



Lewisville City Council

The agenda and backup items follow in one continuous document. However, to view documents individually, click on the bookmark tab at the left of the screen. A list of all documents contained in the packet should appear in a screen to the left. If it does not, click on the “Show/Hide Navigation Pane” button in the toolbar at the top of the page.



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WORKSHOP

RETREAT: POTENTIAL DIRECTION TO STAFF

Topic	
Priorities/Goals	
Priorities – OK	
Goals – Add	Facilitate funding for full length of I35 corridor (I635-SH380)
	Obtain funding for Windhaven Drive from Regional Toll Revenue sources
	Develop I35 Corridor Comprehensive Plan overlay and incentive program
	Improve communication with LISD
	Stimulate retail redevelopment (Existing shopping centers)
	Work with Vista Ridge Mall on long range market position
	Develop major tourist attraction
	Develop sports-related tourist attraction
	Implement branding program
	Improve communication with realtor community
	Relocate existing overhead utility lines when cost-effective and in high visibility areas
35E Funding	Work with TxDOT (and others) to obtain full funding. Require construction of LV section as minimum <u>without delay</u>
35E Corridor Plan	Retain consultant to conduct planning process and recommendations
Bond Program	Reallocate existing bond funds from Richland Street project to Purnell project -Purnell – use asphalt option; existing width -Bond program – keep tax rate at existing
Branding	Proceed with GoGo to develop marketing & phasing plan based on "Martin" concept
Festivals	-Schedule workshop with consultant to discuss future festival priorities - City to assume Farmers Market if OTBA withdraws -Motorcycle Toy Run – stay exclusively in city
VIC	Continue preliminary planning at "hospital" site

Code Enforcement	<ul style="list-style-type: none"> -Add part time or contractual funding at mid year for weekend/after hours coverage -Evaluate technology options and develop funding within technology plan budget cycle - Develop ad hoc committee to evaluate occupancy issues, street parking, and associated problems
East Side Sanitary Sewer	<ul style="list-style-type: none"> -Use lift station & "bypass" option -Develop funding (est \$21.3M) in Utility Fund/Revenue Bond program (delay water re-use as necessary)
I35 Water Tower	Use IMG composite tower option on current site (est \$2.7M) unless TxDOT take does not impact tower
Boards/Commissions	<p>Develop ordinances or other documentation for workshop</p> <ol style="list-style-type: none"> 1. Merge members of LIDC/HFC or use council members as appointees (if allowed by state law) 2. P.I.D. #1 Dissolve board – Council will review budget directly 3. Merge Library Board/Park Board to single board 4. Merge members of Transportation Board and P&Z (retain both boards but use same members to fill each) 5. "Clean up" duties as needed for various boards
Arts Center	<ul style="list-style-type: none"> -Review "manager" compensation level -Review need for crew leader position -Fund operations to extent possible in H/M fund (within cap). Rest in General Fund. -Develop consultant-run "development" program -FY 09/10 Budget impact
RR Street Park	<ul style="list-style-type: none"> -Use 4B for operations budget (FY 09/10) -Defer name decision to future agenda -Incorporate into "development" program
Retiree Health	Develop budget recommendations for funding annual requirement and establishing substantive plan.
TMRS Benefits	Develop budget recommendations (using 8 yr phase in) for options reducing annual impact
Compensation Plan	Budget Market/Merit according to budget availability

MEMORANDUM

TO: Claude King, City Manager

FROM: Eric Ferris, Director of Community Development

DATE: February 14, 2008

SUBJECT: **Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Light Industrial (LI) on a 2.0 Acre Tract Located at 335 McDonnell Street; Further Identified as Tract 66 of the J.W. King Survey, Abstract 695; as Requested by Michael Sandefur, the Current Property Owner (Case No. PZ20080205).**

BACKGROUND

The site is currently zoned General Business (GB) and has most typically been used as a restaurant and private club. The owner is asking for the zone change to Light Industrial (LI) in order to provide more options for use of the tract and to better compete with other commercial properties along McDonnell Street.

ANALYSIS

The existing building has been there for more than 30 years and has served as home to a variety of restaurants and private clubs. All but three of the other tracts along McDonnell Street are zoned LI. The three tracts include the former Owens Restaurant site now owned by the City for use as Fire House #7, a small portion of a mobile home park and a lot shown as Agricultural-Open Space on the zoning map. While the owner could lease the building as a private club or restaurant again, there has been some interest in using the building as an office/warehouse, a use is not allowed in the General Business zoning district. The LI zoning would be consistent with other zoning in the area. The property would still be required to comply with applicable code requirements if the zoning is approved and a new use moves into the building. The Planning and Zoning Commission unanimously recommended approval of the zone change request at their February 5, 2008, meeting.

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 General Business (GB) to Light Industrial (LI).

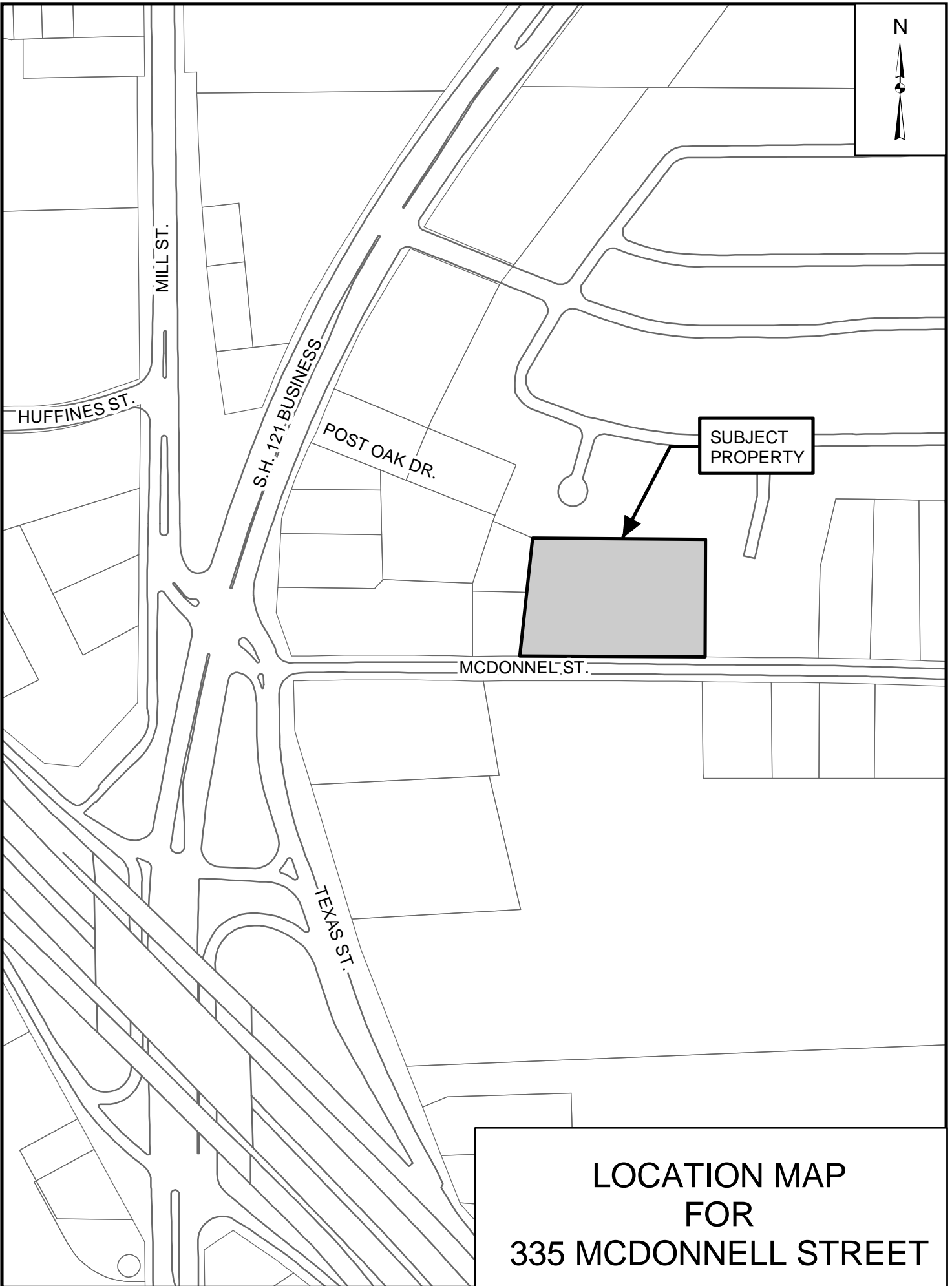
**MINUTES
PLANNING AND ZONING COMMISSION
FEBRUARY 5, 2008**

Item 5:

The public hearing for zoning was the next item on the agenda. There were two items for consideration:

- A. Consideration of a zone change request from General Business (GB) to Light Industrial (LI) on a 2.0 acre tract located at 335 McDonnell Street; further identified as Tract 66 of the J.W. King Survey, Abstract 695. The request is being made by Michael Sandefur the current property owner (Case No. PZ20080205).

Staff gave a presentation and history on the area indicating that requested zoning is consistent with the surrounding area. The request would allow the applicant to do office warehouse. The public hearing was then opened and Marilyn Pearson who owns a building across the street from this site spoke. She indicated that she was neither for nor against the request but wanted more information as to who might be the tenants. She was concerned that the site might turn out to be like Coronado Stone, where, she claims, when they bake they emit noxious fumes that have made her tenants sick and eventually move. Michael Sandefur, the owner of the property also spoke on this request. He indicated that he would like to be able to use the property for an office warehouse. In the past the property has been used for clubs and restaurant uses, but is not a very suitable location for those types of uses. He would prefer to match the existing zoning in the area. There being no one else present to speak for or against the item, the public hearing was then closed. Joy Townsend asked staff about Coronado Stone and the issues that Mrs. Pearson had. Staff indicated that that site has been used for that type of use for a long time and was a legal non-conforming use. Staff indicated that new construction would have to comply with all the current standards. A motion was made by Jim Gallegos to recommend approval of the zone change request, seconded by Karen Boenker. The motion passed unanimously (6-0).



LOCATION MAP
FOR
335 MCDONNELL STREET

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 17-21. "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 17-23. "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".

TRANSACTION #:	<u>20060057483</u>
ACCT. #:	101-0000-322.09-00 (ZONING/SUBDIVISION/SITE PLANS)
PZ CASE #:	<u>PZ 20080205</u>
PZ MEETING DATE:	<u>02-05-08</u>

DATE RECEIVED STAMP AREA

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: MICHAEL SANDEFUR
 MAILING ADDRESS: P. O. Box 626, LEWISVILLE, TEXAS 75067
 PHONE NUMBER: 214-725-4083 FAX NO.: 972-317-3657 E-MAIL: michael/sandefur@tx.rr.com
 OWNER SIGNATURE: Michael Sandefur DATE: 1/14/08
 PRINTED NAME & TITLE (IF ANY): MICHAEL SANDEFUR

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): SAME AS PROPERTY OWNER
 MAILING ADDRESS: _____
 PHONE NUMBER: _____ FAX NO.: _____ E-MAIL: _____
 AGENT SIGNATURE: _____ DATE: _____
 PRINTED NAME & TITLE (IF ANY): _____

REQUESTED ACTION SECTION

PRESENT ZONING: General BUSINESS REQUESTED ZONING: LIGHT INDUSTRIAL TOTAL LAND AREA(ACRES) 2.000

ADDRESS AND/OR LOCATION OF SUBJECT TRACT(S) (EXHIBIT MAP(S) AND LEGAL DESCRIPTION(S) MUST BE SUBMITTED WITH APPLICATION)

335 McDONNELL ST. LEWISVILLE, TEXAS
A0695A J.W. KING, TRACT 66, ACRES 2.000, OLD DCAD TR # 42

PROPOSED USE: _____

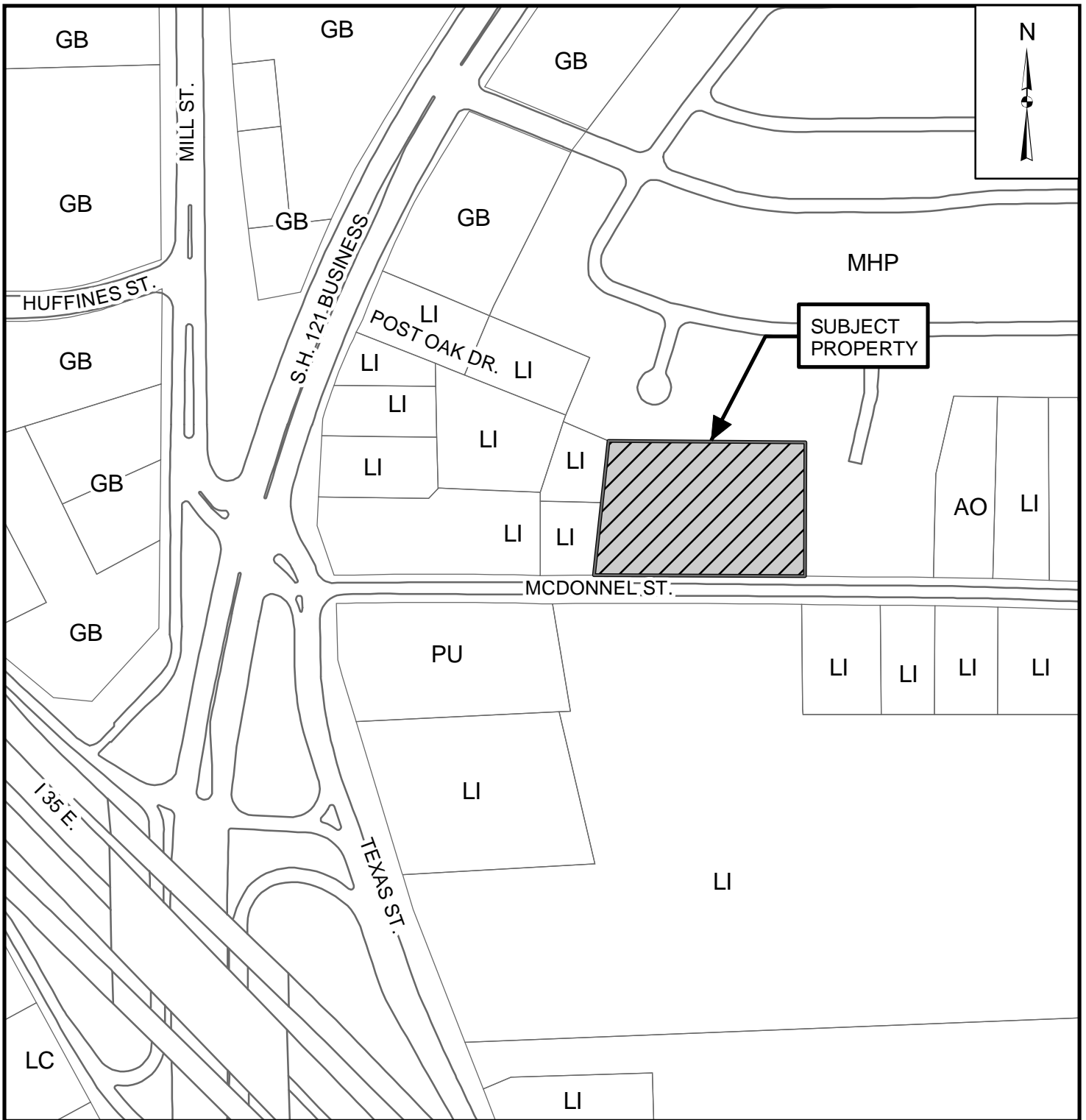
FEE SECTION (APPLICATION & SIGN FEES) (PLEASE FILL IN APPROPRIATE BLANKS AND ENTER TOTAL FEE DUE)

Less than 1/2 acre	\$ 150.00
<input checked="" type="checkbox"/> 1/2 acre up to 4.99 acres	\$ 250.00
5 acres up to 24.99 acres	\$ 400.00
<u>1</u> #** of Zone Change Signs @ \$35/Sign	\$ <u>35.00</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 \$ 285.00



ZONING CASE NO. PZ20080205

APPLICANT/ OWNER: MICHAEL SANDEFUR

PROPERTY LOCATION: 335 MCDONNELL STREET
TRACT 66, J.W. KING SURVEY, ABSTRACT 695

CURRENT ZONING: GENERAL BUSINESS (GB)

PROPOSED ZONING: LIGHT INDUSTRIAL (LI)

ACRES: 2.00

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 2.0 ACRE TRACT OF LAND FULLY AND COMPLETELY DESCRIBED IN THE ATTACHED EXHIBIT "A", ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM GENERAL BUSINESS (GB) DISTRICT ZONING TO LIGHT INDUSTRIAL (LI) DISTRICT ZONING; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS AND GENERAL WELFARE DEMAND 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 **LIGHT INDUSTRIAL (LI) 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 3RD DAY OF MARCH, 2008.

APPROVED:

Gene Carey, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

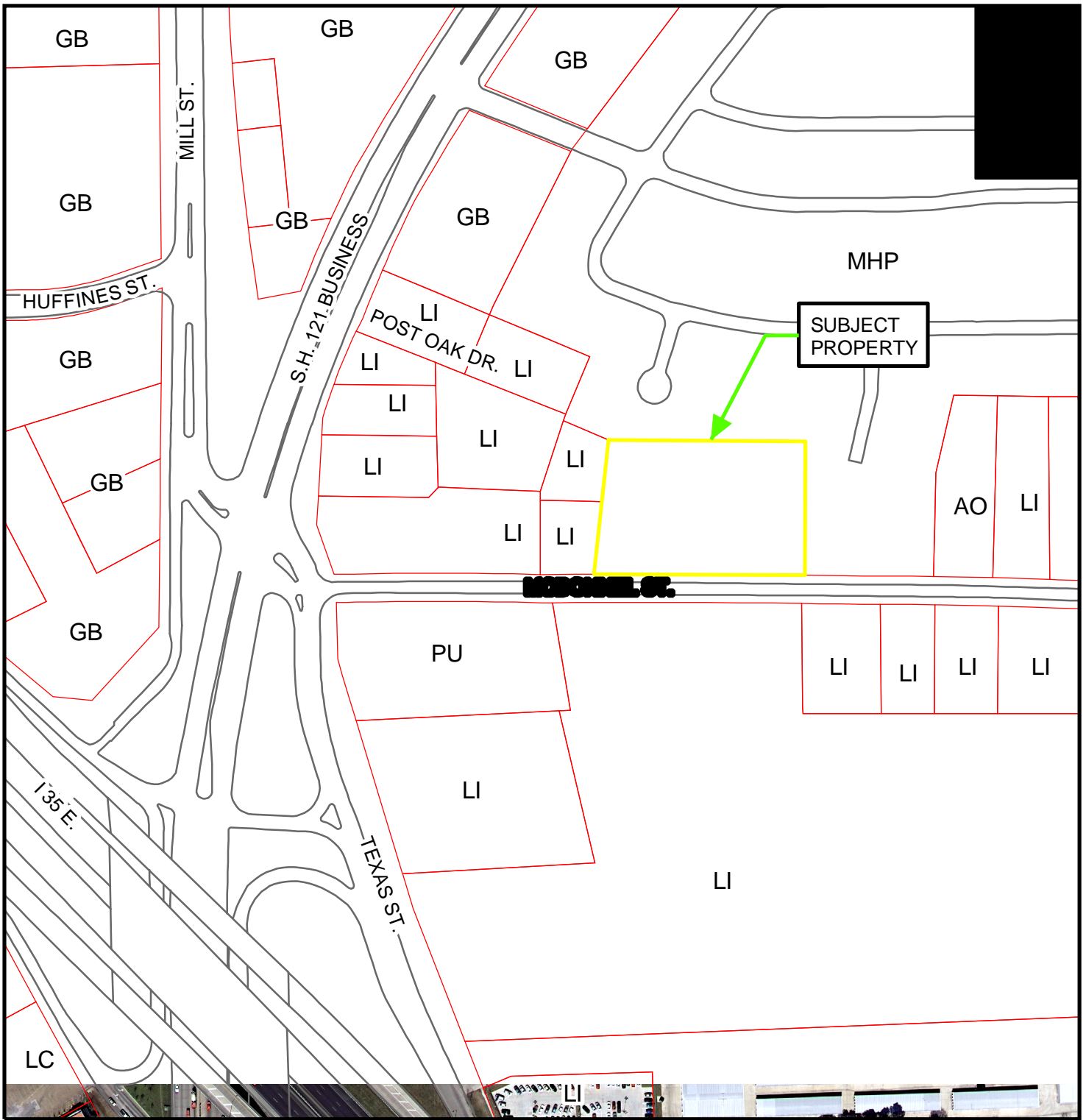
Ronald J. Neiman, CITY ATTORNEY

335 Mc Donnell St.

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EXHIBIT "A"

SITUATED in the City of Lewisville, County of Denton, State of Texas, and being a part of a certain tract of 24.598 acres of land which was conveyed by Warranty Deed dated January 25, 1963, from W. L. Stewart to Ernest R. Owen, as shown of record in Volume 491, Page 346 of the Deed Records of Denton County, Texas, and being out of the J. W. King Survey, Abstract No. 695 and being more particularly described as follows: BEGINNING at a steel pin for the most Southern Southwest corner of the above mentioned 24.598 acre tract; said point of beginning being the Southeast corner of a certain Second tract which was conveyed from R. E. Whitmore and wife, Florine T. Whitmore to Texas Boat and Manufacturing Company, Inc., by Deed dated July 23, 1957, as shown of record in Volume 432, Page 478 of the Deed Records of Denton County, Texas, and being in the North boundary line of an East and West gravel road whose width is 37 ft.; THENCE North 05 deg. 10 min. 30 sec. East, along the West boundary line of the Ernest R. Owen tract, 243.59 feet to a steel pin for corner and being the Northeast corner of a tract of land which was conveyed by R. B. Delisle and wife, Grace Delisle to Jack Pitts by Deed dated May 2, 1955 as recorded in Volume 409, Page 487 of the Deed Records of Denton County, Texas; THENCE South 87 deg. 53 min. 40 sec. East, and parallel with the South boundary line of the past mentioned 24.598 acre tract, 357.65 feet to a steel pin for corner; THENCE South 05 deg. 10 min. 30 sec. West, and parallel with the West boundary line of the above mentioned 24.598 acre tract, 243.59 feet to a steel pin in the South boundary line of said tract and being in the North boundary line of the past mentioned East and West public road, and said steel pin being at Southeast corner of tract herein described: THENCE North 87 deg. 53 min. 40 sec. West, along the South boundary line of the 24.598 acre tract, 357.65 feet to point of beginning and containing two (2) acres of land;



ZONING CASE NO. PZ20080205

APPLICANT/ OWNER: MICHAEL SANDEFUR

PROPERTY LOCATION: 335 MCDONNELL STREET
TRACT 66, J.W. KING SURVEY, ABSTRACT 695

CURRENT ZONING: GENERAL BUSINESS (GB)

PROPOSED ZONING: LIGHT INDUSTRIAL (LI)

ACRES: 2.00