



Lewisville City Council

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A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
DECEMBER 15, 2008**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

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

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Pro Tem Thornhill
- B. **PLEDGE TO THE FLAG:** Councilman Tierney
- C. **PRESENTATION:** Presentation of “Certificate of Achievement for Excellence in Financial Reporting” Award
- D. **PUBLIC HEARING:** Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Light Industrial (LI) on a 0.189 Acre Tract Located at Auto Expo, 857 East Main Street; Further Identified as A. G. King Survey, Abstract 698; as Requested by Sami Hamed on Behalf of Charlie Waite, the Property Owner (Case No. PZ20081123).

ADMINISTRATIVE COMMENTS:

The property is located at 857 East Main Street south of SH 121. The property is currently zoned General Business (GB) which allows automotive display, sales and repair, but does not allow a body shop which is what the applicant wishes to do at that location. The area is currently a mix of predominantly Light Industrial zoning with a little bit of General Business zoning. The property is blocked from view from SH 121 by the building directly in front of it. The requested zoning would be in keeping with the surrounding area along SH 121. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their November 18, 2008, 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 General Business (GB) to Light Industrial (LI).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Sami Hamed, Applicant

- E. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

- F. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
 - 1. **APPROVAL OF MINUTES:** City Council Minutes of the December 1, 2008, Workshop Session and Regular Session.

 - 2. **Approval of Acceptance of the 2008 Homeland Security Grant Program's UASI Grants; Approval of a Supplemental Appropriation in the Amount of \$35,000 to the FY 2008-2009 Grant Fund to Fund Regional Interoperability and Video Conferencing Technology; and Authorization for Mayor Carey to Execute the Sub-Recipient Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville Fire Department received notification of two subrecipient awards from the Division of Emergency Management, Office of the Governor. The City has been awarded \$35,000 for radio upgrades and improvements in regional videoconferencing technology. There is no matching amount required, with reimbursement requested after procurement of approved items.

RECOMMENDATION:

That the City Council approve acceptance of the 2008 Homeland Security Grant Program-UASI Grants; approval of a supplemental appropriation in the amount of \$35,000 to the FY 2008-2009 Grant Fund; and authorize Mayor Carey to execute the sub-recipient agreement.

- 3. Approval of a Bid Award for the Lower Timbercreek 42-Inch Sanitary Sewer Replacement Project to S. J. Louis Construction of Texas Ltd, Mansfield, Texas, in the Amount of \$774,348.13; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of thirty-eight (38) bid invitations were issued, including five (5) downloaded from DemandStar.com. Fifteen (15) bids were received and opened November 25, 2008. This project consists of constructing approximately 4000 linear feet of new 42-Inch sanitary sewer line from SH 121 Toll to Timber Creek Lift Station along the west side of the D.A.R.T. railroad. Funding is available in the Lakeside Circle Sewer Line Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the Lower Timbercreek 42-Inch Sanitary Sewer Replacement Project to S. J. Louis Construction of Texas Ltd, Mansfield, Texas, in the amount of \$774,348.13; and authorize the City Manager to execute the contract.

- 4. Approval of Supplemental Appropriations for Prior Year Encumbrances in the Following Amounts: General Fund - \$152,429; Hotel/Motel Fund - \$41,813; Public Improvement District Fund - \$850; Court Technology Fund - \$34,432; Grant Fund - \$469,876; Water & Sewer Fund - \$156,739; Maintenance and Replacement Fund - \$241,731; Self Insurance Fund - \$27,412; and Parks & Library Development Fund - \$1,500.**

ADMINISTRATIVE COMMENTS:

Each year, a recommendation is made to supplementally appropriate funds for open purchase orders from the prior fiscal year. As a result, when the items or services are received in the current fiscal year, they are charged to the current year budget. Unless the current fiscal year appropriations are amended to provide for these changes, funds in the affected line item account will be short at year-end.

RECOMMENDATION:

That the City Council approve the supplemental appropriation for prior year encumbrances in the following amounts: General Fund - \$152,429; Hotel/Motel Fund - \$41,813; Public Improvement District Fund - \$850; Court Technology Fund - \$34,432; Grant Fund - \$469,876; Water & Sewer Fund - \$156,739; Maintenance and Replacement Fund - \$241,731; Self Insurance Fund - \$27,412; and Parks & Library Development Fund - \$1,500.

- 5. Approval of an Agreement for Street Lighting Service With Oncor Electric Delivery Company.**

ADMINISTRATIVE COMMENTS:

Oncor Electric has installed street lights in Austin Ranch along Windhaven Drive. The basic agreement form was approved in 2003 by the TXU/Oncor Steering Committee of Cities and serves as the standard agreement between the company and cities.

RECOMMENDATION:

That the City Council approve the agreement for street lighting service with Oncor Electric Delivery.

- 6. Approval of a Change Order in the Amount of \$27,225 for Architectural Work Related to Space Reallocation for a Black Box Theatre and Other Related Design Changes.**

ADMINISTRATIVE COMMENTS:

At the December 1, 2008, City Council workshop, staff presented design changes related to the reallocation of space from general classrooms to a Black Box Theatre. In order to complete construction drawings needed for the construction bid process, additional architectural work is required. As presented at the workshop, this additional cost is \$27,225. Change orders in excess of \$25,000 require City Council approval. Bidding of this project is planned for February, 2009. Funding is available in the Arts Activity Center Capital Project.

RECOMMENDATION:

That the City Council approve a change order in the amount of \$27,225 for architectural work related to space reallocation for a Black Box Theatre and other related design changes.

G. REGULAR HEARINGS:

- 7. Tabled Item: Consideration of a Variance to the Lewisville City Code, Section 6-95(b) Regarding Water and Sanitary Sewer Easement Setbacks; and Consideration of a Conceptual Variance to the Lewisville City Code, Section 6-98(d)(2)(b) Regarding Paving Over a Waterline Easement For a Project Located on Both Sides of Vista Drive North of Round Grove Road, as Requested by Steve Homeyer, P.E., Representing the Owner.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the December 1, 2008 City Council meeting. City staff met with Mr. Homeyer and the property owner on December 3, 2008 and the property owner indicated that he would comply with the ordinance.

RECOMMENDATION:

That the City Council table this item indefinitely.

- 8. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 3, Animals, Regarding Definitions, Prohibited Sales, Animal as Prizes, Promotions and Novelties, Transportation of an Animal in an Open Bed of a Vehicle, and Unlawful Restraint of Dogs.**

ADMINISTRATIVE COMMENTS:

In early 2007, the Animal Services Advisory Committee began receiving and discussing requests for ordinance revisions to enhance public safety and the quality of life for animals in the city. Requests specifically received include a ban on tethering dogs in the city, a prohibition on transporting unrestrained/unconfined animals in the open bed of vehicles, a prohibition on auctioning pets or using animals as incentives to enter a business, and a prohibition on selling animals along the roadside and in business parking lots. The proposed ordinance revisions reflect the recommendations of the Committee for consideration by Council. The Animal Services Advisory Committee voted unanimously 7-0 at their April 29, 2008 meeting to develop ordinance revisions for presentation for Council consideration.

RECOMMENDATION:

That the City Council consider the proposed ordinance revisions.

PRESENTATION: Sherry Harper, Health and Code Manager

- 9. Second Reading: Consideration of an Ordinance Amending the Lewisville City Code, Section 15-104(a) Restricting Operation of Trucks With More Than Two Axles From Certain Portions of Purnell Street.**

ADMINISTRATIVE COMMENTS:

At the December 1, 2008, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the second reading.

RECOMMENDATION:

That the City Attorney provide the second reading of the ordinances.

- 10. Third and Final Reading: Consideration of Three Ordinances Amending the Lewisville City Code, Section 15-104(a) for Additional Truck Prohibitions on Certain Streets.**

ADMINISTRATIVE COMMENTS:

At the November 17, 2008, City Council meeting, the Council approved the subject ordinances. However, due to the lack of a 4/5's vote by the Council to adopt the ordinances on an emergency basis, the ordinances have to be read on three separate days to meet the City Charter requirements. This will be the third and final reading. The ordinances will become effective December 29, 2008.

RECOMMENDATION:

That the City Attorney provide the third and final reading of the ordinances.

- 11. Tabled Item: Consideration of Appointment to Place No. 1 on the Old Town Design Review Committee.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the November 17, 2008, City Council meeting in order to give Council adequate time to review applications for the vacant position. The resignation of Sarah Jo Jackson has created a vacancy in Place No. 1 of the Old Town Design Review Committee.

RECOMMENDATION:

That the City Council consider an appointment to fill the vacancy on the Old Town Design Review Committee.

- 12. Consideration of a Resolution Finding That Texas-New Mexico Power Company's Requested Increases to its Electric Transmission and Distribution Rates and Charges Within the City Should be Denied; Finding That the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel.**

ADMINISTRATIVE COMMENTS:

Texas-New Mexico Power Company (TNMP) filed an application on or about August 29, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$8.7 million. The company asks the City to approve a 24% increase in residential rates and a 79% increase in street lighting rates. The Company is also proposing significant (i.e. 24-33%) decreases for commercial customers. According to TNMP, annual rates would increase by approximately \$78 for an average residential customer. On September 15, 2008 Council approved a resolution suspending the effective date for the requested rate change for 90 days. The resolution denies the Company's requested rate increase and requires that the Company's current rates be maintained for all customers within the City.

RECOMMENDATION:

That the City Council approve the resolution.

H. REPORTS:

1. Quarterly Investment Report for Period Ending September 30, 2008.
2. Follow-up to Holiday at the Hall Event.

I. CLOSED SESSION: In Accordance with Texas Government Code, Subchapter D,

1. Section 551.072 (Real Estate): Property Acquisition
2. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

J. RECONVENE into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

K. ADJOURNMENT

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

**PRESENTATION OF "CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN
FINANCIAL REPORTING" AWARD**

Mayor Carey will be requested to introduce Ms. Karen Rhodes, President of the Government Finance Officers Association of Texas and Budget Director for the City of Plano before the award is presented.

The City of Lewisville is being awarded a "Certificate of Achievement for Excellence in Financial Reporting" award for the period ending September 30, 2007 by the Government Finance Officers Association (GFOA). The award will be presented by Karen Rhodes, President of the Government Finance Officers Association of Texas and Budget Director for the City of Plano. This is the 19th consecutive year the City has received this award. Brenda Martin, Accounting Manager, will accept this award on behalf of the City.

MEMORANDUM

TO: Claude King, City Manager
VIA: Eric Ferris, Director of Community Development
FROM: Gene Lewis, Planning & Community Services Manager
DATE: November 19, 2008

SUBJECT: **Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Light Industrial (LI) on a 0.189 Acre Tract Located at Auto Expo, 857 East Main Street; Further Identified as A. G. King Survey, Abstract 698; as Requested by Sami Hamed on Behalf of Charlie Waite, the Property Owner (Case No. PZ20081123).**

BACKGROUND:

The property is located at 857 East Main Street south of SH 121. The property is currently zoned General Business (GB) which allows automotive display, sales and repair, but does not allow a body shop which is what the applicant wishes to do at that location. Outside storage is limited to 10% on both GB and LI zoning.

ANALYSIS:

The area is currently a mix of predominantly Light Industrial zoning with a little bit of General Business zoning. The area is surrounded by Light Industrial zoning to the east Heavy Industrial and Light Industrial to the south and General Business to the west. The property is blocked from view from SH 121 by the building directly in front of it. The requested zoning would be in keeping with the surrounding area along SH 121. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their November 18, 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, for a zone change request from General Business (GB) to Light Industrial (LI).

**MINUTES
PLANNING AND ZONING COMMISSION
NOVEMBER 18, 2008**

Item 4:

The public hearing for zoning was the next item on the agenda. There was one item for consideration:

- A. Consideration of a zone change request from General Business (GB) to Light Industrial (LI) on a 0.189 acre tract located at 857 E. Main Street; further identified as A. G. King Survey, Abstract 698. The request is being made by Charlie Waite, the current property owner (Case No. PZ20081123).

Staff gave a brief presentation on the zone change request. Rod Russell asked if General Business zoning allowed auto repair. Staff indicated that it allowed auto sales, display and repair but did not allow an auto body shop. Jim Gallegos asked about outside storage. Staff indicated that both GB and LI zoning allow 10% of the lot area for outside storage, but that outside storage must be screened. The public hearing was then opened. There being no one present to speak for or against the item, the public hearing was then closed. There being no there questions or discussion among the members, a motion was made by Karen Boenker to recommend approval of the zone change request to City Council, seconded by Bill Price. The motion passed unanimously (7-0).

DATE RECEIVED STAMP AREA

TRANSACTION #:	65312
ACCT. #: 101-0000-322.09-00 (ZONING/SUBDIVISION/SITE PLANS)	
PZ CASE #:	PZ 20081123
PZ MEETING DATE:	Nov. 18

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: Charlie Wait
 MAILING ADDRESS: 107 Lakeside Point Lake Dallas, TX 75065
 PHONE NUMBER: 972-453-7257 FAX NO.: _____ E-MAIL: _____
 OWNER SIGNATURE: Charlie Wait DATE: 08/14/08
 PRINTED NAME & TITLE (IF ANY): _____

NAME OF APPLICANT (FILL IN ONLY IF OTHER THAN OWNER): HAMED SAMI
 MAILING ADDRESS: 1033 Cornell Dr Plano TX 76007
 PHONE NUMBER: 214-770-0710 FAX NO.: _____ E-MAIL: _____
 APPLICANT SIGNATURE: [Signature] DATE: 7-28-08
 PRINTED NAME & TITLE (IF ANY): Owner

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

REQUESTED ACTION SECTION

PRESENT ZONING: B3 REQUESTED ZONING: LI TOTAL LAND AREA(ACRES) 0.189
 ADDRESS AND/OR LOCATION OF SUBJECT TRACT(S) (EXHIBIT MAP(S) AND LEGAL DESCRIPTION(S) MUST BE SUBMITTED WITH APPLICATION)
857 E. Main, Lewisville, TX 75067
(Auto Expo)

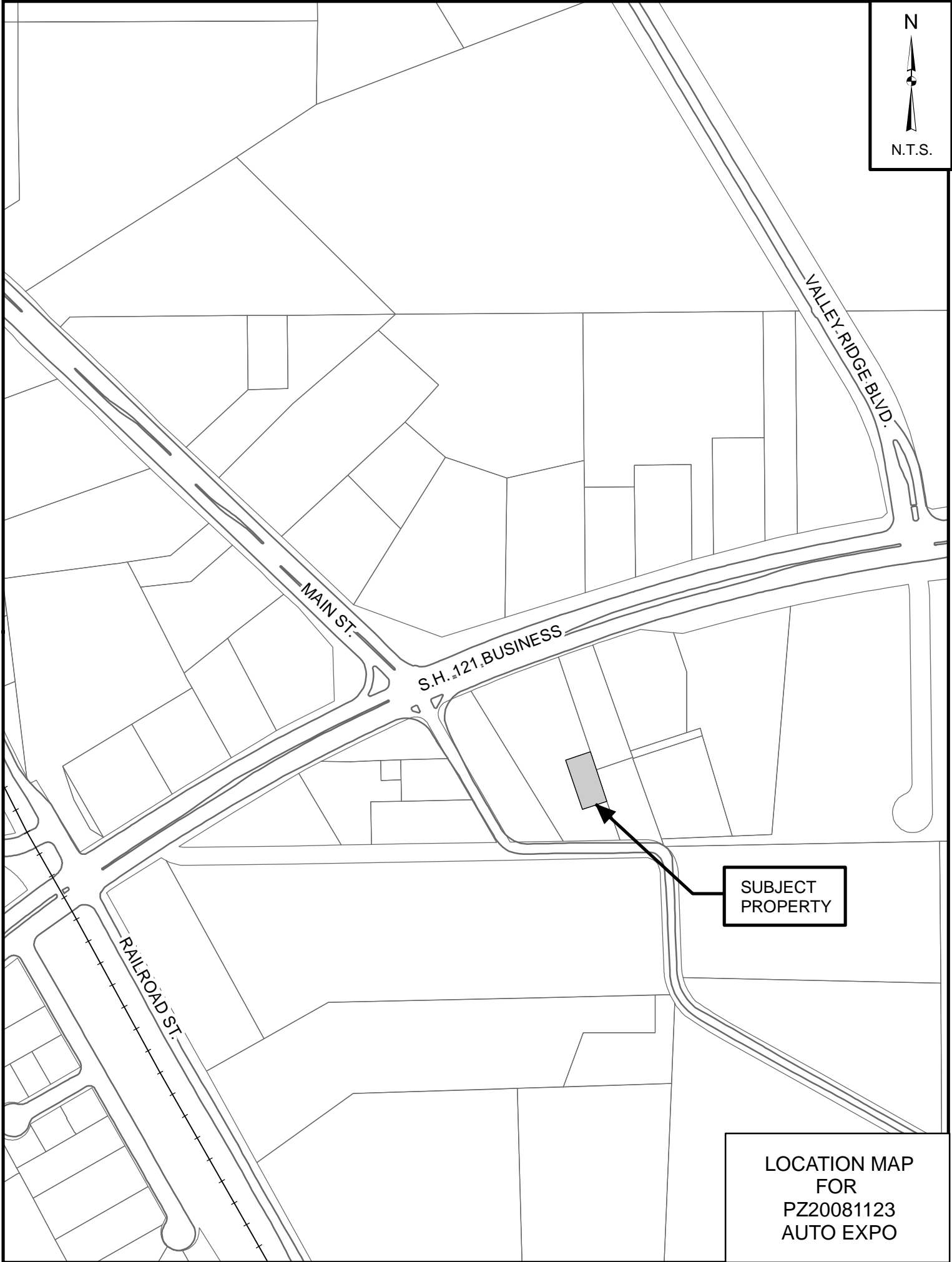
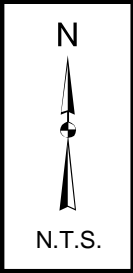
PROPOSED USE: BODY STOP

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

Less than 1/2 acre	\$ 150.00	25 acres up to 49.99 acres	\$ 750.00
1/2 acre up to 4.99 acres	\$ 250.00	50 acres up to 99.99 acres	\$1,000.00
5 acres up to 24.99 acres	\$ 400.00	100 acres and more	\$1,500.00
# ** of Zone Change Signs @ \$35/Sign	\$ _____		

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

TOTAL FEE DUE \$ _____



LOCATION MAP
FOR
PZ20081123
AUTO EXPO

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.

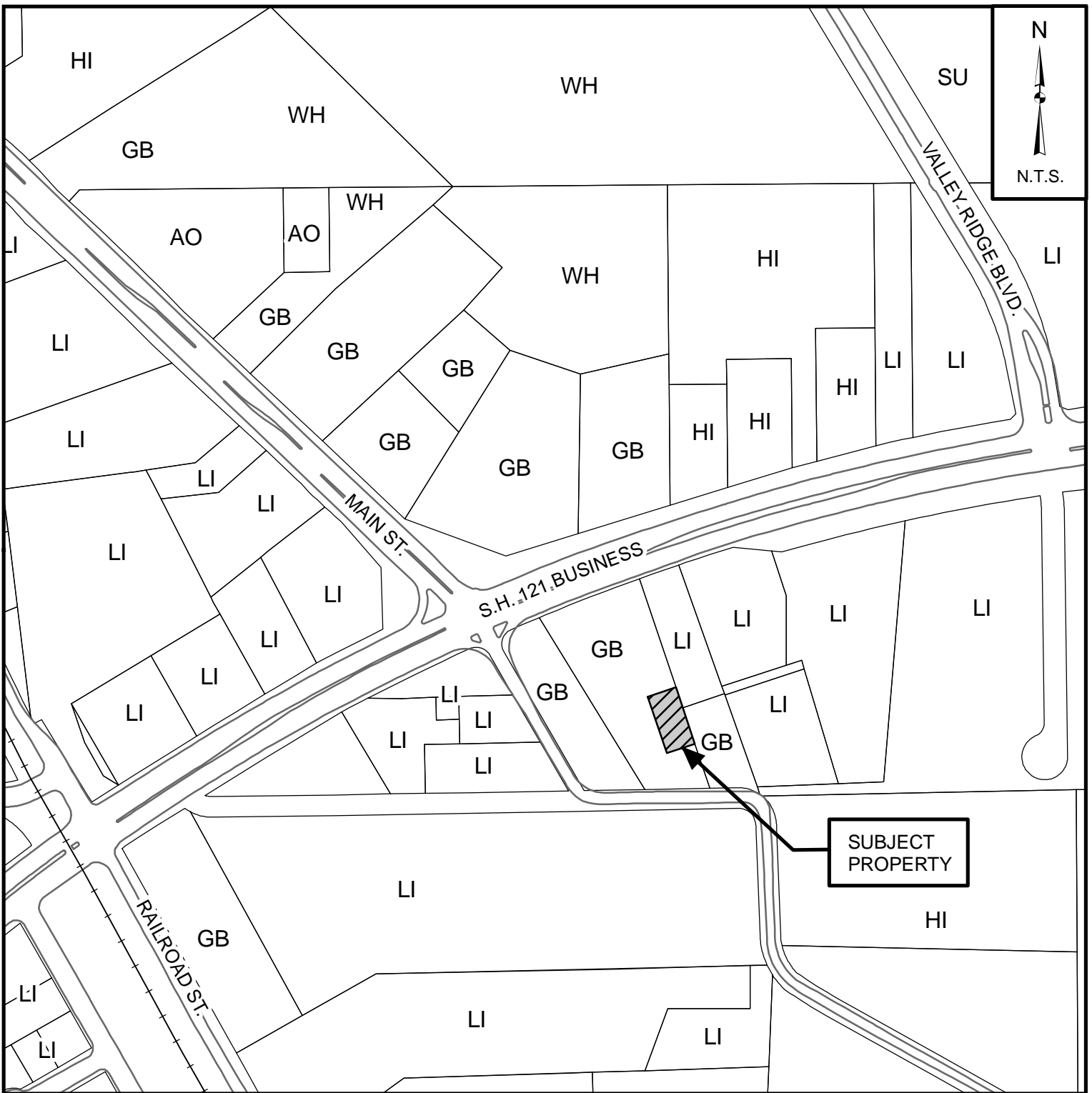
(c) Area Regulations:

(1) Size of Yards:

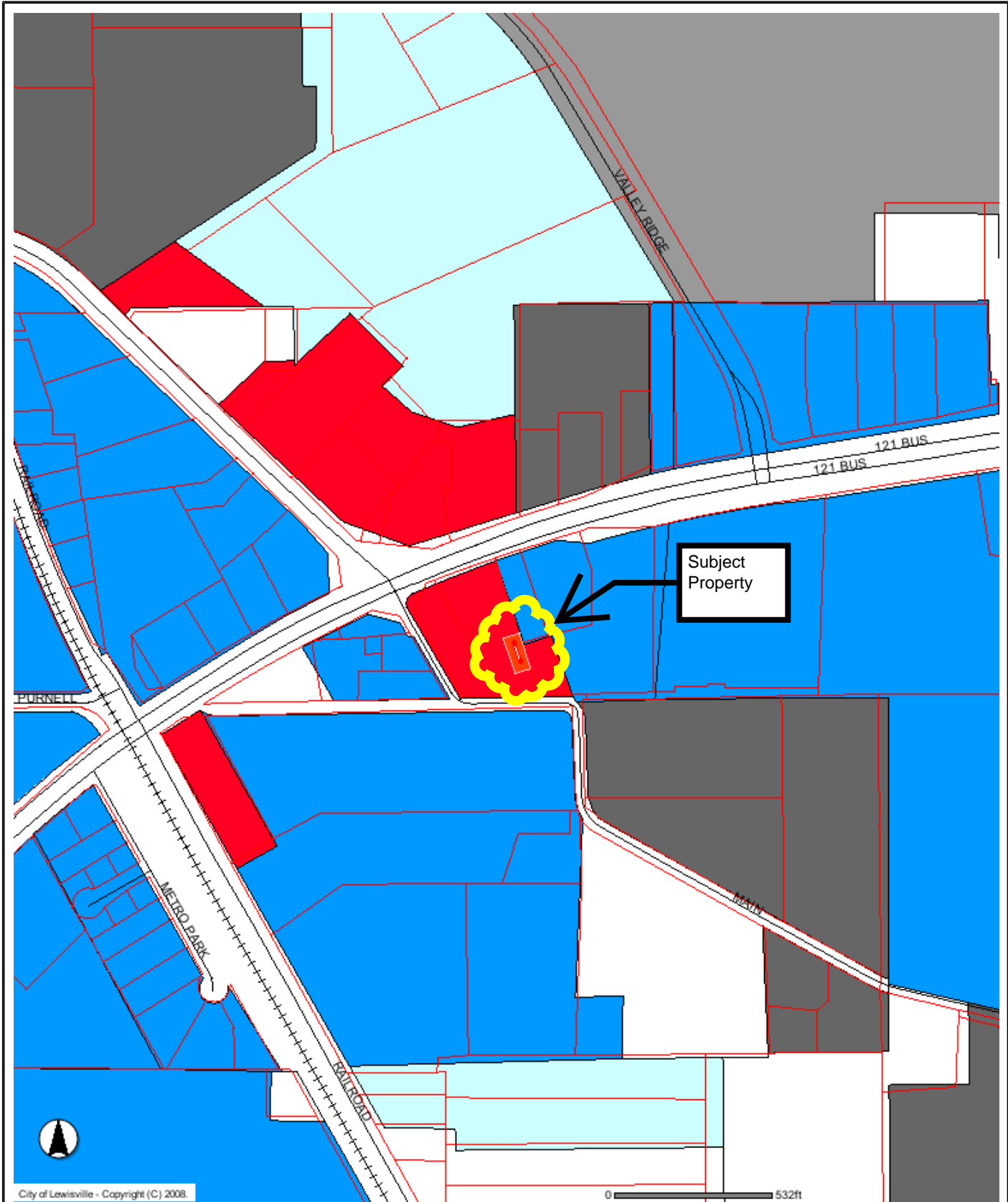
- a. **Front Yard:** There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "LI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards 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".



<u>ZONING CASE NO. PZ20081123</u>	
<u>NAME:</u>	AUTO EXPO
<u>PROPERTY LOCATION:</u>	857 E. MAIN STREET A. G. KING SURVEY, ABSTRACT 698
<u>CURRENT ZONING:</u>	GENERAL BUSINESS (GB)
<u>PROPOSED ZONING:</u>	LIGHT INDUSTRIAL (LI)
<u>ACRES:</u>	0.189 ACRES



Subject
Property

City of Lewisville - Copyright (C) 2008.



City of Lewisville
www.cityoflewisville.com

DISCLAIMER
This data has been compiled by the City of Lewisville. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.

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 0.189 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) 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 15TH DAY OF DECEMBER, 2008.

APPROVED:

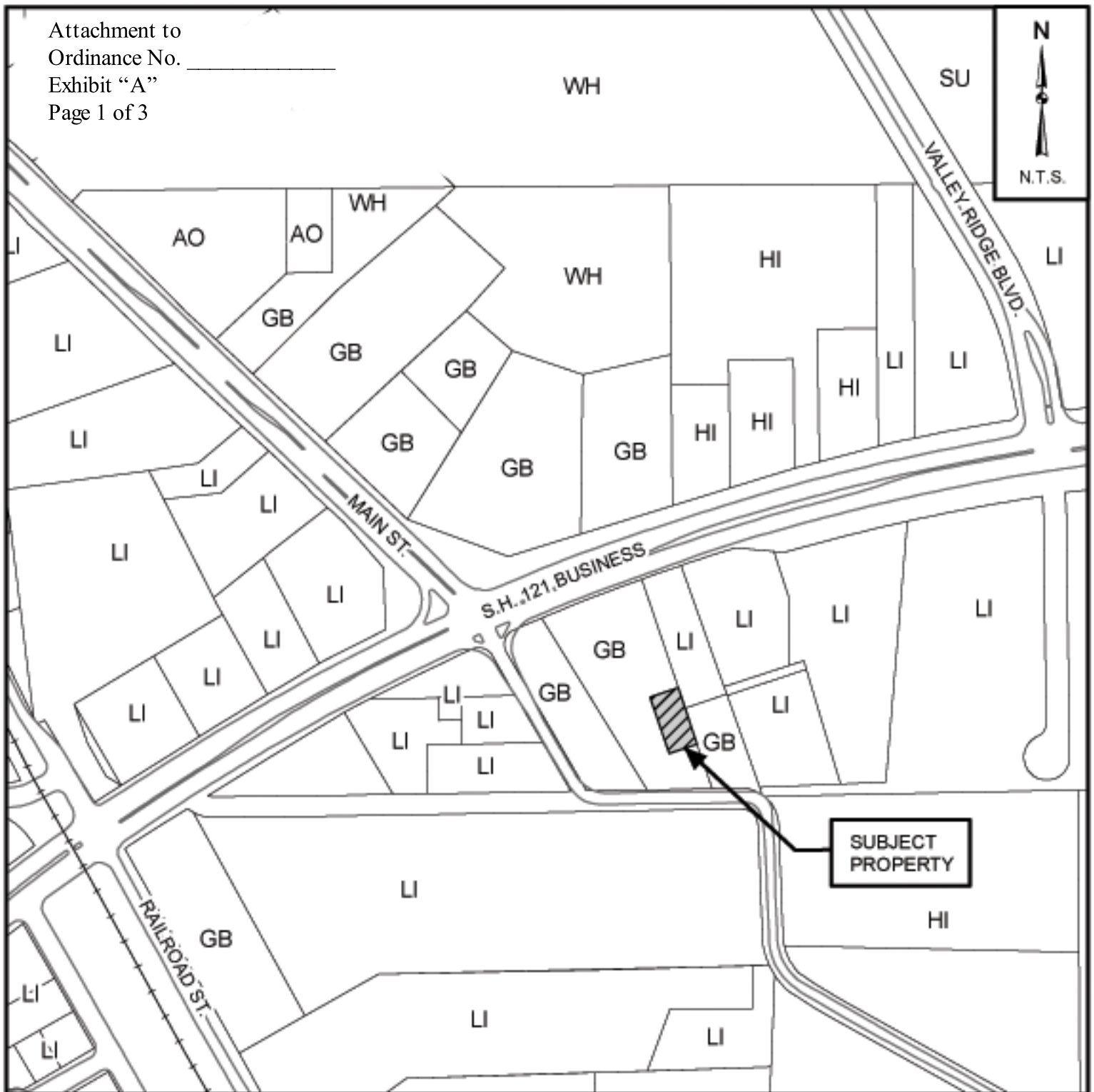
Gene Carey, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Ronald J. Neiman, CITY ATTORNEY



ZONING CASE NO. PZ20081123

<u>NAME:</u>	AUTO EXPO
<u>PROPERTY LOCATION:</u>	857 E. MAIN STREET A. G. KING SURVEY, ABSTRACT 698
<u>CURRENT ZONING:</u>	GENERAL BUSINESS (GB)
<u>PROPOSED ZONING:</u>	LIGHT INDUSTRIAL (LI)
<u>ACRES:</u>	0.189 ACRES

FIELD NOTES
0.189 Acres

BEING all that certain lot, tract, or parcel of land situated in the A. G. King Survey, Abstract No. 698, City of Lewisville, Denton County, Texas, being part of that certain called 3.418 acre tract conveyed by deed from W.E. Aris, to Homer Kerley, recorded in Volume 529, Page 390, Deed Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at an iron rod found in a Southern line of State Highway No. 121, said point being the Northeast corner of said Kerley Tract;

THENCE S 18°07'00" E, 249.84 feet with a fence line, being the East line of said Kerley Tract to a fence post found for corner in said East line, said point being the **PLACE OF BEGINNING**;

THENCE S 18°07'00" E, 130.16 feet, continuing along a fence line, being said East line of said Kerley tract, to a fence post found for corner;

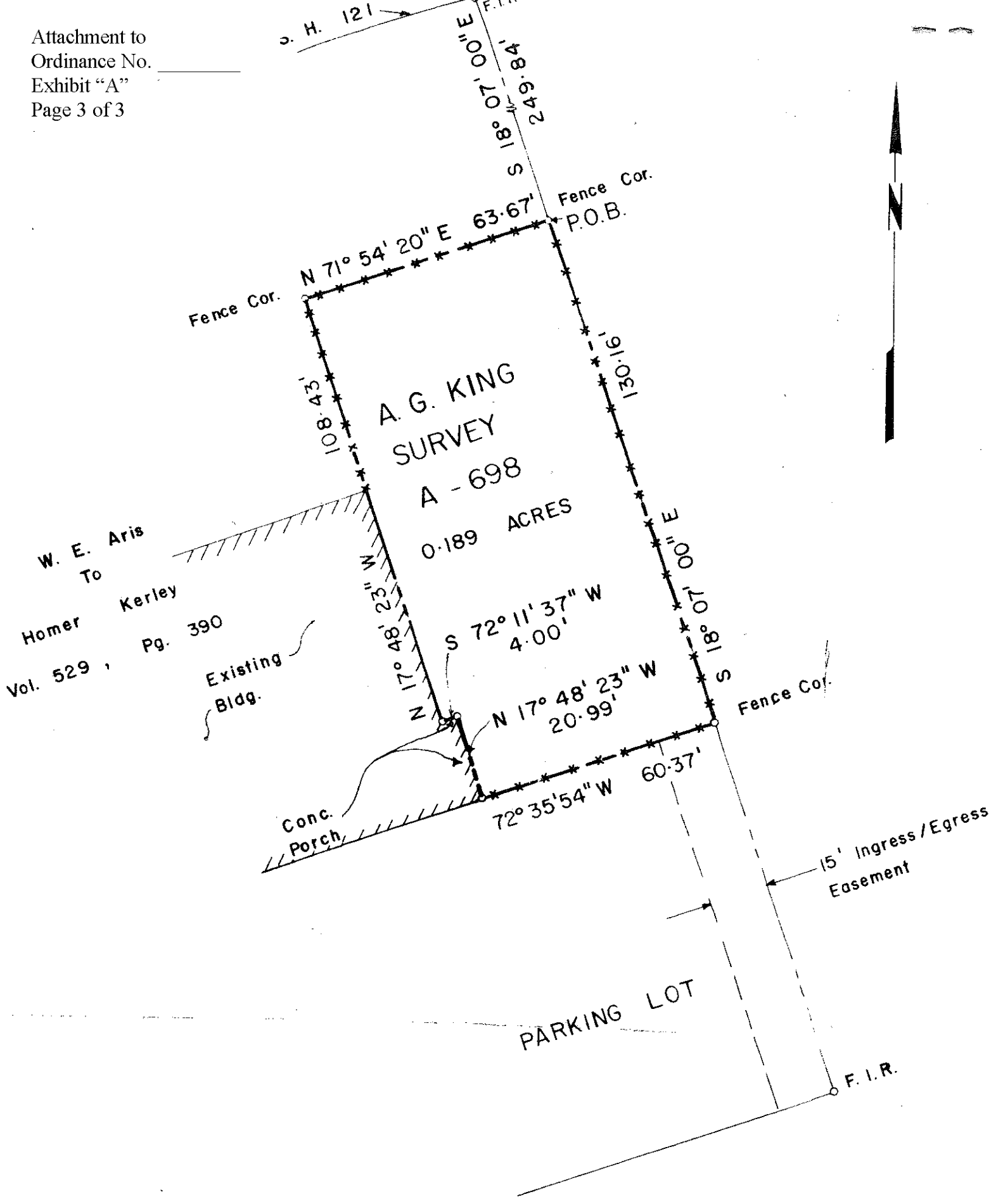
THENCE S 72°35'54" W, 60.37 feet with a fence to a point for corner in said fence;

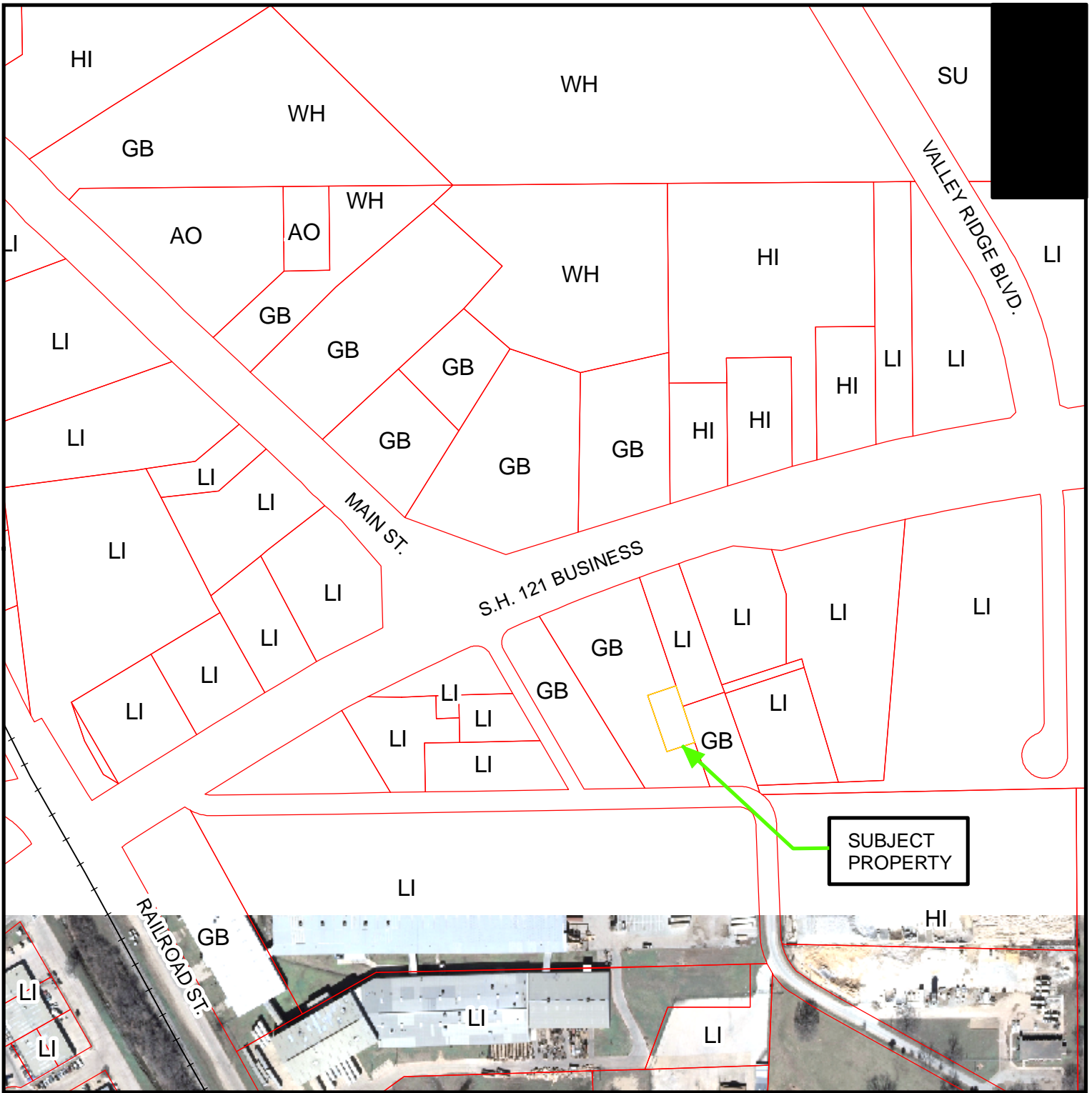
THENCE N 17°48'23" W, 20.99 feet to a point for corner;

THENCE S 72°11'37" W, 4.00 feet to a point for corner;

THENCE N 17°48'23" W, 108.43 feet with a fence, to a fence post found for corner;

THENCE N 71°54'20" E, 63.67 feet with a fence to the **PLACE OF BEGINNING** and containing 0.189 acres of land.





ZONING CASE NO. PZ20081123

NAME: AUTO EXPO

PROPERTY LOCATION: 857 E. MAIN STREET
A. G. KING SURVEY, ABSTRACT 698

CURRENT ZONING: GENERAL BUSINESS (GB)

PROPOSED ZONING: LIGHT INDUSTRIAL (LI)

ACRES: 0.189 ACRES