



Lewisville City Council

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A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JANUARY 7, 2008**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Briefing on Castle Hills Public Improvement District No. 4 by Glenn Opel
- B. Discussion of Regular Agenda Items and Consent Agenda Items
- C. Items of Interest to the Council

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Tierney
- B. **PLEDGE TO THE FLAG:** Councilman Durham
- C. **PROCLAMATIONS:**
 - 1. Declaring the Month of January, 2008, as “National Mentoring Month”;
 - 2. Declaring the Month of January, 2008, as “Lewisville’s 83rd Birthday”.
- D. **PRESENTATIONS:** Plaque of Appreciation to Ron Aljoe, Member of Planning and Zoning Commission

E. **PUBLIC HEARINGS:**

1. **Continued Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.79 Acre Tract of Land Located on the Southeast Corner of Main Street and Kealy Avenue; and Identified as Lots 1-4 (W25'), 7(W25'), 8, Block 5 of the Kealy Addition as Requested by Greg Tierney on Behalf of the Property Owner, A.G. & G.T. Investments (Case No. 20071227).**

ADMINISTRATIVE COMMENTS:

This public hearing is continued from the December 17, 2007, City Council meeting. The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better flexibility setbacks on the property. Light Industrial (LI) zoning allows setbacks of: front— 25 feet, sides—10 to 15 feet, rear—0 to 50 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 to 6.5 feet for residential and 10 feet for commercial. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their December 4, 2007 meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Old Town Mixed Use Two (OTMU2).

PRESENTATION: Sarah McLain, Economic Development Specialist

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Townhouse Two Residential (TH-2) on Two Tracts Totaling 26.33 Acres; the First Tract is Located on the Northeast Corner of Oakbend Drive and Vista Ridge Mall Drive, Further Identified as Lot 5, Block B, Campbell Ranch Addition; the Second Tract is Located on the South Side of Vista Ridge Mall Drive Between Oakbend Drive and Club Ridge Road, Further Identified as a Portion of Tract 5, of the G.C. Woolsey Survey, Abstract 1402; as Requested by Portrait Homes, With Authorization From the Current Property Owner (Case No. PZ20071126).**

ADMINISTRATIVE COMMENTS:

TH-2 zoning was created in 2003 to encourage some type of single family development on vacant multi-family tracts. The Portrait Homes representatives have been made aware that City staff typically recommends denial of requests for Townhouse Two unless the request involves the removal of Multi-Family zoning. This zone change request does not eliminate any apartment zoning, although Portrait is proposing voluntary deed restrictions to meet standards for Townhouse (TH) zoning except for setbacks. The applicant will also be seeking conceptual approval of three variances from the General Development Ordinance. The Planning and Zoning Commission voted 6-0 in favor of recommending approval of the zone change request at their December 4, 2007 meeting. Staff has received a letter from the owners of the property asking that the public hearing be continued to the February 4, 2008 City Council meeting.

RECOMMENDATION:

That the City Council continue the public hearing to the February 4, 2008 City Council meeting as requested by the owners of the property.

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Bruce Prine, Portrait Homes

3. **Public Hearing: Consideration of Two Ordinances for Zone Changes From General Business (GB) to Multifamily Two (MF-2) and Multifamily Two (MF-2) to General Business (GB) on Portions of Four Tracts of Land Totaling 28.85 Acres Identified as 3, 4, 5 & 6, J. Watkins Survey Abstract 1527; the Request Constitutes a Land Swap of 0.19 Acres Redistributing 0.19 Acres of GB and 0.19 Acres of MF-2 On-Site; as Requested by Crest Manor Apartments, the Current Property Owner (Case No. PZ20071228).**

ADMINISTRATIVE COMMENTS:

The property is located on the south side of FM 3040, just east of Ace Lane. This applicant owns the GB and MF-2 tracts which are currently vacant. This zone change request is to address the existing zoning configuration and result in a change of 0.19 acres of land currently zoned GB along FM 3040 being rezoned to MF-2, while 0.19 acres of MF-2 located along the interior of the tracts being rezoned to 0.19 acres of GB. The resulting effect would be to give the apartment property access and signage at FM 3040 while still maintaining the same amount of GB and MF-2 property. The Planning and Zoning Commission voted 6-0 in favor of recommending approval of the zone change request at their December 4, 2007, meeting.

RECOMMENDATION:

That the City Council approve two ordinances amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone changes from General Business (GB) and Multi-Family Two (MF-2) and Multi-Family Two (MF-2) to General Business (GB).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Samuel Ng, KSNG Architects, Inc.

4. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture-Open Space (AO) to Estate Townhouse (ETH) on a 2.94 Acre Tract of Land Located at 301 East Uecker Lane; Further Identified as Tract 9, L. Burgois Survey, Abstract A0052A; as Requested by Dan Matise, With Authorization From the Current Property Owner (Case No. PZ20071229).**

ADMINISTRATIVE COMMENTS:

The property is one of fifteen AO zoned tracts located north of FM 3040, west of Rockbrook and south and east of Oak Bend. The 15 AO tracts, which added together are just under 30 acres, have mostly older single family homes on tracts ranging from .75 acres to five acres. The 2.94 acre request under consideration is not adjacent to existing commercial zoning. Zoning this tract, or any of the tracts not already adjacent to commercial zoning, for any commercial use would not be consistent with the existing residential nature of the roughly 30 acres. The ETH requested by Mr. Matise offers a compatible use, flexibility for individual property owners and a marketable zoning for someone wanting to sell. Three of the four residents who attended the meeting and spoke, were not in favor of residential zoning. These three were all long time residents of the area, waiting on selling for commercial development. The fourth resident, who has lived there since 2006, was in favor of the residential request. The Planning and Zoning Commission voted 6-0 in favor of recommending denial of the zone change request at their December 4, 2007, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Agriculture Open Space (AO) to Estate Townhouse (ETH).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Dan Matise, Applicant

5. **Public Hearing: Consideration of a Proposed Supplemental Assessment Roll to Correct Boundaries of Public Improvement District No. 4; Consideration of Approval of a Resolution Correcting the Boundaries of Public Improvement District No. 4; and Consideration of an Ordinance Approving the Supplemental Assessment/Service Plan.**

ADMINISTRATIVE COMMENTS:

The City Council took various actions beginning in March 2007 to establish Castle Hills Public Improvement District (PID) No. 4. Due to several recent Attorney General's office directives, changes are now required to be made to the boundaries of the District and to the Assessment Service Plan. The public hearing considers a revised assessment roll and district boundaries.

RECOMMENDATION:

That the City Council approve the proposed supplemental assessment roll correcting the boundaries of Public Improvement District No. 4; approve the resolution correcting the boundaries of Public Improvement District No. 4; and approve an ordinance establishing the supplemental assessment/service plan.

- 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.
6. **APPROVAL OF MINUTES:** City Council Minutes of the December 17, 2007, Workshop Session and Regular Session.
7. **Approval of Final Acceptance of the CDBG Project, Rolling Ridge Addition Curb and Gutter; and Authorization to Make Final Payment to Ken-Do Contracting in the Amount of \$19,381.75.**

ADMINISTRATIVE COMMENTS:

On May 2, 2007, City Council awarded a contract to Ken-Do Contracting in the amount of \$389,574.15 for the CDBG Projects - Rolling Ridge Addition Curb & Gutter Contract. Field changes resulted in a net reduction of \$1,939.17, for a completed total of \$387,634.98. Work began on this project on July 26, 2007, and was completed on October 12, 2007. All punch list items have been completed. The warranty period is two years from date of final acceptance. This project completed curb and gutter and sidewalk repairs to Rolling Ridge, Ridgecrest, and University Drive.

RECOMMENDATION:

That the City Council accept the CDBG Project, Rolling Ridge Addition Curb & Gutter, and authorize final payment to Ken-Do Contracting in the amount of \$19,381.75.

- 8. Approval of an Amendment to the Contract With GoGo Creative in the Amount of \$6,500 for Creative Development Related to a Community Branding and Marketing Campaign; and Authorization for the City Manager to Execute the Amendment.**

ADMINISTRATIVE COMMENTS:

As part of the Tourism Strategic Plan adopted by City Council in July 2006, City staff has been working with a professional marketing firm on development of a community branding and marketing campaign. The research phase of the project was completed in the summer of 2007 and the creative development phase has begun. The total contract (\$49,900) was below the State bid limit and therefore did not require Council approval; however, staff wants to expand the scope of work being performed. This will result in a total new contract of \$56,400 and thus does require Council approval. If approved, the new community brand is expected to be launched around May 2008.

RECOMMENDATION:

That the City Council approve an amendment to the contract with GoGo Creative in the amount of \$6,500; and authorize the City Manager to execute the amendment..

9. Approval of Amended and Restated 2007 Joint Utility Agreement and Agreement for Collection of Special Assessments.

ADMINISTRATIVE COMMENTS:

The Amended and Restated 2007 Joint Utility Agreement clarifies that a maximum of 90% of the cost of the bond principle, interest and issuance costs may be paid through a property tax levied by the Fresh Weather Supply District (FWSD). The Agreement for Collection of Special Assessments makes FWSD No. 1-A responsible for collection of the special assessment and establishes the methodology by which the property owner pays the assessment. The special assessment is a maximum of 10% of the costs of the bond principle, interest and issuance costs.

RECOMMENDATION:

That the City Council approve the Amended and Restated 2007 Joint Utility Agreement and Agreement for Collection of Special Assessments.

H. REGULAR HEARINGS:

10. Consideration of a Variance to the Lewisville City Code, Chapter 6, Article VIII, Relating to Off-Street Parking Requirements, as Requested by Nortex Modular Space Located at 555 Jubilee Lane.

ADMINISTRATIVE COMMENTS:

Nortex Modular Space is a company that provides wheeled mobile offices and temporary classrooms for sale to the public. A new engineering site plan for their existing site on Jubilee Lane in the Riverview Industrial Park development has been submitted for staff review, which contains a new 2,352 square foot office building. A variance is being requested to provide a total of twenty (20) parking spaces in lieu of the thirty-six (36) parking space requirement. Due to the low parking demand of this specific facility, staff has no major objection should Council wish to approve this request. A variance was approved by the City Council on January 26, 2004 also related to parking for this particular site. At that time, a total of thirty-eight (38) were required and the development provided a total of thirteen (13).

RECOMMENDATION:

That the City Council consider the variance request to the Lewisville City Code in regards to off street parking requirements, but restrict the variance to the modular sales use only.

PRESENTATION: Jim Attrell, Nortex Modular Space

- 11. Consideration of an Ordinance Authorizing the Issuance of \$20M City of Lewisville Combination Contract Revenue and Special Assessment Bonds.**

ADMINISTRATIVE COMMENTS:

A total of \$32M of bonds may be sold in PID No. 4. The initial sale is \$20M. The ordinance submitted for City Council consideration authorizes the Trust Agreement and the Preliminary Placement Memorandum. Due to unforeseen issues regarding this item, it is necessary this item be tabled indefinitely to allow for placement of the bond.

RECOMMENDATION:

That the City Council table this item indefinitely.

- 12. Consideration of a Resolution Casting Lewisville's Runoff Vote for Director to the Dallas Central Appraisal District Board.**

ADMINISTRATIVE COMMENTS:

By state law, the nomination process for persons to serve on the Dallas Central Appraisal District Board of Directors has been completed. The City of Lewisville is entitled to one vote. The voting which was submitted by December 15, 2007 requires a runoff. The results of the suburban cities election are: Scott Wheeler of Addison 9 votes, Dwayne Gentsch of Garland 6 votes, Michael Hurtt of Desoto 6 votes, Rita Burks of Balch Springs 4 votes, James Daniels of Lancaster 2 votes and Robert Thornton of Grand Prairie 1 vote. Two cities abstained from voting. Since there was no one candidate receiving 16 votes (majority of the 30 votes eligible), a runoff election is necessary. A coin flip between the two candidates who shared the second highest number of votes, Dwayne Gentsch and Michael Hurtt, resulted in Michael Hurtt securing a place on the ballot. The City of Lewisville cast its one vote for Michael Hurtt in the December election.

RECOMMENDATION:

That the City Council consider casting a vote to the Dallas Central Appraisal District Review Board.

- 13. Acceptance of Resignation of Ken Judkins From Place No. 6 on the Park Board; Declare a Vacancy Exists; and Consideration of an Appointment to Place No. 6 on the Park Board.**

ADMINISTRATIVE COMMENTS:

On December 19, 2007, staff received an e-mail from Ken Judkins advising that he is resigning from the Park Board effective immediately. The resignation of Ken Judkins has created a vacancy in Place No. 6 of the Park Board.

RECOMMENDATION:

That the City Council accept the resignation of Ken Judkins from Place No. 6 on the Park Board; declare a vacancy exists; and consider appointments to fill the vacancy on the Park Board.

- 14. Consideration of a Request Submitted by Vista Ridge Mall for Funding of Maintenance of the Soft Play Area and Marketing Opportunities.**

ADMINISTRATIVE COMMENTS:

The City Council previously shared with the Medical Center of Lewisville the funding of the design and construction of the soft play area located in Vista ridge Mall. The costs of design and construction were paid out over five years at \$35,000 per year with the final payment in fiscal year 2006-2007. Vista Ridge Mall is again requesting that the City and Medical Center continue support of the Soft Play Area and have added some enhanced marketing opportunities. The cost again would be \$35,000 per year for five years.

RECOMMENDATION:

That the City Council consider the request submitted by Vista Ridge Mall for funding of maintenance of the Soft Play Area and marketing opportunities.

- 15. Consideration of a Resolution Encouraging the Texas Legislature to Establish Statewide Residency Restrictions for Convicted Sex Offenders no Longer on Probation or Parole.**

ADMINISTRATIVE COMMENTS:

The proposed resolution encourages the Texas Legislature to pass a uniform, statewide law extending the residency restrictions of sex offenders beyond the current requirements to include the period of time after a convicted sex offender has completed their sentence and probationary terms.

RECOMMENDATION:

That the City Council approve the resolution.

- 16. Discussion of Report From Chief of Police on Local Jurisdiction's Sex Offender Residency Restriction Data.**

ADMINISTRATIVE COMMENTS:

At the November 19, 2007 City Council meeting, Council asked Chief Kerbow to look into data from several local cities with sexual offender residency restrictions. A report summarizing his findings is provided.

RECOMMENDATION:

That the City Council discuss the report and provide any further direction to staff.

I. REPORTS:

- ◆ Fourth Quarter Boards/Commissions/Committees Attendance Reports

J. CLOSED SESSION: In Accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE):

1. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

2. Deliberation Regarding Economic Development Negotiations

**AGENDA
LEWISVILLE CITY COUNCIL
JANUARY 7, 2008**

Page 12

- 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).

PROCLAMATION

WHEREAS, the future of Lewisville rests on the hopes and dreams of its children and youth; and

WHEREAS, mentors offer valuable encouragement, motivation, and hope for our youth by providing a consistent role model; and

WHEREAS, too many youth will face struggles with alcohol and other drugs, gangs, teen pregnancy and educational failure; and

WHEREAS, research has shown mentored youth are 52% less likely to skip a day of school, 46% less likely to start using drugs, and 27% less likely to start drinking; and

WHEREAS, relationships with caring mentors offer youth valuable encouragement, motivation, and support to guide them toward making positive choices; and

WHEREAS, partnerships between businesses, colleges and universities, civic and faith-based organizations, and government agencies are an effective way in which to show youth they live in a community that cares; and

WHEREAS, hundreds of youth in Lewisville are awaiting a mentor; and

WHEREAS, National Mentoring Month provides an opportunity to recognize and commend the efforts of mentors and commend the efforts of mentoring programs and raise community awareness of the importance of mentoring.

NOW, THEREFORE, be it resolved that the City of Lewisville and Communities In Schools of North Texas does hereby declare January, 2008, as

NATIONAL MENTORING MONTH

and encourages residents of the City of Lewisville to honor the role models in their lives by becoming mentors to youth in their community.

Gene Carey
City of Lewisville

PROCLAMATION

WHEREAS, in 1844, the Hallford and King families were the first to settle in the area of modern-day Lewisville, naming it the Holford Prairie Settlement; and,

WHEREAS, in 1855, Basdeal Lewis purchased the Hallford land and renamed the nascent settlement Lewisville after his own family name; and,

WHEREAS, in an effort to better protect the community after a series of devastating Main Street fires, Lewisville's 815 residents held an election on January 15, 1925, to decide the issue of municipal incorporation; and,

WHEREAS, by a margin of 109 in favor to 92 opposed, voters approved incorporation as the City of Lewisville; and,

WHEREAS, Lewisville has grown as a community since that day in 1925 currently boasting a population of about 30,000 households accounting for more than 90,000 people;

NOW, THEREFORE, I, Gene Carey, Mayor of the City of Lewisville, Texas, do hereby proclaim the month of January, 2008, as:

“LEWISVILLE’S 83RD BIRTHDAY”

PROCLAIMED this the 7th day of January, 2008.

Gene Carey
City of Lewisville

MEMORANDUM

TO: Claude King, City Manager

VIA: Nika Reinecke, Economic Development Director

FROM: Sarah McLain, Economic Development Specialist

DATE: December 5, 2007

SUBJECT: **Continued Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.79 Acre Tract of Land Located on the Southeast Corner of Main Street and Kealy Avenue; and Identified as Lots 1-4 (W25'), 7(W25'), 8, Block 5 of the Kealy Addition as Requested by Greg Tierney on Behalf of the Property Owner, A.G. & G.T. Investments (Case No. 20071227).**

BACKGROUND

This property is currently zoned Light Industrial (LI). Other properties in this block are zoned Light Industrial (LI) and Old Town Mixed Use Two (OTMU2). There are properties in the surrounding blocks that are zoned Old Town Mixed Use Two (OTMU2), Old Town Center Business (OTC), Light Industrial (LI), and General Business (GB). The lot is occupied by a commercial building that will be used as a restaurant. The applicant wishes to re-zone for future flexibility for the property.

ANALYSIS

The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicants would like to re-zone for better flexibility of setbacks on the property. Rezoning the property OTMU2 will allow the applicant more flexibility regarding placement of structures on the property. Light Industrial (LI) zoning allows setbacks of: front— 25 feet, sides—10 to15 feet, rear—0 to 50 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 to 6.5 feet for residential and 10 feet for commercial. Light Industrial (LI) zoning allows more uses than Old Town Mixed Use Two (OTMU2) such as warehouse and self-storage, light manufacturing and auto body repair shops.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Old Town Mixed Use Two (OTMU2).

**DRAFT MINUTES
PLANNING AND ZONING COMMISSION
DECEMBER 4, 2007**

Item 1:

The Lewisville Planning and Zoning Commission was called to order at 6:32 p.m. Members present: Ron Aljoe (Chairman), Karen Boenker (Vice-Chairman), Jim Gallegos, Rod Russell, Alvin Turner and William "Bill" Price. Member Joy Townsend was absent.

Staff members Gene Lewis, Mary Paron-Boswell and Sarah McLain were present.

Item 3:

The public hearings for zoning requests were the next item on the agenda. There were four items for consideration:

- B. Consideration of a zone change request from Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.79 acre tract located at 208 East Main Street: further identified as Lots 1-4 (W25'), Lot 7(W25') and Lot 8, Block 5 of the Kealy Addition. The request is being made by A.G. & G.T. Investments, the current property owner. (Case No. PZ20071227)

Staff gave a brief presentation indicating that the request complied with the master plan for the area and that the current use of the property was a restaurant and that it was to remain a restaurant. The public hearing was opened and Wayne Ferguson spoke in favor of the zone change request. There being no one else present to speak for or against the item, the public hearing was then closed. A motion was made by Karen Boenker to recommend approval of the zone change request, seconded by Rod Russell. The motion passed unanimously (6-0).

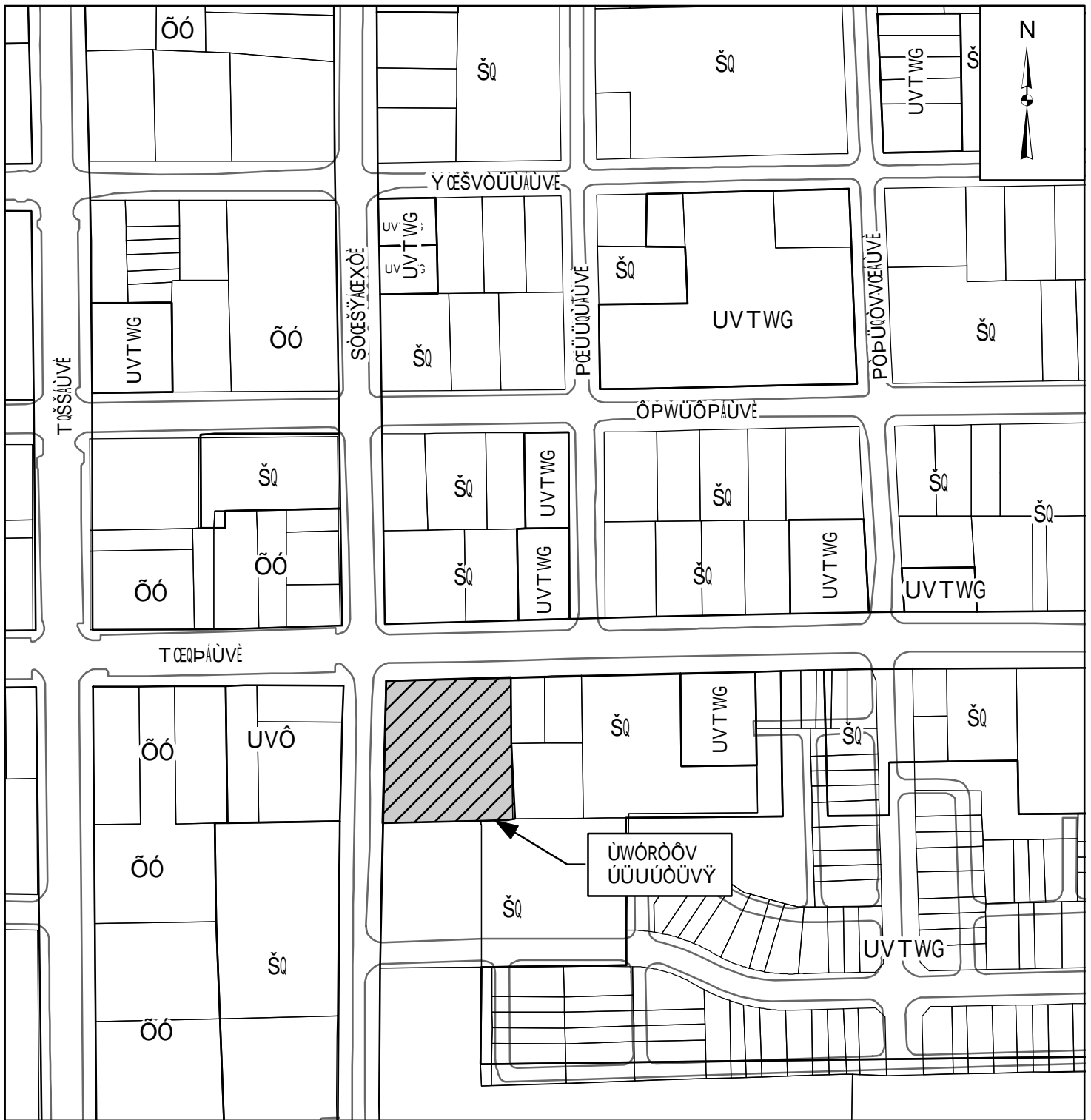
There were no other items of business and the meeting was adjourned at 9:12 p.m. These minutes approved at the December 18, 2007 meeting.

Respectfully submitted,

Approved,

Mary Paron-Boswell
Sr. Planner

Ron Aljoe
Planning & Zoning Chairman



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ZONING CASE NO. PZ20071227

APPLICANT:

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PROPERTY LOCATION:

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SÒĈŠŸĀĖXÒQVUPĒĀŠSUVŴÁFĒIĈYĜÍQĎĒĪĈYĜÍQĎĒĪĒĀĀŃŠUŃSĀĪÁ

CURRENT ZONING:

ŠQŌPŴĀQĀPŌWÛÛÛQĈŠĀĈQĎÁ

PROPOSED ZONING:

UŠŌĀVUYĀTQŸŌĀWÛÒĀVYUĀĈUVTWGDĀĀĀ

ACRES:

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

(a) Use Regulations: Buildings and premises may be used for retail, wholesale, office and service uses and campus style light manufacturing and industrial uses provided there is no dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produces no noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and no more than ten percent (10%) of the total lot is used for outside storage, and further provided that such use does not create fire or explosive hazards on adjacent property.

- (1)** Any use permitted in Districts "LC" and "GB".
- (2)** Apparel and other products assembled from finished textiles.
- (3)** Bottling works.
- (4)** Warehouse and self-service storage facilities.
- (5)** Auto repair shops including body shops.
- (6)** Church worship facilities.
- (7)** Buildings and uses owned or operated by public governmental agencies.
- (8)** Cosmetic manufacturer.
- (9)** Drugs and pharmaceutical products manufacturing.
- (10)** Electronic products manufacturing.
- (11)** Fur good manufacture, but not including tanning or dyeing.
- (12)** Glass products, from previously manufactured glass.
- (13)** Household appliance products assembly and manufacture from prefabricated parts.
- (14)** Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
- (15)** Musical instruments assembly and manufacture.
- (16)** Paint, shellac and varnish manufacture.
- (17)** Plastic products manufacture, but not including the processing of raw materials.
- (18)** Sporting and athletic equipment manufacture.
- (19)** Testing and research laboratories.
- (20)** Monopole towers up to one hundred (100) feet in height are allowed as an accessory use or as a stand-alone use in Light Industrial. All other towers (except those of 25 feet in height or less) will require Specific Use District Zoning.
- (21)** Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (22)** Accessory buildings and uses customarily incident 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.
- (23)** Other uses similar to the above listed uses except that the following uses are specifically prohibited.
 - a.** Acetylene gas manufacture or storage.
 - b.** Acid manufacture.
 - c.** Alcohol manufacture.
 - d.** Ammonia, bleaching powder or chlorine manufacture.
 - e.** Arsenal.
 - f.** Asphalt manufacture or refining.
 - g.** Blast furnace.
 - h.** Bag cleaning, unless clearly accessory to the manufacture of bags.
 - i.** Boiler works.
 - j.** Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft or concrete products.
 - k.** Reserved.
 - l.** Celluloid manufacture or treatment.
 - m.** Cement, lime, gypsum, or plaster of paris manufacture.
 - n.** Central mixing plant for cement.

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

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

(c) Area Regulations:

(1) Size of Yards:

- a. **Front Yard:** There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "LI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. **Side Yard:** A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the City's General Development Ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
- c. **Rear Yard:** No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in District "LI" within twenty-five (25) feet of the rear property line.

(2) Reserved:

(d) Outside Storage Regulations: In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the City 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 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 17-21. "LC" LOCAL COMMERCIAL DISTRICT REGULATIONS

(a) Use Regulations: A building or premise shall be used only for indoor, neighborhood office, retail, and services which are primarily retail in nature, including, but not limited to:

- (1) Any use permitted in District "OD".
- (2) Grocery stores.
- (3) Barber and beauty shops.
- (4) Book, card, gift and stationary stores.
- (5) Dry cleaning and laundry services.
- (6) Gasoline service stations, excluding those with major motor or transmission repair services.
- (7) Minor automobile services including tune-up and repair services, tire stores and car washes, providing there is no overnight outside storage of vehicles. (Not including transmission or body shops.)
- (8) Restaurants (except that no private club for the sale of alcoholic beverages may be located on a lot abutting any Single Family zoned lot except in the Lakeland Plaza and Lewisville West shopping centers as well as other shopping centers in operation as of April 05, 1976).
- (9) Florists.
- (10) Video rental stores, movie theaters and other indoor amusements.
- (11) Church worship facilities.
- (12) Buildings and uses owned or operated by public governmental agencies.
- (13) Other retail, office and service uses of a similar nature provided that the business establishment supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. There is no outside display and storage of merchandise or vehicles, except for the incidental and occasional sale of merchandise outside the building for periods not to exceed thirty (30) days (i.e. Christmas tree sales and sidewalk sales, etc.).
 - b. That required yards not be used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material.
 - c. That such use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
- (14) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (15) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.

(b) Height Regulations: No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. 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 Regulations:

(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 "LC", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. **Side Yard:** 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:**

SECTION 17-19. "OD" OFFICE DISTRICT REGULATIONS

(a) Use Regulations:

- (1) Professional and administrative offices where only services are provided, no chattels or goods are offered for sale, and no outside storage is provided on the premises. This includes but is not limited to doctors, dentists, attorneys, architects, engineers, insurance, real estate, banks and similar offices.
- (2) Business or commercial schools and institutions of education.
- (3) Clinics, medical and dental.
- (4) Veterinarian or animal clinic, provided the use is operated within an enclosed structure and is not on a lot abutting a Single Family zoned lot.
- (5) Day nurseries.
- (6) The incidental retail sale of food, beverages and other convenience items or services is permitted to the occupants, employees and guests, as long as these items are not advertised nor offered for sale to the general public.
- (7) Church worship facilities.
- (8) Buildings and uses owned or operated by public governmental agencies.
- (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (10) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectional because of odor, smoke, dust noise, vibration or similar nuisance.

(b) Building & Coverage Regulations:

- (1) **Building Regulations:** The minimum floor area in "OD" Office District shall be one thousand (1000) square feet.
- (2) **Coverage Regulations:** In no case shall any building or building complex cover more than thirty-five percent (35%) of the site area.

(c) **Height Regulations:** The maximum height for buildings shall be fifty (50) feet. 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.

(d) Area Regulations:

(1) Size of Yards:

a. Front Yard:

1. There shall be a minimum front yard having a depth of not less than forty (40) feet adjacent to any street with a right-of-way of one hundred (100) feet or more.
2. There shall be a minimum front yard having a depth of not less than thirty (30) feet adjacent to any street with a right-of-way less than one hundred (100) feet.
3. Lots having double frontage, running through from one street to another, shall provide the required setback from both streets.

b. Side Yard: There shall be a minimum side yard of ten (10) feet on each side of the lot or tract on which any single building or building complex is constructed.

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:**

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

(a) **Use Regulations:** 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".
- (2) Auto or mobile home display, sales and repair, but not including auto body shops.
- (3) Bakeries.
- (4) Building material sales, including lumber yards.
- (5) Business or commercial schools.
- (6) Clinic, medical and dental, and professional offices.
- (7) Carpentry, painting, plumbing or tinsmithing shop.
- (8) Cleaning, laundry and dyeing plants.
- (9) Creamery, ice cream manufacturing and dairy operations.
- (10) Farm implement display and sales room.
- (11) Hotels, Motels and Inns.
- (12) Mortuaries.
- (13) Office buildings.
- (14) Pet shops, retail.
- (15) Printing, engraving and newspaper plants.
- (16) Radio or television broadcasting station or studio. Monopole towers up to one hundred (100) feet in height and including no more than one monopole platform or communications dish are allowed as an accessory use for such broadcasting use or other uses in General Business. All other towers (except those of 25 feet in height or less) will require Specific Use District Zoning.
- (17) Retail stores.
- (18) Veterinarian or animal hospital provided that no such building, kennel or exercise runway shall be closer than fifty (50) feet to any residential district.
- (19) Bowling alley and other commercial amusement uses.
- (20) Church worship facilities.
- (21) Uses similar to the above mentioned permitted uses, provided activities conducted 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 incident 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.

(b) **Height Regulations:** 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 Regulations:**

(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 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 General Development Ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-22.7. "OTMU2" OLD TOWN MIXED USE 2 DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Single-family attached dwellings, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Two-family dwellings (duplexes).
 - (4) Multi-family dwellings. Projects shall be a minimum of one (1) acre in land area. More than one lot may be utilized to meet the one-acre requirement as long as the lots are contiguous or directly across street rights-of-way. A minimum of twenty (20) units must be built in the first phase of construction.
 - (5) Retail establishments including but not limited to: bakeries; book, card, gift and stationary stores; building material sales; clothing; florists; grocery stores; and pet shops or others of a similar nature and subject to the following condition:
 - a. Temporary, portable outside display of merchandise is allowed on a daily basis but is limited to the area directly adjacent to the building occupied by the business and no more than five (5) feet from the building. A clear aisle shall be maintained for pedestrian access. Otherwise, no outside display or storage is permitted.
 - (6) Barber and beauty shops.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Business or commercial schools.
 - (9) Church worship facilities.
 - (10) Clinic, medical and dental, and related professional offices.
 - (11) Communication towers up to 50 feet in height may be allowed as an accessory use only. Towers, antennas and communication dishes located on a building may be extend a maximum of 15 feet above the building, but must be screened from view.
 - (12) Day nurseries.
 - (13) Dry cleaning and laundry services.
 - (14) Gasoline service stations, excluding major motor or transmission repair services.
 - (15) Hotels, motels and inns.
 - (16) Mortuaries.
 - (17) Professional offices.
 - (18) Restaurants and private clubs.
 - (19) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (20) Video rental stores and movie theaters.
 - (21) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Dwelling units of 850 square foot minimum size shall be allowed as an accessory use to retail businesses.
 - (22) Non-accessory dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (23) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (24) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all City Ordinances.
- (b) **Single-Family Detached and Two-Family Requirements.**
- (1) **Maximum Height:** No building shall exceed shall not exceed forty-five (45) feet or three and one-half (3-1/2) stories in height.
 - (2) **Minimum Dwelling Size:** The minimum floor area of any single-family dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.

- (3) **Front Yard:** No front setback is required.
- (4) **Side Yard:** There shall be a side yard on each side of the lot having a width of not less six and one-half (6.5) feet.
- (5) **Rear Yard:** There shall be a rear yard having a depth of not less than twenty (20) feet.
- (c) **Single-Family Attached and Multi-Family Requirements.**
 - (1) **Maximum Height:** No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
 - (2) **Minimum Dwelling Size:** The minimum floor area of any single-family attached dwelling shall be one thousand two hundred (1,200) square feet. The minimum floor area of any multi-family dwelling shall be seven hundred fifty (750) square feet, exclusive of garages, breezeways and porches.
 - (3) **Front Yard:** No front setback is required.
 - (4) **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than six and one-half (6.5) feet.
 - (5) **Rear Yard:** There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be zero (0) feet.
 - (6) **Density:** In no case shall the density of multi-family dwelling units per platted acre exceed forty (40) units per acre. Density shall be based on the size of the platted lot.
- (d) **Commercial and Institutional Building Requirements.**
 - (1) **Maximum Height:** No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
 - (2) **Front Yard:** No front setback is required.
 - (3) **Side Yard:** No side yard is required.
 - (4) **Rear Yard:** A rear yard of not less than ten (10) feet in depth shall be provided.
- (e) **Other Setbacks**
 - (1) The Old Town Mixed Use 2 District shall not be subject to the following provisions contained elsewhere in this ordinance:
 - “On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets”.
 - “...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets”.
 - “In any residential or MF district where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards.”

- (2)** There shall be a minimum ten (10) foot setback on the driveway side of a lot when there is not sufficient maneuvering space on site to allow vehicles to exit the lot without backing into the street.

DATE RECEIVED STAMP AREA

TRANSACTION #:
ACCT. #: 101-0000-322.09-00 (ZONING/SUBDIVISION/SITE PLANS)
PZ CASE #: PZ <u>PZ20071227</u>
PZ MEETING DATE: <u>12-9-07</u>

DO NOT WRITE ABOVE THIS LINE (FOR OFFICE USE ONLY)

**CITY OF LEWISVILLE PLANNING & COMMUNITY SERVICES DIVISION (PHONE # 972-219-3455)
APPLICATION FOR ZONE CHANGE (PLEASE PRINT OR TYPE CLEARLY)**

OWNER/APPLICANT/AGENT INFORMATION SECTION

(OWNER(S) MUST SIGN THIS FORM OR SUBMIT LETTER(S) OF AUTHORIZATION)

NAME OF PROPERTY OWNER: A.G. + G.T. Investments
 MAILING ADDRESS: 208 E. main St
 PHONE NUMBER: 214 212 6618 FAX NO.: _____ E-MAIL: Greg @ millstcde.com
 OWNER SIGNATURE: [Signature] DATE: 11/2/07
 PRINTED NAME & TITLE (IF ANY): Greg Tierney

NAME OF APPLICANT (FILL IN ONLY IF OTHER THAN OWNER): _____
 MAILING ADDRESS: _____
 PHONE NUMBER: _____ FAX NO.: _____ E-MAIL: _____
 APPLICANT SIGNATURE: _____ DATE: _____
 PRINTED NAME & TITLE (IF ANY): _____

NAME OF REPRESENTING AGENT (IF ANY): Greg Tierney
 MAILING ADDRESS: Same
 PHONE NUMBER: _____ FAX NO.: _____ E-MAIL: _____
 AGENT SIGNATURE: _____ DATE: _____
 PRINTED NAME & TITLE (IF ANY): _____

REQUESTED ACTION SECTION

PRESENT ZONING: LI REQUESTED ZONING: OTM2 TOTAL LAND AREA(ACRES) 1
 ADDRESS AND/OR LOCATION OF SUBJECT TRACT(S) (EXHIBIT MAP(S) AND LEGAL DESCRIPTION(S) MUST BE SUBMITTED WITH APPLICATION)
208 East Main / Kealy Addition, Block 8, Lot 1, 2, 3, 4
A.G. King Survey Abstract 698

PROPOSED USE: _____

FEE SECTION (APPLICATION & SIGN FEES) (PLEASE FILL IN APPROPRIATE BLANKS AND ENTER TOTAL FEE DUE)

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
+ #** of Zone Change Signs @ \$35/Sign	\$ <u>35</u>

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

** PLEASE CALL THE PLANNING DIVISION (972-219-3455) FOR THE CORRECT # OF ZONE CHANGE SIGNS TO PURCHASE.

TOTAL FEE DUE \$ 35.00

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT AMENDS THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS, GRANTING ZONING CHANGES ON THE 0.79 ACRE TRACT OF LAND FULLY AND COMPLETELY DESCRIBED IN THE ATTACHED EXHIBIT "A", ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM LIGHT INDUSTRIAL (LI) DISTRICT ZONING TO OLD TOWN MIXED USE TWO (OTMU2) DISTRICT ZONING; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS AND GENERAL WELFARE DEMAND A ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made to amend the Official Zoning Map, City of Lewisville, Texas, by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by State statutes and the Zoning Ordinances of the City of Lewisville, Texas, said Planning and Zoning Commission has made the recommendation that the change of the zoning classification as requested on the property described in the attached Exhibit "A" be **approved**, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Lewisville, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and,

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

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

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

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

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

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that there is a necessity and need for this change in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the property requested for a change since this property was originally classified and, therefore, feels that a

change in zoning classification for the particular piece of property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Lewisville, Texas, and helps promote the general health, safety, and welfare of this community;

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

SECTION 1. The Zoning Ordinance of the City of Lewisville, Texas, be, and the same is hereby amended and changed in that the use of the property described in the attached Exhibit "A" is hereby changed to **OLD TOWN MIXED USE TWO (OTMU2) DISTRICT ZONING.**

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

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

SECTION 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewage, parks and other

public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

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

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

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

SECTION 8. The fact that the present Zoning Ordinance and regulations of the City of Lewisville, Texas, are inadequate to properly safeguard the health, safety, peace and general welfare of the inhabitants of the City of Lewisville, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which

requires that this Ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 7TH DAY OF JANUARY, 2008.

APPROVED:

Gene Carey, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

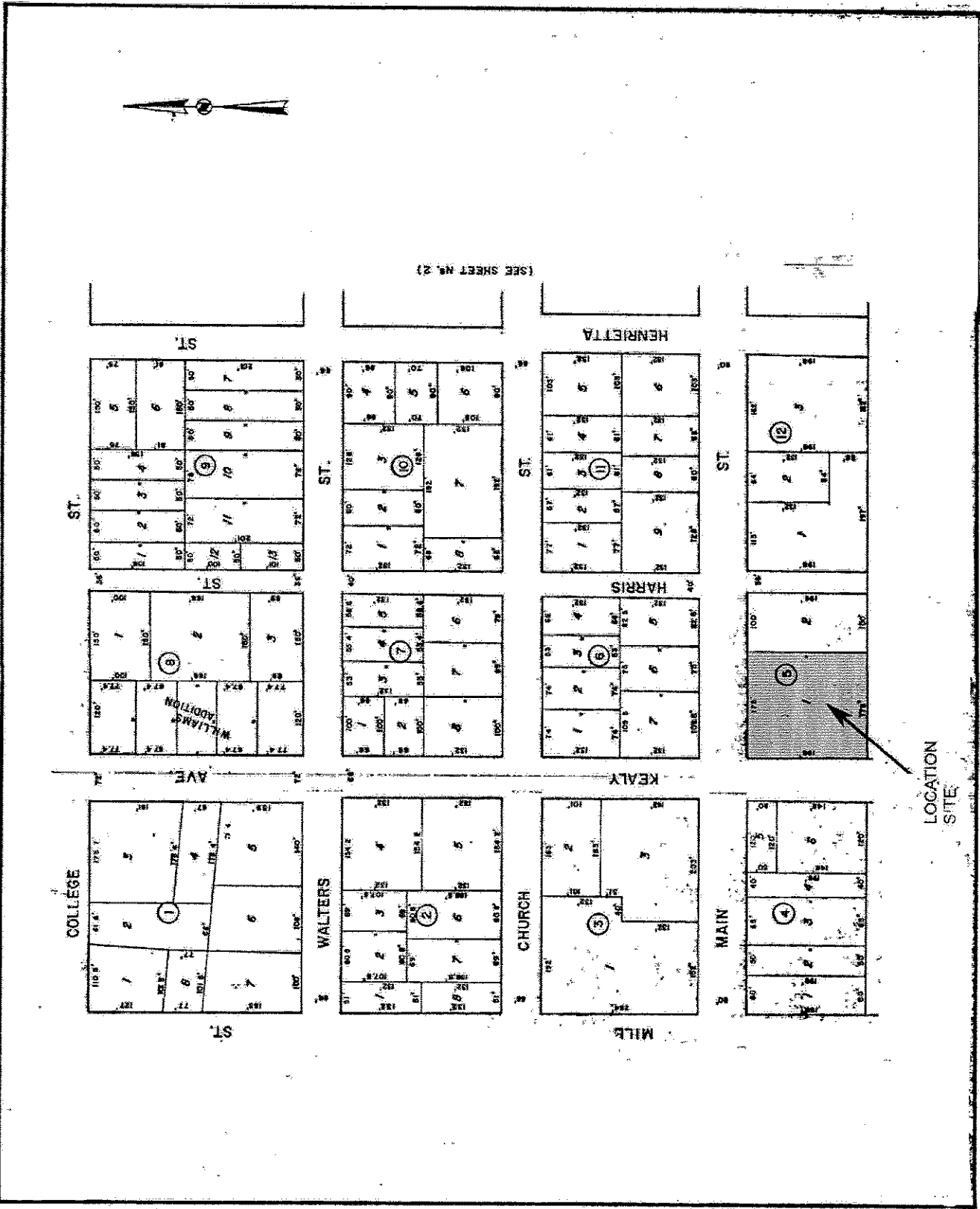
APPROVED AS TO FORM:

Ronald J. Neiman, CITY ATTORNEY

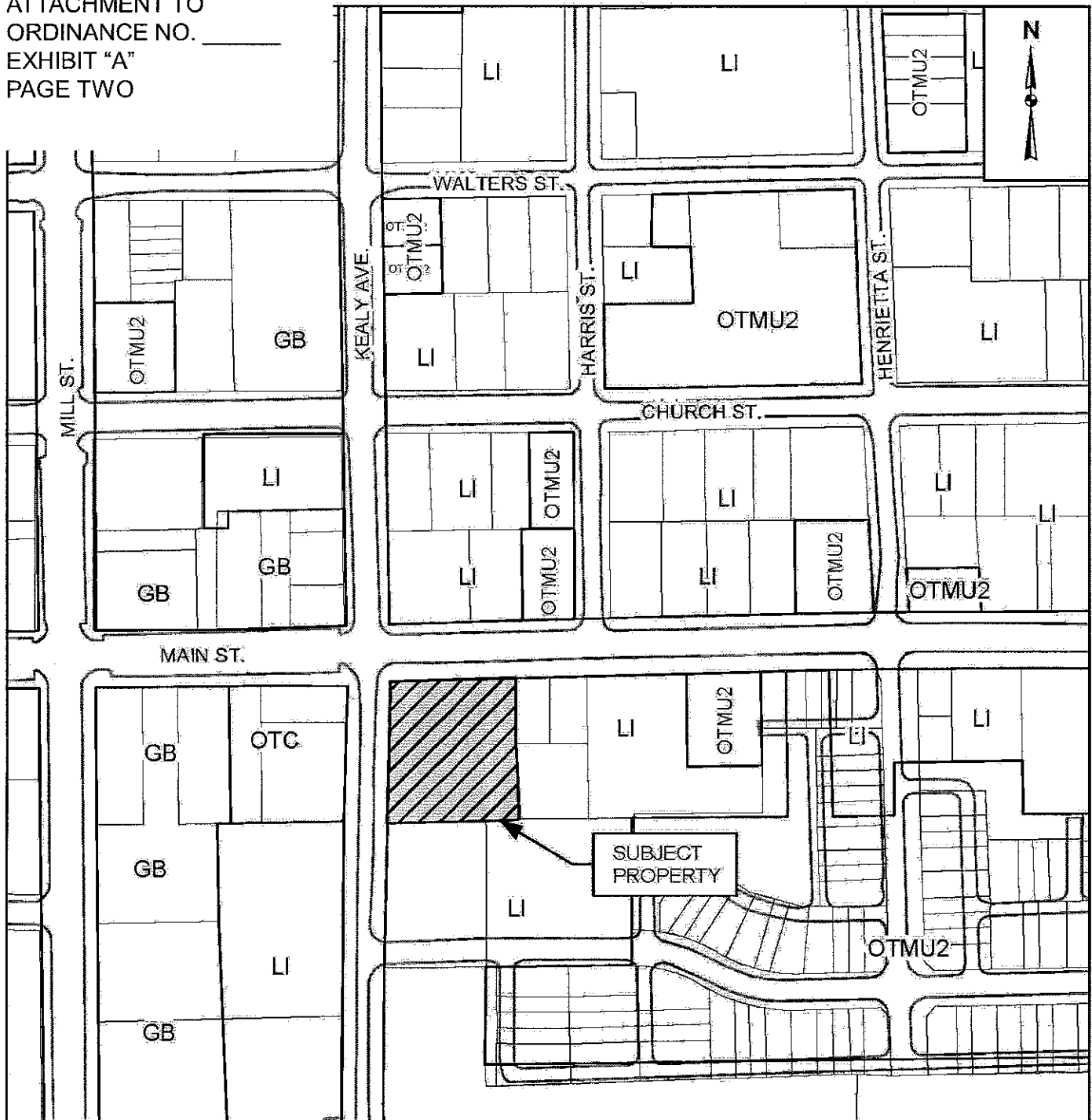
FILED _____
VOL. _____
ABSTRACT, A. G. 1/10/1899.

PLAT BOOKS
CITY OF LEWISVILLE
SCALE OF 200 FT. EQUALS 1 INCH

SHEET NO. _____



LOCATION
SITE



ZONING CASE NO. PZ20071227

APPLICANT: A.G. & G.T. INVESTMENTS

PROPERTY LOCATION: 208 EAST MAIN STREET
 KEALY ADDITION, LOTS 1-4(W25), 7(W25), 8, BLOCK 5

CURRENT ZONING: LIGHT INDUSTRIAL (LI)

PROPOSED ZONING: OLD TOWN MIXED USE TWO (OTMU2)

ACRES: 0.79

