service delivery, both those whose missions include mental health service delivery as a primary role, as well as the political entities and community organizations for which mental health care is critical to system outcomes, including Commissioners Court, large and small municipalities within the county, other health systems, health payers (especially the Medicaid managed care organizations that last year in Texas served more adults with serious mental illness than did LMHAs<sup>7</sup>), and human service systems for adults and children. MMHPI recommends that the BHLT

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<sup>6</sup> Recommended initial members (and number): Commissioners Court (3-5), Denton City Council (1), Lewisville City Council (1), Small Cities/Towns (1), Health Systems (Hospitals, MHMR, Health Dept.: 3), Health Funders/Insurance Providers (1), Human Services (ISDs, Higher Education, Law Enforcement, Housing: 4), United Way (1).

<sup>7</sup> Data breakouts for Denton County should be available in April 2015.

should meet at least quarterly in its executive oversight role. As it starts up, meetings likely will be more frequent.

- **Organize a BHLT Work Group Structure:** The work of system change will require work groups accountable to the BHLT able to carry out more detailed planning and ongoing coordination of implementation activities in areas of prioritized action. Work groups would be accountable to the BHLT and goals for each would be defined through the strategic planning process. As much as possible, these should build upon, rather than duplicate, existing efforts, such as current DSRIP projects under the 1115 waiver and the current WATCH collaborative sponsored by Cook Children's (led by Dr. Elliott). The first committees / work groups formed should be tied to the specific improvement activities identified from the list below. Two to four initial work groups are recommended to address the following areas of priority need (these are discussed more in the following section):
  - Veterans,
  - Crisis System / Detention / Commitment,
  - Mental Health Court,
  - Jail Diversion,
  - Housing,
  - Community Case Management (focused on data sharing at the individual and aggregate levels),
  - Integrated Care (mental health, substance abuse, primary care),
  - Child and Family Systems, and
  - Workforce Development.
- **Recruit and Deploy a Senior Director-Level Dedicated Staff Position to Coordinate and Manage the Process:** Such a position is critical to enable the BHLT and Work Group structure by facilitating overall system development and directly supporting system planning and coordination. It will be important to recruit an individual with just the right balance of system experience and expertise in facilitating the involvement and ideas of others. This person cannot be expected to be an expert in all of the areas necessary for change; that expertise rests in the community. Instead, the person should be expert in bringing together diverse, cross-functional groups that span both hierarchy (executive to line staff) and organizations. The position should be employed by a "backbone organization," an entity able to provide administrative support to system planning and coordination activities. United Way of Denton County has served in this role, and MMHPI recommends that they continue to do so.

#### **Follow-On System Level Activities (July to December 2015)**

- **Develop a Strategic Plan:** Drawing on the MMHPI best practice recommendations in this report, the 2014 community inventory, and opportunities emerging through the legislative session, a strategic plan with specific quality improvement (QI) goals in each

work group area should be developed during the summer, to be in place by summer's end in order to support implementation in the fall. Targeted technical assistance will likely be needed to support both the planning process and the development of specific goals. The strategic plan should include measurable goals, objectives, and timeframes. The MMHPI assessment has indicated significant momentum with multiple opportunities for improvement, both within current resources and with targeted resource investments that can be enhanced by being part of a larger organized effort capable of collaborative impact. It will be critical to facilitate the group's development of a broader strategic plan based on collaborative impact that is achievable, and provides the Citizen's Council with early success in a way that reinforces further investment and commitment. The MMHPI assessment has identified improvement opportunities that would be cost effective starting places within most of the major areas identified above as potential work groups. It will be important to get Citizen's Council members working as teams to create improvements within the areas they are most passionate about, as well as engaging the Council as a whole to bring in more people with front-line experience who are closer to the ground in the areas of targeted improvement and therefore able to implement changes more effectively.

- **Continue to Expand the Citizen's Council and Empower Change Agents:** The Citizen's Council will continue to be the primary forum for community awareness, involvement, and participation in support of mental health system development. In addition to continuing to develop the Council and expand its membership, individuals from across the community will take on change agent roles through the work groups and implementation process. The Citizen's Council's primary goals should center on: (1) empowering change agents across the system to support Work Group efforts and (2) broadening community awareness and engagement regarding mental health needs and solutions. As the group shifts into more focused action, its initial mission to raise awareness and combat stigma should be maintained and strengthened through the process. In addition, work groups can allow for additional information sharing about the specific processes underlying system challenges (e.g., clarifying how the process for court orders to a facility are affected by capacity).

### **Recommendations Regarding Potential Improvement Activities**

As part of the overall shift in opportunity to build a framework for community-based care management of high need individuals with behavioral health needs, MMHPI noted the following examples of improvement opportunities in our review. Progress in any one of these areas individually may not be dramatic, but all of them together as part of a community strategy over time could yield significant impact.

Underlying all of these activities (and future activities going forward) is the opportunity for the Council to use well-recognized public health strategies of community health improvement to

provide the information-sharing framework for successful cross-system case management. Doing so will require a focus both on individual and aggregate data sharing capacity. At an individual level, the emerging health information exchange (HIE) infrastructure offers a framework on which to build, but system protocols to meet HIPAA and 42 CFR Part II data sharing requirements need to be developed. At the aggregate level, strategies will involve systematic gathering of baseline data across different settings, populations, and data sets, and then designing improvement strategies that can produce continuous and incremental improvement with measurable results. At the moment, there is no vehicle for developing that kind of “best practice” approach in Denton County, but the emerging infrastructure within the Council could prioritize this as a near-term capacity to build.

Priorities for potential system improvement activities include the following:

- **Continued crisis response system improvement.** Enhancements can be made to address current flow barriers to speedy response for people in crisis presenting to emergency departments (ED), as well as some procedural changes that can improve access to and utilization of the existing triage center. There is already positive momentum and concrete improvement evidenced in the discrete DSRIP projects at Texas Health Presbyterian Hospital Denton (ED navigators) and Denton County MHMR (primary care integration, mobile crisis, new crisis residential), as well as capacity building at community providers such as Health Services of North Texas. There is now a need to bring leaders of these efforts together to develop a coordinated strategy with concrete improvement targets. There is opportunity to coordinate and enhance multiple interventions: improved crisis flow using the new MHMR and existing ED facilities, improvement in continuing care management for high risk individuals in crisis, coordination with law enforcement and the courts, expansion of (and facilitation of access to) diversion capacity, improved information and coordination about the process for accessing state hospital and other psychiatric inpatient beds, and better linkages to ongoing care. The current state budget has new crisis funds in it, which should be an immediate target of planning and system development, and Article II riders in the House have added \$60 million for inpatient capacity expansion (see statewide MMHPI recommendations regarding inpatient expansion options in Appendix Two) and \$30 million for improved treatment capacity (though Denton County may receive less because it is currently funded above what the state is defining as the per capita average). MMHPI also recommends engaging representatives of the Medicaid MCOs, who have significant populations in Denton County, to better coordinate local resource planning for diversion (in accord with HHSC Sunset Recommendation 6.1).

- **Systemic justice system diversion across a sequential intercept model.** There is a need to develop a framework to tie together and coordinate the multiple efforts currently underway. The sequential intercept model<sup>8</sup> can help with this:
  - **Intercept 1 – Law Enforcement:** The goal here is to empower law enforcement to divert those only in need of services to the crisis system; these improvements will enhance the ability of specialized teams to effectively divert individuals to needed services. The sheriff’s Mental Health Unit is a resource for the entire county and can help anchor the law enforcement end. However, better cross-system coordination is necessary for this capacity to achieve optimal results. Information sharing (at both an individual and system level) and coordination with the rapidly developing crisis system are near-term process improvement opportunities.
  - **Intercept 2 – Pretrial:** There is opportunity to improve data collection at the time of booking to identify the subset of individuals with substantial behavioral health needs (mental health and substance abuse) at relatively lower criminogenic risk (and thereby at lower likelihood to reoffend if placed in community diversion). However, this will require review of existing probation capacity (specialized probation is currently operating substantially over capacity) and supports to those on probation. The possibility of adding 30 slots (10 new slots from existing resources, plus 20 more from new resources) focused on forensic need to the existing MHMR assertive community treatment (ACT) team could both better serve those on probation (or potentially under the supervision of a specialty court) and should be explored (more on ACT below). However, to maximize opportunities here, the District Attorney’s office will need to be fully engaged and supportive of the changes. Ancillary supports, such as supported employment and vocational rehabilitation (building on new resources through DARS) and supported housing, will also be critical to treatment success and recidivism prevention.
  - **Intercept 3 – Specialty Court and Jail Based BH Services:** Interest in developing a mental health court is high, and this is a best practice model that can serve approximately 20 people at a time. While this program targets a relatively small number of people, it could be part of a broader strategy to improve coordination. There are also several opportunities to improve services to people who are incarcerated, such as increasing continuity of medication from and back to community settings. There is also a need to increase behavioral health treatment capacity within the jail.
  - **Intercept 4 – Reentry:** Capacity to coordinate reentry is necessary to facilitate planning for release, which should begin right from the time of entry into the jail. Reportedly, collaboration between the county jail and MHMR has been recently

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<sup>8</sup> See [http://gainscenter.samhsa.gov/pdfs/integrating/GAINS\\_Sequential\\_Intercept.pdf](http://gainscenter.samhsa.gov/pdfs/integrating/GAINS_Sequential_Intercept.pdf) for additional information.

reinvigorated. This positive momentum should be built upon, but referral capacity post-release is essential.

- **Intercept 5 – Community Corrections:** Building the capacity to retain high need individuals post-release within the community is also essential. The forensic ACT team discussed below may help with this.
- **Enhancing services for children and families.** There is already good collaboration in place that might lead to some policy and procedure changes that would facilitate access to early intervention services for high need kids in school, before they become involved in more expensive services. Opportunities include:
  - Building on MHMR outreach to schools by developing ongoing processes to streamline referrals and coordinating community resources to meet the needs.
  - Better linkages to natural supports and strategies to enhance these supports, including the Mentor Denton program through United Way, municipal recreation programs, and opportunities to expand faith-based collaboration focused on youth.
- **Expanding integrated primary care / behavioral health home capacity.** There are significant community opportunities for building on existing DSRIP and individual provider efforts to enhanced behavioral health service delivery capability integrated within existing primary health delivery. Improving linkages between these efforts across agencies and tying them to system-wide improvement goals could be a win-win for both the community and for individual health providers. There is also a broader need to expand integrated physical health care delivery at all levels of the system, including inpatient units and for people presenting in EDs with complex physical and behavioral health needs.
- **Implementing specific best practices treatment (e.g., ACT, wraparound).** Existing DSRIP projects at MHMR and hospitals are beginning to show success in diverting people from emergency departments and linking them to ongoing care. Many people have been linked to the new integrated primary care resources at MHMR (which can be further enhanced through better coordination, per the prior bullet). However, as noted earlier, there is a dramatic lack of high intensity treatment capacity. This is not unique to Denton County – in fact, Denton’s ACT team seems to be among the higher performing teams in Texas that we have reviewed. Specific best practices to consider include the following (and additional information is provided on these practices in Appendix Three):
  - **For the highest-utilizing adults,** expanding the existing ACT team may be the most immediate path to improve ongoing intensive treatment capacity, though other approaches (e.g., Critical Time Intervention) may be valuable to consider. A modest expansion of ACT capacity (e.g., 20 to 30 additional slots over the current 100) would require (1) additional physician time; (2) two additional case managers, ideally with specialties (e.g., supported housing) not present on the existing team); and (3) training in more contemporary fidelity models (e.g., the TMACT) that focus more on outreach, engagement, peer support, employment, housing, and relatively rapid

- transitions to lower levels of care. In the area of housing, there is clearly a broader system-level need for cross-training and enhanced liaison capacity between housing resources (e.g., Denton Housing Authority staff) and treatment providers, and increasing capacity in this regard on the ACT team could be one focus of such efforts. In addition, a systemic effort to improve system-wide capacity to treat high need, complex cases would help the overall system increase its capacity to maintain these individuals in care (Comprehensive, Continuous, Integrated System of Care, or CCISC, is a potential model to use here). A comprehensive effort would likely cost between \$250,000 to \$300,000 per year for the first two years, dropping to \$150,000 per year ongoing after that. The example of the community coming together to enhance capacity at the Children's Advocacy Center offers a model for building community buy-in and identifying additional local resources to support change.
- **For high need youth** in the juvenile justice in particular, and to a lesser degree in the child welfare system, there are strong programs in the community, but a lack of coordination supports. There is opportunity under the expanding Medicaid YES Waiver to build capacity to deliver Wraparound Service Coordination to high need youth served in multiple systems (other than child welfare) and this can be built on and expanded. While the YES Waiver can provide ongoing funding, start-up funds to build capacity are necessary. Tarrant County has had considerable success using the waiver, which also builds capacity for natural supports and respite for families.
  - **Workforce development.** There are multiple efforts by individual providers to recruit and enhance resources and some linkages to medical schools and universities. There should be a concerted effort to work at a community level on recruitment and retention for cross-system needs (e.g., psychiatry overall and child psychiatry in particular, as well as social work and other critical non-medical professionals, emphasizing cultural and linguistic competence). A joint position at multiple institutions can help pull medical leadership together, and a university partner can help make positions more attractive. There is interest among multiple parties for such an effort.
  - **Additional focused initiatives (e.g., veterans, cross-cultural outreach).** Existing efforts to organize a response to the Texas Veteran's Initiative (TVI) provide a sound starting place for further progress, whether or not the initial proposal is funded. Additionally, the legislature currently has in both the House and Senate budgets an additional \$10 million a year to fund additional communities, and SB 55 (the authorizing legislation to expand TVI) was passed out of committee. There was also indication that resources for Latino and Spanish-speaking subgroups may need to be enhanced, both within and perhaps separate from the initiatives described above. Cultural approaches also need to take into account differences across faith communities.

## Appendix One: Determining Prevalence of Severe Mental Health Needs

### Defining Prevalence of Severe Need and the Public Role

*Prevalence*, in the context of public health, refers to the proportion of the population who exhibit a specific characteristic in a given time period. The prevalence of mental health disorders in the general population is important to understand for mental health system planning and usually focuses on *annual prevalence*, that is the number of people suffering from a mental health condition at some point during a specific year. Other prevalence approaches look at a single point in time (i.e., point prevalence) or over a lifetime (i.e., lifetime prevalence).

In using prevalence to define the level of need for a public mental health system, the Meadows Mental Health Policy Institute (MMHPI) employs two additional constructs.

The first is poverty, using the **federal poverty guidelines** (FPL). In general, public mental health systems provide a safety net to people who are uninsured or otherwise unable to afford care. Because of this, MMHPI focuses on the proportion of the population with income at or below 200% of FPL (\$23,540 for an individual).

The second construct is **severity**. Because needs have to be prioritized, it is important to identify the subset of the population with the most severe needs. To do this, MMHPI focuses on serious mental illness (SMI) for adults and serious emotional disturbance (SED) for children:

- **Serious Mental Illness (SMI)** – This includes adults and older adults with schizophrenia, severe bipolar disorder, severe depression, severe post-traumatic stress, all of which are conditions that require comprehensive and intensive treatment and support. A subgroup of these people is defined as having a Serious and Persistent Mental Illness (SPMI) that more seriously impairs their ability to work and live independently and that has either persisted for more than a year or resulted in psychiatric hospitalizations.
- **Severe Emotional Disturbance (SED)** – This refers to children and youth through age 17 with emotional or mental health problems so serious that their ability to function is significantly impaired, or their ability to stay in their natural homes may be in jeopardy.

The MMHPI prevalence data set covers the entire Texas population – not just those in poverty or with the most severe needs – but a public policy discussion related to mental health should begin with addressing the most severe needs of people living in poverty.

### Methodology

To estimate prevalence of mental health disorders, MMHPI uses an epidemiological methodology developed by Dr. Charles Holzer. Dr. Holzer uses findings from the most widely accepted national epidemiological studies, particularly the 2004 National Comorbidity Study Replication (NCS-R). Holzer draws on the NCS-R findings of the correlations between

demographic variables, such as race/ethnicity, age, sex, and income, and mental health disorders, as well as on the latest demographic data from the American Community Survey and the national Census, to develop algorithms that provide the most precise estimates available of the rate of mental illness in the population. The data are usefully broken out by multiple factors, including race/ethnicity, age, and income (e.g., 200% federal poverty level), and are therefore more helpful for planning purposes by mental health authorities and advocates.

In estimating the prevalence of mental health disorders, the NCS-R is much more thorough than other sources that are often cited, such as the National Survey on Drug Use and Health (NSDUH), and more inclusive than older estimates, such as the 1999 Federal Register definition used by the federal Substance Abuse and Mental Health Services Administration (SAMHSA). These other estimation approaches have their uses. For example, Mental Health America (MHA) at the national level used the NSDUH for adults and the National Survey of Children's Health (NSCH) because these data are readily available at the national level for state-by-state comparisons and include insurance status. Dr. Holzer's and colleagues' 2012 estimates were commissioned specifically by MMHPI for use in Texas. While comparable data is not available for states other than Texas, the Texas estimates allow comparisons by county and key demographics.

When comparing the MMHPI estimates to data in the MHA report, it should be kept in mind that, while the MHA data allow for reliable cross-state comparisons, they are less precise and tend to underestimate the level of need in a given state. The NSDUH and NSCH are based on survey methodology and therefore do not include people who are homeless, institutionalized, or on active military duty. Given this, the results have significant limitations in understanding need in a specific state.

However, when estimating the prevalence of substance use disorders, MMHPI also relies on the NSDUH, as more refined sources are not available.

## Appendix Two: Inpatient Needs in a Community Context

### The Need for “Beds”

In January 2015, two important reports were released attempting to define the need for inpatient “beds” in the state of Texas:

- **Rider 83 State Hospital Long Term Plan:** This Department of State Health Services (DSHS) report draws a great deal from the November 2014 consulting report by CannonDesign. That report was based on an architectural review of selected state hospitals, review of data from DSHS on State Psychiatric Hospital (SPH) utilization, and demographic trends. It recommends development of 570 beds in the near term and an additional 607 beds to keep pace with population growth through 2024.
- **Allocation of Outpatient Mental Health Services and Beds in State Hospitals:** This DSHS report originated from the 83<sup>rd</sup> Legislature (HB 3793), which required a plan to identify needs for inpatient and outpatient services for both forensic and non-forensic groups. A diverse stakeholder group was identified in the legislation to advise DSHS in determining the need and developing a plan to address it. The Task Force recommended that DSHS request 720 additional inpatient beds in the 2016-2017 biennium and an additional 1260 over subsequent biennia to meet the current and projected population growth.

Using a cost-estimate of approximately \$280,000 per inpatient bed, these two reports recommend new expenditures of \$160 to \$200 million annually.

The Long Term Plan and CannonDesign reports recommended the development of integrated mental health, substance abuse and primary care community-based services, in addition to creating more inpatient beds. They also acknowledged that a more integrated system of community-based services would reduce the demand for inpatient services. However, neither report factored this into their analysis. They instead assumed that community services would remain the same, and they explicitly avoided any attempt to assess the impact of the 1115 Waiver DSRIP projects or the implementation of the pending 1915i State Plan Amendment. The HB 3793 report also addressed the potential impact of community-based services in the narrative, but presented no data to determine its potential for reducing inpatient demand. Nor did any of the reports address the use of crisis alternatives or best practices such as Assertive Community Treatment (ACT), Forensic ACT, or Critical Time Intervention. The primary weakness of both plans was their lack of elaboration and specificity on how development of community capacity to reduce the need for “beds” fits into the equation. Access to crisis supports, outpatient care, and intensive treatment services affect the need. There was also:

- Inadequate attention to the role that best practice jail diversion strategies could play in reducing demand from forensic commitments;
- Absence of data on SPH property values and how those values would figure into the financing of elements of the Long Term Plan;

- Lack of an analysis of the impact of potential income losses from Disproportionate Share Funds (DSH) and Medicaid/Medicare reimbursements financing;
- Lack of analysis of the use of telehealth for areas with workforce shortages; and
- Lack of concrete plans to allow communities to determine the best use of resources to address service needs and manage inpatient demand locally.

### What is a “Bed”?

Despite these limitations, both reports identify a substantial need for new “beds.” While both reports focus on inpatient beds in state hospital and community settings, the functional need that both reports attempt to address is not just a need for inpatient “beds.” ***MMHPI recommends reframing the “bed” need to instead be a need for a safe, effective, and efficient treatment option for people with acute needs, particularly those in emergency room, correctional, or other community settings.*** The focus of this care is on people with the highest, most acute needs (people who are most dangerous to themselves and others or most actively psychotic or otherwise psychiatrically disabled). While an inpatient bed is one way to meet this need, the full range of alternatives includes many options that can be just as safe, but more effective and efficient, if part of a well-functioning local system of care.

**A Continuum of Beds.** One set of options includes a range of other 24/7 beds in safe treatment facilities. Many people end up in inpatient beds because of a lack of an intermediary alternative option up front or the lack of a lower-level step-down after the immediate risk has stabilized:

- **State-purchased Inpatient Beds:** The state estimates the annual cost of these beds to be \$280,000 or just under \$770 a day. There is evidence that this rate may not be competitive, given reports that DSHS efforts to request qualifications from facilities willing to provide capacity at this rate have had limited success. Typical rates for community inpatient beds generally are closer to \$1,000 or higher per day.
- **Crisis Stabilization Beds:** These are very short-term residential treatment programs designed to reduce acute symptoms of mental illness within a secure and protected setting, with 24/7 clinical staff availability (including 16-24 hours a day of nursing), psychiatric supervision, daily psychiatric management, and an active treatment environment. These programs have lower medical and nursing capacity than a hospital inpatient unit and do not have the full spectrum of laboratory and related services that hospital units provide, but they can offer safe medical treatment services for those at the right level of need. Costs per day are typically much lower than inpatient care (\$82,000 per year, or \$225 per day) and even lower for less intensively staffed options. Longer-term versions (Crisis Residential) are typically less intense and can have longer lengths of stay. These programs are sometimes called Crisis Respite programs, though this term can also apply to lower intensity and less costly alternatives.

**Continuum of Treatment Alternatives.** As noted above, Assertive Community Treatment (ACT), Forensic ACT, Integrated Dual Disorder Treatment, and other best practices such as Critical Time Intervention are specifically designed for use by high utilizers of inpatient and correctional system resources. The cost of a best practice ACT team is approximately \$15,000 per year, per treatment slot. In general, cost-effectiveness studies have found ACT teams to cost about the same per person as the inpatient care and other costs averted by their use.

**Continuum of Crisis Supports.** In addition to bed and treatment alternatives, an array of other crisis supports can reduce the need for inpatient care and divert individuals from both inpatient and forensic settings. These include:

- **Psychiatric Emergency Centers:** The essential functions of a psychiatric emergency center include immediate access to assessment, treatment, and stabilization for individuals with the most severe and emergent psychiatric symptoms in an environment with immediate access to emergency medical care.
- **Observation Beds:** These are very high acuity (and high cost) evaluation beds, time-limited to 23 hours or less where individuals receive evaluation and intervention to determine if their acute situation can be stabilized sufficiently to avoid hospitalization (often discharging to another crisis placement). These settings are usually located within hospitals because of the high acuity situations they manage.
- **Crisis Triage / Assessment Centers and Crisis Urgent Care Centers:** These are walk in locations in which crisis assessments and the determination of priority needs are determined by medical staff (including prescribers). Crisis urgent care centers provide immediate walk-in crisis services. They may or may not be based in a hospital. Such centers may be peer-run (such as the Recovery Innovations program in Harris County).
- **Mobile Crisis Outreach Team (MCOT):** These are mobile services that provide psychiatric emergency and urgent care, with the capacity to go out into the community (in the person's natural environment) to begin the process of assessment and treatment outside of a hospital or health care facility. The MCOT has access to a psychiatrist and usually operates 24/7 (though overnight response may be less comprehensive).
- **Crisis Telehealth:** These are crisis assessment or intervention services provided through telehealth systems. They can allow access to higher-level medical (e.g., psychiatrist) capacity within the crisis settings noted above or other settings. It can also include consultation through telehealth systems by a behavioral health specialist to non-psychiatrist medical staff to facilitate the assessment or management of individuals in other non-behavioral settings (e.g., general emergency departments, jails).

### MMHPI Recommendations

Based on our ongoing review of the available data on costs and effectiveness, MMHPI recommends that communities be empowered and held accountable for developing comprehensive crisis systems to reduce use of state hospitals and inappropriate use of forensic

and criminal justice settings. This requires more than having the state “purchase or build more beds;” it requires effective procurement of an array of crisis supports, operating in a system for which the local community is accountable and responsible.

MMHPI recommends that states align purchasing of inpatient capacity, crisis services, and intensive treatment capacity in a coordinated effort to help local communities fill gaps, such as those noted above. Furthermore, in Texas multiple payers (DSHS, counties, Medicaid managed care organizations, private insurance payers) have need of crisis services for the people they serve, so the service should be developed as an integrated, multi-payer system.

If willing and able to pass proportionate costs on to third party payers (e.g., Medicaid managed care organizations), local mental health authorities (LMHAs) would be one possible point of responsibility and accountability for such systems. However, not all LMHAs may be willing or able to carry out these requirements, so provisions may be necessary to purchase regional systems through other means. Local match requirements may be necessary to ensure that local governments appropriately participate in costs. Ideally, in alignment with DSHS Sunset Recommendation 2.1, these systems would be part of integrated behavioral health systems that include access to substance abuse treatment and detox services.

If contracted to local service systems, MMHPI projects that the cost of filling the gap could be substantially less than the cost of developing a comparable number of inpatient beds, and the effectiveness would likely be higher. This could be done by:

- Shifting responsibility for the allocation of current beds to LMHAs, per DSHS Sunset Recommendations;
- Allocating the cost of developing additional needed inpatient capacity proportionally, as recommended in the CannonDesign report;
- Instituting cost-sharing requirements, per DSHS Sunset Recommendations, from LMHAs that overuse their allocated capacity to LMHAs that underuse;
- Instituting performance metrics related to emergency response time initially and, over time, emergency department overuse, post-inpatient discharge follow-up, and criminal justice system overuse. Performance metrics should be developed in collaboration with stakeholders, per DSHS Sunset Recommendations.

In order to achieve cost and performance goals, local systems would need to move toward implementing the following features in their crisis systems:

- **Promote universal and early access to help.** Each community should have a clear protocol by which an individual or a family, regardless of insurance status (including uninsured, Medicaid, and commercial insurance), in any kind of mental health or substance abuse crisis, can ask for and receive help quickly and easily and obtain a proactive and timely response, whether through walk-in or mobile services.

Measurement of timeliness of response and access to voluntary help versus help through law enforcement or an emergency department should be key success metrics.

- **Identify and fund local crisis coordination and continuity “leads” in each region or community.** These entities would be responsible for coordinating all care for individuals in crisis and providing oversight and performance improvement activities. Access to crisis intervention, including mobile outreach, for those at high risk of hospitalization, incarceration, or homelessness, should be a priority metric for system success and a priority for system funding by all payers, including Medicaid and private insurers.
- **Develop and fund a full range of diversion services.** Policy makers need to provide definitions for each type of service, with local flexibility and development incentives to fill gaps. Policy makers could also address the current licensing and certification rigidity that interferes with development. All funders would need to certify and adequately reimburse diversion services, just as they are required to reimburse inpatient services.
- **Promote a wide range of locally accessible psychiatric inpatient services (in freestanding and community hospitals) to eliminate reliance on state hospitals for acute care.** In accord with the Long Term Plan and HB 3793 recommendations, state hospitals should be used only for long-term rehabilitative and recovery services for the most severely impaired individuals, as well as for forensic services that cannot be performed in less restrictive settings. The state needs to coordinate all funding, including state, local, Medicaid, Medicare, and private insurance to help local systems and their hospitals develop adequate acute capacity at the local level. State licensing and oversight needs to be supportive of the ability of hospitals to develop successful programs within the rate structure provided. Successful application of this approach could result over time in additional savings through reduced reliance on selected state hospitals in which physical plant challenges are especially costly to repair.
- **Facilitate access to crisis help, including emergency detention, with minimal use of law enforcement and the judicial system.** Many states facilitate access to civil commitment by providing authority to physicians, psychologists, nurse practitioners, and licensed social workers to initiate short-term emergency holds for evaluation without requiring the involvement of justice personnel. The 2012 Texas Appleseed review of the Texas Mental Health Code includes many ideas to help Texas reduce reliance on law enforcement.
- **Maximize access to peer support.** Peer support should be a core feature of diversion programs and acute care. As recommended by the Hogg Foundation, reimbursement models should remove restrictions on use of peer support to include all types of mobile and site-based diversion services, regardless of provider type. Peer-operated crisis services should be developed in all local systems.
- **Maximize access to telehealth.** Telehealth services by licensed practitioners should be made available throughout the full range of crisis diversion services, including mobile crisis, rather than only in licensed health facilities.

## Appendix Three: Additional Detail on Best Practices Noted In Report

### Adult Best Practices Noted in Report

**Assertive Community Treatment (ACT).** ACT is an integrated, self-contained service approach in which a range of treatment, rehabilitation, and support services are directly provided by a multidisciplinary team composed of psychiatrists, nurses, vocational specialists, substance abuse specialists, peer specialists, mental health professionals, and other clinical staff in the fields of psychology, social work, rehabilitation, counseling, and occupational therapy. Given the breadth of expertise represented on the multidisciplinary team, ACT provides a range of services to meet individual consumer needs, including (but not limited to) service coordination, crisis intervention, symptom and medication management, psychotherapy, co-occurring disorders treatment, employment services, skills training, peer support, and wellness recovery services. The majority of ACT services are delivered to the consumer within his or her home and community, rather than provided in hospital or outpatient clinic settings, and services are available round the clock. Each team member is familiar with each consumer served by the team and is available when needed for consultation or to provide assistance. The most recent conceptualizations of ACT include peer specialists as integral team members. ACT is intended to serve individuals with severe and persistent mental illness, significant functional impairments (such as difficulty with maintaining housing or employment), and continuous high service needs (such as long-term or multiple acute inpatient admissions or frequent use of crisis services).<sup>9</sup>

The Substance Abuse and Mental Health Services Administration (SAMHSA) also developed an ACT Implementation Kit (often referred to as a “toolkit”) to provide guidance for program implementation.<sup>10</sup> More recent ACT promotion efforts seeking to systematically promote consistent outcomes across programs over time in the states of Washington, Indiana, North Carolina, and elsewhere have focused on supporting ACT service development through a comprehensive process of interactive, qualitative fidelity monitoring of clinical services using best practice measures such as the Tool for Measurement of Assertive Community Treatment (TMACT). This is the current standard in the field and represents the best currently known way to broadly develop high quality teams system wide building on the lessons of best practice implementation science.<sup>11</sup> Such an approach is particularly critical because high fidelity

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<sup>9</sup> Morse, G., & McKasson, M. (2005). Assertive Community Treatment. In R.E. Drake, M. R. Murrain, & D.W. Lynde (eds.). Evidence-based mental health practice: A textbook.

<sup>10</sup> Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS). (2003). Evidence-Based Practices: Shaping Mental Health Services Toward Recovery: Assertive Community Treatment Implementation Resource Kit. Rockville, MD: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services. (SAMHSA/CMHS ACT Resource Kit).

<sup>11</sup> Fixen, D.L. et al. (2005). Implementation research: A synthesis of the literature. Tampa: University of South Florida. Monroe-DeVita, M., Teague, G.B., & Moser, L.L. (2011). The TMACT: A new tool for measuring fidelity to Assertive Community Treatment. *Journal of the American Psychiatric Nurses Association*, 17(1), 17-29.

implementation of programs like ACT is a predictor of good outcomes<sup>12</sup> and of system wide cost savings.<sup>13</sup> Rigorous fidelity assessment also provides a basis for needed service delivery enhancements within a continuous quality improvement (CQI) process. In effect, qualitative clinical services monitoring will help ensure fidelity to the ACT model, evaluate whether settlement stipulations are being met, and contribute to a continuous quality improvement process.

ACT is one of the most well-studied service approaches for persons with SPMI, with over 50 published studies demonstrating its success<sup>14</sup>, 25 of which are randomized clinical trials (RCTs).<sup>15</sup> Research studies indicate that when compared to treatment as usual (typically standard case management), ACT substantially reduces inpatient psychiatric hospital use and increases housing stability, while moderately improving psychiatric symptoms and subjective quality of life for people with serious mental illnesses.<sup>16</sup> Studies also show that consumers and their family members find ACT more satisfactory than comparable interventions and that ACT promotes continuity.

This intervention is most appropriate and cost-effective for people who experience the most serious symptoms of mental illness, have the greatest impairments in functioning, and have not benefited from traditional approaches to treatment. It is often used as an alternative to restrictive placements in inpatient or correctional settings.

**Comprehensive, Continuous, Integrated System of Care (CCISC): An Evidence-Based Approach for Transforming Behavioral Health Systems by Building A Systemic Customer-Oriented Quality Management Culture and Process.** Multiple methods have been developed for improving quality management in organizations, building on Deming's original Plan-Check-Act-Do model, including the ISO 9001:2008 standards for manufacturing noted above, various specific quality planning approaches (e.g., kaizen, lean, six sigma, etc.), and quality frameworks for healthcare more broadly (e.g., the National Committee for Quality Assurance). It was noted

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<sup>12</sup> Teague & Monroe-DeVita (in press). Not by outcomes alone: Using peer evaluation to ensure fidelity to evidence-based Assertive Community Treatment (ACT) practice. In J. L. Magnabosco & R. W. Manderscheid (Eds.), *Outcomes measurement in the human services: Cross-cutting issues and methods* (2nd ed.). Washington, DC: National Association of Social Workers Press.

<sup>13</sup> See for example, Latimer, E. (1999). Economic impacts of assertive community treatment: A review of the literature. *Canadian Journal of Psychiatry*, 44, 443-454.

<sup>14</sup> The Lewin Group. (2000). Assertive community treatment literature review. from SAMHSA Implementation Toolkits website: [http://media.shs.net/ken/pdf/toolkits/community/13.ACT\\_Tips\\_PMHA\\_Pt2.pdf](http://media.shs.net/ken/pdf/toolkits/community/13.ACT_Tips_PMHA_Pt2.pdf)

<sup>15</sup> Bond, G. R., Drake, R.E., Mueser, K.T., & Latimer, E. (2001). Assertive community treatment for people with severe mental illness: Critical ingredients and impact on patients. *Disease Management & Health Outcomes*, 9, 141-159.

<sup>16</sup> Bond, G. R., Drake, R.E., Mueser, K.T., & Latimer, E. (2001). Assertive community treatment for people with severe mental illness: Critical ingredients and impact on patients. *Disease Management & Health Outcomes*, 9, 141-159.

above that the challenges in behavioral health systems are specific and in some ways more complex. Fortunately, over the last 15 years a specific model for behavioral health system design and implementation, consistent with the core quality improvement principles of the IOM framework, has been developed and replicated in numerous public behavioral health systems.

The Comprehensive, Continuous, Integrated System of Care (CCISC) model was developed over the past 15 years by ZiaPartners. It is an evidence-based model<sup>17</sup> that has been identified by SAMHSA as a “best practice” for system design, and has been used in dozens of local and state systems of care internationally, in over 25 states across the U.S., and in 10 California counties. CCISC is designed to create a framework for systems to engage in this type of vision-driven transformation. It is built on the framework of the IOM Quality Chasm series, which has recommended the need for a customer-oriented quality improvement approach to inform all of health and behavioral health care. Below are the key elements:

1. The system must be built to fulfill the biggest possible vision of meeting the needs and hopes of its customers: both the individuals and families who are seeking help, and the system partners (e.g., criminal justice, child welfare, juvenile justice, homeless services, public health, etc.) that share the responsibility to respond. The emphasis always begins with those individuals and families who the system is currently not well designed to serve (people with co-occurring issues, people with cultural diversity, people in complex crisis, etc.).
2. The whole system must be organized into a horizontal and vertical continuous quality improvement partnership, in which all programs are responsible for their own data-driven quality improvement activities targeting the common vision that all programs become person/family-centered, recovery/resiliency-oriented, trauma-informed, complexity capable (that is, organized to routinely integrate services for individuals and families with multiple complex issues and conditions), and culturally/linguistically competent. In addition, all the major processes and subsystems (e.g., crisis response) must be reworked within this quality improvement partnership to be better matched to what people need.
3. The whole process is designed to implement a wide array of best practices and interventions into all the core processes of the system at an adequate level of detail to ensure fidelity and achieve associated outcomes. This is not about simply "funding special

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<sup>17</sup> Minkoff, K. and Cline, C. 2004. Changing the world: The design and implementation of comprehensive continuous integrated systems of care for individuals with co-occurring disorders. *Psychiatric Clinics of North America*, 27: 727-743.

Minkoff, K. and Cline, C. 2005. Developing welcoming systems for individuals with co-occurring disorders: The role of the Comprehensive Continuous Integrated System of Care model. *Journal of Dual Diagnosis*, 1:63-89.

programs," but rather about defining what works and making sure, within the systemic continuous quality improvement (CQI) practice improvement/workforce development framework, that what works is routinely provided in all settings.

4. The whole process is data driven. Each CQI component, whether at the program level, the subsystem level, or the overall system level, is driven by commitment to measurable progress toward quantifiable objectives.
5. The whole process is built within existing resources. All systems need more resources, but it is critical to challenge ourselves to use the resources we have as wisely as possible before acquiring more. In most behavioral health systems, as noted by the IOM, poor system design produces inefficient and ineffective results, and then more resources are invested to work around the poorly designed system. The goal of CCISC is to create processes to move beyond that over time.
6. The whole process is built with the assumption that every piece of practice and process improvement needs to be anchored firmly into the supporting operational administrative structure and fiscal/regulatory compliance framework. This includes not only clinical instructions, but also resource and billing instructions, quality and data instructions, paperwork and documentation requirements, and so on. The fiscal/regulatory compliance framework can be the biggest supporter of quality-driven change, if the same rigidity that may hold ineffective processes in place is "re-wired" to hold improved clinical processes in place that are consistent with the overall values and mission of the systems. Many systems think that this cannot occur, and therefore stop trying. CCISC challenges systems to discover the ways that financial integrity and value-driven practice can be anchored into place simultaneously.

The whole CCISC process begins with a big vision of change and puts in place a series of change processes that proceed in an incremental, stepwise fashion over time. However, because the design of the process is to create organized accountability for change at every level of the system concurrently, thereby increasing the total activation and personal responsibility for improvement by both customers and staff (both front line and managers), even though each part of the system may only take small steps, the whole system starts to make fundamental changes in its approach to doing business. Although a transformation process is by design "continuous improvement" and will involve significant changes over several years, the shift to implementation of a quality-driven framework process can occur in a relatively short time frame (e.g., six to 12 months).

## Child and Family Best Practices Noted in Report

**Wraparound Service Coordination** (based on the standards of the National Wraparound Initiative) is an integrated care coordination approach delivered by professionals, alongside youth and family partners, for children involved with multiple systems and at the highest risk for out-of-home placement.<sup>18</sup> Wraparound is not a treatment per se. Instead, wraparound facilitation is a care coordination approach that fundamentally changes the way in which individualized care is planned and managed across systems. The wraparound process aims to achieve positive outcomes by providing a structured, creative and individualized team planning process that, compared to traditional treatment planning, results in plans that are more effective and more relevant to the child and family. Additionally, wraparound plans are more holistic than traditional care plans in that they address the needs of the youth within the context of the broader family unit and are also designed to address a range of life areas. Through the team-based planning and implementation process, wraparound also aims to develop the problem-solving skills, coping skills and self-efficacy of the young people and family members. Finally, there is an emphasis on integrating the youth into the community and building the family's social support network. The wraparound process also centers on intensive care coordination by a child and family team (CFT) coordinated by a wraparound facilitator. The family, the youth, and the family support network comprise the core of the CFT members, joined by parent and youth support staff, providers involved in the care of the family, representatives of agencies with which the family is involved, and natural supports chosen by the family. The CFT is the primary point of responsibility for coordinating the many services and supports involved, with the family and youth ultimately driving the process. The wraparound process involves multiple phases over which responsibility for care coordination increasingly shifts from the wraparound facilitator and the CFT to the family (for additional information on the phases of the wraparound process, see information at [http://www.nwi.pdx.edu/NWI-book/Chapters/Walker-4a.1-\(phases-and-activities\).pdf](http://www.nwi.pdx.edu/NWI-book/Chapters/Walker-4a.1-(phases-and-activities).pdf)).

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<sup>18</sup> Bruns, E.J., Walker, J.S., Adams, J., Miles, P., Osher, T.W., Rast, J., VanDenBerg, J.D. & National Wraparound Initiative Advisory Group. (2004). Ten principles of the wraparound process. Portland, OR: National Wraparound Initiative, Research and Training Center on Family Support and Children's Mental Health, Portland State University.

Aos, S., Phipps, P. Barnoski, R., & Lieb, R. (2001). The Comparative Costs and Benefits of Programs to Reduce Crime. Olympia: Washington State Institute for Public Policy.

Hoagwood, K., Burns, B., Kiser, L., et al. (2001). Evidence-based practice in child and adolescent mental health services. *Psychiatric Services*. 52:9, 1179-1189.

## MEMORANDUM

**TO:** Melinda Galler, Assistant City Manager

**FROM:** Russ Kerbow, Police Chief

**DATE:** May 18, 2015

**SUBJECT:** Public Hearing: Consideration of Lewisville Juvenile Curfew Ordinance.

### BACKGROUND

On September 12, 1994, the City of Lewisville adopted the Juvenile Curfew Ordinance to help combat juvenile crime.

Section 370.002 of the Local Government Code requires a review of the Juvenile Curfew Ordinance before the third anniversary of the date of adoption, and every third year thereafter. Council conducted the last review in June 2012.

Section 370.002 also requires that the City Council review the ordinance and its effects on the community. The Council is to address problems the ordinance was intended to remedy, to conduct public hearings on the need to continue the ordinance, and to abolish, continue or modify the ordinance. Should the Council fail to conduct the review, the ordinance will expire.

### ANALYSIS

Curfew hours shall mean:

- a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- b. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

The ordinance contains the following defense to prosecution section:

(c) Defenses.

- (1) It is a defense to prosecution under subsection (b) that the minor was:
  - a. Accompanied by the minor's parent or guardian;
  - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - c. In a motor vehicle involved in interstate travel;
  - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

- e. Involved in an emergency;
- f. On the sidewalk abutting the minor' s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- i. Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

Lewisville Police Department officers continue to use the Juvenile Curfew Ordinance as a tool to combat juvenile crime. Police supervisors believe strongly that the ordinance is effective and positively affects the control of juvenile crime. Effective ordinances establish rules that help Lewisville neighborhoods continue to thrive. A study on the effectiveness of juvenile curfew laws on crime prevention recognizes that juvenile crime and victimization reductions do occur by keeping children off the street.<sup>1</sup> A spillover effect of a curfew ordinance is in providing parents with a tool to aid them in keeping their children off the street at night and under better supervision. The number of juveniles observed during curfew hours since the passage of this ordinance has reduced. Police enforcement activity of the curfew ordinances is as follows:

<b>Year</b>	<b>Number of Curfew Warnings to Juveniles</b>	<b>Number of Actual Citations Issued for Violation of Curfew Ordinance</b>	<b>Total</b>
1994	21	20	41
1995	119	20	139
1996	67	36	103
1997	85	25	110
1998	67	42	109
1999	61	85	146
2000	58	69	127
2001	85	55	140
2002	5	49	54

<sup>1</sup> Adams, Kenneth. 2003. The Effectiveness of Juvenile Curfews at Crime Prevention. *The Annals of the American Academy*, 587: 136-159.

Subject: Review of Juvenile Curfew Ordinance  
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2003	0	69	69
2004	7	142	149
2005	12	67	79
2006	28	101	129
2007	15	109	124
2008	8	84	92
2009	11	20	31
2010	5	11	16
2011	3	15	18
2012	10	27	37
2013	6	15	21
2014	5	8	13

The City Attorney recommends holding two public hearings. The suggested dates for the public hearings are June 1 and June 15, 2015.

**RECOMMENDATION**

That the City Council conduct the public hearing.

LOCAL GOVERNMENT CODE

TITLE 11. PUBLIC SAFETY

SUBTITLE C. PUBLIC SAFETY PROVISIONS APPLYING TO MORE THAN ONE TYPE  
OF LOCAL GOVERNMENT

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO MUNICIPAL AND  
COUNTY HEALTH AND PUBLIC SAFETY

Sec. 370.001. HEALTH CONTRACTS IN BORDER MUNICIPALITIES OR COUNTIES. The governing body of a municipality or county that has a boundary that is contiguous with the border between this state and the Republic of Mexico may contract with a border municipality or state in the Republic of Mexico to provide or receive health services.

Added by Acts 1991, 72nd Leg., ch. 769, Sec. 1, eff. Aug. 26, 1991.

Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

(a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;

(2) conduct public hearings on the need to continue the ordinance or order; and

(3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.

Added by Acts 1995, 74th Leg., ch. 262, Sec. 96, eff. May 31, 1995.

**Secs. 8-5—8-25. - Reserved.****ARTICLE II. - CURFEW**

FOOTNOTE(S):

--- (2) ---

**Editor's note—** Ord. No. 1970-9-94, § I, adopted Sept. 12, 1994, amended Art. II to read as set forth herein. Prior to such amendment, Art. II consisted of §§ 8-26—8-34, which pertained to curfew and derived from §§ 5-4-1—5-4-9 of the 1990 Code.

**Sec. 8-26. - Hours for minors.**(a) *Definitions.* In this section:(1) *Curfew hours* shall mean:

- a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- b. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(2) *Emergency* shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) *Establishment* shall mean any privately owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

(4) *Guardian* shall mean:

- a. A person who, under court order, is the guardian of the person of a minor; or
- b. A public or private agency with whom a minor has been placed by a court.

(5) *Minor* shall mean any person under 17 years of age.

(6) *Operator* shall mean any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(7) *Parent* shall mean a person who is:

- a. A natural parent, adoptive parent, or stepparent of another person; or
- b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

- (8) *Public place* shall mean any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (9) *Remain* shall mean to:
- a. Linger or stay; or
  - b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- (10) *Serious bodily injury* shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- (b) *Offenses.*
- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
  - (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
  - (3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.
- (c) *Defenses.*
- (1) It is a defense to prosecution under subsection (b) that the minor was:
    - a. Accompanied by the minor's parent or guardian;
    - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
    - c. In a motor vehicle involved in interstate travel;
    - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
    - e. Involved in an emergency;
    - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
    - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
    - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

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## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Nika Reinecke, Director of Economic Development and Planning

**DATE:** June 1, 2015

**SUBJECT:** **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) With Four Associated Variances to the Lewisville City Code of Ordinances Including Section 6-103 (Access Management); Section 6-92 (Paving); Section 6-123 (b) (Landscape Strip); Section 6-123 (d) (Interior Landscaping); for an Auto Display and Sales Facility on a 0.45-Acre Tract of Land out of the E. Pickett Survey, Abstract No. 1014; Located on the Northwest Corner of South Mill Street and Harvard Avenue, at 867 South Mill Street; and Zoned General Business (GB), as Requested by Ridinger Associates Inc. on Behalf of Mr. Reid Anderson of Reid's Auto Connection, the Property Owner (Case No. SUP-2015-04-04).**

### **BACKGROUND**

The Special Use Permit process allows for consideration of certain uses that may potentially be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions. The request is for the redevelopment of the existing Reid's Auto Connection facility located on the northwest corner of South Mill Street and Harvard Avenue. The property has been used commercially since the mid-1980s. The proposed redevelopment involves the construction of a new building on the site and a reconfiguration of the display and customer parking areas. The property previously consisted of two tracts, one zoned Single-Family Residential (R-7.5) and the other General Business (GB). At some point in time, the properties were combined into one property with split zoning. The entire property was rezoned to General Business in March 2015. The adjacent property to the north, as well as the majority of properties in this area facing South Mill Street, are zoned GB. Reid's Auto Connection recently purchased the property after being displaced from 1045 South Stemmons Freeway because of the I-35E expansion.

### **ANALYSIS**

#### **Exterior Building Design:**

The concept plan shows a new building of approximately 1,520 square feet and a matching screening wall that will be located at the western perimeter of the property adjacent to the Single-Family Residential (R-7.5) zoning along Harvard Avenue. The front and sides of the building will consist of windows with metal awnings. The front door will also contain an awning and transom window. The rear of the building is designed without openings and will serve as a part of the required screening wall. The front and sides of the building will use different brick colors to create a banding effect to the building's appearance that will blend in with the neighboring Old Town area.

A note on the development plan states that the existing 344 square-foot building on the property may be removed in the future. Staff recommends that the existing building be removed from the site within six months of the completion of the proposed building. To compensate for the loss of the existing building, staff has no objection to an increase of 344 square feet to the proposed building.

**Variance Requests:**

1. To allow a 46 foot control of access on South Mill Street in lieu of the required 100 feet.

Section 6-103 of the Code of Ordinances requires a 100-foot control of access along South Mill Street, which is defined as a four lane collector (C4U) street by the City's Thoroughfare Plan. Control of access is the distance from a street intersection measured from the intersecting right-of-way lines to the radius point of the first permitted driveway along the street. The owner has requested a variance to allow the updated driveway onto South Mill Street to be 46 feet from the intersection of South Mill Street and Harvard Avenue. The driveway onto South Mill Street is currently 40 feet wide with 5-foot turning radii and will be reconstructed to 24 feet wide with 20-foot turning radii. Staff has no objection to the request since there has not been any traffic issues related to the existing driveway since it was constructed. The proposed driveway improvements will meet the City's minimum requirements in regard to width and turning radii.

2. To waive the sidewalk requirement along Harvard Avenue.

Section 6-92 (h) of the Code of Ordinances requires a four-foot wide sidewalk along any street. Currently Harvard Avenue is a residential street between South Mill Street and Charles Street with no existing sidewalk. Requiring the addition of the sidewalk along Harvard Avenue would create a dead end sidewalk. Currently there is no worn path in the grass street parkway to indicate any significant pedestrian traffic along Harvard Avenue. Staff has no objection to the request.

3. To waive the Required 10 Foot Landscape Strip.

Sec. 6-123 (b) of the Code of Ordinances requires a 10-foot landscape strip with trees and shrubs along both the Harvard Avenue and South Mill Street frontages. The applicant is requesting to waive this requirement. The site is 140' x 140' and, by ordinance, requires three trees on each street frontage within a 10-foot landscape strip along with a row of shrubs a minimum of 24-inches in height. Currently this site contains no trees or landscape strip or landscaping of any kind on the property itself. Previously, Mr. Reid requested permission to remove the existing asphalt in the City's right-of-way and install grass, which has since been completed. The landscape and tree requirement is standard for all commercial development. It is staff's opinion that granting this variance would set an unfortunate precedent. Staff advised the applicant to provide a reduced landscape strip of two feet in lieu of the required ten feet with tree wells on site in order to satisfy the spirit of the ordinance; however, the applicant was not interested in providing any landscaping of any kind on site citing hardship with the loss of display area.

Subject: SUP for Outdoor Auto Display and Sales

June 1, 2015

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The existing site currently is grandfathered; however, the engineering site plan and Special Use Permit processes require that sites be redeveloped to meet all current ordinance requirements. Variances may be requested where a hardship or practical difficulties may result from strict compliance without nullifying the intent and purpose of the regulations. Trees and landscaping in addition to the new building would have drastically improved the site's overall aesthetic appearance. Staff recommends denial of this variance request as presented, but would support the alternative where the applicant would add a two-foot landscape strip with a total of six trees in tree wells (3 trees along South Mill Street and 3 trees along Harvard Avenue) along with evergreen shrubs a minimum of 24-inches in height at the time of planting.

4. To waive the required Interior Landscaping.

Sec. 6-123 (d) of the Code of Ordinances requires that interior customer/employee parking areas shall be landscaped in addition to the required landscape strip. Trees must be provided in the parking area at a ratio of one tree per every 15 parking spaces provided, or fraction thereof. Additionally, interior landscaping of 5% of the total parking area is required for this site. The required number of trees for this section of the ordinance is one, which must be located in the parking area. The applicant is requesting a waiver of the one required tree but stated they "may" provide potted shrubs or smaller trees that could be moved if needed. Staff has no objection to the omission of the single required tree and the required 5% interior landscaping due to the small size of the site and the limited areas available for the operation of the business and required parking if the alternative two-foot landscape strip as outlined in variance request 3) above is provided.

**Conclusion:**

The Special Use Permit process allows the Planning and Zoning Commission and City Council to include additional conditions which would improve the aesthetics of the site and provide increased compatibility with surrounding developments. In this case, the conditions listed in the attached ordinance along with any landscape improvements required as part of the associated variance requests would have drastically improved the visual quality and aesthetics of this site, which is located in a high-visibility area and is situated on a major gateway to Old Town.

On May 19, 2015, the Planning and Zoning Commission recommended denial of the Special Use Permit by a vote of 4-2 due to concerns with the non-alignment of the proposal with the adopted vision and goals for this area in Lewisville 2025 and the Mill Street Corridor Master Plan along with concerns regarding the lack of proposed landscaping to enhance the visual character of the area.

**RECOMMENDATION:**

It is City staff's recommendation that the City Council deny the Special Use Permit and the four associated variances as set forth in the caption above.

# Location Map- Reids Auto Connection SUP



**CASE NO. SUP-2015-04-04**

**OWNER:** REID'S AUTO CONNECTION

**APPLICANT/ ENGINEER:** TRACY LAPIENE, RIDINGER ASSOCIATES, INC

**PROPERTY LOCATION:** 867 S. MILL STREET (0.45 ACRES)

**CURRENT ZONING:** GENERAL BUSINESS (GB)

**REQUESTED USE:** SPECIAL USE PERMIT (SUP) FOR OUTDOOR AUTO DISPLAY AND SALES

GB - General Business

ST

# Aerial Photo- Reids Auto Connection SUP



**MINUTES  
PLANNING AND ZONING COMMISSION  
MAY 5, 2015**

**Item 3:**

Public Hearing – Special Use Permits (SUP) were next on the agenda. One SUP was on the agenda for consideration:

- A. Consideration of a Special Use Permit (SUP) for an auto display and sales facility on a 0.45 acre tract of land out of the E. Pickett Survey, Abstract 1014; located on the northwest corner of South Mill street and Harvard Avenue, at 867 South Mill Street; and zoned General Business (GB). The request is being made by Ridinger Associates Inc. on behalf of Mr. Reid Anderson of Reid's Auto Connection, the property owner. (Case No. SUP-2015-04-04).

Richard Luedke, Planning Manager, presented the Special Use Permit request for the auto display and sales facility with related variances. Staff also explained the proposed conditions for the Special Use Permit: 1.) The existing 344 square foot building shall be removed within three months of the completion of the proposed 1,520 square foot building; 2.) A two-foot wide landscape strip with evergreen shrubs a minimum of 30-inches in height at time of planting shall be provided in lieu of the required 10-foot landscape strip; 3.) Three trees in tree wells shall be planted along both the South Mill Street and the Harvard Avenue frontages. Staff provided examples of other auto sales /display facilities that provided shrubs along their street frontages. Member Sean Kirk was in favor of the landscape compromise. Member Alvin Turner asked about the fencing at the northern side of the property. Member Steve Byars stated that the proposal provided only marginal aesthetic improvements and he was not in favor of the proposal. Member Kristen Green expressed her concern that the Mill Street corridor is a critical gateway into Old Town Lewisville and that this proposal does not fit in with this plan. She had concerns over the minimal landscaping plan and was not in favor of the proposal. Sean Kirk was in favor of the proposal since the applicant was trying to improve the site and that this was a good compromise and stressed the need to work with businesses.

Tracy LaPiene, of Ridinger Associates, Inc., outlined the details associated with the proposal. Tracy spoke of the area being used for commercial development for over 30 years with many of them used as auto sales facilities. He also spoke of Mr. Anderson's auto sales facility being displaced from his former location because of the I-35E widening. He indicated that this was a high end car dealership and that Mr. Anderson wants to improve the site and has started by removing the asphalt from the City parkway and replaced it with grass. He also noted an existing strip of grass along the northern part of the lot. As for the trees, Mr. Anderson was not in favor of trees; not because of the aesthetic reasons; but because they become a maintenance issue in keeping the cars clean. With regard to the shrubs he felt that the shrubs would block the display and were meant to keep headlight glare off of pedestrians and passersby. In addition Mr. Anderson did not want to have the expense of saw-cutting the pavement to add landscaping. Mr. LaPiene also indicated that the applicant did not necessarily wish to tear down the other building, but may want to keep it for detailing cars. Mr. Anderson wanted to be able to tear down the smaller building at his own discretion. Mr. Anderson, the property owner also spoke in favor of the request and reiterated that he had moved to this location after having been displaced from his I-35E location. He indicated that he had already spent a significant amount of money already to improve the site.

He indicated that he wants to make the site better by adding the new building. Mr. Anderson was concerned about adding trees due to bird dropping damaging the cars. The public hearing was then opened and there being no one else present to speak, the public hearing was then closed. Member Brandon Jones asked Mr. Anderson if the three month condition to remove the building was enough time for him to do so. Mr. Anderson reiterated that he thought about possibly using that building for detailing cars under the awning, but would comply if needed. The members asked staff if a six month time frame instead of the three month time limit would be possible. Staff indicated that six months would be acceptable and if Mr. Anderson wished to expand the proposed building to include an additional 344 square feet, equal to what he was losing with the other building's removal, staff would support that as well.

A motion was made by Sean Kirk to approve the Special Use Permit with the following conditions: 1.) The existing 344 square foot building shall be removed within six months of the completion of the proposed 1,520 square foot building. The applicant may increase the size of the proposed building 344 square feet to compensate for the loss of the smaller building; 2.) A two-foot wide landscape strip with evergreen shrubs a minimum of 30-inches in height at time of planting shall be provided in lieu of the required 10-foot landscape strip; 3.) Three trees in tree wells shall be planted along both the South Mill Street and the Harvard Avenue street frontages. The motion was seconded by Brandon Jones. The vote resulted in a tie, with three members voting in favor (Sean Kirk, Brandon Jones and James Davis) and three members voting in opposition (Steve Byars, Alvin Turner and Kristin Green). Alvin stated his concern was the visibility of vehicles trying to turn onto Mill Street because of the trees. After further discussion, the public hearing was reopened and a motion was made by Brandon Jones to continue the public hearing to the May 19, 2015 Planning and Zoning meeting, seconded by Sean Kirk. The motion passed unanimously (6-0).

**(DRAFT)**  
**MINUTES**  
**(DRAFT)**

**PLANNING AND ZONING COMMISSION**  
**MAY 19, 2015**

**Item 4:**

Public Hearing- Special Use Permits (SUP) were next on the agenda. There were two SUPs on the agenda for consideration.

- A. Continued: Consideration of a Special Use Permit (SUP) for an auto display and sales facility on a 0.45 acre tract of land out of the E. Pickett Survey, Abstract No. 1014; located on the northwest corner of South Mill Street and Harvard Avenue, at 867 South Mill Street; and zoned General Business (GB). The request is being made by Ridinger Associates Inc. on behalf of Mr. Reid Anderson of Reid's Auto Connection, the property owner. (Case No. SUP-2015-04-04).

Richard Luedke, Planning Manager, presented the Special Use Permit (SUP) request for the auto display and sales facility and outlined SUP conditions that the property also be developed and maintained: 1.) in compliance with the SUP letter of intent, development plan, conceptual

elevations and existing sign exhibit, 2.) in accordance with all federal, state, and local laws and regulations, 3.) by removing the existing 344 square foot building within six months of the completion of the proposed new building, which may be increased in size by 344 square feet to compensate for the removal of the existing building, 4). by complying with all landscape requirements of Section 6 of the Lewisville Code of Ordinances unless a variance is granted by the City Council. Mr. Luedke noted that the Commission would not be voting on the variances to the General Development Ordinance, as defined by the City Code. The variances will be considered by the City Council as a companion item to the SUP request. The Commission will only be recommending conditions related to the SUP. Kristin Green asked if the applicant was still requesting a full landscape variance by Council, which staff confirmed. Brandon Jones asked if staff had been working with the applicant on the revised conditions. Mr. Luedke responded that staff had indeed been working with the applicant and that that applicant desires to pursue the SUP variances as originally proposed.

At this point, Chairman Davis opened the Public Hearing for this item. Tracy LaPiene, of Ridinger Associates, Inc., outlined the details associated with the request. Mr. LaPiene began by saying that the applicant and staff have been working together for 9 months on this project. Mr. LaPiene then listed the accommodations that the applicant has conceded during the development review process, including the removal of site access points. Mr. LaPiene then described the improvements that the applicant performed on the site on his own initiative. He then stated that the Mill Street Corridor Plan identified trees and landscaping in the right-of-way along Mill Street, which he argued would make trees along Mill Street on the subject property unnecessary. Mr. LaPiene concluded by saying that the applicant already made a costly concession in agreeing to remove the existing structure.

The Commission then directed questions to the applicant's representative. Sean Kirk asked the reasons for not wanting landscaping. Mr. LaPiene responded that there are maintenance concerns with the trees and the shrubs would block the outdoor sales nature of the business. Mr. Kirk requested confirmation that the applicant was going to City Council with no proposed landscaping, to which Mr. LaPiene confirmed. Brandon Jones asked if the applicant agreed with the proposed building removal extension from three months to six months, to which Mr. LaPiene stated that he was in agreement.

The applicant, Mr. Reid Anderson stated that he may not proceed with the project if he was not allowed to develop as presented and that he had already invested over \$90,000 on the project. Having received no additional questions from the Commission, Chair Davis then closed the Public Hearing.

Kristin Green stated that while she appreciated the applicant's effort to reestablish himself in Lewisville, she thought that the SUP, specifically the conditions listed with the SUP, would set a bad precedent for the Mill Street area. The goals set forth in the Mill Street Corridor Plan must be supplemented by cooperation with private development in the area. She recommends upholding the standards that have been set forth in the City Ordinances. Stephen Byars cited a goal of the 2025 Plan to improve and beautify the Old Town District. Mr. Byars further cited the Mill Street Corridor Plan in which Mill Street is to be seen as an entry-point into the City. He felt that the proposed project would not meet the intentions of the plans. Chair Davis stated that he believed

that the applicant was making sufficient improvements to the site to recommend approval. Brandon Jones stated that the project will likely face opposition at the City Council in their request to not provide landscaping. Sean Kirk added that the lack of landscaping in the development plan is a concern.

A motion was made by Brandon Jones, seconded by James Davis, to approve the Special Use Permit with conditions that the property also be developed and maintained: 1.) in compliance with the SUP letter of intent, development plan, conceptual elevations and existing sign exhibit; 2.) in accordance with all federal, state, and local laws and regulations; 3.) by removing the existing 344 square foot building within six months of the completion of the proposed new building, which may be increased in size by 344 square feet to compensate for the removal of the existing building; and 4.) by complying with all landscape requirements of Section 6 of the Lewisville Code of Ordinances unless a variance is granted by the City Council. The motion failed by a vote of 2-4 (“Ayes”: Brandon Jones and James Davis; “Nays”: Sean Kirk, Kristin Green, Steve Byars, and Alvin Turner.) A motion was made by Sean Kirk to deny the Special Use Permit and seconded by Kristin Green. The motion passed by a vote of 4-2 (“Ayes”: Sean Kirk, Kristin Green, Steve Byars, and Alvin Turner; “Nays”: Brandon Jones and James Davis.)

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

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

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

(2) Reserved.

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

## **SECTION 17-29.5 - "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.)

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



**LEWISVILLE**  
 Deep Roots. Broad Wings. Bright Future.

**SPECIAL USE PERMIT (SUP)  
 APPLICATION**

Owner/s (name): Reid M. Anderson	
Company Name: Reid's Auto Connection	
Mailing Address: 4 Arrowhead Circle, Hickory Creek, TX 75065	
Work #: 972-436-6924	Cell #: 214-228-6924
E-Mail: reidmanderson@gmail.com	
Owner Signature <i>(Owner/s Must Sign or Submit Letter of Authorization):</i> 	Date: 10/30/14
Printed Name: Reid M. Anderson	

Applicant/Agent (name): Mr. Tracy A. LaPiene, P.E.	
Company Name: Ridinger Associates, Inc.	
Mailing Address: 550 S. Edmonds Ln., Lewisville TX 75067	
Work #: 972-353-8000	Cell #:
E-Mail: tlapiene@ridingerassociates.com	
Applicant/Agent Signature	Date: 10/30/14
Printed Name: Tracy A. LaPiene	

Current Zoning: <u>GB &amp; R-7.5</u>	Requested Zoning: <u>GB w/ Auto Uses</u>	Acres: <u>0.450</u>
Legal Description (Lot/ Block/Tract/Abstract): <u>DCAD# 19856</u>		
<u>A1014a E. Pickett, Tr 71, .45 Acres, Old Dcad Tr# 46 &amp; 48</u>		
Address/Location: <u>867 S. Mill St., Lewisville TX 75057</u>		

Application and Sign Fees:

X	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: <u>1</u>	SUP Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ <u>35.00</u>
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**Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.**

<b>Amount Due</b> (application & sign fee)	\$ <u>185.00</u>
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**REQUIRED:**

**Fully describe the plans for the property**

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Reid's Auto Connection plans to continue to operate a Automotive Sales use on this property, the same use as the previous owner had done for the last 8 years.

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Reid's Auto Connection proposes to construct a new building along the western side of the property and install wood fence along the western and a portion of the northern property line.

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There are a number of variance requests which are described in the Letter of Intent.

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**NOTE:**

Items must be staff approved and deemed complete before they will be placed on an agenda.

**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 FACILITY WITH OUTDOOR AUTO DISPLAY AND SALES ON AN APPROXIMATELY 0.45 ACRE TRACT OF LAND OUT OF THE E. PICKETT SURVEY ABSTRACT NO. 1014, LOCATED ON THE NORTHWEST CORNER OF SOUTH MILL STREET AND HARVARD AVENUE AT 867 SOUTH MILL STREET, AND ZONED GENERAL BUSINESS DISTRICT; 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 Specific Use Permit, as requested on the property described in the attached Exhibit “A”, (the “Property”), be **denied**; and

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

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

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

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

**SECTION 2. SPECIAL USE PERMIT GRANTED.** Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow a Facility with Outdoor Auto Display and Sales on the Property, which is zoned GB (General Business District).

**SECTION 3. CONDITIONS OF SPECIAL USE PERMIT.** This Special Use Permit is limited and only permits Automobile Display and Sales on the Property. The Property shall also be developed and maintained:

1. in compliance with the SUP letter of intent, development plan, conceptual elevations and existing sign exhibit, attached hereto as Exhibit B;
2. in accordance with all federal, state, and local laws and regulations;
3. by removing the existing 344 square foot building within six months of the completion of the proposed new building, which may be increased in size by 344 square feet to compensate for the removal of the existing building; and
4. by complying with all landscape requirements whether set forth in the Code of Ordinances or otherwise modified by City Council through a variance.

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

**SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS.**

The Property shall comply with all applicable municipal ordinances, as amended. In no way shall this Special Use Permit be interpreted to be a variance to any municipal ordinance.

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

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

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

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

**SECTION 9. PENALTY.** Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the

Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

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

**SECTION 11. EMERGENCY.** It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE 1ST DAY OF JUNE, 2015.**

**APPROVED:**

\_\_\_\_\_  
Rudy Durham, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Heinze, CITY SECRETARY

**ORDINANCE NO.** \_\_\_\_\_

**Page 5**

**APPROVED AS TO FORM:**

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Lizbeth Plaster, CITY ATTORNEY

Exhibit A  
Boundary and Topographic Survey

ORDINANCE NO. \_\_\_\_\_

Page 7

Exhibit B  
SUP Letter of Intent  
Development Plan  
Conceptual Elevations  
Existing Sign Exhibit

**FIELD NOTE DESCRIPTION:**

**BEING** a 0.450 acre tract of land situated in the E. Pickett Survey, Abstract No. 1014, and being that same tract of land described by deed to Herb G. Lockhart, as recorded in Volume 4925, Page 866, of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at a ½ inch iron rod found for the southwest corner of the herein described tract, same being the southeast corner of Lot 1, Block A of Dave Termin Subdivision, an addition to the City of Lewisville, Denton County, Texas, according to the Plat thereof recorded in Volume 2, Page 45 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and being in the north line of Harvard Avenue (a 50 foot wide right-of-way);

**THENCE** North 00 degrees 09 minutes 09 seconds West, with the east line of said Lot 1, a distance of 140.00 feet to a ½ inch iron rod found for corner, same being the common south corner of Lots 17 and 18, Block A of Dave Termin Subdivision, an addition to the City of Lewisville, Denton County, Texas, according to the Plat thereof recorded in Volume 424, Page 487, P.R.D.C.T.;

**THENCE** North 90 degrees 00 minutes 00 seconds East, with the south line of said Lot 17, a distance of 140.00 feet to a point for corner in the west line of S. Mill Street, same from which a ½ inch iron rod found bears South 67 degrees 03 minutes 45 seconds East, a distance of 0.33 feet;

**THENCE** South 00 degrees 09 minutes 09 seconds East, with the west line of said S. Mill Street, a distance of 140.00 feet to a 5/8 inch iron rod found for corner in the north line of said Harvard Avenue;

**THENCE** South 90 degrees 00 minutes 00 seconds West, with the north line of said Harvard Avenue, a distance of 140.00 feet to the **POINT OF BEGINNING** and containing a total of 0.450 acres of land, more or less, and being subject to any and all easements that may affect.



March 11, 2015

Eric Ferris, Director of Community Development  
City of Lewisville  
Department of Community Development  
151 West Church Street  
Lewisville, TX 75057

Re: **SUP Letter of Intent**  
**Reid's Auto Connection**  
867 S. Mill St., Lewisville, TX

Hello Mr. Ferris,

My Client, Reid's Auto Connection is requesting a Special Use Permit, with GB zoning, Auto Sales use, and requested variances as listed below, for his property at 867 S. Mill St., Lewisville, TX.

Reid's Auto Connection has been an existing local business operating in the City of Lewisville at 1045 S. Stemmons Freeway for a number of years. Reid's Auto Connection, has established a program which specializes in dealing with bankruptcies, enabling members of the community to purchase quality pre-owned vehicle of their choice, and helping with the process of rebuilding their buyer's credit.

The Texas Department of Transportation project on Interstate 35E is underway. Reid's Auto Connection along with a number of other local businesses have been displaced from their place of businesses due to this construction. This has placed our client in distress, working to maintain his business operations, and providing his livelihood. Reid's choice was to remain a business member of the Lewisville community and has purchased the property at 867 S. Mill St., Lewisville TX.

The use on this subject property has been automobile vehicle sales for the majority of the past decade. My client has purchased this property and wishes to continue with the same use as the previous owner. This property has been rezoned to GB.

My client wishes to construct a new building for his business to allow Reid's to function in the same capacity as his former location. The existing building on the site does not permit the mandated requirements with regard to separate offices for financial transactions and more office rooms are needed for his business to function. This proposed construction of a new building has been the triggering for the re-zoning and SUP applications.

Reid's is working to maintain their business operations, provide an aesthetically pleasing building, and to improve the site over what was existing. Reid's has already spent many thousands of dollars to mill and seal the existing asphalt and concrete pavement on the site,



removing the existing broken up asphalt paving between the property and the sidewalk on Mill Street and between the property and the edge of pavement on Harvard Avenue, and placed irrigation and sod within the City owned right-of-way to improve the appearance of the site.

In order for this site to be suitable for Reid's Auto Connection business operations, this site needs to maintain as much display area as possible. With this in mind, and the hardship and distress of the US Interstate 35E project having displaced them from their previous location, Reid's is requesting the following variances regarding landscaping and screening requirements be included in the SUP Ordinance.

1. Request a variance from Sec. 6-103 (c) Access Management

We are seeking a variance for minimum distance from driveway to intersection of right-of-way lines. As the existing drive off of S. Mill Street is currently 40' in width and 5' radii, we are proposing to remove the sides of the existing drive, to narrow it to 24' wide and 20' radii. This drive will be 46' from the start of curb return at Mill Street to the intersection of Harvard Ave right-of-way, which is less than the minimum required distance of 100'.

2. Request a variance from Sec. 6-92 (h) Sidewalks

We are seeking a variance for sidewalks on Harvard Avenue. As this project is on existing streets, no public improvements of the streets are required, and there are no existing sidewalks on either side of Harvard Avenue, we request that sidewalks not be required to be added along Harvard Avenue frontage.

3. Request a variance from Sec. 6-123 (b) Landscaping Strip requirement

Providing a landscaping strip within the property limits would cause a severe hardship on the use of this site and functionality of the site for business operations. I understand the intent of this ordinance when it applies to normal commercial uses where the primary access and use of the property is internal to the development and the landscape strip provides a buffer to visually separate the development from the travelling public.

Uses with outdoor display do not function in this manner and the visibility by the travelling public is essential to the operations. I have travelled through the majority of Lewisville looking at the existing screening and landscaping along small car dealerships and did not find any meeting this requirement. Requiring this of Reid's Auto Connection would put a disproportionate burden on his site over all the other existing dealerships in the Lewisville community, and cause financial hardship and the loss of display area and functionality of this site.

In addition, the Mill Street Corridor Plan, Proposed Streetscape Character cross section exhibits (April 2010, pg. 36) reflect proposed street trees within a "Nature Strip"



between the curb and sidewalk within the right of way. The proposed Mill Street Corridor project shall provide contiguous screening elements when it moves forward.

4. Request a variance from Sect 6-123 (d) Interior landscaping

Reid's feels that, with the very limited display areas available, providing interior landscaping trees, will visually block the view of vehicles and will create a cleaning maintenance issue. After the completion of the proposed new building, my client may seek to provide a number of potted shrubs or smaller trees that may improve the aesthetics of the site while providing flexibility if relocation is needed. There is an existing landscape strip along the north side of this property that provides more than the required percentage of interior landscaping and we are requesting waiver from requirement to plant trees.

We would like to express our appreciation to the City of Lewisville for understanding Reid's Auto Connection's displacement and hardship that was precipitated by the TXDOT Interstate 35E project and that Reid's intention is to provide a more aesthetically pleasing building and operation for the site.

We thank you for your consideration, and look forward to City Council's approval of the SUP.

Respectfully,

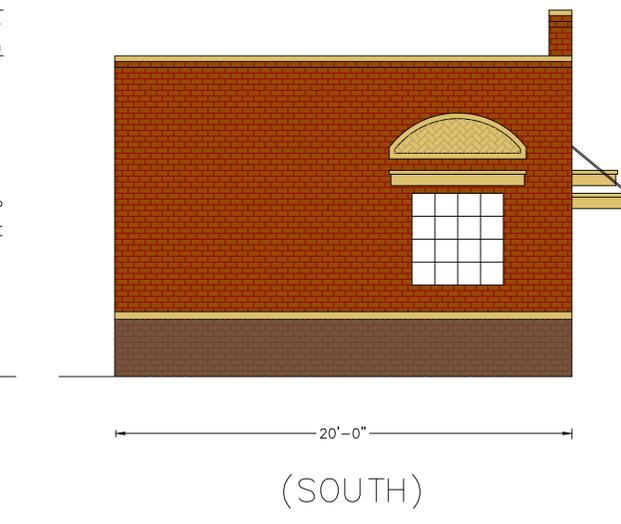
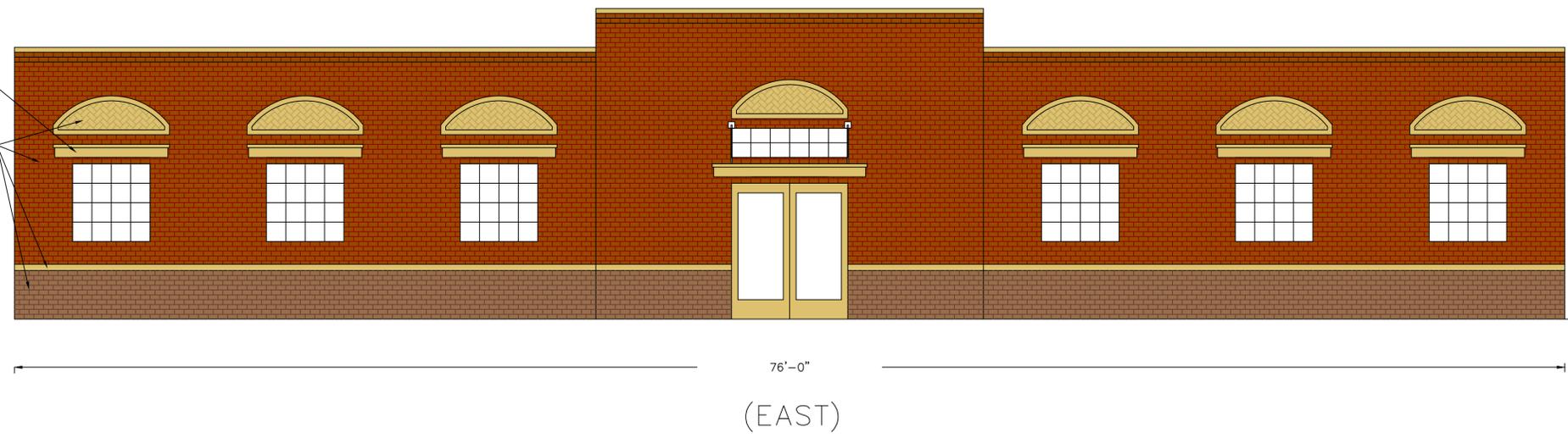
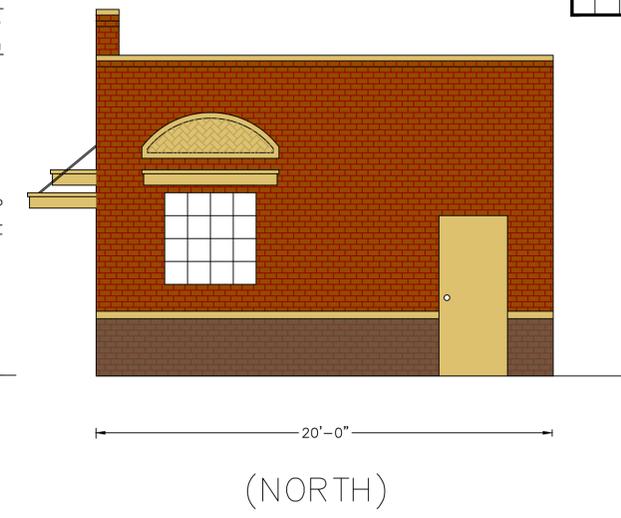
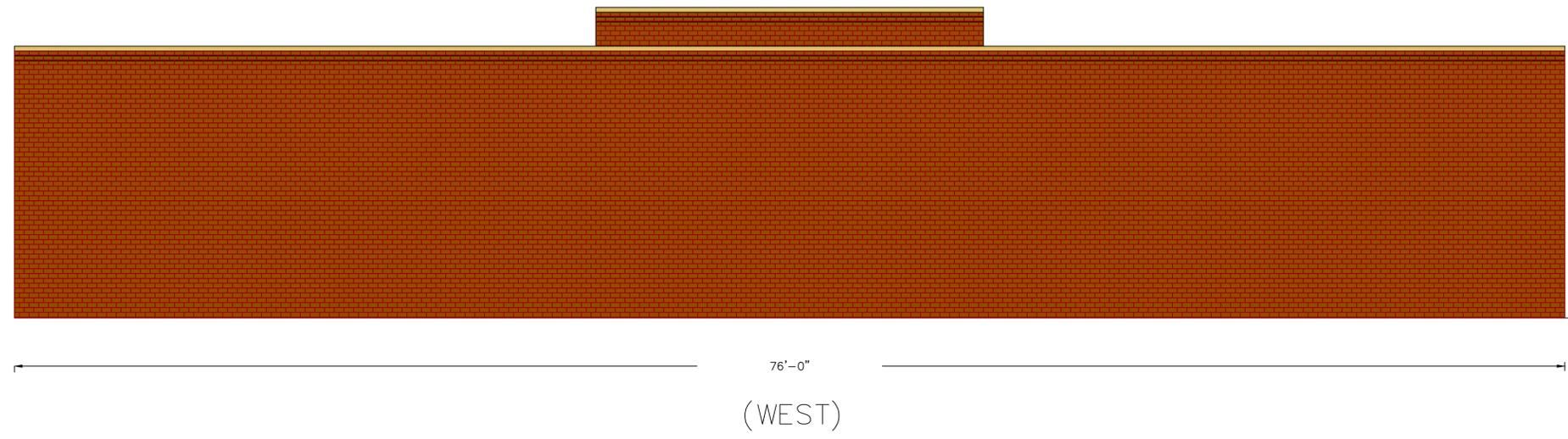
**Ridinger Associates, Inc.**

P.E. Firm No. 1969

A handwritten signature in blue ink, appearing to read "Tracy A. LaPiene".

Mr. Tracy A. LaPiene, P.E.  
Vice President





AWNINGS  
(STEEL-TYPICAL)  
BRICK

# REID'S AUTO CONNECTION CONCEPTUAL ELEVATIONS

MAIN COLOR: BRICK RED  
SECONDARY COLOR: DARK BROWN  
TRIM COLOR: BEIGE

(MANUFACTURER AND BRICK NAME/COLOR TO BE PROVIDED WITH BUILDING PERMIT APPLICATION)

THIS EXHIBIT DOES NOT REPRESENT DESIGN OF STRUCTURE AND HAS BEEN PREPARED AS A GRAPHIC EXHIBIT AS A CONCEPT FOR USE IN EVALUATION OF SUP APPLICATION FOR INTENDED USE OF PROPERTY. ELEVATION DRAWINGS SHALL BE PREPARED BY LICENSED ARCHITECT FOR ALL PERMIT APPLICATIONS. RIDINGER ASSOCIATES INC. MAKES NO WARRANTY AS TO THE DESIGN OF SAID EXHIBIT. OWNER RESPONSIBLE FOR CONFORMANCE TO ALL BUILDING REQUIREMENTS.

No.	Date	Revisions	App.

**Ridinger Associates, Inc.**  
Civil Engineers - Planners  
500 N. 196th Ave., Suite 101  
Lewisville, Texas 75067  
Tel. No. (972) 353-8000  
Fax No. (972) 353-8011

**PRELIMINARY**  
FOR REVIEW ONLY  
Not for construction, bidding, or permit purposes.  
Ridinger Associates, Inc.  
Civil Engineers & Planners  
Engineer: Tracy A. LePiane, P.E.  
P.E. No. 100599, Date 01/27/15

**REID'S AUTO CONNECTION**  
867 S. MILL STREET  
LEWISVILLE, TEXAS

**CONCEPTUAL ELEVATIONS**

Scale:	
Designed by:	
Drawn by:	
Checked by:	
Date:	JANUARY 27, 2015
Project No.:	131-001

SHEET

867 S. MILL ST.  
EXISTING SIGN EXHIBIT



EXISTING 4'X8' DUAL FACED SIGN  
13' GROUND TO BOTTOM OF SIGN  
17' TOTAL HEIGHT  
(SEE CONCEPT PLAN FOR EXACT LOCATION)



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.

MEMORANDUM

**TO:** Mayor Rudy Durham  
Mayor Pro Tem TJ Gilmore  
Deputy Mayor Pro Tem R. Neil Ferguson  
Councilman Leroy Vaughn  
Councilman Greg Tierney  
Councilman Brent Daniels

**FROM:** Donna Barron, City Manager

**DATE:** May 28, 2015

**SUBJECT:** Public Hearing: Consideration of Comments Related to a 90 Day Moratorium on the Acceptance of Permit Applications for Development of Commercial Property Zoned Light Industrial within the Northern Gateway of the I-35 Corridor, as Defined by the Lewisville 2025 Plan, Generally Located South of Lake Lewisville and North of Valley Ridge Boulevard.

BACKGROUND

The City Council adopted the Lewisville 2025 Plan in June 2014 and the IH-35E Redevelopment Plan in November 2014. Both plans had significant public input during the development process. These plans were adopted by the City Council to improve property values, create a strong future tax base and to ensure that all property owners are protected from uses that may be contrary to the adopted plans. Both plans envision the creation of a mixed use district on the west side of IH-35E located north of Valley Ridge Boulevard and south of Lewisville Lake. This area is defined as the Northern Identity Focal Point (Northern Gateway) in the Lewisville 2025 Plan.

ANALYSIS

Staff has worked closely with the major land owners in the Northern Identity Point to achieve an understanding of the adopted plans and the potential increase in value that can result if all property owners work together toward a cohesive plan. On May 6-7, 2015, a design charrette was organized by city staff to create a forum in which the four major property owners could come together and, over a two day period, discuss market conditions and the overall potential for this area. The property owners participating in the charrette process included O'Neil Grey (Santa Fe Realty), Connor Finney (ProLogis), Jack Graham (Alpha Republic Properties) and Bill Davidson (Lewisville 33 Partners, L.P.). These four representatives agreed to not only participate in the charrette process but to pay 50% of the cost of the process. At the conclusion of the charrette process, the four representatives agreed that a change in zoning on all four properties that would ensure some form of mixed use development was desirable. The consultant team communicated that an illustrative plan would be finalized and sent to them by mid-June.



**LEWISVILLE**

Deep Roots. Broad Wings. Bright Future.

Subject: Public Hearing  
June 1, 2015  
Page 2

Notice was published in the Dallas Morning News related to the adoption of an ordinance imposing a 90 day moratorium on the acceptance of permit applications for development of commercial property zoned Light Industrial within the Northern Gateway. After further consideration and given the 90 day time frame, staff is recommending that the geographical boundaries of the moratorium be further limited to undeveloped properties zoned Light Industrial located north of Valley Ridge Boulevard, west of McGee Lane, east of IH-35E and south of Lake Lewisville, all of which is located within the Northern Gateway. A 90 day moratorium allows staff time to finalize the charrette booklet/study and to create a framework to implement the adopted plans. Said framework would protect the properties in the defined geographical area from incompatible uses which would undermine the value of the properties and undermine the possibility of realizing the benefits envisioned in the Lewisville 2025 Plan. This 90 day moratorium would prevent the acceptance by the City of any development permit for undeveloped land zoned Light Industrial located within the defined geographical area.

Chapter 212, Subchapter E of the Texas Local Government Code sets forth the procedures for adopting a moratorium as well as the findings necessary to justify the moratorium. Before a moratorium may be imposed, two public hearings must be held—one hearing before the Planning and Zoning Commission (which is scheduled for 6:00 p.m. on June 1, 2015) and the other hearing before the City Council. The public hearings must provide municipal residents and affected parties an opportunity to be heard. These two public hearings were advertised in the Dallas Morning News on May 28 as required under the statute.

### **RECOMMENDATION**

Staff recommends that the City Council conduct the public hearing.

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Cleve Joiner, Director of Neighborhood Services

**VIA:** Eric Ferris, Assistant City Manager

**DATE:** June 1, 2015

**SUBJECT:** **Consideration of Five Variances to the Lewisville City Code Chapter 9.5 - Old Town Development Regarding Driveways, Sidewalks and Landscaping, for The Witherspoon Distillery Located at 225 South Charles Street, as Requested by Quentin D. Witherspoon, the Owner.**

### BACKGROUND

The subject site is the former Piggly Wiggly grocery store in Old Town. The property is being site planned and remodeled for a distillery use. Staff has reviewed and approved the Old Town Development Plan pending approval of five variances including: 1) to waive the driveway requirement disallowing driveways to extend beyond the property lines; 2) to waive the sidewalk requirement along Charles Street and Samuel Street; 3) to waive landscape requirements for irrigation; 4) waive the landscape buffer requirements and; 5) reduce interior landscape requirements and provide an alternate landscape plan. The Old Town Design Review Committee (OTDRC) approved the plan on March 23, 2015 by a vote of 4-0. The same variances were approved by OTDRC and City Council in June 2011 for a proposed office use by the Old Town Mail Shop however, that business never pursued construction.

### ANALYSIS

The location being in Old Town is required to follow the Old Town Development Ordinance. Driveway spacing is governed by Chapter 9.5, Section 92 Paving.

1. To allow the existing driveways radius to extend beyond the adjacent property lines as the North entrance off of Charles Street and off of the West entrance located off Samuel Street.

Section 92 (i) (1) b. of the Old Town Development Ordinance requires: The radius or flare point at the street or alley of any driveway shall not extend beyond the property line(s). Both of the existing driveways have radius that encroach onto the adjacent properties to the North and West of the site. Documentation of the adjoining property owners allowing the encroachment must be filed with the City prior to the approval of the Old Town Development Plan and issuance of building permits.

2. To waive the requirement to construct a sidewalk along Charles Street and Samuel Street.

Section 92 (h) of the Old Town Development Ordinance requires a sidewalk along city streets. The frontage for this site is approximately two hundred and ninety feet (290) as Charles Street and Samuel Street border the property on two sides. The sidewalk is required to be within the right-of-way. There are five (5) existing trees within the right-of-way. Two (2) large Live Oak trees with 24-inch and 36-inch diameters and one (1) Pecan tree with a 26-inch diameter located along Charles Street and two (2) large Live Oaks, both of which have a 36-inch diameter, located along Samuel Street. The right-of-way area from curb to property line along Charles Street is eight (8) feet in width and the right-of-way area along Samuel Street is ten (10) feet in width. The trees are listed in the Old Town Development Ordinance as approved for required landscaping on public right-of-way. Section 121 of the Old Town Development Ordinance, Landscaping Requirements, encourages the preservation of existing recommended trees. These trees would have to be removed in order to accommodate a sidewalk. In addition, there is no sidewalk south on Charles Street or west on Samuel Street and it is unlikely that there will be any connectivity in the near future. Adding sidewalk at this time would not be practical.

3. To allow an alternate Smartscape landscape plan in lieu of the required Irrigation.

Section 123 (f) of the Old Town Development Plan requires all landscaping to be irrigated. The applicant is requesting an alternative Smartscape Plan in lieu of a typical landscape plan that would require irrigation. Smartscape is a landscaping concept that requires less water on vegetation that is suited to soils and climate. The Smartscape landscape plan submitted provides additional landscape plants within the right-of-way consistent with the requirements of the ordinance however, the tree and scrub list is of plants that require little water and the applicant is requesting as part of the alternative landscaping plan to not provide irrigation to the area. It should be noted that as part of the proposed landscape plan, approximately half of the plantings are not listed as approved for planting in the Old Town Development Ordinance. Those plants as illustrated on the Landscape Planting Plan, page L1.01 (attached) Plant List are; Lacey Oak (*Quercus Glaucooides*), Mexican Feather Grass (*Stipa Tenuissima*), Pale Leaf Yucca (*Yucca Pallida*), Salviagreggi 'Red' (*Salvia Greggii*), Soft Leaf Yucca (*Yucca Recurvifolia*) and Texas Sage (*Leucophyllum Frutescens*).

4. To waive the required landscape buffer and utilize the existing right-of-way landscape buffer

Section 123(b) of the Old Town Development Ordinance (Multi-Family and Non-Residential Landscaping Requirements) requires a ten (10) foot landscape strip along the frontage of the property from the internal edge of the right-of-way towards the building on the property to include one (1) tree every fifty (50) feet or five hundred (500) square feet which would require eight (8) trees. Installation of the required landscape strip would eliminate thirty seven (37) parking spaces. While it would not jeopardize the current required parking count, it would limit the use of the business should the distillery move forward with its plans to host events. In addition, it would create an eighteen (18) foot landscape buffer on Charles Street and a twenty (20) foot landscape buffer on Samuel Street. Staff has determined that along with the existing five (5) mature trees and providing additional plantings of three (3) more trees and one hundred and two (102) various shrubs and grass plants, the existing landscape buffer within the right-of-way is adequate.

Subject: Witherspoon Distillery - Variances

June 1, 2015

Page 3 of 3

5. To reduce the interior landscaping to 6.5% in lieu of the required 8% of the gross parking area.

Section 123 (c) of the Old Town Development Plan requires interior landscaping to be eight (8) percent of the gross parking area. Due to the limited area for parking and maneuverability the applicant is requesting a reduction of the landscaping area however the applicant is providing significant tree, shrub and bush plantings in the areas provided. The areas are also part of the alternative Smartscape.

**RECOMMENDATION**

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



Attn: Old Town Development Review Committee  
City of Lewisville, Texas 75057

6 May, 2015

Quentin D. Witherspoon  
Witherspoon Distillery, LLC.  
545 N Cowan Ave, Ste. F  
Lewisville, Texas 75057

Re: Variance Request for 225 S Charles St.  
Greetings,

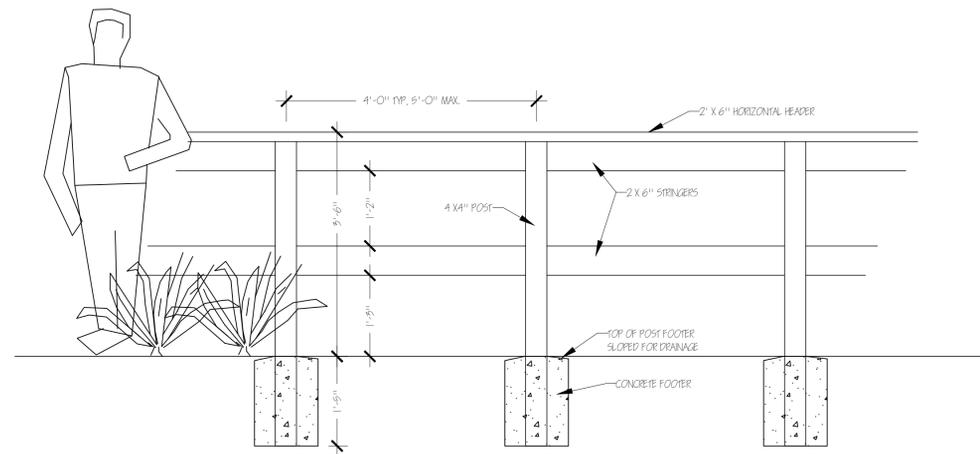
The Witherspoon Distillery, LLC. formally submits the following requests for consideration and granting of variances from the present ordinances listed therein. If we can be of any assistance or answer any questions, then please don't hesitate to ask. We look forward to beginning construction.

VARIANCE REQUEST:

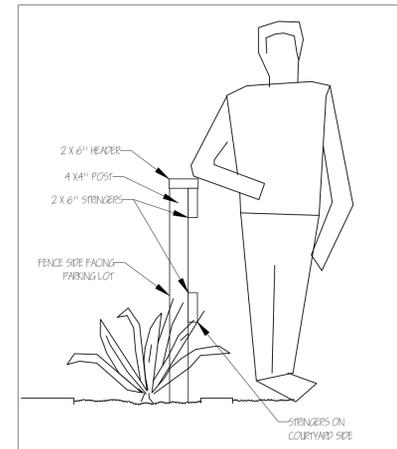
1. REQUESTING A VARIANCE TO THE OLD TOWN DEVELOPMENT ORDINANCE TO ALLOW THE EXISTING DRIVEWAY RADIUS TO EXTEND BEYOND THE ADJACENT PROPERTY LINES AT THE NORTH ENTRANCE OFF OF CHARLES STREET AND OFF OF THE WEST ENTRANCE LOCATED OFF OF SAMUEL STREET.
2. REQUESTING A VARIANCE TO THE OLD TOWN DEVELOPMENT ORDINANCE (SEC. 92, ITEM H) TO FOREGO INSTALLATION OF THE REQUIRED SIDEWALKS ALONG CHARLES STREET AND SAMUEL STREET IN AN EFFORT TO PROTECT THE EXISTING LIVE OAK TREES THAT WOULD LIE DIRECTLY IN THEIR PATH.
3. REQUESTING A VARIANCE TO THE OLD TOWN DEVELOPMENT ORDINANCE (SEC. 123, ITEM F) TO INSTALL A SMARTSCAPE LANDSCAPE DESIGN, THEREFOR ELIMINATING THE NEED FOR AN AUTOMATIC IRRIGATION SYSTEM.
4. REQUESTING A VARIANCE TO THE OLD TOWN DEVELOPMENT ORDINANCE (SEC. 123, ITEM B) TO FOREGO INSTALLATION OF THE REQUIRED 10' LANDSCAPE BUFFER AND ASSOCIATED TREE REQUIREMENTS ALONG CHARLES STREET AND SAMUEL STREET IN AN EFFORT TO PRESERVE THE EXISTING PARKING SPACES. THE EXISTING LANDSCAPING IN THE RIGHT OF WAY ALREADY PROVIDES AN ADEQUATE BUFFER.
5. REQUESTING A VARIANCE TO THE OLD TOWN DEVELOPMENT ORDINANCE ( SEC. 123, ITEM C) TO PROVIDE 6.5 % INTERIOR LANDSCAPING AS OPPOSED TO THE REQUIRED 8 % OF THE GROSS PARKING AREA.

Quentin D. Witherspoon  
Manager/Distiller





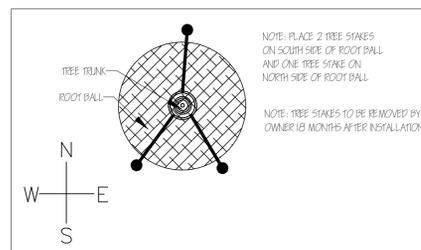
**1 FENCE ELEVATION**  
Scale: 3/4" = 1'



**2 FENCE CROSS SECTION**  
Scale: 3/4" = 1'-0"

NOTE: ALL WOOD MEMBERS TO BE WESTER CEDAR  
ALL FASTENERS TO BE GALVANIZED  
CONCRETE TO BE 5000 PSI

SECTION 02830 - WOOD FENCING  
PART 1 - GENERAL  
A. DESCRIPTION  
1.1. PROVIDE, ASSEMBLE, AND INSTALL WOOD FENCE TO DESIGN SPECS AS SHOWN IN DRAWINGS.  
1.2. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIMSELF/HERSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES, AND STRUCTURES EITHER SHOWN OR NOT SHOWN ON THE PLANS. THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY COST INCURRED DUE TO DAMAGE OR REPLACEMENT OF SAID UTILITIES AND STRUCTURES CAUSED BY HIS/HER FORCES. VERIFY LOCATION OF ALL UTILITIES WITH THE CITY AND VARIOUS UTILITY COMPANIES BEFORE DRILLING POST HOLES.  
1.3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AND REQUIRED PERMITS AND CITY INSPECTIONS.  
1.4. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS BEFORE MANUFACTURING AND CONSTRUCTING FENCE.  
PART 2 - PRODUCTS  
A. CONCRETE  
1.1. ALL CONCRETE USED IN FOOTINGS SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI @ 28 DAYS.  
B. WOOD MATERIAL FOR FENCE  
1.1. STRINGERS -- 2"x 6" WESTERN RED CEDAR, #2 GRADE OR BETTER  
1.2. HEADER -- 2"x 6" WESTERN RED CEDAR, #2 GRADE OR BETTER  
1.3. POSTS -- 4"x 4" WESTERN RED CEDAR, #2 GRADE OR BETTER  
C. FASTENERS  
1.1. ALL FASTENERS, NAILS, BRACKETS, STEEL POST, ETC ARE TO BE HOT DIPPED GALVANIZED.  
1.2. ALL PICKETS ARE TO BE FASTENED TO THE RAILS USING RING OR SCREW SHANK GALVANIZED NAILS. STAPLES WILL NOT BE ALLOWED. NAIL WITHOUT SPLITTING MEMBERS. REPLACE ALL SPLIT MEMBERS.  
PART 3 - EXECUTION  
A. INSTALL  
1.1. ACCURATELY CUT, FIT , FASTEN MEMBERS, MAKE PLUMB, LEVEL, TRUE AND RIGID. DO NOT SPLICE INDIVIDUAL FRAMING MEMBERS BETWEEN SUPPORTS. ERECT FACES OF FRAMING MEMBERS IN STRAIGHT, EVEN PLANES TO RECEIVE FINISH MATERIAL. INSTALL STRINGERS WITH BOTTOM EDGES FREE OF DEFECTS. MITER ALL EXPOSED FINISHED JOINTS.  
1.2. NO STEP-DOWNS ON COURTYARD FENCING  
1.3. REMOVE ALL MARKS, STAINES, DIRT, LOOSE FIBERS FROM ALL WOOD SURFACES.  
1.4. APPLY STAIN EVENLY, APPLYING TO ALL SIDES OF THE FENCE, WORKING STAIN INTO CREVICES.  
1.5. CLEAN UP SITE.  
END SECTION - 02830



**1 TREE STAKING - PLAN VIEW**  
Not to Scale

SECTION 02910 - SOIL PREPARATION  
PART 1 - GENERAL  
A. DESCRIPTION  
1. PROVIDE COMPLETE GRADING AND SOIL PREPARATION, INCLUDING AMENDMENTS, AS SPECIFIED HEREIN.  
B. EXAMINATION  
1. EXAMINE SITE TO VERIFY REQUIRED ROUGH GRADING HAS BEEN COMPLETED CORRECTLY PRIOR TO BED PREPARATION WORK.  
2. EXAMINE SITE TO VERIFY THAT ALL INVASIVE PLANTS AND THEIR ROOTS HAVE BEEN REMOVED PRIOR TO BED REPARATION WORK.  
C. APPROVALS  
1. ALL 'APPROVED EQUAL' MATERIALS MUST BE APPROVED BY LANDSCAPE ARCHITECT.

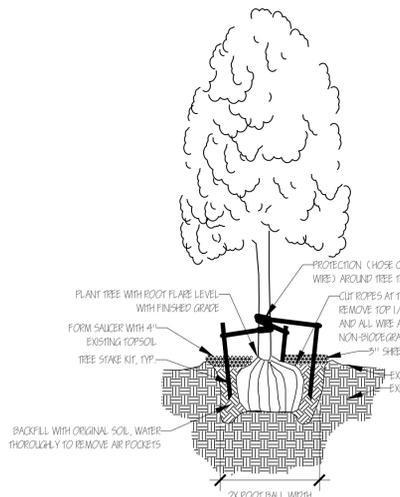
PART 2 - PRODUCTS  
A. MATERIALS  
1. COMPOST:  
1.1. COTTON BUR COMPOST  
1.2. SHALL BE SUPPLIED BY: GREENSENSE COMPOST, GARLAND, TX. OR, CLEAR FORK MATERIALS, ALEDO, TX, OR APPROVED EQUAL.  
2. FERTILIZERS AND SUPPLEMENTS:  
2.1. A 6-2-4 GRANULAR FERTILIZER WITH A WATER SOLUBLE SLOW RELEASE ORGANIC BASE SUCH AS GREENSENSE, OR SUSTANE, OR APPROVED EQUAL.  
3. MULCH  
3.1. SHALL BE SHREDDED HARDWOOD MULCH, SHREDDED CEDAR MULCH, SHREDDED NATIVE MULCH, OR APPROVED EQUAL.

PART 3 - EXECUTION  
A. BED PREPARATION AND PREPARATION FOR SOD INSTALLATION  
1. GENERAL  
1.1. INSPECT ALL EXISTING CONDITIONS AND OTHER ITEMS OF WORK PREVIOUSLY COMPLETED. DO NOT PROCEED UNTIL DEFECTS ARE CORRECTED.  
1.2. INSPECT THAT ALL INVASIVE PLANTS AND THEIR ROOTS HAVE BEEN REMOVED COMPLETELY.  
1.3. ALL AREAS TO BE PREPARED WITH ORGANIC TECHNIQUES ONLY.  
2. SHRUB BEDS:  
2.1. BREAK UP AND TILL EXISTING SOIL TO A DEPTH OF 6 INCHES.  
2.2. ADD A 3 INCH LAYER OF COMPOST TO THE BEDS.  
2.3. TILL EXISTING SOIL AND COMPOST TOGETHER TO A TOTAL OVERALL DEPTH OF 8 INCHES.  
2.4. RAKE OUT ROCKS AND CLODS AND FINE GRADE THE BEDS TO DRAIN IN APPROPRIATE DIRECTIONS.  
2.5. TOP-DRESS BED WITH A 3 INCH LAYER OF MULCH AFTER PLANTING.  
3. SOD AND SEED AREAS  
3.1. LIGHTLY CULTIVATE COMPACTED SOIL AND RAKE THE SOIL SMOOTH.  
3.2. ADD 1/2 INCH COMPOST TO ALL AREAS.  
3.3. FINE GRADE TO DRAIN IN APPROPRIATE DIRECTIONS.

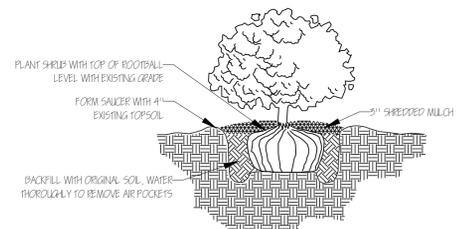
END OF SECTION 02910  
NOTES  
GENERAL LANDSCAPE  
1. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND STRUCTURES WHETHER OR NOT SHOWN ON THE PLANS, AND SHALL BE RESPONSIBLE FOR DAMAGE TO SAID UTILITIES OR STRUCTURES CAUSED BY HIS/HER CREW AND SUBCONTRACTORS.  
2. NO PLANTING TO TAKE PLACE UNTIL OWNER HAS INSPECTED AND APPROVED THE BED PREPARATION.  
3. NO PLANTING TO TAKE PLACE UNTIL OWNER HAS INSPECTED AND APPROVED ALL PLANT MATERIAL AND ALL PLANT PLACEMENT. FIELD ADJUSTMENTS OF PLANT LOCATIONS TO BE COORDINATED WITH OWNER.  
4. ALL CANOPY AND ORNAMENTAL TREES TO BE STAKED (SEE DETAIL.)  
5. BOULDERS AND NATURAL ROCK MATERIAL USED IN BEDS AND SHALL BE REVIEWED BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION. CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR FAILURE TO OBTAIN OWNERS REVIEW OF THE ROCK QUALITY AND POSITIONING AND IS RESPONSIBLE FOR ANY MODIFICATIONS REQUIRED. ALL BOULDERS TO BE 'PLANTED' A MINIMUM OF 4 INTO THE PLANTING BEDS.  
6. ALL LAWN AND LANDSCAPE BED AREAS ARE TO BE SEPARATED BY 14 GAUGE EDGING UNLESS OTHERWISE NOTED ON THE PLANS.

SECTION 02915 - LANDSCAPE PLANTING  
PART 1 - GENERAL  
A. SPECIAL CONDITIONS  
1. COMPLY WITH APPLICABLE FEDERAL, STATE, COUNTY AND LOCAL REGULATIONS GOVERNING LANDSCAPE MATERIALS AND WORK.  
2. EMPLOY ONLY EXPERIENCE PERSONNEL FAMILIAR WITH REQUIRED WORK. PROVIDE ADEQUATE SUPERVISION BY A QUALIFIED FOREMAN WITH A MINIMUM OF TEN(10) YEARS EXPERIENCE WITH PROJECTS OF SIMILAR COMPLEXITY.  
3. DO NOT MAKE SUBSTITUTIONS OF TREE, SHRUB AND GRASS MATERIALS. IF REQUIRED MATERIAL IS NOT OBTAINABLE, SUBMIT PROOF OF NON-AVAILABILITY TO OWNER'S REPRESENTATIVE.  
4. PROVIDE QUANTITY, SIZE, GENUS, SPECIES AND VARIETY OF TREES AND SHRUBS INDICATED AND SCHEDULED FOR LANDSCAPE WORK WHICH COMPLY WITH APPLICABLE REQUIREMENTS OF ANSI Z60.1 AMERICAN STANDARD FOR NURSERY STOCK, AND ANY APPLICABLE STATE AND FEDERAL LAWS CONCERNING DISEASE AND INSECT INFESTATION.  
B. REFERENCE STANDARDS  
1. AMERICAN STANDARD FOR NURSERY STOCK, APPROVED NOV. 6, 1996 BY AMERICAN NATIONAL STANDARDS INSTITUTE, INC.  
2. SHINNERS & MAHLER'S, ILLUSTRATED FLORA OF NORTH CENTRAL TEXAS, BOTANICAL RESEARCH INSTITUTE OF TEXAS (BRIT), FORT WORTH, TEXAS, 1999.  
3. HORTUS THIRD, CORNELL UNIVERSITY, 1967.  
C. PREPARATION  
1. COORDINATION WITH BUILDING AND ENGINEERING PROJECT ACTIVITIES.  
2. COORDINATE THE WORK OF THIS SECTION WITH THAT OF REGULAR AND EMERGENCY WATER UTILITY ACTIVITIES ON THE SITE.  
3. COORDINATION WITH IRRIGATION SYSTEM:  
6.1. THE UNDERGROUND IRRIGATION SYSTEM MUST BE INSTALLED PRIOR TO COMMENCEMENT OF THE PLANTING OPERATIONS.  
6.2. THE IRRIGATION SYSTEM SHALL BE OPERATIONAL AT THE TIME THAT PLANTING OPERATIONS COMMENCE.  
6.3. COORDINATE WORK WITH THE IRRIGATION CONTRACTOR TO PREVENT DAMAGE TO THE IRRIGATION SYSTEM.  
D. ALL PLANT MATERIALS FOR THIS PROJECT SHALL BE NURSERY-GROWN, INCLUDING TREES.  
1. CONTAINER GROWN PLANTS SHALL HAVE BEEN STEPPED-UP AS NECESSARY TO PREVENT ROOT GIRDLING.  
2. CONTAINER GROWN PLANTS SHALL HAVE BEEN IN THE CONTAINER FOR A MINIMUM OF SIX (6) MONTHS PRIOR TO DELIVERY TO THE SITE TO ENSURE ADEQUATE ROOT DEVELOPMENT.  
3. THE 'ROOT FLARE' OF ALL TREES AND SHRUBS SHALL NOT BE COVERED WITH SOIL.  
E. THE FOLLOWING TREE CARE PROCEDURES SHALL BE ADHERED TO:  
1. DO NOT MAKE FLUSH CUTS OR LEAVE STUBS WHEN PRUNING. LEAVE THE BRANCH COLLAR INTACT.  
2. DO NOT USE ANY TYPE OF PRUNING PAINT ON WOUNDS.  
3. DO NOT USE ANY TYPE OF TREE WRAP EXCEPT, TRUNKS MAY BE WRAPPED WITH BURLAP DURING PLANTING OPERATIONS ONLY.  
4. DO NOT STAKE OR GUY ANY TREES. IN SPECIAL CASES, TREE STAKING MAY BE NECESSARY TO PRESERVE A TREE THAT CONTINUES TO BLOW OVER, THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY TREES THAT NEED STAKING FOR A PERIOD OF ONE YEAR.  
5. DO NOT HANDLE ANY TREE BY ITS TRUNK. ANY TREE HANDLED IN SUCH A MANNER SHOULD BE REJECTED.  
F. WARRANTY  
1. UNCONDITIONALLY WARRANT ALL PLANTS FOR A PERIOD OF ONE (1) YEAR AFTER THE DATE OF INSTALLATION INITIAL ACCEPTANCE. REPLACE MATERIALS NOT IN VIGOROUS, THRIVING CONDITION AS SOON AS WEATHER PERMITS AFTER NOTIFICATION BY OWNERS THAT THE PLANTS HAVE DIED OR ARE OTHERWISE NOT ACCEPTABLE. GUARANTEE REPLACEMENT PLANTS FOR ONE YEAR, STARTING FROM THE DATE REPLACEMENT IS MADE.  
2. WARRANTY EXCLUDES REPLACEMENT OF PLANTS BECAUSE OF INJURY BY STORM, NATURAL DROUGHT, DROWNING, HAIL FOR FREEZING, IF REASONABLE CARE WAS TAKEN TO ADEQUATELY PROTECT THE MATERIAL, AND IN THE OPINION OF THE OWNER'S REPRESENTATIVE THAT THE PROBLEM OCCURRED AFTER THE DATE OF INITIAL ACCEPTANCE.

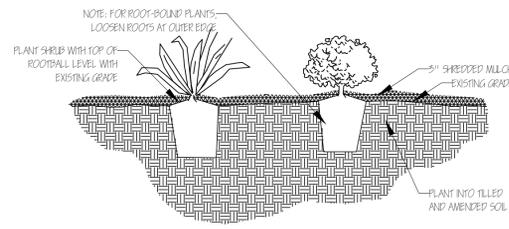
PART 3 - EXECUTION  
A. PREPARATION FOR PLANT MATERIAL INSTALLATION  
1. EXAMINE THE SURFACE UPON WHICH THE WORK IS TO BE PERFORMED, VERIFY GRADE ELEVATIONS AND VERIFY THAT BEDS HAVE BEEN LEFT LOW BY OTHER TRADES. OBSERVE THE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED AND CONFIRM THAT UNSATISFACTORY CONDITIONS HAVE BEEN CORRECTED PRIOR TO PROCEEDING.  
B. TIME OF PLANTING  
1. CARE IS TO BE TAKEN SO THAT NO PLANTS SIT IN POTS IN THE SUMMER HEAT FOR MORE THAN 1 HOUR. IF PLANTING DURING HOT SEASONS (NOT PREFERRED) PLANTING IS TO BE DONE IN SMALL SECTIONS WITH STOCKPILED PLANTS TO BE PROTECTED FROM THE SUMMER HEAT (SHADE AREAS).  
C. TREE PLANTING  
1. STAKE LOCATIONS FOR TREES PRIOR TO DIGGING HOLES.  
2. DIG PITS WITH ROUGH SIDES AND WHICH HAVE TAPERED WALLS, A MINIMUM OF TWICE THE WIDTH OF THE TREE BALL. A PEDESTAL SHOULD BE LEFT IN THE CENTER OF THE HOLE AND THE TREE BALL SET UPON THAT PEDESTAL.  
3. SET PLANTS IN THE CENTER OF THE HOLE AND ON THE PEDESTAL, PLUM AND VERTICAL AND AT SUCH A DEPTH THAT THE CROWN OF THE TREE BALL WILL BE LEVEL WITH THE SURROUNDING GRADE.  
4. ALL PLANTS SHALL BE SET TO MEET THE SAME RELATIONSHIP TO THE FINISHED GRADE OF THE SURROUNDING SOIL THAT THEY BORE TO PREVIOUS EXISTING GRADE OF SOIL.  
5. BACKFILL WITH EXISTING TOPSOIL AND WATER IMMEDIATELY.  
6. FORM A SHALLOW BASIN SLIGHTLY LARGER THAN THE PIT TO FACILITATE WATERING. REMOVE PRIOR TO MULCHING.  
7. COVER ALL TREE BALLS WITH A MINIMUM OF 3 OF SPECIFIED MULCH. EXTEND MULCH OUT TO THE EDGE OF THE TREE PIT, BUT KEEP AWAY FROM TRUNKS.  
8. ALL EXCAVATED MATERIAL UNACCEPTABLE FOR REUSE SHALL BE DISPOSED OF OFF SITE, OR AS DIRECTED BY THE OWNER.  
D. SHRUBS, TALL GRASSES AND PERENNIAL PLANTING  
1. REMOVE CONTAINER AND SET PLANT MATERIAL AT SUCH A LEVEL THAT AFTER SETTLEMENT, THE CROWN OF THE BALL WILL BE AT FINISHED GRADE.  
2. GENTLY CUT OUTER ROOTS OF ANY ROOTBALLS THAT HAVE POT-BOUND PRIOR TO INSTALLATION.  
3. COVER PLANTING BEDS WITH A MINIMUM 3" LAYER OF SPECIFIED MULCH.  
E. SOD PLANTING  
1. LAY SOD IN AN ORDERLY MANNER TO COVER ALL BARE SOIL AREAS.  
2. WATER ALL AREAS OF THE SOD UNTIL THOROUGHLY WET.  
3. ROLL SOD WITH A SOD ROLLER AFTER 24 HOURS AFTER LAYING AND WATERING SOD TO OBTAIN A UNIFORM, SMOOTH FINISH.  
4. FILL JOINTS WITH COMPOST IF NECESSARY TO FORM A UNIFORM GRASS LAYER.  
5. KEEP SOD ADEQUATELY WATERED UNTIL SOD MAKES A FIRM CONNECTION TO THE SOIL.  
END OF SECTION 02915



**1 TREE PLANTING**  
Not to Scale



**1 SHRUB & ORNAMENTAL GRASS PLANTING**  
Not to Scale



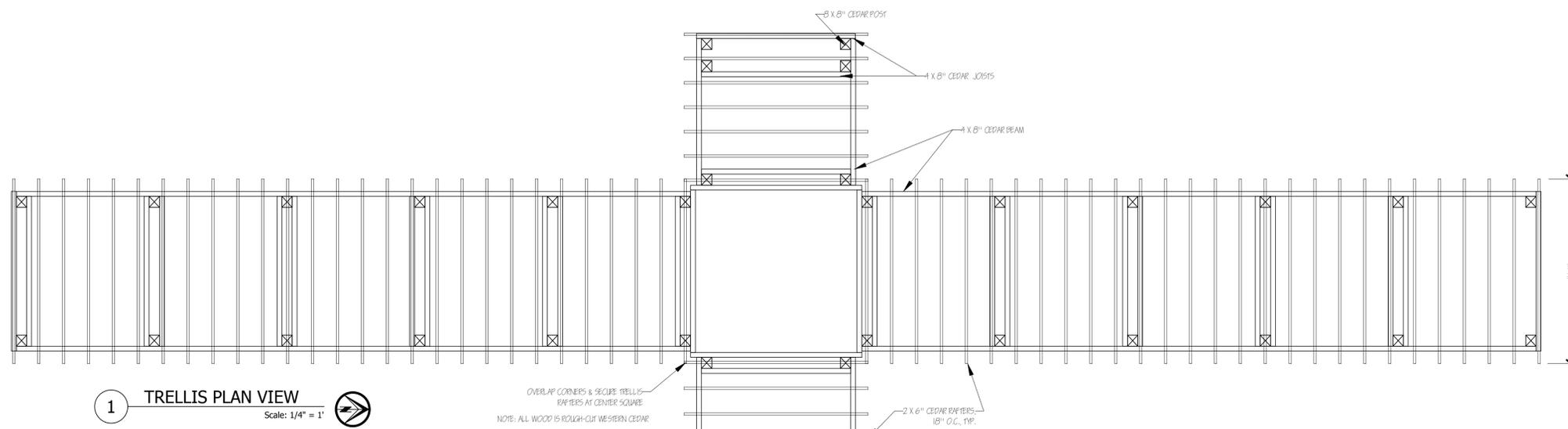
**1 PERENNIAL PLANTING**  
Not to Scale

NO.	ITEM DESCRIPTION	DATE
1.	PRELIMINARY	4/23/15
2.	BUILDING PERMIT SUBMITTAL	4/7/15
3.		
4.		
5.		
6.		
7.		

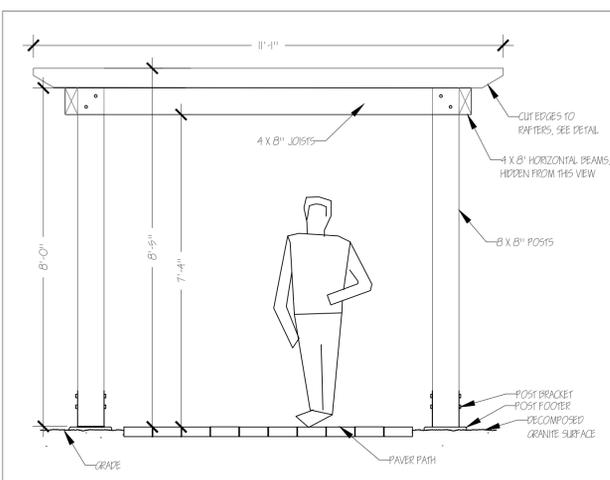


These drawings have been prepared under the supervision of Carol Feldman, Registered Landscape Architect #2080, Licensed Irrigator LI #20245

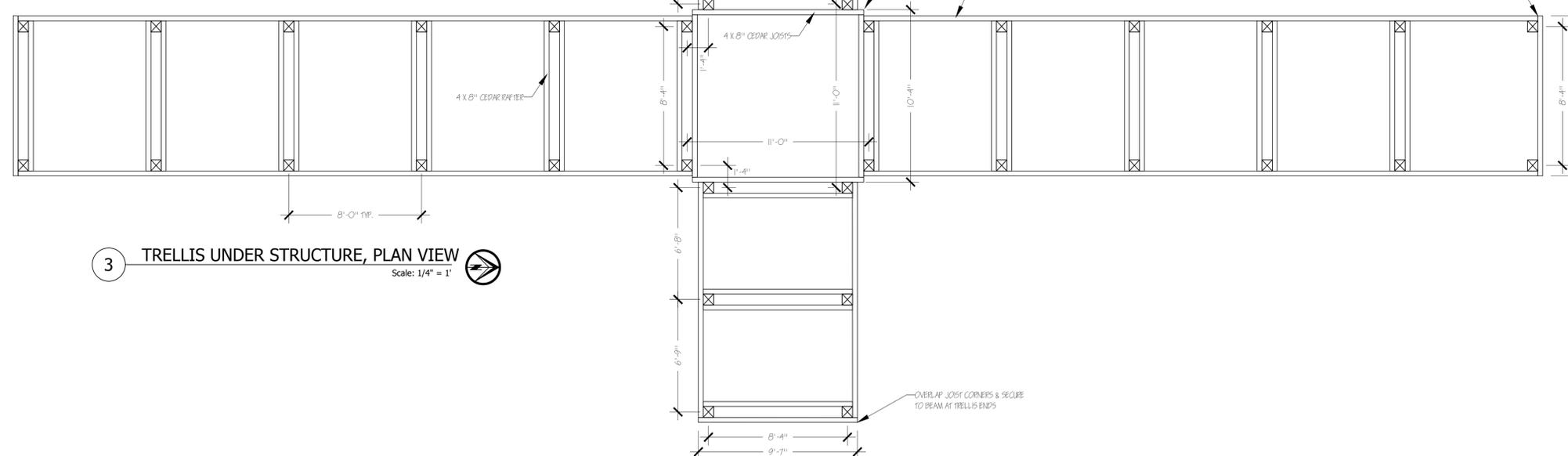
**LANDSCAPE PLAN**  
**WITHERSPON DISTILLERY**  
225 S. CHARLES ST.  
LEWISVILLE, TEXAS



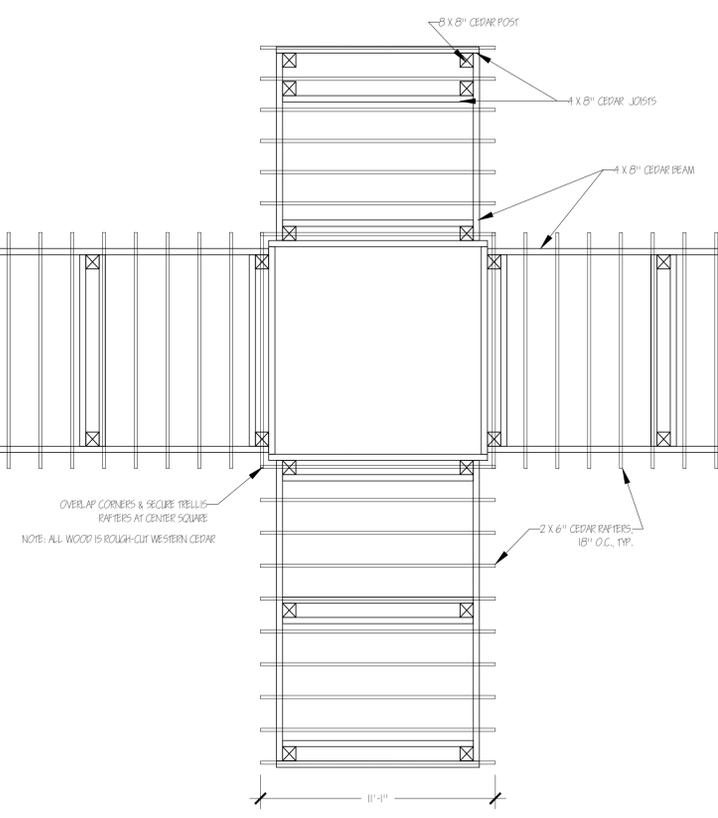
1 TRELLIS PLAN VIEW  
Scale: 1/4" = 1'



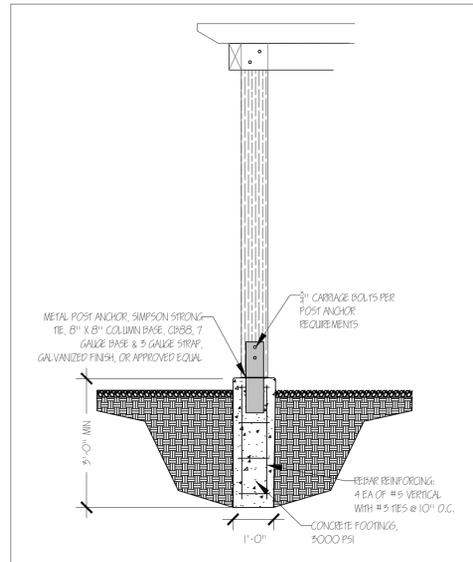
2 TRELLIS ELEVATION  
Scale: 1/2" = 1'-0"



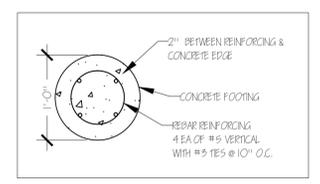
3 TRELLIS UNDER STRUCTURE, PLAN VIEW  
Scale: 1/4" = 1'



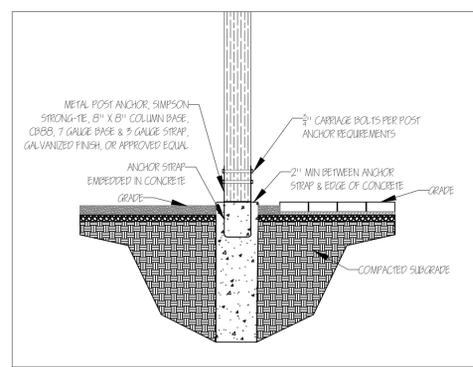
4 TRELLIS RAFTER DETAIL  
Scale: 1" = 1'-0"



5 TRELLIS FOOTER  
Scale: 1/2" = 1'-0"



6 POST CONCRETE FOOTER - PLAN VIEW  
Scale: 1" = 1'-0"



7 TRELLIS POST ANCHOR  
Scale: 1/2" = 1'-0"

SECTION 02875 - SITE TRELLIS  
PART 1 - GENERAL  
A. DESCRIPTION  
1.1. PROVIDE, ASSEMBLE, AND INSTALL TRELLIS UNIT TO DESIGN SPECS AS SHOWN IN DRAWINGS.  
1.2. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIMSELF/HERSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES, AND STRUCTURES EITHER SHOWN OR NOT SHOWN ON THE PLANS. THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY COST INCURRED DUE TO DAMAGE OR REPLACEMENT OF SAID UTILITIES AND STRUCTURES CAUSED BY HIS/HER FORCES. VERIFY LOCATION OF ALL UTILITIES WITH THE CITY AND VARIOUS UTILITY COMPANIES BEFORE DRILLING POST HOLES.  
1.3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AND REQUIRED PERMITS AND CITY INSPECTIONS.  
1.4. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS BEFORE MANUFACTURING AND CONSTRUCTING STRUCTURE.  
PART 2 - PRODUCTS  
A. CONCRETE  
1.1. ALL CONCRETE USED IN FOOTINGS SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI @ 28 DAYS.  
B. WOOD MATERIAL FOR DECK MEMBERS  
1.1. JOISTS, BEAMS, RAFTERS, & POSTS -- WESTERN RED CEDAR, #2 GRADE OR BETTER  
C. FASTENERS  
1.1. ALL FASTENERS, NAILS, BRACKETS, USED ON STRUCTURAL MEMBERS SHALL BE STAINLESS STEEL OR HOT DIPPED GALVANIZED.  
PART 3 - EXECUTION  
A. INSTALL  
1.1. ACCURATELY CUT, FIT, FASTEN MEMBERS, MAKE PLUMB, LEVEL, TRUE AND RIGID. DO NOT SPLICE INDIVIDUAL FRAMING MEMBERS BETWEEN SUPPORTS. ERECT FACES OF FRAMING MEMBERS IN STRAIGHT, EVEN PLANES TO RECEIVE FINISH MATERIAL. INSTALL ALL MEMBERS WITH BOTTOM EDGES FREE OF DEFECTS. MITER ALL EXPOSED FINISHED JOINTS.  
1.2. REMOVE ALL MARKS, STAMPS, DIRT, LOOSE FIBERS FROM ALL WOOD SURFACES. APPLY STAIN EVENLY, APPLYING TO ALL SIDES OF THE TRELLIS, WORKING STAIN INTO CREVICES. STAIN COLOR TO BE DETERMINED BY OWNER OR OWNER'S REPRESENTATIVE. MAKE SITE FREE OF ALL WASTE MATERIALS AND DEBRIS.  
END SECTION - 02875

DATE:		4/3/15
DATE:		4/7/15
NO. ITEM DESCRIPTION	1.	PRELIMINARY
	2.	BUILDING PERMIT SUBMITTAL
	3.	
	4.	
	5.	
	6.	
	7.	

These drawings have been prepared under the supervision of Carol Feldman, Registered Landscape Architect #2080, Licensed Irrigator LI #20245

**LANDSCAPE PLAN**  
**WITHERSPOON DISTILLERY**  
225 S. CHARLES ST.  
LEWISVILLE, TEXAS

SHEET NO.  
**L1.03**

SECTION 02780 - BRICK PAVERS  
 PART 1 - GENERAL  
 A. DESCRIPTION  
 1. PREPARE & INSTALL BRICK PAVERS FOR PATIO WALKWAY.

PART 2 - PRODUCTS  
 A. BRICK PAVERS  
 1. RECYCLED BRICK PAVERS SHALL COORDINATE WITH BUILDING EXTERIOR OR APPROVED EQUAL.  
 2. PAVERS SHALL BE UNIFORM SIZE; APPROX. 7 3/16 INCHES LONG X 3 3/8 INCHES WIDE X 2 1/8 INCHES THICK. VARIANCE FROM THIS SIZE DETERMINED TO ADJUST CONCRETE LEAVEOUT AS NEEDED.  
 3. PAVERS COLOR TO BE SELECTED.  
 4. PAVERS SHALL MEET THE STANDARDS AS SET FORTH IN ASTM C 936, STANDARD SPECIFICATION FOR INTERLOCKING CONCRETE PAVING UNITS.  
 5. AVERAGE COMPRESSIVE STRENGTH OF 8,000 PSI. WITH NO INDIVIDUAL UNIT UNDER 7,200 PSI.  
 6. AVERAGE ABSORPTION OF 5% WITH NO UNIT GREATER THAN 7% WHEN TESTED IN ACCORDANCE WITH ASTM C 140.  
 7. RESISTANCE TO 50 FREEZE-THAW CYCLES WHEN TESTED ACCORDING TO ASTM C 67.

B. BEDDING AND JOINT SAND  
 1. BEDDING AND JOINT SAND SHALL BE CLEAN, NON-PLASTIC, FREE FROM DELETERIOUS OR FOREIGN MATTER. THE SAND SHALL BE NATURAL OR MANUFACTURED FROM CRUSHED ROCK, LIMESTONE SCREENINGS OR STONE DUST SHALL NOT BE USED. WHEN CONCRETE PAVERS ARE SUBJECT TO VEHICULAR TRAFFIC, THE SANDS SHALL BE AS HARD AS PRACTICALLY AVAILABLE.  
 2. GRADING OF SAND SAMPLES FOR THE BEDDING COURSE AND JOINTS SHALL BE DONE ACCORDING TO ASTM C136. THE BEDDING SAND SHALL CONFORM TO THE GRADING REQUIREMENTS OF ASTM C 33 AS SHOWN IN TABLE 1.

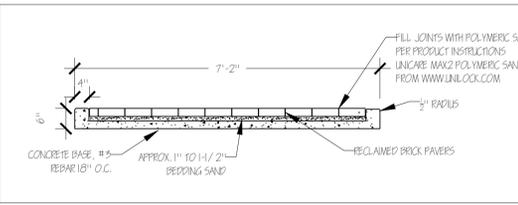
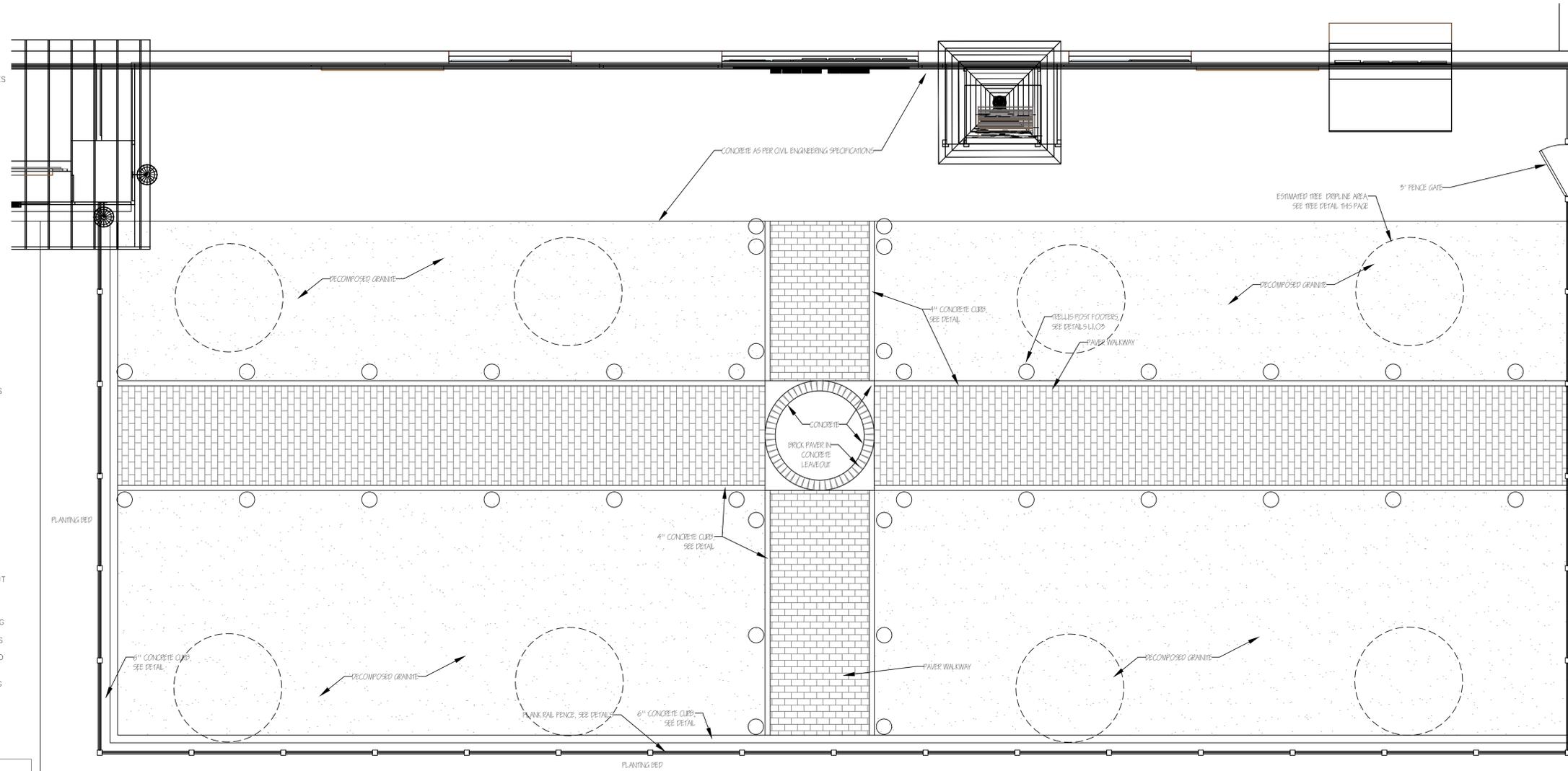
TABLE 1  
 ASTM C 33 GRADING REQUIREMENTS FOR BEDDING SAND

SIZE	PERCENT PASSING
3/8 IN.	100
NO. 4	95 TO 100
NO. 8	85 TO 100
NO. 16	50 TO 85
NO. 30	25 TO 60
NO. 50	0 TO 30
NO. 100	2 TO 10

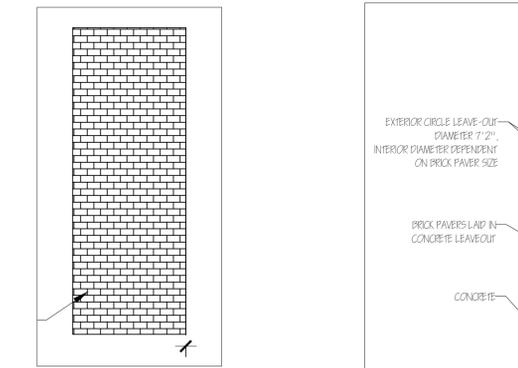
PART 3 - EXECUTION  
 A. EXAMINATION  
 1. INSPECT SUBGRADE AND ALL OTHER EXISTING CONDITIONS AND OTHER ITEMS OF WORK PREVIOUSLY COMPLETED. DO NOT PROCEED UNTIL DEFECTS ARE CORRECTED.  
 2. VERIFY THAT THE SUBGRADE PREPARATION, COMPACTED DENSITY, AND ELEVATIONS CONFORM TO THE SPECIFICATIONS.  
 3. VERIFY THAT GEOTEXTILES, HAVE BEEN PLACED IN ACCORDANCE TO SPECIFICATIONS.  
 4. VERIFY THAT AGGREGATE BASE MATERIALS, THICKNESS, COMPACTION, SURFACE TOLERANCES, AND ELEVATIONS CONFORM TO THE SPECIFICATIONS.  
 5. VERIFY LOCATION, TYPE, INSTALLATION, AND ELEVATIONS OF EDGE RESTRAINTS AROUND THE PERIMETER AREA TO BE PAVED.  
 6. VERIFY THAT THE BASE IS DRY, UNIFORM, EVEN, AND READY TO SUPPORT SAND, PAVERS, AND IMPOSED LOADS.  
 7. BEGINNING OF BEDDING SAND AND PAVES INSTALLATION MEANS ACCEPTANCE OF BASE AND EDGE RESTRAINTS.

B. PLACEMENT PROCEDURE  
 1. SPREAD THE BEDDING SAND EVENLY OVER THE BASE COURSE AND SCREED TO A NOMINAL 1-INCH THICKNESS, AND NOT TO EXCEED 1 1/2 INCHES THICK. THE SCREEDED SAND SHOULD NOT BE DISTURBED. PLACE SUFFICIENT SAND TO STAY AHEAD OF THE LAID PAVERS. DO NOT USE BEDDING SAND TO FILL DEPRESSIONS IN THE BASE SURFACE.  
 2. ENSURE THAT PAVERS ARE FREE OF FOREIGN MATERIAL BEFORE INSTALLATION.  
 3. INSTALL THE PAVERS IN THE PATTERN AS SPECIFIED ON THE PLANS.  
 4. JOINTS BETWEEN THE PAVERS SHALL BE BETWEEN 1/16 AND 1/8 INCH WIDE.  
 5. FILL GAPS AT THE EDGES OF THE PAVED AREA WITH CUT GRID PAVERS. UNITS CUT NO SMALLER THAN ONE-THIRD OF A WHOLE PAVES ARE RECOMMENDED ALONG EDGES SUBJECT TO VEHICULAR TRAFFIC.  
 6. CUT GRID PAVERS TO BE PLACED ALONG THE EDGE WITH A DOUBLE-BLADED SPLITTER OR MASONRY SAW.  
 7. VIBRATE THE PAVERS, SWEEPING DRY JOINT SAND INTO THE JOINTS AND VIBRATING UNTIL THEY ARE FULL. THIS WILL REQUIRE AT LEAST TWO OR THREE PASSES WITH THE VIBRATOR. DO NOT VIBRATE WITHIN 3 FT. (1 M) OF THE UNRESTRAINED EDGES OF THE PAVING UNITS.  
 8. ALL WORK TO WITHIN 3 FT. OF THE LAYING FACE MUST BE LEFT FULLY COMPACTED AT THE COMPLETION OF EACH DAY.  
 9. SWEEP OFF EXCESS SAND WHEN THE JOB IS COMPLETE. THE FINAL SURFACE ELEVATIONS SHALL DEViate MORE THAN + OR - 3/8 INCH UNDER A 10 FT. LONG STRAIGHTEDGE.  
 10. THE SURFACE ELEVATION OF PAVERS SHALL BE 1/8 INCH TO 1/4 INCH ABOVE CONCRETE EDGES.  
 11. THE RESANDING AS NECESSARY OF PAVES JOINTS SHALL BE ACCOMPLISHED BY CONTRACTOR FOR A PERIOD OF 90 DAYS AFTER COMPLETION OF WORK.

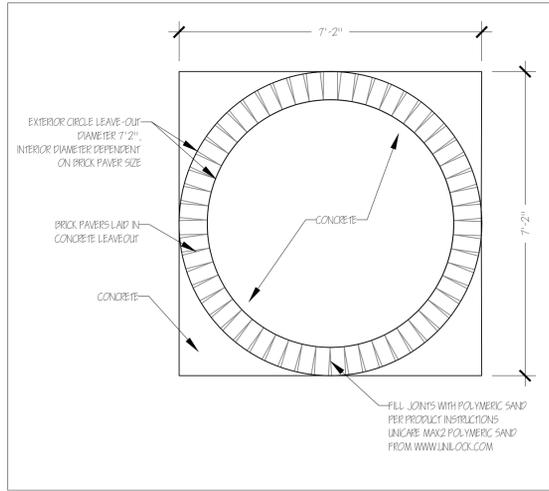
END OF SECTION -- 02780



7 PAVER WALKWAY - CROSS SECTION  
 Scale: 1/2" = 1'-0"



6 PAVER PATTERN - PLAN VIEW  
 Scale: 1/4" = 1'-0"



5 PAVER CENTER - PLAN VIEW  
 Scale: 1/2" = 1'-0"

SECTION 02730 - AGGREGATE SURFACING  
 PART 1 - GENERAL  
 A. DESCRIPTION  
 1. PROVIDE SURFACE COURSES FOR DECOMPOSED GRANITE WALKWAY.  
 B. RELATED WORK SPECIFIED ELSEWHERE  
 2. EXCAVATION - SECTION 0231  
 3. SUB-BASE - 02720  
 4. CONCRETE CURBS - 02770

PART 2 - PRODUCTS  
 B. SUB-SURFACE MATERIAL  
 1. FLEX-BASE OF RECYCLED CONCRETE MATERIALS  
 2. ITEM 247 GRADE 1 FLEX BASE FROM BIG CITY CONCRETE, OR APPROVED EQUAL.  
 3. CLEAN, NON-PLASTIC, FREE FROM DELETERIOUS OR FOREIGN MATTER.  
 4. CRUMBLED GRANITE, SAMPLE TO BE SUBMITTED, AND APPROVED PRIOR TO INSTALLATION.

C. SURFACE MATERIAL  
 1. DECOMPOSED GRANITE  
 a. CLEAN, NON-PLASTIC, FREE FROM DELETERIOUS OR FOREIGN MATTER.  
 b. CRUMBLED GRANITE, SAMPLE TO BE SUBMITTED, AND APPROVED PRIOR TO INSTALLATION.  
 2. DECOMPOSED GRANITE BINDER  
 a. BINDER PROVIDED BY STABILIZER SOLUTIONS, INC., 1-800-336-2468 OR APPROVED EQUAL.

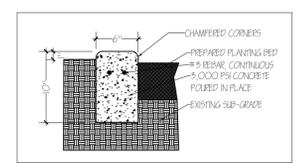
PART 3 - EXECUTION  
 A. EXCAVATE TO -9\"/>

B. SUB-SURFACE FLEX BASE COARSE  
 1. FILL WITH 5 INCHES OF FLEX BASE MATERIAL AND COMPACT TO BRING FINAL GRADE OF -4\"/>

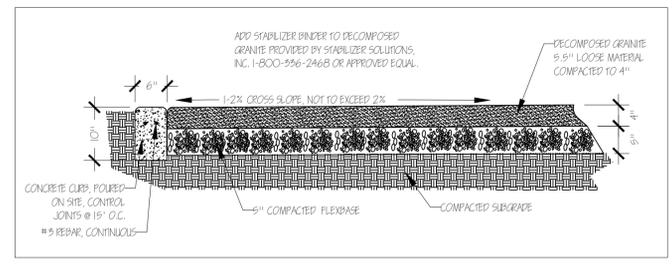
C. SURFACE COARSE  
 1. FILL WITH 5.5 INCHES OF DECOMPOSED GRANITE/STABILIZER MATERIAL AND COMPACT TO BRING FINAL GRADE OF THE GRAVEL TO THE TOP OF THE CURB. COMPACT TO 95% STANDARD PROCTOR DENSITY (ASTM D698).  
 2. BRING DECOMPOSED GRANITE TO THE TRUNK OF TREES, BUT DO NOT MECHANICALLY COMPACT OVER TREE ROOTS. DECOMPOSED GRANITE CAN BE PACKED WITH WATER OVER TREE ROOTS.

END OF SECTION 02730

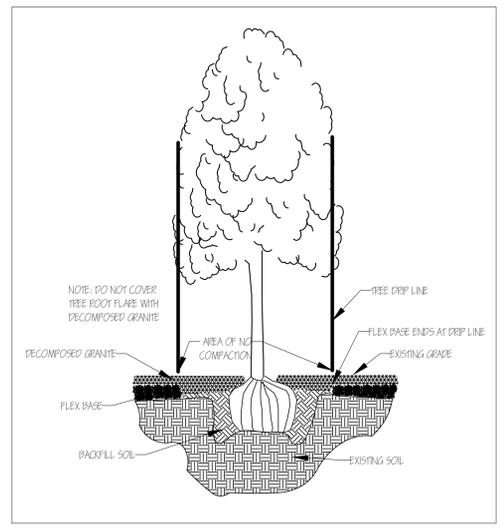
3 TRELLIS UNDER STRUCTURE, PLAN VIEW  
 Scale: 1/4" = 1'



4 CURB EDGING DETAIL  
 Scale: 1" = 1'-0"



5 DECOMPOSED GRANITE CROSS SECTION  
 Scale: 3/4" = 1'-0"



5 DECOMPOSED GRANITE & TREES DETAIL  
 Scale: 1/4" = 1'-0"

LANDSCAPE PLAN  
 WITHERSPOON DISTILLERY  
 225 S. CHARLES ST.  
 LEWISVILLE, TEXAS

DATE: 4/3/15  
 4/7/15

NO. 1. PRELIMINARY  
 2. BUILDING PERMIT SUBMITTAL  
 3.  
 4.  
 5.  
 6.  
 7.

ITEM DESCRIPTION

STATE OF TEXAS  
 CAROL FELDMAN  
 2080  
 REGISTERED  
 LANDSCAPE ARCHITECT

These plans have been prepared under the supervision of Carol Feldman, Registered Landscape Architect #2080, Licensed Irrigator LI #20245

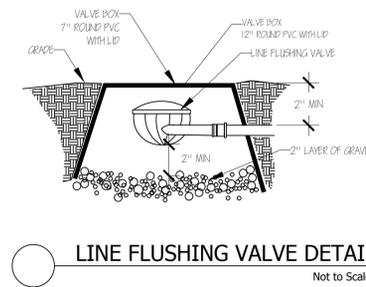
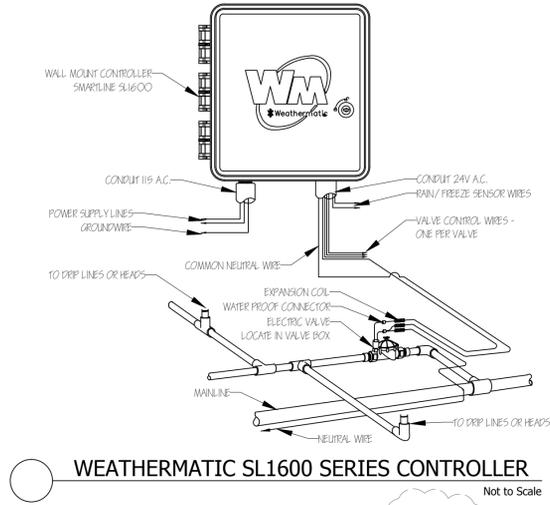
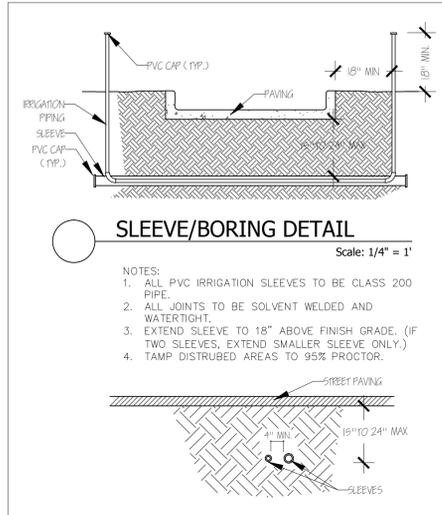
SHEET NO.  
 L1.04

FELDMAN DESIGN STUDIOS  
 P.O. Box 892546, Richardson, Texas 75085  
 Phone: 972.980.1150 Fax: 972.980.1140  
 CADD: @felmandesign.com

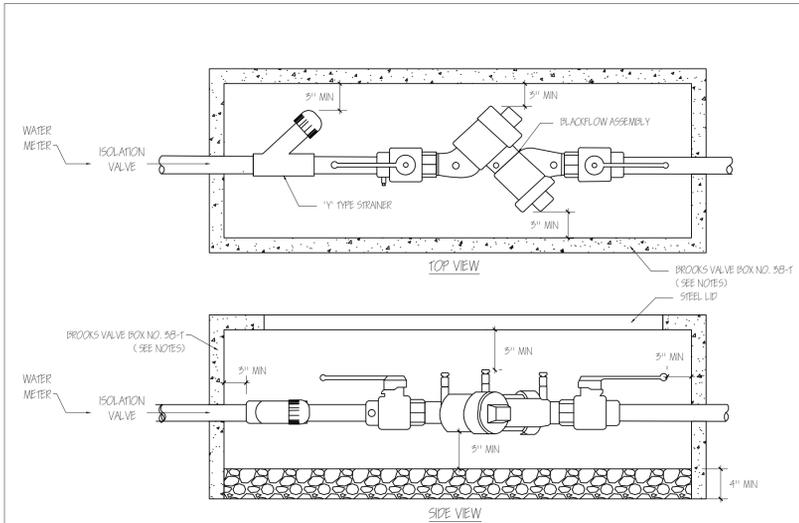
LANDSCAPE PAVING DETAILS

SECTION 02810 -- IRRIGATION  
NOTES

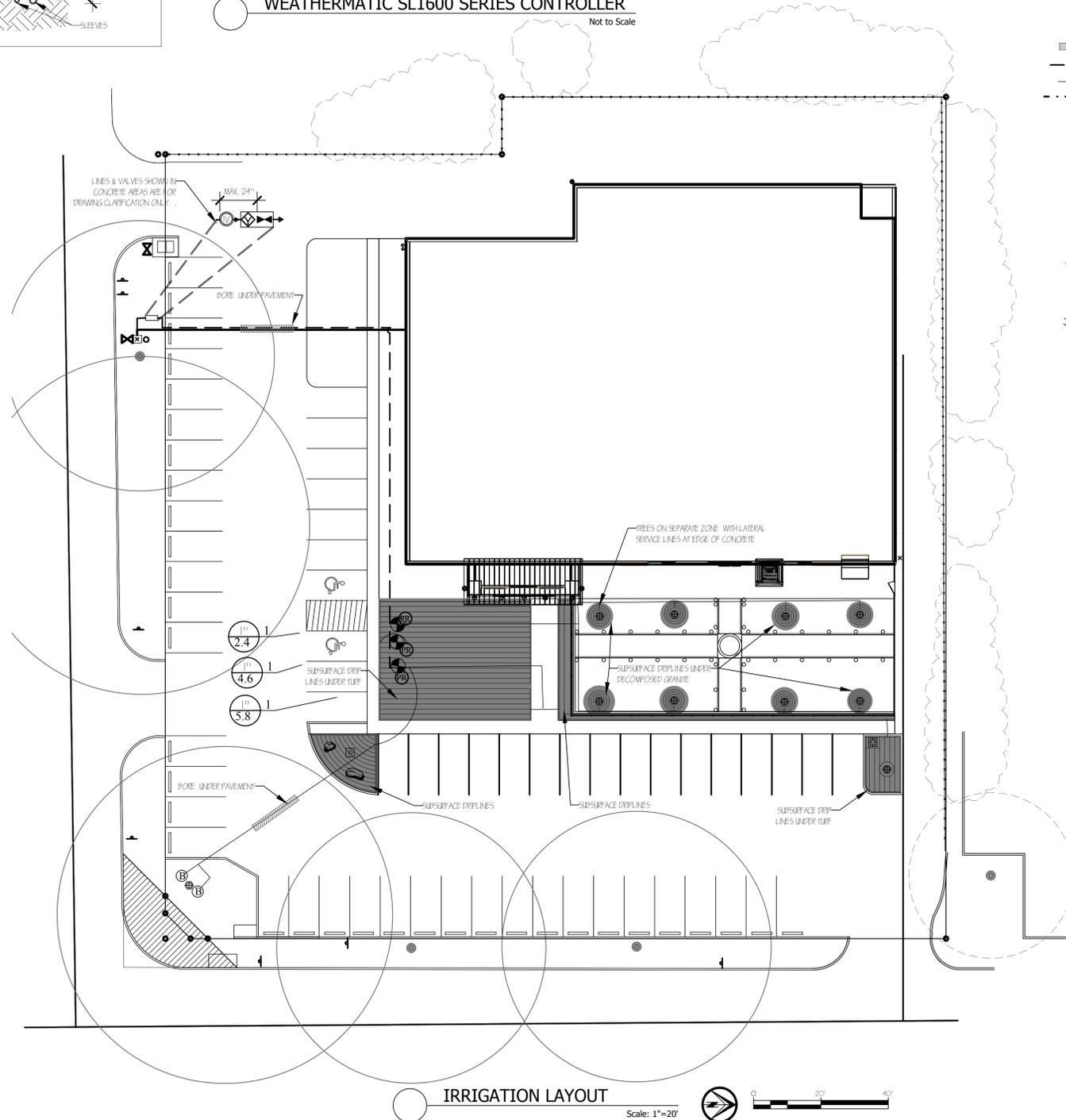
- IRRIGATION SYSTEM MUST BE INSTALLED BY LICENSED IRRIGATOR.
- IRRIGATION CONTRACTOR WILL SECURE ALL REQUIRED PERMITS AND PAY ALL ASSOCIATED FEES UNLESS OTHERWISE NOTED.
- COORDINATE IRRIGATION INSTALLATION WITH PLANTING PLAN AND SITE CONDITIONS TO PROVIDE COMPLETE COVERAGE. THE IRRIGATION CONTRACTOR SHALL MAKE MINOR ADJUSTMENTS TO ENSURE PROPER COVERAGE AT NO ADDITIONAL COST TO OWNER.
- VALVE BOXES SHALL BE INSTALLED FLUSH WITH GRADE, SUPPORTED BY BRICKS IF NEEDED, WITH 3 INCHES OF CLEAN PEA GRAVEL LOCATED BELOW THE VALVE.
- DRIP IRRIGATION SYSTEM IN TURF AREAS IS TO BE INSTALLED SUBSURFACE. FILL TURF AREAS TO A GRADE DEPTH OF MINUS 6" AND LAY LINES. COVER WITH PLANTING SOIL & SOD SO THAT DRIP REMAINS BURIED 6" BELOW GRADE.
- IRRIGATOR MUST ABIDE BY THE CITY IRRIGATION CODES, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:
  - RAIN AND FREEZE SENSOR INSTALLED
  - PURPLE PRIMER MUST BE USED ON ALL PVC JOINTS.
  - IRRIGATION SYSTEM MUST MEET STATE INSTALLATION CODES (TCEQ). IRRIGATOR MUST REQUEST AN INSPECTION FROM THE CITY WHEN COMPLETE, AND MUST PROVIDE: COPY OF MAINTENANCE CHECKLIST REQUIRED BY TCEQ CODES AND COPY OF TEST RESULTS OF THE BACKFLOW PREVENTION ASSEMBLY.
  - PLANS MUST BE ON SITE DURING INSTALLATION AND INSPECTION. DRILINES AND HEADS TO BE LOCATED FOUR (4") INCHES FROM FOUNDATION, PARKING LOTS, DRIVEWAY, ETC.
  - AN "AS-BUILT" DRAWING AND RUN SCHEDULE MUST BE PRODUCED AND A COPY GIVEN TO THE LANDOWNER.
  - A PERMANENT STICKER WITH IRRIGATOR'S NAME, LICENSE NUMBER, COMPANY NAME, TELEPHONE NUMBER AND THE DATE OF WARRANTY PERIOD SHALL BE AFFIXED TO EACH AUTOMATIC CONTROLLER INSTALLED BY THE IRRIGATOR
- CONTRACTOR TO PROVIDE THE FOLLOWING FOR CITY INSPECTION:
  - ALL REQUIRED VALVE BOXES SHALL BE INSTALLED, THE LID OF THE VALVE BOX SHALL BE LEFT OPEN UNTIL APPROVED BY THE CODE OFFICIAL.
  - PIPING AND VALVES INCLUDING ISOLATION VALVES, WYE STRAINERS, BACKFLOW PREVENTERS, AND MASTER VALVES SHALL BE LEFT UNCOVERED FROM THE POINT OF CONNECTION TO A POINT OF THREE (3) FEET DOWN STREAM OF THE MASTER VALVE AND PRESSURIZED.
  - ALL WIRING SPLICES SHALL BE LEFT UNCOVERED OR IF THERE ARE NO SPLICES WIRING MAY BE COVERED TO A POINT WITHIN TWO (2) FEET OF ANY VALVES.
  - ALL ZONE VALVES AND MASTER VALVES SHALL NOT BE CONCEALED FOR A SPACE OF TWO (2) FEET AND UP AND DOWN STREAM OF THE VALVE. INCLUDING THE PIPING CONNECTIONS TO THE VALVE. THE LAST EMISSION DEVICE WITH THE GREATEST DEVELOPED LENGTH FROM THE POTABLE WATER SOURCE SHALL BE LEFT EXPOSED FOR A DISTANCE OF TWO (2) FEET FOR INSPECTION AND TESTING.



- LEGEND**
- LOCATION OF PROPOSED TREES
  - NETAFIM TECHLINE CV DRIPPERLINE #TLV4-18, 18" SPACING FOR ABOVE GROUND DRIP, #TLV4-12, 12" SPACING FOR SUB-TERRAIN
  - FLUSHING VALVE NETAFIM TFSOV
  - CLASS 200 PVC SLEEVE PIPES OR BORE UNDER PAVEMENT
  - CLASS 200 PVC MAINLINE PIPE, 1-1/4"
  - CLASS 200 PVC LATERAL PIPE, 3/4" UNLESS MARKED
  - PROPERTY LINE
  - FEBCO DOUBLE CHECK VALVE ASSEMBLY - 850 1" D.C.A. INSTALLED PER CITY CODE
  - INLINE WYE STRAINER
  - ISOLATION VALVE, 1 1/2" SLIP BALL VALVE
  - PRESSURE REGULATOR, NETAFIM
  - 5/8" WATER METER
  - WEATHERMATIC AUTOMATIC CONTROLLER WITH MINI-WEATHER STATION
  - RAINBIRD PEB SERIES ELECTRIC VALVE WITH FLOW CONTROL
  - CONTROL VALVE
  - ZONE NUMBER
  - VALVE SIZE
  - FLOW IN GAL. PER MINUTE (GPM)
- 35.0 PSI DESIGN PRESSURE THIS DESIGN



- NOTES:  
1. A "Y" TYPE STRAINER TO BE PLACED BEFORE A DOUBLE CHECK VALVE. THERE MUST BE CLEARANCE FOR THE STRAINER TO BE CLEANED PERIODICALLY.  
2. VALVE BOX TO BE BROOKS NO. 58-T, 27 1/2" X 18" X 12" WITH STEEL LID.  
3. PROVIDE 4 INCHES OF GRAVEL AT THE BOTTOM OF THE VALVE BOX AND 3 INCHES OF CLEARANCE FROM THE GRAVEL TO THE DOUBLE CHECK VALVE. INSTALLER IS RESPONSIBLE TO ENSURE THAT THE INSTALLATION OF THE DOUBLE CHECK VALVE MEETS MANUFACTURE SPECIFICATIONS. THE DEVICE MUST BE ACCESSIBLE FOR TESTING AN REPAIR.  
4. TEST COCKS ON THE THE DOUBLE CHECK VALVE MUST BE THREADED, WATER-TIGHT, MADE OF NON-FERROUS MATERIAL AND MUST BE PLUGGED OR GAPPED.  
5. DOUBLE CHECK VALVE "Y" PATTERN ASSEMBLIES MUST BE INSTALLED SO THAT THE TEST COCKS ARE POINTED UP (SEE DRAWING).  
6. THOROUGHLY FLUSH THE LINES PRIOR TO INSTALLATION OF THE ASSEMBLY.

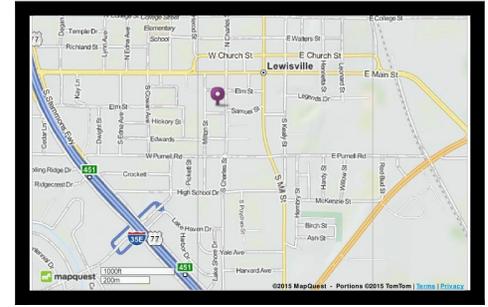


**Jurisdiction of Project**

REGULATORY AUTHORITIES:  
CITY OF LEWISVILLE  
151 WEST CHURCH STREET  
LEWISVILLE, TEXAS  
972.219.3411

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)  
P.O. BOX 13087, AUSTIN, TEXAS 78711-3087  
WWW.TCEQ.STATE.TX.US

**Site Location**

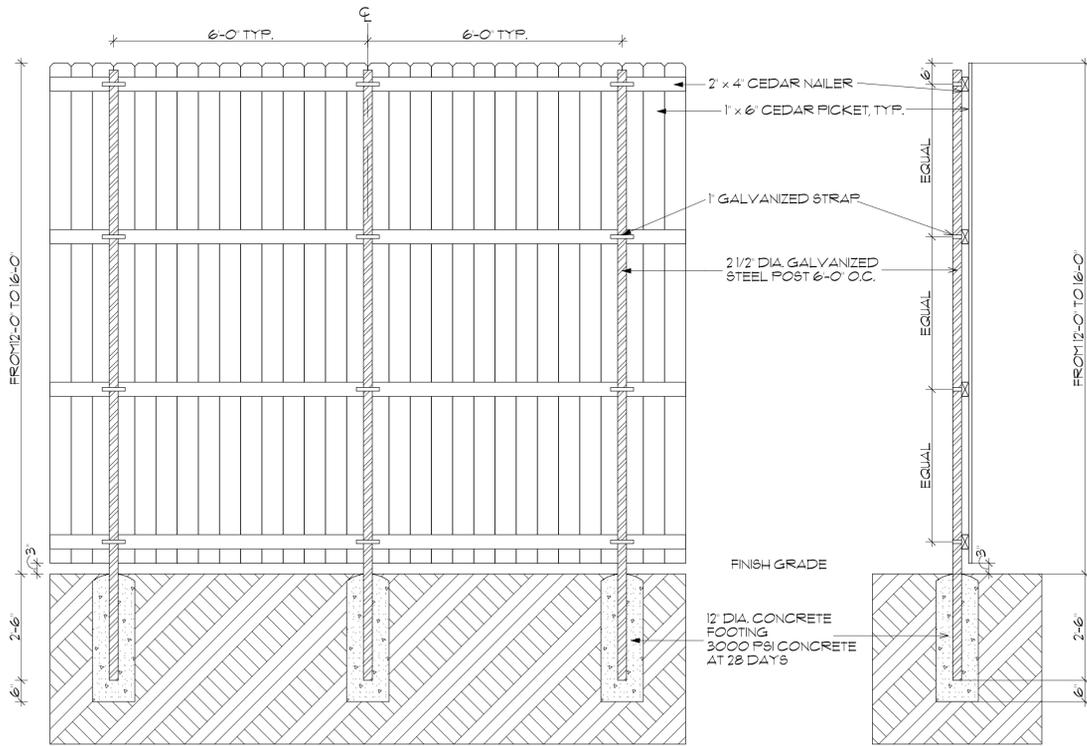


**Owner & Professionals Information**

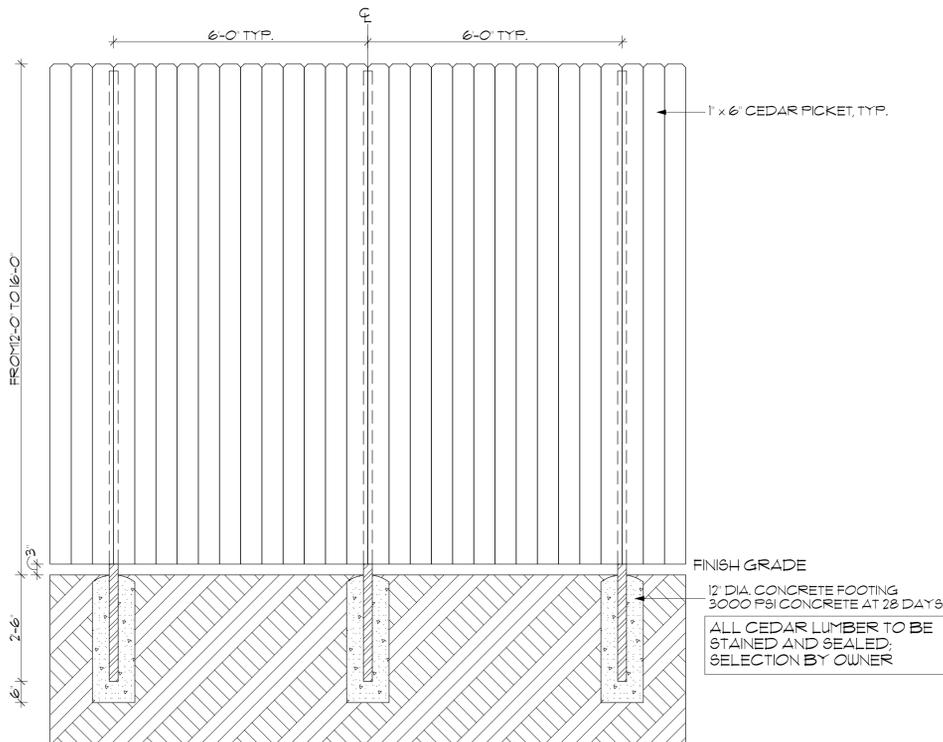
**OWNER**  
QUENTIN D. WITHERSPOON DISTILLERY, LLC  
545 N COWAN AVE., SUITE F  
LEWISVILLE, TX 75057

**LANDSCAPE ARCHITECT**  
CAROL FELDMAN  
FELDMAN DESIGN STUDIOS  
P.O. BOX 832346  
RICHARDSON, TEXAS 75083  
972.980.1730

<p><b>FELDMAN DESIGN STUDIOS</b> P.O. Box 832346 Richardson, Texas 75083 Phone: 972.980.1730 Fax: 972.980.1740 info@feldmandesign.com</p>	DATE:	4/7/15
	NO.	ITEM DESCRIPTION
	1.	BUILDING PERMIT SUBMITTAL
	2.	
	3.	
	4.	
<p>These drawings have been prepared by or under the supervision of Carol Feldman, Registered Landscape Architect #2080, Licensed Irrigator #20245</p>		
<p><b>LANDSCAPE PLAN</b> <b>WITHERSPOON DISTILLERY</b> 225 S. CHARLES ST. LEWISVILLE, TEXAS</p>		
<p>SHEET NO. <b>L1.05</b></p>		
<p><b>LANDSCAPE IRRIGATION PLAN</b></p>		

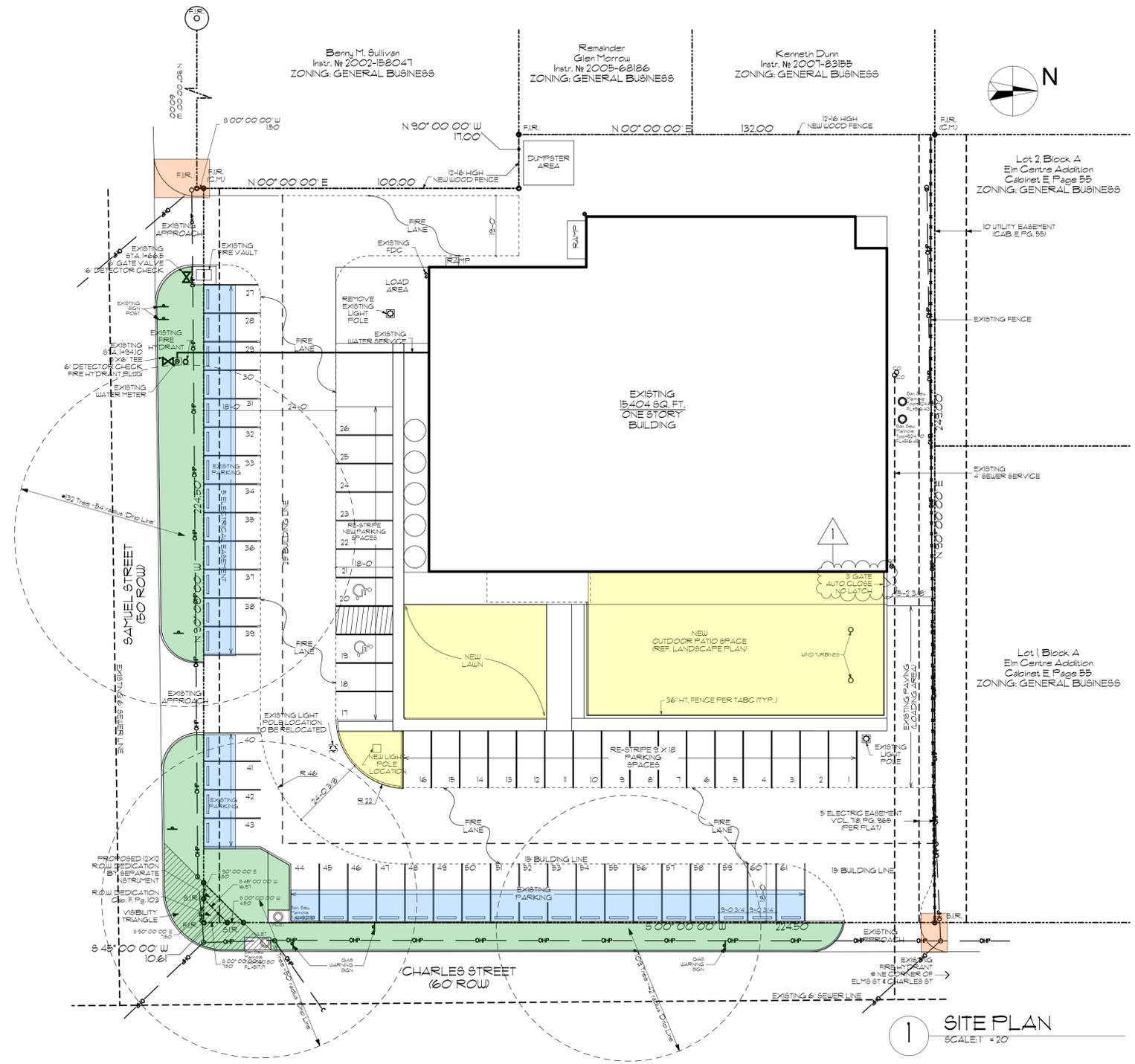


BACK ELEVATION



FRONT ELEVATION

2 FENCE DETAIL  
SCALE: 1/2" = 1'-0"



1 SITE PLAN  
SCALE: 1" = 20'

NOTE:

1. NO GRADING WORK OR ADDITIONAL SITE PAVEMENT IS PROPOSED.
2. ALL ROOF TOP UNITS TO BE SCREENED PER THE CITY OF LEWISVILLE ORDINANCE.

FACADE NOTE:

1. THE EXTERIOR FINISHES WILL BE IN COMPLIANCE WITH THE OLD TOWN DEVELOPMENT.

VARIANCE REQUEST:

1. REQUESTING A VARIANCE TO THE OLD TOWN DEVELOPMENT ORDINANCE TO ALLOW THE EXISTING DRIVEWAY RADIUS TO EXTEND BEYOND THE ADJACENT PROPERTY LINES AT THE NORTH ENTRANCE OFF OF CHARLES STREET AND OFF OF THE WEST ENTRANCE LOCATED OFF OF SAMUEL STREET.
2. REQUESTING A VARIANCE TO THE OLD TOWN DEVELOPMENT ORDINANCE (SEC. 92, ITEM H) TO FOREGO INSTALLATION OF THE REQUIRED SIDEWALKS ALONG CHARLES STREET AND SAMUEL STREET IN AN EFFORT TO PROTECT THE EXISTING LIVE OAK TREES THAT WOULD LIE DIRECTLY IN THEIR PATH.
3. REQUESTING A VARIANCE TO THE OLD TOWN DEVELOPMENT ORDINANCE (SEC. 123, ITEM F) TO INSTALL A XERISCAPE LANDSCAPE DESIGN, THEREFOR ELIMINATING THE NEED FOR AN AUTOMATIC IRRIGATION SYSTEM IN THIS AREA.
4. REQUESTING A VARIANCE TO THE OLD TOWN DEVELOPMENT ORDINANCE (SEC. 123, ITEM B) TO FOREGO INSTALLATION OF THE REQUIRED 10' LANDSCAPE BUFFER AND ASSOCIATED TREE REQUIREMENTS ALONG CHARLES STREET AND SAMUEL STREET IN AN EFFORT TO PRESERVE THE EXISTING PARKING SPACES. THE EXISTING LANDSCAPING IN THE RIGHT OF WAY ALREADY PROVIDES AN ADEQUATE BUFFER.
5. REQUESTING A VARIANCE TO THE OLD TOWN DEVELOPMENT ORDINANCE (SEC. 123, ITEM C) TO PROVIDE 6.5% INTERIOR LANDSCAPING AS OPPOSED TO THE REQUIRED 8% OF THE GROSS PARKING AREA. AND PROVIDE EIGHT NEW TREES IN THE PROPOSED PATIO SPACE.

PARKING ANALYSIS			
	RATIO	SQ.FT.	REQUIRED
MANUFACTURING	1/300	4,505	15
RESTAURANT	1/200	4,620	24
WAREHOUSE/ STORAGE	1/2000	6,279	3
<b>TOTAL</b>		<b>15,404</b>	<b>42</b>
TOTAL PARKING SPACES REQUIRED:			42
TOTAL PARKING SPACES PROVIDED:			61



2015/05/12

These plans are intended to provide the basic construction information necessary to satisfactorily complete this structure. These construction documents must be verified and checked by the builder or person in authority of this project. Any discrepancy, error, and/or omission in these documents shall be the responsibility of the owner. It is recommended that the owner or builder obtain completion or purchasing services for foundation, HVAC, and structural, prior to construction of any kind. NOTE: All Federal, state, and local codes, ordinances, and regulations take precedence over these construction documents and their use. ARE THE PROPERTY OF WITHERSPOON DISTILLERY AND THERE USE, IN ANY MANNER, WITHOUT THE EXPRESS WRITTEN PERMISSION OF WILLIAM PECK & ASSOCIATES, INC. ALL RIGHTS RESERVED.

**WILLIAM PECK & ASSOCIATES INC.**  
ARCHITECTS  
Lewisville, TX  
(972) 221-1424

WITHERSPOON DISTILLERY  
225 SOUTH CHARLES ST.  
LEWISVILLE, TX

REVISIONS
1. 2015/04/24 CITY COMMENTS
2. 2015/05/12 BAR/RESTROOM CHANGES

ISSUE DATE:  
2015/04/08 - FOR PERMIT

Scale: REF. PLAN

Drawn: MW

Job: WITHERSPOON DISTILLERY

Sheet Number:

**A-005**

SHEET 5 OF 21



WITHERSPOON DISTILLERY

SPEAK EASY

W

W



WITHERSPOON DISTILLERY



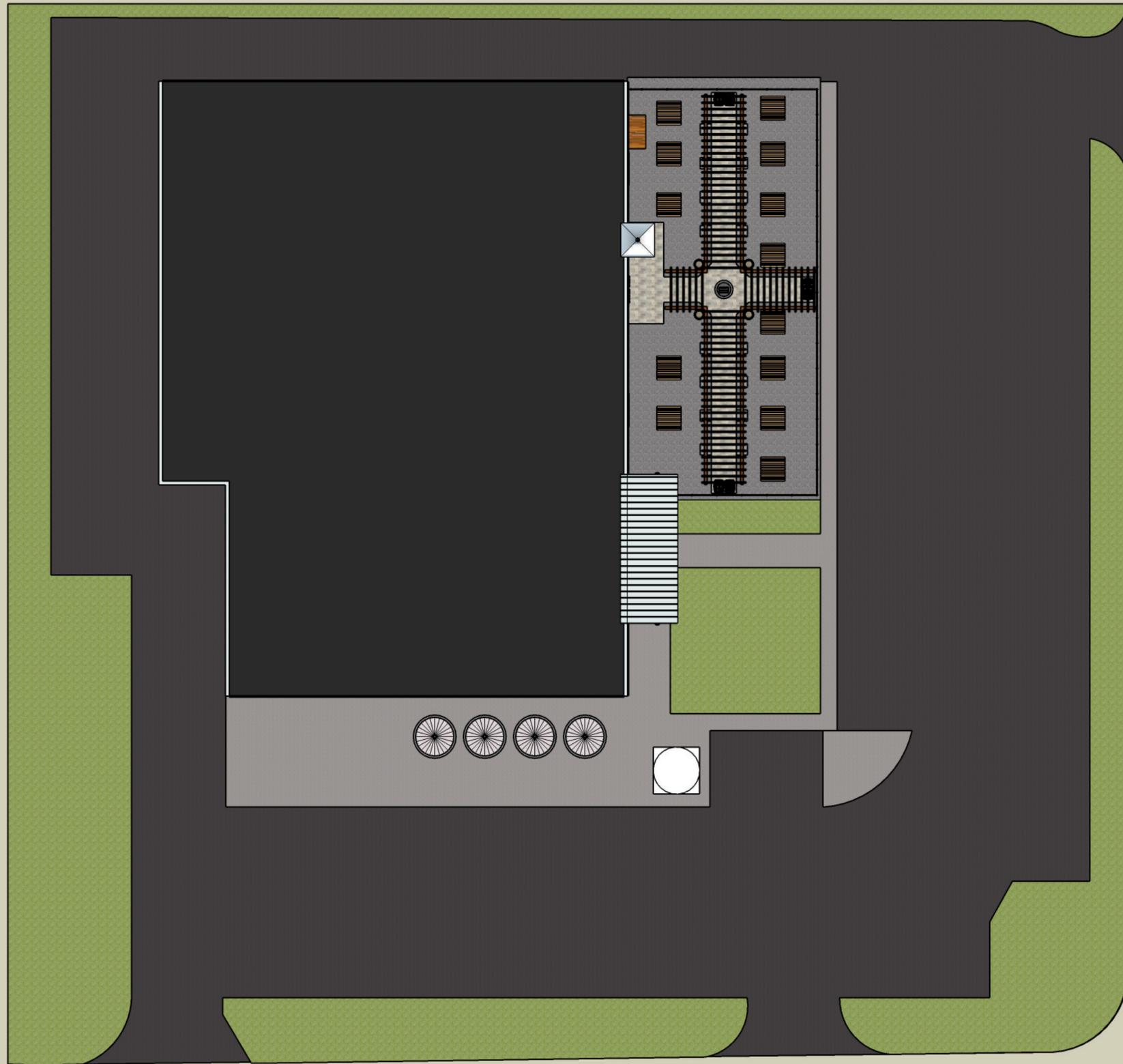


SWEET EAST

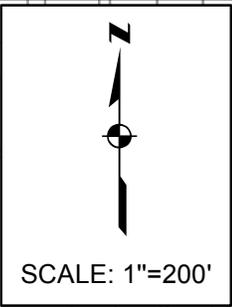
WITHERSPOON DISTILLERY







W MAIN ST



ELM ST

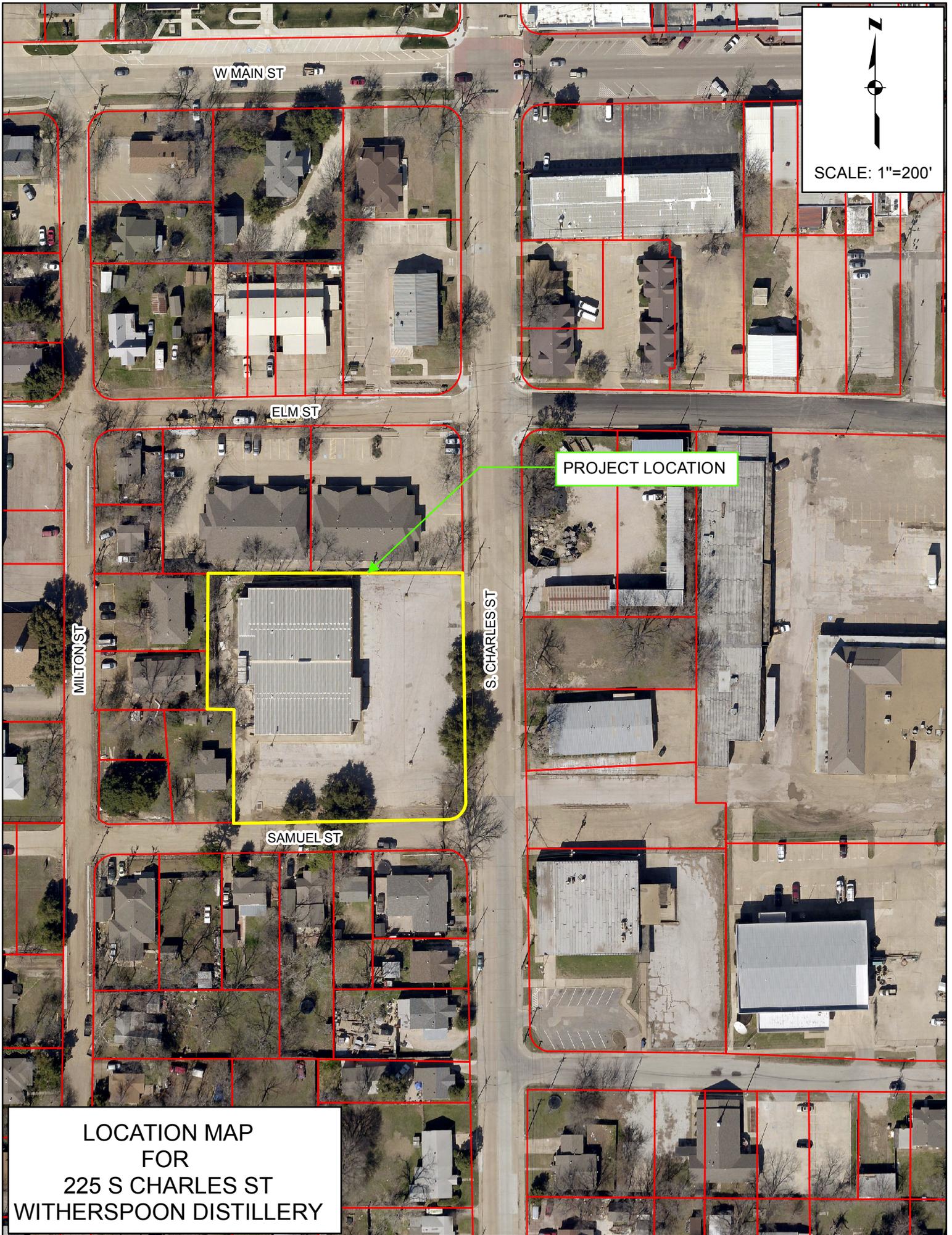
PROJECT LOCATION

MILTON ST

S. CHARLES ST

SAMUEL ST

LOCATION MAP  
FOR  
225 S CHARLES ST  
WITHERSPOON DISTILLERY



N

SCALE: 1"=200'

W MAIN ST

ELM ST

SAMUEL ST

MILTON ST

S. CHARLES ST

PROJECT LOCATION

LOCATION MAP  
FOR  
225 S CHARLES ST  
WITHERSPOON DISTILLERY

## MEMORANDUM

**TO:** Donna Barron, City Manager

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

**VIA:** Eric Ferris, Assistant City Manager

**DATE:** May 18, 2015

**SUBJECT:** **Consideration of a Variance to the Lewisville City Code Section 6-103 (Access Management) Regarding Driveway Width and Radii Requirements at the Proposed Majestic Airport Center, Buildings 4 & 6 Located at the Southeast Corner of Valley Parkway and Spinks Road, as Requested by Greg Gerbig, P.E., Pacheco Koch Consulting Engineers, Inc., on Behalf of the Owner.**

### BACKGROUND

The subject site is a 15.357-acre lot with a proposed 249,500 square foot building (Building 4) and an 18.836-acre lot with a proposed 329,060 square foot building (Building 6), both zoned Light Industrial (LI) within the Majestic Addition. Majestic Realty is proposing to construct two new office/warehouse developments on the subject properties with shared access. Majestic Realty is requesting a variance to allow three driveways to exceed the maximum width and maximum radii allowed.

### ANALYSIS

- a. To allow driveways to exceed the maximum width of 35 feet and to exceed the maximum turning radii of 25 feet.

The City of Lewisville Access Management Policy was approved by the City Council on December 21, 2009. The control of access criteria is governed by the Access Management Policy (now Section 6-103 of the General Development Ordinance) and is slightly different and supersedes the criteria found in other sections of the City Code.

Section 6-103 (d)(6)(a) requires a maximum width 35 feet and maximum driveway radii of 25 feet for all commercial and industrial driveways designated as truck entrances. In most cases the ordinance requirement provides adequate space for truck traffic to enter or exit the driveway without driving over curbs. Staff has no objection to this request since the projected truck traffic will be higher than normal and the larger driveway will minimize the conflict of a truck entering the driveway at the same time a truck is exiting the driveway which will be much more likely at this location because the size and nature of the proposed facility. A similar variance was recently approved by City Council for Majestic Building 5 and Fed Ex Freight Service Center. The Majestic Development has four completed office warehouse buildings in addition to the two proposed buildings. Buildings 1, 2 and 3 were completed in 2008 and are 130,000, 194,000 and 1,020,030 square feet respectively. Building 5 was completed in 2014 and has 1,022,242 square feet.

Subject: Majestic Airport Center, Buildings 4 & 6 - Variance

May 18, 2015

Page 2 of 2

**RECOMMENDATION**

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

May 18, 2015  
PK No.: 2752-14.171

**Mr. Jeff Kelly, P.E.**  
*City Engineer*  
**CITY OF LEWISVILLE**  
151 West Church Street  
Lewisville, Texas 75057

Re: **MAJESTIC AIRPORT CENTER**  
**Buildings 4 & 6**  
*Lewisville, Texas*

Dear Mr. Kelly:

Please accept this letter as a formal request to increase the standard maximum allowable driveway widths and radii for the proposed development known as Majestic Airport Center – Buildings #4 and #6 located at the southeast corner of Valley Parkway and Spinks Road. The current development standard states, "A maximum width of 35 feet plus 25-foot radii will be allowed at driveways for commercial and industrial sites where significant truck traffic is projected..." The requested variances are as described below and as seen in the exhibits enclosed. We believe this variance is warranted because the truck movements entering and exiting the site cannot be completed using the City's standard geometry.

**Driveway 1**

Located near the northeast corner of Building # 6 on Spinks Road  
Increase driveway width to 45'  
Increase both curb return radii to 35'

**Driveway 2**

Located near the northwest corner of Building # 6 on Spinks Road  
Increase driveway width to 40'  
Increase both curb return radii to 45'

**Driveway 2**

Located near the southwest corner of Building # 6 on Valley Parkway  
Increase driveway width to 45'  
Increase the south curb return radii to 35'

Sincerely,



A. Greg Gerbig, P.E.

AGG/slr  
2752-14.171\_Letter

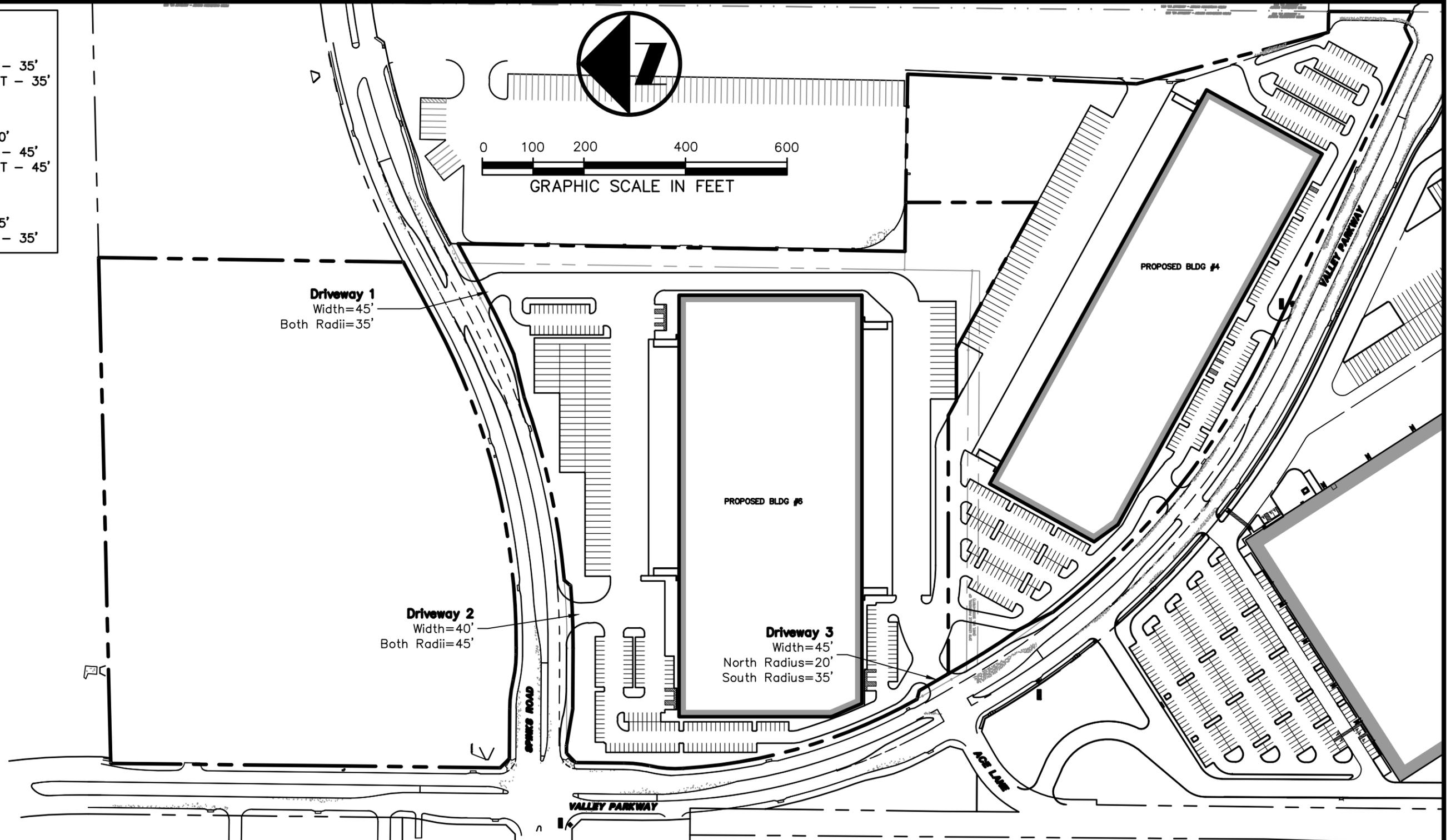
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**DRIVEWAY 1:**  
 VARIANCE REQUESTED:  
 1. DRIVEWAY WIDTH: 45'  
 2. DRIVEWAY RADIUS IN - 35'  
 3. DRIVEWAY RADIUS OUT - 35'

**DRIVEWAY 2:**  
 VARIANCE REQUESTED:  
 1. DRIVEWAY WIDTH - 40'  
 2. DRIVEWAY RADIUS IN - 45'  
 3. DRIVEWAY RADIUS OUT - 45'

**DRIVEWAY 3:**  
 VARIANCE REQUESTED:  
 1. DRIVEWAY WIDTH - 45'  
 2. DRIVEWAY RADIUS IN - 35'



**Driveway 1**  
 Width=45'  
 Both Radii=35'

**Driveway 2**  
 Width=40'  
 Both Radii=45'

**Driveway 3**  
 Width=45'  
 North Radius=20'  
 South Radius=35'

**Pacheco Koch** 8350 N. CENTRAL EXPWY. SUITE 1000  
 DALLAS, TX 75206 972.235.3031  
 TX REG. ENGINEERING FIRM F-14439  
 TX REG. SURVEYING FIRM LS-10193805

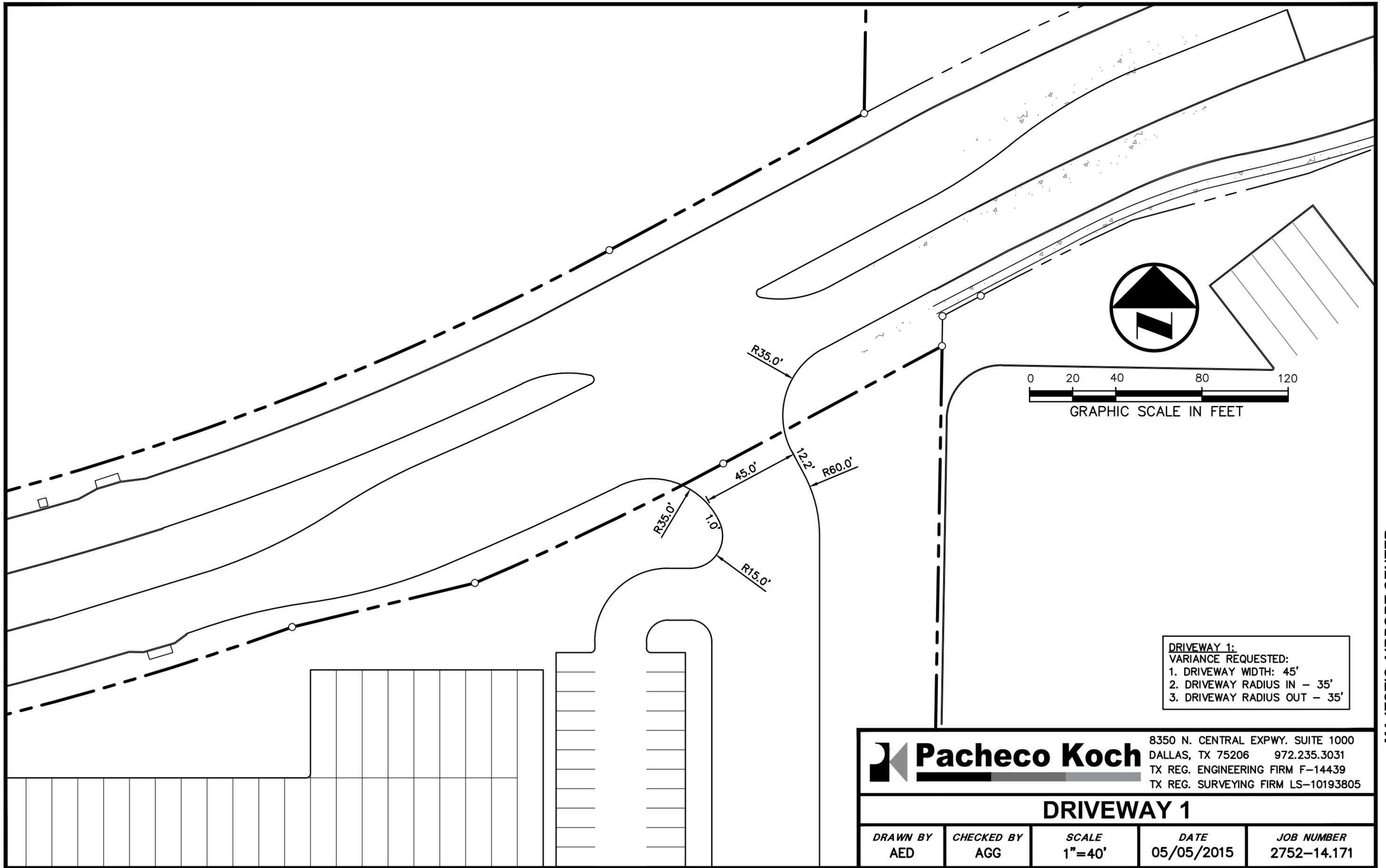
**OVERALL SITE LAYOUT**

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
AED	AGG	1"=200'	05/05/2015	2752-14.171

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 XREF FILE: PK-SU.DWG  
 XREF FILE: 6835-EX-12.DWG

MAJESTIC AIRPORT CENTER

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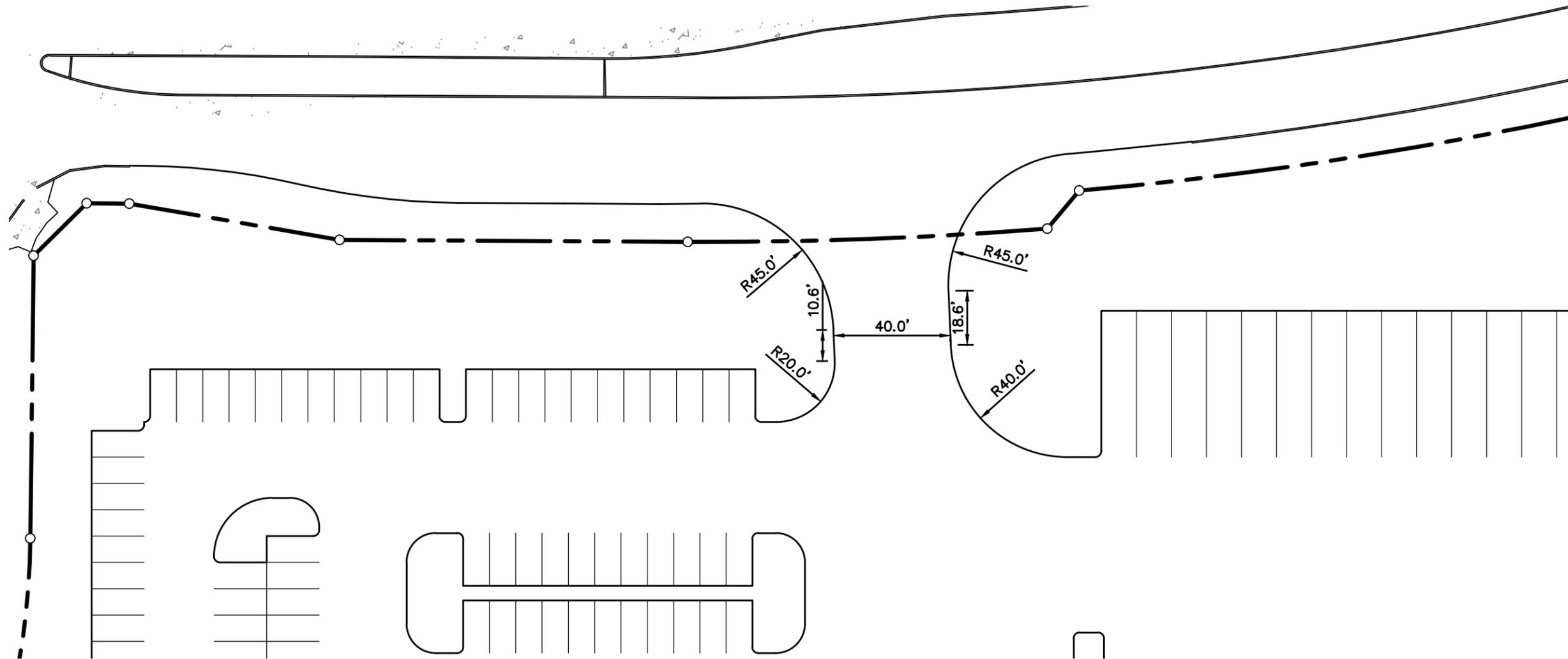


**DRIVEWAY 1:**  
 VARIANCE REQUESTED:  
 1. DRIVEWAY WIDTH: 45'  
 2. DRIVEWAY RADIUS IN - 35'  
 3. DRIVEWAY RADIUS OUT - 35'

		8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX 75206 972.235.3031 TX REG. ENGINEERING FIRM F-14439 TX REG. SURVEYING FIRM LS-10193805		
		<b>DRIVEWAY 1</b>		
<i>DRAWN BY</i> AED	<i>CHECKED BY</i> AGG	<i>SCALE</i> 1"=40'	<i>DATE</i> 05/05/2015	<i>JOB NUMBER</i> 2752-14.171

MAJESTIC AIRPORT CENTER

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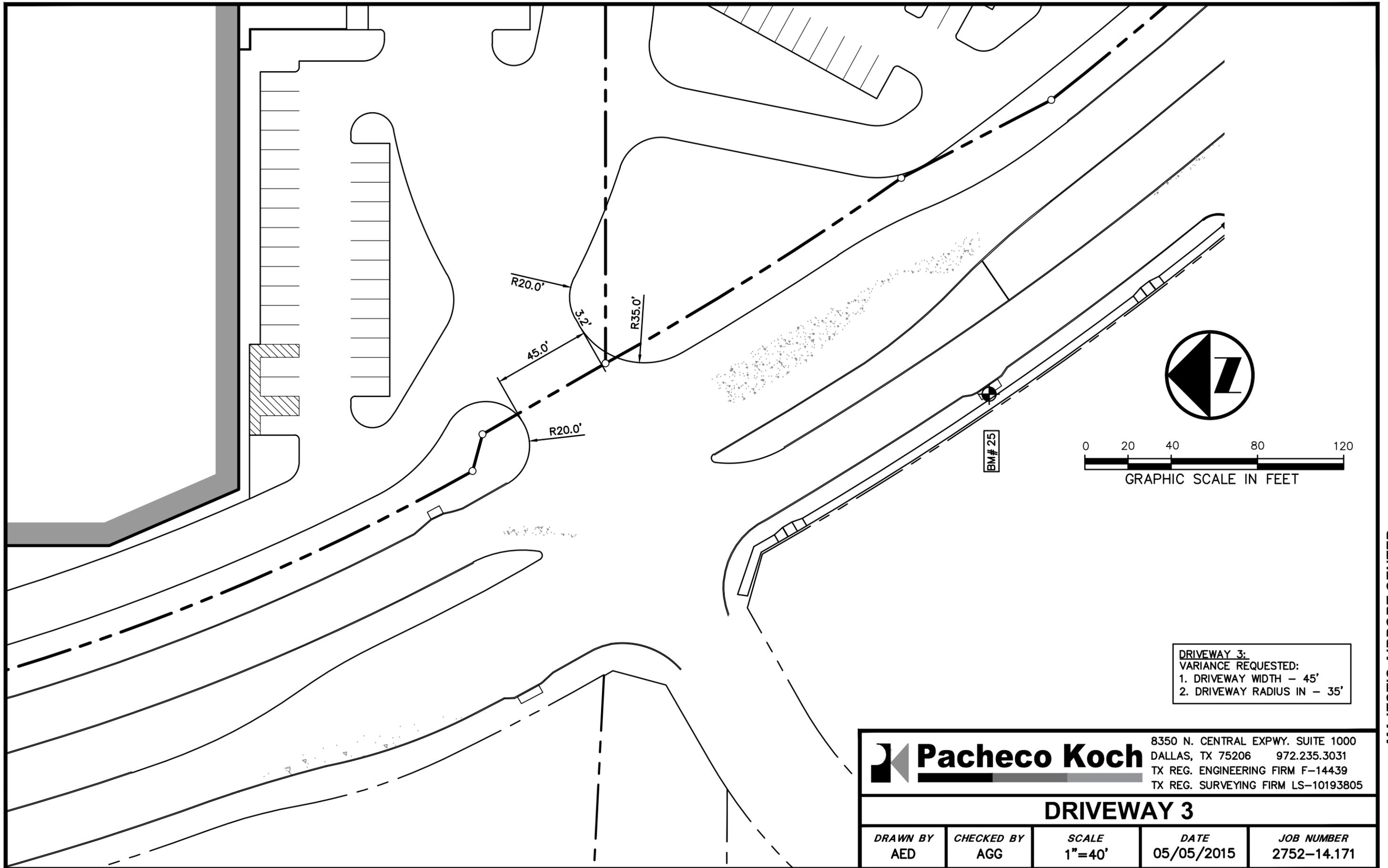
**DRIVEWAY 2:**  
 VARIANCE REQUESTED:  
 1. DRIVEWAY WIDTH - 40'  
 2. DRIVEWAY RADIUS IN - 45'  
 3. DRIVEWAY RADIUS OUT - 45'

		8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX 75206 972.235.3031 TX REG. ENGINEERING FIRM F-14439 TX REG. SURVEYING FIRM LS-10193805		
		<b>DRIVEWAY 2</b>		
<i>DRAWN BY</i> AED	<i>CHECKED BY</i> AGG	<i>SCALE</i> 1"=40'	<i>DATE</i> 05/05/2015	<i>JOB NUMBER</i> 2752-14.171

MAJESTIC AIRPORT CENTER

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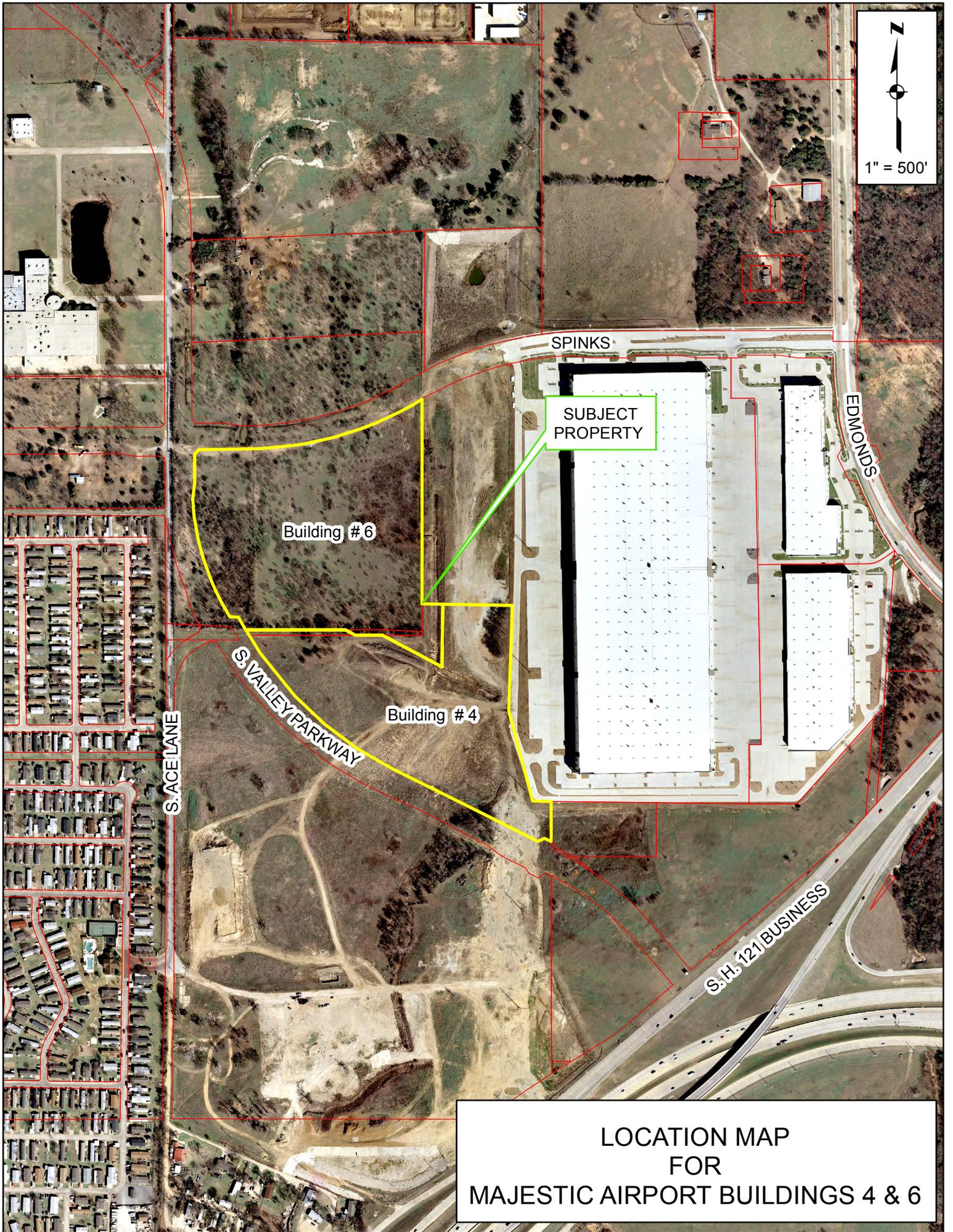


**DRIVEWAY 3:**  
VARIANCE REQUESTED:  
1. DRIVEWAY WIDTH - 45'  
2. DRIVEWAY RADIUS IN - 35'

		8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX 75206 972.235.3031 TX REG. ENGINEERING FIRM F-14439 TX REG. SURVEYING FIRM LS-10193805		
<b>DRIVEWAY 3</b>				
<i>DRAWN BY</i> AED	<i>CHECKED BY</i> AGG	<i>SCALE</i> 1"=40'	<i>DATE</i> 05/05/2015	<i>JOB NUMBER</i> 2752-14.171

DWG FILE: 2752-14.171-BA\_AUTOTURN\_15040  
XREF FILE: PK-SU.DWG  
XREF FILE: 6835-EX-12.DWG

MAJESTIC AIRPORT CENTER



N  
1" = 500'

SPINKS

EDMONDS

SUBJECT  
PROPERTY

Building #6

Building #4

S. ACE LANE

S. VALLEY PARKWAY

S.H. 121 BUSINESS

LOCATION MAP  
FOR  
MAJESTIC AIRPORT BUILDINGS 4 & 6

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** James Kunke, Community Relations & Tourism Director

**DATE:** May 26, 2015

**SUBJECT:** **Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule by Amending the Fees Related to the Wayne Ferguson Plaza.**

### BACKGROUND

Council previously approved a schedule of rental fees for Wayne Ferguson Plaza. However, as the project draws closer to completion, a staff walk-through of the plaza revealed some changes that needed to be made in the definitions of different rental spaces. This also created a new rental space option. The proposed changes would revise the space definitions and add the Party Lawn Rental option.

### ANALYSIS

Rental use of Wayne Ferguson Plaza is governed by an Administrative Directive put into place last fall. Corresponding rental fees were approved by City Council during the 2014-15 budget process as part of a larger amendment to the Fee Schedule.

Those rental guidelines were developed by MCL Grand staff based on drawings of the plaza and a walkthrough of the construction site as it existed at last fall. During a subsequent walkthrough in April 2015, more areas of the Plaza were completed and staff was able to get a better feel for the size, layout and potential rental uses of Wayne Ferguson Plaza.

Based on that assessment, staff changed the defined boundaries for the Great Lawn, Upper Lawn and Lower Lawn. The grass above and west of the retaining wall has been added to the rental options. In addition, a new Party Lawn Rental option has been created for small events only needing one half of the oval-shaped Lower Lawn.

The Administrative Directive already has been amended. Proposed changes to the Fee Schedule include updating the name of the facility to Wayne Ferguson Plaza, changing the definitions for existing rental spaces, and adding the definition and fees for the Party Lawn Rental.

MCL Grand staff is now accepting rental applications for events to be held after July 1, 2015, and has received multiple inquiries for events this fall and next spring.

### RECOMMENDATION

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS AMENDING THE LEWISVILLE CODE OF ORDINANCES, CHAPTER 2, SECTION 2-201 FEE SCHEDULE BY AMENDING THE FEES RELATED TO THE WAYNE FERGUSON PLAZA; 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.** Code of Ordinances, Chapter 2, Section 2-201, Fee Schedule, is hereby amended by deleting the fees related to the Old Town Park Plaza in their entirety and in their place inserting the following new fees for the Wayne Ferguson Plaza:

WAYNE FERGUSON PLAZA	
OPEN RENTAL RATES	
Great Lawn Rental (includes stage, oval-shaped lawn fronting stage, and grass lawn west of semi-circular retaining wall):	
Prime day rental – Friday after 4 p.m., Saturday any time, Sunday any time, holidays any time (4 hours)	506.00
Prime day rental – additional hours (per hour)	126.50
Off-prime day rental (4hours)	460.00
Off-prime rental – additional hours (per hour)	115.00
Stage or Lower Lawn Rental (includes stage and oval-shaped lawn between stage and semi-circular retaining wall):	
Prime day rental – Friday after 4 p.m., Saturday any time, Sunday any time, holidays any time (4 hours)	316.25
Prime day rental – additional hours (per hour)	79.70
Off-prime day rental (4 hours)	287.50
Off prime rental – additional hours (per hour)	72.45
Upper Lawn Rental (includes grass lawn west of semi-circular retaining wall):	
Prime day rental –Friday after 4 p.m., Saturday any time, Sunday any time, holidays any time (4 hours)	189.75
Prime day rental – additional hours (per hour)	47.44

Off-prime day rental (4 hours)	172.50
Off-prime rental- additional hours (per hour)	43.13
Party Lawn Rental ((includes half of the oval-shaped lawn, either west or east of the north-south walkway):	
Prime day rental – Friday after 4 p.m., Saturday any time, Sunday any time, holidays any time (4 hours)	98.00
Prime day rental – additional hours (per hour)	24.50
Off-prime day rental (4 hours)	74.75
Off-prime rental – additional hours (per hour)	18.68
NONPROFIT RENTAL RATES	
Great Lawn Rental (includes stage, oval-shaped lawn fronting stage, and grass lawn west of semi-circular retaining wall):	
Prime day rental - Friday after 4 p.m., Saturday any time, Sunday any time, holidays any time (4 hours)	
Prime day rental – additional hours (per hour)	440.00
Off-prime day rental (4 hours)	110.00
Off-prime rental - additional hours (per hour)	400.00
Stage or Lower Lawn Rental (includes stage and oval-shaped lawn between stage and semi-circular retaining wall):	
Prime day rental - Friday after 4 p.m., Saturday any time, Sunday any time, holidays any time (4 hours)	275.00
Prime day rental – additional hours (per hour)	69.30
Off-prime day rental (4 hours)	250.00
Off-prime rental - additional hours (per hour)	63.00
Upper Lawn Rental (includes grass lawn west of semi-circular retaining wall):	
Prime day rental - Friday after 4 p.m., Saturday any time, Sunday any time, holidays any time (4 hours)	165.00
Prime day rental – additional hours (per hour)	41.25
Off-prime day rental (4 hours)	150.00
Off-prime rental - additional hours (per hour)	37.50
Party Lawn Rental (includes half of the oval-shaped lawn, either west or east of the north-south walkway):	
Prime day rental – Friday after 4 p.m., Saturday any time, Sunday any time, holidays any time (4 hours)	85.00
Prime day rental – additional hours (per hour)	21.25
Off-prime day rental (4 hours)	65.00
Off-prime rental – additional hours (per hour)	16.25
ADDITIONAL RENTAL RATES	
Access-Control Barricades (includes setup and removal):	
Great Lawn Rental	500.00
Lower Lawn Rental	300.00
Upper Lawn Rental	300.00
Stand-up Wedding Rental (includes space reservation only, as described in Facility Use Guidelines)	50.00

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

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

**SECTION IV. EFFECTIVE DATE.** This ordinance shall become effective on June 15, 2015.

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

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE 1<sup>st</sup> DAY OF JUNE, 2015.**

**APPROVED:**

\_\_\_\_\_  
Rudy Durham, MAYOR

**ORDINANCE NO.** \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY

**MEMORANDUM**

**TO:** Donna Barron, City Manager

**FROM:** Steven L. Bacchus, Assistant City Manager

**DATE:** May 4, 2015

**SUBJECT:** **Consideration of a Request to Utilize Associated City Property at the Toyota of Lewisville Railroad Park for the CASA of Denton County TollTag Triathlon Fundraising Event; and Consideration of a Variance to the Lewisville City Code Section 2-201 Regarding Waiving Special Event Permit Fees, as Requested by Sherri Gideon, Executive Director, Representing CASA of Denton County.**

**BACKGROUND**

The Court Appointed Special Advocates (CASA) of Denton County is planning a triathlon event for July 26, 2015 at Toyota of Lewisville Railroad Park. This event was formerly organized by the Kiwanis Club of Southern Denton with all profits given to CASA of Denton County. Beginning in 2015, CASA of Denton County will be hosting this event. The event will be operated in the same manner as previous years with no significant changes.

In addition to a request for a permit, CASA is requesting a waiver of fees and use of City property for the event. Other non-profits that have submitted a request of such waivers in the past have been approved by the City Council.

**ANALYSIS**

The special event committee reviewed the permit application and required the following: fourteen (14) police officers to man intersections crossed by the bike race at a cost of \$3,300.64 as well as required police cars at a cost of \$936.00; three (3) paramedics with one (1) ambulance for 4 hours at a cost of \$859.84; and seven (7) traffic workers to put out cones and set traffic lights at a cost of \$822.64. Total waiver of fees requested for this event is \$5,919.12.

The permit fee waiver includes:

Fourteen (14) Police Officers	\$ 3,300.64
Required Police Cars (13)	\$ 936.00
Three (3) Paramedics + One (1) Ambulance (4 hours)	\$ 859.84
Seven (7) Traffic Workers	<u>\$ 822.64</u>
Total of Fee Waiver Request:	\$ 5,919.12

Subject: CASA of Denton County TollTag Triathlon  
May 4, 2015  
Page 2

It should be noted that due to this event, no games will be scheduled for the twelve (12) fields at the park. The event, including “set-up and take-down” will be from 6:00 a.m. until noon on Sunday, July 26, 2015. Demand at the park, at this time of day, is usually minimal.

**RECOMMENDATION**

It is City staff’s recommendation that the City Council approve the request for waiver of fees and use of City property as set forth in the caption above.



A POWERFUL VOICE  
IN A CHILD'S LIFE!

614 N. Bell Avenue  
Denton, TX 76209  
www.casadenton.org  
P: 940.243.2272  
F: 940.243.1605

CASA of Denton County  
is a member agency of  
Texas CASA, Inc., the  
National CASA Association,  
and the United Ways  
of Denton County  
and Metropolitan Dallas.

May 18, 2015

The Honorable Dean Ueckert  
Mayor, And Members of the City Council  
City of Lewisville  
151 West Church Street  
Lewisville, Texas 75057



Dear Mayor Ueckert and Members of the City Council:

CASA of Denton County is planning the 4<sup>th</sup> Annual TollTag Triathlon Event (formerly hosted by the Kiwanis Club of Southern Denton County) at Toyota of Lewisville Railroad Park. Taking place on Sunday, July 26, 2015, this event is a sprint triathlon which includes three timed activities: a 500 meter swim, a 10 mile bike race (route attached), and a 5k run. No changes from previous years have been made to the course with the swimming and run contained in the Toyota of Lewisville Railroad Park and the bike race taking place in a single lane of SH 121 Business, Sam Rayburn Toll Service Road, Hebron Parkway in Carrollton and Lewisville, and Railroad Street. No roads will need to be shut down for this event.

CASA respectfully requests a waiver of fees for this event. We submitted a special event permit application in March 2015, which was reviewed and approved by the Community Development Department. Permits have also been submitted to the City of Carrollton, TxDot and NTTA and CASA has adequate liability insurance.

To give you a little more information about the event, we are continuing some traditions that the Kiwanis Club started. The City of Lewisville Parks and Leisure Services Department (PALS) will have activities for children and family members again this year. PALS will be sponsoring a kids run in the park along with bounce houses and other activities. The PALS staff has been working with Playtri Racing, the Dallas company who produces this event, on a training program to prepare for a triathlon. A very positive relationship has formed between PlayTri and PALS which recently led to the Collegiate Triathlon, operated by Playtri, being moved to Toyota of Lewisville Railroad Park.

As we move forward, CASA is working to grow event attendance and thus funds raised for the important work the agency does for our community's abused and neglected children. Last year approximately 200 participants competed in the event from local and area metroplex cities as well as across the state. It's a win-win for the City of Lewisville as it brings guests to the community.

We want you to know that we truly appreciate the support already provided to CASA through the annual social services grant process and the many ways we collaborate and work together. Your consideration of this request for a waiver of fees for this annual event would be an additional blessing ultimately benefiting our community's most vulnerable children.

With warmest regards,

  
Sherri Gideon  
Executive Director

enclosures

Scanned ✓

**Lewisville Police Department**  
**Operational Plan**  
**CASA of Denton County Triathlon**  
**Sunday, July 26, 2015**

**I. PURPOSE**

On Sunday, July 26, 2015, CASA will sponsor a triathlon in Lewisville. A triathlon is a multi-sport event involving the completion of three continuous and sequential endurance events. This triathlon will begin with a 500-800 meter swim at the Toyota of Lewisville Railroad Park. The swim will be immediately followed by a 10.5 mile bike ride that begins and ends at the Toyota of Lewisville Railroad Park. The triathlon will conclude with a run that will take place within the boundaries of the park.

This Operations Plan will focus on the bicycle ride portion of the triathlon, as this is the only event that will take place on public roadways. Triathlon staff will control the safety of the participants during the swimming and running events. The swim is scheduled to begin at 5:30 a.m. The first bicyclists should be on the road by 7 a.m. It is anticipated that the last of the bicyclists should finish the event by 9 a.m. Officers from the Lewisville Police Department will staff strategic road closure locations and provide traffic control during the bicycling portion of the triathlon.

Event Staff should have made notifications to any affected businesses or residences along the route to notify them of the road or lane closures and of the possible delays associated with them.

**II. COMMAND**

A **sergeant** will be in command. He is on duty that day, but will not focus on his patrol supervision duties during the triathlon. All of his attention will be on the event until its conclusion. Prior to the event, he will meet with the officers as a group and brief them on the event details. During the event, he will monitor the road closure locations and listen to radio traffic, to address any issues that arise. All officers involved in the event will use CID 1 as the talk-around channel and NCIC to talk to Communications. The event briefing will be held in the briefing room at 5:30 a.m. Officers need to be at their assigned locations as close to 6 a.m. as possible.

### III. TRAFFIC CONTROL ELEMENT

The route for the triathlon is as follows:

- Bicyclists will start at the dead-end on Valley Ridge, near the park.
- They will continue on Valley Ridge and turn right (east) onto East S.H. 121 (Business).
- Next, they turn right (south) onto Huffines Blvd. and then immediately left (east) onto Midway Road.
- From Midway, bicyclists turn right (still east) onto FM 544.
- At the 121 Tollway, the bicyclists will turn right (south).
- They will remain on the frontage road of the Tollway until Hebron Parkway.
- At Hebron Parkway, the bicyclists will turn right (west) onto Hebron.
- They will then follow Hebron and eventually turn right (north) onto Railroad.
- They will continue to SH 121 (Business), where they will turn right (east).
- Finally, they will turn back right (south) onto Valley Ridge and continue to the designated stopping point on Valley Ridge.

On the morning of the triathlon, the City Traffic Department will close a single lane that will be dedicated for bicycle traffic from the triathlon. There will be two such lane closures in the Lewisville portion of the event. The first will be the outside lane of traffic for the length of the route along SH 121 (Business). The second will be the outside lane of traffic on Hebron Parkway, from the Lewisville city limit to Railroad. As for Carrollton, event organizers (Asst. City Manager Steve Bacchus) will be deploying cones to close the outside lane of traffic as a dedicated lane for the bicyclists along Hebron Parkway. Finally, NTTA will close the outside lane of traffic as a dedicated lane for bicyclists along the 121 Tollway portion of the road course.

Additionally, the Lewisville Traffic Department will provide hard lane closures at strategic intersections, which will be manned by police officers. Lewisville Officers will be working all of the intersections (those in Lewisville and those in Carrollton) per a mutual aid agreement made with Carrollton for this event. These lane and road closures will remain closed until the conclusion of the bicycle event (estimated that re-opening will begin around 9 a.m.). The City of Lewisville Traffic Division will provide barricades, including set up for road closures, and traffic cones/barrels are to be used by officers during traffic control. At some locations, there will also be a City of Lewisville Traffic Division employee or an NTTA flagger to assist with control.

All cones, barricades, and signboards will be in place no later than 6 a.m.

Officers should be in place by around 6 a.m. They will likely begin to see bicyclists on the course by about 7 a.m. Officers will remain in place until the conclusion of the event, which should be around 9 a.m. Event Staff (Asst. City Manager Steve Bacchus) will notify officers when the bicycle portion of the event is concluded. He will be following the last rider in a vehicle and he will let the officers know of the last rider as he passes them. Officers can leave their posts at that time. The City Traffic Division will be able to pick up cones and barricades without the assistance of officers.

Officers should clock into Executime and note the overtime in the comment section as "CASA TRI."

A. An officer will work the lane closure at SH 121 (Business) at Valley Ridge Parkway. The outside lane of traffic will be closed and dedicated to bicycle race traffic. Traffic will approach on Valley Ridge from the park and then turn east onto SH 121. This officer will be in a marked squad car.

B. An officer will direct traffic at the intersection of Huffines Street and Midway. Bicyclists will have a protected turn from SH121 right onto Huffines. They will be immediately turning left, across traffic, onto Midway. There will not be a road or a lane closure at his location, so this officer will need to stop any approaching traffic for the bicyclists, giving the bicyclists right of way. This officer will be in a marked squad car.

C. Two officers will work the intersection of Midway and Holford's Prairie Road. This intersection is quite spread out. One officer will work the north branch of Holford's Prairie and the other will work the south. Again, there will be no lane closure here, so officers will direct traffic, giving bicyclists right of way over vehicular traffic. These two officers will share one marked squad car.

D. An officer will be assigned to the intersection of FM 544 and Midway road. Officer will close the outside lane of FM 544 at Midway, giving bicyclists free movement turning right onto FM 544. There will not be a hard lane closure on this section of 544. This officer will be in a marked squad car.

E. An officer will be assigned to the intersection of the 121 Tollway and FM 544. NTTA will close the outside lane of the Tollway at that location to give bicyclists free movement onto the Tollway from 544. NTTA will have coned off the outside lane of the frontage road for the bicycle traffic only. This will give bicyclists the right of way during this portion of the event. Additionally, NTTA will likely have placed signboards at the location to warn motorists about the presence of bicyclists. This officer will be in a marked squad car. This officer is present to ensure adherence to the road closure. Since NTTA is handling the closure on the Tollway, the Officer will handle any closure issues needed on FM 544.

F. An officer will be assigned to the intersection of the 121 Tollway and Carrollton Parkway. Bicyclists will have the right of way here, as this intersection is controlled by stop signs for traffic on Carrollton Parkway. This presence of this officer should help to ensure that motorists yield right-of-way to the bicyclists. NTTA will have coned off the outside lane of the frontage road for the bicycle traffic only. This will give bicyclists the right of way during this portion of the event. This officer will be in a marked squad car. There will also be an NTTA flagger at this location to assist with traffic flow.

G. An officer will be assigned to the intersection of the 121 Tollway and Hebron Parkway. The officer should position their marked squad car on Hebron Parkway to allow free movement of the bicyclists from the 121 Tollway onto the outside lane of Hebron Parkway. NTTA will have

prepared a hard closure at this intersection to close the outside lane of Hebron and event organizers will have coned off the outside lane of Hebron Parkway for the bicycle traffic only. This will give bicyclists the right of way during this portion of the event. This will tie in to the lane closure once the bicyclists enter the Lewisville city limits. Additionally, the officer can use the cones in their squad, if needed, to help denote the lane closure for a short distance.

H. An officer will be assigned to the intersection of Hebron Parkway and Marchant. This officer will direct traffic at this location to ensure that any approaching bicyclists have the right-of-way. This officer will be in a marked squad. They should use their squad and cones to set up the intersection to give them the best ability to control this intersection. Event organizers will have coned off the outside lane of Hebron Parkway for the bicycle traffic only.

I. An officer will be assigned to the intersection of Hebron Parkway and Fairway. This officer will direct traffic at this location to ensure that any approaching bicyclists have the right-of-way. This officer will be in a marked squad. They should use their squad and cones to set up the intersection to give them the best ability to control this intersection. Event organizers will have coned off the outside lane of Hebron Parkway for the bicycle traffic only.

J. An officer will be assigned to the intersection of Hebron Parkway and Railroad. The officer will close this intersection to vehicular traffic. The officer will ensure free travel of the bicyclists from Hebron onto Railroad. This officer will be in a marked squad car. The outside lane of traffic on Hebron Parkway will be coned off to provide a dedicated lane of traffic for the bicyclists. This will begin at the Lewisville city limit.

K. An officer will be assigned to the intersection of Railroad and Bennett. The officer will close this intersection to vehicular traffic. The dump and Railroad Park are both open, so this officer will need to allow random access to vehicles. Drivers entering the race venue need to be advised of the race and admonished to yield right-of-way to the bicyclists, as this is a timed event. The officer will ensure free travel of the bicyclists on Railroad through this intersection. This officer will be in a marked squad car. There will not be any dedicated lane closures along Railroad. **FYI, this is the only entry point into the park or the landfill during the event. Anyone requesting access to Railroad Park or the landfill should be referred to this location.**

L. An officer will manage the intersection at Railroad and SH 121 (Business). They will be in a marked squad car. They will block the outside lane of traffic on SH 121 (Business) to provide an uninterrupted right turn for bicyclists from Railroad onto SH 121 (Business). The outside lane of SH121 (Business) will be coned off at this location to provide a dedicated lane of traffic for the bicyclists. The City Traffic Division will place a signboard at this location to warn traffic on SH 121 (Business) about the bicycle race.

M. An officer will manage the intersection at SH 121 (Business) and Main St. They will ensure that bicyclists have right of way through this intersection regardless of light sequence. FYI, the double turn lane from Main Street will be reduced to a single turn lane. Also, the outside lane will be closed at this location for the bicyclists. This officer will be in a marked squad car.

TOYOTA OF LEWISVILLE  
**RAILROAD PARK**  
 ESTD LEWISVILLE, TX 2009

**SCALE**  
 100 YARDS

BALLFIELD  
 SOFTBALL  
 Dog Parks  
 TENNIS  
 HOCKEY RINKS  
 VOLLEYBALL

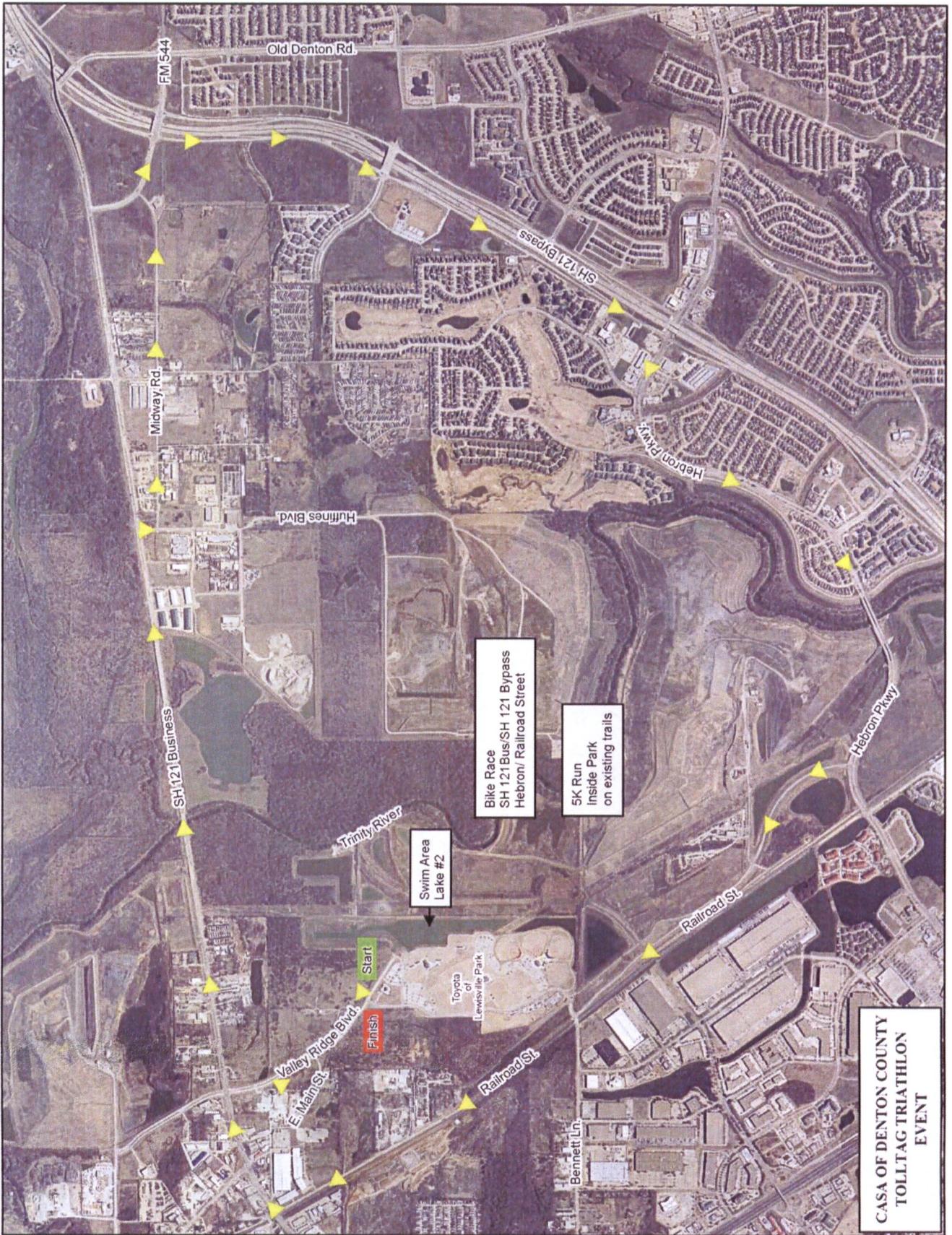
**WARNING FOR TOYOTA OF LEWISVILLE RAILROAD PARK**  
 Opened in October 2009, Toyota of Lewisville Railroad Park was designed to give guests and the community a place to enjoy sports and recreation. The park features a variety of sports fields, a dog park, a skate park, a playground, and a 1.5 mile perimeter walking/jogging trail designed to connect the regional transit trail.

The original City of Lewisville (CFL) was one of the first in the state to build a park and to include a trail. The park was designed to be a place where the community can enjoy sports and recreation. The park features a variety of sports fields, a dog park, a skate park, a playground, and a 1.5 mile perimeter walking/jogging trail designed to connect the regional transit trail.

For additional information contact the Community Parks and Leisure Services Department at 817-411-2333 or visit [www.toyotaoflewisville.com](http://www.toyotaoflewisville.com)

[www.toyotaoflewisville.com](http://www.toyotaoflewisville.com) | [www.cityoflewisville.com](http://www.cityoflewisville.com)





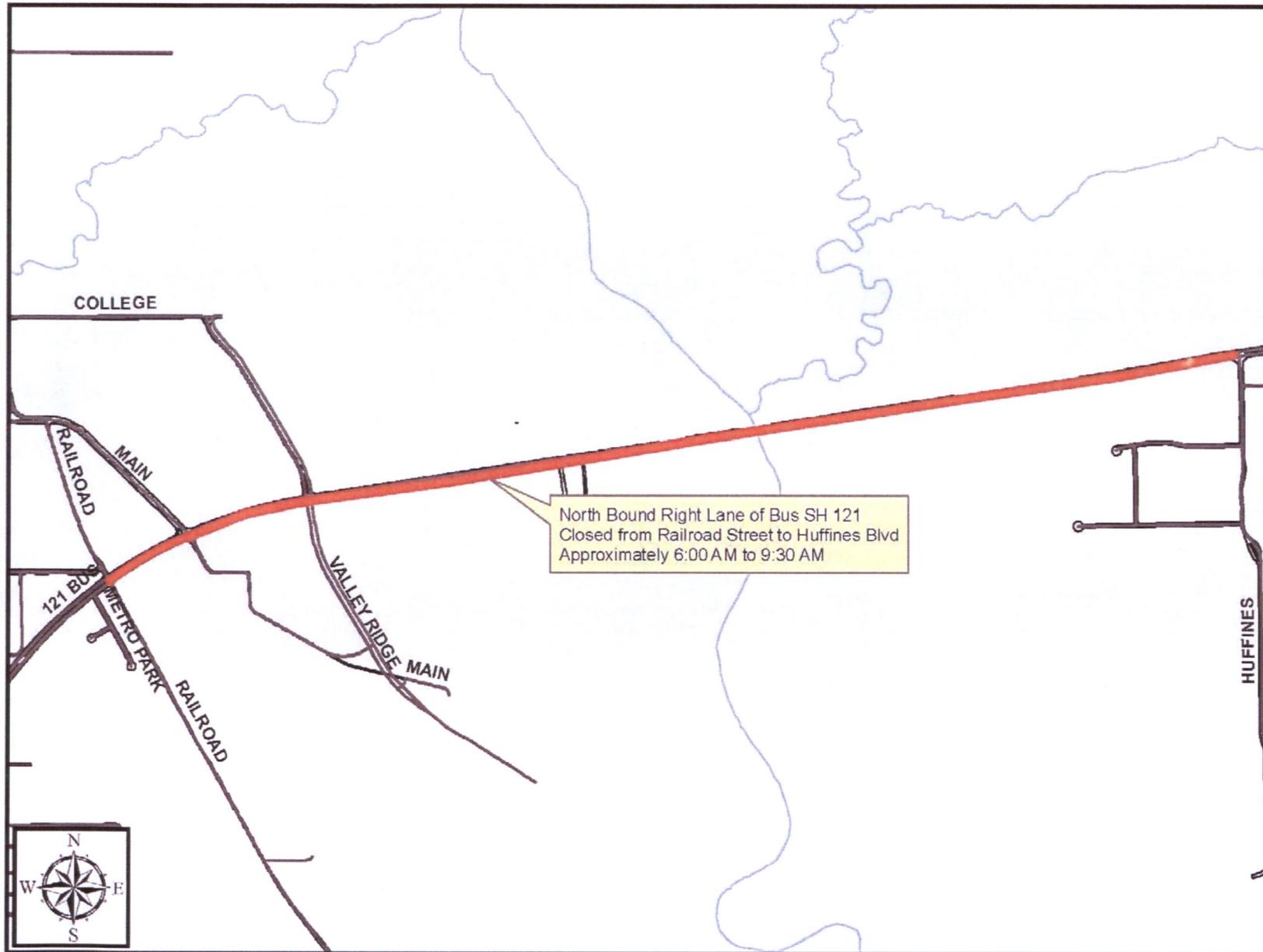
Bike Race  
SH 121 Bus/SH 121 Bypass  
Hebron/ Railroad Street

5K Run  
Inside Park  
on existing trails

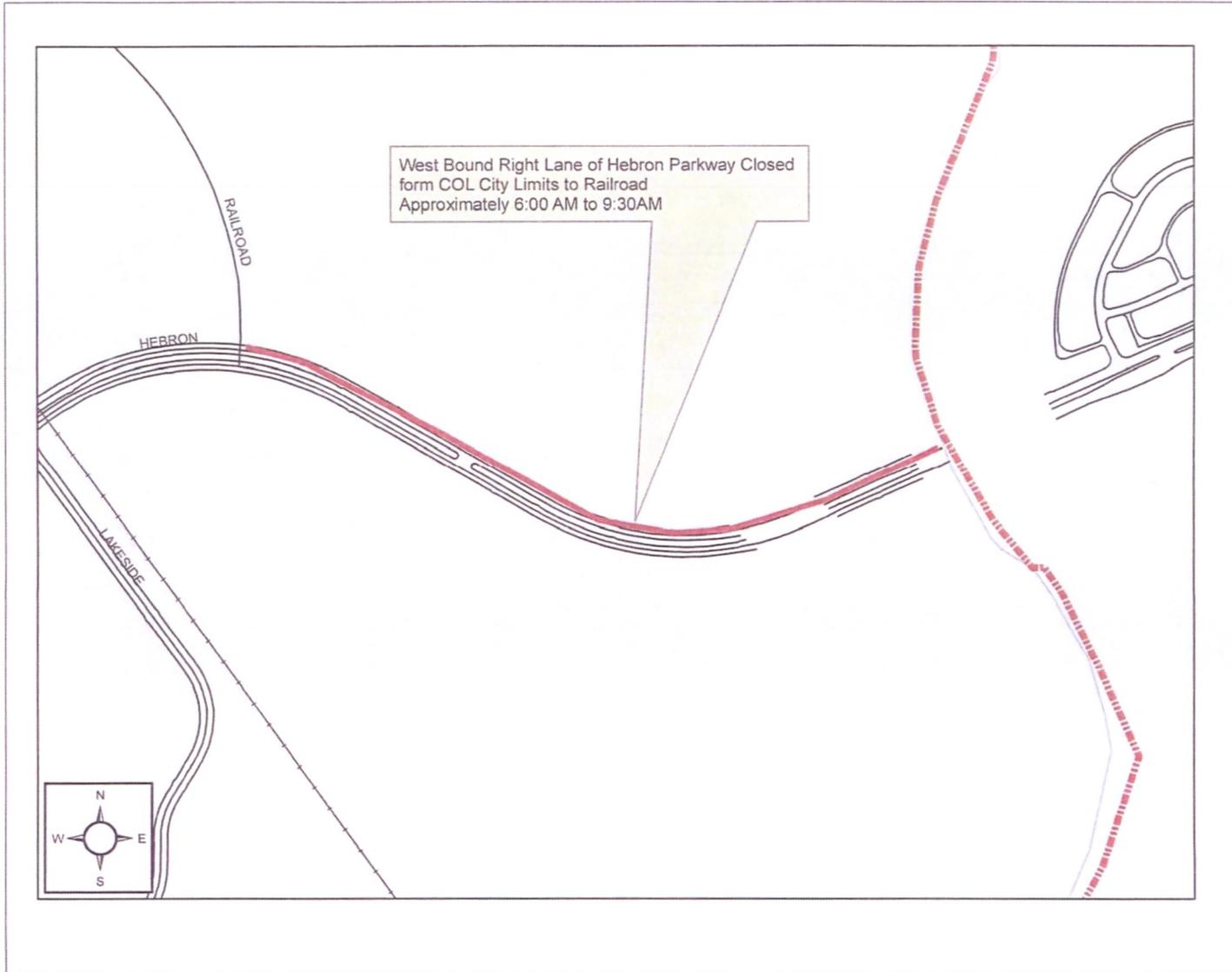
Swim Area  
Lake #2

CASA OF DENTON COUNTY  
TOLL TAG TRIATHLON  
EVENT

# Lewisville – July 26 Special Event Lane Closure

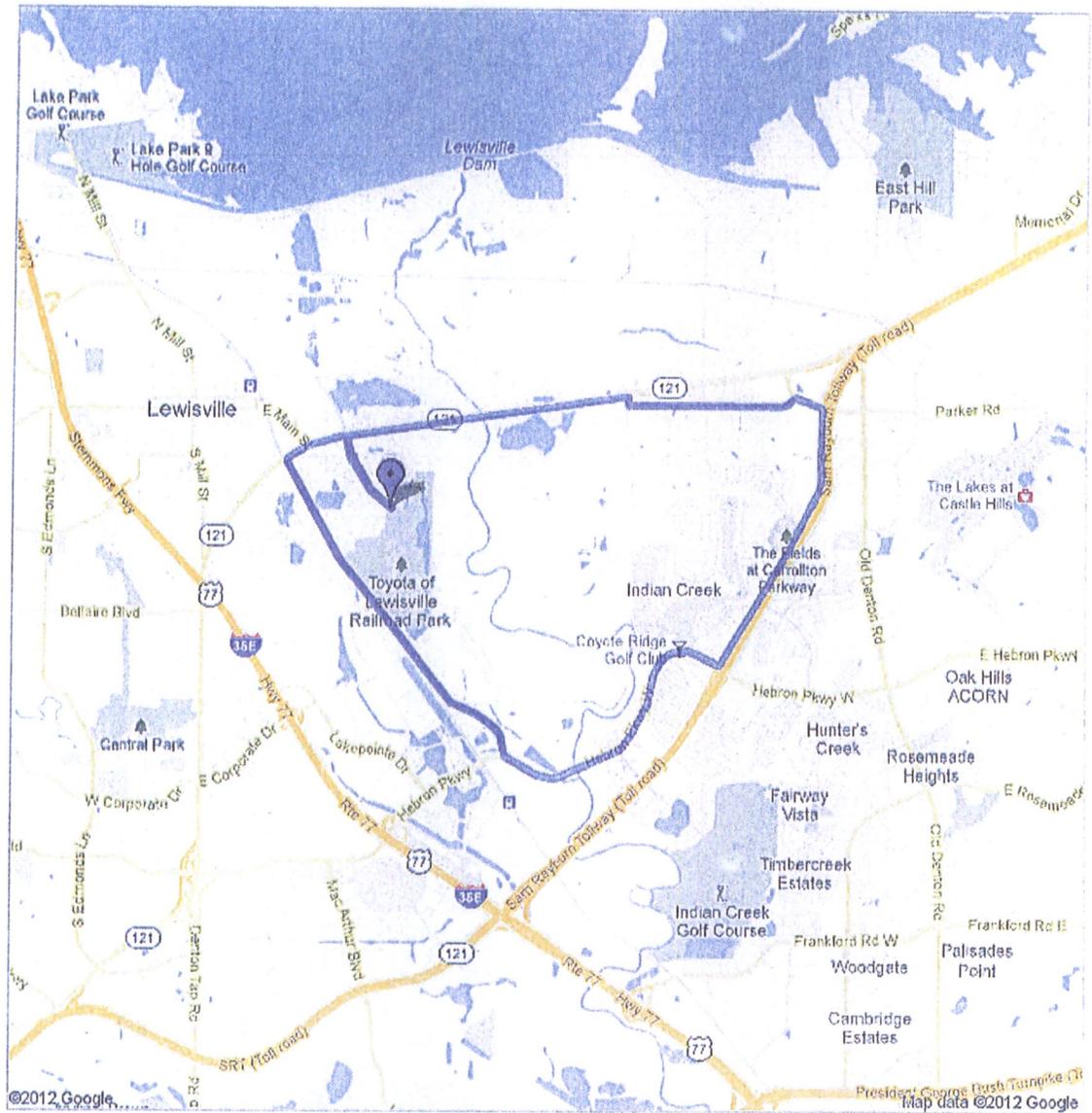


## Lewisville – July 26 Special Event Lane Closure





Get Google Maps on your phone  
Text the word "GMAPS" to 466453

### Triathlon-Route 4

Route 4

Public · 27 views

Created on Aug 15, 2011 · By JasonCOL · Updated Aug 15, 2011

-  Line 1
-  End - 10.89 miles
-  Start



Directions to Bennett Ln  
10.9 mi - about 25 mins



Valley Ridge Blvd

- 1. Head northwest on Valley Ridge Blvd toward E Main St/E Purnell St  
About 2 mins

go 0.6 mi  
total 0.6 mi

Total: 0.6 mi - about 2 mins  
total 0.0 mi



Valley Ridge Blvd

- 2. Head north on Valley Ridge Blvd toward TX-121 BUS N

go 13 ft  
total 13 ft



- 3. Take the 1st right onto TX-121 BUS N  
About 3 mins

go 1.8 mi  
total 1.8 mi



- 4. Slight right

go 157 ft  
total 1.8 mi

Total: 1.8 mi - about 3 mins  
total 0.0 mi



Unknown road

- 5. Head southeast toward Huffines Blvd

go 89 ft  
total 89 ft

- 6. Continue straight onto Huffines Blvd

go 164 ft  
total 253 ft

Total: 253 ft

total 0.0 mi



Huffines Blvd

- 7. Head south on Huffines Blvd toward Midway Rd

go 16 ft  
total 16 ft



- 8. Take the 1st left onto Midway Rd  
About 3 mins

go 1.1 mi  
total 1.1 mi

Total: 1.1 mi - about 3 mins

total 0.0 mi



Midway Rd

- 9. Head southeast on Farm to Market 544

go 0.2 mi  
total 0.2 mi



- 10. Slight right

go 144 ft  
total 0.2 mi

Total: 0.2 mi

total 0.0 mi



Unknown road

- 11. Head south toward TX-121 S

go 10 ft  
total 10 ft



- 12. Continue straight onto TX-121 S  
About 3 mins

go 1.8 mi  
total 1.8 mi



- 13. Turn right onto Hebron Pkwy W  
About 1 min

go 0.3 mi  
total 2.1 mi



Hebron Pkwy W

Total: 2.1 mi – about 5 mins  
total 0.0 mi

14. Head west on Hebron Pkwy W toward Hunt Dr  
About 3 mins

go 1.6 mi  
total 1.6 mi



15. Turn right onto S Railroad St

go 36 ft  
total 1.6 mi



S Railroad St

Total: 1.6 mi – about 3 mins  
total 0.0 mi

16. Head north on S Railroad St toward Bennett Ln  
About 3 mins

go 1.3 mi  
total 1.3 mi



S Railroad St

Total: 1.3 mi – about 3 mins  
total 0.0 mi

17. Head northwest on S Railroad St toward TX-121 BUS N  
About 3 mins

go 1.2 mi  
total 1.2 mi



S Railroad St

Total: 1.2 mi – about 3 mins  
total 0.0 mi

18. Head northwest on S Railroad St toward TX-121 BUS N

go 23 ft  
total 23 ft



19. Take the 1st right onto TX-121 BUS N  
About 1 min

go 0.4 mi  
total 0.4 mi



TX-121 BUS N

Total: 0.4 mi – about 1 min  
total 0.0 mi

20. Head south on Valley Ridge Blvd toward E Main St/E Purnell St  
About 2 mins

go 0.6 mi  
total 0.6 mi



Bennett Ln

Total: 0.6 mi – about 2 mins

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2012 Google

Directions weren't right? Please find your route on [maps.google.com](http://maps.google.com) and click "Report a problem" at the bottom left.



**LEWISVILLE**

Deep Roots. Broad Wings. Bright Future.

**MEMORANDUM**

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

**FROM:** Julie Heinze, City Secretary

**DATE:** May 22, 2015

**SUBJECT: Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.**

**BACKGROUND**

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Electronic Notebook has been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the book along with attendance data for existing members requesting to be reappointed. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

The following is a list of current board members that are interested in being reappointed:

Greg Tierney	Place No. 1	Animal Services Advisory Committee (Council Rep)
Judy Cromwell	Place No. 3	Animal Services Advisory Committee
Nick Rudolph	Place No. 5	Animal Services Advisory Committee (Animal Welfare Org)
Craig Roberts	Place No. 1	Arts Advisory Board (Business Located in Lewisville)
Bill Watson	Place No. 3	Arts Advisory Board (Employer by Institution of Higher Learning in Art Related Field)
Brenda Crawford	Place No. 5	Arts Advisory Board (Lewisville Resident)
Peggy Atkerson	Place No. 9	Arts Advisory Board (Lewisville Resident)
Tamela Bowie	Place No. 1	CDBG Advisory Committee
Sarah McLain	Place No. 3	CDBG Advisory Committee
Debbie Fu	Place No. 7	CDBG Advisory Committee
Charles Emery	Place No. 1	Lewisville Housing Finance Corporation
R L Crawford	Place No. 3	Lewisville Housing Finance Corporation
Hurl Scruggs	Place No. 5	Lewisville Housing Finance Corporation
R L Crawford	Place No. 1	Lewisville Industrial Development Corporation
Charles Emery	Place No. 5	Lewisville Industrial Development Corporation



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R Neil Ferguson	Place No. 1	Lewisville Local Government Corporation
Greg Tierney	Place No. 3	Lewisville Local Government Corporation
Rudy Durham	Place No. 4	Lewisville Local Government Corporation
Leroy Vaughn	Place No. 5	Lewisville Local Government Corporation
TJ Gilmore	Place No. 1	Lewisville Parks and Library Development Corp
Robert Solete	Place No. 2	Lewisville Parks and Library Development Corp
Ken Judkins	Place No. 3	Lewisville Parks and Library Development Corp
R Neil Ferguson	Place No. 4	Lewisville Parks and Library Development Corp
Rudy Durham	Place No. 6	Lewisville Parks and Library Development Corp
Doug Killough	Place No. 7	Lewisville Parks and Library Development Corp
Kathaleen Rodriguez	Place No. 3	Library Board
Toby Faber	Place No. 5	Library Board
Carolyn Richard	Place No. 7	Library Board
Dave Leopold	Place No. 1	Oil & Gas Advisory Board
AaronThesman	Place No. 5	Oil & Gas Advisory Board
Casey Dunn	Place No. 1	Old Town Design Review Committee (Resident)
Sharon Ellis	Place No. 3	Old Town Design Review Committee (OT Resident)
Dough Killough	Place No. 5	Old Town Design Review Committee (Resident)
Bill Peck	Architect	Old Town Design Review Committee
Jim Domer	Place No. 1	Park Board
Richard Oropeza	Place No. 3	Park Board
Robert Solete	Place No. 5	Park Board
Michael Pope	Place No. 7	Park Board
Cally Browning	Place No. 9	Park Board
Brandon Jones	Place No. 2	Planning and Zoning Commission
Alvin Turner	Place No. 4	Planning and Zoning Commission
Kristin Green	Place No. 6	Planning and Zoning Commission
Tamela Bowie	Place No. 1	TIRZ, Number 1 Board of Directors
Scott Strange	Place No. 3	TIRZ, Number 1 Board of Directors
Bill Peck	Place No. 5	TIRZ, Number 1 Board of Directors
Michelle D Viner	Place No. 3	TIRZ, Number 2 Board of Directors
Tom Jensen	Place No. 1	Zoning Board of Adjustment
MaryEllen Miksa	Place No. 3	Zoning Board of Adjustment
James Collier	Alternate No 1	Zoning Board of Adjustment



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Should the City Council reappoint all the current members interested in being reappointed to their existing Board/Commission/Committee, the following vacancies will exist:

- Animal Services Advisory Committee – Place No. 7 (will need to be replaced with a Veterinarian)
- Arts Advisory Board – Place No. 7(Lewisville Resident)
- Community Development Block Grant Advisory Committee – Place No. 5
- Lewisville Industrial Development Corporation – Place No.3
- Lewisville Local Government Corporation – Place No.2 (City Council Member)
- Lewisville Parks and Library Development Corporation – Place No. 5 (City Council Member)
- Library Board – Place No. 1
- Oil and Gas Advisory Board – Place No. 3 (Industry Representative) – Place No. 7 (Lewisville Resident)
- Planning and Zoning Commission – Place No. 3 (formerly Brent Daniels’ position – due to his being elected he is officially removed from the Planning and Zoning Commission)
- Tax Increment Reinvestment Zone, No. 2, Board of Directors – Place Nos. 1 and 5

Typically a memo detailing attendance of all members requesting reappointment is included with the various boards; however, as there are currently no attendance concerns this memo has not been prepared.

### **ANALYSIS**

Please note when reviewing the data sheets behind each specific board of the electronic boards/commissions notebook, in the top right hand corner there is a notation if the applicant is a current member or new applicant. If they are a new applicant, it will show if this board is their first or second choice (when no applicants have selected a first or second choices for a particular board, applicants indicating a lower rated interest will be included). The electronic notebook contains the following information:

Bookmark 1	Appointment Directives
Bookmark 2:	List of 2015 Vacancies and Reappointment Considerations
Bookmark 3:	Interview Questions
Bookmark 4:	Re-appointees – 2015
Bookmark 5:	New Applicants List - 2015
Bookmark 6:	Animal Services Advisory Committee
Bookmark 7:	Arts Advisory Board
Bookmark 8:	Community Development Block Grant Committee
Bookmark 9:	Lewisville Housing Finance Corporation
Bookmark 10:	Lewisville Industrial Development Corporation
Bookmark 11:	Lewisville Local Government Corporation
Bookmark 12:	Lewisville Parks and Library Development Corporation



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Bookmark 13:	Library Board
Bookmark 14:	Oil and Gas Advisory Board
Bookmark 15:	Old Town Design Review Committee
Bookmark 16:	Park Board
Bookmark 17:	Planning and Zoning Commission
Bookmark 18:	Tax Increment Reinvestment Zone #1
Bookmark 19:	Tax Increment Reinvestment Zone #2
Bookmark 20:	Zoning Board of Adjustment

**RECOMMENDATION**

The City staff's recommendation is that the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.