

**MINUTES  
PLANNING AND ZONING COMMISSION  
MAY 6, 2008**

**Item 1:**

The Lewisville Planning and Zoning Commission was called to order at 6:30 p.m. Members present: Rod Russell (Chairman), Karen Boenker, Jim Gallegos (Vice-Chairman), Alvin Turner, James Davis, William "Bill" Price and Joy Townsend. Staff members Gene Lewis, David Salmon, Mary Paron-Boswell, Nika Reinecke, Sarah McLain and Gillian Goldthorpe were present.

---

**Item 2:**

A motion was made by Karen Boenker to approve the April 15, 2008, meeting minutes, seconded by Bill Price. The motion passed unanimously (7-0).

---

**Item 3:**

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

- A. Preliminary Plat of UNICLA Addition, a 9.05 acre tract zoned Light Industrial (LI), located on the north side of FM 407 and on the east side of Archer Road.

Staff gave a brief presentation outlining the variance being requested. The street Moccasin Trail will be extended through this property and eventually to the I-35E frontage road. The General Development Ordinance (GDO) requires the developer not only to dedicate the right-of-way but also to pay for the construction. The money can be escrowed and the cost divided among the entire property with each lot paying for its proportionate share according to acreage as it develops. The owners have already sold off a piece and are requesting that the remaining acreage pay for the cost of the roadway as it develops. Staff is not opposed to this since the proposed lot sold off is only one acre out of the nine acres being preliminarily platted. Rod Russell asked if the current owner would be paying for all of the escrow. Staff indicated that the money would be placed in escrow as the lots developed with the caveat that if Lot 1, Block C were to develop before the others, the developer/owner would put up the money at one time versus waiting on the smaller lots, since the street impacts this lot directly from an access standpoint. James Davis asked how the escrow is recorded. Staff indicated that the variance is listed on the preliminary plat and would follow onto the final plats and site plans as they develop. Money escrowed would be given to the City and tracked in an account for this particular project. Jim Gallegos asked if the one acre lot that had been sold off is owned by someone with an existing business nearby. Staff indicated that they do have their existing business on FM 407 close to this site. Joy Townsend asked if the City attorneys had looked at the agreement. Staff indicated that the attorney had looked at this proposal and recommended working out the variance with the applicant. Rod Russell asked who pays for the escrow, the buyer or the seller. Staff indicated that it would be up to the buyer and seller to work that out, but that it would be listed on the preliminary and final plats so that it would not be a surprise for those interested in purchasing the property. Additionally the seller has committed to placing the money in escrow as each lot is sold and has been told that no final plat or site plan will be approved until the escrow is paid. There being no one else present to speak on the item, a motion was made by Jim Gallegos to recommend approval of the plat and variance request, seconded by Karen Boenker. The motion passed unanimously (7-0).

---

**Item 4:**

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

- A. Consideration of a zone change request from Old Town Mixed Use Two (OTMU-2) and Office District (OD) to Public Use (PU) on a 2.25 acre tract located at 201 W. Main Street. The request is being made by the City of Lewisville the current property owner (Case No. PZ20080512).

Staff gave a brief presentation indicating that the property belongs to the City and that the Old Town Master Plan calls this parcel to be zoned Public Use. The site once housed the Temple Baptist Church. That facility was recently torn down. Future plans for this site are to build a Cultural Arts and Activities Center. The public hearing was then opened. There being no one present to speak on the item, the public hearing was then closed. A motion was made by Karen Boenker to recommend approval of the zone change request, seconded by Jim Gallegos. The motion was approved unanimously (7-0).

- B. Consideration of a zone change request from General Business (GB) to Old Town Center (OTC) on a 0.15 acre tract located at 136 and 138 W. Main Street: further identified as Tracts 120 and 121 of the J. W. King Survey, Abstract 696. The request is being made by Thirteen Fevers LLC., the current property owner (Case No. PZ20080513).

Staff gave a brief presentation indicating that the requested zoning complies with the Old Town Master Plan. The public hearing was then opened. There being no one present to speak on the item, the public hearing was then closed. A motion was made by Karen Boenker to recommend approval of the zone change request, seconded by James Davis. The motion was approved unanimously (7-0).

- C. Consideration of a zone change request from Light Industrial (LI) to Old Town Mixed Use Two (OTMU-2) on a 0.31 acre tract located at 115 Leonard Street: further identified as Lots 7 & 8, Block 14, Kealy Addition. The request is being made by Garvey Homes, the current property owner (Case No. PZ20080515).

Staff gave a brief presentation indicating that the requested zoning complies with the Old Town Master Plan. The public hearing was then opened. There being no one present to speak on the item, the public hearing was then closed. A motion was made by Karen Boenker to recommend approval of the zone change request, seconded by Alvin Turner. The motion was approved unanimously (7-0).

- D. Consideration of a zone change request from Light Industrial (LI) to Mixed Use Ninety (MU-90) on a 90.08 acre tract located north of State Highway 121, west of the railroad tracts, south of Lakeside Circle, and east of Timbercreek: further identified as McKinney & William Survey, Abstract 936, Tract 3A, A.J. Hitchcock Survey, Abstract 614, Tracts 2, 2A, 3, B.B.B. & C.R.R. Co. Survey, Abstract 144, Tracts 1A, 9. The request is being made by Riverside DPH, LP., the current property owner (Case No. PZ20080514).

Staff gave a thorough presentation of the requested zone change and proposed uses for the site. This is the first MU-90 zone change that has been requested. The applicants are proposing to build 1726 apartment units and 20,000 sq. ft. of retail. The site is located next to the proposed DCTA train station and there are three other apartment complexes already in the area. The applicant will also be requesting five variances from the General Development Ordinance. Staff's recommendation is to consider the request, keeping in

mind whether it is the highest and best use for the property. Staff's recommendation is such since the City would be giving up 90 acres of LI property for 1700+ apartment units, and which are proposed to be of stucco and not 80% brick as required in apartment zoning elsewhere in the city. Karen Boenker asked where the commercial portion would be and where the entrance to the development would be. Staff indicated that the main entrance would be from Lakeside Circle and there would be another entrance from I-35 that would have a bridge going over Timber Creek. James Davis asked what middle school would serve this area. Staff did not have that information available. Joy Townsend asked who the typical resident would be for this type of product. The typical resident would be young professionals or empty nesters. Joy asked why the buildings had so much stucco. Staff indicated that this matched buildings that were created in The Woodlands, Texas, that are based on various themes. Bill Price asked about the timing of construction for the bridge from the adjacent property over Timber Creek. The developer indicated that the bridge would be constructed as part of Phase I. The public hearing was then opened. Donald Huffines, co-owner of Huffines Communities spoke in favor of the zone change request. He stated that they've been working with City Council for three years on this project and he feels it will be the best product in the metroplex. Howard Portius, a representative of the project also spoke in favor. He outlined that the bottom floor of some of the apartments would be constructed to be able to be converted to retail space if the need arose. He said they would be creating a centralized amenity center, a usable boardwalk and that the bridge would be built with the first phase connecting people to more retail and I-35E. The clubhouse will be 12,000 sq. ft. and also have a lazy river, amphitheatre and covered sports pavilion. The parking would emulate Old Town with head-in parking and a smaller parking ratio. Alvin Turner asked if any of the development was in the floodplain. Howard indicated that they are reclaiming the land and are currently 85% complete. They hope to finish sometime in June or July. There being no one else present to speak, the public hearing was then closed. Joy Townsend indicated that she was prepared not to like the project but has since changed her mind. She especially likes the fact that it will be next to the proposed rail station. Bill Price thought it was an excellent idea. He was glad that it wasn't going to be a cookie cutter design as found in most urban areas. Karen Boenker asked how much of the property along I-35E where the grass company used to be would be taken with the I-35E expansion. Staff indicated that there would be some property taken away, but that it was not part of this site. Jim Gallegos complimented staff on the presentation and liked the proposed concept, comparing it to such projects as Victory Park in Dallas and Las Colinas. He was happy that Lewisville was going to have this type of urban development and thinks it will be an excellent use of the land. Rod Russell thought it is a wonderful idea, and reminds him of Legacy and Austin Ranch but is better because of the rail station. He thinks it is a nice change for the city and a chance to be creative. There being no other comments, a motion was made by Jim Gallegos to recommend approval of the zone change request, seconded by Joy Townsend. The motion passed with a vote of 6-1 in favor. Karen Boenker cast the dissenting vote.

Under “Other Business” members and staff considered alternate dates for the November meeting because of the election on November 4. Staff was considering holding one meeting at mid month – November 18, 2008. There was no objection from members of the Planning and Zoning Commission. There were no other items of business and the meeting was adjourned at 7:29 p.m. These minutes approved at the June 3, 2008 meeting.

Respectfully submitted,

Approved,

---

Mary Paron-Boswell  
Sr. Planner

---

Rod Russell  
Planning & Zoning Chairman