

**MINUTES
PLANNING AND ZONING COMMISSION
April 3, 2007**

Item 1:

The Lewisville Planning and Zoning Commission was called to order at 6:30 p.m. Members present:

Ron Aljoe (Chairman), Lathan Watts, Karen Boenker (Vice-Chairman), Jim Gallegos Rod Russell, Joy Townsend and Bobby Fowler.

Staff members Gene Lewis and David Salmon were present.

Item 2:

A motion was made by Karen Boenker to approve the March 6, 2007 meeting minutes, seconded by Bobby Fowler. The motion passed unanimously (7-0).

Item 3:

The public hearing consent agenda plats were next on the agenda. These are replats with no variances requested or the variances have already been approved by the City Council. There was one plat under consideration:

- A. Amended Final Plat of Settler's Village Phase II, a 9.11 acre tract zoned Townhouse, with 96 residential units located at the northeast corner of Vista Ridge Mall Drive and Rockbrook Drive.

There was no one to speak on the item so Chairman Ron Aljoe closed the hearing. A motion to approve the plat was made by Karen Boenker, seconded by bobby Fowler. The motion passed unanimously (7-0).

Item 4:

The regular hearing for other plats was the next item on the agenda. There was one item for consideration:

- A. Preliminary Plat of The Villas at Wellington Addition, Phases One and Two, a 28 acre tract zoned Townhouse Two (TH-2), with 223 residential lots and five HOA lots proposed, located at the northeast corner of Valley Parkway and Bellaire Blvd.

The developer has submitted the preliminary plat for 223 residential lots plus 5 HOA lots and is requesting eight variances to their preliminary plat. David Salmon, assistant city engineer, explained the issues regarding the various variance requests:

Variance A - to obtain City participation in the construction costs of a certain portion of the storm sewer associated with the offsite storm sewer lift station removal.

From the beginning of the project, staff has been working with the developers to eliminate the Lakewood North Storm Sewer Lift Station located to the north of this proposed project. When Lakewood North subdivision was constructed years ago, the developers were unable to obtain the necessary easement or right-of-way for storm sewer drainage south through the 28-acre proposed project. At that time, the developers constructed a storm sewer lift station to accommodate drainage. Since the original installation,

the City has substantially upgraded the storm sewer lift station. This section of the code of ordinances requires developers to install 100-year storm drainage based on ultimate watershed development. If the lift station is removed, the developers will incur additional storm sewer costs because they will have to extend storm sewer to the lift station site and because of the excessive depth of the lift station, will have to install larger storm sewers to make up for the reduced slope. The City is being asked to participate in the additional storm sewer cost associated with the lift station removal. The attached storm sewer exhibits illustrate the difference in the storm sewer requirements between the two scenarios. In addition, an estimate of probable cost for the City participation has been provided. Removal of the lift station will need to be accomplished and funded by the City, however that will eliminate the annual operation and maintenance costs of the lift station and most importantly, remove the liability associated with relying on mechanical means to drain the upstream neighborhood. The developer will submit final costs for the downstream storm sewer participation based on bids with the final plat, and authorization for payment will have to be reviewed by staff and approved by the City Council before a reimbursement is made.

Variance B - to allow the construction and installation of a City approved sanitary sewer lift station in lieu of a conventional gravity system.

As with the storm sewer lift station, staff has been working with the developers to devise a mutually acceptable option for providing sanitary sewer service to the project. This section of the Code of Ordinances prohibits lift stations when gravity options are available. The staff preference has been to develop an option that provides for a gravity sewer system. The developer's engineer has analyzed the surrounding sewer systems and has come up with three different options for providing sanitary sewer to the project. Options 1 and 2 provide gravity sewer while option 3 provides for an on-site lift station and force main. The probable costs for each option were provided on a separate sheet. The developer is proposing option 3 (lift station) because it is by far the most financially and physically practical option of the three. The two gravity options conceptually cost over five times what option 3 will cost to install, involve the acquisition of offsite easements and the installation of sanitary sewer lines that are 30 feet deep. The owners of the properties where offsite easements would be required may not be cooperative. In addition, installing a sewer that deep would require exceptionally wide easements, option #1 would require the temporary removal of at least one-half of Valley Parkway between Bellaire Boulevard and Timbercreek Drive during construction; option #2 would involve temporary removal of several hundred feet of Timbercreek Drive. Staff is typically opposed to sanitary sewer lift stations because of the additional maintenance required and potential odor problems, however, in this case, Salmon explained that staff is not opposed to the lift station option because providing maintenance for a 30-foot deep sewer would also be problematic. The installation process for options #1 and #2 would cause major inconveniences for local traffic and the developer will agree to install a lift station that meets all City requirements similar to the lift station that was installed for Hidden Cove Estates (now The Meridian).

Variance C - to allow certain sanitary sewer easements in lieu of rights-of-way.

The Code of Ordinances requires rights-of-way for sanitary sewer lines in residential developments. However, in this particular development, rights-of-way are being proposed with the exception of one small area located in the southwest corner of the development. This particular area will be utilized for a sanitary sewer force main that will connect to the intersection of Valley Parkway and Bellaire Boulevard. The affected lot is an HOA lot and will be used for open space. Staff had no objection to the variance due to the fact that rights-of-way are being utilized throughout the rest of the development, and force mains are

typically not installed excessively deep so maintenance of the line should not cause major inconvenience to the homeowners.

Variance D - to allow drainage easements in lieu of rights-of-way.

The General Development Ordinance requires rights-of-way for storm sewer lines in residential developments. However, in this particular development, rights-of-way are being proposed with the exception of one small area located in the northeast corner of the development. This particular area will be utilized for a storm sewer that will connect to an existing storm sewer in the Lakewood North subdivision. Staff has reviewed the setback and configuration between the two residential properties and, due to the fact that rights-of-way are being utilized throughout the rest of the development, does not have any major concerns with this variance.

Variance E - to allow lot-to-lot drainage in excess of allowable limits established by code.

The General Development Ordinance allows up to 10 lots to drain across each other and out to the street between buildings in Townhouse developments when a variance for front entry driveways is approved. In most cases, with front entry townhouses, the rear yard fences are connected to each other and there is no space between the rear yards. The Homeowners Association is responsible for communicating and enforcing maintenance of the approved drainage patterns within privately owned yards. The reason for the 10-lot maximum is to limit the amount of water crossing any one homeowner's yard. In this case, staff is not opposed to the variance as the developer is proposing open space between the rear yards that will be maintained by the HOA instead of individual residents. Deed restrictions that preclude homeowners from placing or creating structures or obstructions within the HOA open space (draft provided) will be placed on the property. In addition, designed swales will be installed along with storm drains in the HOA maintained open spaces between the rear yards. The proposed open spaces along with the swales and storm drains will provide a drainage pattern similar to that of a rear-entry subdivision, however does not meet the City owned right-of-way requirement nor the maximum 10-lots drainage between buildings. The developers proposed "lot to lot" drainage pattern is illustrated on the "Rear Yard Swale" exhibit.

Variance F - to waive alley requirements, thus providing front entry.

This section of the Code of Ordinances requires alleys for all single family developments. The developers are proposing a fifty (50) foot City right-of-way with a thirty-three (33) foot wide concrete residential street should the variance request be approved. These particular residential streets will have "roll-over" curbs with standard driveway separation and configurations. Staff has no objections to the request.

Variance G - to waive the construction of a right-turn lane associated with Bellaire Boulevard to Valley Parkway.

Section 6-92 - Paving

The Code of Ordinances requires dedication of right-of-way and construction of right-turn lanes at the intersection of thoroughfares. Both Bellaire Boulevard and Valley Parkway are designated principle arterials on the City's Thoroughfare Plan. The developer plans to dedicate the required right-of-way for a future right-turn lane on Bellaire Boulevard onto Valley Parkway, however, the developer proposes to

deduct the estimated cost of the turn lane construction from the requested City storm sewer participation instead of building the turn lane or placing funds in an escrow account. Staff is recommending consideration of this variance should variance A be approved (City storm sewer participation) because in essence, the developer is using the turn lane funding to provide additional storm sewer improvements. The cost to the developer would be essentially the same with or without the variance, with the extra funding for the lift station removal being provided by the City instead of the City's future cost for the turn lane being credited toward the lift station removal. It was noted that other developments such as Westside Baptist Church on the southwest corner of Bellaire Boulevard and Edmonds Lane, have been required to install turn lanes.

Variance H – to provide a reduced width Drainage and Sanitary Sewer Right of Way

This section of the Code of Ordinances provides minimum width requirements for easements and rights-of-way. The developer is proposing a Drainage and Sanitary Sewer Right-of-Way which is five feet narrower than typically required. Based on the size and depths of the proposed storm sewer and sanitary sewer at this location, the ordinance requires a 35-foot wide right-of-way. The developer is proposing 30 feet for this location in order to maintain the minimum pad size for the proposed townhouse product. Staff has reviewed the proposed design (depth and size) of the storm sewer and sanitary sewer in this location along with proposed setbacks for the residential lots on either side. Maintenance of the two lines as proposed should not cause any inconvenience to City crews or residents so staff has no objection to the variance request.

Conceptual approval of variances a) through g) was granted by the City Council on September 11, 2006. The developers are requesting variance h) based on design constraints that have become apparent during the design process. Members of the Commission engaged in a lengthy discussion regarding the merits and impacts of the multiple variance requests. The Commission had expressed concerns about this and other potential developments in the area causing homes downstream to flood. David Salmon gave the members an analysis of the impact of development on the potential for flooding along Timber Creek. He cited a 1988 study that showed two-thirds of the drainage area to be in Flower Mound and, at that time, about 75 percent of the drainage area in Lewisville was already developed. The study indicated that with ultimate development of the drainage basin, the 100 year flood elevation would be increased by about one foot over what the level was in 1988. He also noted that City development requirements require the finished floor elevation of new homes to be a minimum of two foot about the ultimate 100 year flood plain. The design for the storm water control in this subdivision includes a detention basin and other features to regulate the release of storm water to a level that does not exceed the existing outflow.

Following a two hour discussion, a motion was made by Rod Russell, seconded by Lathan Watts, to recommend approval of the preliminary plat and act on the variances separately. All members voted in favor of the motion.

A motion to approve Variance A (City participation in a portion of storm drainage system cost) was made by Karen Boenker, seconded by Jim Gallegos, and approved on a vote of 5-2. Bobby Fowler and Joy Townsend voted in opposition because of the up-front cost to the City and they felt the developer was unfairly benefiting.

A motion to approve Variance B (Sewer Lift Station) was made by Rod Russell, seconded by Karen Boenker, and approved by a vote of 7-0.

A motion to approve Variance C (Sewer Easement) was made by Lathan Watts, seconded by Jim Gallegos, and approved by a vote of 7-0.

A motion to approve Variance D (Drainage Easement) was made by Jim Gallegos, seconded by Rod Russell, and approved by a vote of 7-0.

A motion to approve Variance E (Lot to Lot Drainage) was made by Karen Boenker, seconded by Lathan Watts, and approved by a vote of 5-2. Bobby Fowler and Joy Townsend voted in opposition because they were not confident the HOA would enforce fencing and other restrictions in the rear yard drainage swales on a long term basis.

A motion to approve Variance F (Front Entry) was made by Rod Russell, seconded by Karen Boenker, and approved by a vote of 7-0.

A motion to approve Variance G (Right Turn Lane) was made by Jim Gallegos, seconded by Karen Boenker, but received a vote of 2 in favor and 5 against and was denied. A second motion was then made by Rod Russell, seconded by Bobby Fowler, to recommend denial of Variance G. The motion to recommend denial was approved by a vote of 5-2, with Karen Boenker and Jim, Gallegos voting in opposition. The Commissioners voting in opposition had expressed concern that the right turn lane is needed now, in part because of traffic generated by the early learning center across Bellaire from the proposed subdivision, and building it at a later date would be an inconvenience and result in a higher expense to the public by not constructing it in today's dollars.

A motion to approve Variance H (Drainage & Sewer Right of Way Width) was made by Rod Russell, seconded by Karen Boenker, and approved by a vote of 7-0.

Having no other business to discuss the meeting was adjourned at 8:43 p.m. These minutes approved by the Lewisville Planning and Zoning Commission on May 1, 2007.

Respectfully submitted,

Approved,

Gene Lewis
Planning and Community Services Manager

Ron Aljoe
Planning & Zoning Chairman