

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**FEBRUARY 6, 2017**

**Present:**

Rudy Durham, Mayor

**Council Members:**

TJ Gilmore, Mayor Pro Tem

R Neil Ferguson

Brent Daniels

Brandon Jones

**City Staff:**

Donna Barron, City Manager

Eric Ferris, Assistant City Manager

Claire Swann, Assistant City Manager

Melinda Galler, Assistant City Manager

Julie Heinze, City Secretary

Lizbeth Plaster, City Attorney

**WORKSHOP SESSION – 6:30 P.M.**

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Durham at 6:30 p.m. on Monday, February 6, 2017, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Discussion of Regular Agenda Items and  
Consent Agenda Items**

**(Agenda Item A)**

Mayor Durham reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Durham reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Durham reviewed Agenda Item C, Proclamation: Special Recognition and Appreciation for “Keep Lewisville Beautiful and Executive Director Amy Wells”. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D, Presentation: Presentation of 2017 ColorPalooza Logo and Recognition of the Winner of the 2017 ColorPalooza Student Logo Contest. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

**Discussion of Regular Agenda Items and  
Consent Agenda Items (cont'd)**

**(Agenda Item A)**

Mayor Durham reviewed Agenda Item E-1, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) and Three Associated Variances for a Gasoline Service Station on an Approximately 3.268-Acre Tract of Land, Located on the Northwest Corner of I-35E and FM 407, Further Identified as a Portion of Lot 2, Block A, Blake C. Bowen Addition, With Three Associated Variances, as Requested by Michael Potter, of QuikTrip, on Behalf of Brad Bowens, Trinity Partners, the Property Owners (Case No. SUP-2016-11-11). City Manager Donna Barron advised that the applicant had withdrawn this item. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item E-2, Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Warehouse District (WH) and Light Industrial District (LI) to Planned Development-Old Town Mixed Use Two District (PD-OTMU2), With Four Associated Variances, on an Approximately 5.589-Acre Tract of Land out of the E. Sutton Survey Abstract 1167, Located on the North Side of East College Street Approximately 940 East of North Kealy Avenue, as Requested by G&A Consultants, LLC on Behalf of Dale L. and Vonda K. Andrews, the Property Owners (Case No. PZ-2017-01-02). There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-3, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a Hotel With Rooms Containing a Cooktop or Oven, on 4.06 Acres Legally Described as Lots 5B1 and 5C1, Block A, Vista Ridge – 35 Addition, Located on the South Side of East Vista Ridge Mall Drive Approximately 400 Feet East of Lake Vista Drive, at 780 East Vista Ridge Mall Drive and Zoned Light Industrial (LI), With One Associated Variance Request Regarding Exterior Finish, as Requested by Randi Rivera of G&A Consultants LLC. on Behalf of Sam Hamra, SJH Inns, LP, the Property Owner (Case No. SUP-2017-01-01). There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-4, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a 7,680 Square-Foot Auto Repair Facility on a Portion of a 6.287-Acre Lot, Legally Described as Lot 1, Block A, Prestige Park Addition, Located on the North Side of East State Highway 121 Business Approximately 800 Feet East of Valley Ridge Boulevard at 985 Highway 121 Business, Building One and Zoned Light Industrial (LI) District, as Requested by Kevin Dubois, of Evolution Dynamics, on Behalf of Harold Peck, Prestige Garage, LLC, the Property Owner (Case No. SUP-2017-01-02). There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

**Discussion of Regular Agenda Items and  
Consent Agenda Items (cont'd)**

**(Agenda Item A)**

Mayor Durham reviewed Agenda Item E-5, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a 9,000 Square-Foot Auto Repair Facility on a 6.287-Acre Lot, Legally Described as Prestige Park Addition, Lot 1, Block A; Located at 985 State Highway 121 Business Building Nine; Zoned Light Industrial (LI) District, as Requested by Patrick Sparks, of Quality Motorsports, on Behalf of Harold Peck, Prestige Garage, LLC, the Property Owner (Case No. SUP-2017-01-03). There was no discussion on this item.

Mayor Durham reviewed Agenda Item F, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-6, Approval of an Economic Development Agreement Between the City of Lewisville and Wittington Holdings, LP; and Authorization for the City Manager to Execute the Agreement. City Manager Donna Barron advised that this item needed to be pulled from the Consent Agenda and no action needed to be taken. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item G-7, Approval of a Name Change From Medical Center of Lewisville Grand Theater to Medical City Lewisville Grand Theater. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-8, Consideration of a Variance to the Lewisville City Code, Section 6-144 – Screening Devices, for Avalon Memory Care, a Proposed Memory Care Facility Located on the North Side of Round Grove Road Between Valley Parkway and Old Orchard Lane; Further Identified as the Avalon Addition, Lots 1-3, Block A; as Requested by G&A Consultants LLC on Behalf of 3 Willows Land Development the Property Owner. Discussion was held that the adjacent property owners were okay with this variance as requested. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item H-9, Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses, Regarding a Temporary Sales and Marketing Trailer at 2514 Plumas Drive Part of Windhaven Crossing Phase B Sec 1, a Single Family Attached Development Located South of Sam Rayburn Tollway east of Cookie Lane, as Requested by Hannah Rodgers representing Megatel Homes, the Property Owner. Discussion was held potentially changing the code to allow this rather than to have to request a variance as the City Council typically approved similar requests. City Manager Donna Barron advised that could be addressed during the revisions for the Development Code, as it has been approved on a routine basis. There was no further discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

**Discussion of Regular Agenda Items and  
Consent Agenda Items (cont'd)**

**(Agenda Item A)**

Mayor Durham reviewed Agenda Item H-10, Consideration of an Ordinance Amending the Lewisville City Code, Section 15-36, Maximum Speed Limits Near Schools, by Repealing the Current School Speed Zones on Fox Avenue and Establishing a New School Speed Zone on Fox Avenue From 400 Feet West of Edmonds Lane to Purnell Street Within the City of Lewisville; and Amending the Lewisville City Code Section 15-126, Stopping, Standing or Parking Prohibited on Specific Streets, by Allowing Parking On Certain Segments of Deer Run. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-11, Consideration of Acceptance of Resignation of Steve Byars From Place No. 5 on the Planning and Zoning Commission (P&Z); Declare Vacancy Exists on the P&Z; and Consideration of an Appointment to Place No. 5 on the P&Z. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-12, Consideration of Acceptance of Resignation of Lathan Watts as the City of Lewisville Representative on the Upper Trinity Regional Water District (UTRWD) Board of Directors; Declare Vacancy Exists for the City of Lewisville Representative on the UTRWD Board of Directors; and Consideration of an Appointment of a City of Lewisville Representative on the Upper Trinity Regional Water District (UTRWD) Board of Directors To Complete the Term Ending May 31, 2017 and to Continue Through Term Beginning June 1, 2017. City Manager Donna Barron indicated that additional information had been received from UTRWD that due to his residency, Director of Public Services Keith Marvin did not meet requirements to serve on this Board; however, Deputy City Manager Eric Ferris did meet the necessary requirement to live in the District. She advised that City staff's recommendation was to appoint Deputy City Manager Eric Ferris. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item I, Reports. There was no discussion on this item.

Mayor Durham reviewed Agenda Item J-Closed Session. There was no discussion on this item.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 6:37 p.m. Monday, February 6, 2017, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item J)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 6:37 p.m. on Monday, February 6, 2017, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

Section 551.071 (Consultation with Attorney)

1. Legal Issues Regarding Special Election

Section 551.072 (Real Estate)

2. Property Acquisition

Section 551.087 (Economic Development):

3. Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 6:40 p.m. on Monday, February 6, 2017.

**Reconvene into Regular Session and  
Consider Action, if any, on Items Discussed  
in Closed Session**

**(Agenda Item K)**

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 6:40 p.m. on Monday, February 6, 2017, in the Council Chambers of the Lewisville City Hall.

Mayor Durham opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken on the items discussed during the Closed Session.

Discussion was held regarding Agenda Item H-11, Consideration of Acceptance of Resignation of Steve Byars From Place No. 5 on the Planning and Zoning Commission (P&Z); Declare Vacancy Exists on the P&Z; and Consideration of an Appointment to Place No. 5 on the P&Z. Councilman Ferguson advised he would be making the recommendation for Karen Locke to fill the vacancy. There was no further discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:42 p.m. on Monday, February 6, 2017.

**REGULAR SESSION – 7:00 P.M.**

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Durham at 7:00 p.m. on Monday, February 6, 2017, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

At the request of Mayor Durham, Councilman Jones gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

Mayor Durham gave the pledge to the American and Texas flags.

**Proclamation: Special Recognition and  
Appreciation for “Keep Lewisville Beautiful  
and Executive Director Amy Wells”**

**(Agenda Item C)**

Councilman Daniels read and presented a special recognition appreciation for “Keep Lewisville Beautiful and Executive Director Amy Wells” to Amy Wells.

**Presentation: Presentation of 2017  
ColorPalooza Logo and Recognition of the  
Winner of the 2017 ColorPalooza Student  
Logo Contest**

**(Agenda Item D)**

Community Relations & Tourism Director James Kunke presented 2017 ColorPalooza Logo and winner of the 2017 ColorPalooza student logo contest to Kaityln Kennedy a Senior at The Colony High School.

**Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) and Three Associated Variances for a Gasoline Service Station on an Approximately 3.268-Acre Tract of Land, Located on the Northwest Corner of I-35E and FM 407, Further Identified as a Portion of Lot 2, Block A, Blake C. Bowen Addition, With Three Associated Variances, as Requested by Michael Potter, of QuikTrip, on Behalf of Brad Bowens, Trinity Partners, the Property Owners (Case No. SUP-2016-11-11)**

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(Agenda Item E-1)

City staff advised that the applicant had requested that this item be withdrawn and no action was necessary on this item.

The request is for a QuikTrip brand gasoline service station with 12 pumps, able to serve 24 cars at one time, and with a convenience store. This facility is proposed to operate 24 hours a day, seven days a week year-round. The gasoline service station portion of this site requires approval of a Special Use Permit (SUP). The applicant is requesting the following variances: a) to allow a driveway along IH-35E service road within the denial of access limits set by TxDOT; b) to allow driveway spacing along FM 407 to be less than 230 feet; and c) to allow a modified (hooded) left turn lane on FM 407 to be less than 600 feet. On November 1, 2016, the Planning and Zoning Commission unanimously recommended denial (7-0) of the SUP.

The City staff's recommendation was that the City Council deny the proposed Special Use Permit and requested variances a) and c) and consider requested variance b).

No action was taken on this item.

**Public Hearing: Consideration of Ordinance No. 4353-02-2017(Z) Granting a Zone Change Request From Warehouse District (WH) and Light Industrial District (LI) to Planned Development-Old Town Mixed Use Two District (PD-OTMU2), With Four Associated Variances, on an Approximately 5.589-Acre Tract of Land out of the E. Sutton Survey Abstract 1167, Located on the North Side of East College Street Approximately 940 East of North Kealy Avenue, as Requested by G&A Consultants, LLC on Behalf of Dale L. and Vonda K. Andrews, the Property Owners (Case No. PZ-2017-01-02)**

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(Agenda Item E-2)

The property for the proposed Planned Development (PD) is currently zoned Warehouse (WH) and Light Industrial (LI). The DCTA station is located to the southeast of the site. The proposed PD will have a base zoning of Old Town Mixed Use 2 (OTMU2) with a proposed four story multi-family complex with 234 residential units. The four requested variances are: a) to allow a reduction in the required parking from 2 parking spaces per unit to 1.4 parking spaces per unit; b) to waive the screening wall requirement between residential and industrial uses; c) to allow on-street parking along College Street; and d) to allow a public waterline to be located underneath pavement. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of January 17, 2017.

The City staff's recommendation was that the City Council approve the proposed ordinance and four associated variances as set forth in the caption above so long as the variance for the public water line be conditional with the property owner being responsible for pavement repair due to water line maintenance.

Randi Rivera, G&A Consultants LLC., 111 Hillside Drive, Lewisville, Texas, 75057, gave a brief presentation in support of this item and offered to address any questions posed by the City Council.

Richard Luedke, Planning Manager, was present to respond to any questions posed by the City Council.

Mayor Durham opened the public hearing.

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Councilman Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**Public Hearing: Consideration of Ordinance No. 4353-02-2017(Z) Granting a Zone Change Request From Warehouse District (WH) and Light Industrial District (LI) to Planned Development-Old Town Mixed Use Two District (PD-OTMU2), With Four Associated Variances, on an Approximately 5.589-Acre Tract of Land out of the E. Sutton Survey Abstract 1167, Located on the North Side of East College Street Approximately 940 East of North Kealy Avenue, as Requested by G&A Consultants, LLC on Behalf of Dale L. and Vonda K. Andrews, the Property Owners (Case No. PZ-2017-01-02) (cont'd)**

(Agenda Item E-2)

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Rezoning an Approximately 5.589-Acre Tract of Land out of the E. Sutton Survey, Abstract No. 1167; Located on the North Side of East College Street Approximately 940 Feet East of North Kealy Avenue; From Warehouse District (WH) and Light Industrial District (LI) Zoning to Planned Development-Old Town Mixed Use 2 District (PD-OTMU2) Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Determining That the Public Interests and General Welfare Demand This Zoning Change and Amendment Therein Made; Providing for a Repealer, Severability, and a Penalty; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Mayor Pro Tem Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4353-02-2017(Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance No. 4354-02-2017(SUP) Granting a Special Use Permit for a Hotel With Rooms Containing a Cooktop or Oven, on 4.06 Acres Legally Described as Lots 5B1 and 5C1, Block A, Vista Ridge – 35 Addition, Located on the South Side of East Vista Ridge Mall Drive Approximately 400 Feet East of Lake Vista Drive, at 780 East Vista Ridge Mall Drive and Zoned Light Industrial (LI), With One Associated Variance Request Regarding Exterior Finish, as Requested by Randi Rivera of G&A Consultants LLC. on Behalf of Sam Hamra, SJH Inns, LP, the Property Owner (Case No. SUP-2017-01-01)**

**(Agenda Item E-3)**

Approval of a Special Use Permit is required for the proposed hotel since cooktops or ovens are proposed in the guest rooms. The Candlewood Suites will be connected to the existing Holiday Inn Express by a conference center. The existing Holiday Inn Express was built in 1999 and does not meet the current exterior finish requirements. The joining of these two hotel buildings now creates one larger structure and the regulations regarding veneer requirements extends to the entire structure. The applicant has requested the following variance: a.) to waive the 80% brick or stone veneer requirement for the existing Holiday Inn Express building. On January 17, 2017, the Planning and Zoning Commission recommended unanimous approval (7-0) of the SUP.

The City staff's recommendation was that the City Council approve the proposed ordinance and associated variance request as set forth in the caption above.

Randi Rivera, G&A Consultants and Richard Luedke, Planning Manager, were both present to respond to any questions posed by the City Council.

Mayor Durham opened the public hearing.

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Jones, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**Public Hearing: Consideration of Ordinance No. 4354-02-2017(SUP) Granting a Special Use Permit for a Hotel With Rooms Containing a Cooktop or Oven, on 4.06 Acres Legally Described as Lots 5B1 and 5C1, Block A, Vista Ridge – 35 Addition, Located on the South Side of East Vista Ridge Mall Drive Approximately 400 Feet East of Lake Vista Drive, at 780 East Vista Ridge Mall Drive and Zoned Light Industrial (LI), With One Associated Variance Request Regarding Exterior Finish, as Requested by Randi Rivera of G&A Consultants LLC. on Behalf of Sam Hamra, SJH Inns, LP, the Property Owner (Case No. SUP-2017-01-01) (cont'd)**

**(Agenda Item E-3)**

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Granting a Special Use Permit for a Hotel With Rooms Containing a Cooktop or Oven on Approximately 4.06 Acres Legally Described as Lots 5B1 and 5C1, Block A, Vista Ridge – 35 Addition, Located on the South Side of East Vista Ridge Mall Drive Approximately 400 Feet East of Lake Vista Drive at 780 East Vista Ridge Mall Drive and Zoned Light Industrial District (LI); Providing for a Repealer, Severability, and a Penalty; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Jones, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4354-02-2017(SUP)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance No. 4355-02-2017(SUP) Granting a Special Use Permit for a 7,680 Square-Foot Auto Repair Facility on a Portion of a 6.287-Acre Lot, Legally Described as Lot 1, Block A, Prestige Park Addition, Located on the North Side of East State Highway 121 Business Approximately 800 Feet East of Valley Ridge Boulevard at 985 Highway 121 Business, Building One and Zoned Light Industrial (LI) District, as Requested by Kevin Dubois, of Evolution Dynamics, on Behalf of Harold Peck, Prestige Garage, LLC, the Property Owner (Case No. SUP-2017-01-02)**

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**(Agenda Item E-4)**

The proposed auto repair facility is proposed for Building One of the Prestige Office/Warehouse development, a nine-building commercial development. The business specializes in customizing high end cars for maximum performance. To improve the site aesthetics, the applicant proposes to increase the number of trees from 8 to 14 in the landscape strip along SH 121 Business. On January 17, 2017, the Planning and Zoning Commission recommended unanimous approval (7-0) of the SUP.

The City staff's recommendation was that the City Council approve the proposed variance and ordinance as set forth in the caption above.

Kevin Dubois, Evolution Dynamics and Richard Luedke, Planning Manager, were both present to respond to any questions posed by the City Council.

Mayor Durham opened the public hearing.

**MOTION:** Upon a motion made by Mayor Pro Tem Gilmore and seconded by Councilman Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

"An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Granting a Special Use Permit for a 7,680 Square-Foot Auto Repair Facility on a Portion of a 6.287-Acre Lot Legally Described as Lot 1, Block A, Prestige Park Addition, Located on the North Side of East State Highway 121 Business Approximately 800 Feet East of Valley Ridge Boulevard at 985 State Highway 121 Business, Building One and Zoned Light Industrial District (LI); Providing for a Repealer, Severability, and a Penalty; and Declaring an Emergency."

**Public Hearing: Consideration of Ordinance No. 4355-02-2017(SUP) Granting a Special Use Permit for a 7,680 Square-Foot Auto Repair Facility on a Portion of a 6.287-Acre Lot, Legally Described as Lot 1, Block A, Prestige Park Addition, Located on the North Side of East State Highway 121 Business Approximately 800 Feet East of Valley Ridge Boulevard at 985 Highway 121 Business, Building One and Zoned Light Industrial (LI) District, as Requested by Kevin Dubois, of Evolution Dynamics, on Behalf of Harold Peck, Prestige Garage, LLC, the Property Owner (Case No. SUP-2017-01-02) (cont'd)**

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**(Agenda Item E-4)**

**MOTION:** Upon a motion made by Mayor Pro Tem Gilmore and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4355-02-2017(SUP)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance No. 4356-02-2017 (SUP) Granting a Special Use Permit for a 9,000 Square-Foot Auto Repair Facility on a 6.287-Acre Lot, Legally Described as Prestige Park Addition, Lot 1, Block A; Located at 985 State Highway 121 Business Building Nine; Zoned Light Industrial (LI) District, as Requested by Patrick Sparks, of Quality Motorsports, on Behalf of Harold Peck, Prestige Garage, LLC, the Property Owner (Case No. SUP-2017-01-03)**

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**(Agenda Item E-5)**

The proposed auto repair facility is proposed for Building Nine of the Prestige Office/Warehouse development, a nine-building development, located at 985 Highway 121 Business. The applicant is proposing to occupy the entire building which consists of six units and has a total square footage of 9,000. The business specializes in customizing high end cars for maximum performance. On January 17, 2017, the Planning and Zoning Commission recommended unanimous approval (7-0) of the SUP.

The City staff’s recommendation was that the City Council approve the proposed variance and ordinance as set forth in the caption above.

**Public Hearing: Consideration of Ordinance No. 4356-02-2017 (SUP) Granting a Special Use Permit for a 9,000 Square-Foot Auto Repair Facility on a 6.287-Acre Lot, Legally Described as Prestige Park Addition, Lot 1, Block A; Located at 985 State Highway 121 Business Building Nine; Zoned Light Industrial (LI) District, as Requested by Patrick Sparks, of Quality Motorsports, on Behalf of Harold Peck, Prestige Garage, LLC, the Property Owner (Case No. SUP-2017-01-03) (cont'd)**

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**(Agenda Item E-5)**

Patrick Sparks, Quality Motorsports and Richard Luedke, Planning Manager, were both present to respond to any questions posed by the City Council

Mayor Durham opened the public hearing.

**MOTION:** Upon a motion made by Councilman Jones and seconded by Mayor Pro Tem Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Granting a Special Use Permit for a 9,000 Square-Foot Auto Repair Facility on a Portion of a 6.287-Acre Lot Legally Described as Lot 1, Block A, Prestige Park Addition, Located on the North Side of East State Highway 121 Business Approximately 800 Feet East of Valley Ridge Boulevard at 985 State Highway 121 Business, Building Nine and Zoned Light Industrial District (LI); Providing for a Repealer, Severability, and a Penalty; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Jones and seconded by Councilman Daniels, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4356-02-2017(SUP)**, as previously captioned. The motion carried.

**Visitors/Citizens Forum**

**(Agenda Item F)**

No one appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item G)**

Mayor Durham advised that the following items would be removed from the Consent Agenda and no action would be taken:

1. Consent Agenda Item No. 6 – Approval of an Economic Development Agreement Between the City of Lewisville and Wittington Holdings, LP; and Authorization for the City Manager to Execute the Agreement

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Councilman Jones, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

7. Approval of a Name Change From Medical Center of Lewisville Grand Theater to Medical City Lewisville Grand Theater.

The motion carried.

**END OF CONSENT AGENDA**

**Consideration of a Variance to the Lewisville City Code, Section 6-144 – Screening Devices, for Avalon Memory Care, a Proposed Memory Care Facility Located on the North Side of Round Grove Road Between Valley Parkway and Old Orchard Lane; Further Identified as the Avalon Addition, Lots 1-3, Block A; as Requested by G&A Consultants LLC on Behalf of 3 Willows Land Development the Property Owner**

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**(Agenda Item H-8)**

The 4.363-acre property was the former home of Parkway Baptist Church. The existing buildings on-site will be demolished to make room for a memory care facility that will be developed in several phases over three lots. The Engineering Site Plan identifies four buildings overall, with the construction of two new buildings in the first phase. The development meets minimum requirements of the City’s Land Development Regulations except for a variance to the screening wall requirement: a) To allow the existing live screening along the western property line to remain in lieu of a six-foot masonry screening wall and to allow a tubular steel fence with brick columns and trees in lieu of the required masonry screening wall along the northern property line.

The City staff’s recommendation was that the City Council approve the requested variance as set forth in the caption above.

**Consideration of a Variance to the Lewisville City Code, Section 6-144 – Screening Devices, for Avalon Memory Care, a Proposed Memory Care Facility Located on the North Side of Round Grove Road Between Valley Parkway and Old Orchard Lane; Further Identified as the Avalon Addition, Lots 1-3, Block A; as Requested by G&A Consultants LLC on Behalf of 3 Willows Land Development the Property Owner (cont'd)**

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**(Agenda Item H-8)**

Richard Luedke, Planning Manager, was available to address any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve a the following variance to the Lewisville City Code, Section 6-144 – Screening Devices, for Avalon Memory Care, a proposed Memory Care Facility located on the north side of Round Grove Road between Valley Parkway and Old Orchard Lane; further identified as the Avalon Addition, Lots 1-3, Block A: a) to allow the existing live screening along the western property line to remain in lieu of a six-foot masonry screening wall and to allow a tubular steel fence with brick columns and trees in lieu of the required masonry screening wall along the northern property line as requested by G&A Consultants LLC on behalf of 3 Willows Land Development the property owner. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses, Regarding a Temporary Sales and Marketing Trailer at 2514 Plumas Drive Part of Windhaven Crossing Phase B Sec 1, a Single Family Attached Development Located South of Sam Rayburn Tollway east of Cookie Lane, as Requested by Hannah Rodgers representing Megatel Homes, the Property Owner**

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**(Agenda Item H-9)**

Megatel Homes is currently developing a 90-unit single-family attached residential project on a 4.10-acre property zoned PUD, located south of Sam Rayburn Tollway and east of Cookie Lane. In this development, single family homes will be a minimum of 1,800 square feet in area. Section 4-28 of the Lewisville Code of Ordinances prohibits the use of portable buildings as a temporary sales and marketing office. The developer is requesting a variance to this regulation to allow the use of a modular sales office for a 12-month period from permit issuance or until the certificate of occupancy of the Windhaven Crossing Phase B Section 1 model home is completed, whichever is earlier.

The City staff's recommendation was that the City Council approve the variance as set forth in the caption above with the following conditions: (1) the variance shall expire within twelve (12) months after a building permit is issued for the portable building or upon the issuance of a certificate of occupancy for the model home, whichever occurs first; and (2) skirting, permanent landscaping, and an ADA accessible concrete walkway and ramp shall be installed with the portable building.

Cleve Joiner, Director of Neighborhood Services, was present to respond to any questions posed by the City Council.

**Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses, Regarding a Temporary Sales and Marketing Trailer at 2514 Plumas Drive Part of Windhaven Crossing Phase B Sec 1, a Single Family Attached Development Located South of Sam Rayburn Tollway east of Cookie Lane, as Requested by Hannah Rodgers representing Megatel Homes, the Property Owner (cont'd)**

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**(Agenda Item H-9)**

**MOTION:** Upon a motion made by Councilman Jones and seconded by Mayor Pro Tem Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to approve the following variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses, regarding a temporary sales and marketing trailer at 2514 Plumas Drive part of Windhaven Crossing Phase B Sec 1, a single family attached development located south of Sam Rayburn Tollway east of Cookie Lane: to allow the use of a modular sales office for a 12-month period from permit issuance or until the certificate of occupancy of the Windhaven Crossing Phase B Section 1 model home is completed, whichever is earlier, with the following conditions: (1) the variance shall expire within twelve (12) months after a building permit is issued for the portable building or upon the issuance of a certificate of occupancy for the model home, whichever occurs first; and (2) skirting, permanent landscaping, and an ADA accessible concrete walkway and ramp shall be installed with the portable building, as requested by Hannah Rodgers representing Megatel Homes, the property owner. The motion carried.

**Consideration of Ordinance No. 4357-02-2017 Amending the Lewisville City Code, Section 15-36, Maximum Speed Limits Near Schools, by Repealing the Current School Speed Zones on Fox Avenue and Establishing a New School Speed Zone on Fox Avenue From 400 Feet West of Edmonds Lane to Purnell Street Within the City of Lewisville; and Amending the Lewisville City Code Section 15-126, Stopping, Standing or Parking Prohibited on Specific Streets, by Allowing Parking On Certain Segments of Deer Run**

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(Agenda Item H-10)

In response to concerns for the vehicle and pedestrian traffic occurring at the intersection of Fox Avenue and Creekside Drive, staff determined that the adjustment of the school zone to include this section of Fox Avenue would improve safety. Thus, a school speed zone is recommended along Fox Avenue from 400 feet west of Edmonds Lane to Purnell Street. The Transportation Board considered this item during the January 3, 2017 meeting and voted 5-0 to recommend approval of the proposed school speed zone. In addition, staff received feedback from residents on the east side of Deer Run between Antler Trail South and Wallington Way that they would like to park in front of their houses. Thus, staff recommends that parking be allowed on this segment of Deer Run. The Transportation Board considered this item during the January 3, 2017 meeting and voted 4-1 to recommend approval of the proposed parking regulation.

The City staff's recommendation was that the City Council adopt the Ordinance amending the school speed zone on Fox Avenue and allowing parking on certain segments of Deer Run as set forth in the caption above.

David Salmon, P.E., City Engineer, was present to respond to any questions posed by the City Council.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council Amending the Lewisville City Code, Chapter 15, Section 15-36, Maximum Speed Limits Near Schools, by Repealing the Current School Speed Zone on Fox Avenue and Establishing a School Speed Zone on Fox Avenue From 400 Feet West of Edmonds Lane to Purnell Street; and Amending Section 15-126, Stopping, Standing or Parking Prohibited on Specific Streets, by Allowing Parking on Certain Segments of Deer Run; Providing a Penalty, a Repealer and an Effective Date; Providing for Severability; and Declaring an Emergency.”

**Consideration of Ordinance No. 4357-02-2017 Amending the Lewisville City Code, Section 15-36, Maximum Speed Limits Near Schools, by Repealing the Current School Speed Zones on Fox Avenue and Establishing a New School Speed Zone on Fox Avenue From 400 Feet West of Edmonds Lane to Purnell Street Within the City of Lewisville; and Amending the Lewisville City Code Section 15-126, Stopping, Standing or Parking Prohibited on Specific Streets, by Allowing Parking On Certain Segments of Deer Run (cont'd)**

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**(Agenda Item H-10)**

**MOTION:** Upon a motion made by Mayor Pro Tem Gilmore and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt Ordinance No. 4357-02-2017, as captioned previously. The motion carried.

**Consideration of Acceptance of Resignation of Steve Byars From Place No. 5 on the Planning and Zoning Commission (P&Z); Declare Vacancy Exists on the P&Z; and Consideration of an Appointment to Place No. 5 on the P&Z**

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**(Agenda Item H-11)**

Steve Byars has submitted his resignation from Place No. 5 on the P&Z. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy.

The City staff’s recommendation was that the City Council accept the resignation, declare a vacancy, and consider an appointment as set forth in the caption above.

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Mayor Pro Tem Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to accept resignation of Steve Byars from Place No. 5 on the Planning and Zoning Commission (P&Z); declared a vacancy exists on the P&Z; and appoint Karen Locke to Place No. 5 on the P&Z. The motion carried.

**Consideration of Acceptance of Resignation of Lathan Watts as the City of Lewisville Representative on the Upper Trinity Regional Water District (UTRWD) Board of Directors; Declare Vacancy Exists for the City of Lewisville Representative on the UTRWD Board of Directors; and Consideration of an Appointment of a City of Lewisville Representative on the Upper Trinity Regional Water District (UTRWD) Board of Directors To Complete the Term Ending May 31, 2017 and to Continue Through Term Beginning June 1, 2017**

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**(Agenda Item H-12)**

Lathan Watts has submitted his resignation as the City's representative on the UTRWD Board of Directors. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy. City staff recommends that Deputy City Manager Eric Ferris be appointed as the City's representative. Representatives on the UTRWD Board of Directors serve a term of four (4) years and the current term Lathan Watts was serving in was set to expire effective May 31, 2017. It is also recommended that whoever is appointed to serve the remainder of this term also be appointed to serve the term beginning June 1, 2017.

The City staff's recommendation was that the City Council accept the resignation, declare a vacancy, and consider appointing a representative to serve as a board member on the UTRWD Board of Directors as set forth in the caption above.

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Councilman Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to accept resignation of Lathan Watts as the City of Lewisville Representative on the Upper Trinity Regional Water District (UTRWD) Board of Directors; declare a vacancy existed for the City of Lewisville Representative on the UTRWD Board of Directors; and appointed Deputy City Manager Eric Ferris to serve as the City of Lewisville Representative on the Upper Trinity Regional Water District (UTRWD) Board of Directors to complete the term ending May 31, 2017 and to continue through the term beginning June 1, 2017. The motion carried.

**Reports**

**(Agenda Item I)**

- Police Chief Russ Kerbow advised that the second Lewisville Police Department's "Coffee with Cops" of 2017 would be held on Thursday, February 16<sup>th</sup> from 5:30-7:00 p.m. at Westside-The Greater Works Church, 900 Bellaire Boulevard. He reminded everyone that the purpose of "Coffee with Cops" is for police and community members to come together in an informal, neutral space to discuss community issues, build relationships, and drink free coffee. Everyone in the Lewisville community, whether they live here, work here, or just spend time here, is invited to attend.
- Director of Public Services Keith Marvin gave an update on the status of the lake and advised that it was currently at conservation level
- Deputy City Manager Eric Ferris gave an update on lane closures on the east and west side of the Main Street Bridge.
- Councilman Daniels encouraged everyone to mark their calendars for Saturday, April 1<sup>st</sup> to participate in Keep Lewisville Beautiful Annual Spring Clean Up.
- Councilman Jones advised that at the most recent Animal Services Advisory Committee, Health and Code Manager Sherry Harper had announced her upcoming retirement. He wished Ms. Harper a happy retirement and thanked her for her years of service.
- Mayor Pro Tem Gilmore advised that the Lewisville Library would be celebrating their 10-year anniversary on February 16<sup>th</sup> and encouraged everyone to come out and take a tour and see what the future holds for the Library.
- Mayor Durham thanked City Manager Donna Barron and all the staff involved in the recently held City Council Retreat.
- Councilman Ferguson stated that each year the Retreat gets better and the bar gets raised on the quality of the Retreat. He advised the City is focusing on the things they should, long range visionary stuff and felt the staff should all pat themselves on the back for a job well done. Councilman Ferguson expressed his condolences at the passing of Deputy Mayor Pro Tem Vaughn. Councilman Ferguson gave an update on the upcoming events at the MCL Grand Theatre.
- Mayor Durham thanked the Police Officer for his presence at the meeting and for his work in the community.

There were no additional reports at this time.

Mayor Durham advised that there were no items for Closed session.

**Adjournment**

**(Agenda Item L)**

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Mayor Pro Tem Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:41 p.m. on Monday, February 6, 2017. The motion carried.

These minutes approved by the Lewisville City Council on the 20th day of February, 2017.

APPROVED

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TJ Gilmore  
MAYOR PRO TEM

ATTEST:

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Julie Heinze  
CITY SECRETARY