



Lewisville City Council

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



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A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
APRIL 3, 2017**

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

WORKSHOP SESSION - 5:00 P.M.

REGULAR SESSION – 7:00 P.M.

Call to Order and Announce a Quorum is Present.

CLOSED SESSION – 5:00 P.M.

- A. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation with Attorney): Legal Issues Regarding City Governance.

WORKSHOP SESSION -IMMEDIATELY FOLLOWING CONCLUSION OF CLOSED SESSION

- A. Corporate Drive Segments 2, 3 & 4, Schematics
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION – 7:00 P.M.

- A. **INVOCATION:** Councilman Ferguson
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Durham
- C. **PROCLAMATIONS:**
 - 1. Declaring the Week of April 2-8, 2017, as "Crime Victims' Rights Week"
 - 2. Declaring the Week of April 9-15, 2017, as "National Public Safety Telecommunicators Week"

**AGENDA
LEWISVILLE CITY COUNCIL
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D. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Light Industrial District (LI) to Planned Development – Mixed Use District (PD-MU) for a Mixed-Use Development Consisting of 154 Single-Family Attached Units with Hotel/Office and Restaurant Uses on an Approximately 18.940-Acre Tract of Land out of the Thomas B. Garvin Survey, Abstract No. 506; With Five Associated Variances; Located on the North Side of State Highway 121, Approximately 1,150 Feet East of MacArthur Boulevard; as Requested by Ron Welborn and Michele Wheeler of Jackson Shaw, the Property Owners (Case No. PZ-2017-03-04).**

ADMINISTRATIVE COMMENTS:

The proposed PD consists of 154 single-family attached units on the northern half of the property and a hotel and two individual restaurant sites located along the southern half of the property fronting the Sam Rayburn Tollway. The proposal provides a high quality mixed use development with significant amenities on infill property. The five requested variances are: a) to allow a reduction in required parking for residential and commercial uses; b) to allow a reduced dimension for on-street parallel parking spaces; c) to allow for an irrigated living screen in lieu of the required masonry screening wall; d) to allow a five-foot landscape buffer in lieu of the required 10-foot buffer; and e) to waive the alley requirement and allow front entry for a section of the development, and to allow residential lots with alley access only. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of March 7, 2017.

RECOMMENDATION:

That the City Council approve the proposed ordinance and associated variances as set forth in the caption above.

**AVAILABLE FOR
QUESTIONS:**

- Nika Reinecke, Director of Economic Development and Planning
- Kathy Riley, LandDesign

**AGENDA
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2. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Gasoline Service Station, on an Approximately 2.453-Acre Tract of Land, Zoned Light Industrial District (LI); With One Requested Variance; Located on the Southeast Corner of West Round Grove Road (FM 3040) and Edmonds Lane, Further Identified as Lot 4R1, Block A, Texas Instruments Addition; as Requested by Andrew Malzer, of RaceTrac Petroleum, on Behalf of Mesquite Creek Development, Inc., the Property Owner (Case No. SUP-2017-03-05).**

ADMINISTRATIVE COMMENTS:

The special use permit (SUP) request is for a RaceTrac brand gasoline service station with nine pumps that will also have a neighborhood convenience store. This facility is proposed to operate 24 hours a day, seven days a week. The gasoline service station portion of this site requires approval of an SUP. One associated variance is requested: to allow two monument signs nine-feet in height in lieu of the six-foot allowed by ordinance. On March 7, 2017, the Planning and Zoning Commission recommended unanimous approval (7-0) of the SUP.

RECOMMENDATION:

That the City Council approve the proposed ordinance and requested variance as set forth in the caption above with the condition that no pole signs be allowed on site.

PRESENTATION: - Andrew Malzer, RaceTrac Petroleum

AVAILABLE FOR QUESTIONS: - Nika Reinecke, Director of Economic Development and Planning

3. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Gasoline Service Station; on an Approximately 0.765-Acre Tract of Land, Zoned General Business District (GB); With Three Associated Variances; Located on the Southwest Corner of State Highway 121 Business and Bellaire Boulevard, Further Identified as Lot 1R, Block A, Chevron Addition; as Requested by Jon Featherston, of The Dimension Group, on Behalf of Eun Hae Properties, LLC, the Property Owner (Case No. SUP-2017-03-06).**

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ADMINISTRATIVE COMMENTS:

The special use permit (SUP) request is for a 7-Eleven brand gasoline service station with five pumps that will also have a neighborhood convenience store. This redevelopment of the site will replace a smaller existing gas station and car wash converted into a tire shop. The proposal includes enhanced architecture, enhanced landscaping and reduced signage. The three variances being requested are: a) to reduce the control of access of 150 feet along Bellaire Boulevard; b) to reduce the control of access of 250 feet along SH 121 Business; and c) to reduce the required driveway spacing of 230 feet along SH 121 Business. On March 22, 2017, the Planning and Zoning Commission recommended unanimous approval (6-0) of the SUP.

RECOMMENDATION:

That the City Council approve the proposed ordinance and requested variances as set forth in the caption above.

PRESENTATION: - Jon Featherston, The Dimension Group

AVAILABLE FOR QUESTIONS: - Nika Reinecke, Director of Economic Development and Planning

- 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.
4. **APPROVAL OF MINUTES:** City Council Minutes of the March 20, 2017, Workshop Session and Regular Session.
5. **Approval of a Bid Award for an Annual Requirements Agreement for Ready Mix Concrete to Nelson Bros Ready Mix, LTD, Lewisville, Texas, for the Estimated Amount \$54,230; and Authorization for the City Manager to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

A total of five (5) requests for bids were downloaded from Bidsync.com. Three (3) bids were received and opened on March 14, 2017. This Agreement covers material delivered to City construction sites, as well as material picked up by City crews at the manufacturer's plant. The term of the agreement will be twelve months, with option to extend up to two additional twelve-month periods. Funding for this bid award is available from the General Fund Street Division maintenance budget.

RECOMMENDATION:

That the City Council approve the bid award as set forth in the caption above.

- 6. Approval of a Professional Services Agreement With Garver, LLC in the Amount of \$421,542 for Final Design and Construction Services Relating to College Street From IH-35 to Mill St.; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The College Street Rehabilitation project consists of approximately 4,500 linear feet of removal and replacement of concrete pavement from IH-35 to Mill Street. The project will also replace aging water, sanitary sewer, and storm drain lines. The proposed roadway section will match the existing widths and will be constructed within the existing right of way. Additional right-of-way is not anticipated with the project. Funding was provided in the 2015 Bond Election approved by voters in November 2015. Staff has negotiated a Professional Services Agreement with Garver, LLC in the amount of \$421,542 to include final design and construction services.

RECOMMENDATION:

That the City Council approve the agreement as set forth in the caption above.

- 7. Approval of an Economic Development Agreement By and Between the City of Lewisville and Ferguson Enterprises; and Authorization for the City Manager to Execute the Contract.**

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ADMINISTRATIVE COMMENTS:

Ferguson Enterprises has leased 181,000 square feet of space within the building owned by DCT at 514 Bennett Lane. Ferguson will invest \$2,000,000 in capital improvements into the facility as well as maintain a minimum of \$6,000,000 million in taxable inventory. Ferguson will maintain a minimum of \$25,000,000 million in sales annually. This agreement calls for a rebate of 75% of Real and Business Personal Property taxes for years 1-5, and a 50% rebate for years 6-10. In addition, they will receive a waiver of 50% of permit fees and a rebate of 50% of sales tax collected.

RECOMMENDATION:

That the City Council approve the agreement as set forth in the caption above.

- 8. Approval of a Resolution of the City of Lewisville Suspending the April 21, 2017, Effective Date of Oncor Electric Delivery Company's Requested Rate a Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With the Steering Committee of Cities Served by ONCOR to Hire Legal and Consulting Services and to Negotiate with the Company and Direct any Necessary Litigation and Appeals; 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 for the Steering Committee.**

ADMINISTRATIVE COMMENTS:

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about March 17, 2017 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$317 million or approximately 7.5% over present revenues. The Company asks the City to approve an 11.8% increase in residential rates and a 0.5% increase in street lighting rates. If approved, a residential customer using 1000 kWh per month would see a bill increase of about \$6.68 per month. The resolution suspends the April 21, 2017 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

RECOMMENDATION:

That the City Council approve the resolution as set forth in the caption above.

**AGENDA
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G. REGULAR HEARINGS:

- 9. Consideration of a Variance to the Lewisville City Code Section 6-101(b) (Underground Utilities) to Allow CoServ to Provide Electric Service to Lakewood Hills Subdivision via Overhead Utilities on the East Side of Josey Lane Within the Lewisville City Limits.**

ADMINISTRATIVE COMMENTS:

The Developer of Lakewood Hills Subdivision on Josey Lane has contracted with CoServ to provide electric service to the subdivision. CoServ has no facilities along Josey Lane thus will need to extend new service from FM 544 within the Josey Lane right of way. The City Code requires new electric utilities less than 60KV to be installed underground. When Lakewood Hills was annexed, Most of Josey Lane was not included within the annexation. Therefore, the City Code only applies to a 1300-foot segment of Josey Lane south of Indian Creek which was included within the annexed property. CoServ has requested a variance to allow an overhead installation along Josey Lane for the 1300-foot segment within the Lewisville City Limits. As the remainder of the proposed utility line (Aprox. 4700 feet) is outside of the City limits and not subject to City code, it will be installed on overhead poles.

RECOMMENDATION:

That the City Council approve the variance as set forth in the caption above.

AVAILABLE FOR - David Salmon, P.E., City Engineer

QUESTIONS:

- 10. Consideration of a Variance to the Lewisville City Code Section 6-101(b) (Underground Utilities) to Allow Installation of an Overhead Cable on an Existing Pole Line Over Timber Creek Overflow Channel Immediately West of I-35 as Requested by Robert Houston, Construction Coordinator at Spectrum.**

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ADMINISTRATIVE COMMENTS:

Spectrum (formerly Charter Communications) is running new service to several businesses on the west side of I-35, south of Corporate Drive. The service extension will generally be installed underground, however Spectrum has applied for a variance to install a portion of the new service on an existing pole line over Timber Creek overflow channel. Installing the proposed cable service on the existing poles will be the safest way to cross the drainage channel while avoiding potential utility conflicts.

RECOMMENDATION:

That the City Council approve the variance as set forth in the caption above.

AVAILABLE FOR QUESTIONS: - David Salmon, P.E., City Engineer

- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- 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).

Lewisville – Corporate Drive

*Conceptual Design
City Council Presentation*

4-3-17





Meeting Agenda

1 Project Overview

2 Site Analysis

3 Roadway Cross-section Options

4 Green Center Piece Concepts

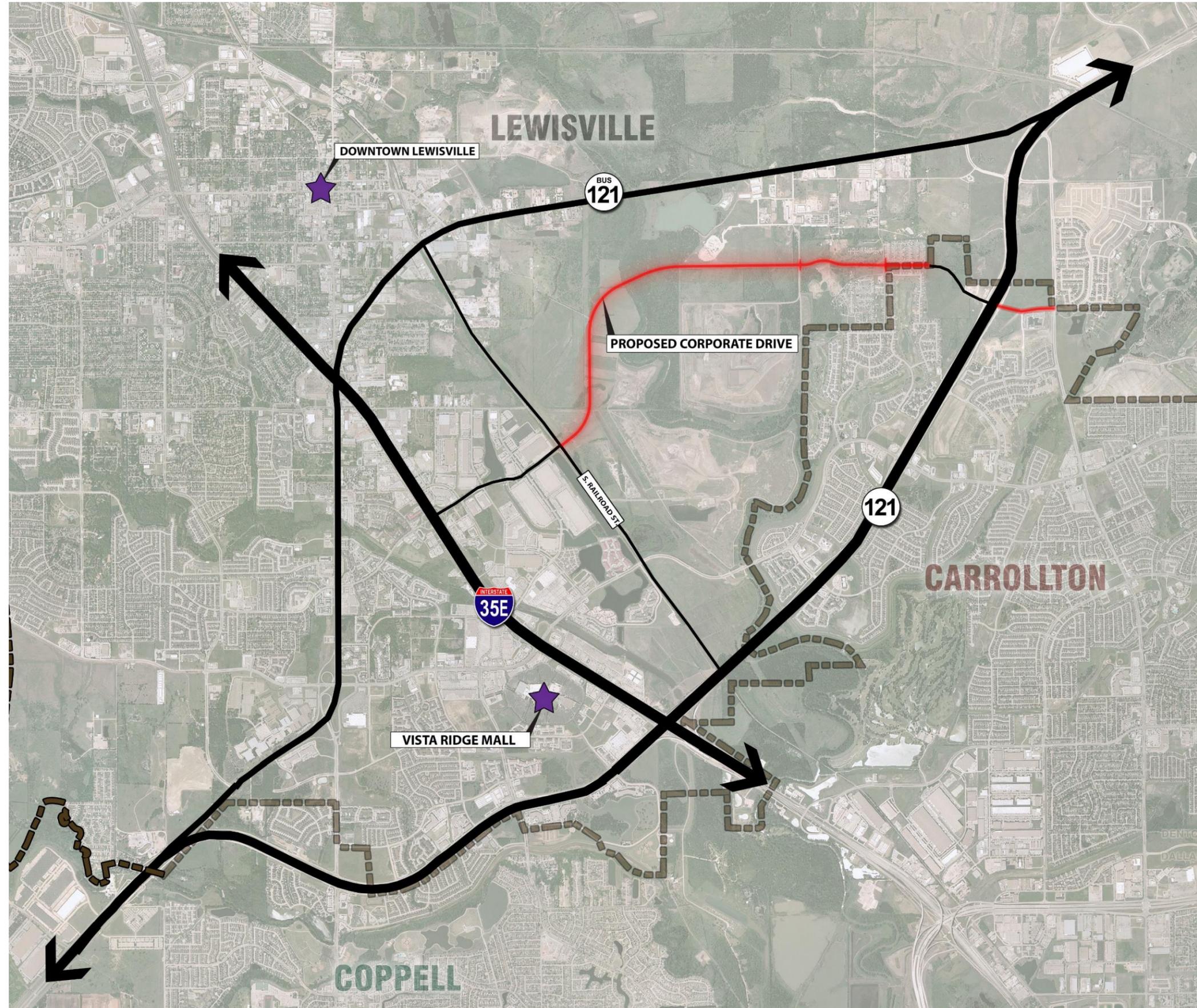
5 Estimate of Probable Cost

6 Summary

The background of the slide features a low-angle shot of several tall, leafless trees with intricate branch structures against a clear, light blue sky. The trees are rendered in a semi-transparent, light beige color, creating a subtle, textured backdrop for the text.

Project Overview

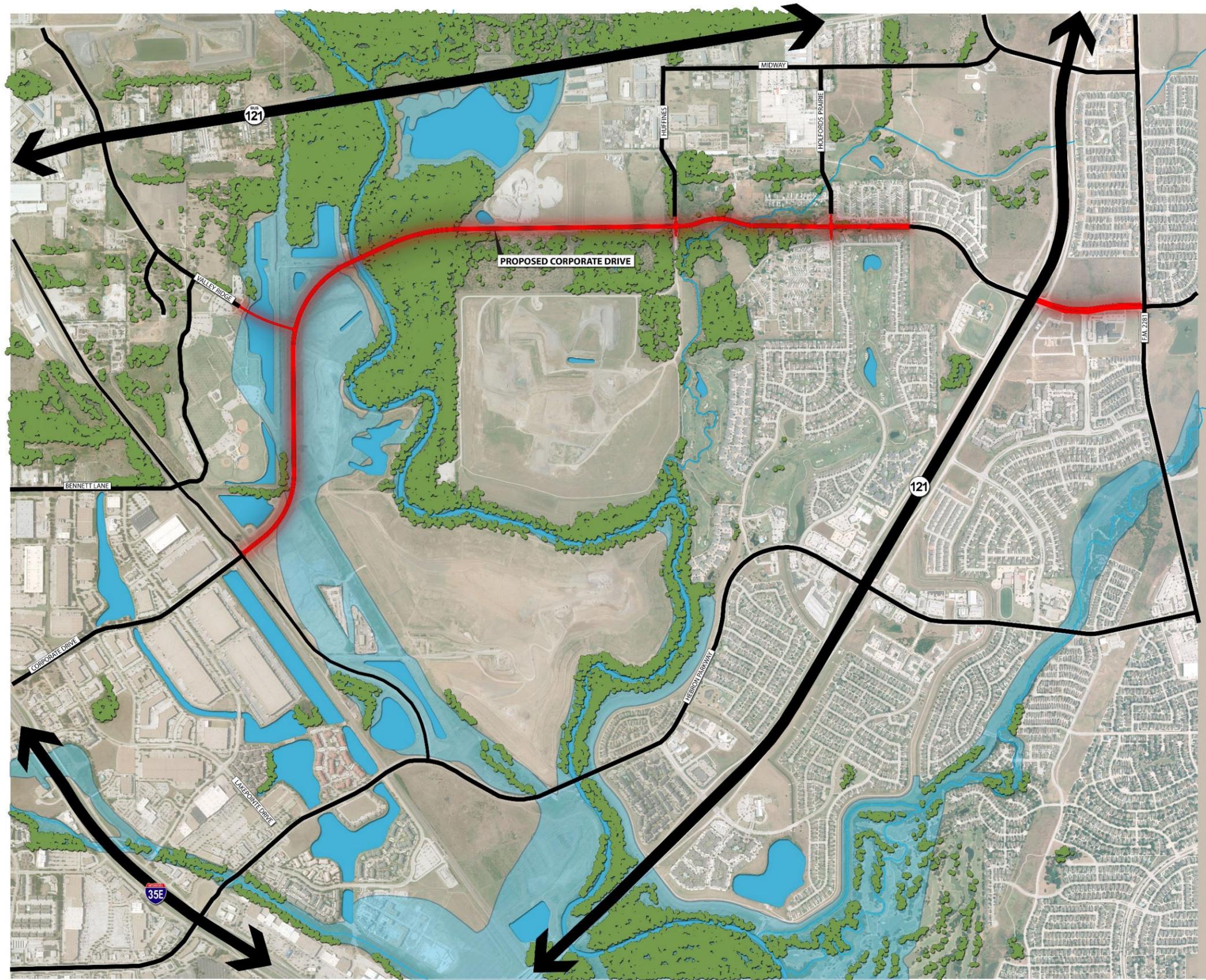
Project Overview



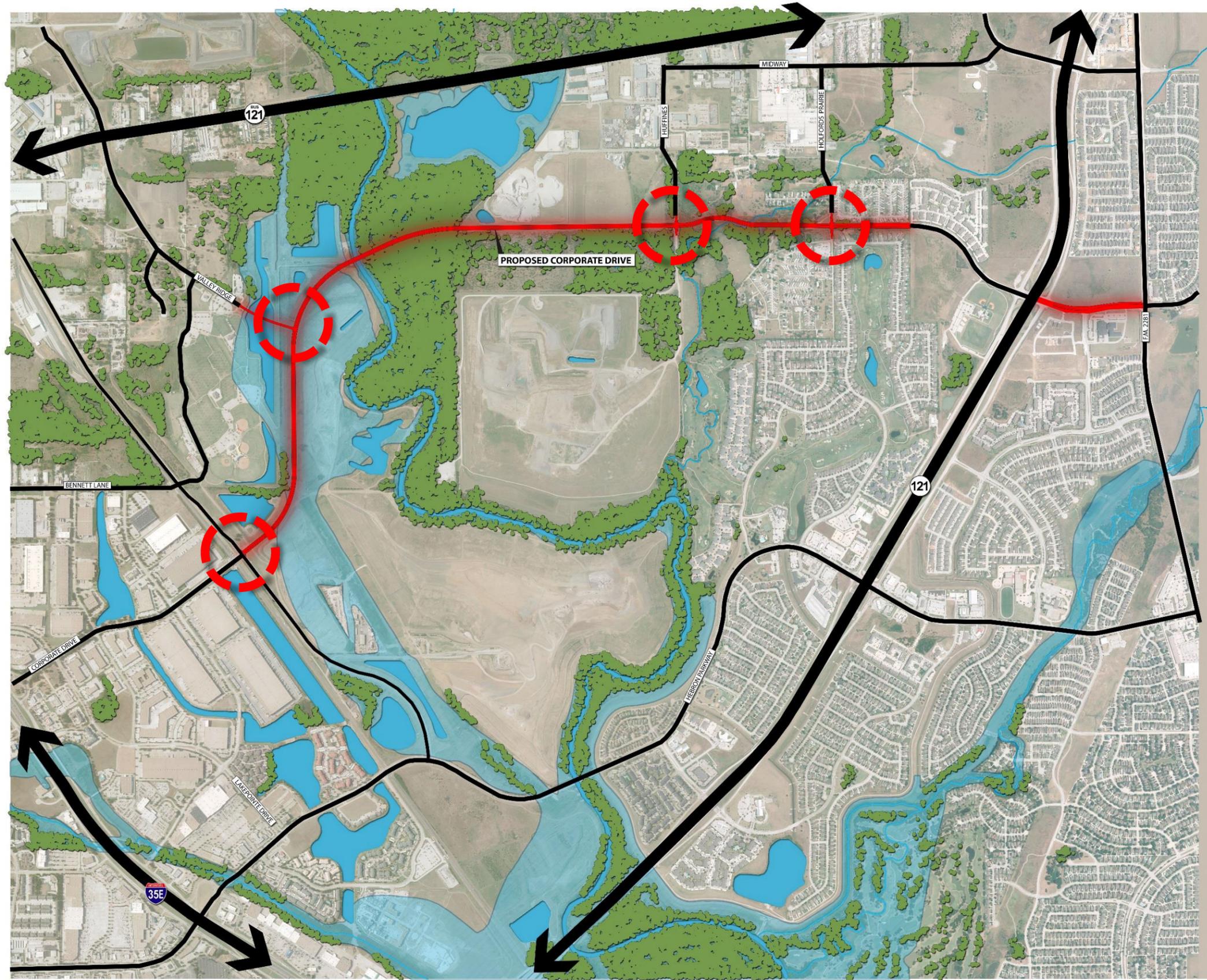
The background of the slide is a low-angle photograph of several tall, leafless trees with intricate branch structures against a clear, light blue sky. The trees are rendered in a semi-transparent, light beige color, creating a subtle, textured backdrop.

Site Analysis

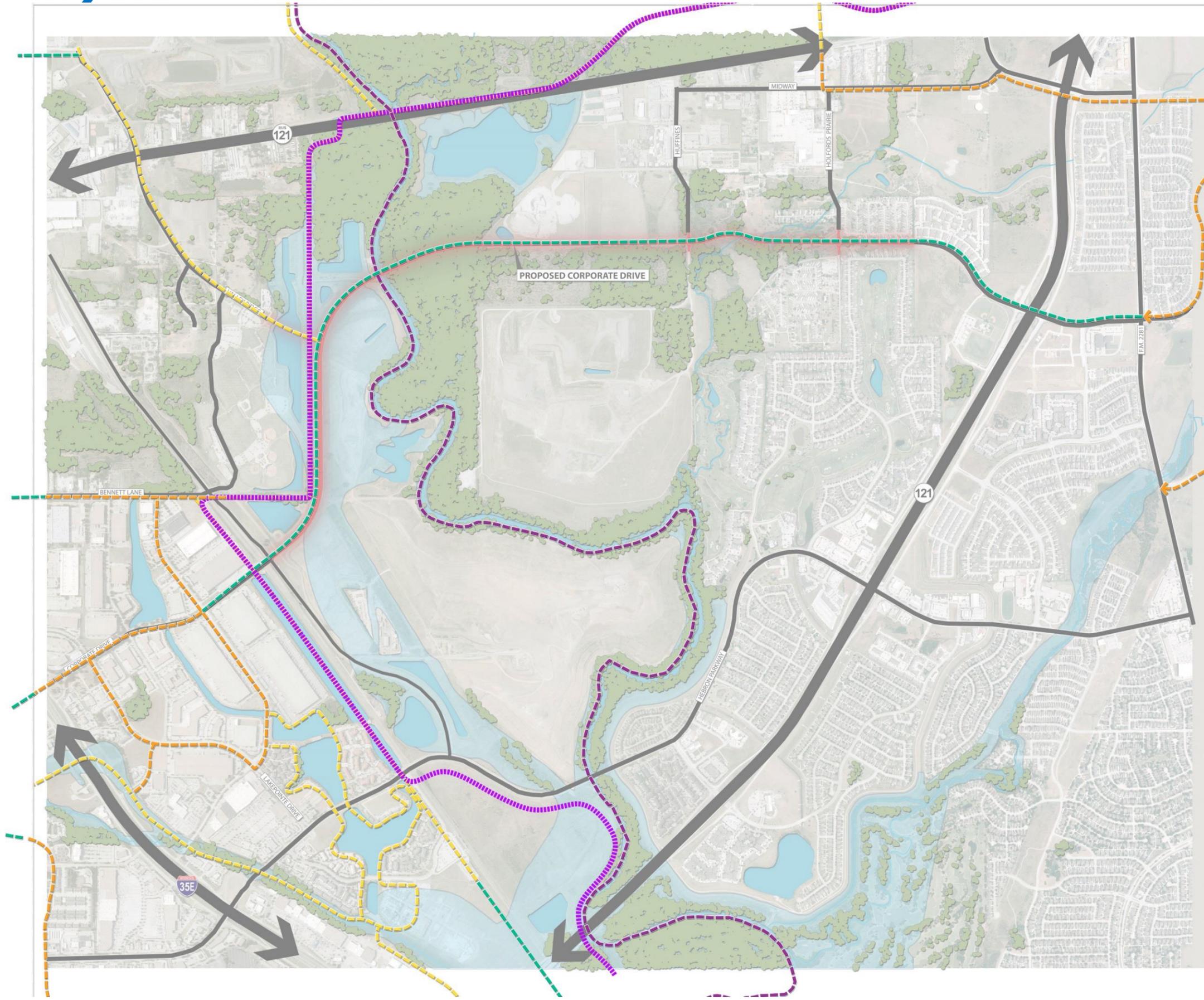
Site Analysis – Project Corridor



Site Analysis – Gateway Identifiers

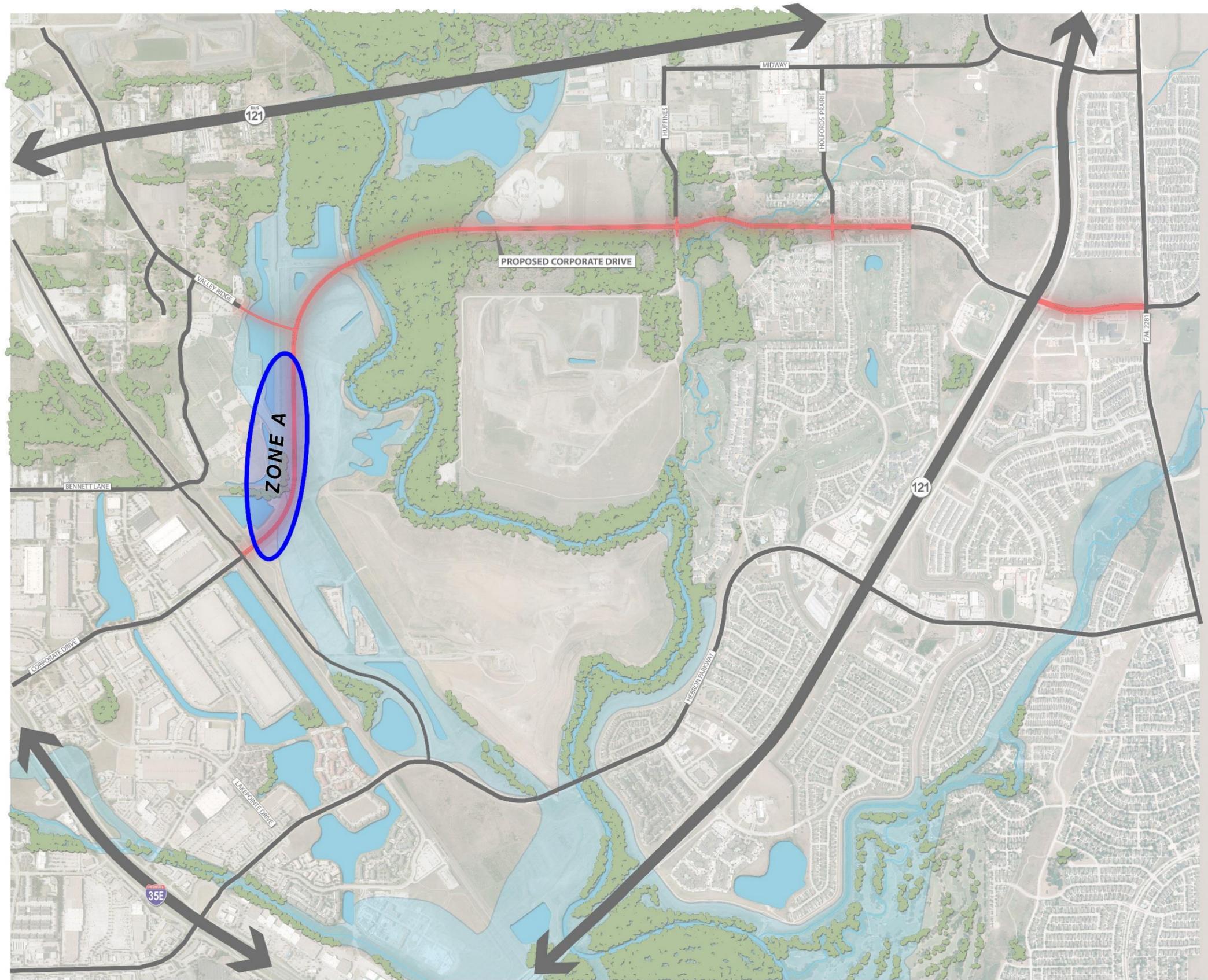


Site Analysis – Trails



Trails	
	Bike Route
	Off Street Trail
	Enhanced Sidewalk
	Trinity River Trail
	Veloweb Trail

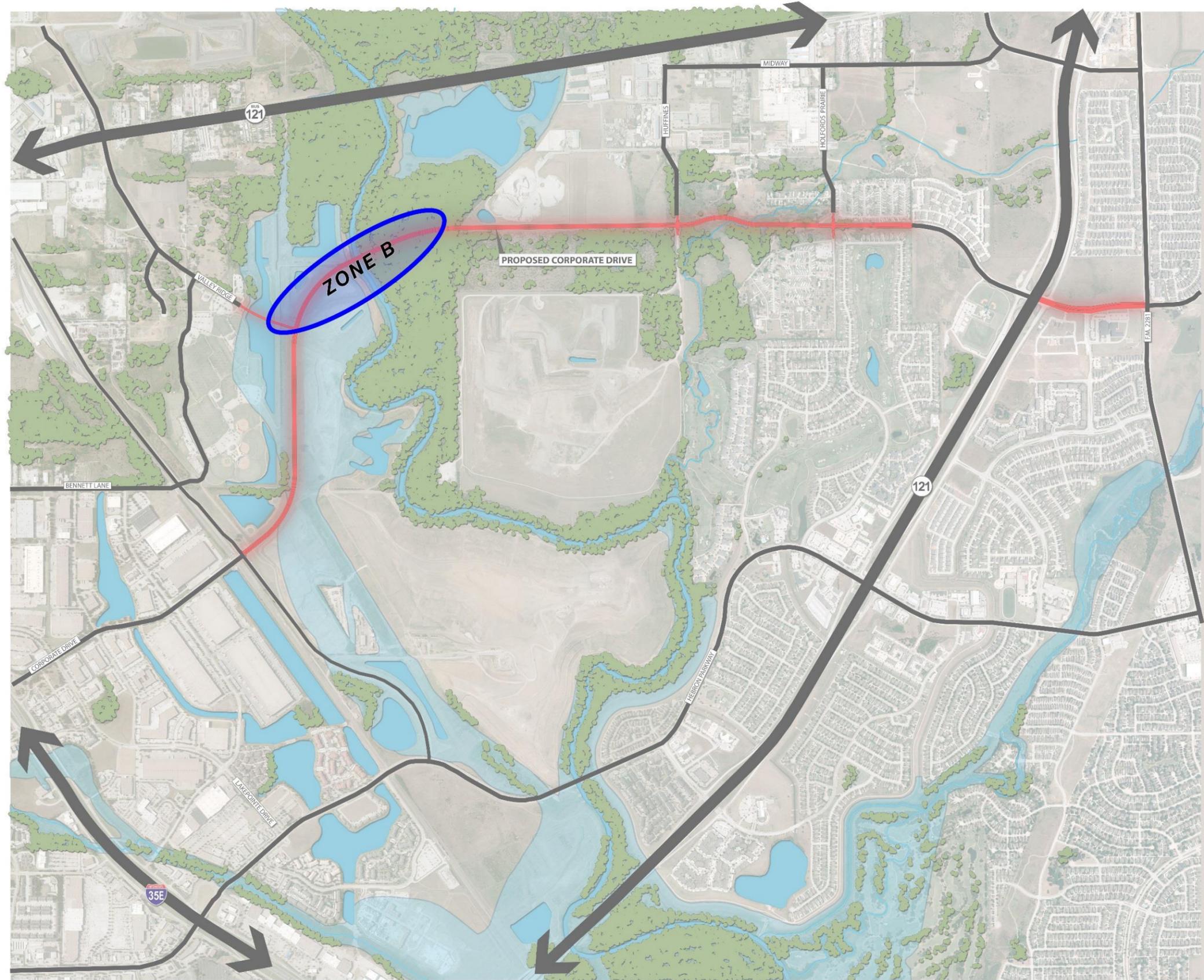
Site Analysis – Typical Existing Park Zone Conditions



Site Analysis – Park Zone ‘A’



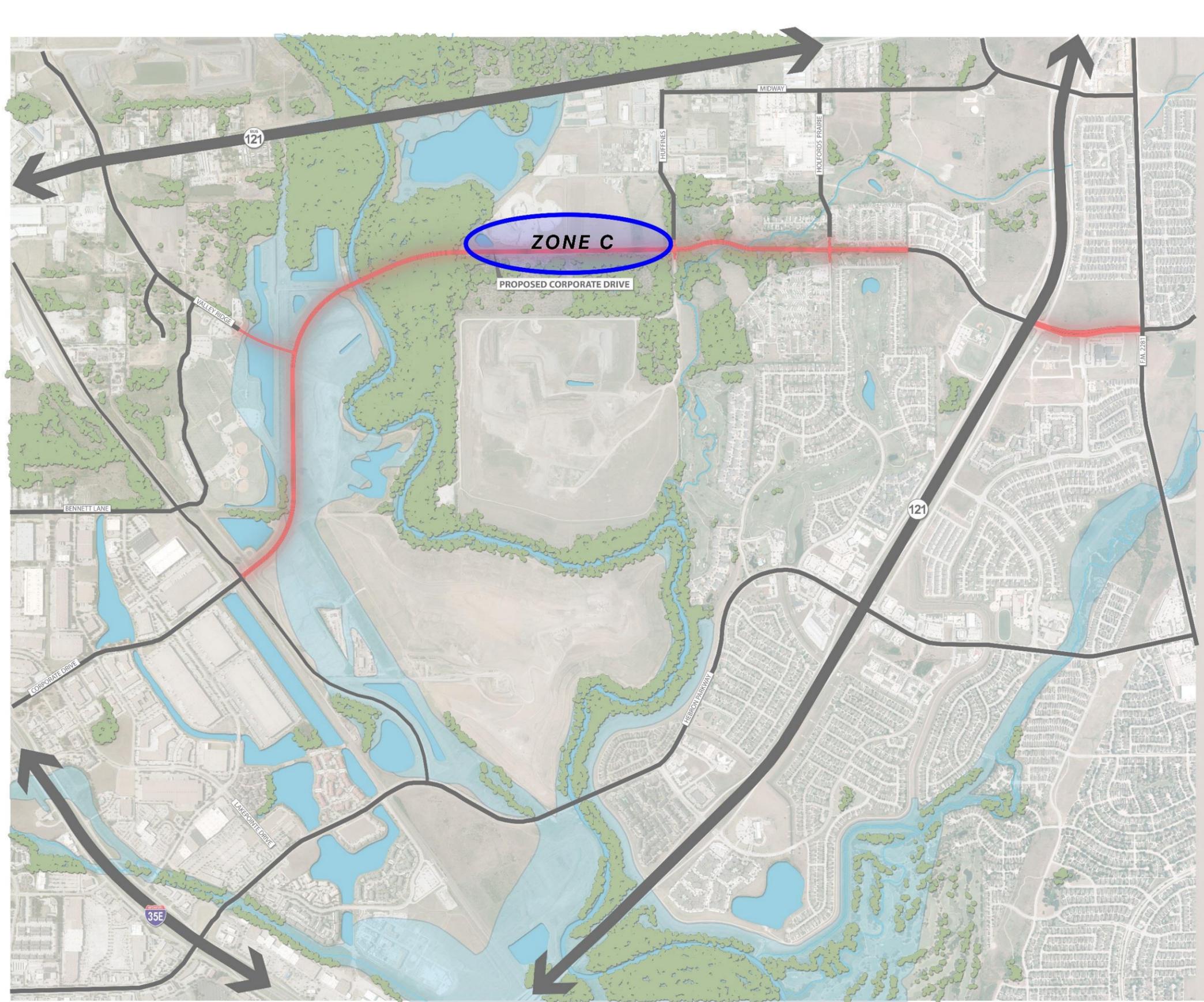
Site Analysis – Typical Existing Forest/River Zone Conditions



Site Analysis – Forest/River Zone ‘B’



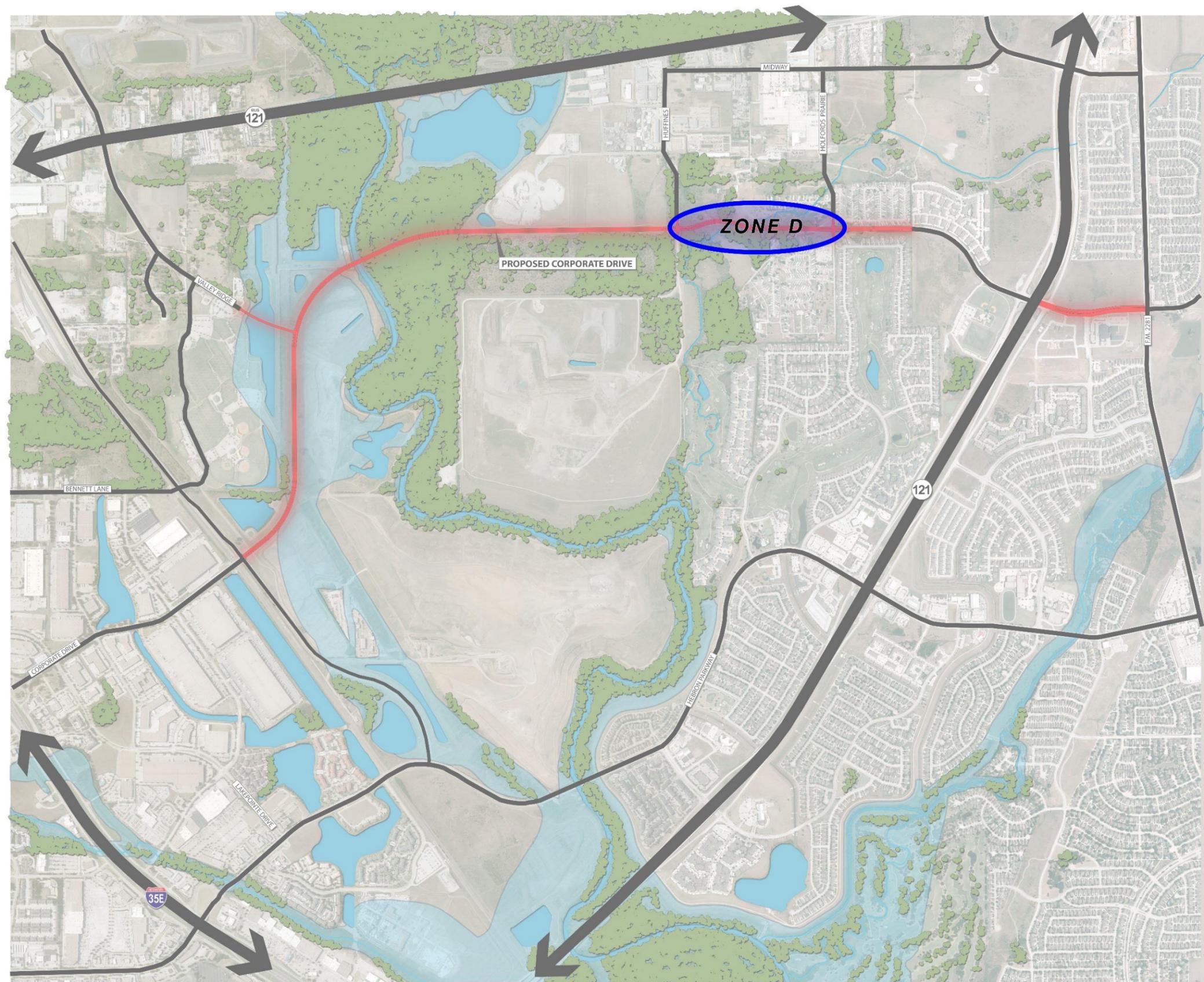
Site Analysis – Typical Existing Industrial Zone Conditions



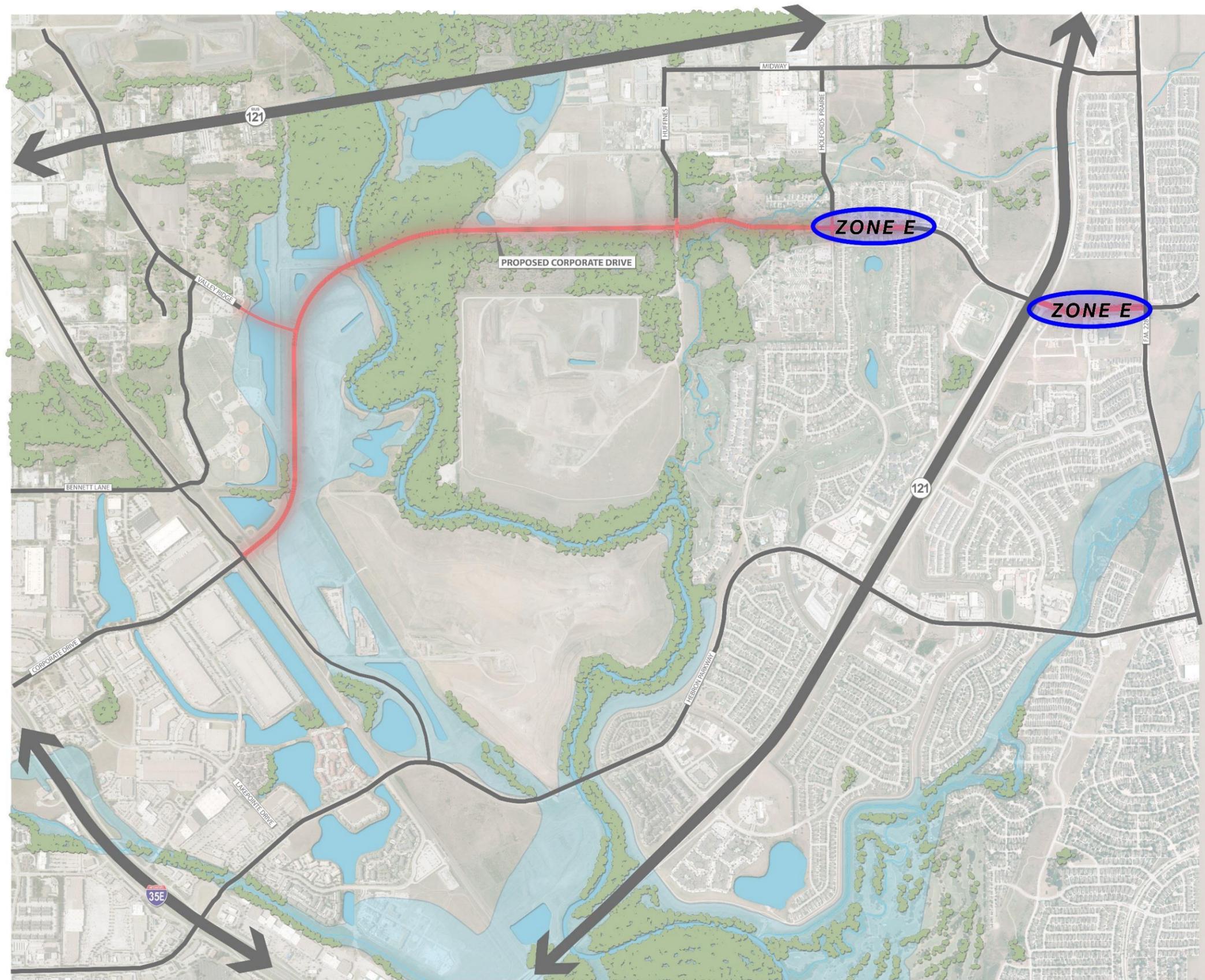
Site Analysis – Industrial Zone ‘C’



Site Analysis – Typical Existing Residential Zone Conditions



Site Analysis – Typical Existing Residential Zone Conditions



Site Analysis – Residential Zone ‘D’ & ‘E’





Roadway Cross-section

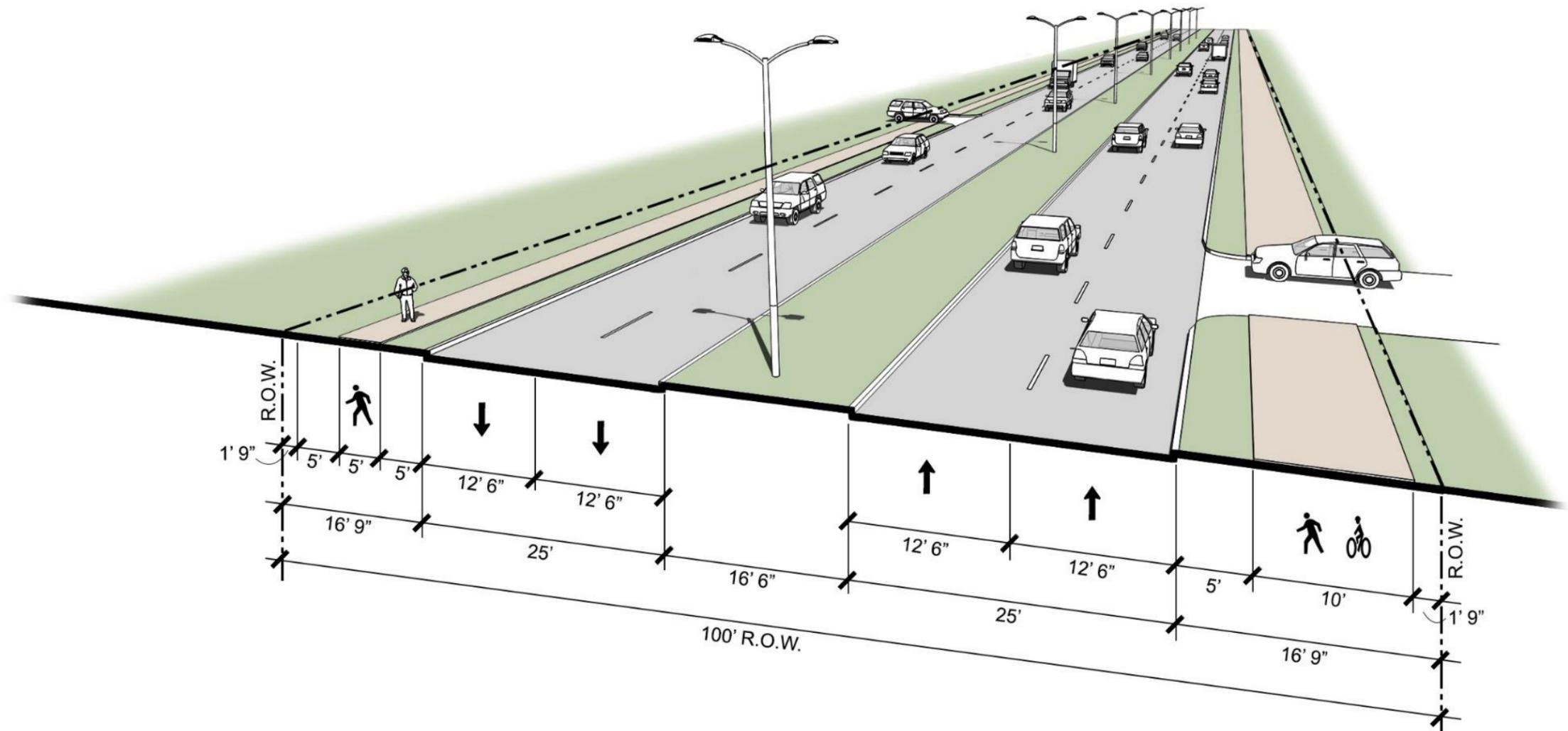
Options

The background of the slide is a photograph of several tall, leafless trees with intricate branch structures against a clear, light blue sky. The trees are positioned at various angles, creating a sense of height and depth. The overall tone is bright and airy.

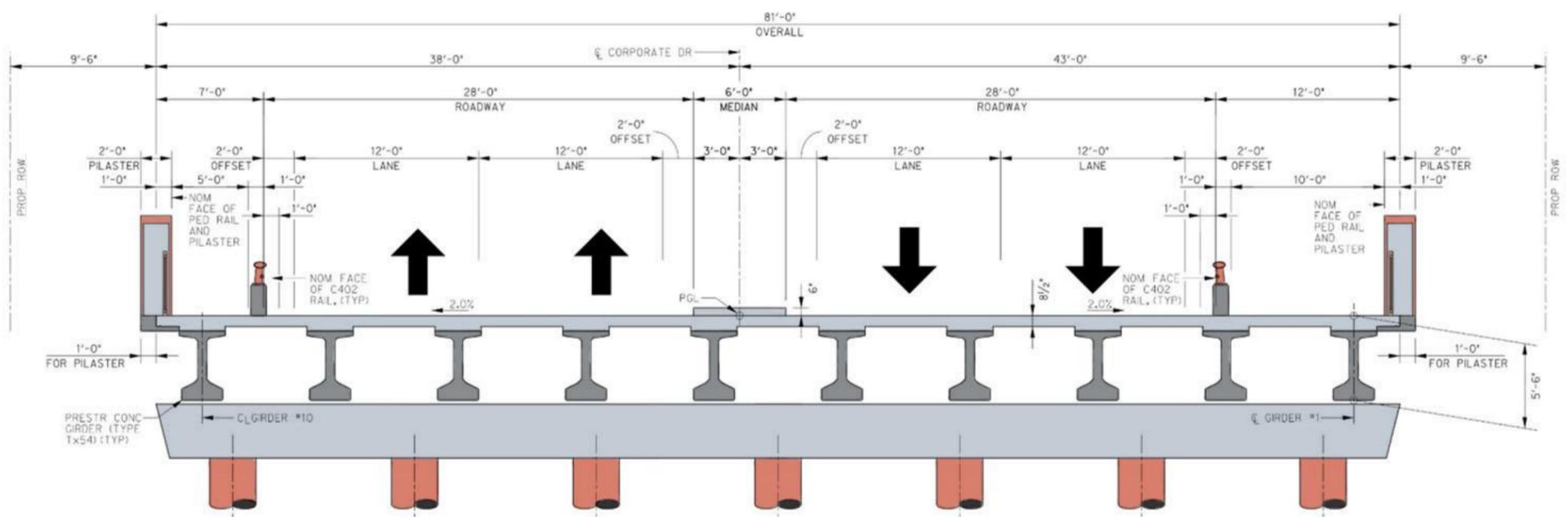
Base Bid

Base Bid

\$34,800,000



- 4-Lane Divided Roadway
- 10' Trail and 5' Sidewalk
- No Landscaping
- Standard Lighting
- Storm Drainage
- 12" Water Line

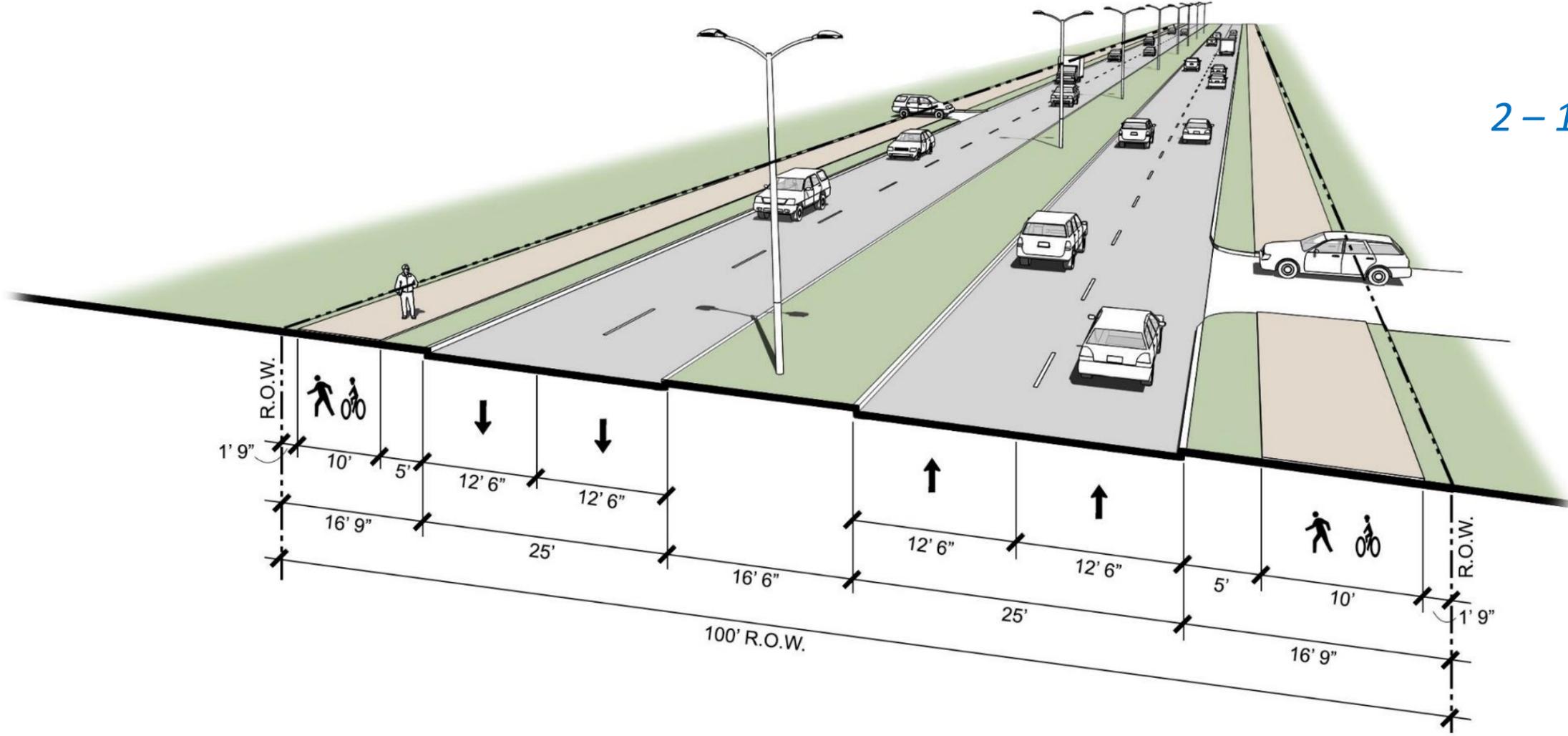


- Single Bridge Structure w/ 10' and 5' Pedestrian Access
- Enhanced Pedestrian Railing
- Standard TxDOT Columns

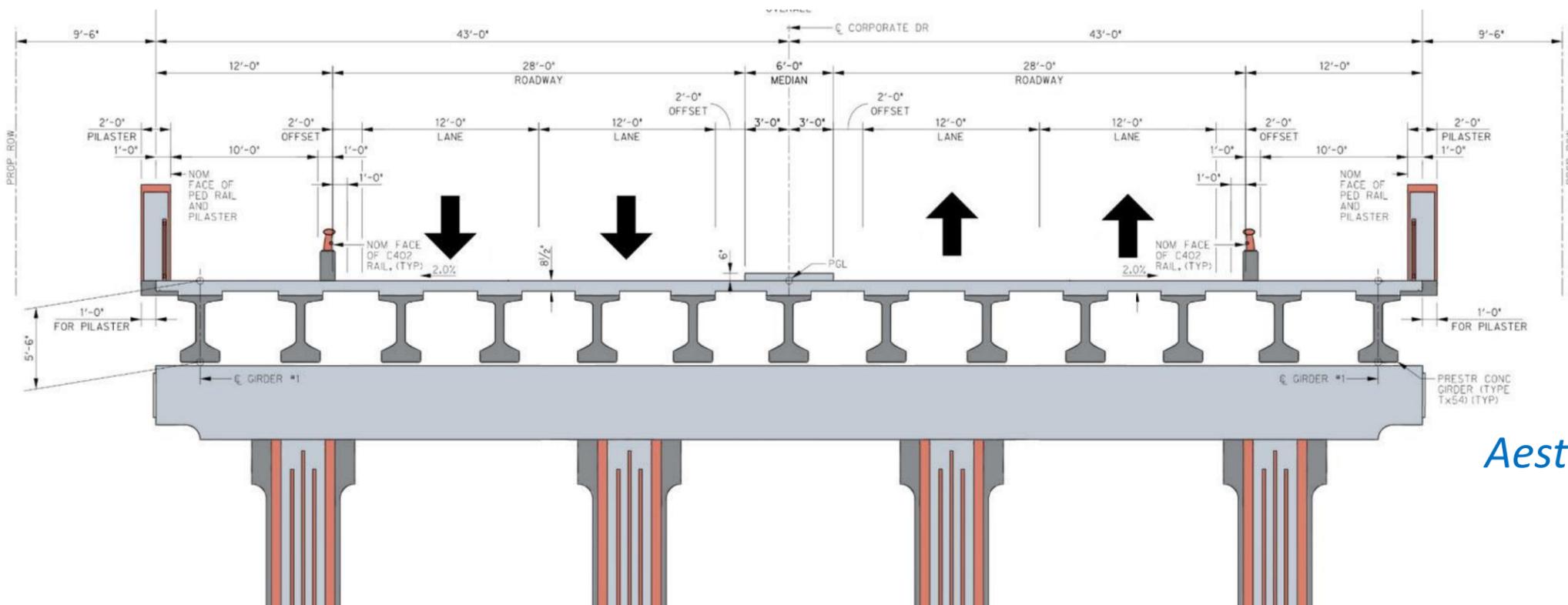
The background of the slide features a low-angle shot of several tall, leafless trees with intricate branch structures against a clear, light blue sky. The trees are rendered in a semi-transparent, light beige color, creating a subtle, textured backdrop for the text.

Enhancement Options

Enhancement Options

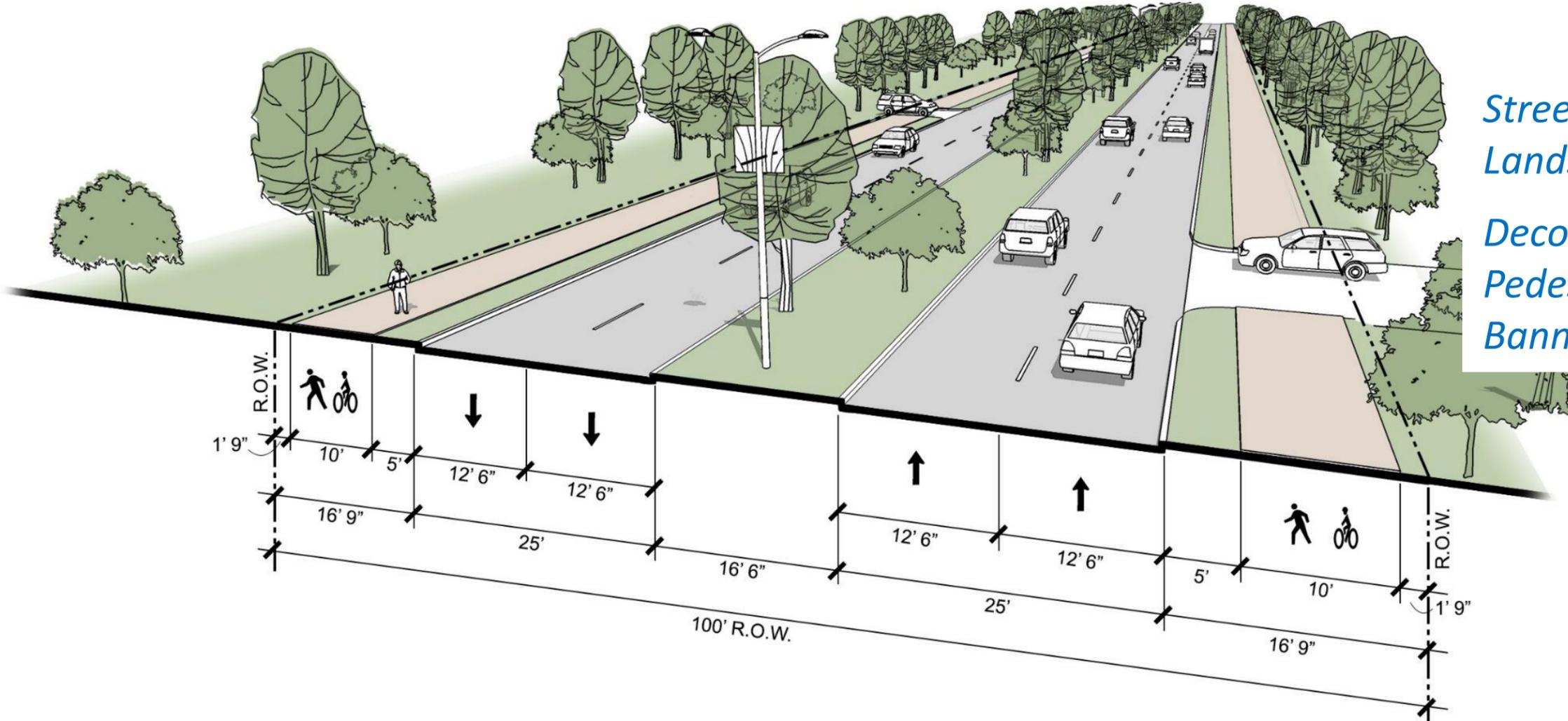


2 – 10' Wide Trails \$1,012,000



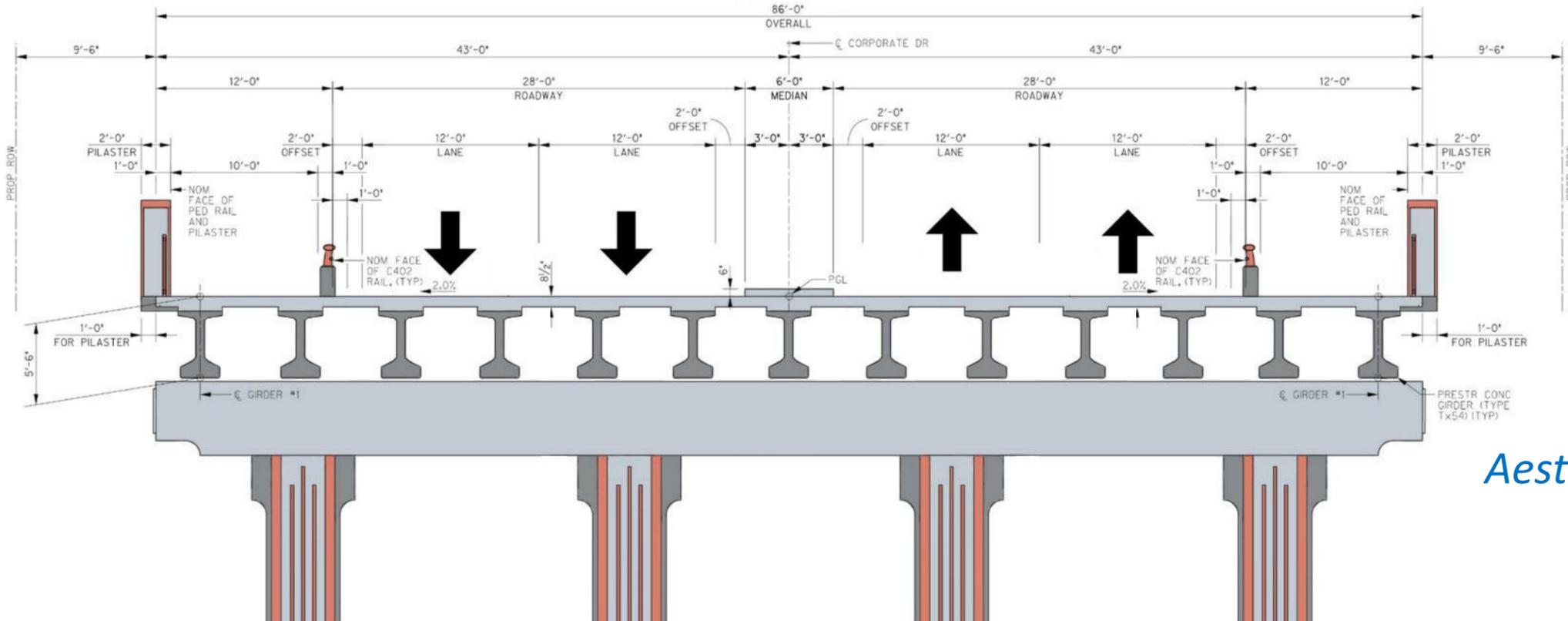
Aesthetic Columns \$2,000,000

Enhancement Options



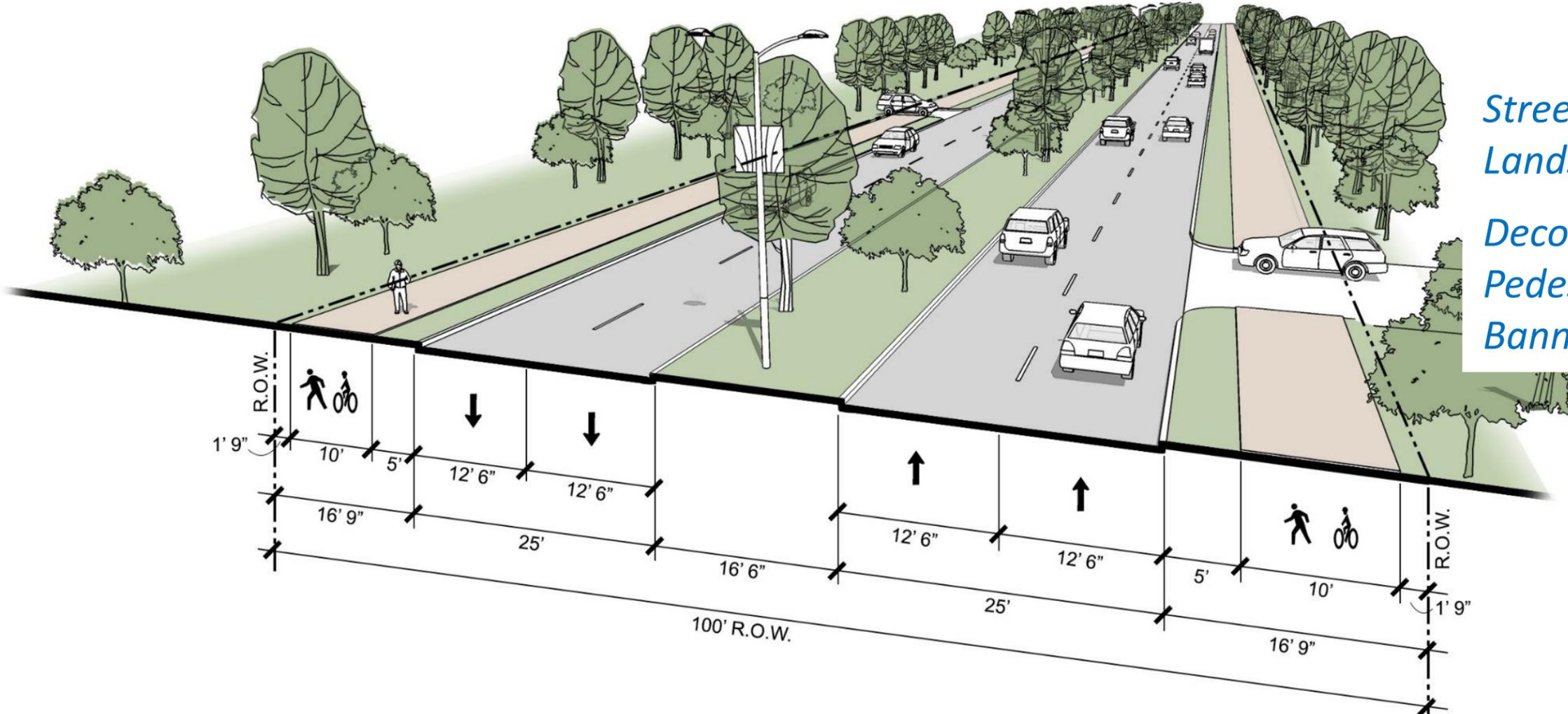
Street Trees & Landscaping \$1,600,000

Decorative Lights, Pedestrian Lights and Banner Poles \$1,300,000



Aesthetic Columns \$2,000,000

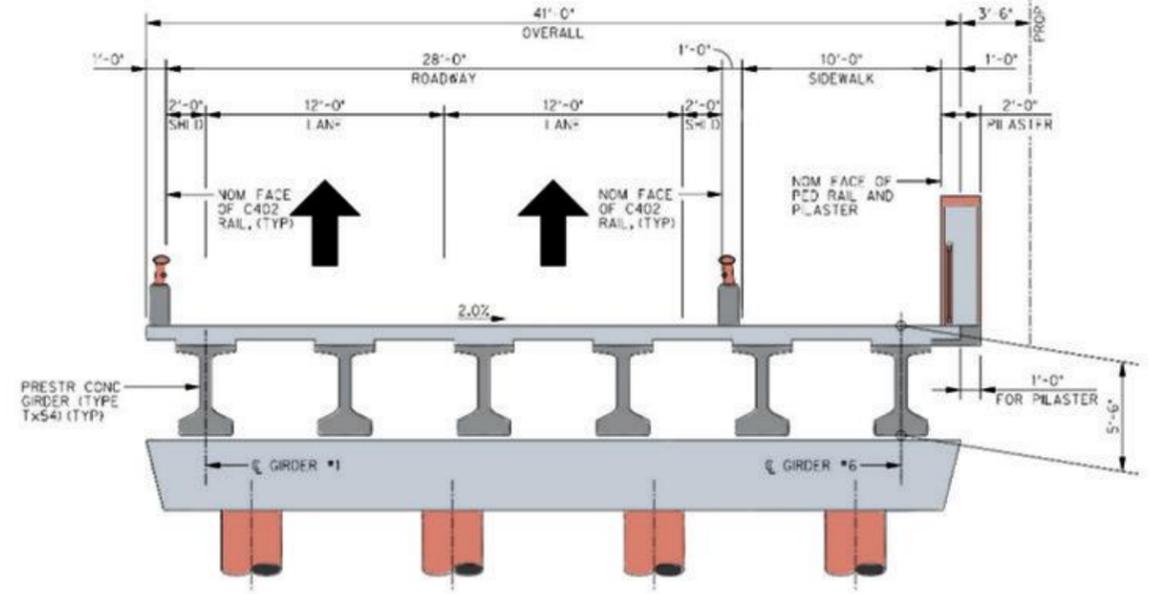
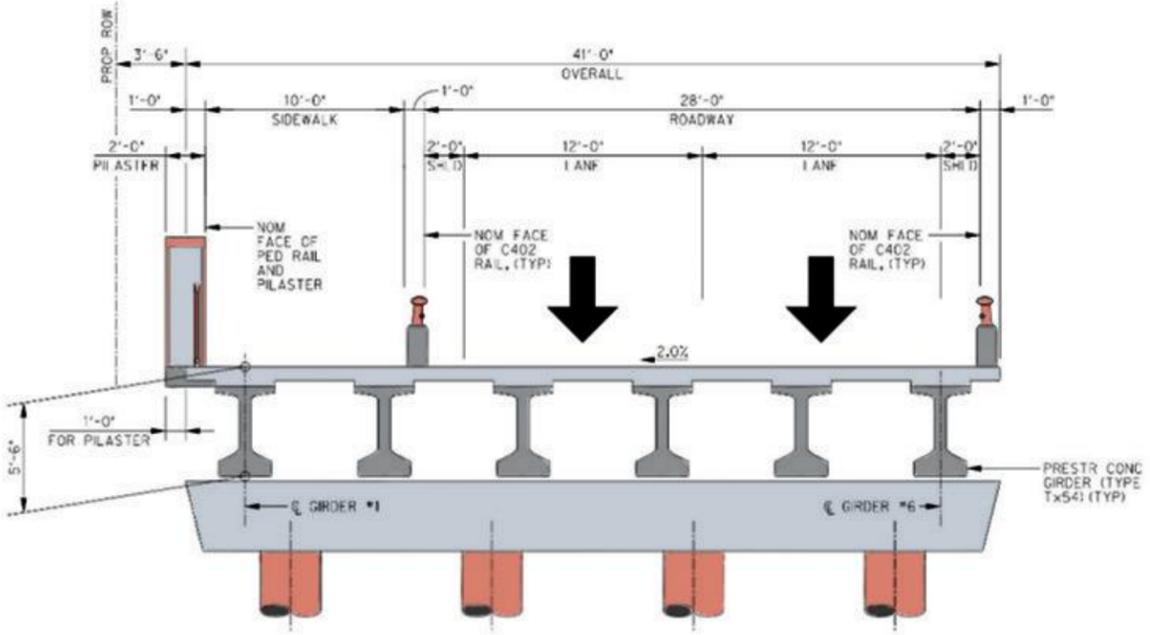
Enhancement Options



Street Trees & Landscaping \$1,600,000

Decorative Lights, Pedestrian Lights and Banner Poles \$1,300,000

Split Bridge \$1,940,000



Enhancements

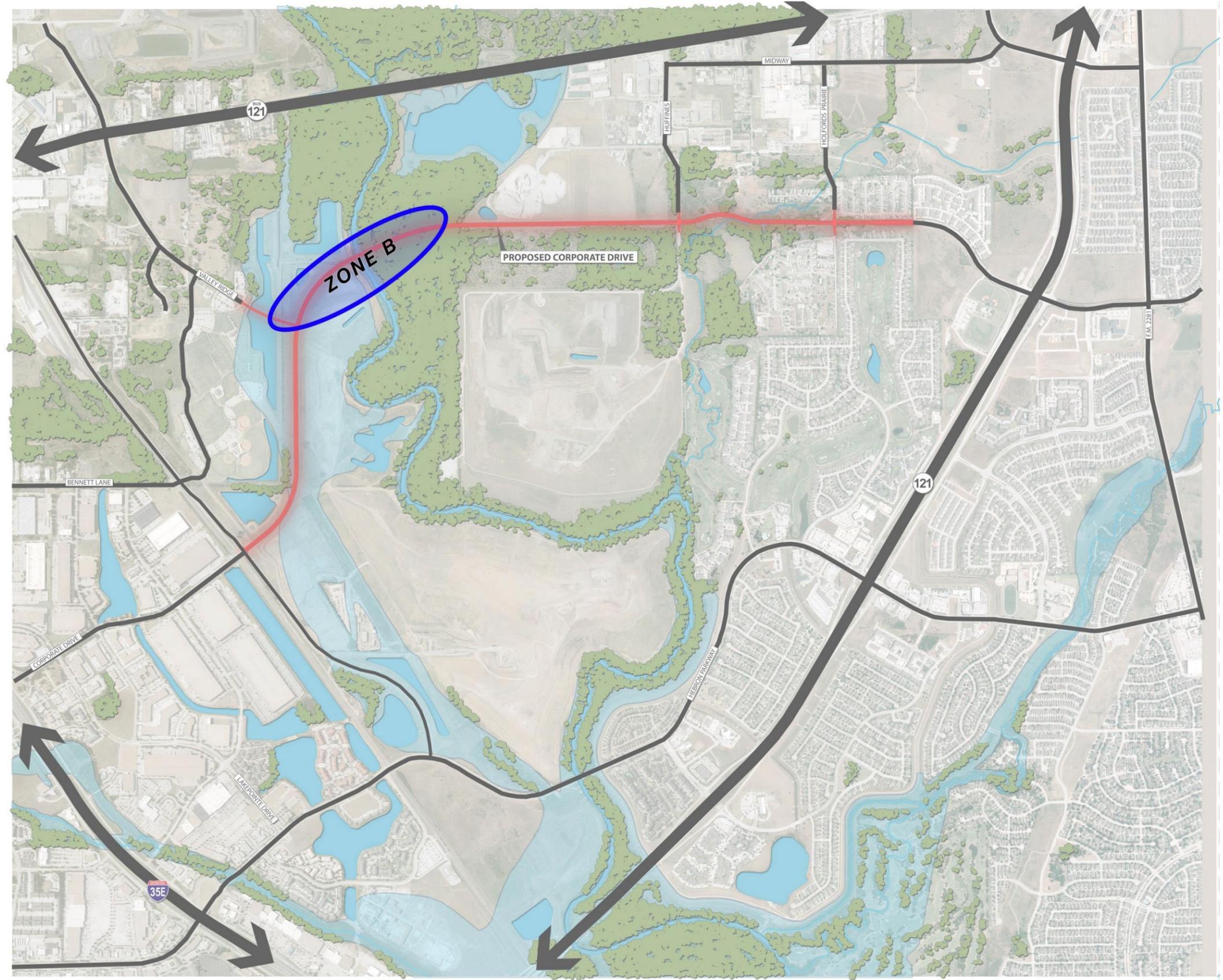
Lewisville Gateway Monument Sign Options - \$50,000 / EA



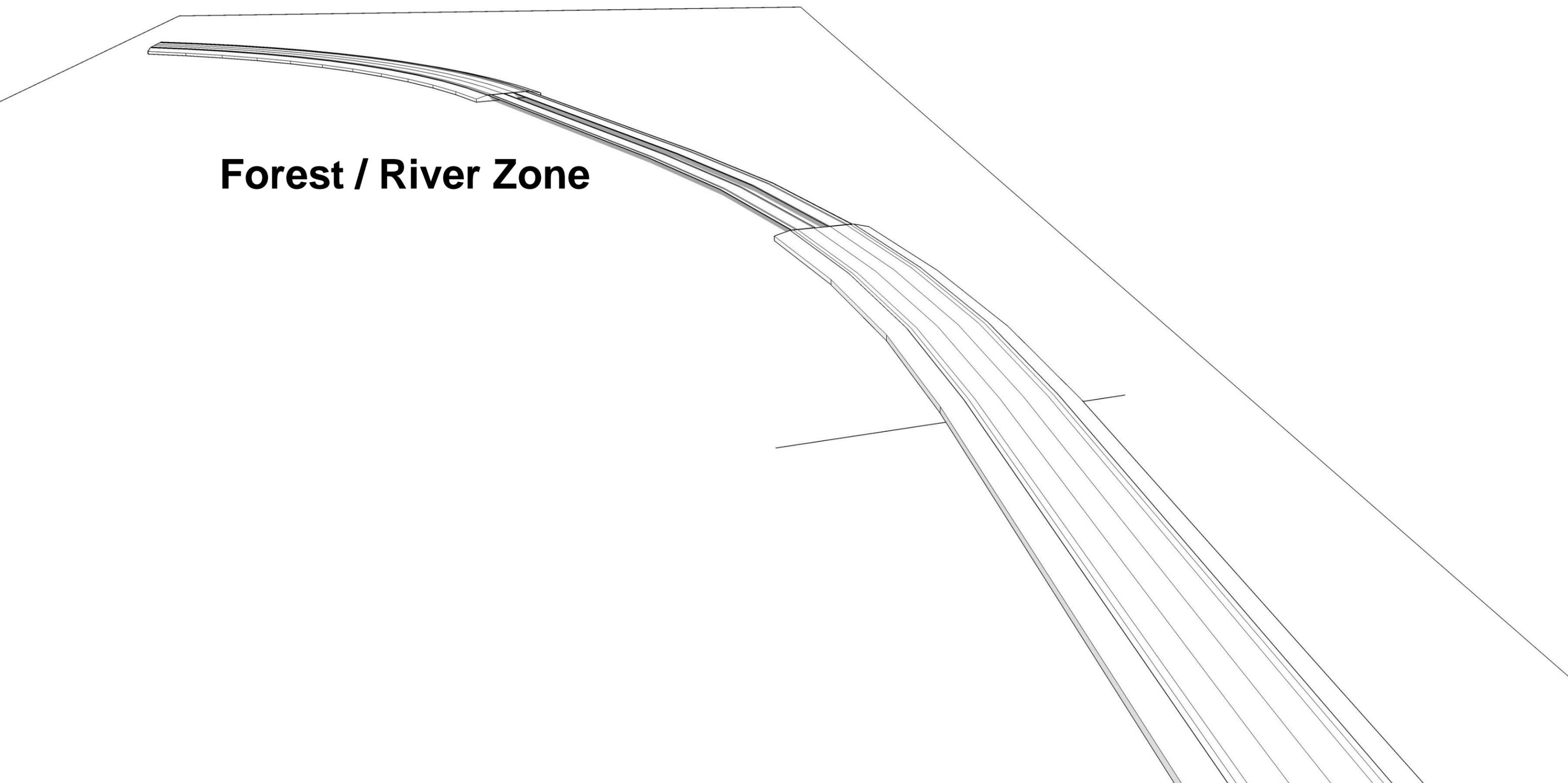
The background of the slide features a low-angle shot of several tall, leafless trees with intricate branch structures against a clear, light blue sky. The trees are rendered in a semi-transparent, light beige color, creating a subtle, naturalistic backdrop for the text.

Green Centerpiece Concepts

Green Center Piece Concepts: Forest/River Zone



Green Center Piece Option – A (Single Bridge)



Forest / River Zone

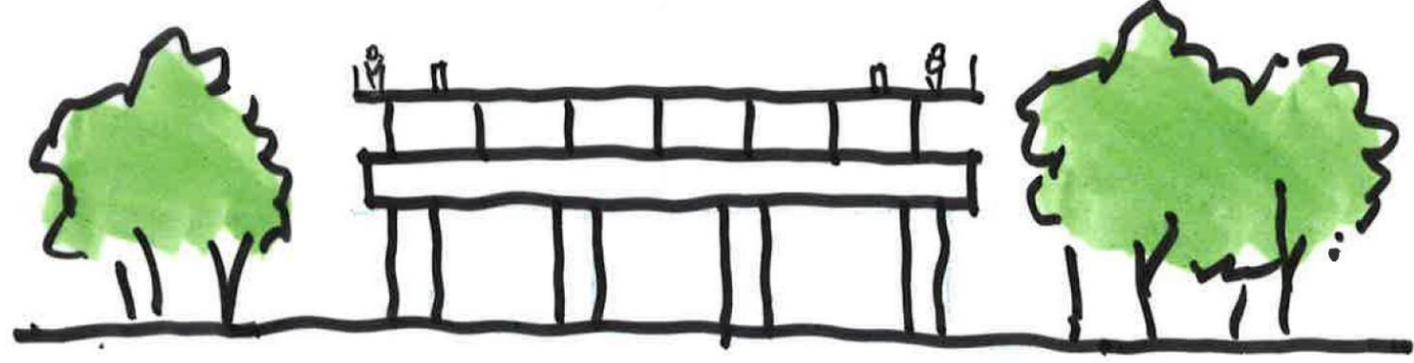
Green Center Piece Option – B (Split Bridge)



Forest / River Zone

Green Center Piece Option - Options

Views to Nature



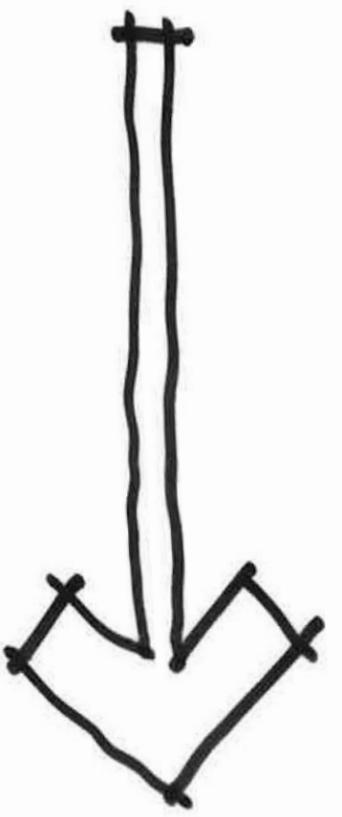
Green Center Piece Option – A (Single Bridge)

Pros:

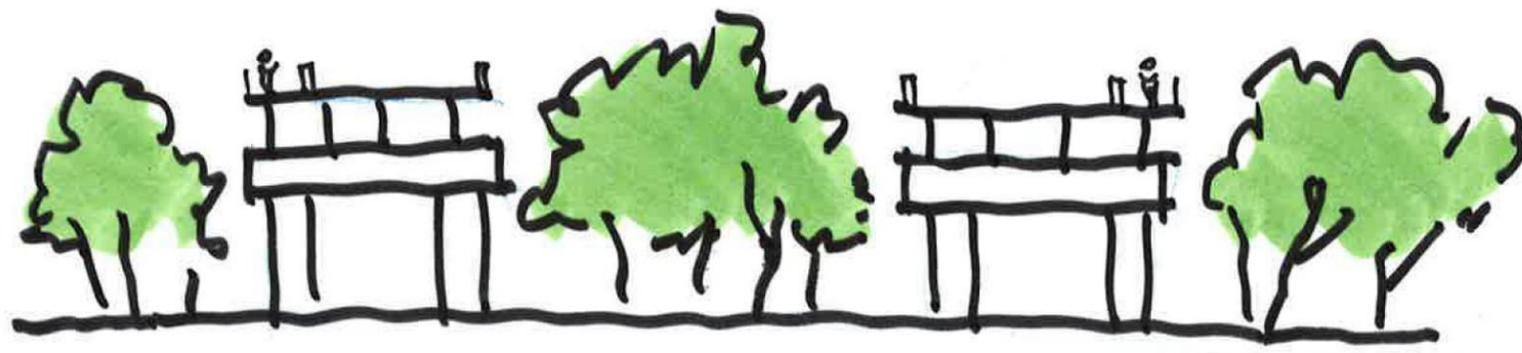
- Cost effective
- Simplified construction

Cons:

- Little to no amenities
- Removal of large areas of vegetation



Immersed in Nature



Green Center Piece Option – B (Split Bridge)

Pros:

- Takes advantage of view vistas
- Opportunity to preserve larger areas of existing vegetation

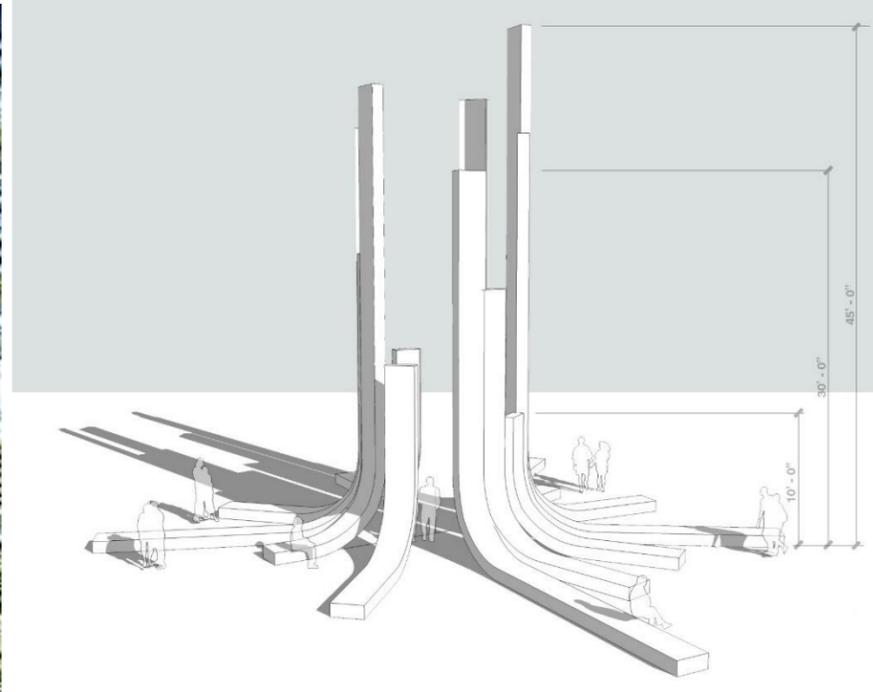
Cons:

- More costly
- Exceeds proposed R.O.W.

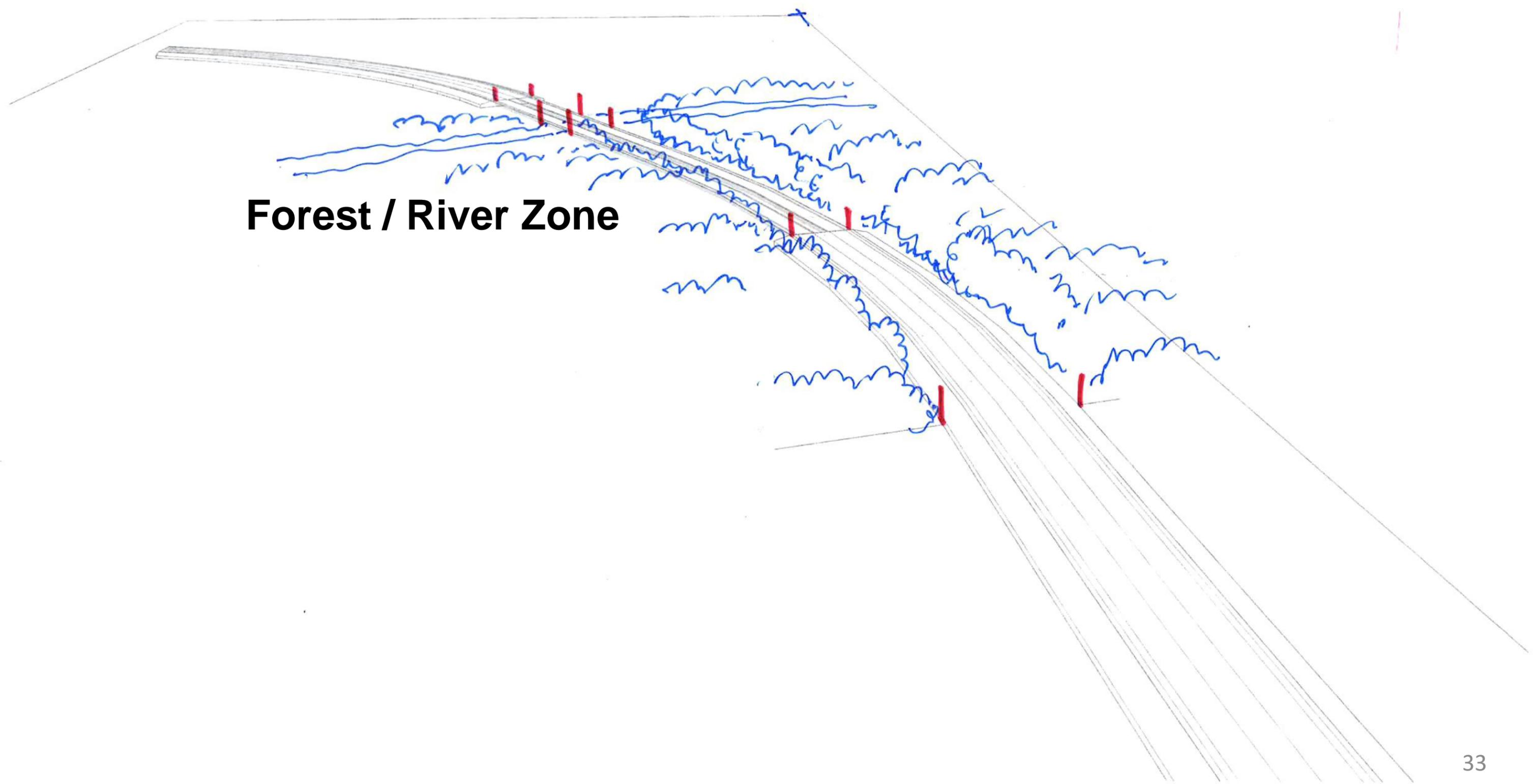
Green Center Piece Option - B (Split Bridge Example)



Green Center Piece Concepts – Inspiration Photos

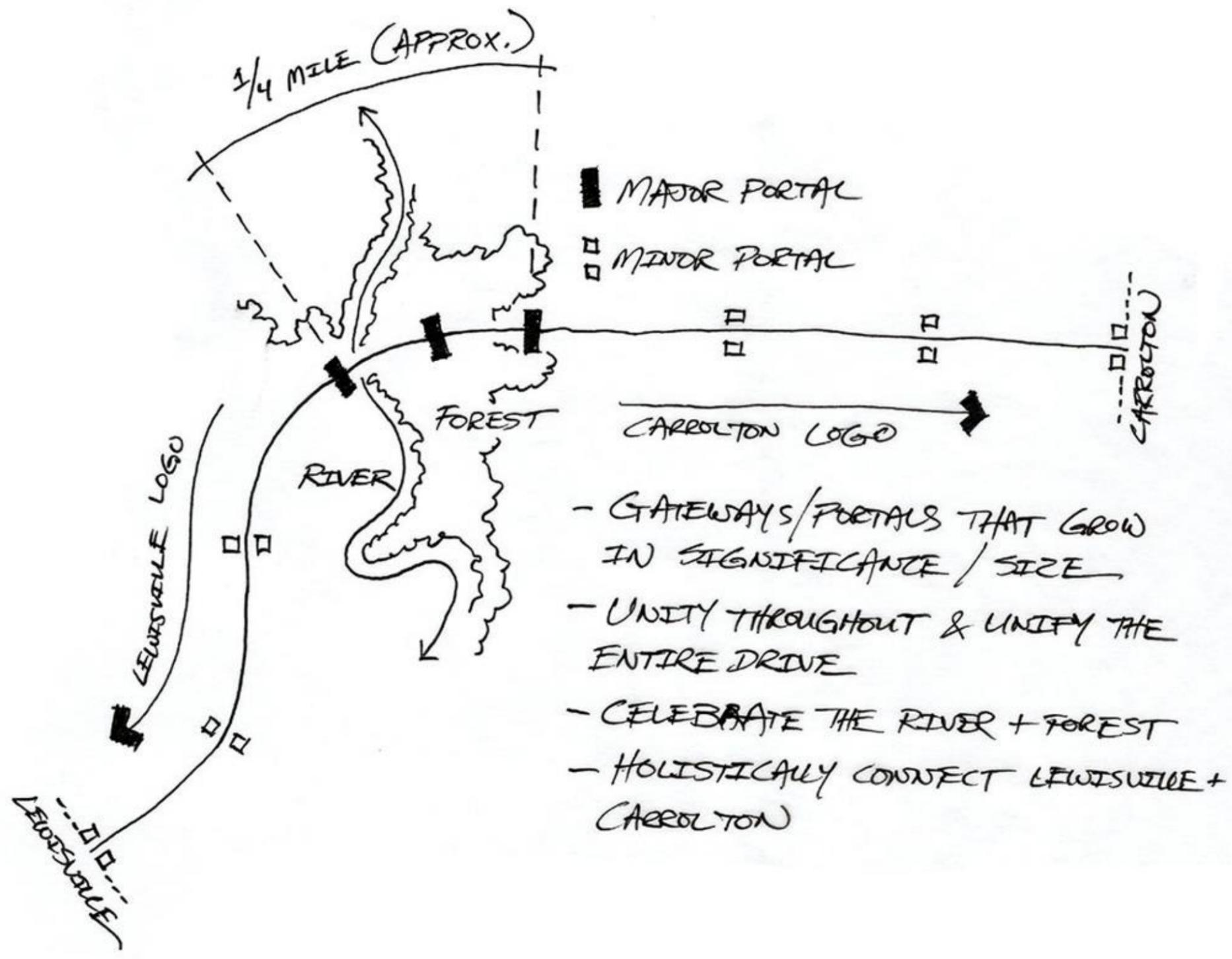


Green Center Piece Option - Alignment A (Single Bridge Enhanced)

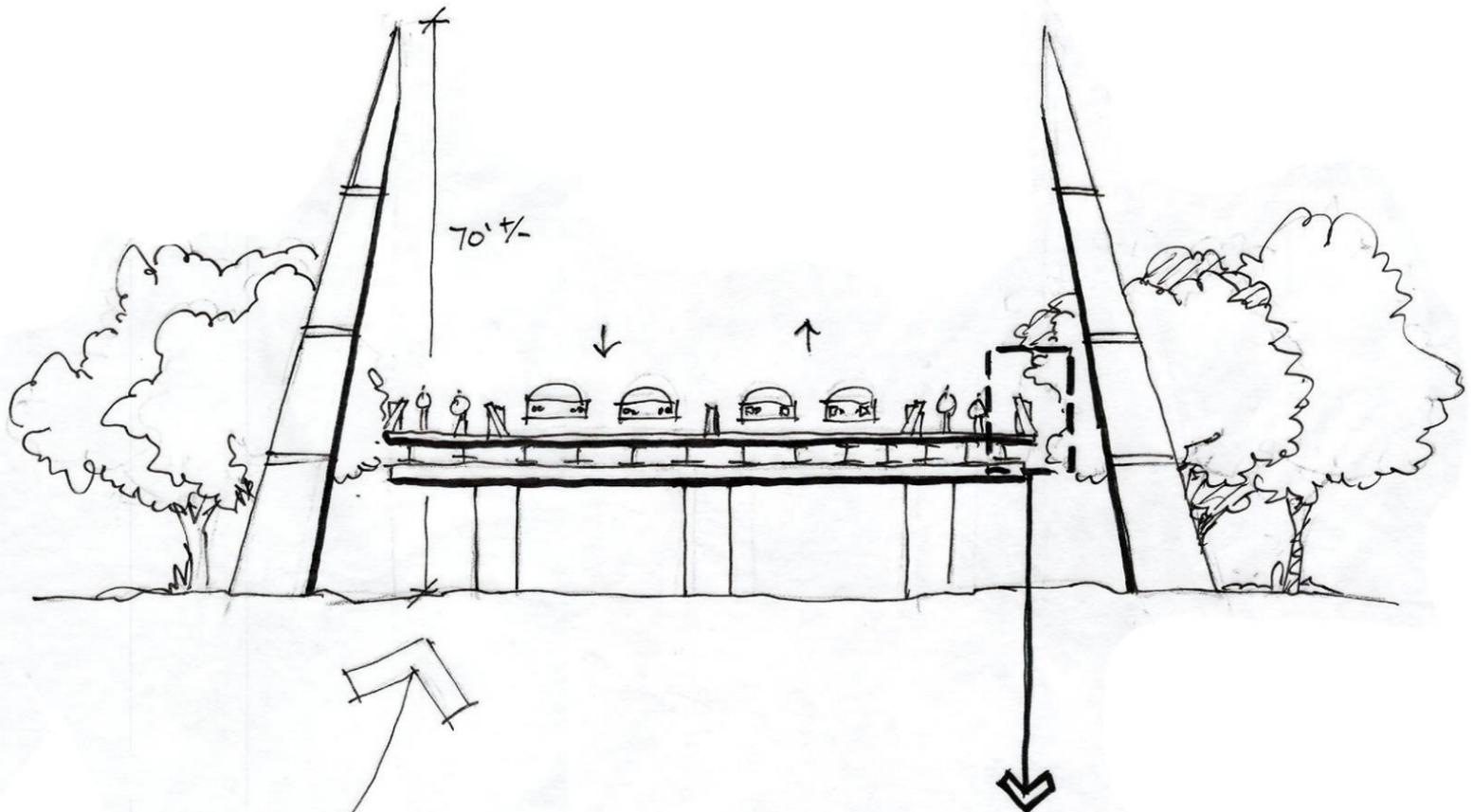
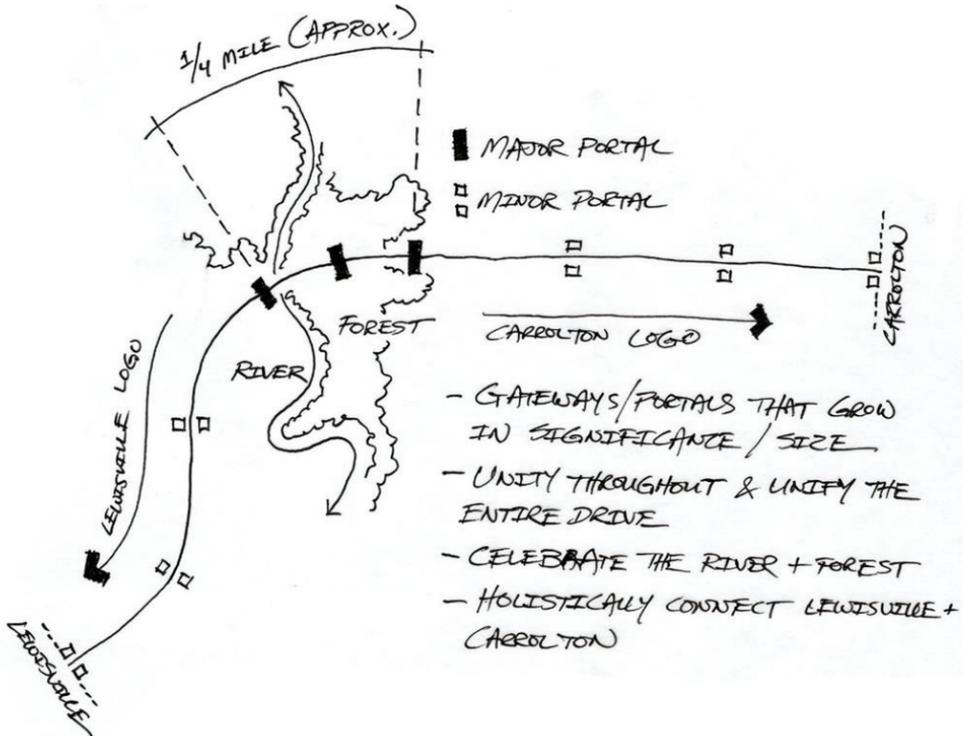


Forest / River Zone

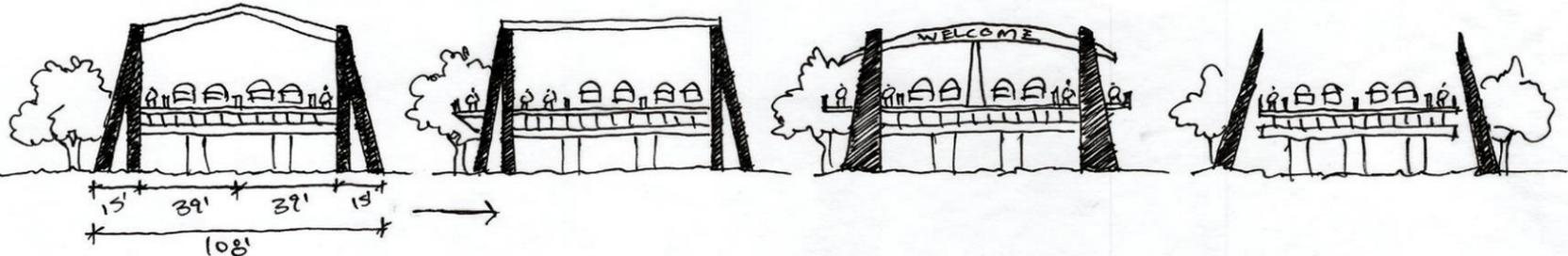
Green Center Piece Concepts - Alignment A Monument Hierarchy (Single Bridge)



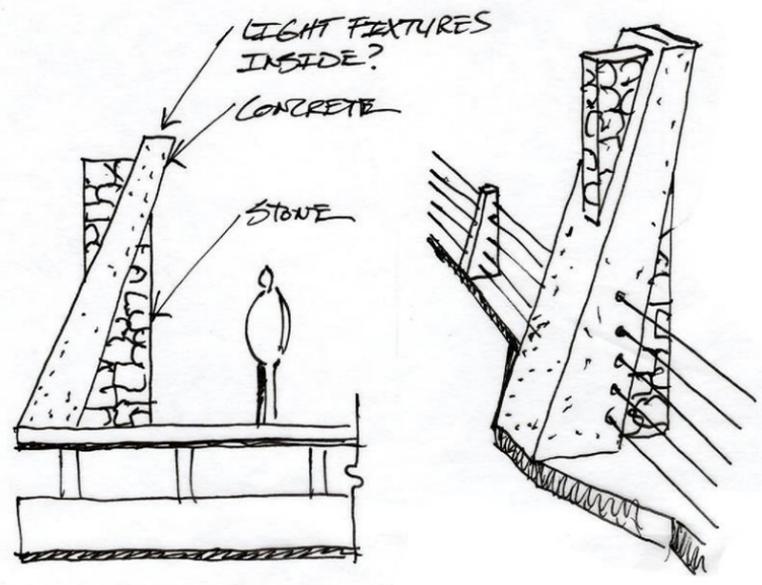
Green Center Piece Concepts (Single Bridge) - Option 1: Emergence



MAJOR PORTAL OPTIONS



MINOR PORTAL OPTIONS



Green Center Piece - Gateway Option 1 (Single Bridge)



Green Center Piece - Gateway Option 1 (Single Bridge)



Green Center Piece - Gateway Option 1 (Single Bridge)



Green Center Piece - Gateway Option 1 (Single Bridge)



Green Center Piece - Gateway Option 1 (Single Bridge)



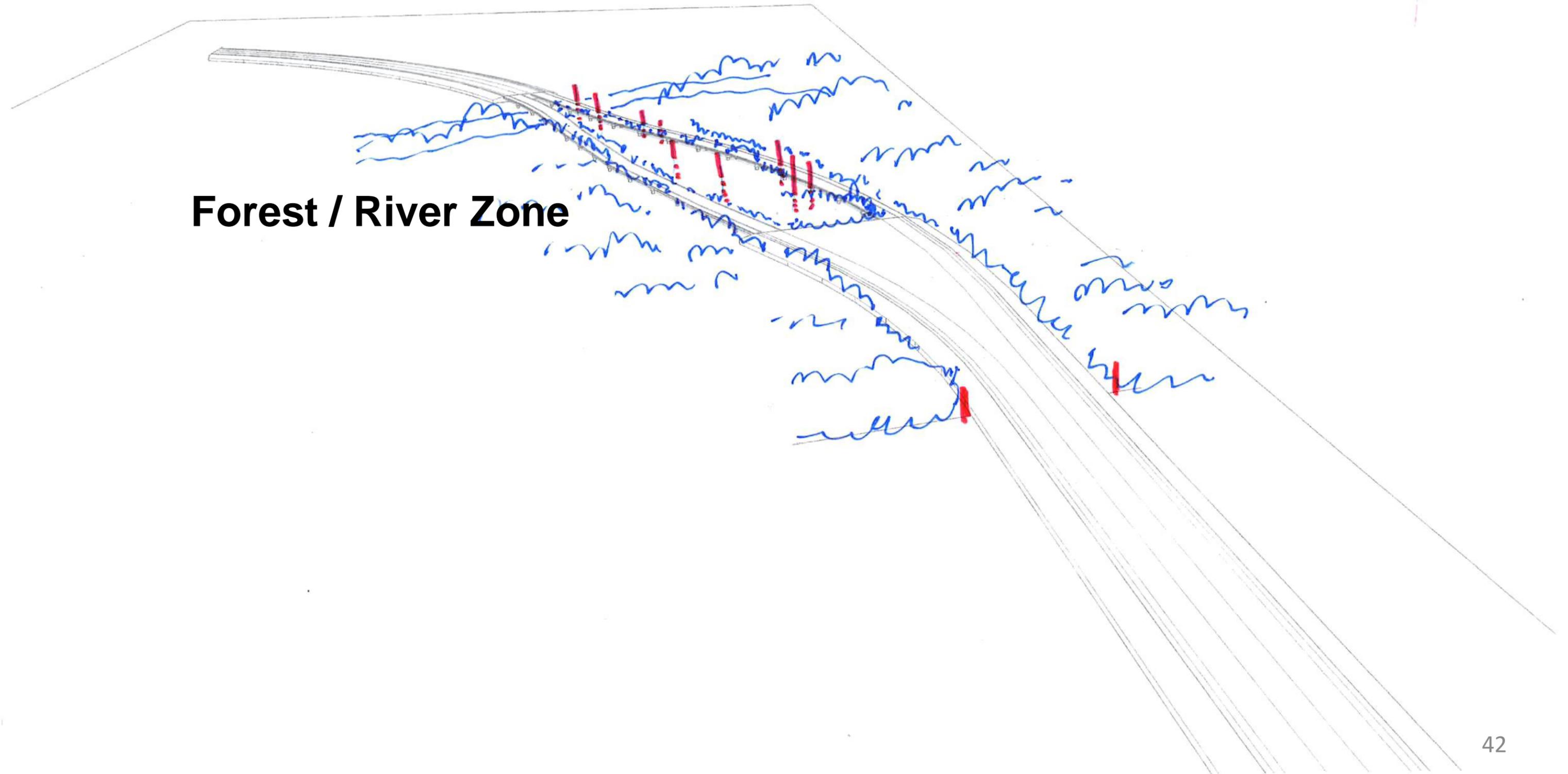
Green Center Piece - Alignment B (Split Bridge)



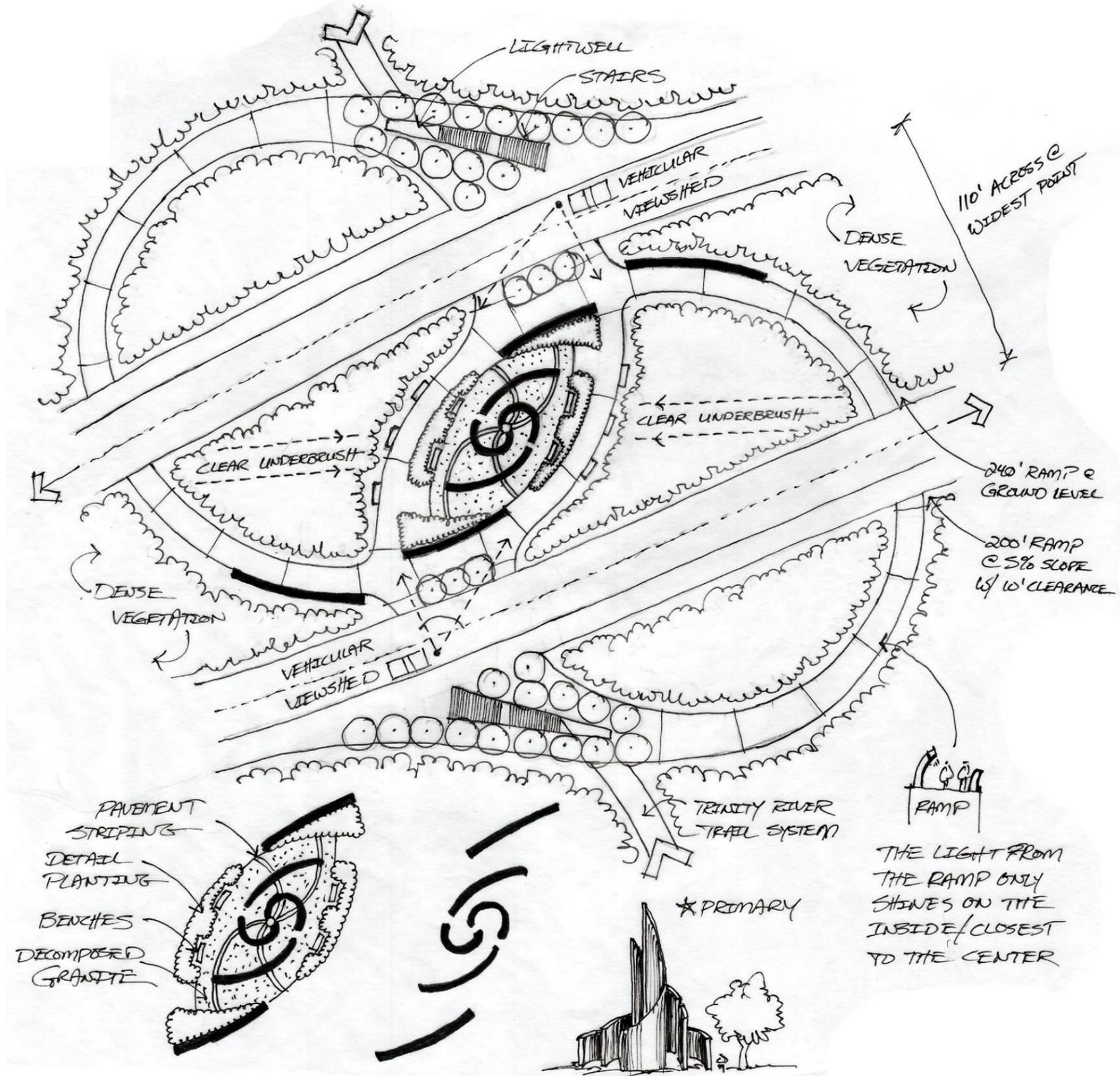
Forest / River Zone

Green Center Piece - Alignment B (Split Bridge Enhanced)

Forest / River Zone



Green Center Piece (Split Bridge)- Gateway Option 2: Fire Walk



Green Center Piece - Gateway Option 2 (Split Bridge)



Green Center Piece - Gateway Option 2 (Split Bridge)



Green Center Piece - Gateway Option 2 (Split Bridge)



Green Center Piece - Gateway Option 2 (Split Bridge)



Green Center Piece - Gateway Option 2 (Split Bridge)



Green Center Piece - Gateway Option 2 (Split Bridge)



Green Center Piece - Gateway Option 2 (Split Bridge)



Green Center Piece - Gateway Option 2 (Split Bridge)



Green Center Piece - Gateway Option 2 (Split Bridge)



Green Center Piece - Gateway Option 2 (Split Bridge)



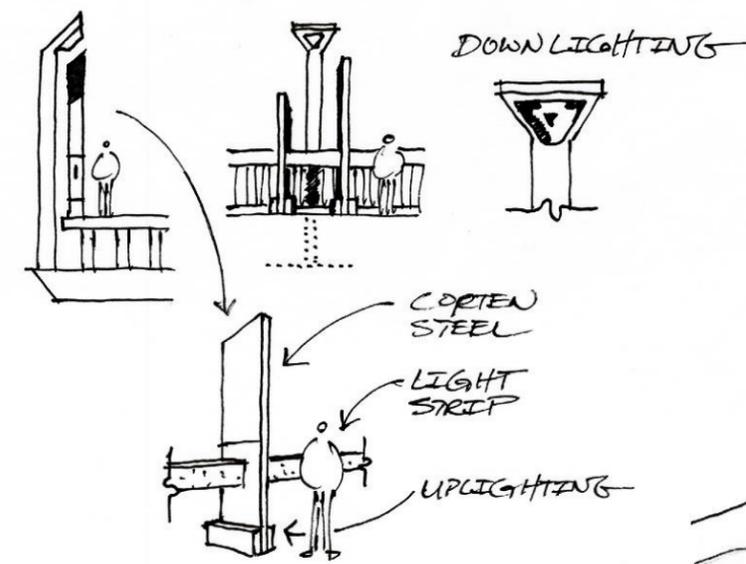
Green Center Piece - Gateway Option 2 (Split Bridge)



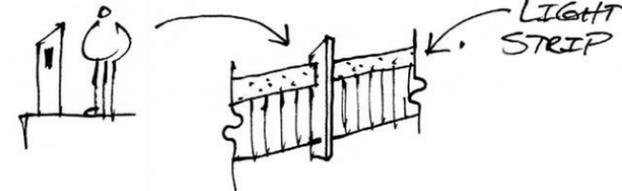
Green Center Piece (Split Bridge) - Gateway Option 3: The Illusion

VERTICAL STRUCTURES

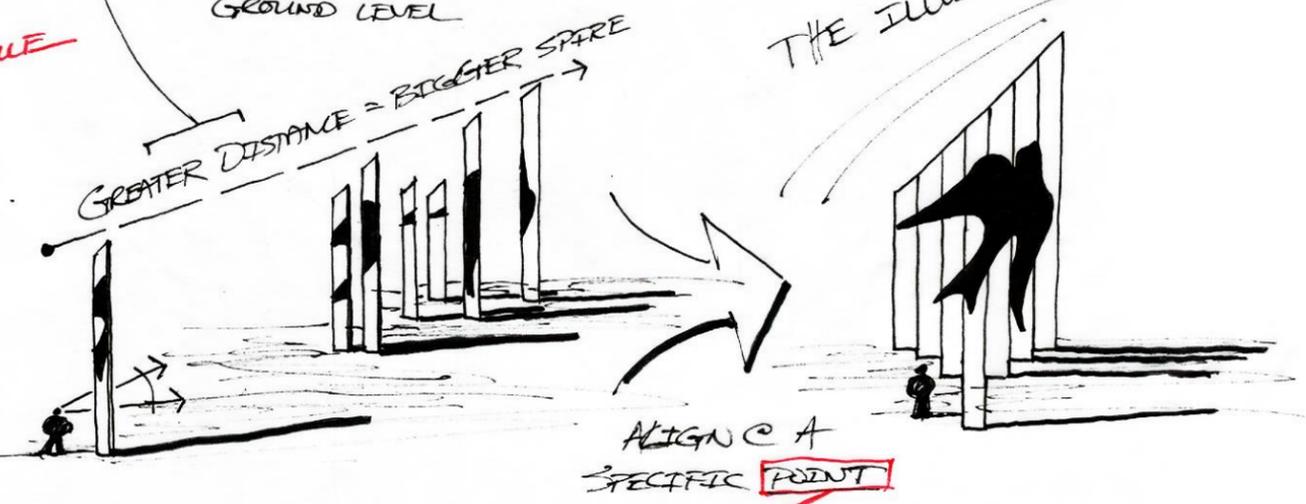
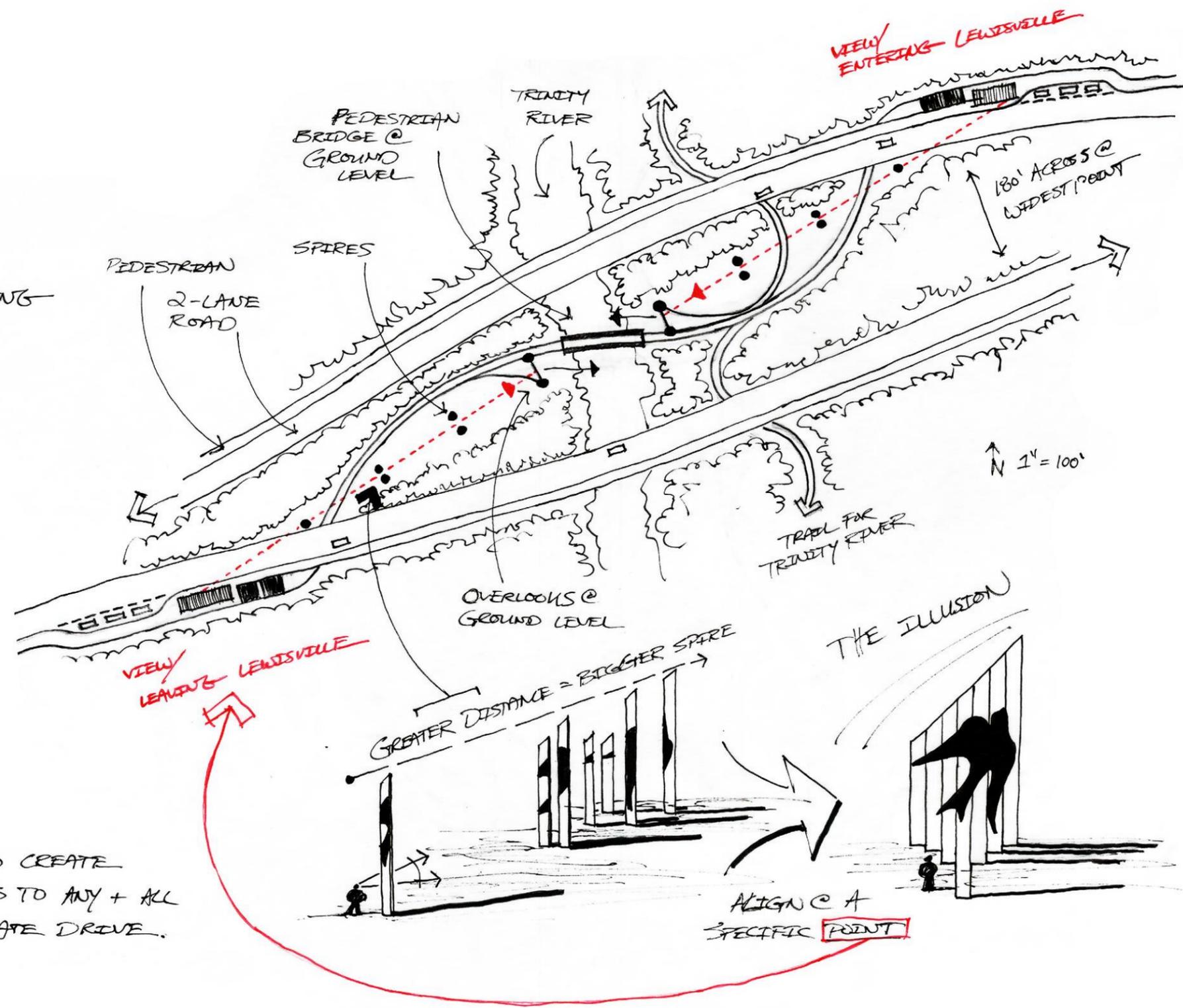
- SECONDARY



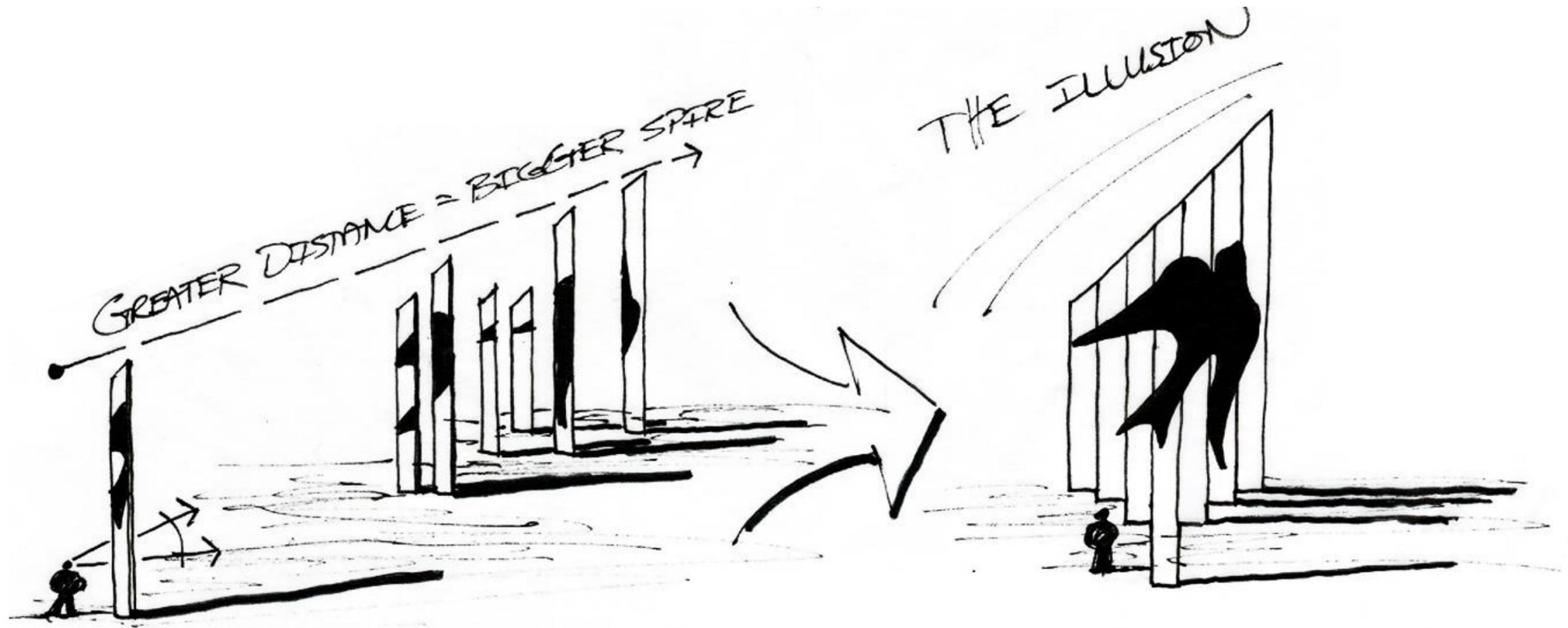
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★ PULL TOGETHER ALL ELEMENTS TO CREATE A SINGULAR ENTITY THAT SPEAKS TO ANY + ALL PEOPLE TRAVELING ALONG CORPORATE DRIVE.



Green Center Piece (Split Bridge)- Gateway Option 3: The Illusion



Green Center Piece - Gateway Option 3 (Split Bridge)



Green Center Piece - Gateway Option 3 (Split Bridge)



Green Center Piece - Gateway Option 3 (Split Bridge)



Green Center Piece - Gateway Option 3 (Split Bridge)



Green Center Piece - Gateway Option 3 (Split Bridge)



Green Center Piece - Gateway Option 3 (Split Bridge)



Green Center Piece - Gateway Option 3 (Split Bridge)



Green Center Piece - Gateway Option 3 (Split Bridge)



Green Center Piece - Gateway Option 3 (Split Bridge)



Green Center Piece - Gateway Option 3 (Split Bridge)



Green Center Piece - Gateway Options - Summary

Gateway Option 1 (Single Bridge) - Emergence



Gateway Option 2 (Split Bridge) – Fire Walk



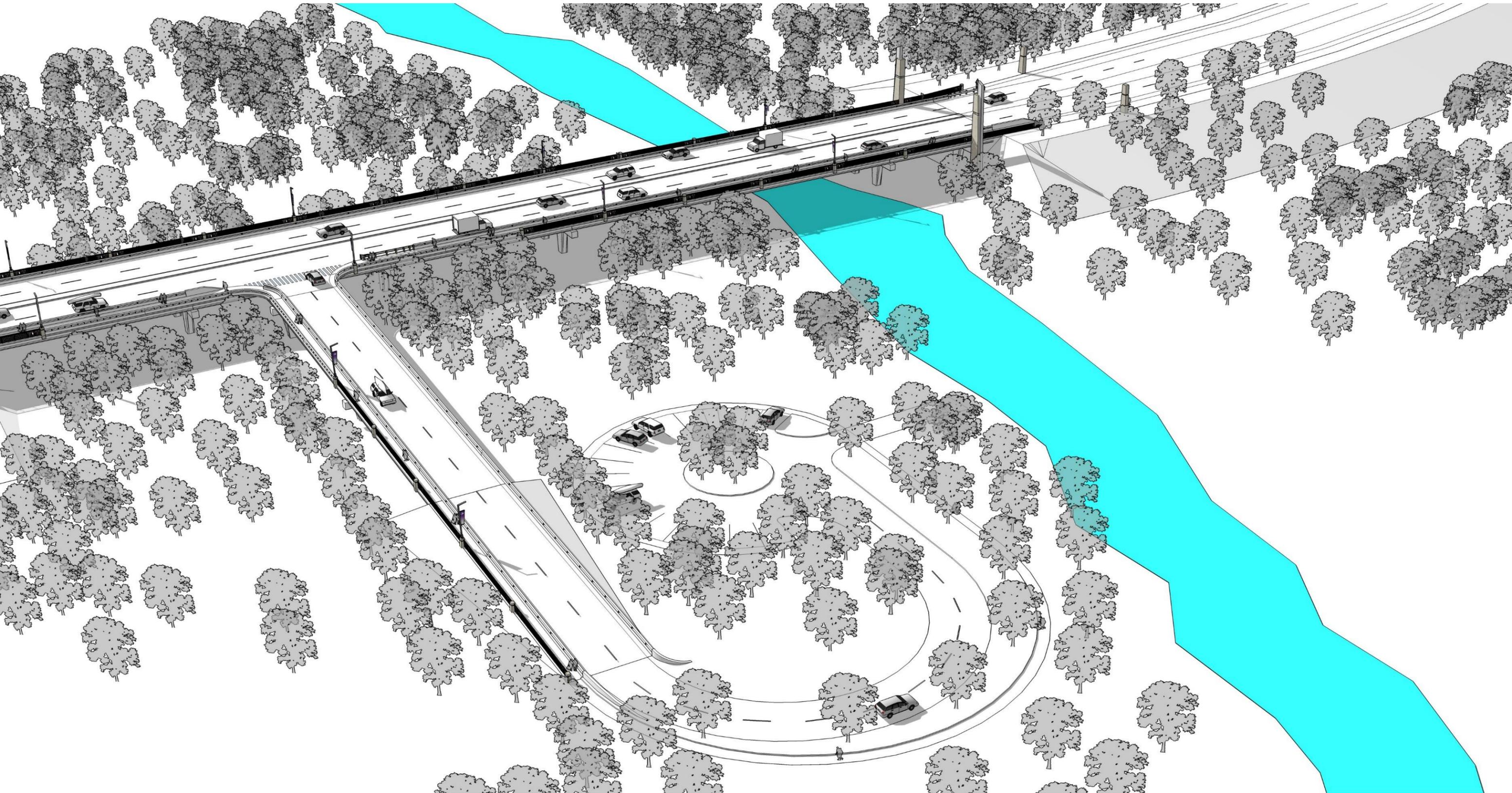
Gateway Option 3 (Split Bridge) – The Illusion



The background of the slide features a low-angle shot of several tall, leafless trees with intricate branch structures against a clear, light blue sky. The trees are rendered in a semi-transparent, light beige color, creating a subtle, textured backdrop for the text.

River Access Options

River Access - Option 1

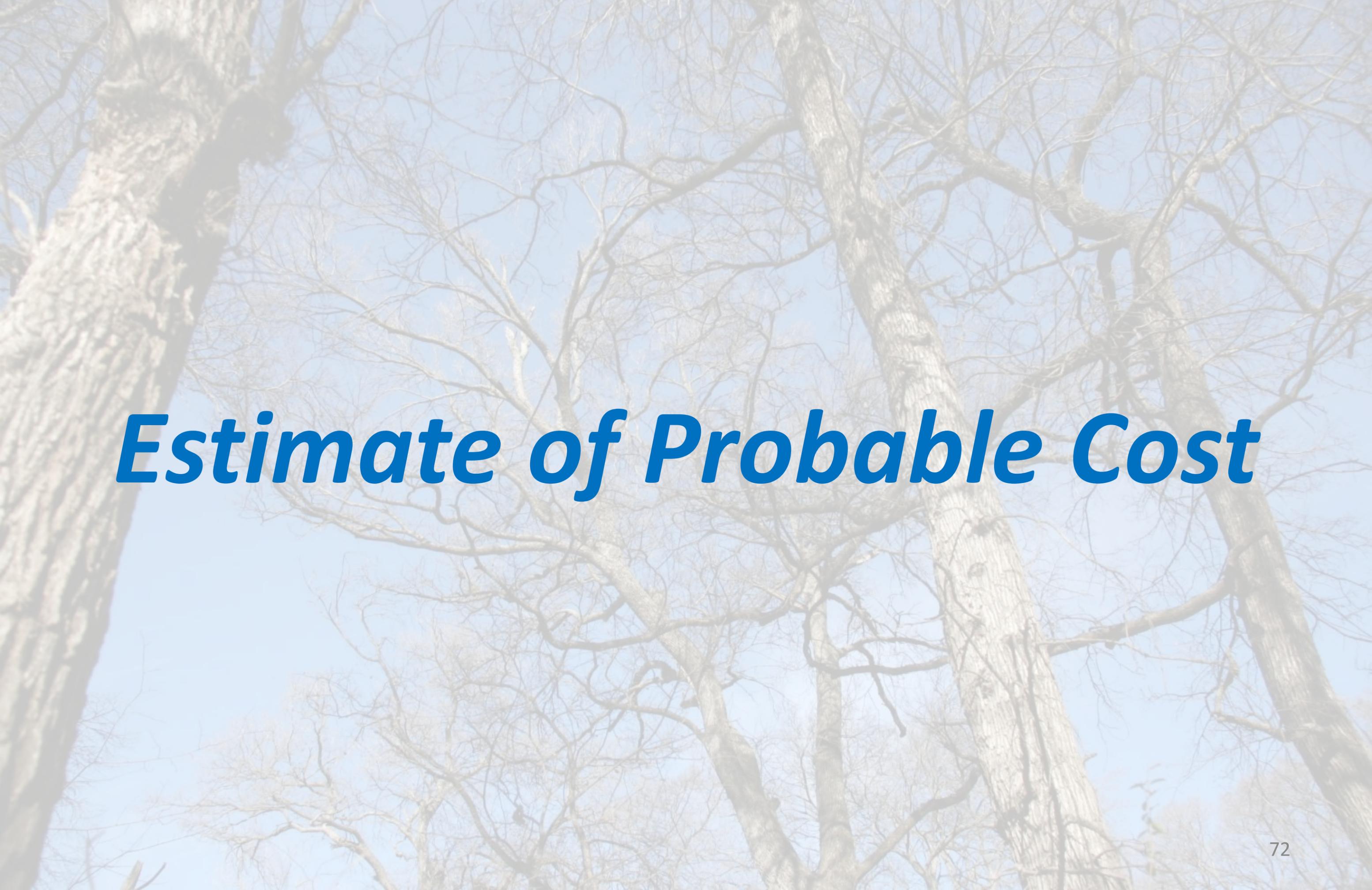


River Access - Option 2



River Access - Option 2



The background of the slide features a low-angle shot of several tall, leafless trees with intricate branch structures against a clear, light blue sky. The trees are rendered in a semi-transparent, light beige color, creating a subtle, textured backdrop for the text.

Estimate of Probable Cost

ESTIMATE OF PROBABLE COST

Base Bid	\$30,800,000.00
Enhancement Options	Additional Cost
2 - 10' Wide Trails or 8' and 12' Wide Trails	\$1,012,000.00
Aesthetic Bridge Columns	\$2,000,000.00
Split Bridge	\$1,940,000.00
Street Trees / Landscaping	\$1,600,000.00
Decorative Lights, Pedestrian Lights and Banner Poles	\$1,300,000.00
City of Lewisville Gateway Monument Signs	\$50,000.00
Green Centerpiece Concepts	Additional Cost
Concept 1 - Portals	\$1,500,000.00
Concept 2 - Fire Walk*	\$2,000,000.00
Concept 3 - Illusion*	\$1,450,000.00
River Access Options	Additional Cost
Ramp Off Bridge with Parking/Access at River	\$1,900,000.00
Access Road from East Abutment with Parking/Access at River	\$774,000.00

*Does not include additional cost of split bridge

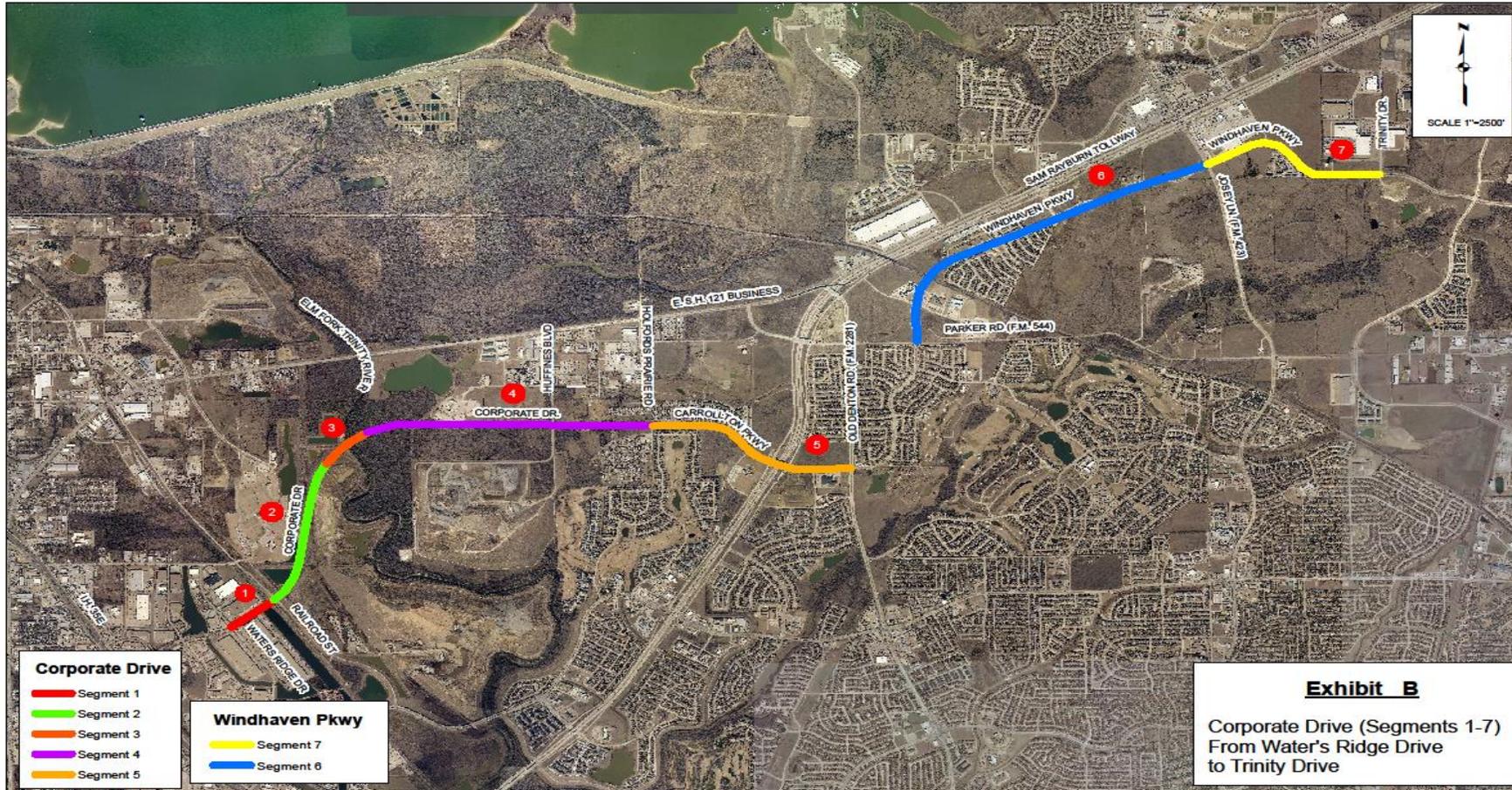
Questions?



CORPORATE DRIVE

Project History - Budget

Project Alignment



Corporate Drive Milestones

Milestone	Date
All of Segment 6 constructed in phases with developer and County funding except KCS RR Underpass	2006-2010
Segment 7 Funded and Built by Austin Ranch & Castle Hills	2007
\$41M Regional Toll Revenue Received for Segments 1-7 to Fund 80%	2009
Lewisville & Denton County Enter ICA to Fund 20% Match	2010
City Contracts with Bridgefarmer & Associates to Design Seg. 6 RR Underpass. Design 90% complete	2010
City Builds Segment 1, 100% RTR Funds	2012
Lewisville & Carrollton Enters ICA for Seg. 5 in Carrollton.	2013
City Contracts With Halff for Schematic Design of Segments 2-5. (Now Complete)	2014
City Contracts With Halff for Final Design of Seg. 5	2017
Council Direction on Options for Final Design of Seg. 2-4.	4/3/2017

Estimated Project Costs

Project Segments	Estimated Cost
Base Project (Seg. 2-4) - \$30.8M	\$30.8 Million
Seg.5 - \$4M	\$4 Million
KCS RR Underpass (Seg. 6) - \$10.4M	\$10.4 Million
Est. Remaining ROW - \$400K	\$400,000
Est. Total Base Project Cost	\$45.6 Million
Optional Enhancements	\$50,000 - \$12.9 Million

Available Funding

Funding Source	Available Amount
Existing RTR & Local Funding in Project Balance	\$39.8 Million
2015 Bond Program (Available 2019)	\$7.7 Million
Interest Earnings on RTR Funds (Requires NCTCOG Approval)	\$986,000
Utility CIP (Available 2019)	\$1.4 Million
Total Funding Available	\$49.9 Million

Estimated Cost vs. Available Funding

Funding Source	Available Amount
Total Base Project Cost	\$45.6 Million
Total Available Funding	\$49.9 Million
Available Funding to Cover Inflation and/or Enhancements	\$4.3 Million
Optional Enhancements	\$50,000 - \$12.9 Million

Staff is seeking direction with regard to design options for Corporate Drive, Segments 2, 3 & 4 before proceeding with final design.

SEGMENT 5 SCHEMATIC

Questions

PROCLAMATION

WHEREAS, Americans are the victims of more than 20 million crimes each year, and crime can touch the lives of anyone regardless of age, national origin, race, creed, religion, gender, sexual orientation, immigration, or economic status; and,

WHEREAS, Too many communities feel disconnected from the justice and social response systems, and have lost trust in the ability of those systems to recognize them and respond to their needs; and,

WHEREAS, Honoring the rights of victims, including the right to be heard and to be treated with fairness, dignity, and respect, and working to meet their needs rebuilds trust in the criminal justice and social service systems; and,

WHEREAS, National Crime Victims' Rights Week, April 2-8, 2017, is an opportune time to commit to ensuring that all victims of crime are offered accessible and appropriate services in the aftermath of crime; and,

WHEREAS, the City of Lewisville Police Department is dedicated to a vision for the future in which all victims are strengthened by the response they receive, organizations are resilient in response to challenges, and communities can seek collective justice and healing.

NOW, THEREFORE, I, Rudy Durham, Mayor of the City of Lewisville, Texas, and on behalf of the Lewisville City Council, do hereby proclaim the week of April 2-8, 2017, as:

“CRIME VICTIMS’ RIGHTS WEEK”

PROCLAIMED this 3rd day of April, 2017.

Rudy Durham, Mayor
City of Lewisville

PROCLAMATION

Whereas, emergencies can occur at any time that require police, fire or emergency medical services; and,

Whereas, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

Whereas, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the City of Lewisville police-fire communications center; and,

Whereas, public safety telecommunicators are the first and most critical contact our citizens have with emergency services; and,

Whereas, public safety telecommunicators of The City of Lewisville have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients;

Now, therefore, I Rudy Durham, Mayor of the City of Lewisville, Texas, and on behalf of the Lewisville City Council, do hereby proclaim the week of April 9 – 15, 2017 as:

“National Public Safety Telecommunicators Week”

in the City of Lewisville, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Proclaimed this the 3rd day of April, 2017.

Rudy Durham, Mayor
City of Lewisville

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: April 3, 2017

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Light Industrial District (LI) to Planned Development – Mixed Use District (PD-MU) for a Mixed-Use Development Consisting of 154 Single-Family Attached Units with Hotel/Office and Restaurant Uses on an Approximately 18.940-Acre Tract of Land out of the Thomas B. Garvin Survey, Abstract No. 506; With Five Associated Variances; Located on the North Side of State Highway 121, Approximately 1,150 Feet East of MacArthur Boulevard; as Requested by Ron Welborn and Michele Wheeler of Jackson Shaw, the Property Owners (Case No. PZ-2017-03-04).**

BACKGROUND

The Planned Development (PD) district allows for innovative community design concepts which may not meet all regulations of the City's standard zoning categories, but ensures a high-quality development with enhanced amenities and a customized design tailored for a particular site. The property for the proposed PD is currently zoned Light Industrial (LI). The property is situated between MacArthur Boulevard and Lake Vista Drive, bounded by the levee district canal to the north and east, existing multifamily and vacant property zoned LI to the west and the Sam Rayburn Tollway to the south. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of March 7, 2017.

ANALYSIS

The proposed PD will have a base zoning of Mixed Use (MU) with a combination of single-family attached units that will be situated in the northern half of the property and commercial uses located along the southern half of the property fronting onto Sam Rayburn Tollway. The concept plan outlines 154 single-family attached lots to be constructed in two phases. The homes will be a combination of a two and three story product. The conceptual commercial component consists of a hotel and two individual restaurant sites that would create a buffer to the residential from SH 121 as well as provide an amenity to the residents and community. The commercial component will be constructed as two phases. The proposal seeks to take advantage of the location along the canals. A walking trail will be provided along the canal area. A pedestrian bridge is proposed to be constructed over the waterway to connect this development with the neighboring hotel, conference center, and commercial uses to the east. The bridge will be a joint project with the City where the developer will contribute 50% of the cost of bridge construction (\$165,000). Two home owner associations (HOA), one a residential HOA and the other a commercial HOA, will maintain the various open spaces, trails, common areas, rights-of-way and landscaping

within the subdivision. The PD allows for deviations from the standard zoning categories. These are outlined in the comparison table on the Concept Plan provided by the applicant.

Residential Development

The residential component will consist of townhouse units ranging from two (85%) to three (15%) stories. While the proposed development will create a dense urban feel with narrower streets, smaller lots and setbacks, the actual dwellings will be larger than the minimum 1,200 square-foot floor area as required by the code. Here, they are providing a minimum of 1,650 square feet of floor area. The proposed development will have a minimum lot sizes of 1,220 square feet (25%) and 1,500 square feet (75%). The homes will provide two garage spaces for parking. The buildings will consist of an aggregate 80% brick or stone, with no single elevation being less than 60% brick. Residential units that have front entry shall have a decorative garage door. Each unit will be equipped with a fire sprinkler system. Illustrations of the proposed architecture have been provided as part of the PD design standards.

Streets, Alleys and Parking

The homes will have a two-car garage and additional on-street parking will be provided throughout the site. Visitor parking and amenity center parking will consist of available on-street parking. Parallel on-street parking will be provided with a reduced dimension. Part of the urban feel will be achieved through a narrower street. Two types of alleys are provided in the development, one providing garage access at the rear of the lot and the other identified as a hybrid alley that will also act as a fire access and public utility easement. Some lots adjacent to hybrid alleys will front onto open space instead of a street. Hybrid alleys that serve lots fronting on open space lots will be named at the time of final plat for public safety response purposes.

Screening

The mixed-use development itself will not have any screening walls. The intent is to integrate the uses and provide a walkable neighborhood. The project abuts an existing multi-family site on the northwestern part of the site. By ordinance, a six-foot masonry screening wall is required. The applicant is proposing to provide a living screen along this boundary subject to obtaining consent from both the multi-family property owner and a variance from City Council.

Landscaping

Landscaping will comply with City standards with a few exceptions. The development plan illustrates a five-foot landscape strip in the residential areas and requests alternative street trees that will grow better within this reduced area. All landscaping and irrigation within the public right-of-way shall be maintained by the HOA. The typical landscape strip for commercial development is a minimum of 10 feet wide and contains trees every 50 linear feet. The proposal is to provide a five-foot strip with shrubbery on private property where parking lots exist and a tree in the 10-foot city parkway between the street and the sidewalk.

Parks, Open Space and Amenities

The HOAs shall maintain the open space and park areas. The HOAs shall also provide and maintain enhanced entry features. The developer shall provide a pool with associated restroom facility and the following amenities within the open space areas: benches; enhanced landscaping; pet cleanup and water stations; grilling/barbeque area; and a

clubhouse building and/or shade structure. The amenity center and restroom facility building shall meet all residential architectural standards as the single-family attached requirements.

Commercial Development

The commercial component of this development shall have the following permitted uses: hotel; restaurants (including those with outdoor seating); professional service offices; other retail and personal service establishments as an accessory to a hotel or office use; and automobile parking structures associated with a hotel or office use. The proposed concept plan identifies a hotel occupying the western portion of the site and two restaurants on the eastern portion of the site. An engineering site plan will be required to develop this commercial section. An overall shared parking agreement is proposed for the entire commercial area. Architecturally, the commercial property is on the City's gateway and must comply with brick and stone veneer requirements. In addition, the City's hotel ordinance also addresses not only the exterior building material requirements, but also additional development requirements above and beyond typical development regulations.

The following variances are associated with this development:

a) To allow a reduction in required parking for residential and commercial uses

The applicant is requesting parking variances for both the residential and commercial components of the planned development. The residential portion of the development requires a variance to the City's off-street parking requirements and residential parking requirements. The first part of the variance will allow for a reduction in the amount of required parking per dwelling unit and the second is to allow a portion of the required off-street parking to be located on the street. Article VIII, Section 6-162 (a) (8), stipulates that for single-family attached dwellings, the development must provide a minimum of one (1) car garage plus two (2) off-street concrete parking spaces for each dwelling unit, for a total of three off-street parking spaces. The applicant is requesting a variance to the number of off-street required parking spaces by providing a two-car garage. Additional parking will be provided off-site with *on-street* parking. The on-street parking creates approximately 0.6 spaces per dwelling unit, for a total of 2.6 parking spaces per unit.

The second part of the variance for the commercial component is to allow a shared parking agreement, whereby the hotel and restaurant properties share their parking areas. The hotel lot meets the required amount of parking for the minimum number of hotel rooms required, and has excess parking. The ordinance states that required parking be provided on the same lot with the building or use served. Due to the spacing requirements for driveways off of SH 121, a public road bisects the hotel and restaurant sites. The request is that the commercial components of the PD be allowed to have a shared parking agreement to meet parking requirements.

b) To allow a reduced dimension for on-street parallel parking spaces

Article VIII, Section 6-165 (a) (4) stipulates that for parallel parking, the minimum dimensions of each parking space be not less than ten (10) feet wide nor less than twenty-

four (24) feet in length. The applicant is requesting a variance to reduce these required dimensions to eight (8) feet in width and twenty-two (22) feet in length. These spots will be on-street parking spots, similar to those used in the Old Town area adjacent to Wayne Ferguson Plaza. Staff is in support of this variance.

c) To allow for an irrigated living screen in lieu of the required masonry screening wall

Section 6-143 requires masonry screening walls six feet in height be constructed between multi-family and single-family residential. Since the multi-family property is existing, the responsibility falls upon the residential property to construct the wall. This requirement applies to the northern half of the western boundary that abuts the multi-family zoned property. The multi-family property has an existing chain link fence with a treed area. The applicant is proposing a living screen consisting of large, minimum five-gallon, evergreen shrubs, in lieu of a six-foot masonry wall. The applicant is in communication with the apartment complex to get a letter of approval of the alternative living screen. Currently this section is heavily treed. Additionally, only one home will have a side adjacent to the apartment property and the remaining homes will have a rear alley between them. The apartments have a minimum 25-foot setback from the property line. Staff recommends approval of this variance request subject to the submission of a letter of approval from the owners of the multi-family property.

d) To allow a five-foot landscape buffer in lieu of the required 10-foot buffer in the commercial area

Article VI, Section 6-123 (b) requires that a landscape strip, a minimum of ten (10) feet in width, shall be required adjacent to all public and private streets. This required landscape strip must be located outside the street right of way. The applicant is requesting a variance to provide a five (5) foot landscape strip adjacent to, but outside of the street right of way, with street trees within the street right of way. The HOA will maintain the trees within the right-of-way. Staff has no objection to this request.

e) To waive the alley requirement and allow front entry for a section of the development and to allow residential lots with alley access only

Section 6-92(k) requires alleys for all single family residential subdivisions and Section 6-94(a) requires all lot to front along a street. The developer is requesting to have sixty-five units front the canal, amenity center or open spaces lots that will have rear access to a hybrid alley. The hybrid alley will meet fire lane requirements with a minimum width of 24 feet and no parking along the alley. Only six (6) lots will garages that front directly to a residential street without an alley. All the other eighty-three (83) lots will meet ordinance requires with alley access that front a street. Staff recommends approval of this variance.

Summary

The purpose of the Planned Development zoning district is to accommodate innovative design concepts and provide flexibility in order to achieve a more desirable development. This site is in a highly desirable location within the City, located within walking distance to Vista Ridge Mall and provides a higher density in this area in alignment with the “New

Subject: Vista Del Lago Ordinance and Variances

April 3, 2017

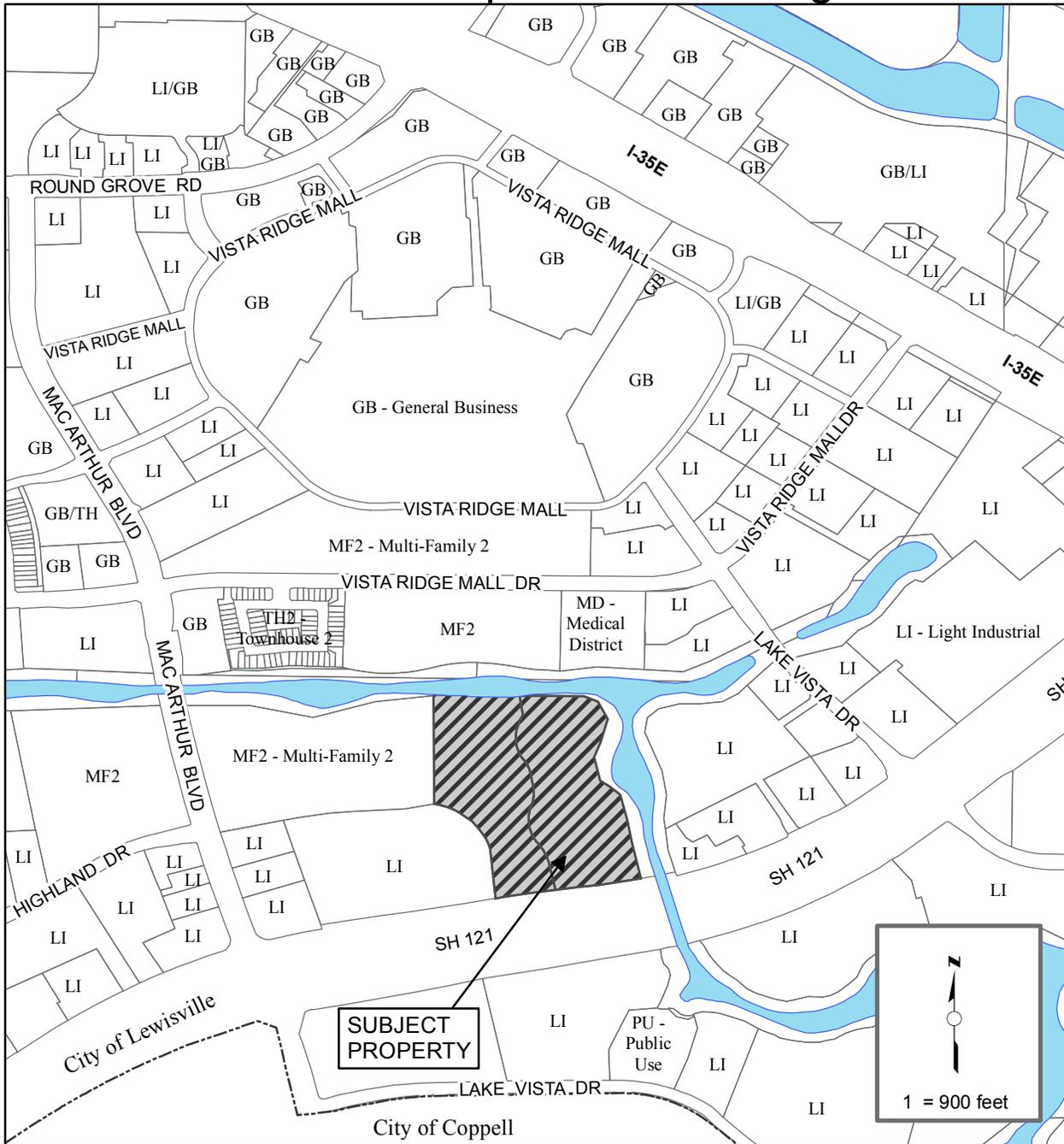
Page 5 of 5

Neighborhood Choices” provision of the Lewisville 2025 Plan and in an area of thriving neighborhoods.

RECOMMENDATION:

It is City staff’s recommendation that the City Council approve the zone change request and the associated variances as set forth in the caption above.

Location Map - Vista Del Lago



ZONING CASE NO. PZ-2017-03-04

PROPERTY OWNER: RON WELBORN AND MICHELE WHEELER OF JACKSON SHAW

APPLICANT NAME: RON WELBORN AND MICHELE WHEELER OF JACKSON SHAW

PROPERTY LOCATION: LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 121, APPROXIMATELY 1,150 FEET EAST OF MACARTHUR BOULEVARD (18.940-ACRES)

CURRENT ZONING: LIGHT INDUSTRIAL DISTRICT (LI)

REQUESTED ZONING: PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-MU)

Aerial Map - Vista Del Lago



**MINUTES
PLANNING AND ZONING COMMISSION
MARCH 07, 2017**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 pm. Members present: James Davis, William Meredith, John Lyng, Mary Ellen Miksa, Alvin Turner, Karen Locke and Kristin Green.

Staff members present: Richard Luedke, Planning Manager; Mary Paron-Boswell, Senior Planer; June Sin, Planner and Theresa Ernest, Planning Technician.

Item 4:

Public Hearings for Zoning and Special Use Permits were next on the agenda. There were two items for consideration:

- A. **Public Hearing:** Consideration of a Zone Change Request From Light Industrial District (LI) to Planned Development – Mixed Use District (PD-MU) for a Mixed-Use Development Consisting of 154 Single-Family Attached Units with Hotel/Office and Restaurant Uses on an Approximately 18.940-Acre Tract of Land out of the Thomas B. Garvin Survey, Abstract No. 506; Located on the North Side of State Highway 121, Approximately 1,150 Feet East of MacArthur Boulevard; as Requested by Ron Welborn and Michele Wheeler of Jackson Shaw, the Property Owners. (Case No. PZ-2017-03-04)

Staff gave a brief overview of the proposed mixed use planned development, which consists of 154 single-family attached units and commercial uses along the State Highway 121 frontage. Staff recommended approval as submitted and stated that the applicant was present to answer questions. Member Kristin Green asked for clarification on the commercial element within the proposed development. Staff explained that the commercial component would be limited to a hotel or office buildings with restaurants adjacent to the canal. Exact uses would be established at the time of engineering site plan.

Members MaryEllen Miksa, Chairman Davis, and Member John Lyng all expressed concerns about traffic entering the property with two entrances on State Highway 121 Bypass. Staff answered that there are dedicated turn lanes and that the Engineering Department has given approval of the proposed development, suggesting that traffic flow would not significantly be impacted. Member Karen Locke asked what materials other than brick and stone would be used on the proposed development. Staff answered that stucco and cement board would be two examples. Members John Lyng and Kristin Green asked if the trails on the property would be open to the public and who would maintain them. Staff answered that the trails would have public accessibility and that the HOA would provide maintenance. Member Kristin Green asked about the price point of the proposed development. Jed Dolson of Green Brick Partners stated the estimated price would be in the \$276,000 to \$350,000 range.

Member Kristin Green asked if the sizes of the residential lots were set and asked if there had been any comments or opposition from the public. Staff responded that there would be no changes to the residential lot sizes and that no opposition to the proposed development had been received. The public hearing was then opened by Chairman Davis. There being no public comment, the public hearing was then closed. *A motion was made by Kristin Green to recommend approval of the Zone Change request, seconded by Karen Locke. The motion passed unanimously (7-0).* Staff indicated that this item would be going before the City Council on April 3rd for a second public hearing and a final decision.

SECTION 17-23. - "LI" LIGHT INDUSTRIAL DISTRICT REGULATIONS

- (a) *Use.* 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" as regulated in said districts.
 - (2) Apparel and other products assembled from finished textiles.
 - (3) Bottling works.
 - (4) Warehouse distribution facilities.
 - (5) Airport/Heliport (SUP required).
 - (6) Auto repair shops including body shops (SUP required).
 - (7) Church worship facilities.
 - (8) Buildings and uses owned or operated by public governmental agencies.
 - (9) Cemetery, mausoleum, crematorium & accessory uses (SUP required).
 - (10) Cosmetic manufacturer.
 - (11) Drugs and pharmaceutical products manufacturing.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Electronic products manufacturing.
 - (14) Fur good manufacture, but not including tanning or dyeing (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Glass products, from previously manufactured glass.
 - (17) Heavy equipment – outdoor rental/sales/display/service (SUP required).
 - (18) Household appliance products assembly and manufacture from prefabricated parts.
 - (19) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
 - (20) Musical instruments assembly and manufacture.
 - (21) Paint, shellac and varnish manufacture (SUP required).
 - (22) Plastic products manufacture, but not including the processing of raw materials.
 - (23) Racing facilities (SUP required).
 - (24) Recreational Vehicle (RV) Park. (Private) (SUP required).
 - (25) Self storage/mini warehouse facility (SUP required).
 - (26) Shooting Range (indoor or outdoor) (SUP required.).
 - (27) Sporting and athletic equipment manufacture.
 - (28) Testing and research laboratories.
 - (29) Auction yard (vehicle) (SUP required).
 - (30) Communication towers (SUP required).
 - (31) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (32) Accessory buildings and uses customarily incidental 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.
 - (33) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (34) Other uses similar to the above listed uses are allowed by special use permit (SUP) only, 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.* No building shall exceed in height the width of the street right-of-way 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.*

(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's 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 city's 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 17-22.8.2 - "MU" MIXED USE DISTRICT REGULATIONS

(a)

Use. The MU district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The MU district should also support and encourage a variety of transportation options, including transit, bicycles, and walking.

Uses may include, but are not limited to:

- (1) Department stores and similar retail stores.
- (2) Professional service offices, such as doctors, attorneys, architects, engineers, real estate, insurance and veterinarian clinics with no outside runs.
- (3) Restaurants, including those with outdoor seating areas.
- (4) Apartments (for sale or for rent units) and single family attached dwelling units (townhouses).
- (5) Grocery stores.
- (6) Video rental stores, movie theaters and other indoor amusements.
- (7) Barber and beauty shops.
- (8) Book, card, gift and stationary stores.
- (9) Dry cleaning and laundry services.
- (10) Gasoline service stations, excluding those with motor or transmission repair services (SUP required).
- (11) Florists.
- (12) Day nurseries.
- (13) Hotels.
- (14) Automobile parking structures.
- (15) Church worship facilities.
- (16) Buildings and uses owned or operated by public governmental agencies.
- (17) Other retail, office and service uses of a similar nature provided that the business supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum 60 days per year (i.e. Christmas tree sales and sidewalk sales).
 - b. Outside storage is prohibited.
 - c. Platted front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in section "a." above.
 - d. The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - e. Only residential uses shall be allowed in Apartment and Townhouse units except commercial uses qualifying as a Home Occupation.
- (18) Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
- (19) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
- (20) Bed and breakfast (SUP required).
- (21) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
- (22) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (23) Brewery, distillery, or winery.
- (24) Hotels, motels and inns with rooms containing a cooktop or oven (SUP required).

(b) *Height.* No building shall exceed (80) feet in height, except that a building may be erected to a height of more than 80 feet if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above 80 feet.

- (c) *Area.*
 - (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty (20) feet except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
 - b. *Side yard.* A side yard of not less than fifteen (15) feet shall be provided on the side of a lot adjoining a side street, except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway otherwise no side yard setback is required.
 - c. *Rear yard.* No rear setback is required except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
- (d) *Apartment use.*
 - (1) *Minimum dwelling size.* The floor area of any apartment unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of 650 square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.
- (e) *Single family attached (townhouse) use.*
 - (1) *Minimum dwelling size.* The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than 1,700 square feet per dwelling unit.
 - b. *Lot width.* The width of a lot shall not be less than 20 feet at any point.
 - c. *Lot depth.* The depth of a lot shall not be less than 75 feet at any point.
- (f) *Concept plan required.*
 - (1) At the time of submitting a request for a change in zoning to mixed use, the applicant shall include a concept plan for the proposed development. The concept plan is a comprehensive narrative, complete with illustrations, outlining the proposed development in detail. The concept plan shall show the applicant's intent for the use of the land within the proposed zoning district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
 - (2) The concept plan shall include and is not limited to the following:
 - a. Thoroughfares and access
 - b. Preliminary lot layout
 - c. Size, type and location of buildings and building sites
 - d. Density, number of dwelling units, square feet of non-residential uses
 - e. Screening
 - f. Concept landscape plan
 - g. Lighting plan
 - h. Building elevations in color (1 set)
 - i. Exterior finish material and architectural character
 - j. Open Space and amenities
 - k. Phasing plan
 - l. Project scheduling
 - m. Items not consistent with the city's general development ordinance; and requested variances
 - n. Traffic study (if needed)
 - o. Physical features of the site

- p. General uses and location of buildings
- (3) The plat and engineering site plan shall be substantially consistent with the concept plan approved with the zoning request. If the number of dwelling units, total amount of non-residential uses, proposed open space and amenities differs from the concept plan by more than ten percent (10%) the applicant will be required to file a new zone change request. Changes to the concept plan not impacting the above conditions including changes in the building layout may be approved by the planning and zoning commission with an amended concept plan and narrative submittal explaining the conditions for change. Denials may be appealed to the city council for a final resolution.

SECTION 17-26. – “PD” Planned Development District

- (a) *General Purpose and Description.* The Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed, or operated as integral land use units either by a single owner or a combination of owners. A Planned Development (PD) District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions, which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility. The minimum area for a Planned Development (PD) District shall be five (5) acres.
- (b) *Permitted Uses.* An application for a PD District shall specify the base district(s), the use or the combination of uses proposed. Uses which may be permitted in a PD must be specified if not permitted in the base district. In the case of residential PD districts for single-family or duplex categories, the proposed lot area shall be no smaller than the lot sizes allowed in the base zoning district except for minor reductions in a small percentage of the lots in order to provide improved design. In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those allowed in the PD. PD designations shall not be attached to Special Use Permit (SUP) requirements. Special Use Permits allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval.
- (c) *Planned Development Requirements.*
- (1) Development requirements for each separate PD District shall be set forth in the amending Ordinance granting the PD District and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, building material coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, hours of operation, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
 - (2) In the PD District, uses shall conform to the standards and regulations of the base-zoning district to which it is most similar. The base zoning district shall be stated in the granting Ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete) specifically any deviation not requested is deemed to comply with this Ordinance even if shown graphically on a Site Plan. The Planned Development District shall conform to all other sections of this Ordinance unless specifically excluded in the granting Ordinance.
 - (3) The Ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.
- (d) In establishing a Planned Development District in accordance with this section, the City Council shall approve and file as part of the amending Ordinance appropriate plans and standards for each Planned Development District. To facilitate understanding of the request during the review and public hearing process, the Planning and Zoning Commission and City Council shall require a Concept Plan. All PD applications shall have a written proposal explaining all aspects of the requested PD including any deviations from this Ordinance. The Concept Plan shall be submitted by the applicant at the time of the PD request. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s), which further describe and explain the following requirements:
- (1) Residential Concept Plan - A Concept Plan for residential land use shall show the following:

- a. General use
- b. Thoroughfares
- c. Preliminary lot arrangements
- d. Size, type and location of buildings and building sites
- e. Access
- f. Density
- g. Building height
- h. Fire lanes
- i. Screening
- j. Landscaped areas
- k. Project scheduling and phasing
- l. Any other pertinent development data

(2) Non-Residential Concept Plan - A Concept Plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City staff, Planning and Zoning Commission, or City Council, may include but is not limited to the following:

- a. Types of use(s)
- b. Topography and boundary of PD area
- c. Physical features of the site
- d. Existing streets, alleys and easements
- e. Location of future public facilities
- f. Building height and location
- g. Parking areas and ratios
- h. Fire lanes
- i. Project scheduling and phasing
- j. Landscape plans
- k. Screening
- l. Building elevations
- m. Any other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the required Engineering Site Plan.

(e) *Approval Process and Procedure.* The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 17-37. This procedure is further expanded as follows for approval of Concept Plans.

- (1) The Planning and Zoning Commission shall recommend and the City Council shall approve a Concept Plan in public hearings. One public hearing at the Planning and Zoning Commission and one at the City Council for the PD request is adequate when:
 - a. Information on the Concept Plan and attached application is sufficient to determine the appropriate use of the land and the required Engineering Site Plan and/or preliminary/final plat will not deviate substantially from it; or
 - b. The applicant submits adequate data with the request for the Planned Development District to fulfill the requirement for an Engineering Site Plan and/or preliminary/final plat.
- (2) The amending Ordinance establishing the Planned Development District shall not be approved until the Concept Plan is approved.
- (3) An Engineering Site Plan shall be submitted for approval within one (1) year from the date of approval of the Concept Plan for all or some portion of the Concept Plan. If an Engineering Site Plan is not submitted within one (1) year, the Concept Plan is subject to

review by the Planning and Zoning Commission and City Council. If some portion of the project is not started within two (2) years, the Planning and Zoning Commission and City Council may review the original Concept Plan to ensure its continued validity. If the City determines the Concept Plan is not valid, a new Concept Plan must be approved prior to submittal of an Engineering Site Plan for the PD District. Although a new Concept Plan may be required to be approved, this does not affect the validity of the PD in terms of uses, density, and other development standards permitted in the PD.

- (4) When a PD District is being considered, a written report from the Director of Economic Development and Planning or his/her designated representative, discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic, and written comments from the applicable public agencies shall be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council.
- (f) All Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts together with the category of uses permitted therein, shall be maintained as part of this Ordinance.
- (g) *Planned Unit Development Ordinances Continued.* Prior to adoption of this Ordinance, the City Council has established various Planned Unit Development Districts, all of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance shall be carried forth in full force and effect as are the conditions, restrictions, regulations, and requirements which apply to the respective Planned Unit Development Districts shown on the Zoning Map at the date of adoption of this Ordinance.

This Section (Office Use Only)	
Case:	
PZ:	CC:
Sign/s Picked Up By:	



LEWISVILLE
 Plan. Res. & Zoning Dept.

ZONE CHANGE APPLICATION

Owner/s (name): RON WELBORN; MICHELE WHEELER	
Company Name: JACKSON SHAW	
Mailing Address: 4890 ALPHA ROAD SUITE 100 - DALLAS, TX 75244	
Work #: 972.626.7429	Cell #:
E-Mail: RWELBORN@JACKSONSHAW.COM	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): <i>Michele Wheeler</i>	Date: 11/21/2016
Printed Name:	

Applicant/Agent (name): SEE ABOVE	
Company Name:	
Mailing Address:	
Work #:	Cell #:
E-Mail:	
Applicant/Agent Signature	Date:
Printed Name:	

Current Zoning: LI - LIGHT INDUSTRIAL	Requested Zoning: PLANNED DEVELOPMENT	Acres: 18.94
Legal Description (Lot/ Block/Tract/Abstract): Vista del Lago consists of approximately 18.9 acres of land situated along the Southbound Frontage Road of State Highway 121 near the intersection of MacArthur Blvd as generally described in Exhibit A		
Address/Location: SH 121 BYPASS		

Application and Sign Fees:

	Less than 1/2 acre	\$ 150.00
	1/2 acre up to 4.99 acres	\$ 250.00
X	5 acres up to 24.99 acres	\$ 400.00

	25 acres up to 49.99 acres	\$ 750.00
	50 acres up to 99.99 acres	\$1,000.00
	100 acres and more	\$1,500.00

Qty: 4	Zone Change Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ 140
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ 540
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March 02, 2017

Ms. Nika Reinecke
Director of Economic Development & Planning
City of Lewisville
Department of Community Development
151 W. Church Street
Lewisville, Texas 75029

RE: Vista del Lago
Planned Development
18.94 acres
Lewisville, Texas

Dear Ms. Reinecke:

This letter is being sent to the City of Lewisville to request variances from the City's General Development Ordinance for the Vista del Lago project. The variances listed and described below are necessary for the development of this property due to the urban mixed-use intent of the project. The property in question is located along the Southbound Frontage Road of State Highway 121 (Sam Rayburn Tollway) between the intersection of MacArthur Blvd and Lake Vista Drive.

We are requesting the following four variances for this proposed mixed-use development:

Variance A: Requesting a reduction in required parking for residential dwellings, single-family attached, and commercial uses.

Due to the type of product anticipated, two car garages will be provided for every unit. Additional on-street parking will also be provided at a ratio of 0.6 spaces per unit, however on-street spaces shall remain first-come, first serve and open to the public.

Considering the mixed-use nature of the development, restaurant uses shall be parked at 1.5 spaces per 100 square feet of restaurant and patio space with no additional parking required for internal bar area. Hotel uses shall be parked at 1 space per 2 sleeping rooms plus 1 space for each 200 square feet of commercial floor area therein. A shared parking allowance, once recorded with Denton County, shall be permitted across the commercial development.

Variance B: Requesting to allow a reduction in required dimension of on-street parking spaces from 10 feet x 24 feet to 8 feet x 22 feet.

Due to the urban fabric intent of this project a narrower streetscape is desired to allow for better pedestrian movement across streets. A reduction in pavement width will assist in achieving the desired intent.

Variance C: Requesting the removal of screen wall requirements throughout the development.

The mixed-use nature of the Vista del Lago development encourages pedestrian movement and sharing of open space amenities. The removal of the screen wall requirement between commercial and single family attached residential uses will allow for visibly and physically connected uses.

The removal of the screen wall requirement and use of evergreen vegetative screening between Vista del Lago and the adjacent multifamily development, The Enclave at Vista Ridge, will assist in softening the barriers between developments, providing for improved visual separation.

Variance D: Requesting a reduction in required landscape buffer from 10 feet to 5 feet.

The desire of the proposed street section is to line streets with street trees in a 10 foot landscape strip located at back of curb. A minimum 5 foot landscape buffer will be provided at the back of sidewalk to screen parking from public right-of-way.

Variance E: Requesting an allowance for multiple vehicular access scenarios to residential units and to allow varying orientation in regards to street frontage.

In order to provide multiple open space community amenities with strong pedestrian connectivity throughout the development, the plan provides a combination of units fronting on open space and units which front on public streets with on-street parking. In fronting units along the canal, the plan is able to eliminate the majority of garage visibility from the waterside trail.

Jackson Shaw appreciates the City's consideration to this request and looks forward to a favorable approval. Should you have any questions, please feel free to contact us.

On Behalf of Jackson Shaw,

LANDDSIGN, INC.

TBAE: BR-1927

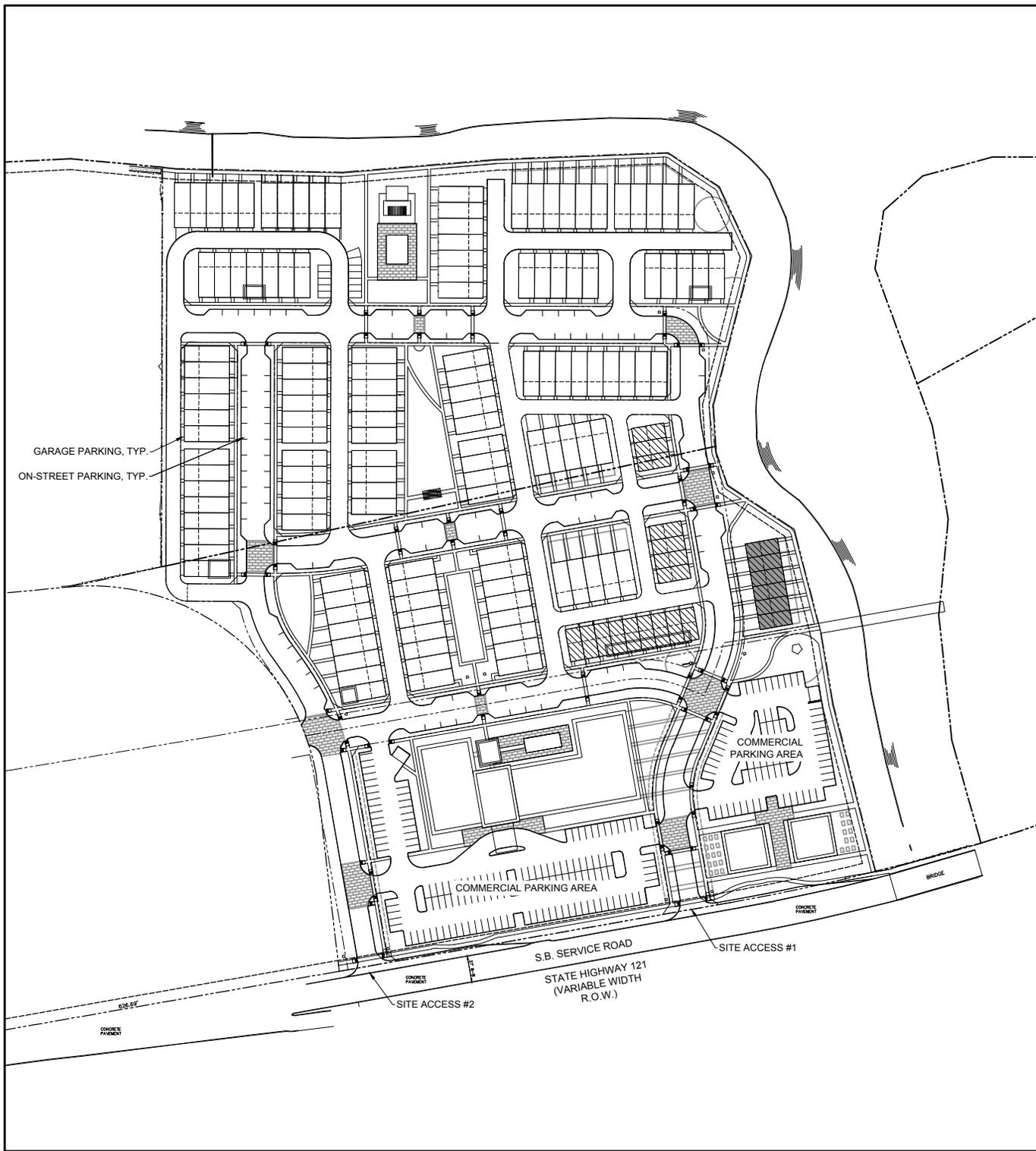


Kathy Riley, PLA
Associate

Cc: Michele Wheeler, President / COO, Jackson Shaw
Ron Welborn, Vice President, Jackson Shaw
Jed Dolson, Head of Land Acquisition and Development, Green Brick Partners

LANDDSIGN.COM

5301 ALPHA ROAD • SUITE 24 • DALLAS TX 75240 • 214 785 6009
CHARLOTTE • WASHINGTON • DALLAS • ORLANDO • SAN FRANCISCO



**VARIANCE REQUESTED:
REQUIRED PARKING**

A. TO ALLOW FOR A REDUCTION IN
REQUIRED PARKING AS FOLLOWS:

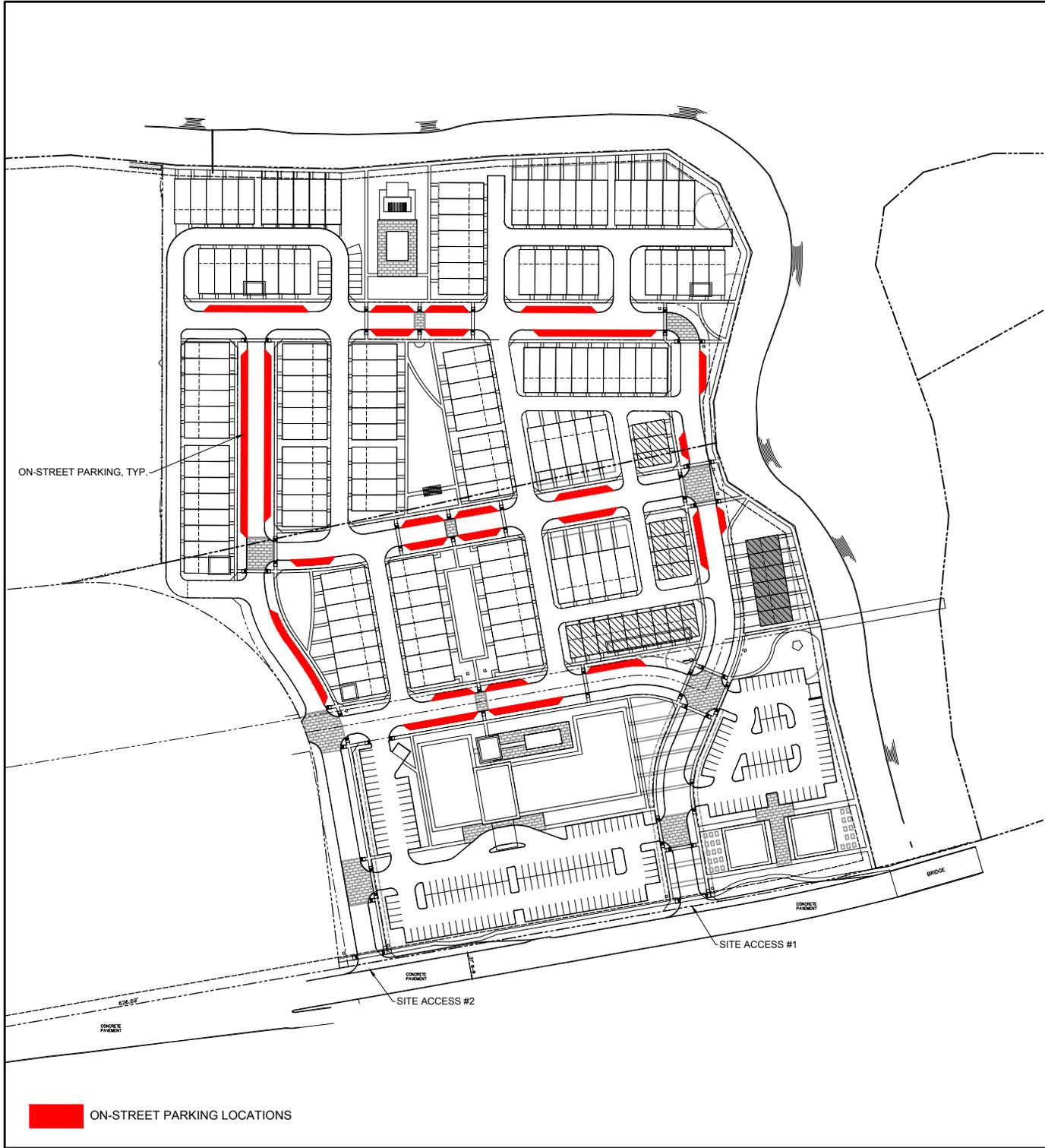
RESIDENTIAL

1. TWO (2) DEDICATED PARKING SPACES PER UNIT SHOULD BE PROVIDED IN THE FORM OF (2) GARAGE SPACES.
2. ADDITIONAL PARKING SHOULD BE PROVIDED IN THE FORM OF ON-STREET PARKING SPACES AT A RATIO OF 0.6 SPACES PER UNIT TO ACCOMMODATE GUEST PARKING. THESE SPACES SHOULD BE OPEN TO THE PUBLIC AND SHOULD NOT BE RESERVED.
3. NO ADDITIONAL PARKING SHALL BE REQUIRED FOR THE PROPOSED DEVELOPMENT OR AMENITY USES.

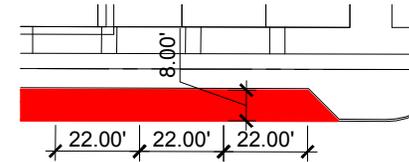
COMMERCIAL

1. RESTAURANT: MINIMUM (1.5) SPACES PER 100 SQUARE FEET OF RESTAURANT AND PATIO SPACE.
2. HOTEL: MINIMUM (1) SPACE PER (2) SLEEPING ROOMS + (1) SPACE FOR EACH 200 SQ.FT. COMMERCIAL FLOOR AREA THEREIN.
3. SHARED PARKING: A SHARED PARKING ALLOWANCE SHALL BE PERMITTED BETWEEN THE COMMERCIAL USES.
 - 3.1. A SHARED PARKING AGREEMENT IS REQUIRED TO BE FILED WITH DENTON COUNTY PRIOR TO ENGINEERING SITE PLAN APPROVAL. THIS AGREEMENT MUST ADDRESS THE TOTAL PARKING FOR THE COMMERCIAL COMPONENT OF THE PD.
 - 3.2. THE COMMERCIAL COMPONENT OF THE PD SHALL HAVE SHARED PARKING AS DEPICTED ON THIS CONCEPT PLAN AS THE HOTEL / OFFICE AND RESTAURANT LOTS.
4. PARKING SHALL BE ALLOWED WITHIN THE REQUIRED YARD SETBACKS OUTSIDE OF THE REQUIRED 5 FOOT LANDSCAPE BUFFER.





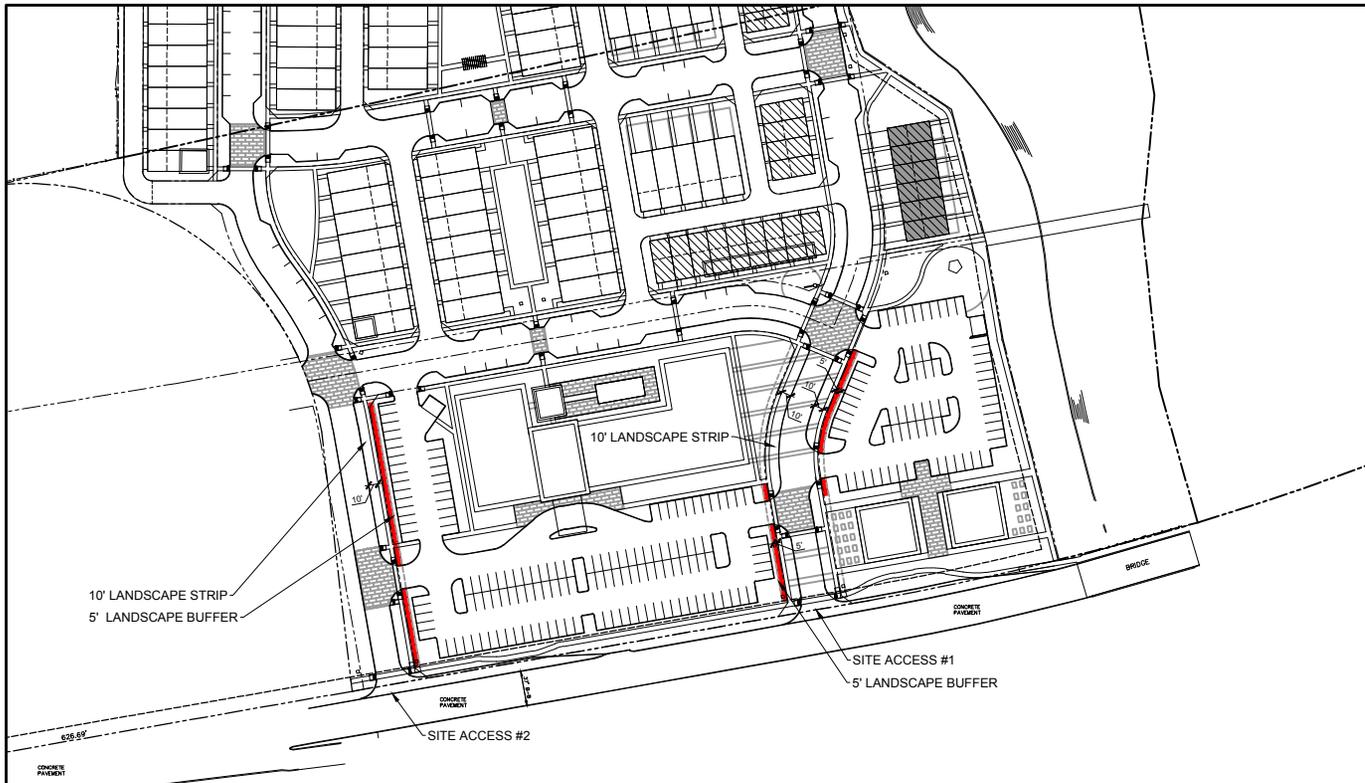
 ON-STREET PARKING LOCATIONS



**VARIANCE REQUESTED:
ON-STREET PARKING DIMENSION**

- B. TO ALLOW AN ON-STREET PARKING DIMENSION OF 8 FT x 22 FT.



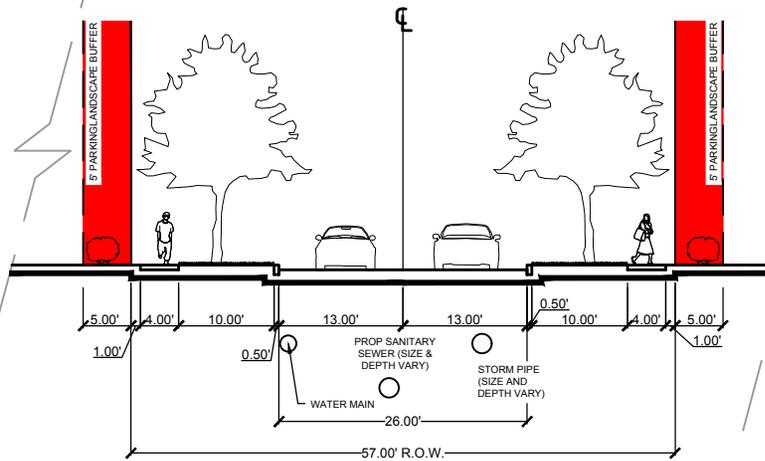


**VARIANCE REQUESTED:
PARKING LANDSCAPE BUFFER**

- D. TO ALLOW A PARKING LANDSCAPE BUFFER WIDTH OF 5 FEET BEHIND RIGHT-OF-WAY AS STREET TREES WILL BE PLANTED WITHIN 10 FOOT LANDSCAPE STRIP AT BACK OF CURB.



LANDSCAPE BUFFER



VISTA DEL LAGO
PLANNED DEVELOPMENT
JACKSON SHAW
VARIANCE 'D'

Date: 03/02/17
Scale: 1" = 200'-0"
Project #: 8516027

Sheet #:
V-D

LandDesign.
5301 Alpha Road, Suite 24
Dallas, Texas 75240
214 | 785 6009 (O)
www.LandDesign.com
TBPE: F-14754 / TBAE: BR-1927



- PUBLIC STREET FRONTAGE, REAR LOADED
- PUBLIC STREET FRONTAGE, FRONT LOADED
- OPEN SPACE FRONTAGE, REAR LOADED

**VARIANCE REQUESTED:
RESIDENTIAL ORIENTATION &
ACCESS**

E. TO ALLOW MULTIPLE VEHICULAR ACCESS SCENARIOS TO RESIDENTIAL UNITS AND TO ALLOW VARYING ORIENTATION IN REGARDS TO STREET FRONTAGE.

TO ALLOW RESIDENTIAL UNITS ONLY ONE VEHICULAR ACCESS FROM A REAR LOADED ALLEY WHEN UNITS FRONT ON A DESIGNATED OPEN SPACE.

TO WAVE THE ALLEY REQUIREMENT FOR THE DESIGNATED FRONT LOADED PRODUCT WHICH FRONTS ON A PUBLIC RIGHT-OF-WAY AS SHOWN ON THE PLAN. DRIVEWAYS FOR FRONT LOADED PRODUCT SHALL BE ALLOWED IN THE FRONT YARD SETBACK.

VISTA DEL LAGO
PLANNED DEVELOPMENT
JACKSON SHAW
VARIANCE 'E'

LandDesign.
5301 Alpha Road, Suite 24
Dallas, Texas 75240
214 | 785 6009 (O)
www.LandDesign.com
TBPPE: F414754 / TBAE: BR-1927

Date: 03/02/17
Scale: 1" = 200'-0"
Project #: 8516027
Sheet #: **V-E**



ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY REZONING AN APPROXIMATELY 18.940-ACRE TRACT OF LAND OUT OF THE THOMAS B. GARVIN SURVEY, ABSTRACT NO. 506; LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 121 APPROXIMATELY 1,150 FEET EAST OF MACARTHUR BOULEVARD; FROM LIGHT INDUSTRIAL DISTRICT (LI) ZONING TO PLANNED DEVELOPMENT-MIXED USE DISTRICT (PD-MU) 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.

WHEREAS, applications were made to amend the Official Zoning Map 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 recommended that rezoning of the approximately 18.940-acre property described in the attached Exhibit “A” (the “Property”) 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 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 since it was originally classified and, therefore, feels that a change in zoning classification for the 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 zoning of the Property is hereby changed to **PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-MU) ZONING** and in compliance with the proposed planned development standards, concept plan, concept cross sections, concept phasing plan, concept amenity plan, concept landscape plan, concept utility plan, and concept elevations, attached hereto as Exhibit “B”; and

SECTION 2. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this 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 Property shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

SECTION 7. Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. The fact that the present Zoning Ordinance and regulations of the City of Lewisville, Texas are inadequate to properly safeguard the health, safety, peace and general welfare of the inhabitants of the City of Lewisville, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this Ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 3RD DAY OF APRIL, 2017.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Exhibit B

Planned Development Standards

Concept Plan

Concept Cross Sections

Concept Phasing Plan

Concept Amenity Plan

Concept Landscape Plan

Concept Utility Plan

Concept Elevations

EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION OF PROPERTY SURVEYED

DESCRIPTION, of an 18.940 acre tract of land situated in the Thomas B. Garvin Survey, Abstract No. 508, Denton County, Texas; said tract being part of Lot 1, Block H, Vista Ridge, an addition to the City of Lewisville, Texas according to the plat recorded in Cabinet F, Page 271 of the Plat Records of Denton County, Texas; said tract also being all of those certain tracts of land described as Vista Ridge Land Parcel 1, Tracts V and VI in the General Warranty Deed to American Realty Trust, Inc. recorded in Document Number 2004-119209 in the Official Records of Denton County, Texas; said 18.940 acre tract being more particularly described as follows:

BEGINNING, at a 5/8-inch iron rod with "Carter Burgess" cap found for corner in the northerly right-of-way line of State Highway 121 (a variable width right-of-way); said point being the southeast corner of said Lot 1 and the southwest corner of Lot 3, Block H of said Vista Ridge addition; said point also being in a non-tangent curve to the right;

THENCE, along the said northerly line of State Highway 121, the following two (2) calls:

In a westerly direction, along said curve to the right, having a central angle of 04 degrees, 22 minutes, 29 seconds, a radius of 2665.00 feet, a chord bearing and distance of South 78 degrees, 48 minutes, 46 seconds West, 203.43 feet, an arc distance of 203.48 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the end of said curve; from said point a Texas Department of Transportation monument was found bearing North 06 degrees, 53 minutes East, 0.6 feet;

South 81 degrees, 00 minutes, 00 seconds West, a distance of 549.76 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner; said point also being the southwest corner of said Lot 1 and the southeast corner of Lot 4, Block A, Vista Ridge/MacArthur Addition, an addition to the City of Lewisville, Texas according to the plat recorded in Cabinet V, Page 230 of said Plat Records;

THENCE, departing the said northerly line of State Highway 121 and along the east and northeast line of said Lot 4, the following two (2) calls:

North 05 degrees, 46 minutes, 15 seconds West, at a distance of 0.7 feet passing a 5/8-inch iron rod with "KHA" cap found, continuing in all a total distance of 273.41 feet to a 5/8-inch iron rod with "KHA" cap found at the beginning of a non-tangent curve to the left;

In a northwesterly direction, along said curve to the left, having a central angle of 85 degrees, 30 minutes, 05 seconds, a radius of 315.00 feet, a chord bearing and distance of North 51 degrees, 52 minutes, 50 seconds West, 427.65 feet, an arc distance of 470.07 feet to a 5/8-inch iron rod found for corner at the end of said curve; said point also being the northeast corner of said Lot 4

and an angle point in the south line of Lot 1, Block A, The Vineyards at Vista Ridge, an addition to the City of Lewisville, Texas according to the plat recorded in Cabinet U, Page 534 of said Plat Records;

THENCE, North 78 degrees, 42 minutes, 37 seconds East, departing the said northeast line of said Lot 4 and along the said south line of Lot 1, Block A, a distance of 130.45 feet to a 5/8-inch iron rod with "KHA" cap found for corner; said point also being the southeast corner of said Lot 1, Block A;

THENCE, North 01 degrees, 06 minutes, 03 seconds East, departing the said south line of Lot 1, Block A and along the east line of said Lot 1, Block A, a distance of 550.92 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner in a south line of the said Lot 3, Block H; said point also being the northeast corner of said Lot 1, Block A;

THENCE, departing the said east line of Lot 1, Block A and along the said south line of Lot 3, Block H and the northeast and east lines of said Lot 3, Block H, the following thirteen (13) calls:

South 83 degrees, 42 minutes, 28 seconds East, a distance of 18.29 feet to a 5/8-inch iron rod with "KHA" cap found at an angle point; from said point a 5/8-inch iron rod with "Carter Burgess" cap was found bearing South 43 degrees, 46 minutes W, 0.5 feet;

South 87 degrees, 45 minutes, 47 seconds East, a distance of 230.18 feet to a 5/8-inch iron rod with "KHA" cap found at an angle point; from said point a 5/8-inch iron rod with "Carter Burgess" cap was found bearing North 66 degrees, 37 minutes West, 0.5 feet;

North 86 degrees, 09 minutes, 21 seconds East, a distance of 213.19 feet to a 5/8-inch iron rod with "KHA" cap found at an angle point; from said point a 5/8-inch iron rod with "Carter Burgess" cap was found bearing South 13 degrees, 39 minutes West, 1.5 feet;

North 88 degrees, 42 minutes, 32 seconds East, a distance of 237.08 feet to a 5/8-inch iron rod found for corner;

South 55 degrees, 24 minutes, 07 seconds East, a distance of 85.29 feet to a 5/8-inch iron rod with "Carter Burgess" cap found at an angle point;

South 24 degrees, 04 minutes, 47 seconds East, a distance of 105.19 feet to a 5/8-inch iron rod found for corner;

South 15 degrees, 19 minutes, 38 seconds West, a distance of 212.60 feet to a 5/8-inch iron rod with "Carter Burgess" cap found at an angle point;

South 02 degrees, 33 minutes, 39 seconds East, at a distance of 56.42 feet passing a 5/8-inch iron rod with "KHA" cap found at the northeast corner of said Tract V and the southeast corner of said Tract VI, continuing in all a total distance of 65.29 feet to a 5/8-inch iron rod with "Carter Burgess" cap found at an angle point;

South 18 degrees, 21 minutes, 12 seconds East, a distance of 47.43 feet to a 5/8-inch iron rod with "Carter Burgess" cap found for corner;

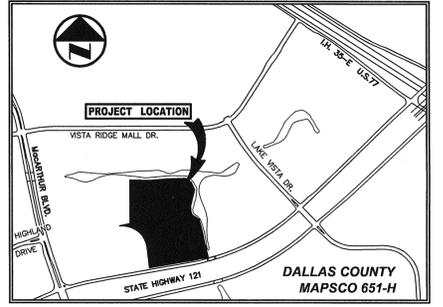
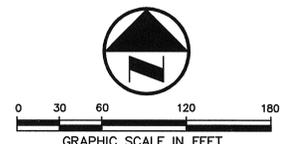
South 55 degrees, 21 minutes, 42 seconds East, a distance of 110.18 feet to a 5/8-inch iron rod with "Carter Burgess" cap found at an angle point;

South 13 degrees, 37 minutes, 34 seconds East, a distance of 148.19 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at an angle point; from said point a 5/8-inch iron rod with "Carter Burgess" cap was found bearing South 22 degrees, 04 minutes West, 0.6 feet;

South 08 degrees, 40 minutes, 03 seconds East, a distance of 99.14 feet to a 5/8-inch iron rod with "Carter Burgess" cap found at an angle point;

South 13 degrees, 20 minutes, 00 seconds East, a distance of 237.55 feet to the POINT OF BEGINNING;

CONTAINING, 825,042 square feet or 18.940 acres of land, more or less.

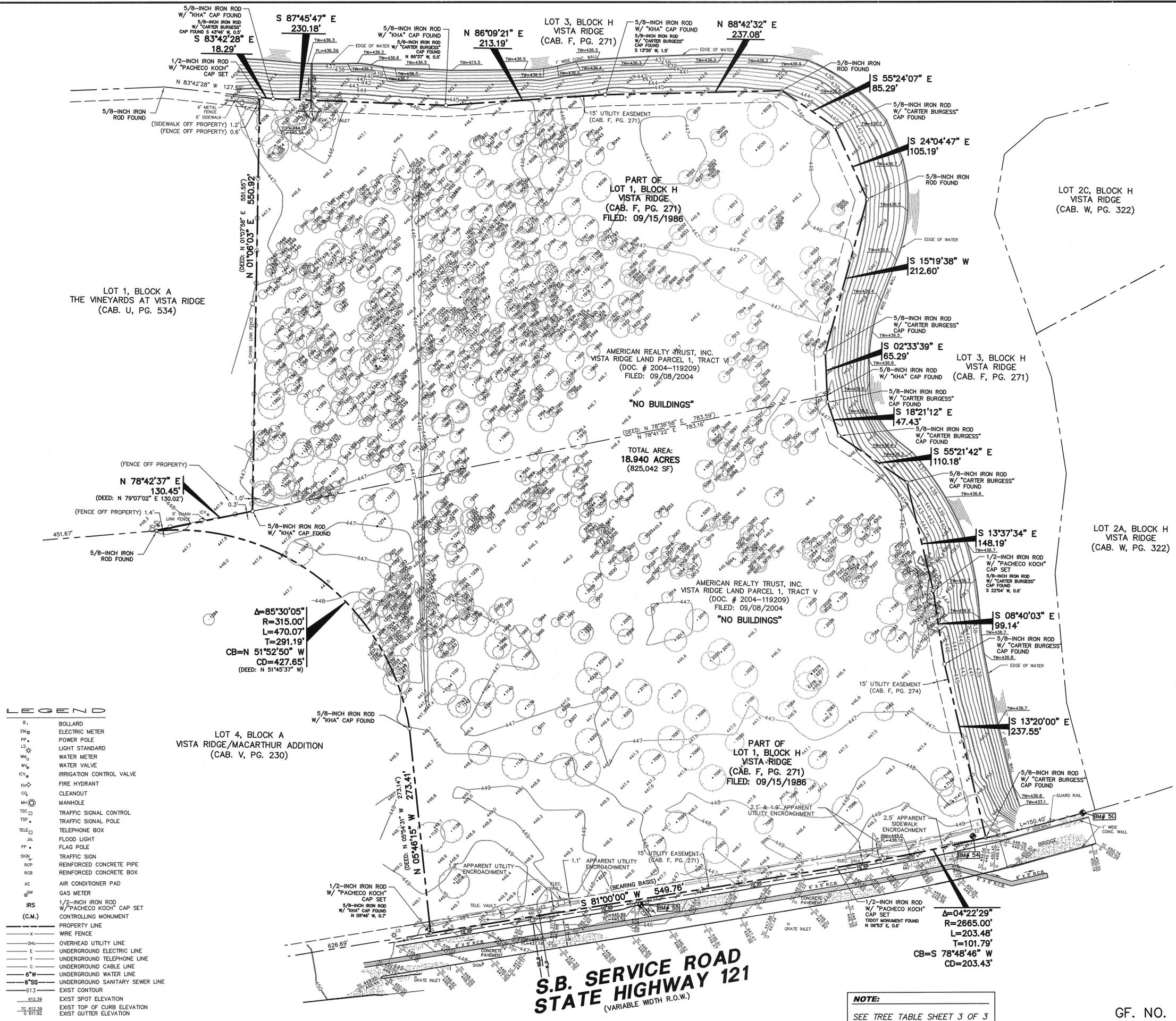


VICINITY MAP (NOT TO SCALE)

BENCH MARK LIST

BM# 51	CITY OF LEWISVILLE CONTROL POINT(BM-151), " " CUT FOUND IN CENTER OF A CURB INLET ON THE NORTH SIDE OF LAKE VISTA DRIVE ± 1500 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF MACARTHUR BLVD.	ELEV=449.94
BM# 54	"+" CUT ON SET ON CONCRETE LIGHT STANDARD BASE ± 15 FEET NORTH OF THE NORTH BACK OF CURB OF SERVICE ROAD OF STATE HIGHWAY 121 ± 1750 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF MACARTHUR BLVD.	ELEV=450.52
BM# 55	" " CUT SET IN CENTER OF A CURB INLET ON THE NORTH SIDE OF SERVICE ROAD OF STATE HIGHWAY 121 ± 1300 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF MACARTHUR BLVD.	ELEV=446.01
BM# 56	" " CUT SET ON THE NORTH EDGE OF THE SIDEWALK ±10 FEET NORTH OF NORTHEAST CORNER OF BRIDGE ON SERVICE ROAD OF STATE HIGHWAY 121 ± 1600 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF MACARTHUR BLVD.	ELEV=449.39

As of the date of this survey, SBC TELEPHONE and COMCAST CABLE had not responded regarding locations and sizes of their respective service lines in the area. Locations of all utilities should be verified prior to any construction activities.



LEGEND

B.	BOLLARD
EM	ELECTRIC METER
PP	POWER POLE
LS	LIGHT STANDARD
WM	WATER METER
WV	WATER VALVE
ICV	IRRIGATION CONTROL VALVE
FH	FIRE HYDRANT
CL	CLEANOUT
MH	MANHOLE
TSC	TRAFFIC SIGNAL CONTROL
TSP	TRAFFIC SIGNAL POLE
TELE	TELEPHONE BOX
FL	FLOOD LIGHT
FP	FLAG POLE
SIGN	TRAFFIC SIGN
RCR	REINFORCED CONCRETE PIPE
RCB	REINFORCED CONCRETE BOX
AC	AIR CONDITIONER PAD
GM	GAS METER
IRS	1/2-INCH IRON ROD W/ "PACHECO KOCH" CAP SET
(C.M.)	CONTROLLING MONUMENT
---	PROPERTY LINE
-x-	WIRE FENCE
-OH-	OVERHEAD UTILITY LINE
-E-	UNDERGROUND ELECTRIC LINE
-T-	UNDERGROUND TELEPHONE LINE
-C-	UNDERGROUND CABLE LINE
-W-	UNDERGROUND WATER LINE
-SS-	UNDERGROUND SANITARY SEWER LINE
-E-13	EXIST CONTOUR
-E-12.39	EXIST SPOT ELEVATION
-E-12.39	EXIST TOP OF CURB ELEVATION
-E-12.32	EXIST GUTTER ELEVATION

SHEET 1 OF 3
BOUNDARY AND TOPOGRAPHIC SURVEY
18.940 ACRE TRACT
PART OF LOT 1, BLOCK H, VISTA RIDGE
 LOCATED IN THE CITY OF LEWISVILLE, TEXAS AND BEING OUT OF THE THOMAS B. GARVIN SURVEY, ABSTRACT NO. 506, DENTON COUNTY, TEXAS

Pacheco Koch Consulting Engineers
 8350 N. CENTRAL EXPWY., SUITE 1000 DALLAS, TX. 75206 972.235.3031

DRAWN BY CAG	CHECKED BY MCC	SCALE 1"=60'	DATE 06/29/06	JOB NUMBER 2767-06.208
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NOTE:
 SEE TREE TABLE SHEET 3 OF 3

GF. NO. 2228001271

PACHECO_KOCH - 3.37PM
 07/27/2006
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VISTA POINT EAST - LEWISVILLE, TEXAS - BOUNDARY AND TOPOGRAPHIC SURVEY

NOTES

- Bearing system for this survey is based on a bearing of South 81 degrees, 00 minutes, 00 seconds West for the north right-of-way line of Vista Ridge Boulevard (now known as State Highway 121, a variable width right-of-way) according to the plat of Vista Ridge, an addition to the City of Lewisville, Texas recorded in Cabinet F, Page 271 of the Plat Records of Denton County, Texas.
- Subject property is shown on the National Flood Insurance Program Flood Insurance Rate Map for Denton County, Texas and Incorporated Areas, Map No. 48121C0705 F, Community-Panel No. 705, Effective Date: August 23, 2001. All of the subject property is shown to be located in Zone "X" on said map. Relevant zones are defined on said map as follows:

Zone "X" (Shaded)- Other Flood Areas; Areas of 500-year flood; Areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.
- This survey is based on deeds, easements and/or recorded plats and other records furnished by the client and/or the client's representative as well as significant visible monuments found on the subject property and adjacent properties, field measurements and evidence of boundaries found on the ground. However, this survey shall not represent warranty of title or guarantee of ownership. The surveyor did not abstract the subject property. This survey was performed with the benefit of a current title abstract provided by Commonwealth Land Title Insurance Company, GF. No. 2228001271, effective date May 30, 2006, issue date June 14, 2006.
- This topographic map and the survey upon which it is based have been prepared and performed in accordance with the United States National Map Accuracy Standards for vertical accuracy.
- All underground utility information depicted on the survey is based on available record information on file at the City of Lewisville and the appropriate public utility companies. This information has been verified where possible by visible utility apertures. The surveyor cannot guarantee the accuracy or completeness of these records. The Surveyor has contacted the Texas One Call System (DigTess) and depicted hereon the visible and apparent markings on the ground as a result of locate # 061586205.
- This survey does not provide a determination or opinion concerning the location or existence of wetlands, faultlines, toxic or hazardous waste areas, subsidence, subsurface and environmental conditions or geological issues. No statement is made concerning the suitability of the subject tract for any intended use, purpose or development.
- Square footage totals show hereon or referenced herein are based on mathematical closures and do not necessarily represent the positional accuracy of the boundary monuments.
- The word "certify" or "certificate" as shown and used hereon means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
- Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject tract: restrictive covenants; subdivision restrictions; zoning or other land-use regulations; Agreements; Lease Agreements; and ownership title evidence.
- Any declaration made hereon or herein is made to the original purchaser of the survey. It is not transferable to additional institutions or subsequent owners.

DESCRIPTION OF PROPERTY SURVEYED

DESCRIPTION, of an 18.940 acre tract of land situated in the Thomas B. Garvin Survey, Abstract No. 508, Denton County, Texas; said tract being part of Lot 1, Block H, Vista Ridge, an addition to the City of Lewisville, Texas according to the plat recorded in Cabinet F, Page 271 of the Plat Records of Denton County, Texas; said tract also being all of those certain tracts of land described as Vista Ridge Land Parcel 1, Tracts V and VI in the General Warranty Deed to American Realty Trust, Inc. recorded in Document Number 2004-119209 in the Official Records of Denton County, Texas; said 18.940 acre tract being more particularly described as follows:

BEGINNING, at a 5/8-inch iron rod with "Carter Burgess" cap found for corner in the northerly right-of-way line of State Highway 121 (a variable width right-of-way); said point being the southeast corner of said Lot 1 and the southwest corner of Lot 3, Block H of said Vista Ridge addition; said point also being in a non-tangent curve to the right;

THENCE, along the said northerly line of State Highway 121, the following two (2) calls:

In a westerly direction, along said curve to the right, having a central angle of 04 degrees, 22 minutes, 29 seconds, a radius of 2665.00 feet, a chord bearing and distance of South 78 degrees, 48 minutes, 46 seconds West, 203.43 feet, an arc distance of 203.48 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the end of said curve; from said point a Texas Department of Transportation monument was found bearing North 06 degrees, 53 minutes East, 0.6 feet;

South 81 degrees, 00 minutes, 00 seconds West, a distance of 549.76 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner; said point also being the southwest corner of said Lot 1 and the southeast corner of Lot 4, Block A, Vista Ridge/MacArthur Addition, an addition to the City of Lewisville, Texas according to the plat recorded in Cabinet V, Page 230 of said Plat Records;

THENCE, departing the said northerly line of State Highway 121 and along the east and northeast line of said Lot 4, the following two (2) calls:

North 05 degrees, 46 minutes, 15 seconds West, at a distance of 0.7 feet passing a 5/8-inch iron rod with "KHA" cap found, continuing in all a total distance of 273.41 feet to a 5/8-inch iron rod with "KHA" cap found at the beginning of a non-tangent curve to the left;

In a northwesterly direction, along said curve to the left, having a central angle of 85 degrees, 30 minutes, 05 seconds, a radius of 315.00 feet, a chord bearing and distance of North 51 degrees, 52 minutes, 50 seconds West, 427.65 feet, an arc distance of 470.07 feet to a 5/8-inch iron rod found for corner at the end of said curve; said point also being the northeast corner of said Lot 4 and an angle point in the south line of Lot 1, Block A, The Vineyards at Vista Ridge, an addition to the City of Lewisville, Texas according to the plat recorded in Cabinet U, Page 534 of said Plat Records;

THENCE, North 78 degrees, 42 minutes, 37 seconds East, departing the said northeast line of said Lot 4 and along the said south line of Lot 1, Block A, a distance of 130.45 feet to a 5/8-inch iron rod with "KHA" cap found for corner; said point also being the southeast corner of said Lot 1, Block A;

THENCE, North 01 degrees, 06 minutes, 03 seconds East, departing the said south line of Lot 1, Block A and along the east line of said Lot 1, Block A, a distance of 550.92 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner in a south line of the said Lot 3, Block H; said point also being the northeast corner of said Lot 1, Block A;

THENCE, departing the said east line of Lot 1, Block A and along the said south line of Lot 3, Block H and the northeast and east lines of said Lot 3, Block H, the following thirteen (13) calls:

South 83 degrees, 42 minutes, 28 seconds East, a distance of 18.29 feet to a 5/8-inch iron rod with "KHA" cap found at an angle point; from said point a 5/8-inch iron rod with "Carter Burgess" cap was found bearing South 43 degrees, 46 minutes West, 0.5 feet;

South 87 degrees, 45 minutes, 47 seconds East, a distance of 230.18 feet to a 5/8-inch iron rod with "KHA" cap found at an angle point; from said point a 5/8-inch iron rod with "Carter Burgess" cap was found bearing North 66 degrees, 37 minutes West, 0.5 feet;

North 86 degrees, 09 minutes, 21 seconds East, a distance of 213.19 feet to a 5/8-inch iron rod with "KHA" cap found at an angle point; from said point a 5/8-inch iron rod with "Carter Burgess" cap was found bearing South 13 degrees, 39 minutes West, 1.5 feet;

North 88 degrees, 42 minutes, 32 seconds East, a distance of 237.08 feet to a 5/8-inch iron rod found for corner;

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South 24 degrees, 04 minutes, 47 seconds East, a distance of 105.19 feet to a 5/8-inch iron rod found for corner;

South 15 degrees, 19 minutes, 38 seconds West, a distance of 212.60 feet to a 5/8-inch iron rod with "Carter Burgess" cap found at an angle point;

South 02 degrees, 33 minutes, 39 seconds East, at a distance of 56.42 feet passing a 5/8-inch iron rod with "KHA" cap found at the northeast corner of said Tract V and the southeast corner of said Tract VI, continuing in all a total distance of 65.29 feet to a 5/8-inch iron rod with "Carter Burgess" cap found at an angle point;

South 18 degrees, 21 minutes, 12 seconds East, a distance of 47.43 feet to a 5/8-inch iron rod with "Carter Burgess" cap found for corner;

South 55 degrees, 21 minutes, 42 seconds East, a distance of 110.18 feet to a 5/8-inch iron rod with "Carter Burgess" cap found at an angle point;

South 13 degrees, 37 minutes, 34 seconds East, a distance of 148.19 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at an angle point; from said point a 5/8-inch iron rod with "Carter Burgess" cap was found bearing South 22 degrees, 04 minutes West, 0.6 feet;

South 08 degrees, 40 minutes, 03 seconds East, a distance of 99.14 feet to a 5/8-inch iron rod with "Carter Burgess" cap found at an angle point;

South 13 degrees, 20 minutes, 00 seconds East, a distance of 237.55 feet to the POINT OF BEGINNING;

CONTAINING, 825,042 square feet or 18.940 acres of land, more or less.

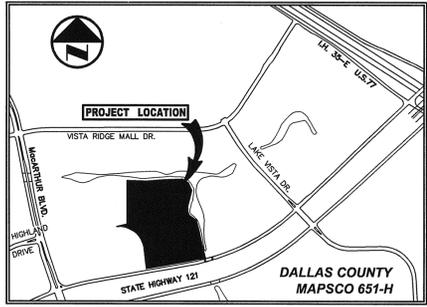
SURVEYOR'S CERTIFICATE

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 2005, and includes Items 2-4, 7(a), 8-10, and 11(a) of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, and NSPS and in effect on the date of this certification, undersigned further certifies that, in my professional opinion, as a Registered Professional Land Surveyor in the State of Texas, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Executed as of the 29th day of June, 2006.



Michael C. Clover
Michael C. Clover
Registered Professional Land Surveyor
No. 5225



VICINITY MAP
(NOT TO SCALE)

SHEET 2 OF 3
BOUNDARY AND TOPOGRAPHIC SURVEY
18.940 ACRE TRACT PART OF LOT 1, BLOCK H, VISTA RIDGE
LOCATED IN THE CITY OF LEWISVILLE, TEXAS AND BEING OUT OF THE THOMAS B. GARVIN SURVEY, ABSTRACT NO. 506, DENTON COUNTY, TEXAS

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY., SUITE 1000 DALLAS, TX. 75206 972.235.3031

DRAWN BY CAG	CHECKED BY MCC	SCALE 1"=60'	DATE 06/29/06	JOB NUMBER 2767-06.208
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GF. NO. 2228001271

EXHIBIT B

VISTA DEL LAGO

PLANNED DEVELOPMENT STANDARDS

I. PROJECT LOCATION

Vista del Lago consists of approximately 18.94 acres of land situated along the Southbound Frontage Road of State Highway 121 (Sam Rayburn Tollway) between the intersection of MacArthur Blvd and Lake Vista Drive as generally described in Exhibit A.

II. PURPOSE AND INTENT

- a. Purpose: The purpose of this district is to create an urban mixed-use community featuring townhomes and commercial uses as one cohesive development located along an existing canal open space.

III. DEFINITIONS

Brick veneer: That form of construction composed of individual kiln fired brick units, stone, split face block, glass block, thin brick, thin stone or combination of these materials laid up unit by unit, set in mortar and installed per the adopted building code.

Open Space: Parks, greens, squares, courtyards, plazas, parkways, medians, and commons accessible by residents.

Shall: A term of compliance.

Should: A term encouraging compliance.

Masonry veneer: That form of construction composed of individual kiln fired brick units, stone, cement plaster (stucco), cement board (stucco board), concrete block, concrete, and exposed aggregate when installed in accordance with the adopted building code.

RESIDENTIAL PLANNED DEVELOPMENT STANDARDS

IV. LOT REGULATIONS

- a. The residential portion of Vista del Lago will include development based on the M.U. – Mixed-Use District. The lot requirements shall be as follows:
 - i. Purpose: This lot type is designed to allow single family attached dwelling units (townhomes) on lots of not less than one thousand two hundred twenty (1,220) square feet.
 - ii. Permitted Uses: Single Family Attached dwelling units (townhouses).
 - iii. Height Restrictions: 85% of the total lot count shall not exceed two (2) stories in height. 15% percent of the total lot count is shall not exceed three (3) stories in height.
 - iv. Area Regulations: The following minimum standards shall be required as measured from property lines:

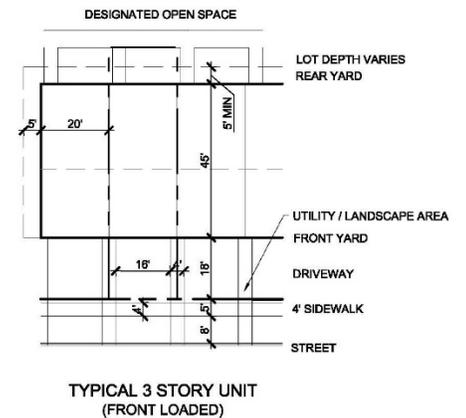
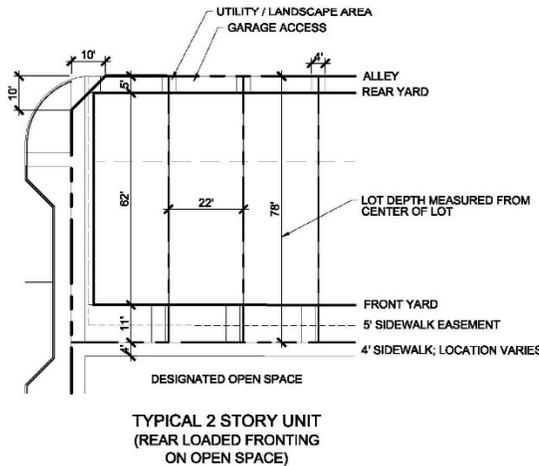
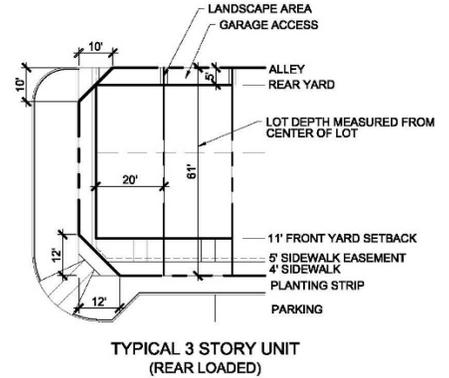
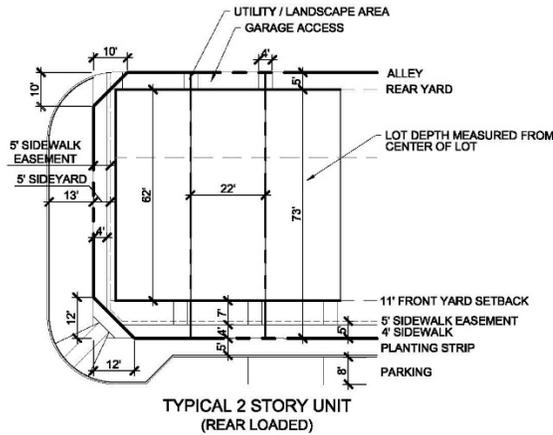
Lot Size:	25% of total developed lots: 1,220 square feet minimum 75% of total developed lots: 1,500 square feet minimum
Minimum Floor Area:	The Minimum square footage of a dwelling unit shall be 1,650 square feet, exclusive of garages, breezeways, and porches.*

80% of total developed lots shall exceed 1,650 square feet.

- Front Yard: 11 feet minimum; 18 feet minimum on front loaded product*
- Rear Yard: 5 feet for rear entry garages
- Side Yard: There shall be a side yard on each side of a continuous row or group of dwellings not less than 5 feet. A side yard adjacent to a street or alley shall not be less than 5 feet.*

**Roof eaves, stoops and steps can encroach 3 feet into the required front yard setbacks. Roof eaves can encroach 12 inches into the required rear yard and side yard setbacks. Parking shall be permitted within all required yard setbacks.*

Typical Lot Layout:



- Lot width: 20 feet minimum, measured at the front building line.
- Lot Depth: 25% of lot total: 60 feet minimum**
 75% of lot total: 75 feet minimum**
***measured at the center point of the lot.*

Garage: A 5 foot rear yard setback is required for all rear entry garages accessed from a residential or hybrid alley. An 18 foot front yard setback is required for all front loaded garages accessed from a public street.

Maximum number of Lots: Maximum of 174 residential lots upon full buildout of the Vista del Lago development

Maximum Density: The maximum density shall be 13 units per acre.

- v. Attached Townhomes: All townhomes within the Vista del Lago development shall be attached in rows of at least 2 units and up to 9 units. The lot layout shall match what is shown on the Zoning Concept Plan (Exhibit B; Sheet RZ-1.0). All lots shall front on a public street or designated open space.

V. DEVELOPMENT AND DESIGN STANDARDS

- a) Parking: 2 dedicated parking spaces per unit should be provided in the form of 2 garage spaces. No additional parking shall be required for the proposed development or amenity uses.
- b) On-street parking: Additional parking should be provided in the form of on-street parking spaces at a ratio of 0.6 spaces per unit to accommodate guest parking. These spaces should be open to the public and should not be reserved.
- i) Parallel parking spaces shall be a minimum dimension of 8 feet by 22 feet.
- ii) 90 degree parking spaces shall be a minimum dimension of 9 feet by 18 feet.
- c) Streets: All residential units shall be rear entry except as generally depicted on the proposed Concept Plan (PD-1.0). All streets shall be public with integral concrete curb. All alleys shall be curbless concrete.

Street Types: The following street types shall establish the criteria for streets allowed within the residential portion of the Vista del Lago development. (Refer to Exhibit B – Sheet RZ-1.1 for cross sections).

- i) Residential Street (Public) – Types A & Type B (Fire Access)

Classification: Designed to provide access, parking and public utilities to residential areas.

Public R.O.W.:

Type A: 51'

Type B: 53'

Type B (Front Loaded): 53'

Minimum Pavement Width:

Type A: 24' FOC-FOC*

Type B: 26' FOC-FOC*

Type B (Front Loaded): 26' FOC-FOC

*additional pavement width required where on street parking is provided.

Parking: Allowed on both sides of the street as shown on the concept plan. Where provided, parallel parking spaces shall be a minimum dimension of 8 feet by 22 feet; 90 degree parking spaces

shall be a minimum dimension of 9 feet by 18 feet.

Pavement Section:	Concrete
R.O.W. Corner Clip:	12'x12'
Clear Vision Triangle:	30'x30'
Curb Radii:	20'
Minimum Sidewalk Width:	4' with a 5'x5' passing space provided at intervals no greater than 200'
Sidewalk Location:	5' Sidewalk Easement, except as shown for 3-story, front loaded units in the previous Typical Lot Layout diagram.
Intersection Angles:	Intersections can vary within 15 degrees of a 90 degree intersection where shown on the concept plan. All others shall intersect at 90 degrees.

ii) Residential Alley and Hybrid Alley (Public) – Type A & Type B (Fire and Utility Access)

Classification:

- Residential Alley Type A is designed to provide garage access, parking, and private utilities to residential areas.
- Hybrid Alley Type B is designed to provide garage access, fire access, parking and public and private utilities to residential areas. Hybrid Alleys shall be assigned street names for addressing purposes where units do not front on a public street.

Public R.O.W.:

Residential Type A:	20'
Hybrid Type B:	24'

Building Face to Building Face Width:

Residential Type A:	30'
Hybrid Type B:	34'

Pavement Width:

Residential Type A:	20' EOP-EOP
Hybrid Type B:	24' EOP-EOP

Pavement Section: Concrete

R.O.W. Clip: 10'x10'

Clear Vision Triangle: 23'x23'

Curb Radii:

Res. Type A:	10'
Hybrid Type B:	20'

Parking: Allowed as shown on the concept plan. Where provided, parallel parking spaces shall be a minimum dimension of 8 feet by 22 feet; 90 degree parking spaces shall be a minimum dimension of 9 feet by 18 feet.

Intersection angles:

Intersections can vary within 15 degrees of a 90 degree intersection where shown on the concept plan. All others shall intersect at 90 degrees.

- d) Fire Access: All public streets shall provide an unobstructed width of not less than 24 feet for fire access. Where building heights exceed 30 feet, public streets shall provide an unobstructed width of not less than 26 feet for fire access (Residential Street Type B). All alleys designated for fire access shall provide an unobstructed width of not less than 24 feet (Hybrid Alley Type B). The minimum inside turning radius of a fire apparatus access road shall be 20 feet. The minimum outside turning radius of a fire apparatus access road shall be 40 feet. All fire access lanes shall be marked as required by Section 5-94.5 of Chapter 5, Article III, Section 503.3 of the City of Lewisville Code of Ordinances.
- e) Screening:
- i) With consent, a minimum 6 foot landscape strip shall be provided along the property abutting existing multi-family development, Enclave at Vista Ridge (Legally: The Vineyards at Vista Ridge, Block A, Lot 1). Large evergreen screen shrubs shall be planted at a minimum 6-foot on center and must be a minimum of five-gallon size at the time of planting, growing not less than six feet high in one year. If consent from adjacent owner is not obtained, a 6-foot screen wall shall be constructed per the City of Lewisville Code of Ordinances.
 - ii) No screen walls shall be required within the PD development to encourage a cohesive mixed-use development.
 - iii) Fencing between yards shall be permitted but shall be limited to tubular steel fencing.
- f) Landscape Standards: All residential development within Vista del Lago shall comply with the City of Lewisville Land Development regulations, except as stated below.
- i) Street trees within the proposed 5 foot landscape strips along Residential Street Types A & B shall be medium to large maturing trees selected from the list below. Other species must receive approval by the City of Lewisville.
 - Bigtooth Maple *Acer buckleyi*
 - Caddo Maple *Acer sccharum*
 - Texas Ash *Fraxinus texensis*
 - Goldenrain Tree *Koelruteria paniculata*
 - Texas Red Oak *Quercus buckleyi*
 - Lacey Oak (Blue Oak) *Quercus glaucoides*
 - Lacebark Elm *Ulmus parvifolia*
 - Everclear Elm *Ulmus parvifolia 'BSNUPF'*
 - Japanese Zelkova *Zelkova serrata*
 - ii) All street trees within a 5 foot landscape strip shall be planted at a minimum of 24 feet on-center, 30 feet on-center where possible, and a minimum of 120 square feet of planting area shall be provided per tree. Street trees shall count towards the ordinance required one tree per lot, but shall not necessarily be planted on said lot. Trees not located in front of said lot, due to spacing requirements, shall be provided along the ends of associated townhome rows.
 - iii) All landscaping and irrigation within the public right-of-way shall be maintained by the HOA.

- g) Signage: In accordance with Chapter 11 of the Lewisville Code of Ordinances except that no pole mounted signs shall be allowed.
- h) Lighting: Lighting shall be provided in accordance to section 9-3 of the City of Lewisville Code of Ordinances.
 - i) Streetlights, pedestrian lights, building up-lights and landscape lighting shall be permitted between the residential and commercial uses within the Vista del Lago development.
 - ii) Lights must be pedestrian-scaled with a maximum height of 16 feet to the top of the fixture.
 - iii) Pedestrian lights must be located as close as possible to illuminate sidewalks.
 - iv) Pedestrian lights must be placed between 60 feet and 120 feet apart, alternate with tree spacing.
 - v) All lights located between the commercial and residential parcels must be fully shielded or full cut-off fixtures which minimize skyglow, glare and light trespass. Any building lights associated with the commercial development must properly aimed not to cause any nuisances for the residential development.
- i) Residential Architectural Standards:
 - i) General provisions. The exterior wall surface of buildings shall comply with the standards outlined in this section. On a multi-building site, each building shall be required to meet the required coverage percentage unless otherwise stated. Brick veneer and masonry veneer shall be interpreted as defined in the definitions.
 - ii) Single-Family Attached. The aggregate total of all exterior walls elevations (excluding doors, garage door and windows) of all buildings erected shall consist of not less than 80 percent brick. No single wall elevation shall consist of less than 60 percent brick veneer.
 - (1) Proposed single-family attached homes shall generally comply with the attached elevations shown in Exhibit B – Conceptual Residential Elevations.
 - (2) All buildings shall be sprinklered.
 - (3) All units shall have a two-car garage at minimum. Garage shall be attached to the primary structure with direct access to primary structure.
 - (4) Additions. All additions must match existing exterior material ratios.
 - (5) Any garages facing a public street (front-loaded product) shall have decorative garage doors.

VI. PARK AND OPEN SPACES REQUIREMENTS

- j) HOA: Vista del Lago's Homeowner Association (the "HOA") shall maintain all the open spaces, common areas, irrigation systems, and landscaping within the subdivision, all sidewalks outside of the public right-of-way and public sidewalk easements, and the waterside concrete trail. The HOA is responsible to repair concrete, within the limits of on-street parking, damaged by the City of Lewisville or the City of Lewisville's contractor due to maintenance or repairs to the City-maintained water line. The City shall maintain streets, alleys and sidewalks within the public right-of-way or sidewalk easements. The City shall maintain and operate the water, wastewater, and storm water infrastructure. The City is responsible to repair concrete damaged by the City of Lewisville or the City of Lewisville's contractor due to maintenance or repairs to the City-maintained storm sewer, sanitary sewer, or water line except as previously stated.
- k) In the event the Association consistently defaults on its obligation to maintain the Common Areas in compliance with the covenants or restrictions herein set forth and the City receives a

petition from 100% of the property owners within the subdivision to assume the maintenance responsibility of the Common Areas, the City may choose to assume the maintenance responsibilities upon approval from the City Council. In such an event that the City agrees to assume the maintenance responsibilities, all common Areas shall be dedicated to the City as public Right-of-Way. The City shall maintain the Common Areas in a manner consistent with the other public Rights-of-Ways, without having any obligation for a higher level of maintenance within the subdivision. Upon dedication of the Common Areas to the City, the City has the right to add or remove any appurtenances or structures that may impede the City's ability to perform its maintenance obligations. The City shall have the right to access the property owners for any incurred demolition costs.

- l) City park fees shall be paid at the time of building permit.

VII. AMENITIES

- m) Entries shall feature enhanced landscaping consisting of ornamental trees, shrubs, annuals and perennials.
- n) Sidewalks internal to the development shall be provided along public streets on each side where development occurs. Sidewalks shall be a minimum of 4 feet.
- o) A 5 foot wide, publically accessible, concrete trail shall be installed along the water side of the development.
- p) The developer shall provide a pool with associated restroom facility and a combination of the following amenities within the open space areas as generally depicted on the Concept Plan (PD-1.0):
 - i) Benches
 - ii) Enhanced Landscaping consisting of ornamental trees, shrubs, annuals and perennials.
 - iii) Pet Cleanup and/or Water Station
 - iv) Grilling / Barbecue Area
 - v) Clubhouse building and/or Shade Structure
- q) The proposed amenity restroom facility and any additional clubhouse building area that maybe provided shall meet all architectural standards as defined under Single-Family Attached requirements.

COMMERCIAL DEVELOPMENT STANDARDS

VIII. LOT REGULATIONS

- a. The commercial portion of Vista del Lago will include development based on the M.U. – Mixed-Use District. The lot requirements shall be as follows:
 - i. Purpose: The commercial area is designed to allow a cohesive mixed use project encouraging walkability and shared parking between uses.
 - ii. Permitted Uses:
 - (1) Hotel
 - (2) Restaurants, including those with outdoor seating areas.
 - (3) Professional service offices, such as doctors, attorneys, architects, engineers, real estate and insurance agencies at a minimum 20,000 sq. ft. and minimum 2-story height.
 - (4) Other retail and personal service establishments as an accessory to a hotel or office use.

- (5) Automobile parking structures associated with a hotel or office use.
- iii. Height Restrictions: No building shall exceed 80 feet in height.
- iv. Area Regulations: The following minimum standards shall be required as measured from property lines:
 - Front Yard: 20 feet; except that a setback of not less than 25 feet shall be provided adjacent to State Highway 121.
 - Rear Yard: 15 feet minimum; except that a setback of not less than 25 feet shall be provided adjacent to State Highway 121.
 - Side Yard: 15 feet minimum; except that a setback of not less than 25 feet shall be provided adjacent to State Highway 121.

** Parking shall be permitted within all required yard setbacks, but outside of a required 5' landscape buffer as shown on the commercial street cross-sections (PD-1.1).*

IX. DEVELOPMENT AND DESIGN STANDARDS

- a. Parking: Parking shall be required per Section 6-162 of the land development regulations with the following exceptions:
 - i. Restaurant: Minimum 1.5 spaces per 100 square feet of restaurant and patio space.
 - ii. Hotel: Minimum 1 space per 2 sleeping rooms + 1 space for each 200 sq.ft. Commercial floor area therein.
 - iii. Shared Parking: A shared parking ratio of 25% shall be permitted across the commercial development.
 - iv. Parking shall be allowed within the required yard setbacks outside of the required 5 foot landscape buffer as shown on PD-1.1.
 - v. Parallel parking spaces shall be a minimum dimension of 8 feet by 22 feet.
 - vi. 90 degree parking spaces shall be a minimum dimension of 9 feet by 18 feet.
 - vii. Automobile parking structures shall not front their longest length along the residential site.
- b. Streets: All commercial streets shall be public with integral concrete curb.
 - Street Types: The following street types shall establish the criteria for streets allowed within the commercial portion of the Vista del Lago development. (Refer to Exhibit B – Sheet RZ-1.1 for cross sections).
 - i. Commercial Street (Public) – Type A
 - Public R.O.W.: 57'
 - Pavement Width: 26' FOC-FOC
 - Pavement Section: Concrete
 - Minimum Sidewalk Width: 4' both sides
 - R.O.W. Clip: 12'x12'
 - Clear Vision Triangle 30'x30'
 - Curb Radii: 20'
 - Parking: No parking allowed
 - ii. Commercial Street (Public) – Type B

Public R.O.W.:	57'
Pavement Width:	26' FOC-FOC
Pavement Section:	Concrete
Minimum Sidewalk Width:	4' (sidewalk and street trees adjacent to future development to be the responsibility of said development)
R.O.W. Clip:	12'x12'
Clear Vision Triangle	30'x30'
Curb Radii:	20'
Parking:	No parking allowed

- c. Fire Access: All commercial public streets shall provide an unobstructed width of not less than 26 feet for fire access. The minimum inside turning radius of a fire apparatus access road shall be 20 feet. The minimum outside turning radius of a fire apparatus access road shall be 40 feet. All fire access lanes shall be marked as required by Article III, Section 503.3 of the General Development Ordinance.
- d. Screening:
 - i. No screen walls within the limits of the PD shall be required to encourage a cohesive mixed-use development.
 - ii. Outdoor receptacles shall be screened on 3 sides with a minimum six foot masonry screening wall consistent with the building material of the primary building(s). The service opening shall not directly face a public street or ROW unless approved by the Director of Neighborhood Services due to the site configuration that may not allow such a design. The receptacles shall be located on a concrete or asphalt surface. All above ground utility cabinets, parking and loading shall be screened from the public R.O.W. and all residential units with an evergreen screen hedge.
 - iii. Parking lots shall be screened with evergreen shrubs within a provided 5 foot landscape buffer as shown on PD-1.1. Shrubs shall be a minimum five-gallon size at time of planting.
- e. Landscape Standards: All commercial development within Vista del Lago shall comply with the City of Lewisville land development regulations with the exception of a 5 foot landscape buffer along public right-of-way as shown on PD-1.1.
 - i. All landscaping and irrigation within the public right-of-way shall be maintained by the Commercial HOA.
- f. Signage: In accordance with Chapter 11 of the City of Lewisville Code of Ordinances except that no pole mounted signs shall be allowed.
- g. Lighting: Lighting shall be provided in accordance to section 9-3 of the City of Lewisville Code of Ordinances.
 - i. Streetlights, pedestrian lights, building up-lights and landscape lighting shall be permitted between the residential and commercial uses within the Vista del Lago development.
 - ii. Lights must be pedestrian-scaled with a maximum height of 16 feet to the top of the fixture.
 - iii. Pedestrian lights must be located as close as possible to illuminate sidewalks.
 - iv. Pedestrian lights must be placed between 60 feet and 120 feet apart, alternate with tree spacing.
 - v. All lights located between the commercial and residential parcels must be fully shielded or full cut-off fixtures which minimize skyglow, glare and light trespass. Any building lights

associated with the commercial development must properly aimed not to cause any nuisances for the residential development.

h. Commercial Architectural Standards:

- i. Hotel: At the time of development, the hotel must meet all requirements set forth in the City of Lewisville Code of Ordinances and the aggregate total of all exterior wall elevations (excluding doors and windows) shall consist of not less than 80 percent brick veneer, with no single wall elevation consisting of less than 80 percent brick veneer.
- ii. Non-Residential Buildings (including automobile parking structures): the aggregate total of all exterior wall elevations (excluding doors and windows) shall consist of not less than 80 percent brick veneer, with no single wall elevation consisting of less than 80 percent brick veneer and shall have a fixed foundation.
 - (1) Each building elevation shall provide architectural features including reveals, articulations, chamfered edges, etc.
 - (2) A minimum of two colors must be used on each elevation. Eighty percent of each elevation must utilize natural and/or earth tone colors. In addition, each elevation may have 20 percent of another type of color if opted.
 - (3) Parapets shall be provided on each elevation as to provide screening for roof mounted fixtures. Parapet height shall be designed to screen roof-mounted fixtures from a viewpoint measured at five feet above grade from street views.
 - (4) Elevations and color renderings depicting the material, design and color are required to be submitted with the engineering site plan submittal.
 - (5) Additions. All additions must match existing exterior material ratios.

X. AMENITIES

- a. A 5 foot wide, publically accessible, concrete trail shall be installed along both the water side of the development and the State Highway 121 frontage as shown on the Concept Plan.
- b. Towards the construction of the proposed pedestrian bridge connection, as generally depicted on PD-1.0, the developer of the PD agrees to pay in escrow the sum of \$165,000 to the City of Lewisville, payable within 20 days after the filing of final plat for the residential Phase 1 portion of the PD. The escrowed sums will be Developer's sole contribution toward the construction of the pedestrian bridge. Other than the escrowed sums, Developer of the PD shall not have any obligation to contribute towards the construction of any bridge or sidewalk improvements to be constructed by the City or PID. The City and the LID will be responsible for maintaining the improvements.
- c. All open space amenities, as generally depicted on PD-1.0, shall be maintained by a Commercial HOA, separate of the Residential HOA.

VISTA DEL LAGO - PLANNED DEVELOPMENT STANDARDS - GDO COMPARISON

RESIDENTIAL SITE

	Standard	Zoning (MU Base Zoning)	PD Provided	Additional Notes
Lot Regulations				
	Permitted Uses	Per Section 17-22.8.2	Single Family Attached Dwelling Units (Townhomes)	limitations
	Building Height	80 feet	2 Stories - 85% of total developed lots 3 Stories - 15% of total developed lots	
	Lot Size	1700 sq.ft.	1,220 sq.ft. - 25% of total developed lots 1,500 sq.ft. - 75% of total developed lots	
	Minimum Floor Area	1,200 sq.ft.	1,650 sq. ft. minimum 80% of developed lots shall exceed 1,650 sq.ft	Excluding of garages, breezeways, common entry halls and common storage
	Front Yard	20 feet	11 feet minimum 18 feet - Front Loaded Garage Product	Measured from right-of-way
	Rear Yard	None Required	5 feet for rear entry garages	Measured from right-of-way
	Side Yard	15 feet	5' on each side of a continuous row or group of dwellings	Measured from right-of-way
	Lot Width	20 feet	20 feet minimum	Measured from front building line
	Lot Depth	75 feet	60 feet minimum - 25% of total developed lots 75 feet minimum - 75% of total developed lots	Measured at the center point of the lot
	Maximum Number of Units	N/A	174 Units	no deviation
	Maximum Density	N/A	13 Units per Acre	no deviation
	Attached Units	2 minimum - 9 maximum units in one continuous run	2 minimum - 9 maximum units in one continuous run	no deviation
	Unit Orientation & Access	Lots must front on a street be accessed from an alley	All lots shall front on a public street or designated open space. When fronting on an open space, only vehicular access shall be provided via an alley. Alley access shall be waived on designated front-loaded product locations, per the plan. These limited units shall be front loaded, accessed from a public right-of-way.	Variance Required
Development and Design Standards				
	Parking	3 spaces per unit in the form of 1 garage space 2 concrete surface spaces Community center: Ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.	2.0 spaces per unit in the form of 2 garage spaces 0 concrete surface spaces No additional spaces required for residential amenity uses	Variance Required
	On-Street Parking	N/A	0.6 per unit	
	Parallel Parking Dimension	10 feet x 24 feet	8 feet x 22 feet	Variance Required
	90 Degree Parking Dimension	9 feet x 18 feet	9 feet x 18 feet	no deviation
Streets	Public R.O.W.	50 feet	51 feet; 53 feet	
	Minimum Pavement Width	31 feet B-B	24 feet; 26 feet	Measured from front of curb. Additional width required with for street parking
	R.O.W. Corner Clip	12 feet x 12 feet	12 feet x 12 feet	no deviation
	Clear Vision Triangle	45 feet x 45 feet	30 feet x 30 feet	
	Curb Radii	25 feet	20 feet	
	Minimum Sidewalk Width	4 feet	4 feet	5 feet x 5' passing area provided at intervals no greater than 200 feet
	Sidewalk Location	Within 9.5 foot parkway	5 foot sidewalk easement	
	Intersection Angles	90 degrees	Within 15 degrees of a 90 degree intersection	

Residential Alley / Hybrid Alley	Public R.O.W.	18 feet	20 feet; 24 feet	Residential Alley - Garage Access, parking, private utilities Hybrid Alley - Garage Access, fire access, parking, private and public utilities
	Building Face - Building Face Width	18 feet	30 feet; 34 feet	
	Pavement Width	12 feet	20 feet; 24 feet	Measured from Edge of Pavement (Curbless)
	R.O.W. Corner Clip	15 feet x 15 feet	10 feet x 10 feet	
	Clear Vision Triangle		23 feet x 23 feet	Unable to locate a requirement in the GDO
	Curb Radii	10 feet	10 feet; 20 feet	
	Intersection Angles	90 degrees	Within 15 degrees of a 90 degree intersection	
Screening	Residential / Commercial	6 foot screen wall	None required	Variance Required
	Residential / Adjacent Multi-Family	6 foot screen wall	6 foot landscape strip, evergreen hedges no less than 6 feet high in one year, planted 6 feet on center with adjacent owner consent	Variance Required (6 foot wall to be constructed if consent not received)
Landscape Standards		Per Article VII	Per Article VII; one tree per lot spaced 24'-30' on center. All landscaping and irrigation within the public right-of-way shall be maintained by the HOA.	Acceptable trees specified for 5' landscape strips
Signage Lighting		Per Chapter 11 Per Section 9-3 Code of Ordinances	Per Chapter 11; no pole mounted signs Street / pedestrian lights -Max. Height 16' to top of fixture; Spaced 60-120 feet apart, alternating tree spacing; Lights between residential and commercial must be fully shielded or full cut-off fixtures which minimize skyglow, glare and light trespass.	
Architectural Standards		Aggregate total of all exterior walls elevations (excluding doors, garage door and windows) of all buildings erected shall consist of not less than 80 percent brick. No single wall elevation shall consist of less than 60 percent brick veneer.	Aggregate total of all exterior walls elevations (excluding doors, garage door and windows) of all buildings erected shall consist of not less than 80 percent brick. No single wall elevation shall consist of less than 60 percent brick veneer. Any garages facing a public street (front-loaded product) shall have decorative garage doors.	no deviation
Amenities		Open Space & Amenities	Pool, restroom facility & other amenities as generally depicted on PD-1.0 5' wide publicly accessible concrete trail along waterfront.	no deviation

COMMERCIAL SITE

	Standard	Zoning (MU Base Zoning)	PD Provided	Additional Notes
Lot Regulations	Permitted Uses	Per Section 17-22.8.2	Hotel; Restaurants, including those with outdoor seating areas; Professional service offices, such as doctors, attorneys, architects, engineers, real estate and insurance agencies at a minimum 20,000 sq. ft. and minimum 2-story height; Other retail and personal service establishments as an accessory to a hotel or office use; Automobile parking structures associated with a hotel or office use	limitations
	Building Height	80 feet	80 feet	no deviation

	Front Yard	20 feet; 25 feet adjacent to State or Federal Highway	20 feet; 25 feet adjacent to State Highway 121	no deviation	
	Rear Yard	none; 25 feet adjacent to State or Federal Highway	15 feet; 25 feet adjacent to State Highway 121		
	Side Yard	15 feet; 25 feet adjacent to State or Federal Highway	15 feet; 25 feet adjacent to State Highway 121	no deviation	
Development and Design Standards					
Parking	Restaurant / Patio	1.5 parking spaces for each 100 sq.ft. of floor area. Restaurants with bar areas shall be calculated at one parking space for each 100 square feet of floor area, plus one parking space per ten sq. ft. of bar area.	1.5 spaces per 100 sq.ft. restaurant and patio space, no additional parking provided for bar area	Variance Required	
	Hotel	1 space / 2 sleeping rooms + 1 space / 200 sq.ft. commercial	1 space / 2 sleeping rooms + 1 space / 200 sq.ft. commercial	no deviation	
	Shared Parking	N/A	A shared parking allowance shall be permitted across the commercial development.	Variance Required	
	Parallel Parking Dimension	10 feet x 24 feet	8 feet x 22 feet	Variance Required	
	90 Degree Parking Dimension	9 feet x 18 feet	9 feet x 18 feet	no deviation	
	Parking Location	Allowed outside 10 foot landscape buffer	Allowed within required yard setbacks outside of the required 5 foot landscape buffer		
	Streets	Public R.O.W.	60 feet	57 feet	
	Minimum Pavement Width	37 feet B-B	26 feet		
	R.O.W. Corner Clip	12 feet x 12 feet	12 feet x 12 feet	no deviation	
	Clear Vision Triangle	45 feet x 45 feet	30 feet x 30 feet		
Curb Radii	25 feet	20 feet			
Minimum Sidewalk Width	4 feet	4 feet	5 feet x 5' passing area provided at intervals no greater than 200 feet		
	Sidewalk Location		Public R.O.W. on both sides of street; only one side along Commercial Street Type 'B'		
	Intersection Angles	90 degrees	Within 15 degrees of a 90 degree intersection		
Screening	Parking	N/A	No parking allowed	no deviation	
	Residential / Commercial	6 foot screen wall	None required	Variance Required	
	Trash Container Area	On 3 sides with a minimum six (6) foot masonry screening wall consistent with the building material of the primary building(s). The service opening shall not directly face a public street or ROW unless approved by the Director of Neighborhood Services due to the site configuration that may not allow such a design. The receptacles shall be located on a concrete or asphalt surface.	On 3 sides with a minimum six (6) foot masonry screening wall consistent with the building material of the primary building(s). The service opening shall not directly face a public street or ROW unless approved by the Director of Neighborhood Services due to the site configuration that may not allow such a design. The receptacles shall be located on a concrete or asphalt surface.	no deviation	
	Parking Screening	10 foot landscape buffer along public R.O.W.; Evergreen shrubs, 5 gallon minimum at planting	5 foot landscape buffer along public R.O.W.; Evergreen shrubs, 5 gallon minimum at planting		
Landscape Standards		Per Article VII	Per Article VII	no deviation	
		10' Landscape strip at back of sidewalk	10' landscape strip at back of curb & min. 5' landscape strip at back of sidewalk for parking screening; All landscaping and irrigation within the public right-of-way shall be maintained by the Commercial HOA.	Variance Required	
Signage		Per Chapter 11	Per Chapter 11; no pole mounted signs		
	Lighting	Per Section 9-3	Street / pedestrian lights - Max. Height 16' to top of fixture; Spaced 60-120 feet apart, alternating tree spacing; Lights between residential and commercial must be fully shielded or full cut-off fixtures which minimize skyglow, glare and light trespass.		

Architectural Standards	Hotel	Per Section 6-182 The aggregate total of all exterior wall Elevations (excluding doors and windows) shall consist of not less than 80 percent brick veneer and shall have a fixed foundation. (Per Section 6-181)	Per Section 6-182 The aggregate total of all exterior wall elevations (excluding doors and windows) shall consist of not less than 80 percent brick veneer.	
	Non-Residential Buildings	The aggregate total of all exterior wall Elevations (excluding doors and windows) shall consist of not less than 80 percent brick veneer and shall have a fixed foundation. (Per Section 6-181)	The aggregate total of all exterior wall Elevations (excluding doors and windows) shall consist of not less than 80 percent brick veneer and shall have a fixed foundation.	no deviation
Amenities		Open Space & Amenities	5' wide trail along water side and HWY 121 frontage; Towards the construction of the proposed pedestrian bridge connection, as generally depicted on PD-1.0, the developer of the PD agrees to pay in escrow the sum of \$165,000 to the City of Lewisville, payable within 20 days after the filing of final plat for the residential Phase 1 portion of the PD. The escrowed sums will be Developer's sole contribution toward the construction of the pedestrian bridge. Other than the escrowed sums, Developer of the PD shall not have any obligation to contribute towards the construction of any bridge or sidewalk improvements to be constructed by the City or PID. The City and the LID will be responsible for maintaining the improvements.	no deviation



**CONCEPTUAL SITE PLAN
DEVELOPMENT DATA**

TOTAL SITE: 18.9 ACRES
SINGLE FAMILY RESIDENTIAL ATTACHED 13.4 ACRES
 PROPOSED DENSITY (11.5 DUA)
 3 STORY (20x45) 22 UNITS
 2 STORY (22x62) 132 UNITS
 TOTAL 154 UNITS

COMMERCIAL 5.5 ACRES

HOTEL
 120 KEY HOTEL
 1,000 SF COMMERCIAL

RESTAURANT
 10,200 SF RESTAURANT (INCLUDING 3,000 SF PATIO)

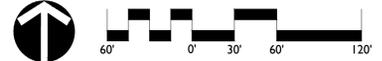
PARKING		
CONCEPT LAND USE	REQUIRED PER ORDINANCE	PROVIDED
SINGLE FAMILY ATTACHED (154 UNITS)	GARAGE (1/UNIT) 154 SPACES CONCRETE (2/UNIT) 308 SPACES TOTAL 462 SPACES	GARAGE (2/UNIT) 308 SPACES
HOTEL (120 ROOM, 1,000 SF COMMERCIAL)	(1/2 ROOMS + 1/200 SF COMMERCIAL) TOTAL 65 SPACES	ADDITIONAL PROVIDED PARKING: ON-STREET PARKING (0.6/UNIT) 95 SPACES TOTAL 65 SPACES
RESTAURANT (10,200 SF RESTAURANT INCLUDING 3,000 SF PATIO SPACE, 9 SF BAR AREA)	(1.5/100 SF - RESTAURANT AND PATIO, RESTAURANTS WITH BAR AREAS SHALL BE CALCULATED AT ONE PARKING SPACE FOR EACH 100 SQUARE FEET OF FLOOR AREA, PLUS ONE PARKING SPACE PER TEN SQ. FT. OF BAR AREA) TOTAL 153 SPACES	(1.5/100 SF RESTAURANT AND PATIO WITH SHARED PARKING ALLOWANCE; NO EXTRA PARKING FOR ANY INCLUDED BAR REQUIRED) TOTAL 153 SPACES

***SHARED PARKING:**

1. A SHARED PARKING ALLOWANCE SHALL BE PERMITTED BETWEEN THE COMMERCIAL USES.
2. A SHARED PARKING AGREEMENT IS REQUIRED TO BE FILED WITH DENTON COUNTY PRIOR TO ENGINEERING SITE PLAN APPROVAL. THIS AGREEMENT MUST ADDRESS THE TOTAL PARKING FOR THE COMMERCIAL COMPONENT OF THE PD.
3. THE COMMERCIAL COMPONENT OF THE PD SHALL HAVE SHARED PARKING AS DEPICTED ON THIS CONCEPT PLAN AS THE HOTEL / OFFICE AND RESTAURANT LOTS.

- FRONT LOADED UNITS
- 3 STORY UNITS
- SPECIALTY PAVING (STAMPED / COLORED CONCRETE - NO BRICK OR PAVERS PERMITTED)

NOTE:
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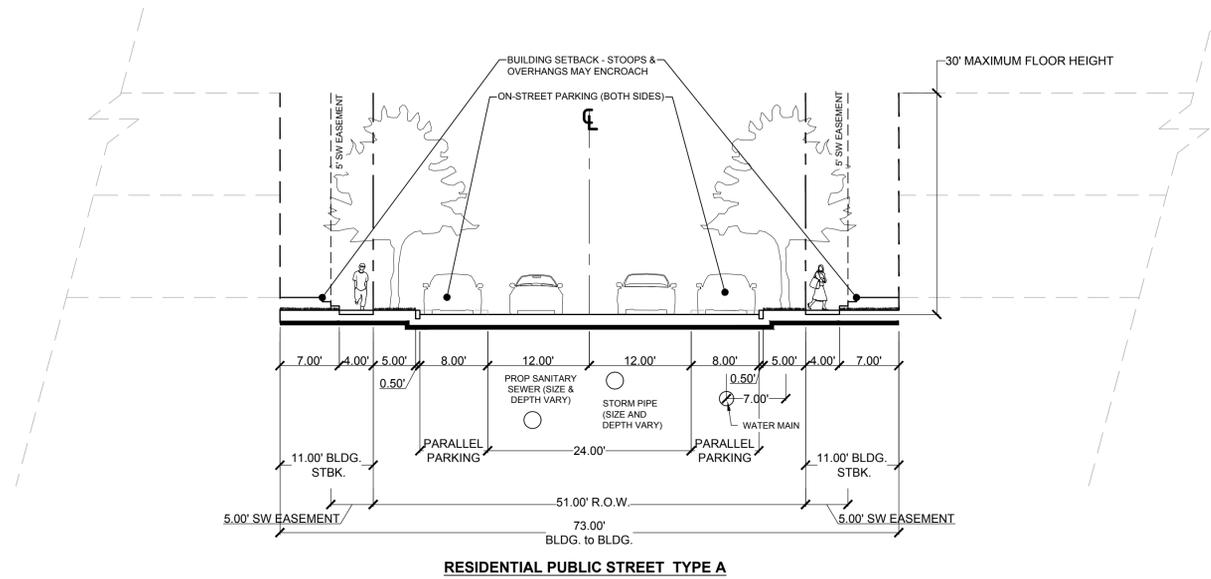
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 Registered Landscape Architect of the
 State of TEXAS
 Registration Number: 3067

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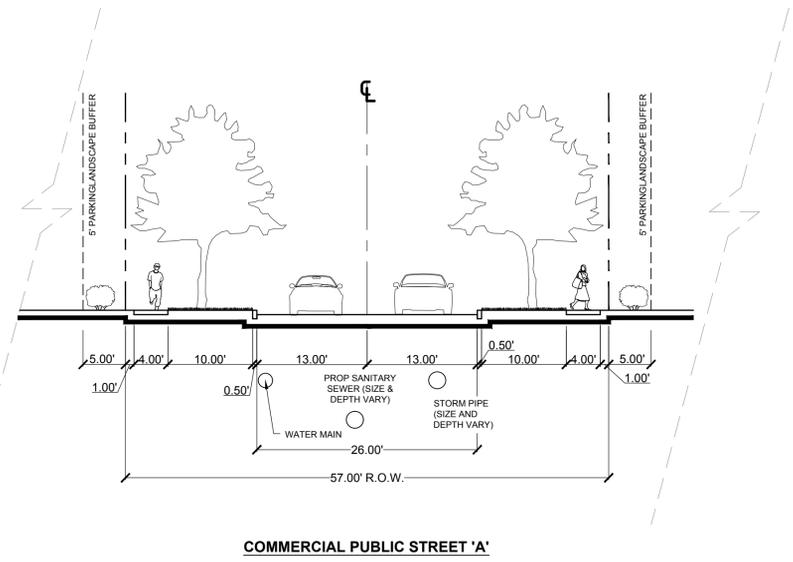
VISTA DEL LAGO
REZONING - PLANNED DEVELOPMENT
 JACKSON SHAW; LEWISVILLE TEXAS
CONCEPT PLAN

REVISIONS:
 DATE: NOVEMBER 16, 2016
 (1) 12.21.16 - CITY COMMENTS ADDRESSED
 (2) 02.03.17 - CITY COMMENTS ADDRESSED
 (3) 02.21.17 - CITY COMMENTS ADDRESSED
 (4) 03.01.17 - CITY COMMENTS ADDRESSED
 DESIGNED BY: KKR
 DRAWN BY: KKR
 CHECKED BY: CHK
 SCALE: 1"=60'-0"
 PROJECT #: 8516027
 SHEET #:

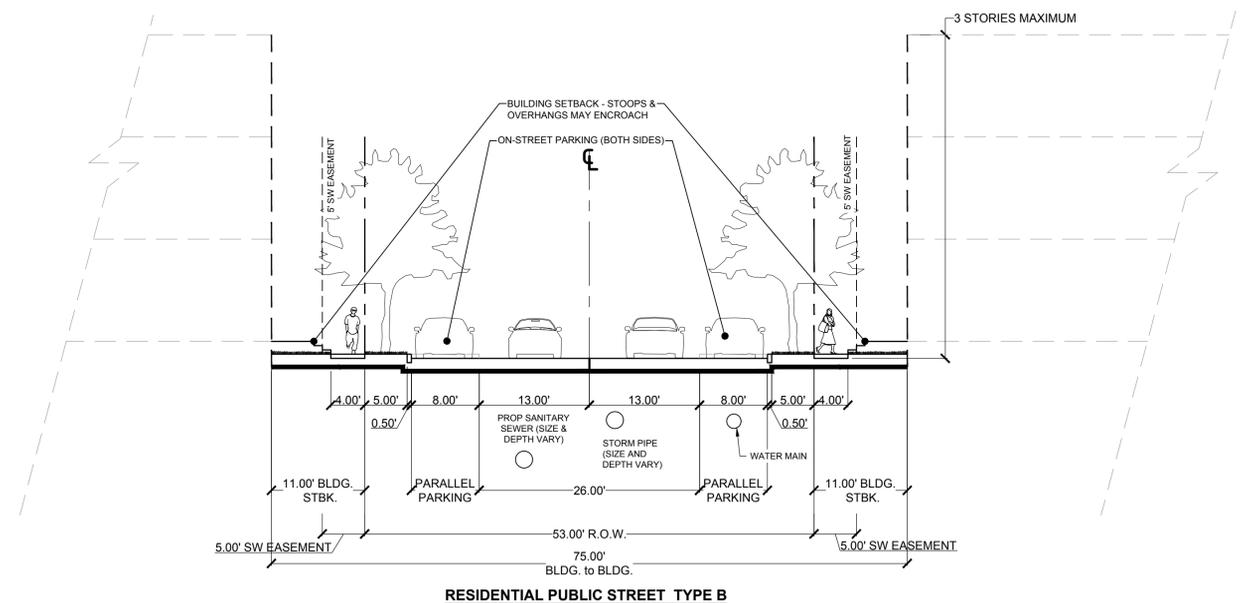
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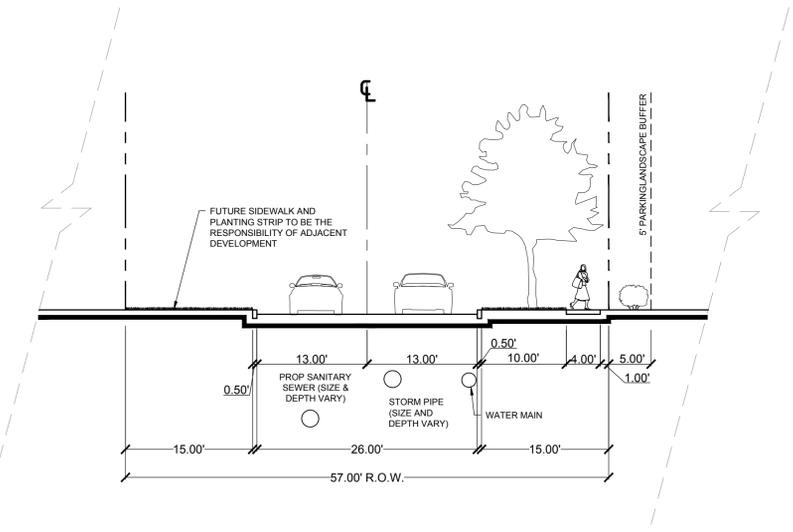
RESIDENTIAL PUBLIC STREET TYPE A



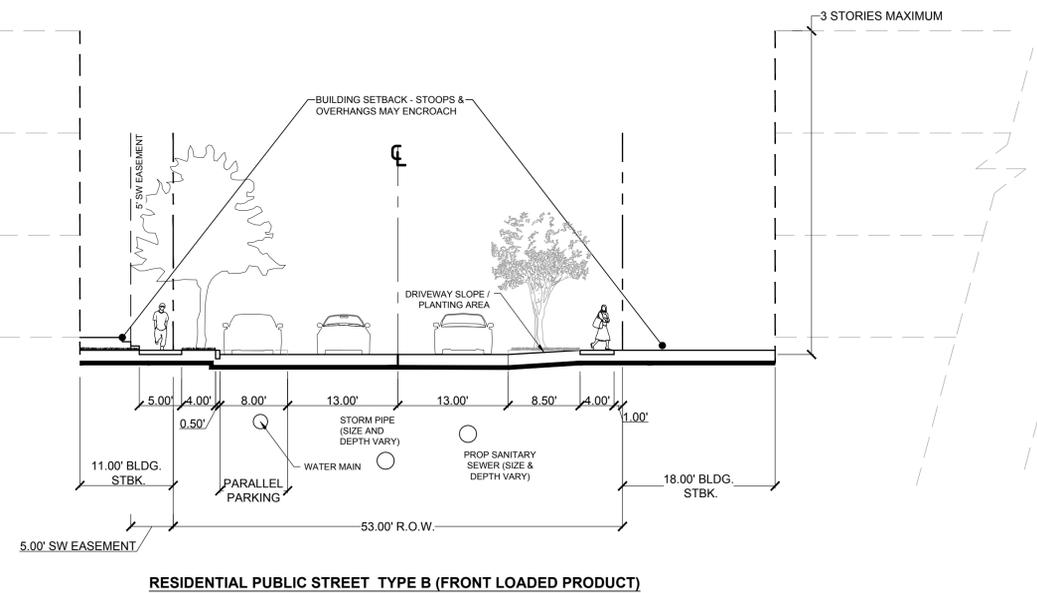
COMMERCIAL PUBLIC STREET 'A'



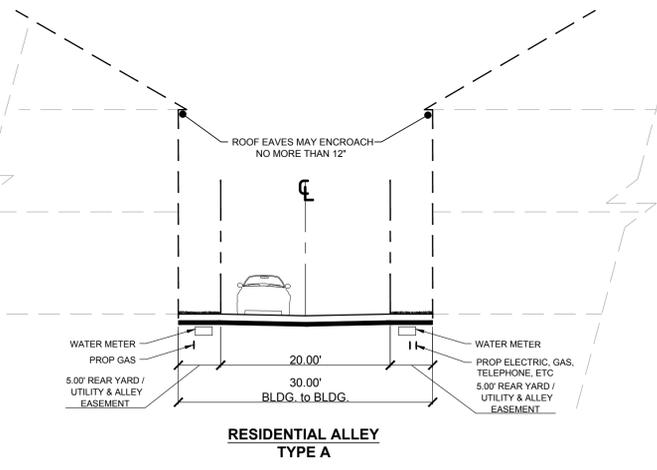
RESIDENTIAL PUBLIC STREET TYPE B



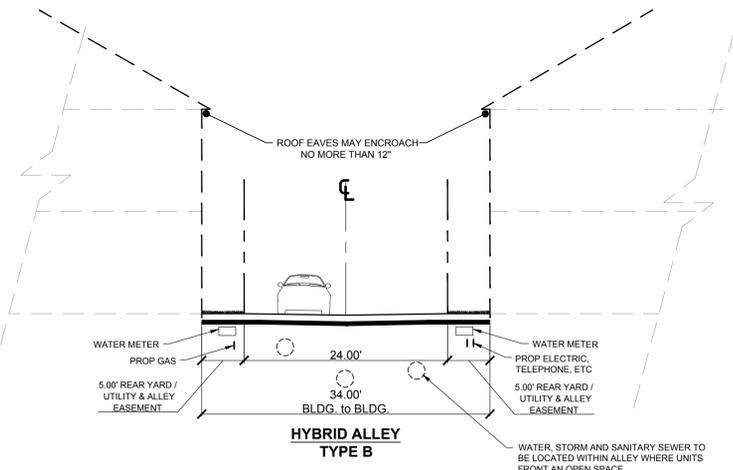
COMMERCIAL PUBLIC STREET 'B'



RESIDENTIAL PUBLIC STREET TYPE B (FRONT LOADED PRODUCT)



RESIDENTIAL ALLEY TYPE A



HYBRID ALLEY TYPE B



DATE: NOVEMBER 16, 2016
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CHECKED BY: CHK
SCALE: 1/8" = 1'-0"
PROJECT #: 8516027
SHEET #:

VISTA DEL LAGO
REZONING - PLANNED DEVELOPMENT
JACKSON SHAW; LEWISVILLE TEXAS
CONCEPT CROSS SECTIONS

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PD-1-I



CONCEPTUAL PHASING PLAN

RESIDENTIAL SITE:

- THE RESIDENTIAL SITE IS TO BE COMPLETED IN NO MORE THAN 2 PHASES.
- RESIDENTIAL CONSTRUCTION TO COMMENCE APPROXIMATELY 5 MONTHS AFTER FINAL PLAT APPROVAL.
- INTERNAL PHASE 1 / PHASE 2 LIMITS IS SUBJECT TO CHANGE BASED ON RESIDENTIAL SALES.
- POOL AMENITY AREA MUST BE CONSTRUCTED AT THE BEGINNING OF PHASE 2 RESIDENTIAL.
- COMMERCIAL PUBLIC STREETS 'A' AND 'B', LOCATED AT ACCESS POINTS #1 AND #2, WITH ASSOCIATED UTILITIES SHALL BE CONSTRUCTED AS PART OF RESIDENTIAL PHASE 1.

COMMERCIAL SITE:

- THE COMMERCIAL SITE IS TO BE COMPLETED IN 2 PHASES AS SHOWN.
- COMMERCIAL PUBLIC STREETS 'A' AND 'B', LOCATED AT ACCESS POINTS #1 AND #2, WITH ASSOCIATED UTILITIES SHALL BE CONSTRUCTED AS PART OF RESIDENTIAL PHASE 1.
- ENGINEERING SITE PLANS MUST BE SUBMITTED WITHIN 2 YEARS OF RECEIVING PLANNED DEVELOPMENT APPROVAL.

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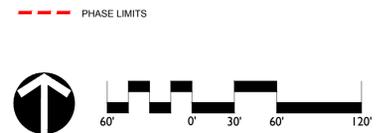
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VISTA DEL LAGO
REZONING - PLANNED DEVELOPMENT
JACKSON SHAW; LEWISVILLE TEXAS
CONCEPTUAL PHASING PLAN

REVISIONS:
(1) 12.21.16 - CITY COMMENTS ADDRESSED
(2) 02.03.17 - CITY COMMENTS ADDRESSED
(3) 02.21.17 - CITY COMMENTS ADDRESSED
(4) 03.01.17 - CITY COMMENTS ADDRESSED

DATE: NOVEMBER 16, 2016
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CHECKED BY: CHK
SCALE: 1"=60'-0"
PROJECT #: 8516027
SHEET #:

NOTE:
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PD-1.2



CONCEPT AMENITY PLAN

AMENITY TYPE	MAINTENANCE RESPONSIBILITY
5ft TRAIL	RESIDENTIAL HOA
5ft TRAIL	COMMERCIAL HOA
4ft CONCRETE SW	CITY OF LEWISVILLE
OPEN SPACE	RESIDENTIAL HOA
OPEN SPACE	COMMERCIAL HOA
PEDESTRIAN BRIDGE	CITY OF LEWISVILLE

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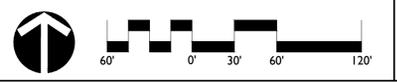
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VISTA DEL LAGO
REZONING - PLANNED DEVELOPMENT
JACKSON SHAW; LEWISVILLE TEXAS
CONCEPT AMENITY PLAN

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PD-1.3



CONCEPT PLANT SCHEDULE

	CANOPY TREE	301
	ORNAMENTAL TREE	88
	EVERGREEN SCREENING SHRUB	416
	LARGE EVERGREEN SCREEN SHRUB	106

CONCEPTUAL LANDSCAPE PLAN

- NOTE:
- LANDSCAPE MATERIAL IS SUBJECT TO THE APPROVED TREE LIST PROVIDED IN ARTICLE VII OF THE CITY OF LEWISVILLE GENERAL DEVELOPMENT ORDINANCE UNLESS OTHERWISE NOTED BELOW.
 - STREET TREES WITHIN A PROPOSED 5 FOOT LANDSCAPE STRIP ALONG RESIDENTIAL STREET TYPES A & B SHALL BE MEDIUM TO LARGE MATURING TREES SELECTED FROM THE LIST BELOW. OTHER SPECIES MUST RECEIVE APPROVAL BY THE CITY OF LEWISVILLE.
 - Bigtooth Maple *Acer buckleyi*
 - Caddo Maple *Acer saccharum*
 - Texas Ash *Fraxinus texensis*
 - Goldenrain Tree *Koeleruteria paniculata*
 - Texas Red Oak *Quercus buckleyi*
 - Lazy Oak (Blue Oak) *Quercus glaucooides*
 - Lacebark Elm *Ulmus parvifolia*
 - Everclear Elm *Ulmus parvifolia 'BSNUPP'*
 - Japanese Zelkova *Zelkova serrata*
 - ALL STREET TREES WITHIN A 5 FOOT LANDSCAPE STRIP SHALL BE PLANTED AT A MINIMUM OF 24 FEET ON CENTER, 30 FEET WHERE POSSIBLE, AND A MINIMUM OF 120 SQUARE FEET OF PLANTING AREA SHALL BE PROVIDED PER TREE. STREET TREES SHALL COUNT TOWARDS THE ORDINANCE REQUIRED 1 TREE PER LOT, BUT SHALL NOT NECESSARILY BE PLANTED ON SAID LOT. TREES NOT LOCATED IN FRONT OF SAID LOT, DUE TO SPACING REQUIREMENTS, SHALL BE PROVIDED ALONG THE ENDS OF ASSOCIATED TOWNHOME ROWS.

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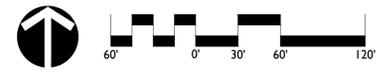
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VISTA DEL LAGO
REZONING - PLANNED DEVELOPMENT
JACKSON SHAW, LEWISVILLE TEXAS
CONCEPT LANDSCAPE PLAN

REVISIONS:
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DATE: NOVEMBER 16, 2016
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CHECKED BY: CHK
SCALE: 1"=60'-0"
PROJECT #: 8516027
SHEET #:

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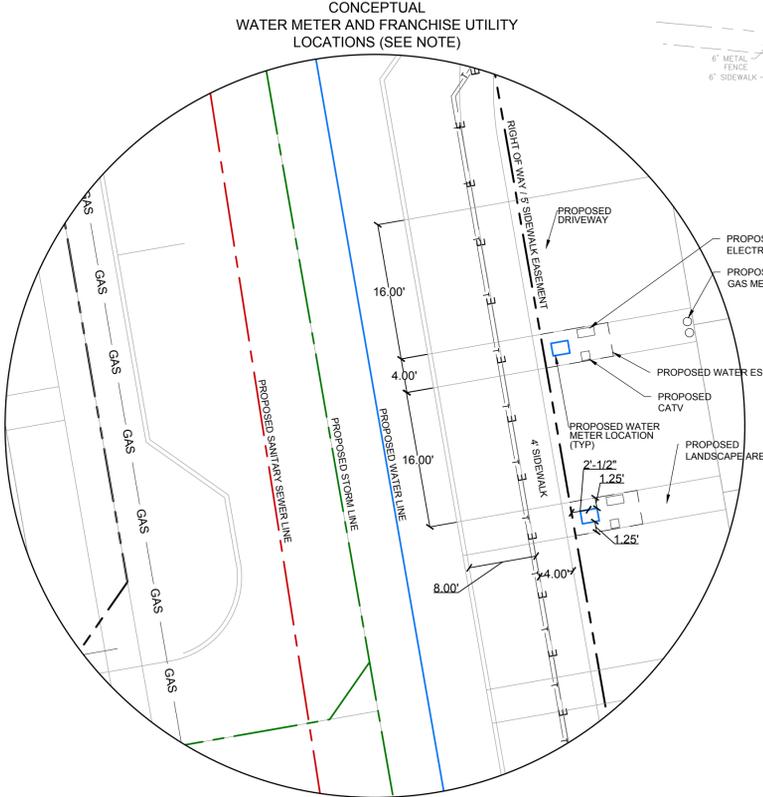


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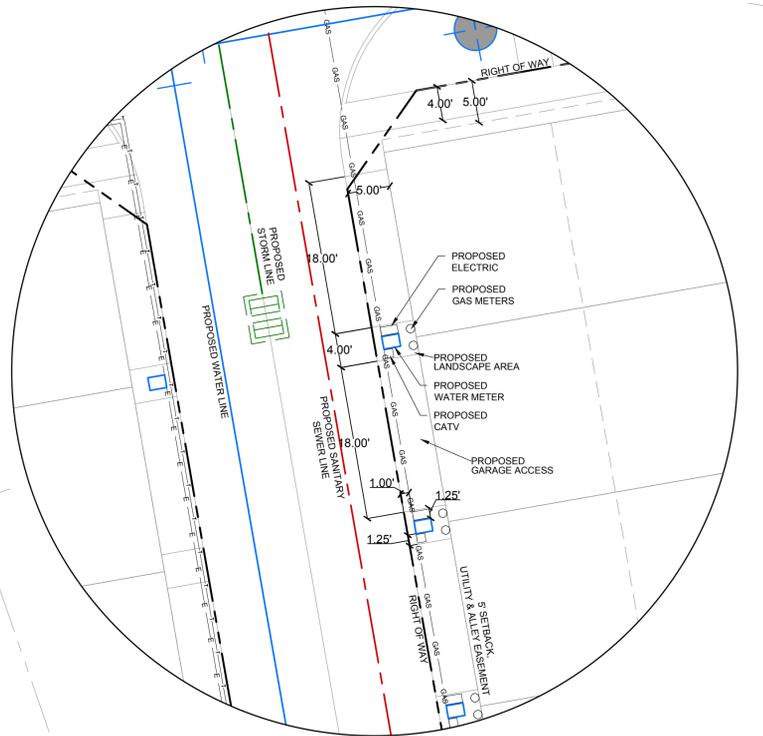


LEGEND	
	PROPOSED WATER LINE
	PROPOSED SANITARY SEWER LINE
	PROPOSED STORM LINE
	PROPOSED FIRE HYDRANT
	PROPOSED SANITARY SEWER MANHOLE
	PROPOSED STORM MANHOLE
	PROPOSED CURB INLET
	PROPOSED GRATE INLET
	PROPOSED WATER METER
	PROPOSED GAS LINE
	PROPOSED ELECTRIC LINE
	PROPOSED TELEPHONE LINE

NOTE:
PICTURES OF EXAMPLE PROJECTS DEPICTING
LOCATIONS FOR WATER METER AND PRIVATE
UTILITIES FOR THE RESIDENTIAL PRODUCT ARE
INCLUDED IN THE PD DOCUMENTS (EXHIBIT B)



DETAIL A
SCALE 1"=10'



DETAIL B
SCALE 1"=10'

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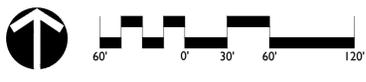
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**VISTA DEL LAGO
REZONING - PLANNED DEVELOPMENT**
JACKSON SHAW; LEWISVILLE TEXAS
CONCEPT UTILITY PLAN

REVISIONS:
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(3) 02.21.17 - CITY COMMENTS ADDRESSED
(4) 03.01.17 - CITY COMMENTS ADDRESSED

DATE: NOVEMBER 16, 2016
DESIGNED BY: THE
DRAWN BY: CMW
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SCALE: 1"=60' 0"
PROJECT #: 8516027
SHEET #:

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EXHIBIT B
VISTA DEL LAGO
CONCEPTUAL RESIDENTIAL ELEVATIONS

The single-family attached product within the Vista del Lago development shall generally comply with the provided elevations below:

Front Elevation – 2 Story Unit



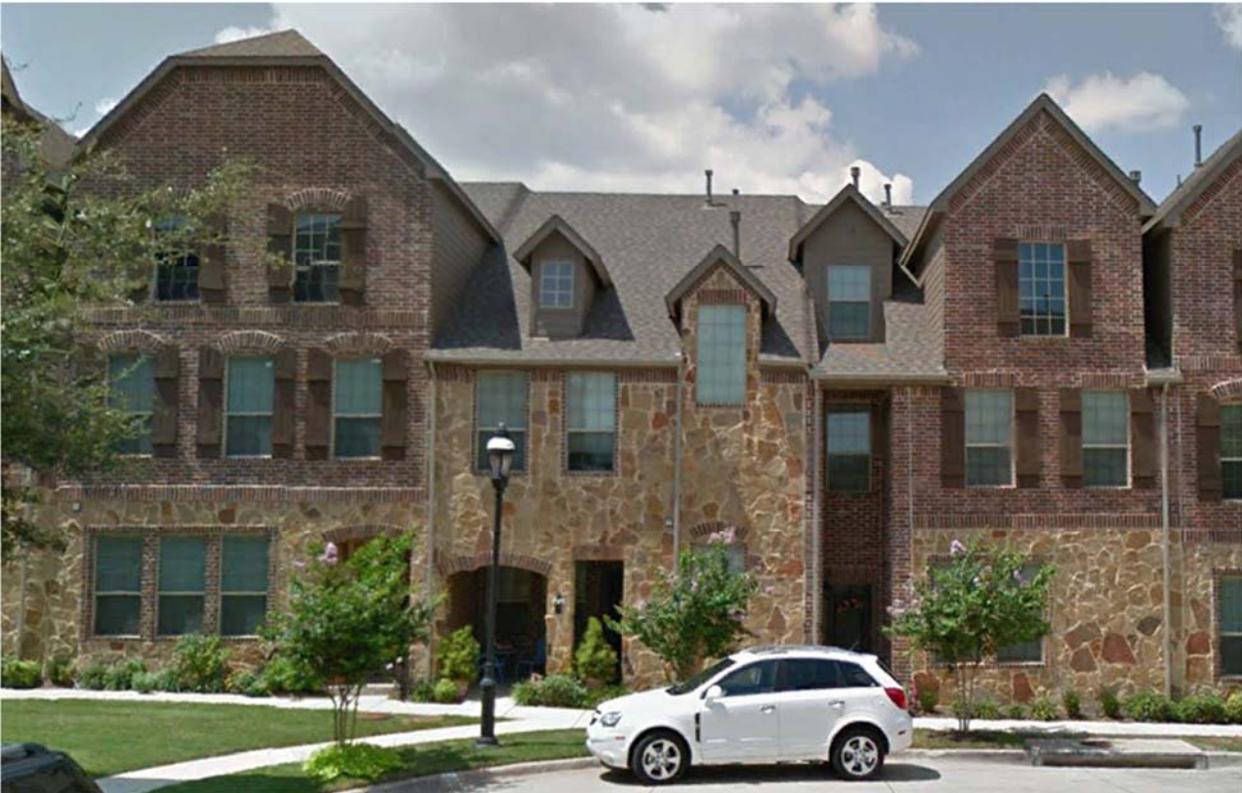
Side Elevation – 2 Story Unit



Rear Elevation – 2 Story Unit



Front Elevation – 3 Story Unit



Rear Elevation – 3 Story Unit / Private Utility Locations



Conceptual Amenity Center Building



MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: April 3, 2017

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Gasoline Service Station, on an Approximately 2.453-Acre Tract of Land, Zoned Light Industrial District (LI); With One Requested Variance; Located on the Southeast Corner of West Round Grove Road (FM 3040) and Edmonds Lane, Further Identified as Lot 4R1, Block A, Texas Instruments Addition; as Requested by Andrew Malzer, of RaceTrac Petroleum, on Behalf of Mesquite Creek Development, Inc., the Property Owner (Case No. SUP-2017-03-05).**

BACKGROUND

The special use permit (SUP) process allows for consideration of certain uses that may potentially be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions. The request is for a RaceTrac brand gasoline service station that will also have 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. On March 7, 2017, the Planning and Zoning Commission recommended unanimous approval (7-0) of the SUP.

ANALYSIS

This vacant property is located at the southeast corner of FM 3040 and Edmonds Lane and was previously part of a larger tract of land. It was replatted in 2012 to be developed as a stand-alone lot for a gas station. When it was originally platted, an SUP was not required for a gasoline service station use in the Light Industrial District. The applicant had gone through the engineering site plan process at that time; however, the engineering site plan has since expired. The use now requires an SUP.

Building Design

The applicant is proposing to build a new one-story 5,488 square-foot convenience store. The convenience store building itself contains a mixture of brick, stacked stone with metal awnings and cornices as shown. The front façade has an entry feature consisting of glazed windows topped with a metal awning supported by two columns wrapped in stacked stone. Additional windows at the roofline above the entrance allows natural light into the store. The building will be 25 feet in height at the highest point. The stone and brick are carried on all elevations, with one corner having a slatted wood feature. Yellow aluminum awnings are proposed over the front windows. The outdoor seating area to the west of the building will be covered with a metal canopy supported by slatted wood wrapped columns.

Subject: SUP Race Trac

April 3, 2017

Page 2 of 2

Gasoline Canopy

A separate gasoline canopy on-site will contain 9 gas pumps, able to serve 18 cars at one time. The entire gas pump area would be covered with a metal canopy. The canopy columns will be wrapped in the same brick and stacked stone used on the building. The canopy will have a flat roof and will contain the RaceTrac logo and colors banding the canopy. The dumpster enclosure located in the rear of the building will also match the building materials.

Signage

Signage is proposed for both the front and rear elevations of the building in addition to the gasoline canopy. Signage will consist of the RaceTrac (blue, red and white) logo. Signage on the building is proposed to be internally illuminated and meet sign ordinance requirements. Signage on the rear elevation will be wall-mounted and the signage on the front elevation will be mounted over the metal canopy entrance. Two banner signs are proposed for the east corner wrapped with wood slats. Banner signs will feature photos of products sold in the facilities. A monument sign is proposed to be located at the FM 3040 entrance and another monument sign is proposed along Edmonds Lane street entrance. The applicant is proposing to provide two 9-foot tall monument signs in lieu of a pole sign.

Landscaping & Screening

The typical landscape strip for a commercial development is 10 feet wide along all street frontages with additional required interior landscaping. The landscape strip along both street frontages ranges from 10-45 feet in width. The applicant is proposing to provide 11 additional trees on-site. Seven trees and shrubs are proposed along the FM 3040 frontage and six trees are proposed along the Edmond Lane frontage. Enhanced landscaping is proposed Edmonds Lane in the form of ground cover and several varieties of shrubs as illustrated on their landscape plan. Ten additional trees will be located along the rear of the property and one will be added to the parking areas. The remaining trees are located within the parking areas on-site as required. Additional landscape enhancements include Crepe Myrtles, Fosters Holly, ground cover and shrubs proposed at the front and rear of the building.

Variance

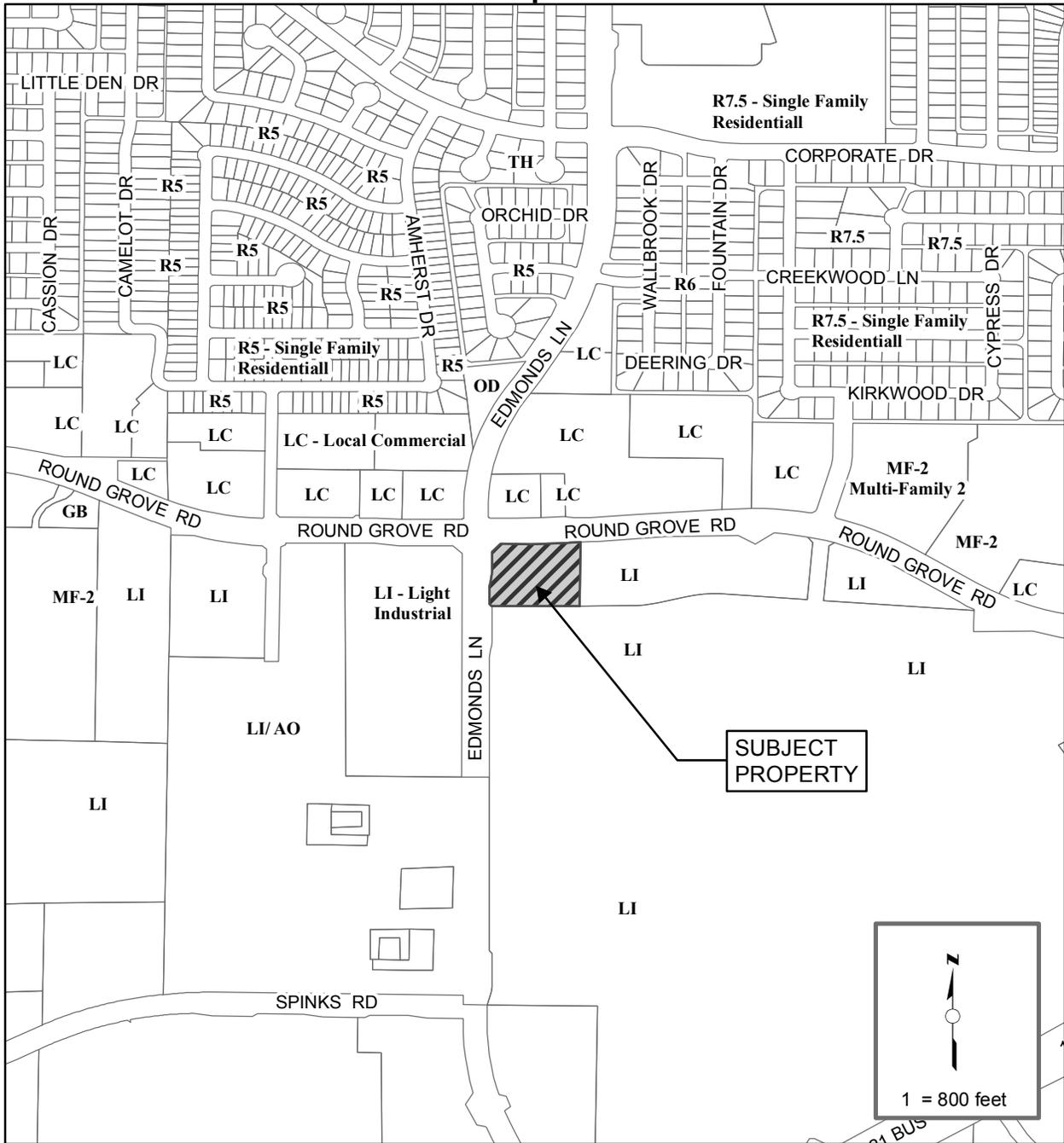
To allow a monument sign nine-feet in height in lieu of the six-foot allowed by ordinance

The Sign Ordinance allows this applicant to provide 30-foot pole signs on their property. The applicant is instead proposing two 9-foot tall monument signs. These monument signs exceed the maximum height of 6 feet, which will, therefore, require a variance. Staff recommends approval of this variance because the proposed monument signs will enhance the aesthetics of the site as compared to the pole signs otherwise allowed by right.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the special use permit and associated variance request with the condition that no pole signs be allowed on-site.

Location Map - Race Trac



CASE NO. SUP-2017-03-05

PROPERTY OWNER: MESQUITE CREEK DEVELOPMENT, INC.

APPLICANT NAME: ANDREW MALZER, RACETRAC PETROLEUM

PROPERTY LOCATION: SEC ROUND GROVE RD (FM 3040) & EDMONDS LN (2.453 ACRES), LOT 4R1, BLOCK A, TEXAS INSTRUMENTS ADDITION

CURRENT ZONING: LIGHT INDUSTRIAL DISTRICT (LI)

REQUESTED USE: A SPECIAL USE PERMIT (SUP) FOR A GASOLINE SERVICE STATION

Aerial Map - Race Trac



**MINUTES
PLANNING AND ZONING COMMISSION
MARCH 07, 2017**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 pm. Members present: James Davis, William Meredith, John Lyng, Mary Ellen Miksa, Alvin Turner, Karen Locke and Kristin Green.

Staff members present: Richard Luedke, Planning Manager; Mary Paron-Boswell, Senior Planer; June Sin, Planner and Theresa Ernest, Planning Technician.

Item 4:

Public Hearings for Zoning and Special Use Permits were next on the agenda. There were two items for consideration:

- B. **Public Hearing:** Consideration of a Special Use Permit (SUP) for a Gasoline Service Station; on an Approximately 2.453-Acre Tract of Land; Located on the Southeast Corner of Round Grove Road (FM 3040) and Edmonds Lane, Further Identified as Lot 4R1, Block A of the Texas Instruments Addition; Zoned Light Industrial District (LI); as Requested by Andrew Malzer of RaceTrac Petroleum, on Behalf of Mesquite Creek Development, Inc., the Property Owners. (Case No. SUP-2017-03-05).

Staff gave a brief overview of the proposed special use permit request for a gasoline service station, and recommended approval of the special use permit as requested. Andrew Malzer of RaceTrac gave a presentation on the proposed gas station with nine pumps to serve up to eighteen vehicles and associated convenience store. The applicant was available to answer questions. Chairman Davis and Member Alvin Turner expressed concerns about the safety of the public, seeking clarification on the security of the gas tanks and emergency protocol. Andrew Malzer, Brad Williams and Drew Cunningham answered that the gasoline storage tanks are made from double pane glass to prevent any leakage. Personnel are trained for emergency procedures and will take security walks of the property each hour to ensure proper function of the gas pumps. There will be emergency shut off valves on site with alarms. Member Kristin Green asked for clarification on the entrance off FM 3040. Brad Williams explained that driveway spacing and turn bay requirements caused the driveway to be offsite with an access easement. Member John Lyng asked for further explanation regarding the remodeling process for all RaceTrac gas stations to follow the updated design of this proposed development. Drew Cunningham answered that the renovations are anticipated to begin in the next eight to twelve months although the goal to update to all locations is the end of 2019. The public hearing was then opened by Chairman Davis. There being no public comment, the public hearing was then closed. *A motion was made by William Meredith to recommend approval of the Special Use Permit request, seconded by MaryEllen Miksa. The motion passed unanimously (7-0).* Staff indicated that this item would be going before the City Council on April 3rd for a second public hearing and a final decision.

SECTION 17-21. - "LC" LOCAL COMMERCIAL DISTRICT REGULATIONS

- (a) *Use.* 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" as regulated in said district.
 - (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 (SUP required).
 - (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) (SUP required).
 - (8) Restaurants.
 - (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 incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (16) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (17) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (18) Beverage container recycling collection facility (SUP required).
 - (19) Kiosks, including water and ice sales (SUP required).
 - (20) Private stadium/arena/sports field (SUP required).
 - (21) Communication Towers (SUP required).
 - (22) Plant Nursery (Retail Sales) (Indoor)
 - (23) Plant Nursery (Retail Sales) (With Outdoor Display or Storage) (SUP required).
- (b) *Height.* 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.*
- (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 17-22. - "GB" GENERAL BUSINESS DISTRICT REGULATIONS

- (a) *Use.* 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" as regulated in said district.
 - (2) Auto, boat, motorcycle, recreational vehicle or mobile home display, sales (outdoor) and/or repair (SUP required)
 - (3) Bakeries.
 - (4) Building material sales with outside storage or display, including lumber yards (SUP required).
 - (5) Business or commercial schools.
 - (6) Clinic, medical and dental, and professional offices.
 - (7) Carpentry, painting, plumbing or tinsmithing shop fully enclosed within a building.
 - (8) Cleaning, laundry and dyeing plants fully enclosed within a building.
 - (9) Creamery, ice cream manufacturing and dairy operations fully enclosed within a building.
 - (10) Farm implement display and sales room. (outdoor) (SUP required).
 - (11) Hotels, motels and inns.
 - (12) Mortuaries with or without crematoriums. (SUP required).
 - (13) Office buildings.
 - (14) Pet shops, retail, fully enclosed within a building.
 - (15) Printing, engraving and newspaper plants, fully enclosed within a building.
 - (16) Radio or television broadcasting station or studio with broadcasting towers (SUP required).
 - (17) Retail stores, fully enclosed within a building.
 - (18) Veterinarian or animal hospital with outdoor kennel or exercise runs (SUP required).
 - (19) Bowling alley and other commercial amusement (indoor) uses, fully enclosed within a building.
 - (20) Church worship facilities.
 - (21) Uses similar to the above mentioned permitted uses, provided activities conducted wholly inside a building and 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 incidental 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 (SUP required).
 - (25) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (28) Commercial amusement, outdoor (SUP required).
 - (29) Drive-in theater (SUP required).
 - (30) Flea market, outdoor (SUP required).
 - (31) Helipad, helistop or landing strip (SUP required).
 - (32) Kennels with outdoor runs (SUP required).
 - (33) Nightclub, bar. (SUP required).
 - (34) Brewery, distillery, or winery.
 - (35) Hotels, motels and inns with rooms containing a cooktop or oven (SUP required).
- (b) *Height.* 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.*

(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's 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 city's 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 17-23. - "LI" LIGHT INDUSTRIAL DISTRICT REGULATIONS

- (a) *Use.* 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" as regulated in said districts.
 - (2) Apparel and other products assembled from finished textiles.
 - (3) Bottling works.
 - (4) Warehouse distribution facilities.
 - (5) Airport/Heliport (SUP required).
 - (6) Auto repair shops including body shops (SUP required).
 - (7) Church worship facilities.
 - (8) Buildings and uses owned or operated by public governmental agencies.
 - (9) Cemetery, mausoleum, crematorium & accessory uses (SUP required).
 - (10) Cosmetic manufacturer.
 - (11) Drugs and pharmaceutical products manufacturing.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Electronic products manufacturing.
 - (14) Fur good manufacture, but not including tanning or dyeing (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Glass products, from previously manufactured glass.
 - (17) Heavy equipment – outdoor rental/sales/display/service (SUP required).
 - (18) Household appliance products assembly and manufacture from prefabricated parts.
 - (19) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
 - (20) Musical instruments assembly and manufacture.
 - (21) Paint, shellac and varnish manufacture (SUP required).
 - (22) Plastic products manufacture, but not including the processing of raw materials.
 - (23) Racing facilities (SUP required).
 - (24) Recreational Vehicle (RV) Park. (Private) (SUP required).
 - (25) Self storage/mini warehouse facility (SUP required).
 - (26) Shooting Range (indoor or outdoor) (SUP required.).
 - (27) Sporting and athletic equipment manufacture.
 - (28) Testing and research laboratories.
 - (29) Auction yard (vehicle) (SUP required).
 - (30) Communication towers (SUP required).
 - (31) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (32) Accessory buildings and uses customarily incidental 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.
 - (33) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (34) Other uses similar to the above listed uses are allowed by special use permit (SUP) only, 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.* No building shall exceed in height the width of the street right-of-way 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.*

(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's 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 city's 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 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

The special use permit (SUP) provides a means for evaluating land uses identified in this ordinance to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.

(b) *Application submittal and approval process.*

(1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:

- a. A scaled development plan depicting the items listed in Section 17-29.5(b)(2);
- b. A meets and bounds description of the property boundary;
- c. A narrative explaining how the property and use(s) will function;
- d. Colored elevations of the building and other structures including dimensions and building materials;
- e. A Landscaping Plan, meeting the requirements of Section 6-124 of the Lewisville Code of Ordinances;
- f. A Tree Survey and Mitigation Plan if required by Section 6-125 of the Lewisville Code of Ordinances;
- g. Detailed elevations and descriptions of proposed signage;
- h. An exhibit illustrating any requested variances; and
- i. Any other information, drawings, operating data or expert evaluations that city staff determines are necessary to evaluate the compatibility criteria for the proposed use and development.

(2) The development plan submitted along with an SUP application must include the following:

- a. The layout of the site;
- b. A north arrow;
- c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
- d. Name, address, and phone number for applicant, developer, owner, builder, engineer, and/or surveyor;
- e. Building location, property lines, and setbacks;
- f. Summary tables listing building square footage, required parking, and required landscaping;
- g. Locations of utility easements, if applicable;
- h. Zoning and ownership of adjacent properties;
- i. Easements, deed restrictions, or encumbrances that impact the property;
- j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
- k. Streets, alleys, and easements adjacent to the site;
- l. Driveways and sidewalks;
- m. Parking configuration, including maneuvering lanes and loading areas;
- n. Location and details of dumpsters and screening devices; and
- o. Location of all proposed signage.

(3) Variances from the regulations of the city's General Development Ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.

- (4) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (5) The planning and zoning commission, after holding a public hearing, shall recommend to the city council approval or denial of each SUP along with any recommended conditions. The city council shall review each case on its own merit, apply the compatibility criteria established herein, and if appropriate, grant the special use permit for said use(s).
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the General Development Ordinance.

(c) *Compatibility criteria for approval.*

The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans;
- (2) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- (3) not be detrimental to the public health, safety, or general welfare; and
- (4) conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.*

The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications, or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner, and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

(g) *Timing.*

All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

(h) *Zoning map.*

When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.

(i) *Rescind and terminate a special use permit.*

City council may rescind and terminate an SUP after a public hearing if any of the following occur:

- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (2) The SUP was obtained through fraud or deception.
- (3) Ad valorem taxes on the property are delinquent by six months or more.
- (4) Disconnection or discontinuance of water and/or electrical services to the property.
- (5) Abandonment of the structure, lease space, lot, or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

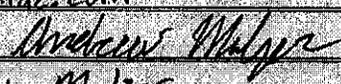
This Section (Office Use Only)		
Case:		
PZ:		CC:
Sign/s Picked Up By:		



LEWISVILLE
 TEXAS

**SPECIAL USE PERMIT (SUP)
 APPLICATION**

Owner/s (name): <u>Mesquite Creek</u>	
Company Name: <u>Mesquite Creek Development, Inc.</u>	
Mailing Address: <u>3225 Cumberland Blvd, Suite 100, Atlanta, GA 30339</u>	
Work #: <u>770-431-7600</u>	Cell #:
E-Mail:	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): 	Date: <u>11/28/2016</u>
Printed Name: <u>Bill Milano</u>	

Applicant/Agent (name): <u>Andrew Malzer</u>	
Company Name: <u>RaceTrac Petroleum</u>	
Mailing Address: <u>3225 Cumberland Blvd, Suite 100, Atlanta, GA 30339</u>	
Work #: <u>770-431-7600 ext 1412</u>	Cell #: <u>706 288 7672</u>
E-Mail: <u>amalzer@racetrac.com</u>	
Applicant/Agent Signature: 	Date: <u>11/28/2016</u>
Printed Name: <u>Andrew Malzer</u>	

Current Zoning: <u>LI</u>	Requested Zoning: <u>Gasoline Service Station</u>	Acres: <u>2.453</u>
Legal Description (Lot/Block/Tract/Abstract): <u>Texas Instruments Adch. Bk A</u> <u>Lot 4R1</u>		
Address/Location: <u>Round Grove Road, TX, 75067</u>		

Application and Sign Fees:

Less than 1/2 acre	\$ 150.00
1/2 acre up to 4.99 acres	\$ 250.00
5 acres up to 24.99 acres	\$ 400.00

25 acres up to 49.99 acres	\$ 750.00
50 acres up to 99.99 acres	\$1,000.00
100 acres and more	\$1,500.00

Qty: <u>1</u>	SUP Signs: \$35 each 1 sign required for each 5 acres (max. 5 per site)	\$ <u>35.00</u>
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ <u>285.00</u>
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LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

REQUIRED:

Fully describe the plans for the property

This application ("Application") by RaceTrac Petroleum, Inc. ("Applicant") is for an SUP for a Gasoline Service Station on approximately 2.453 acres zoned LI and located at the southeast corner of FM 3040 and Edmonds Lane ("Property"). Pursuant to the Application, Applicant intends to develop the Property with a gasoline service station consisting of multiple fuel dispensers and an approximately 5,500 square foot convenience store (the "Project"). At the time Applicant made application to for its first permit in a series of permits required for the Project (i.e., a replat of Lot 4, Block A, Texas Instruments Addition), the LI zoning of the Property did not require an SUP for a gasoline service station. As a result, and as set forth in a letter to the City dated October 18, 2016, the Project is vested in the prior zoning ordinance and no SUP is legally required. However, Applicant has agreed to submit this Application to provide for City input on technical and design aspects of the Project, but does so subject to said vested rights and nothing herein is intended, or shall be construed, as a waiver or release of any such rights.

NOTE:

Items must be staff approved and deemed complete before they will be placed on an agenda.



March 14, 2017
City of Lewisville
151 West Church Street
Lewisville, TX 75057

Re: SUP 2017-03-05; monument sign height variance.

Dear Members of the City Council,

In accordance with the City's standard signage regulations and the existing LI zoning of the Property, RaceTrac initially proposed to install two pole signs along each frontage of the Property in order to most effectively display the price of gas. Such pole signs are consistent with RaceTrac's standard store development model and, as provided under the City sign code, each was proposed to be 30 feet tall and 150 square-feet in area.

During the site plan review process, however, staff advised that, despite the fact that freestanding signs are permitted by-right in the LI district, the proposed freestanding signs would not be supported in connection with the SUP site plan. Although RaceTrac has submitted an SUP application in order to proceed with development of the Property, the Project was nevertheless commenced in 2012 when RaceTrac submitted and obtained approval of a replat application for the Property. At the time, the proposed gasoline service station use was allowed by right in the LI district with no SUP being required. As a result, RaceTrac's expectations for this Project, up until the first set of staff comments, had always included standard freestanding signage as permitted by City code.

RaceTrac recognizes that every community in which its stores are located is unique and that each Project may require deviations from its standard development model to best integrate and complement the immediate area and the community as a whole. The City of Lewisville is no exception. Understanding that this community is interested in reducing the proliferation of freestanding signs and in an effort to obtain staff's full support for the Project, RaceTrac is now proposing monument signage consistent with the City initiative described above.

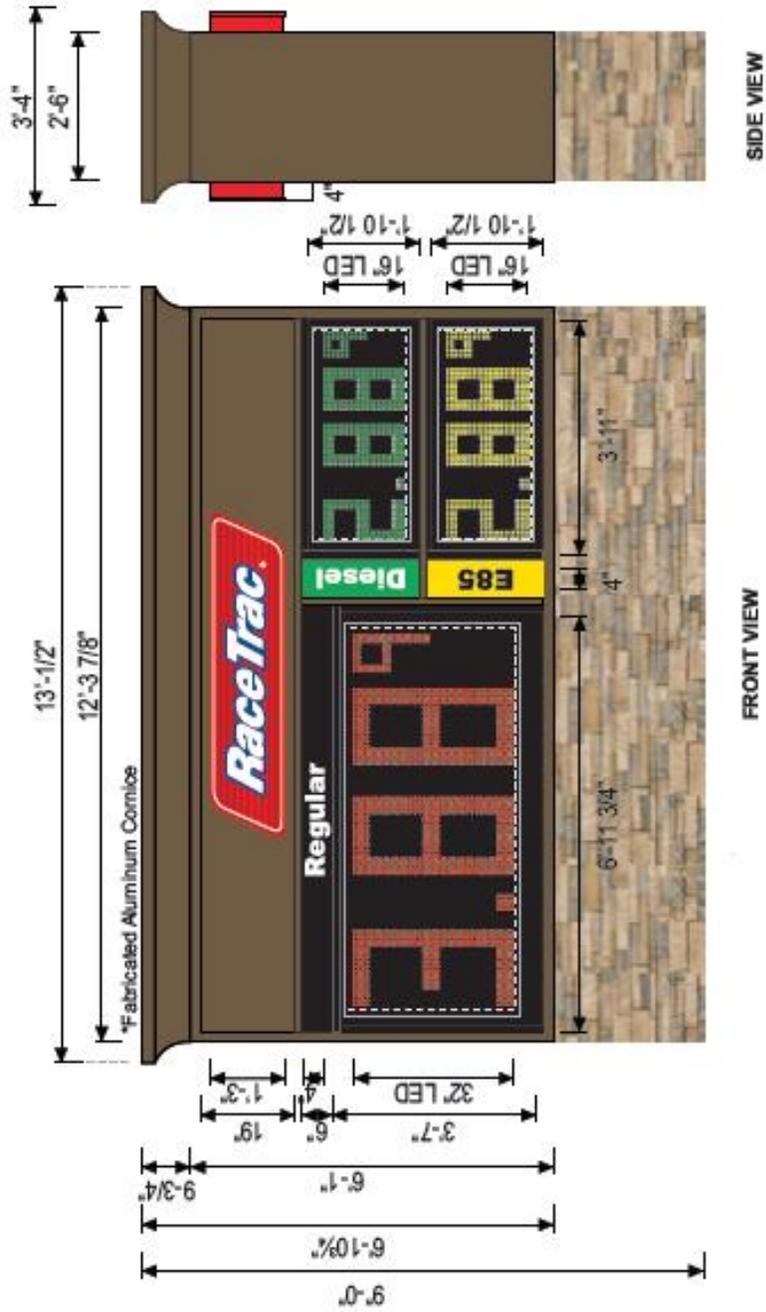
As can be seen on the enclosed elevation, the proposed monument signs are designed and constructed consistent with the primary structure. Like the store, the signs have a stacked stone masonry base and an articulated cap. City standards limit the height of monument signage to 6 feet. However, the proposed signage is 9-feet in height, a 50% increase. Along with this height variance, however, RaceTrac intends to increase the minimum required setback of the signs from 3 feet, to in excess of 15-feet. The signs will also be outfitted with high-efficiency and attractive LED lighting.



RaceTrac looks forward to presenting our request to the Council at the April 3, 2017, meeting and respectfully requests approval of the proposed monument signage.

Kind Regards,

Andrew Malzer
Engineering Project Analyst – DFW Area



ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR A GASOLINE SERVICE STATION ON A 2.453-ACRE TRACT LEGALLY DESCRIBED AS LOT 4R1, BLOCK A, TEXAS INSTRUMENTS ADDITION, LOCATED ON THE SOUTHEAST CORNER OF WEST ROUND GROVE ROAD (FM 3040) AND EDMONDS LANE AND ZONED LIGHT INDUSTRIAL DISTRICT (LI); PROVIDING FOR A REPEALER, SEVERABILITY, AND A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made requesting approval of a Special Use Permit for a gasoline service station 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; and said Planning and Zoning Commission has recommended that the Special Use Permit on the 2.453-acre tract, as described in the attached Exhibit “A” (the “Property”), be **approved**; and

WHEREAS, this application for a Special Use Permit comes before the City Council of the City of Lewisville, Texas (the “City Council”) after all legal notices, requirements, conditions and prerequisites have been met; and

WHEREAS, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) complements or is compatible with the surrounding uses and community facilities; (2) contributes to, enhances, or promotes the welfare of the area of request and adjacent properties; (3) is not detrimental to the public health, safety, or general welfare; and (4) conforms in all other respects to all zoning regulations and standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow a gasoline service station on the Property, which is zoned Light Industrial District (LI).

SECTION 3. CONDITIONS OF SPECIAL USE PERMIT. The Property shall be developed and maintained:

1. in compliance with the narrative, development plan, landscape plan, elevations, signage illustrations, and photometry plan attached hereto as Exhibit “B”; and
2. in accordance with all federal, state, and local laws and regulations; and
3. with the condition that no pole signs be allowed on site.

SECTION 4. CORRECTING OFFICIAL ZONING MAP. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this Special Use Permit.

SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS. The Property shall comply with all applicable municipal ordinances, as amended. In no way shall this Special Use Permit be interpreted to be a variance to any municipal ordinance.

SECTION 6. RESCINDING AND TERMINATION. The City Council may rescind and terminate the Special Use Permit after a public hearing if any of the following occur:

1. One or more of the conditions imposed by the Special Use Permit have not been met or have been violated.
2. The Special Use Permit was obtained through fraud or deception.
3. Ad valorem taxes on the property are delinquent by six months or more.
4. Disconnection or discontinuance of water and/or electrical services to the property.
5. Abandonment of the structure, lease space, lot, or tract of land for 180 days or more.

SECTION 7. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 8. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 9. PENALTY. Any person, firm or corporation who violates any provisions 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 10. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 11. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 3RD DAY OF APRIL, 2017.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Exhibit B
Narrative
Development Plan
Landscape Plan
Elevations
Signage Illustrations
Photometry Plan

EXHIBIT A

F.M. HIGHWAY 3040 (VARIABLE-WIDTH ROAD) SPEED LIMIT 50 MPH - STATE OF TEXAS ROAD

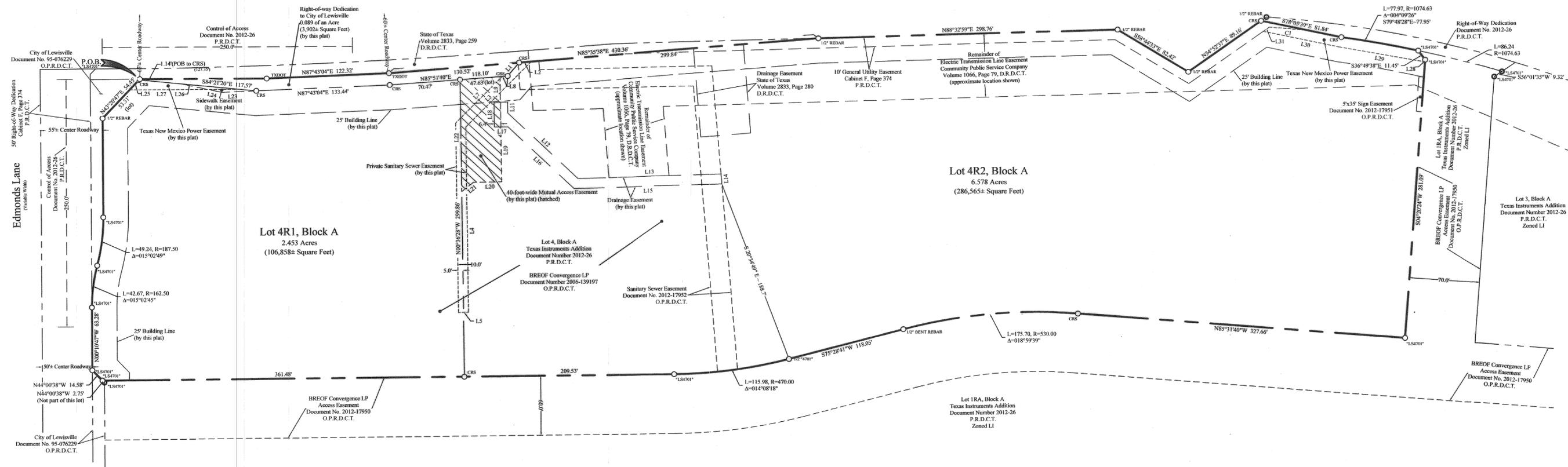


Table with 6 columns: Curve #, Arc, Radius, Delta, Chord Bearing, Chord. Row 1: C1, 40.33', 1075.92', 002°08'52", N84°41'54"W, 40.33'

Table with 3 columns: Line #, Distance, Bearing. Rows 1-13: L1 (17.84', N40°52'31"E), L2 (12.04', N85°23'38"E), L3 (92.88', S45°00'00"W), L4 (187.09', S00°36'28"E), L5 (10.00', S89°23'32"W), L6 (191.30', N00°36'28"W), L7 (66.16', N45°00'00"E), L8 (5.27', N85°01'54"0"E)

Table with 3 columns: Line #, Distance, Bearing. Rows 9-18: L9 (25.88', S00°36'28"E), L10 (13.50', N89°23'32"E), L11 (11.00', S00°36'28"E), L12 (96.46', S46°27'01"E), L13 (142.97', N88°32'59"E), L14 (10.01', S04°34'04"E), L15 (147.66', S88°32'59"W), L16 (90.89', N46°27'01"W), L17 (13.50', S89°23'32"W), L18 (25.00', N00°36'28"W)

Table with 3 columns: Line #, Distance, Bearing. Rows 19-22: L19 (106.29', S00°36'28"E), L20 (28.19', S89°23'32"W), L21 (14.96', S51°31'50"W), L22 (113.00', N00°36'28"W)

Table with 3 columns: Line #, Distance, Bearing. Rows 23-24: L23 (34.16', S87°43'04"W), L24 (41.61', N77°51'16"W)

Table with 3 columns: Line #, Distance, Bearing. Rows 25-26: L25 (13.75', N43°20'47"E), L26 (101.39', S84°21'20"E), L27 (110.34', S89°59'02"W), L28 (2.21', S04°20'24"W), L29 (86.70', N79°48'28"W), L30 (77.70', N78°05'39"W), L31 (7.33', N54°52'32"E)

OWNER'S CERTIFICATE
STATE OF TEXAS
COUNTY OF DENTON
WHEREAS, BREOF Convergence LP is the owner of all of Lot 4, Block A of Texas Instruments Addition...

- (radius 1,074.63 feet);
5. In a southeasterly direction, with the arc of the said curve, an arc length of 77.97 feet to a 1/2 inch capped rebar stamped "LS4701" found at the end of the said non-tangent curve;
6. South 36 Degrees 49 Minutes 38 Seconds East, a distance of 11.45 feet to a found 1/2 inch capped rebar stamped "LS4701";

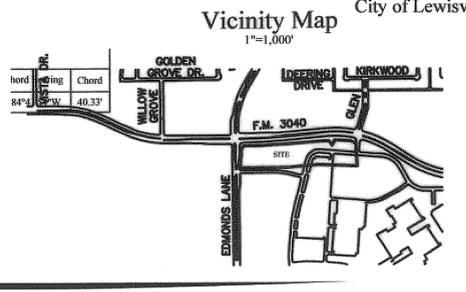
DEDICATION STATEMENT
NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
That BREOF Convergence LP, acting herein by and through its duly-authorized officer, does hereby adopt this plat designating the herein above-described property as Texas Instruments Addition, Lots 4R1 & 4R2, Block A addition in the City of Lewisville, Denton County, Texas...

NOTARY CERTIFICATE
CANADA
PROVINCE OF ONTARIO
Before me, the undersigned authority, a Notary Public in and for the Province of Ontario, by Royal Authority duly appointed on this day personally appeared Ashley Lawrence, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same in the capacity therein stated and for the purposes and considerations therein expressed.

- 1. This survey was performed with the benefit of a title commitment issued by Republic Title, GF NO. 1002-5249-RTT, effective date March 18, 2012, issued April 02, 2012.
Schedule B Encumbrances
d. Easement from Texas Instruments incorporated to Community Public Service Company, recorded in Volume 1066, Page 79, D.R.D.C.T. - shown hereon.

LEGEND
D.R.D.C.T. = Deed Records of Denton County, Texas
P.R.D.C.T. = Plat Records of Denton County, Texas
O.P.R.D.C.T. = Official Public Records of Denton County, Texas
LEGEND OF SYMBOLS
CRS 1/2" capped rebar stamped "JPH LAND SURVEYING" Set
TSM 1/2" capped rebar stamped "LS4701"
TXDOT State of Texas Highway Department & Public Transportation concrete monument with brass disk
DEVELOPER: RaceTrac Petroleum, Inc.
OWNER: BREOF Convergence LP
ENGINEER: Homeyer Engineering, Inc.
CITY SIGNATURES: Julie Heinz, City Secretary
Vicinity Map: 1"=1,000'

SURVEYOR'S CERTIFICATE
STATE OF TEXAS
COUNTY OF TARRANT
I, Jewel Chadd, Registered Professional Land Surveyor, hereby certify that I have prepared this plat from an actual on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Lewisville, Texas.
NOTARY CERTIFICATE
STATE OF TEXAS
COUNTY OF TARRANT
Before me, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Jewel Chadd, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same in the capacity therein stated and as the act and deed therein stated.



Filed for Record in the Official Records of Denton County, Texas
Date of Recording: 10-23-12
Book: 259
Page: 259
Record Number: 949992
Caddis: JPH

EXHIBIT B

NARRATIVE



REQUIRED:

Fully describe the plans for the property

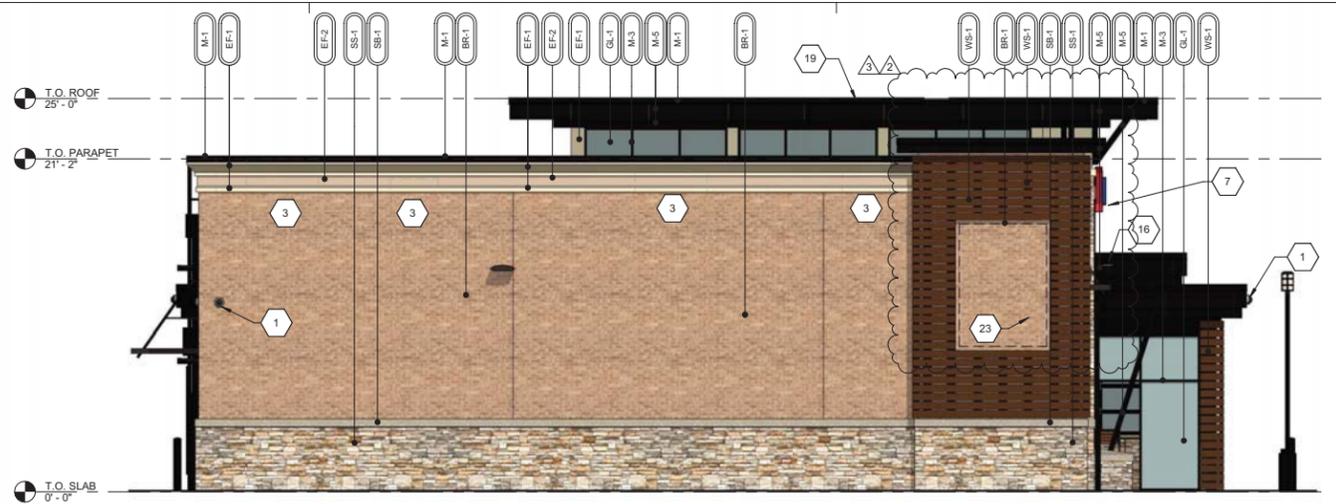
This application ("Application") by RaceTrac Petroleum, Inc. ("Applicant") is for an SUP for a Gasoline Service Station on approximately 2.453 acres zoned LI and located at the southeast corner of FM 3040 and Edmonds Lane ("Property"). Pursuant to the Application, Applicant intends to develop the Property with a gasoline service station consisting of multiple fuel dispensers and an approximately 5,500 square foot convenience store (the "Project"). At the time Applicant made application to for its first permit in a series of permits required for the Project (i.e., a replat of Lot 4, Block A, Texas Instruments Addition), the LI zoning of the Property did not require an SUP for a gasoline service station. As a result, and as set forth in a letter to the City dated October 18, 2016, the Project is vested in the prior zoning ordinance and no SUP is legally required. However, Applicant has agreed to submit this Application to provide for City input on technical and design aspects of the Project, but does so subject to said vested rights and nothing herein is intended, or shall be construed, as a waiver or release of any such rights.

NOTE:

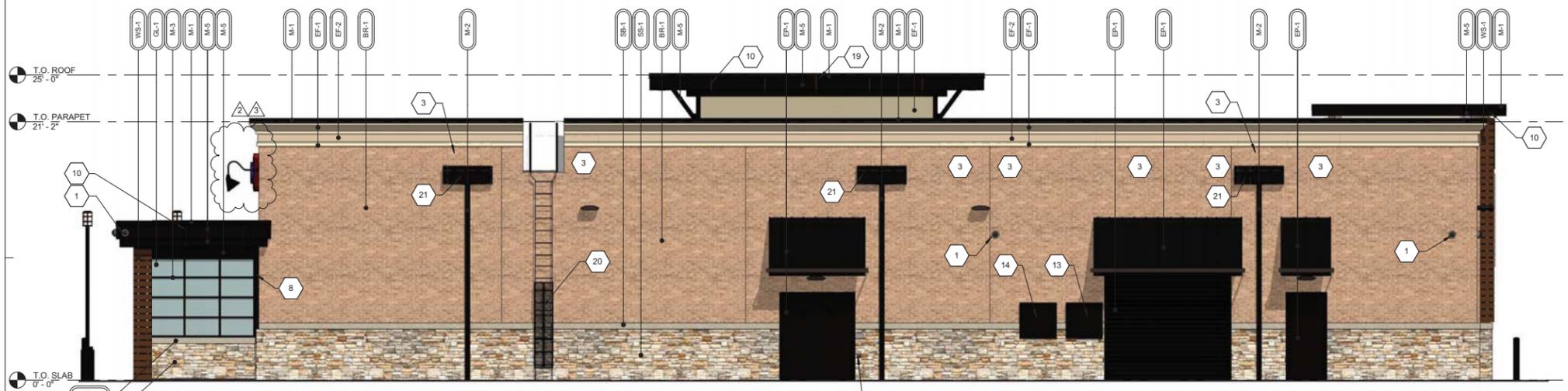
Items must be staff approved and deemed complete before they will be placed on an agenda.



4 RIGHT ELEVATION
3/16" = 1'-0"



3 LEFT ELEVATION
3/16" = 1'-0"



2 REAR ELEVATION
3/16" = 1'-0"



1 FRONT ELEVATION
3/16" = 1'-0"

BUILDING CALCULATION

TOTAL SURFACE AREA	7134 TOTAL SF	
GLAZING SURFACE AREA	1081 TOTAL SF	
NET SURFACE AREA	6053 TOTAL SF	
MATERIAL	SQ. FOOT.	% OF ELEVATION
STONE	1462	24%
BRICK	3467	57%
EIFS	519	9%
METAL	278	5%
WOOD	327	5%

ELEVATION KEY NOTES

- WALL MOUNTED SECURITY CAMERA
- 3" SQUARE DOWNSPOUT. REFER TO CIVIL DRAWINGS FOR CONNECTIONS.
- MECHANICAL EQUIPMENT BEYOND
- REFER TO DETAILS FOR CAST STONE SHAPES.
- HOSE BIBB; REFER TO PLUMBING DRAWINGS.
- CEILING FAN; REFER TO SPECIFICATIONS.
- ILLUMINATED SIGN PANEL BY OWNER MOUNTED ON MINIMUM 4" STEEL TUBES OR HSS TUBES. PAINT EP-1.
- BRONZE BREAK METAL WRAP AT WINDOW JAMB. TYPICAL.
- ROOFING MEMBRANE TO BE RUN UP CLERESTORY TO UNDERSIDE OF WINDOW. REFER TO WALL SECTIONS.
- ACM PANEL REVEAL LINE. REFER TO REFLECTED CEILING PLAN FOR DIMENSIONS.
- 3" SQUARE METAL DOWNSPOUT ATTACHED TO WALL WITH BRACKETS. REFER TO CIVIL FOR CONNECTIONS.
- EMERGENCY FUEL SHUT OFF SWITCH. MOUNT TOP OF SIGN AT 50" A.F.F.
- LOCATION OF ELECTRICAL SERVICE C/T AND METER.
- GENERATOR TAP BOX - SEE ELECTRICAL FOR LOCATION.
- OVERFLOW SPILL SCUPPER.
- PACKAGE PASSER. REFER TO EQUIPMENT PLAN.
- SPILL SCUPPER. REFER TO DETAIL.
- PROVIDE METAL GUARD GATE AT LADDER TO 8' AFF WITH LOCKING HASP.
- 4'-0" WIDE x 1'-7" HIGH SCUPPER. REFER TO DETAILS 9 AND 10 ON SHEET A201.
- WINDOW CLINGS BY RACETRAC.
- EXTERIOR SIGNAGE. REFER TO TABLE BELOW FOR DIMENSIONS AND SF CALCULATIONS.

EXTERIOR MATERIAL SCHEDULE

AWNING	ALUMINUM AWNING	SELECTED BY RACETRAC
BRICK	LAREDO BRICK	MORTAR COLOR "LIGHT BUFF"
CAST STONE	MATCH BORAL TUSCAN LINTEL CHAMPAGNE	COLOR 1102 NATURAL STONE; MORTAR COLOR "LIGHT BUFF"
EIFS	STO THERM CI	"FINE FINISH" APPLICATION; COLOR TO MATCH SW #6113 "INTERACTIVE CREAM"
GLAZING	1" NON-IMPACT RATED INSULATED GLAZING	CLIMATE ZONES 2 OR 3. IGU AT STOREFRONT 0.28 U-FACTOR, SHGC PF=0.25+0.27 (1/4" PPG SOLARBAN 70-XL LOW-E #2 + 1/2" AIR + 1/4" CLEAR)
METAL	PREFINISHED 4" 2-PIECE COMPRESSION METAL COVER	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
M-1	COMPRESSION METAL COVER	COLOR DARK BRONZE
M-2	VISTAWALL	FG-3000 STOREFRONT SYSTEM DARK BRONZE
M-3	REYNOBOND	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
M-5	VERSATEX	WP4 TONGUE AND GROOVE
PAINT	SHERWIN WILLIAMS	EXTERIOR PAINT TO MATCH DARK BRONZE
EP-1	SHERWIN WILLIAMS	EXTERIOR PAINT AS SELECTED BY RACETRAC
EP-2	SHERWIN WILLIAMS	EXTERIOR PAINT AS SELECTED BY RACETRAC
ROOFING	DURO DUROLAST	50 MIL MEMBRANE ROOFING SYSTEM
STACKED STONE	SS-1	BORAL ASPEN COUNTRY LEDGESTONE
STONE BAND	SB-1	BORAL TUSCAN LINTEL CHAMPAGNE
WOOD SLATS	WS-1	COMPACTWOOD 1/2" THICKNESS

RaceTrac
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DESIGN PROFESSIONALS
HR
HILL FOLEY ROSSI & ASSOCIATES

ARCHITECTURE
ENGINEERING
3680 Pleasant Hill Road
Suite 200
Duluth, Georgia 30096
p 770.622.9858
f 770.622.9535
www.hillfoleyrossi.com

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ISSUE/REVISION RECORD

DATE	DESCRIPTION
10/20/16	ZONING REVIEW ISSUE
01/09/17	ZONING REVIEW COMMENTS
01/16/17	ZONING REVIEW COMMENTS
01/26/17	ZONING REVIEW COMMENTS

RaceTrac
RACETRAC PETROLEUM, INC.
3225 CUMBERLAND BOULEVARD
SUITE 100
ATLANTA, GEORGIA 30339
(770) 431-7600

PROJECT NAME
LEWISVILLE, TX

720 W. ROUNG GROVE ROAD
LEWISVILLE, TEXAS

RACETRAC PROJECT NUMBER
#1077

PROTOTYPE SERIES
2016 BR-RH-MO(-) 1077

PLAN MODIFICATION NOTICE
SPB NO. 007 DATE 09.07.16

STANDARD PLAN BULLETINS (SPB) MODIFY THE PROTOTYPE SERIES SET NOTED ABOVE. THE LISTED SPB REPRESENTS THE LATEST MODIFICATION INCORPORATED TO THIS PROTOTYPE SERIES SET AT ORIGINAL RELEASE. THE ISSUE/REVISION RECORD COLUMN ABOVE LISTS ANY REVISIONS OR SPB INCORPORATED IN THIS SET AFTER THE ORIGINAL RELEASE. CONTACT RACETRAC ENGINEERING AND CONSTRUCTION FOR ANY SUBSEQUENT BULLETINS NOT INCORPORATED HEREIN.



PROJECT NUMBER
16.729.00

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NUMBER
A300

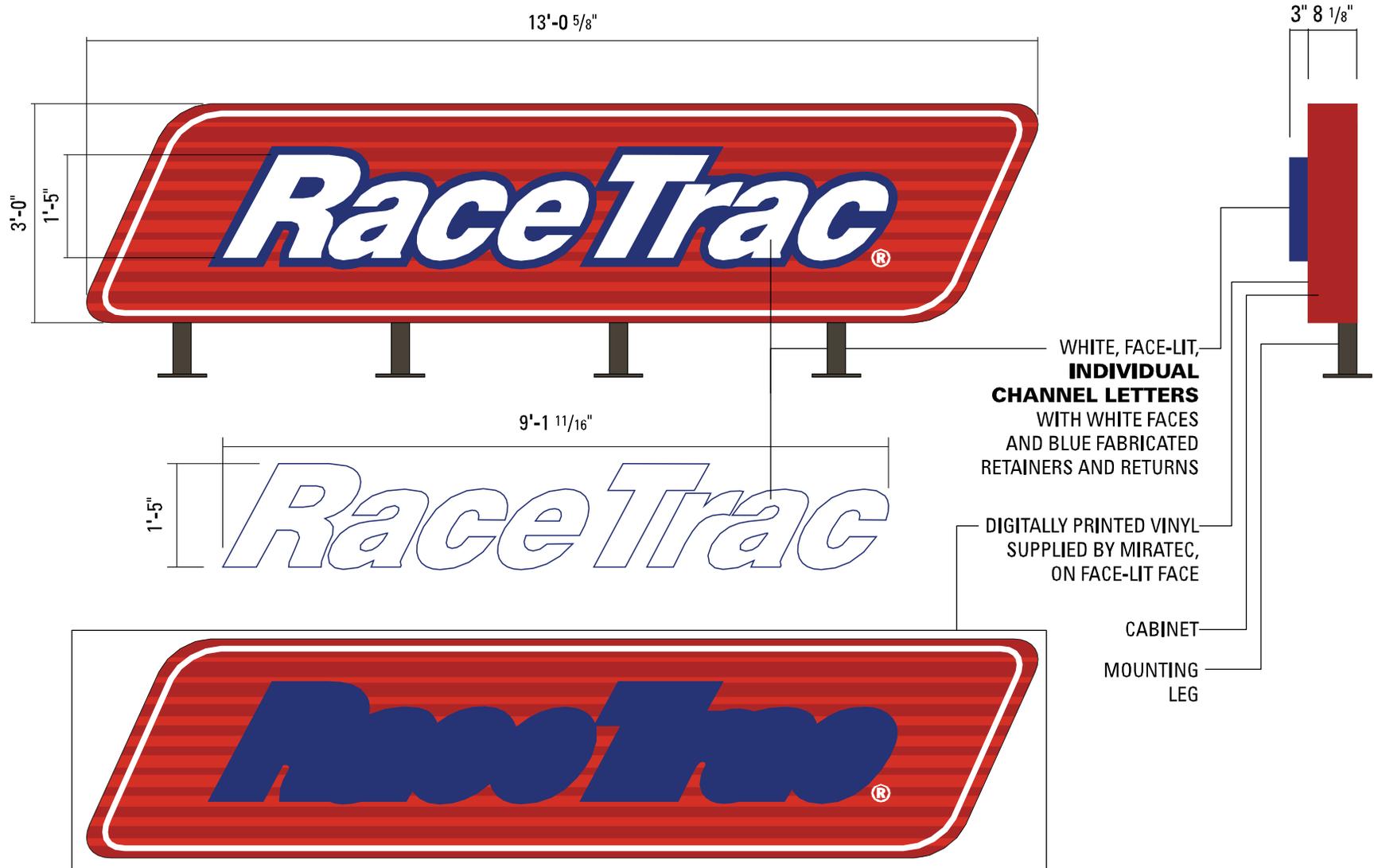
Preliminary Drawing

Building Elevations - Right Hand, Brick



Main Identification Sign - A1

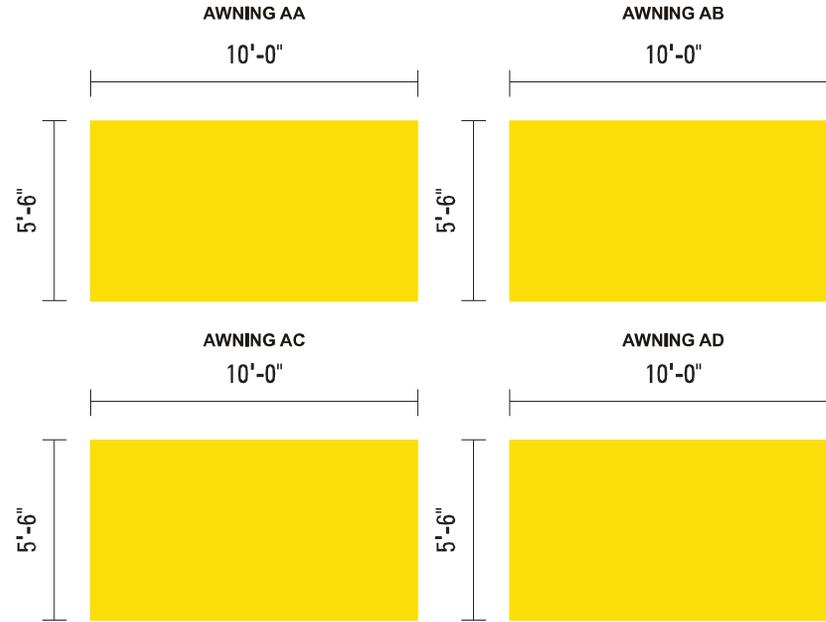
SINGLE FACED
QUANTITY 1
40 SqFt Total



Building Awnings - Yellow Color Scheme

NOTE: Sign Vendor is to Verify Clear Opening Width with Building Survey prior to Fabrication

SINGLE FACED
QUANTITY 4
55 SqFt Each
220 SqFt Total



Awning Sizes - Front View - Graphic Layout

AWNING LAYOUT w/ GRAPHIC LAYOUT

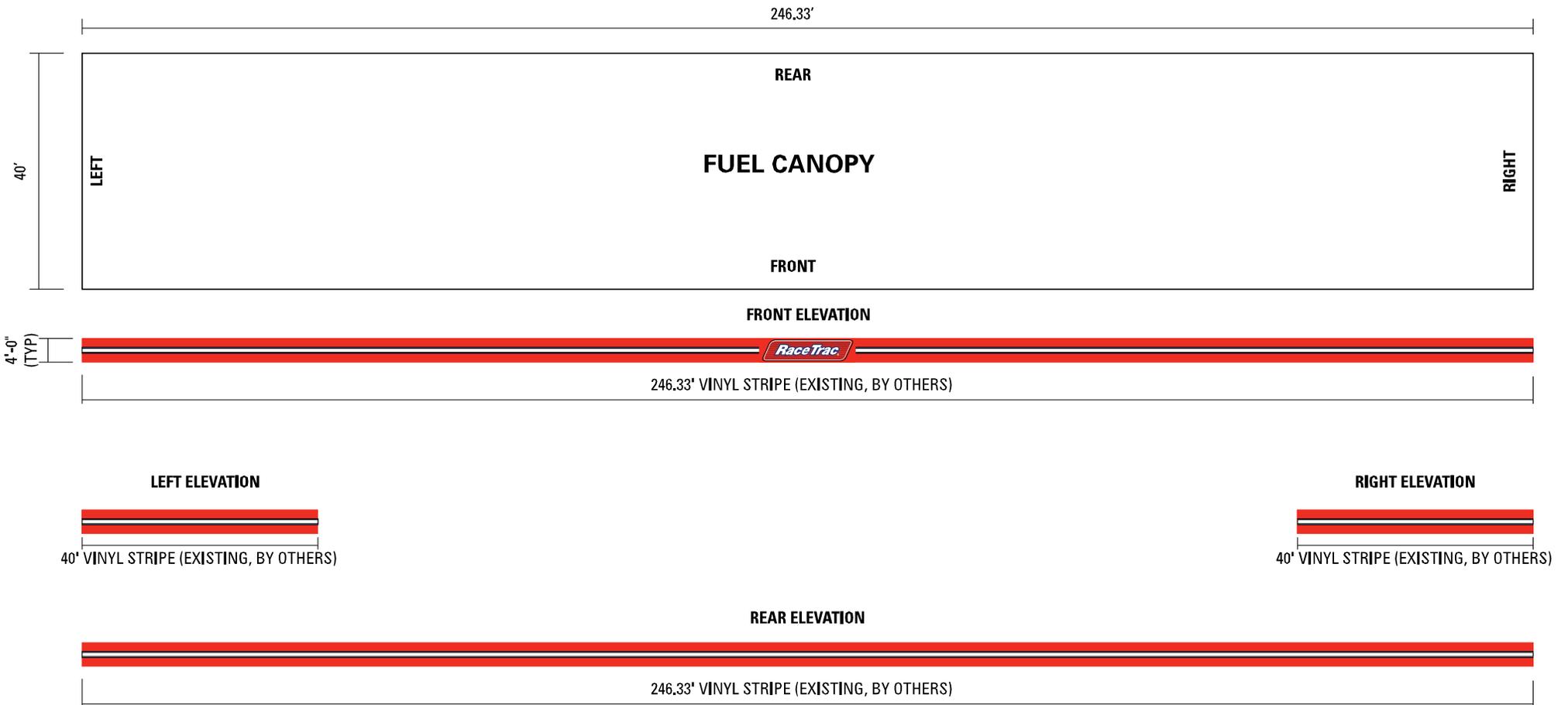
COLOR REFERENCE

1 PAINTED TO MATCH
AKZO SIGN-40077 YELLOW

Fuel Canopy - Lit Stripe (J)

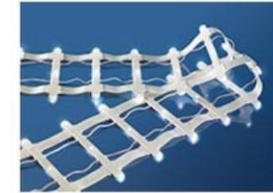
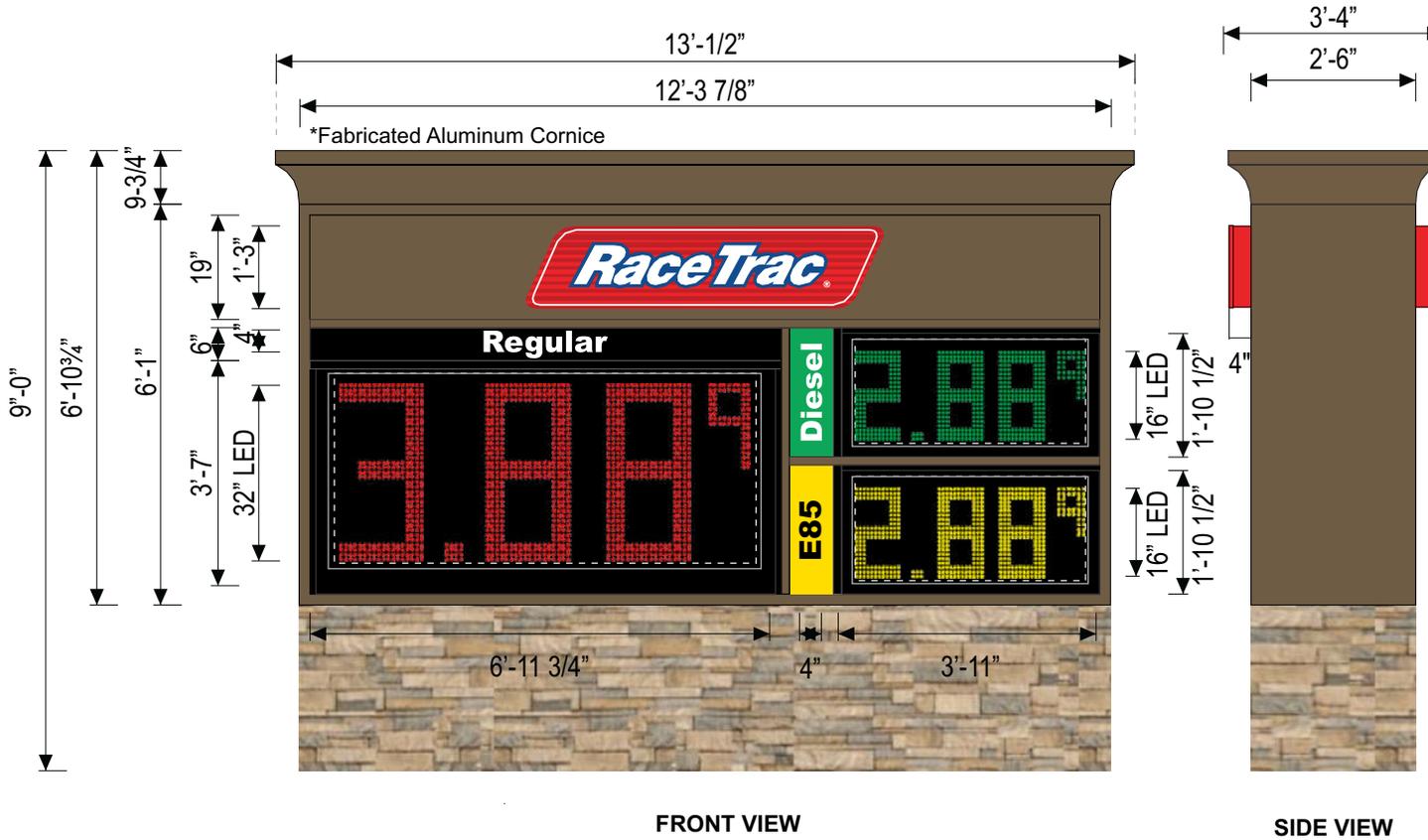
CANOPY FRONT	ITEM	SQ. FT.	LIN. FT.
	CLOUD SIGN	55	15.4
TOTAL FRONT		55	15.4

ENTIRE CANOPY	SQ. FT.	LIN. FT.
	55	15.4



75 SF Price Sign - 32" & 16" LED (N)

*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.



Sloan Sign Box II
LED Interior Illumination

External steel sign support to meet building and local sign codes. Size of steel and footing as required per site requirements.

See Color Schedule on Page 2



GENERAL NOTES

- ALL FIXTURES UTILIZED IN THIS SITE PHOTOMETRY PLAN ARE FULL CUTOFF.
- MOUNT AREA LUMINAIRES TYPE 'D' & 'E' AT 28'-0" AFG (INCLUDING POLE BASE).

STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Property	+	0.0 fc	0.3 fc	0.0 fc	N / A	N / A
Fuel Canopy	+	24.9 fc	35.0 fc	8.0 fc	4.4:1	3.1:1
Site	+	2.5 fc	13.9 fc	0.0 fc	N / A	N / A

LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
□	A	36	CAN-304-SL-RS-06-D-UL-700	60 LED 700mA PETROLEUM SPARKLE 304 SERIES CANOPY	SIXTY WHITE LIGHT EMITTING DIODES	CAN-304-SL-RS-06-D-UL-700.IES	Absolute	0.90	130.3
○	B	2	A2/B1-05	WITH WHITE TRIM AND RECESSED WHITE PLASTIC LENS	LEDS, LUMEN RATING = 648 LMS.	LR6.ies	647	0.90	11.5
○	C	9	NAP4340L	17W X 9W LED POLE FITTER TOP ALUMINUM REFLECTOR ALTA AL-R-1W-20 LEDS		NAP4340L.IES	4500	0.90	40
□	D	4	ARE-DHO-2MB-AA-12-D-UL-1000-0 (1000mA)	CONFIGURED FROM 40 LED TYPE B MEDIUM 1000mA LEDWRT	CONFIGURED FROM FORTY WHITE LIGHT EMITTING DIODES	ARE-DHO-2MB-AA-12-D-UL-1000	Absolute	0.90	426
□	E	3	ARE-DHO-2MB-AA-12-D-UL-1000-0 (1000mA)	CONFIGURED FROM 40 LED TYPE B MEDIUM 1000mA LEDWRT	CONFIGURED FROM FORTY WHITE LIGHT EMITTING DIODES	ARE-DHO-2MB-AA-12-D-UL-1000	Absolute	0.90	426
□	F	3	SEC-EDG-AM-WM-04-D-12-700 (700mA)	CONFIGURED FROM 40 LED TYPE B SHORT 700mA EDGE	FORTY WHITE LIGHT EMITTING DIODES	SEC-EDG-AM-WM-04-D-UL-700.IES	Absolute	0.90	92
□	G	4	SEC-EDG-25B-WM-02-D-12-350 (350mA)	CONFIGURED FROM 20 LED TYPE B SHORT 350mA EDGE	TWENTY WHITE LIGHT EMITTING DIODES	SEC-EDG-25B-WM-02-D-UL-350.IES	Absolute	0.90	25

ISSUE/REVISION RECORD

DATE	DESCRIPTION
12/28/16	CIVIL PERMIT ISSUE

PROJECT NAME
LEWISVILLE

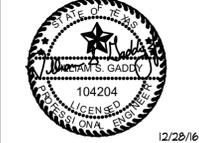
LEWISVILLE, TEXAS
 720 W. ROUNG GROVE RD
 LEWISVILLE, TEXAS

RACETRAC PROJECT NUMBER
1077

PROTOTYPE SERIES
 2016 BR-RH-MQ(-)(F) XXXX

PLAN MODIFICATION NOTICE
 SPB NO. XXX DATE XXX/XX/XX
 STANDARD PLAN BULLETINS (SPB) MODIFY THE PROTOTYPE SERIES SET NOTED ABOVE. THE LISTED SPB REPRESENTS THE LATEST MODIFICATION INCORPORATED TO THIS PROTOTYPE SERIES SET AT ORIGINAL RELEASE. THE ISSUE/REVISION RECORD COLUMN ABOVE LISTS ANY REVISIONS OR SPB INCORPORATED IN THIS SET AFTER THE ORIGINAL RELEASE. CONTACT RACETRAC ENGINEERING AND CONSTRUCTION FOR ANY SUBSEQUENT BULLETINS NOT INCORPORATED HEREIN.

PROFESSIONAL SEAL



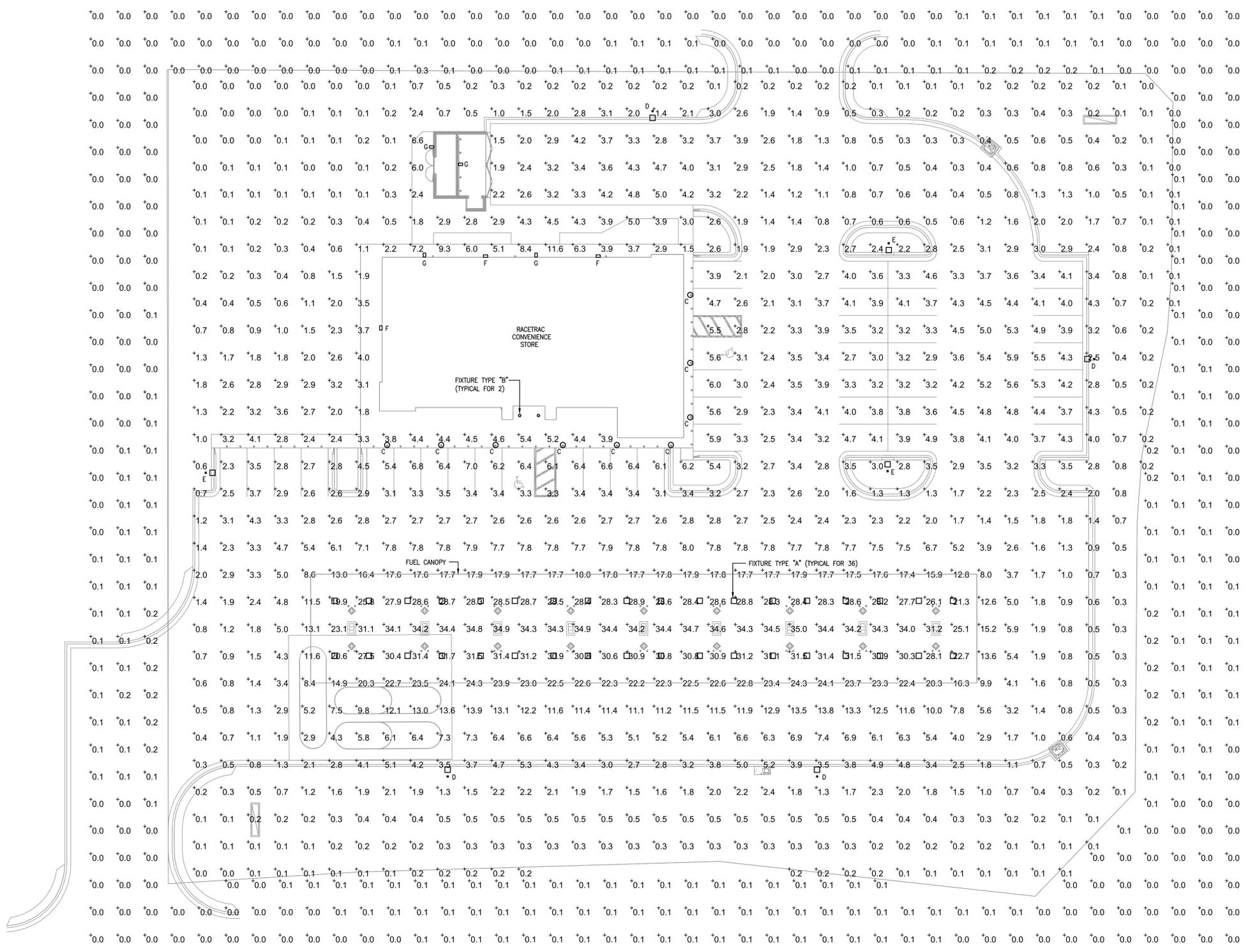
PROJECT NUMBER
 16,729.00

SHEET TITLE

SITE PHOTOMETRY PLAN

SHEET NUMBER
SP-1

ISSUED FOR CONSTRUCTION



1 SITE PHOTOMETRY PLAN
 SP-1 SCALE: 1" = 20'-0"

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: April 3, 2017

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Gasoline Service Station; on an Approximately 0.765-Acre Tract of Land, Zoned General Business District (GB); With Three Associated Variances; Located on the Southwest Corner of State Highway 121 Business and Bellaire Boulevard, Further Identified as Lot 1R, Block A, Chevron Addition; as Requested by Jon Featherston, of The Dimension Group, on Behalf of Eun Hae Properties, LLC, the Property Owner (Case No. SUP-2017-03-06).**

BACKGROUND

The special use permit (SUP) process allows for consideration of certain uses that may potentially be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions. The request is for a 7-Eleven brand gasoline service station that will also have 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 an SUP.

ANALYSIS

The new gas station will be located on the southwest corner of S.H. 121 Business and Bellaire Blvd. Currently a smaller gas station and car wash converted into a tire shop exist on site. The existing buildings, fuel canopy, fuel pumps, underground fuel storage tanks and site paving will be demolished and removed to allow construction for this project.

Building Design

The applicant is proposing to build a new one-story 3,010 square-foot convenience store. The convenience store building materials consist of two different types of natural stone, cast stone and stucco. Each type of natural stone will be separated by a thin layer of cast stone. Stucco will be used as a cornice on each side of the building. The front façade of the building will have an additional layer of natural stone, while the other sides of the building will have stucco in this area below the stucco cornice. The front façade will also contain large windows with a metal awning positioned above them.

Gasoline Canopy

A separate gasoline canopy on-site will contain five gas pumps, able to serve ten cars at once. The entire gas pump area will be covered with a metal canopy. The canopy columns will be wrapped in the same natural stone used on the building. The canopy cover will have a hip roof that is flat on top. The canopy will contain the 7-Eleven logo and colors banding the

Subject: SUP 7-Eleven

April 3, 2017

Page 2 of 3

canopy. The dumpster enclosure located to the south of the building will also match the building materials.

Signage

Signage is proposed for both the front and two side elevations of the building in addition to the gasoline canopy. Signage will consist of the 7-Eleven (orange, green and red) logo. Signage on the building is proposed to be internally illuminated and meet sign ordinance requirements. The identity signage on the three elevations of the building will be mechanically mounted to the wall. A small 7-1/4" banner sign with stripes containing the 7-Eleven colors will be placed across the front windows. Two small 7-Eleven logos will be positioned on either side of the front door along this banner sign. The signs on the gas pump canopy will also feature the three stripes with the 7-Eleven colors along the canopy's length. Three internally lit 7-Eleven logos will be placed on this canopy on the front and two side elevations. The applicant is proposing to provide two, 6-foot tall monument signs in lieu of a pole sign. One monument sign is proposed to be located at the Bellaire Blvd entrance and a second one at the State Highway 121 Business entrance. These monument signs will be internally lit with the 7-Eleven branding, and will feature two LED gas price modules.

Landscaping & Screening

The applicant is proposing to meet the minimum 10-foot landscape strip requirement along all street frontages with additional required interior landscaping. A 12-foot right-of-way dedication along Bellaire Blvd creates a compact site with less space for landscaping. The applicant is proposing to provide the required four trees along each street frontage and two trees in the parking lot, one more than is required. Two additional trees will be located on the southwest corner of the site. Enhanced landscaping is proposed as a focal point for the intersection at Bellaire Blvd and SH 121 Business in the form of ground cover, knock out roses and several varieties of shrubs as illustrated on their landscape plan. Additional landscape enhancements include Nellie Stevens Holly around the dumpster enclosure and Needlepoint Holly along the 10-foot landscape strip.

VariANCES

The following three variances are being requested with this development:

- a) to reduce the control of access of 150 feet along Bellaire Boulevard

Section 6-103 Table 4 of the General Development Ordinance requires a 150-foot control of access along specified Principal Arterial 4-Lane Divided roadways including Bellaire Boulevard. The owner has requested a variance to allow a driveway on Bellaire Boulevard to be 114.73 feet from the SH 121 Business intersection. The proposed driveway on Bellaire Boulevard will improve the current driveway conditions by providing more driveway stacking and a larger turning radii. Staff is not opposed to the variance.

- b) to reduce the control of access of 250 feet along SH 121 Business

Section 6-103 Table 4 of the General Development Ordinance requires a 250-foot control of access along specified Major Traffic Carriers including SH 121 Business. The owner

Subject: SUP 7-Eleven

April 3, 2017

Page 3 of 3

has requested a variance to allow a driveway on SH 121 Business to be 170.25 feet from the Bellaire Boulevard intersection. The proposed driveway on SH 121 Business will improve the current driveway conditions by provided more distance from the intersection, more driveway stacking and a larger turning radii. Staff is not opposed to the variance.

c) to reduce the required driveway spacing of 230 feet along SH 121 Business

Section 6-103(c)(2), Access Spacing requires that driveways on adjacent properties be spaced at least 230 feet apart on Major Traffic Carriers such as SH 121 Business. The owner has requested a variance to allow a driveway to be 95.79 feet from the existing adjacent driveway to the south. The main purpose for the requirement is to accommodate the construction of deceleration lanes for new driveways along major traffic carriers. Staff has no opposition to this request since the existing driveway to the shopping center does not have a deceleration lane.

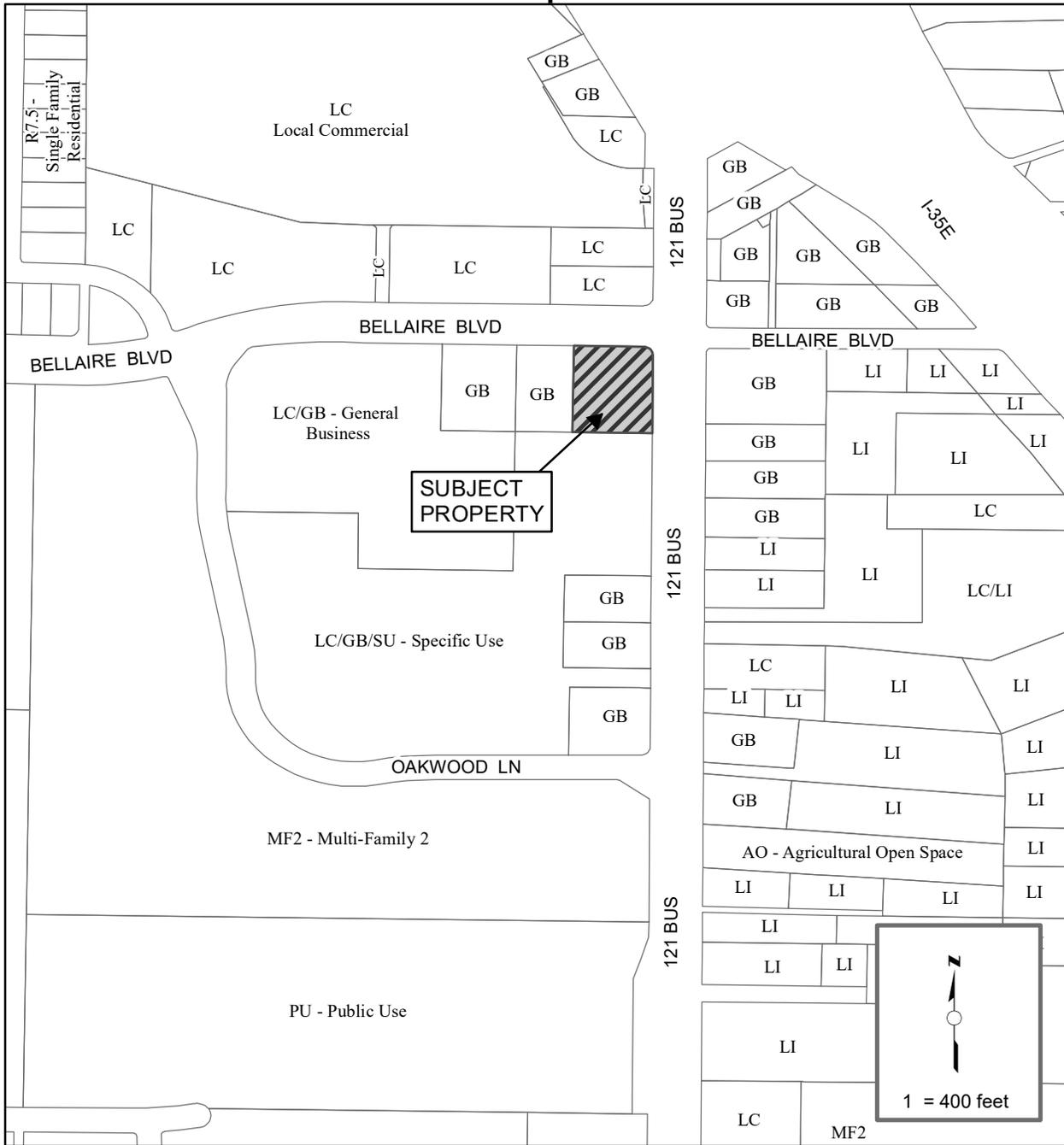
Summary

In summary, this special use permit proposal identifies enhanced features to the proposed building façade, signage and landscaping. These features include the inclusion of two monuments signs in place of a pole-mounted sign and a landscape focal point for the intersection of Bellaire Blvd and Business SH 121.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the special use permit request for a gasoline service station and the requested variances as set forth in the caption above.

Location Map - 7-Eleven



ZONING CASE NO. SUP-2017-03-06

APPLICANT: JON R. FEATHERSTON, THE DIMENSION GROUP

PROPERTY OWNER: KI CHOE, EUN HAE PROPERTIES, LLC

PROPERTY LOCATION: 1301 STATE HIGHWAY 121 BUSINESS (0.765-ACRES) LOT 1R, BLOCK A, CHEVRON ADDITION

CURRENT ZONING: GENERAL BUSINESS (GB)

REQUESTED USE: A SPECIAL USE PERMIT (SUP) FOR A GASOLINE SERVICE STATION

Aerial Map - 7-Eleven



**MINUTES
PLANNING AND ZONING COMMISSION
MARCH 21, 2017**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 pm. Members present: William Meredith, John Lyng, Mary Ellen Miksa, Alvin Turner, Karen Locke and Kristin Green. Member James Davis was absent.

Staff members present: Richard Luedke, Planning Manager; June Sin, Planner; Jonathan Beckham, Planner and Theresa Ernest, Planning Technician.

Item 4:

Public Hearings for Special Use Permits were next on the agenda. There were three items for consideration:

- A. **Public Hearing:** Consideration of a Special Use Permit (SUP) for a Gasoline Service Station; on an Approximately 0.765-Acre Tract of Land, Located at 1301 State Highway 121 Business, Further Identified as Lot 1R, Block A, Chevron Addition; Zoned General Business District (GB); as Requested by Jon R. Featherston of The Dimension Group on Behalf of Ki Choe, Eun Hae Properties, LLC, the Property Owner. (Case No. SUP-2017-03-06).

Staff gave a brief overview of the proposed special use permit request for a gasoline service station, and recommended approval as requested. The applicant gave a brief presentation of the gasoline service station and was present to answer questions. Member Kristin Green asked if there had been any inquiries from citizens, and staff answered there had not. Members Karen Locke and Alvin Turner asked for clarification regarding the safety measures to be taken with the gasoline storage tanks and if the neighboring church had any comments. The applicant explained that the tanks have an alarm system should any leak be detected that would shut the station down. Member Kristin Green asked if driveways to the proposed site were located as far from the intersection as possible, which the applicant confirmed. Member John Lyng asked about the enhancements to the site, and staff explained that this location was modeled similarly to another gas station located on Plano Parkway. The public hearing was then opened by Member Kristin Green. Mostafa Setayesh of the Dimension Group, clarified that communication had been held with the neighboring church and they provided a letter of endorsement for the gas station. There being no further public comment, the public hearing was then closed. *A motion was made by John Lyng to recommend approval of the Special Use Permit request, seconded by Karen Locke. The motion passed unanimously (6-0).* Staff indicated that this item would be going before the City Council on April 3rd for a second public hearing and a final decision.

SECTION 17-22. - "GB" GENERAL BUSINESS DISTRICT REGULATIONS

- (a) *Use.* 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" as regulated in said district.
 - (2) Auto, boat, motorcycle, recreational vehicle or mobile home display, sales (outdoor) and/or repair (SUP required)
 - (3) Bakeries.
 - (4) Building material sales with outside storage or display, including lumber yards (SUP required).
 - (5) Business or commercial schools.
 - (6) Clinic, medical and dental, and professional offices.
 - (7) Carpentry, painting, plumbing or tinsmithing shop fully enclosed within a building.
 - (8) Cleaning, laundry and dyeing plants fully enclosed within a building.
 - (9) Creamery, ice cream manufacturing and dairy operations fully enclosed within a building.
 - (10) Farm implement display and sales room. (outdoor) (SUP required).
 - (11) Hotels, motels and inns.
 - (12) Mortuaries with or without crematoriums. (SUP required).
 - (13) Office buildings.
 - (14) Pet shops, retail, fully enclosed within a building.
 - (15) Printing, engraving and newspaper plants, fully enclosed within a building.
 - (16) Radio or television broadcasting station or studio with broadcasting towers (SUP required).
 - (17) Retail stores, fully enclosed within a building.
 - (18) Veterinarian or animal hospital with outdoor kennel or exercise runs (SUP required).
 - (19) Bowling alley and other commercial amusement (indoor) uses, fully enclosed within a building.
 - (20) Church worship facilities.
 - (21) Uses similar to the above mentioned permitted uses, provided activities conducted wholly inside a building and 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 incidental 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 (SUP required).
 - (25) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (28) Commercial amusement, outdoor (SUP required).
 - (29) Drive-in theater (SUP required).
 - (30) Flea market, outdoor (SUP required).
 - (31) Helipad, helistop or landing strip (SUP required).
 - (32) Kennels with outdoor runs (SUP required).
 - (33) Nightclub, bar. (SUP required).
 - (34) Brewery, distillery, or winery.
 - (35) Hotels, motels and inns with rooms containing a cooktop or oven (SUP required).
- (b) *Height.* 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.*

(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's 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 city's 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.* 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" as regulated in said district.
 - (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 (SUP required).
 - (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) (SUP required).
 - (8) Restaurants.
 - (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 incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (16) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (17) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (18) Beverage container recycling collection facility (SUP required).
 - (19) Kiosks, including water and ice sales (SUP required).
 - (20) Private stadium/arena/sports field (SUP required).
 - (21) Communication Towers (SUP required).
 - (22) Plant Nursery (Retail Sales) (Indoor)
 - (23) Plant Nursery (Retail Sales) (With Outdoor Display or Storage) (SUP required).
- (b) *Height.* 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.*
- (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 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

The special use permit (SUP) provides a means for evaluating land uses identified in this ordinance to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.

(b) *Application submittal and approval process.*

(1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:

- a. A scaled development plan depicting the items listed in Section 17-29.5(b)(2);
- b. A meets and bounds description of the property boundary;
- c. A narrative explaining how the property and use(s) will function;
- d. Colored elevations of the building and other structures including dimensions and building materials;
- e. A Landscaping Plan, meeting the requirements of Section 6-124 of the Lewisville Code of Ordinances;
- f. A Tree Survey and Mitigation Plan if required by Section 6-125 of the Lewisville Code of Ordinances;
- g. Detailed elevations and descriptions of proposed signage;
- h. An exhibit illustrating any requested variances; and
- i. Any other information, drawings, operating data or expert evaluations that city staff determines are necessary to evaluate the compatibility criteria for the proposed use and development.

(2) The development plan submitted along with an SUP application must include the following:

- a. The layout of the site;
- b. A north arrow;
- c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
- d. Name, address, and phone number for applicant, developer, owner, builder, engineer, and/or surveyor;
- e. Building location, property lines, and setbacks;
- f. Summary tables listing building square footage, required parking, and required landscaping;
- g. Locations of utility easements, if applicable;
- h. Zoning and ownership of adjacent properties;
- i. Easements, deed restrictions, or encumbrances that impact the property;
- j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
- k. Streets, alleys, and easements adjacent to the site;
- l. Driveways and sidewalks;
- m. Parking configuration, including maneuvering lanes and loading areas;
- n. Location and details of dumpsters and screening devices; and
- o. Location of all proposed signage.

(3) Variances from the regulations of the city's General Development Ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.

- (4) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (5) The planning and zoning commission, after holding a public hearing, shall recommend to the city council approval or denial of each SUP along with any recommended conditions. The city council shall review each case on its own merit, apply the compatibility criteria established herein, and if appropriate, grant the special use permit for said use(s).
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the General Development Ordinance.

(c) *Compatibility criteria for approval.*

The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans;
- (2) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- (3) not be detrimental to the public health, safety, or general welfare; and
- (4) conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.*

The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications, or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner, and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

(g) *Timing.*

All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

(h) *Zoning map.*

When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.

(i) *Rescind and terminate a special use permit.*

City council may rescind and terminate an SUP after a public hearing if any of the following occur:

- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (2) The SUP was obtained through fraud or deception.
- (3) Ad valorem taxes on the property are delinquent by six months or more.
- (4) Disconnection or discontinuance of water and/or electrical services to the property.
- (5) Abandonment of the structure, lease space, lot, or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

This Section (Office Use Only)	
Case:	
PZ:	CC:
Sign/s Picked Up By:	



LEWISVILLE
Great People. Great Things. Right Here.

**SPECIAL USE PERMIT (SUP)
APPLICATION**

Owner/s (name): Ki Choe	
Company Name: Eun Hae Properties, LLC	
Mailing Address: 1301 S State Hwy 121 Business, Lewisville, Texas 75067	
Work #: (972) 989-0366	Cell #:
E-Mail: kichoe@hotmail.com	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): <i>Jon R. Featherston</i> See attached Letter of Authorization.	Date: 1/20/2017
Printed Name: Jon R. Featherston	

Applicant/Agent (name): Jon R. Featherston	
Company Name: The Dimension Group	
Mailing Address: 10755 Sandhill Road	
Work #: (214) 343-9400	Cell #: (214) 668-2644
E-Mail: jfeatherston@dimensiongrp.com	
Applicant/Agent Signature <i>Jon R. Featherston</i>	Date: 1/16/2016
Printed Name: JON R. FEATHERSTON	

Current Zoning: GB (General Business)	Requested Zoning: GBw/SUP for Fuel Sales	Acres: 0.765 Acre
Legal Description (Lot/ Block/Tract/Abstract): Chevron Addition, Block A, Lot 1R		
Address/Location: 1301 S.H. 121 Business (SWC Bellaire Boulevard & S.H. 121 Business)		

Application and Sign Fees.

	Less than 1/2 acre	\$ 150.00
X	1/2 acre up to 4.99 acres	\$ 250.00
	5 acres up to 24.99 acres	\$ 400.00

	25 acres up to 49.99 acres	\$ 750.00
	50 acres up to 99.99 acres	\$1,000.00
	100 acres and more	\$1,500.00

Qty: <u>1</u>	SUP Signs - \$36 each. 1 sign required for each 5 acres (max. 5 per site)	\$ <u>35.00</u>
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ <u>285.00</u>
--	------------------

Project Scope/Development Intent

Project Name: Convenience Store with Fuel Sales (SWC Bellaire Boulevard & S.H. 121 Business)

Applicant: The Dimension Group

Developer: Dynamic Development
Daniel J. Porter, Vice President Real Estate Development
405 State Highway 121, Ste. A250
Lewisville, Texas 75067
(469)444-3752

Proposed Use: 3,010 square foot, 24-Hour Convenience Store with Motor Vehicle Fuel Sales

Land Area: 33,305 square feet of land (0.765 acre)

Project Summary

The subject project currently consists of the existing Convenience Store and Tire Sales businesses located on the Southwest corner of Bellaire Boulevard & State Highway 121 Business. The existing buildings, fuel canopy, fuel pumps, underground fuel storage tanks, and existing site paving will be removed/demolished to allow for construction of the new Convenience Store with motor vehicle fuel sales.

The redevelopment of the site proposes a Convenience Store that will have 3,010 square feet with the building and fuel canopy oriented towards S.H. 121 Business. The building materials will consist of two (2) different types of natural stone, cast stone, stucco, and EFIS for cornice around the top of the building. The fuel canopy proposed has a standing seam mansard roof and has support columns that are fully wrapped from grade to the canopy deck in stone with stone wainscot that matches the building. The trash dumpster is enclosed on three (3) sides with materials and finishes that also match the building with the gates painted to match the fuel canopy roof.

Review Criteria Statement

The proposed Convenience Store use is a permitted use within the GB (General Business) Zoning District; however, the Lewisville Development Code requires a Special Use Permit (SUP) for the Motor Vehicle Fuel Sales. The proposed development will have minimal impact on City utilities and street infrastructure, is not a destination use, and based on current land uses traffic volumes are anticipated to be similar to those that presently exist.

The design of the site provides safe and efficient vehicular and pedestrian access to S.H. 121 Business and Bellaire Boulevard. The Architectural and Landscape design of the site will enhance the general aesthetics at this intersection and will encourage/set the tone for further redevelopment in the area.

This site will require one design variance for the proposed driveway placement on Bellaire Boulevard (Principal Arterial) based on the City of Lewisville Access Management Policy Section 6-103, (C) (1) Control of Access.



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March 6, 2017

Jeffrey Kelly, P.E., CFM
Assistant City Engineer
City of Lewisville – Engineering Department
P.O. Box 299002
Lewisville, TX 75029-9002

Re: Variance Request for 7-Eleven Site Number 1040168
1301 State Highway 121 Business
Lewisville, Texas 75067

Dear Mr. Kelly:

The proposed redevelopment by Dynamic Development of the 7-Eleven Site Number 1040168 on the southwest corner of State Highway 121 Business and Bellaire Boulevard is requesting three variances from the City of Lewisville Article V. Public Improvements, Section 6-103 Access Management Policy Standards.

This site requires three (3) variances: 1) The proposed driveway placement on Bellaire Boulevard, 2) Placement of the driveway on State Highway 121 Business, and 3) Spacing between the proposed S.H. 121 Business commercial driveway and the existing off-site driveway located South of the subject property.

The variance requests related to the driveways are as follows:

REQUESTED VARIANCE A:

To reduce the required control of access of 150 feet along Bellaire Boulevard.

JUSTIFICATION:

Dynamic Development representatives have met with the adjacent property owner, TY Commercial, to the west to request approval to construct a mutual access for both properties. However, based on these discussions, TY Commercial has declined to share mutual access driveway which results in a single driveway without shared access along Bellaire Blvd. for access to the 7-Eleven Store. The proposed placement of the driveway is approximately 114.73 feet west of the intersection of Bellaire Boulevard and State Highway 121 Business. This distance is a reduction of 35.27 feet from the required control of access of 150 feet along Bellaire Boulevard; however, it is located as far west as possible to stay within the boundary of the subject property.

REQUESTED VARIANCE B:

To reduce the required control of access of 250 feet along State Highway 121 Business.



www.dimensiongrp.com
info@dimensiongrp.com

DALLAS

10755 Sandhill Road
Dallas, TX 75238
PH: (214) 343-9400

DENVER

5600 S. Quebec St., Ste 310B
Greenwood Village, CO 80111
PH: (720) 536-3181



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JUSTIFICATION:

Dynamic Development representatives have met with the adjacent property owner, TY Commercial, to the south to request approval to construct a mutual access driveway for both properties. However, based on these discussions, TY Commercial has declined to share mutual access which results in a single driveway without shared access along State Highway 121 Business. for access to the 7-Eleven Store. The proposed placement of the driveway is approximately 170.25 feet south of the intersection of State Highway 121 Business and Bellaire Boulevard. This distance is a reduction of 79.75 feet from the required control of access of 250 feet along Bellaire Boulevard; however, it is located as far south as possible to stay within the boundary of the subject property.

REQUESTED VARIANCE C:

To reduce the required driveway spacing of 230 feet along State Highway 121 Business.

JUSTIFICATION:

Based on the decline of a mutual access from TY Commercial to the south of the said development, a standard 35' driveway will be constructed at the property line which reduces the driveway spacing from 230 feet as required by the Access Management Manual to 95.79 feet.

Thank you for your consideration. Please contact me if you have any questions.

Sincerely,

Sherrelle R. Diggs, P.E.
Civil Engineer Project Manager
The Dimension Group



www.dimensiongrp.com
info@dimensiongrp.com

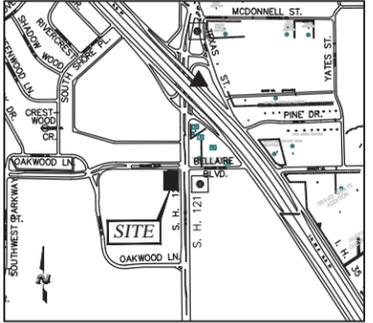
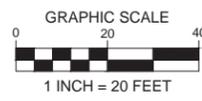
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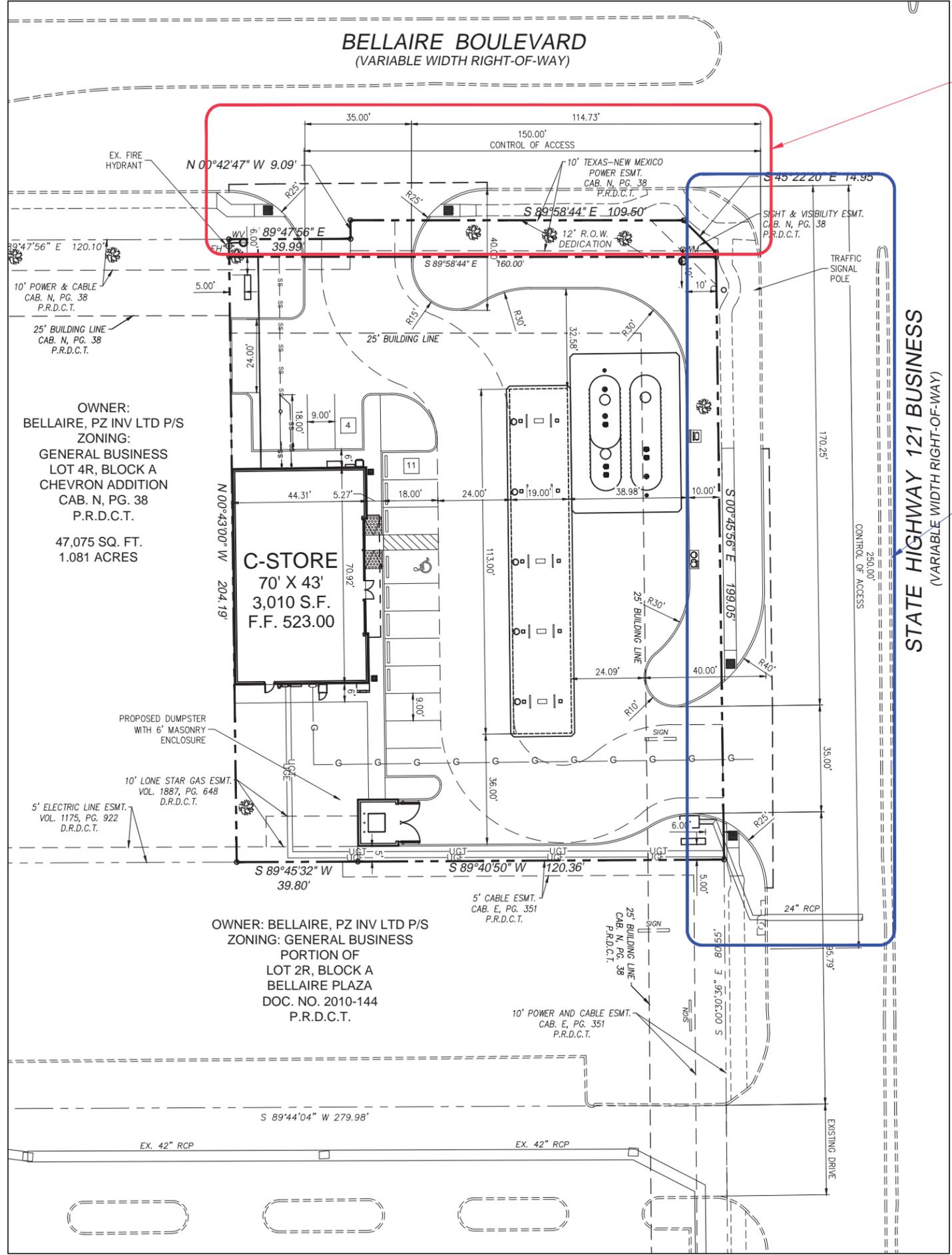
LOCATION MAP
SCALE: 1" = 1000'

OWNER:
BELLAIRE, PZ INV LTD P/S
ZONING:
GENERAL BUSINESS
LOT 4R, BLOCK A
CHEVRON ADDITION
CAB. N, PG. 38
P.R.D.C.T.

47,075 SQ. FT.
1.081 ACRES

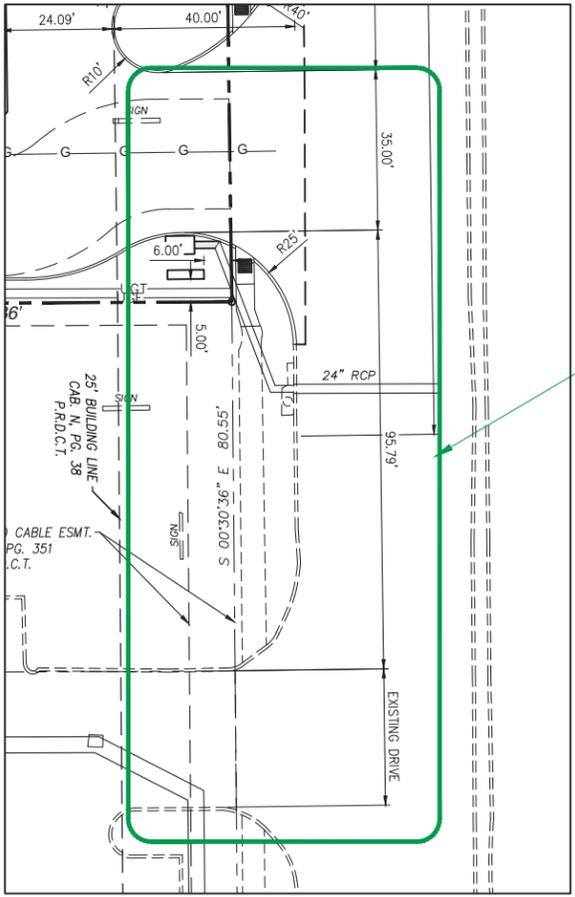
C-STORE
70' X 43'
3,010 S.F.
F.F. 523.00

OWNER: BELLAIRE, PZ INV LTD P/S
ZONING: GENERAL BUSINESS
PORTION OF
LOT 2R, BLOCK A
BELLAIRE PLAZA
DOC. NO. 2010-144
P.R.D.C.T.



REQUESTED VARIANCE A:
TO REDUCE THE REQUIRED CONTROL OF ACCESS OF 150 FEET ALONG BELLAIRE BLVD.

REQUESTED VARIANCE B:
TO REDUCE THE REQUIRED CONTROL OF ACCESS OF 250 FEET ALONG STATE HIGHWAY 121 BUSINESS.



REQUESTED VARIANCE C:
TO REDUCE THE REQUIRED DRIVEWAY SPACING OF 230 FEET ALONG STATE HIGHWAY 121 BUSINESS.

DRIVEWAY VARIANCE EXHIBIT
7-ELEVEN
CHEVRON ADDITION
LOT 1R, BLOCK A
0.765 ACRES
ZONING:
GENERAL BUSINESS (GB)
CITY OF LEWISVILLE
DENTON COUNTY, TEXAS

OWNER
EYN HAE PROPERTIES, LLC
KI HO CHOE, MANAGER
1301 S. STATE HIGHWAY 121
BUSINESS
LEWISVILLE, TEXAS 75067

DEVELOPER
DYNAMIC DEVELOPMENT
DANIEL J. PORTER
405 STATE HIGHWAY 121
SUITE 250
LEWISVILLE, TEXAS 75067
PHONE: 214-662-5167

ENGINEER
THE DIMENSION GROUP
SHERRELLE R. DIGGS, P.E.
CIVIL ENGINEER
10755 SANDHILL ROAD
DALLAS, TEXAS 75238
PHONE: 214-343-9400

[X-REF.dwg] [base.dwg] [work-Model.dwg] [LOT1&BLOCK.dwg] [PAGE MAP.dwg] [Drawing name: L:\Dynamic Development Company\10-013 #1030106 SH-121 & Bellaire Lewisville TX\02 Civil\Exhibits\6613-SUP EXHIBIT.dwg Mar 06, 2017 - 2:50pm]

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR A GASOLINE SERVICE STATION ON A 0.765-ACRE TRACT LEGALLY DESCRIBED AS LOT 1R, BLOCK A, CHEVRON ADDITION, LOCATED ON THE SOUTHWEST CORNER OF STATE HIGHWAY 121 BUSINESS AND BELLAIRE BOULEVARD AND ZONED GENERAL BUSINESS DISTRICT (GB); PROVIDING FOR A REPEALER, SEVERABILITY, AND A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made requesting approval of a Special Use Permit for a gasoline service station 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; and said Planning and Zoning Commission has recommended that the Special Use Permit on the 0.765-acre tract, as described in the attached Exhibit “A” (the “Property”), be **approved**; and

WHEREAS, this application for a Special Use Permit comes before the City Council of the City of Lewisville, Texas (the “City Council”) after all legal notices, requirements, conditions and prerequisites have been met; and

WHEREAS, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) complements or is compatible with the surrounding uses and community facilities; (2) contributes to, enhances, or promotes the welfare of the area of request and adjacent properties; (3) is not detrimental to the public health, safety, or general welfare; and (4) conforms in all other respects to all zoning regulations and standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow a gasoline service station on the Property, which is zoned General Business District (GB).

SECTION 3. CONDITIONS OF SPECIAL USE PERMIT. The Property shall be developed and maintained:

1. in compliance with the narrative, development plan, landscape plan, elevations, and signage illustrations attached hereto as Exhibit "B";
2. in accordance with all federal, state, and local laws and regulations.

SECTION 4. CORRECTING OFFICIAL ZONING MAP. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this Special Use Permit.

SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS. The Property shall comply with all applicable municipal ordinances, as amended. In no way shall this Special Use Permit be interpreted to be a variance to any municipal ordinance.

SECTION 6. RESCINDING AND TERMINATION. The City Council may rescind and terminate the Special Use Permit after a public hearing if any of the following occur:

1. One or more of the conditions imposed by the Special Use Permit have not been met or have been violated.
2. The Special Use Permit was obtained through fraud or deception.
3. Ad valorem taxes on the property are delinquent by six months or more.
4. Disconnection or discontinuance of water and/or electrical services to the property.
5. Abandonment of the structure, lease space, lot, or tract of land for 180 days or more.

SECTION 7. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 8. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 9. PENALTY. Any person, firm or corporation who violates any provisions 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 10. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 11. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 3RD DAY OF APRIL, 2017.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Exhibit B
Narrative
Development Plan
Landscape Plan
Elevations
Signage Illustrations

EXHIBIT B

Project Scope/Development Intent

Project Name: Convenience Store with Fuel Sales (SWC Bellaire Boulevard & S.H. 121 Business)

Applicant: The Dimension Group

Developer: Dynamic Development
Daniel J. Porter, Vice President Real Estate Development
405 State Highway 121, Ste. A250
Lewisville, Texas 75067
(469)444-3752

Proposed Use: 3,010 square foot, 24-Hour Convenience Store with Motor Vehicle Fuel Sales

Land Area: 33,315 square feet of land (0.765 acre)

Project Summary

The subject project currently exists with Convenience Store and Tire Sales businesses and is located on the Southwest corner of Bellaire Boulevard & State Highway 121 Business. The existing buildings, fuel canopy, fuel pumps, underground fuel storage tanks, and existing site paving will be demolished/removed to allow for construction of the new Convenience Store with motor vehicle fuel sales.

The redevelopment of the site proposes a Convenience Store that will have 3,010 square feet with the building and fuel canopy facing State Highway 121 Business. The building façade materials proposed consist of two (2) different types of natural stone, cast stone and stucco. The primary building façade materials are 2 different types of natural stone with the building also having the cast stone as accent, the stucco being used for the cornice all the way around the building and as an accent band around top of the sides and rear building elevations.

The fuel canopy proposed has a standing seam mansard roof and has support columns that are fully wrapped from grade to the canopy deck in stone with stone wainscot that matches the building. The trash dumpster is enclosed on three (3) sides with materials and finishes that also match the building with the gates painted to match the fuel canopy roof.

Review Criteria Statement

The proposed Convenience Store use is a permitted use within the GB (General Business) Zoning District; however, the Lewisville Development Code requires a Special Use Permit (SUP) for the Motor Vehicle Fuel Sales. The proposed development will have minimal impact on City utilities and street infrastructure, is not a destination use, and based on current land uses traffic volumes are anticipated to be similar to those that presently exist.

The design of the site provides safe and efficient vehicular and pedestrian access to S.H. 121 Business and Bellaire Boulevard. The Architectural and Landscape design of the site will enhance the general aesthetics at this intersection and will encourage/set the tone for further redevelopment in the area.

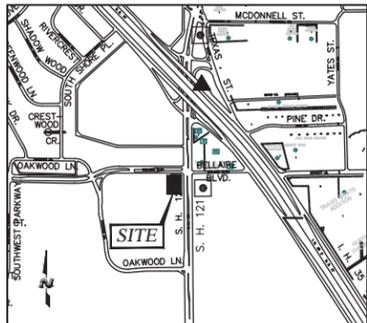
Per City Landscaping Requirements, there is a ten (10) foot wide landscape buffer provided along S.H. 121 Business and Bellaire Boulevard. State Highway 121 Business requirement is four (4) – 2.5" caliper trees and the provided tree count is one (1) existing tree to be preserved along with three (3) canopy trees shown to be planted. For Bellaire Boulevard, the required landscaping is four (4) – 2.5" caliper trees. There are four (4) existing trees that are shown on the Tree Survey which were initially shown to be preserved; however, are located in the 12-foot wide R.O.W. dedication area and must be removed per direction from City Staff. We are providing four (4) trees having a minimum caliper size of 3" each along the Bellaire Boulevard street frontage. Based on the 15 parking spaces provided we are required to have 1 canopy tree interior to the parking lot and we are proposing to plant two (2) canopy trees having a minimum caliper size of 3 inches.

In addition to the required landscape mentioned above and the required shrubs we have provided for parking lot screening we are providing over and above these requirements a landscape feature/focal point at the intersection per suggestion from Planning Department Staff. See the Landscape Plan and Landscape Detail Sheet for a detailed/enlarged version of the low wall, planting bed, and plant materials proposed which will create a very aesthetically pleasing focal point at the intersection.

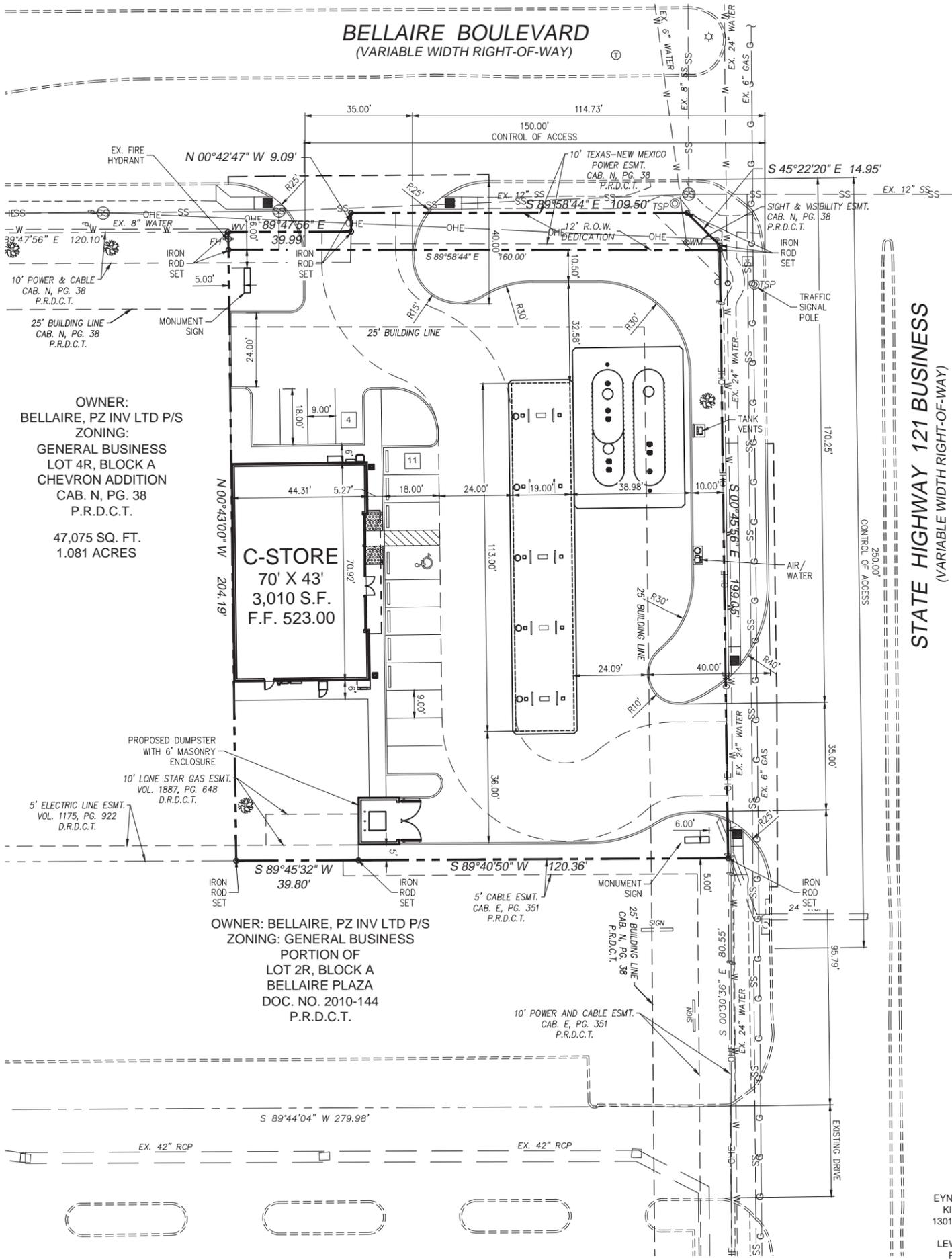
The signage proposed with regard to building, fuel canopy, and street/free-standing signage is shown on the Signage Package drawings submitted to the City. We initially were proposing a 30-ft Pylon Sign near the corner of the street intersection due to having State Highway 121 Business frontage. Based on comments from Planning Department Staff we are now proposing one (1) Monument Sign (6-ft height) along both street frontages in lieu of the previously proposed Pylon Sign.

This site requires three (3) variances related to driveway spacing: 1) The proposed driveway placement on Bellaire Boulevard, 2) Placement of the driveway on State Highway 121 Business, and 3) Spacing between the proposed S.H. 121 Business driveway and the existing off-site driveway located South of the subject property. Please see separate Variance Request Letter & Variance Exhibit for these variances.

THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COMMON LAW, STATUTE AND OTHER RESERVED RIGHTS INCLUDING COPYRIGHT. NO PART OF THESE PLANS OR THE INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN CONSENT OF THE DIMENSION GROUP.



LOCATION MAP
SCALE: 1" = 1000'



OWNER: BELLAIRE, PZ INV LTD P/S
ZONING: GENERAL BUSINESS
LOT 4R, BLOCK A
CHEVRON ADDITION
CAB. N, PG. 38
P.R.D.C.T.
47,075 SQ. FT.
1.081 ACRES

OWNER: BELLAIRE, PZ INV LTD P/S
ZONING: GENERAL BUSINESS
PORTION OF
LOT 2R, BLOCK A
BELLAIRE PLAZA
DOC. NO. 2010-144
P.R.D.C.T.

SITE NOTES

1. ALL SIGNS WILL REQUIRE SEPARATE SIGN PERMIT.
2. EXTERIOR FINISH MATERIAL TO BE MINIMUM 80% BRICK OR STONE.
3. CONTRACTOR SHALL VERIFY ALL EXTERIOR MATERIALS, COLORS AND FINISHES WITH THE ARCHITECT. ANY DISCREPANCIES NOTED SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION.
4. CANOPY TO BE A MINIMUM DISTANCE OF 12' TO PROPERTY LINES.
5. DUMPSTER ENCLOSURE MUST BE SCREENED IN ACCORDANCE WITH CITY OF LEWISVILLE ORDINANCE.

SITE DATA SUMMARY TABLE

ZONING	GB (GENERAL BUSINESS)
GROSS LOT AREA (SQUARE FEET & ACRES)	33,315 S.F. or 0.765 ACRES
R.O.W. AREA (SQUARE FEET & ACRES)	1,618 S.F. or 0.037 ACRES
NET LOT AREA (SQUARE FEET & ACRES)	31,697 S.F. or 0.728 ACRES
TOTAL BUILDING AREA (SQUARE FEET)	3,010 S.F.
BUILDING HEIGHT (# STORIES)	1 STORY
BUILDING HEIGHT	24'-0"
CANOPY AREA	2,147 S.F.
CANOPY HEIGHT	22'-0" FEET
CANOPY THICKNESS	3'-6" FEET
# OF GAS PUMPS	5
# OF CARS AT PUMP STATIONS	10
LOT COVERAGE (PERCENT)	9.50% [3,010 / 31,697]
FLOOR AREA RATIO (RATIO)	0.10:1 [3,010 / 31,697]
PARKING	
PARKING RATIO (FROM DESIGN GUIDELINES)	RETAIL (7.5 SPACES PER 1000 S.F.)
REQUIRED PARKING (# SPACES)	23 SPACES
PROVIDED PARKING (# SPACES)	25 TOTAL (10 SPACES @ PUMP STATIONS)
ACCESSIBLE PARKING REQUIRED (# SPACES)	1 SPACE
ACCESSIBLE PARKING PROVIDED (# SPACES)	1 SPACES
LANDSCAPE AREA	
LANDSCAPE AREA IN 12' DEDICATION AREA	1,253 S.F. (3.7%)
LANDSCAPE AREA IN REMAINDER OF SITE	6,853 S.F. (21.6%)
TOTAL LANDSCAPE AREA	8,106 S.F. (24.3%)
IMPERVIOUS AREA	24,844 S.F. (78.4%)

LEGEND

EXISTING BOUNDARY	---
EXISTING WATER MAIN	---12"W---
EXISTING SANITARY SEWER	---SS---
EXISTING SEWER MANHOLE	⊙
EXISTING FIRE HYDRANT	FH
EXISTING GAS	---
EXISTING ELECTRIC	---OHE---
EXISTING POWER POLE	⊕
EXISTING ELECTRIC VAULT	⊞
TRAFFIC SIGNAL POLE	⊙ TSP
EXISTING STORM SEWER	---EX. 24" RCP---
EXISTING CURB	---
PROPOSED CURB	---
PROPOSED SAW-CUT	---
PROPOSED HANDICAP LOGO	⊕
PROPOSED MONUMENT SIGN	⊞
PROPOSED TRASH CAN	⊙

DEVELOPMENT PLAN
7-ELEVEN
CHEVRON ADDITION
LOT 1R, BLOCK A
0.765 ACRES GROSS
ZONING:
GENERAL BUSINESS (GB)
CITY OF LEWISVILLE
DENTON COUNTY, TEXAS

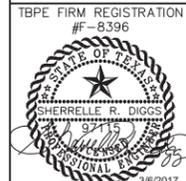
OWNER
EYN HAE PROPERTIES, LLC
KI HO CHOE, MANAGER
1301 S. STATE HIGHWAY 121
BUSINESS
LEWISVILLE, TEXAS 75067
PHONE: 972-989-0366

DEVELOPER
DYNAMIC DEVELOPMENT
DANIEL J. PORTER
405 STATE HIGHWAY 121
SUITE 250
LEWISVILLE, TEXAS 75067
PHONE: 214-662-5167

ENGINEER
THE DIMENSION GROUP
SHERRELLE R. DIGGS, P.E.
CIVIL ENGINEER
10755 SANDHILL ROAD
DALLAS, TEXAS 75238
PHONE: 214-343-9400

#	DATE	REVISION DESCRIPTION	BY
1			
2			
3			
4			

THE DIMENSION GROUP
ARCHITECTURE-CIVIL ENGINEERING-MEP ENGINEERING
10755 SANDHILL ROAD, DALLAS, TEXAS 75238
TEL: 214-343-9400 www.dimensionalgroup.com

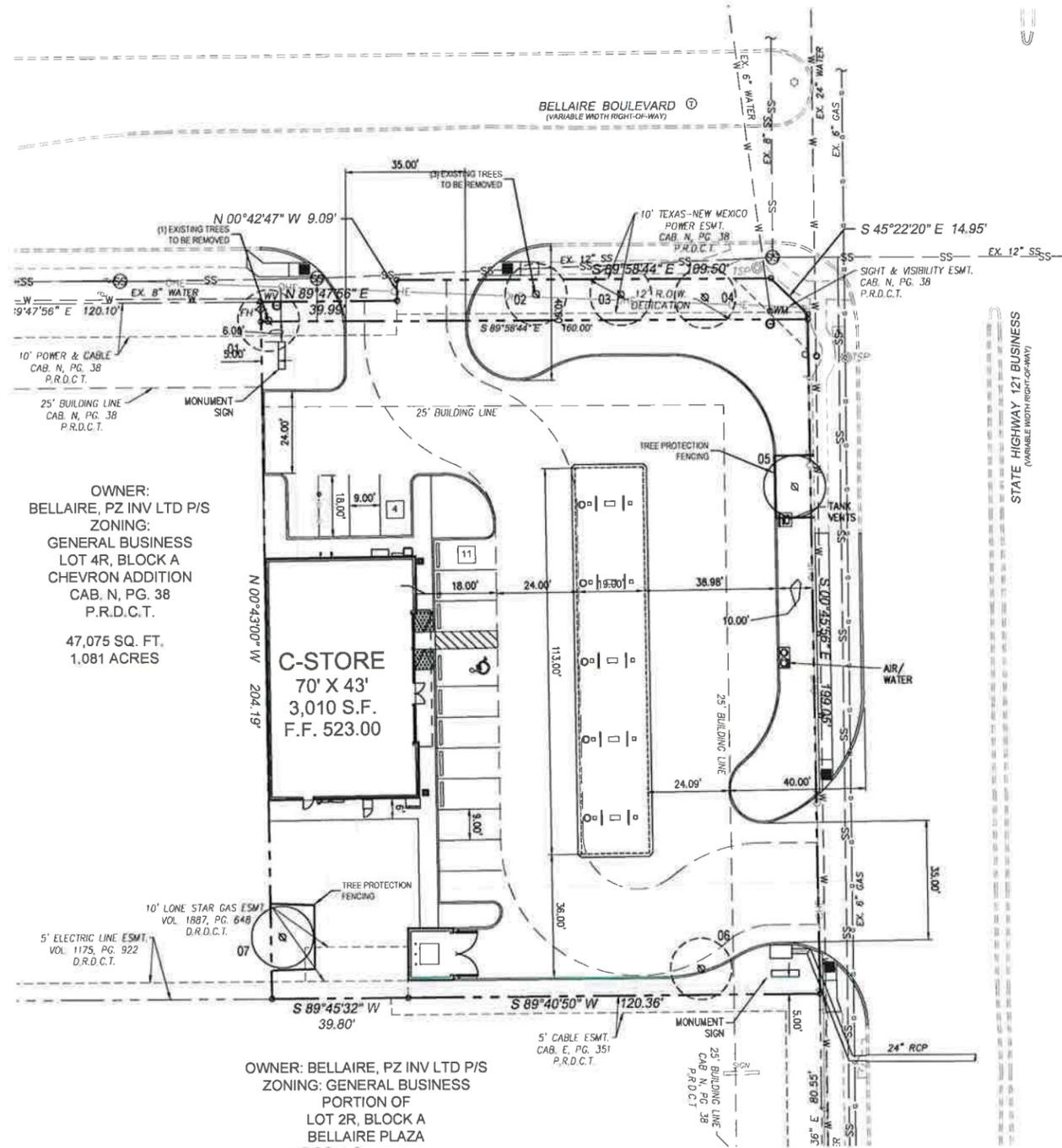


DEVELOPMENT PLAN
7-ELEVEN STORE #1040168
1301 STATE HIGHWAY 121 BUSINESS
LEWISVILLE, TEXAS 75067

SHEET
C3.0



CAUTION NOTICE TO CONTRACTORS
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND / OR ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITIES COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.



OWNER: BELLAIRE, PZ INV LTD P/S
 ZONING: GENERAL BUSINESS
 LOT 4R, BLOCK A
 CHEVRON ADDITION
 CAB. N, PG. 38
 P.R.D.C.T.
 47,075 SQ. FT.,
 1,081 ACRES

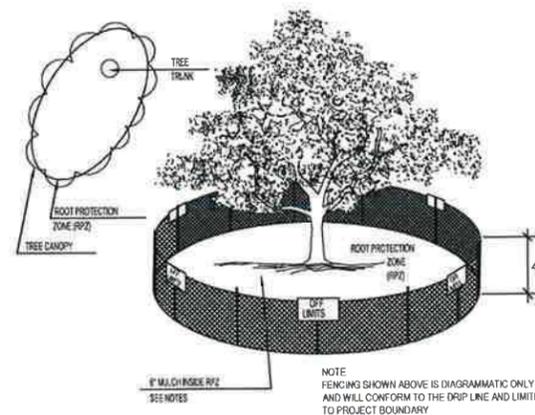
OWNER: BELLAIRE, PZ INV LTD P/S
 ZONING: GENERAL BUSINESS
 PORTION OF
 LOT 2R, BLOCK A
 BELLAIRE PLAZA

7-11 Store- TREE MITIGATION SCHEDULE						
TREE NO.	DIAMETER	SPECIES	REMOVE	COST	SAVE/COST	LOCATION
1	8	ELM	x	n/a		Dedicated R.O.W.
2	6	ELM	x	n/a		Dedicated R.O.W.
3	6	ELM	x	n/a		Dedicated R.O.W.
4	10	PEAR	x	n/a		Dedicated R.O.W.
5	8	PEAR	x	n/a		Landscape Area
6	10	PEAR	x	n/a		Parking / Drive
7	10	PEAR	x	n/a		Landscape Area
TOTAL	58			\$		33 caliper inches

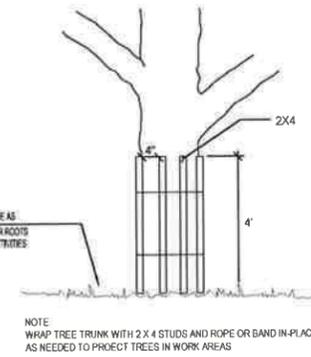
IF MITIGATING SHOW LOCATIONS OF TREES TO BE REPLACED @ 1:1 RATIO PER CALIPER INCH ON LANDSCAPE PLAN FOR APPROVAL BY STAFF. NOTE ALL TREES (PROTECTED OR NOT) ARE TO BE LISTED AND LOCATED AND SCHEDULE ABOVE COMPLETED. IF OPTING TO MAKE PAYMENT, TOTAL PROTECTED REMOVED AND SAVED AMOUNTS SO THAT STAFF CAN VERIFY AND COMPLETE SCHEDULE ABOVE.

EXISTING TREE NOTES

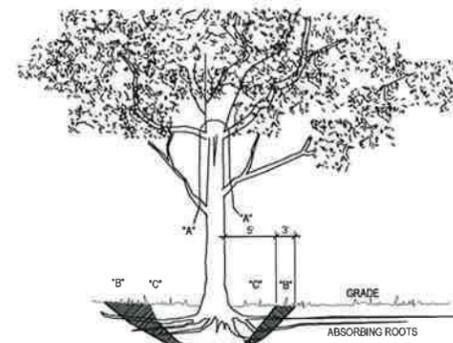
- Existing trees to remain shall be protected during construction from tree structure damage and compaction of soil under and around drip line (canopy) of tree.
- If any root structure is damaged during adjacent excavation/construction, notify the Architect immediately. It is recommended that a licensed Arborist be secured for the treatment of any possible tree wounds.
- No disturbance of the soil greater than 4" shall be located closer to the tree trunk than 1/2 the distance of the drip line to the tree trunk. A minimum of 75% of the drip line and root zone shall be preserved at natural grade.
- Any fine grading done within the critical root zones of the protected trees must be done with light machinery such as a bobcat or light tractor. No earth moving equipment with tracks is allowed within the critical root zone of the trees.
- Material Storage: No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the dripline of any tree.
- Equipment Cleaning and Disposal: No equipment may be cleaned, fuel solutions, or other liquid chemicals shall be deposited within the limits of the dripline of a tree. This would include but not be limited to paint, oil, solvents, asphalt, concrete, mortar, primers, etc.
- Tree Attachments: No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
- Vehicular Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the dripline of trees.
- Boring of Utilities: May be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight (48) inches.
- Tranching: Any irrigation tranching which must be done within the critical root zone of a tree shall be dug by hand and enter the area in a radial manner.
- Tree Flagging: All trees to be removed from the site shall be flagged by the Contractor with bright red vinyl tape (3" width) wrapped around the main trunk at a height of four (4) feet above grade. Flagging shall be approved by Landscape Architect prior to any tree removal. Contractor shall contact Landscape Architect with 72 hour notice to schedule on-site meeting.
- Protective Fencing: All trees to remain, as noted on drawings, shall have protective fencing located at the tree's dripline. The protective fencing may be comprised of saw fencing, orange vinyl construction fencing, chain link fence or other similar fencing with a four (4) foot approximate height. The protective fencing will be located as indicated on the Tree Protection Details(s).
- Bark Protection: In situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber anchored with wire or other means that does not damage the tree. Refer to Tree Protection Details(s).
- Construction Pruning: In a case where a low hanging limb is broken during the course of construction, the Contractor shall notify the Landscape Architect immediately. In no instance shall the Contractor prune any portion of the damaged tree without the prior approval by the Landscape Architect.



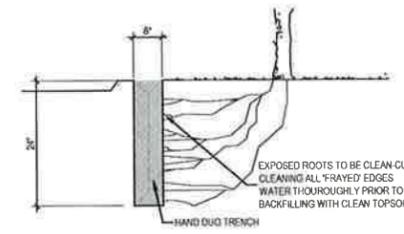
01 TREE PROTECTION FENCE A NOT TO SCALE



02 TREE PROTECTION FENCE B NOT TO SCALE



03 TREE REMOVAL DIAGRAM NOT TO SCALE



04 ROOT PRUNING DETAIL N.T.S.

EXISTING TREE LEGEND

- EXISTING TREE TO REMAIN (represented by a solid circle)
- EXISTING TREE TO BE REMOVED (represented by a dashed circle)
- TREE PROTECTION FENCING TO REMAIN DURING CONSTRUCTION REFER TO 01 & 02

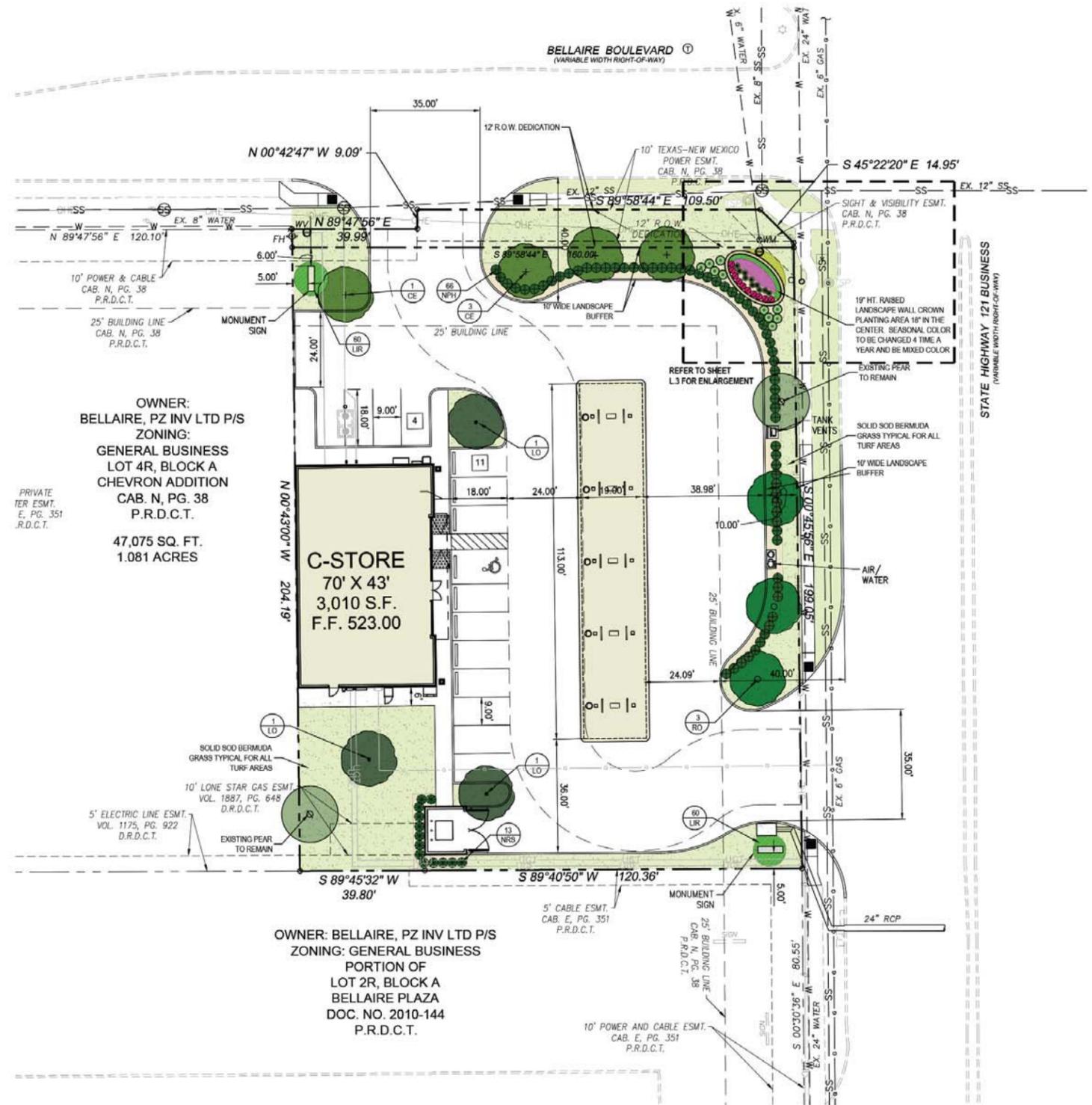
01 EXISTING TREE PLAN SCALE 1"=20' 0 10 20 40



EXISTING TREE PLAN
 7-ELEVEN STORE
 1301 S.H. 121 BUSINESS
 LEWISVILLE, TEXAS 75067
 CHEVRON ADDITION, LOT 1R, BLOCK A

LANDSCAPE ARCHITECT
 STUDIO GREEN SPOT, INC
 CHRIS TRONZANO
 (489) 368-4448
 CHRIS@STUDIOWGREENSPOT.COM

Date: 03.06.2017
 Job:
 Sheet
 L.1
 Of 5 Sheets



OWNER:
 BELLAIRE, PZ INV LTD P/S
 ZONING:
 GENERAL BUSINESS
 LOT 4R, BLOCK A
 CHEVRON ADDITION
 CAB. N, PG. 38
 P.R.D.C.T.
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OWNER: BELLAIRE, PZ INV LTD P/S
 ZONING: GENERAL BUSINESS
 PORTION OF
 LOT 2R, BLOCK A
 BELLAIRE PLAZA
 DOC. NO. 2010-144
 P.R.D.C.T.

- GENERAL LAWN NOTES**
1. FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS INDICATED ON CIVIL PLANS.
 2. ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM ROUNDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
 3. ALL LAWN AREAS TO RECEIVE SOLID SOD SHALL BE LEFT IN A MAXIMUM OF 1" BELOW FINAL FINISH GRADE. CONTRACTOR TO COORDINATE OPERATIONS WITH ON-SITE CONSTRUCTION MANAGER.
 4. IMPORTED TOPSOIL SHALL BE NATURAL, FRIABLE SOIL FROM THE REGION, KNOWN AS BOTTOM AND SOIL, FREE FROM LIMPS, CLAY, TOXIC SUBSTANCES, ROOTS, DEBRIS, VEGETATION, STONES, CONTAINING NO SALT AND BLACK TO BROWN IN COLOR.
 5. ALL LAWN AREAS TO BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED, AND FINISH GRADE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER OR ARCHITECT PRIOR TO INSTALLATION.
 6. ALL ROCKS 3/4" DIAMETER AND LARGER, DIRT CLODS, STICKS, CONCRETE SPOILS, ETC. SHALL BE REMOVED PRIOR TO PLACING TOPSOIL AND ANY LAWN INSTALLATION.
 7. CONTRACTOR SHALL PROVIDE (1") ONE INCH OF IMPORTED TOPSOIL ON ALL AREAS TO RECEIVE LAWN.

- LANDSCAPE TABULATIONS**
 STREET REQUIREMENTS
 Requirements: 10' wide landscape strip (1) tree 2.5" caliper min. for every 500 s.f. of landscape strip
- State Hwy. 121 (199.05 l.f. x 10 = 1990.50 s.f.)
- | Required | Provided |
|----------------------|--|
| (4) trees, 2.5" cal. | (1) existing trees
(3) proposed trees |
- Bellaire Blvd (160 l.f. x 10 = 1,600 s.f.)
- | Required | Provided |
|----------------------|--------------------|
| (4) trees, 2.5" cal. | (4) proposed trees |
- PARKING LOT (15 spaces, total area: 10,785 s.f.)
 Requirements: (1) tree, 3" caliper per 15 parking spaces
 10% of total area of parking lot must be landscaped
 All parking must be screened with 24" ht. evergreen shrubs
- | Required | Provided |
|---|--|
| (1) trees, 3" cal.
1,078 s.f. (10%)
shrubs, 24" ht. | (2) trees, 3" cal.
1,265 s.f. (11%)
Provided |
- SITE AREA- 33,305 S.F.
 LANDSCAPE AREA IN REMAINDER OF SITE- 7,050 S.F. (21.2%)
 TOTAL LANDSCAPE AREA- 7,050 S.F. (21.2%)
 IMPERVIOUS AREA- 28,255 S.F. (78.8%)

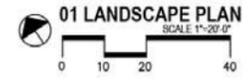
- SOLID SOD NOTES**
1. FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS INDICATED.
 2. ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM ROUNDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
 3. ALL LAWN AREAS TO RECEIVE SOLID SOD SHALL BE LEFT IN A MAXIMUM OF 1" BELOW FINAL FINISH GRADE. CONTRACTOR TO COORDINATE OPERATIONS WITH ON-SITE CONSTRUCTION MANAGER.
 4. CONTRACTOR TO COORDINATE WITH ON-SITE CONSTRUCTION MANAGER FOR AVAILABILITY OF EXISTING TOPSOIL.
 5. PLANT SOD BY HAND TO COVER INDICATED AREA COMPLETELY. INSURE EDGES OF SOD ARE TOUCHING. TOP DRESS JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
 6. ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE. FREE FROM UNNATURAL LUNDATIONS.
 7. WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES.
 8. CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT LIMITED TO: MOWING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPLACING DEAD OR BARE AREAS TO KEEP PLANTS IN A VIGOROUS, HEALTHY CONDITION.
 9. CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF AN ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.
 10. IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, ALL SOD AREAS TO BE OVER-SEEDDED WITH WINTER RYEGRASS, AT A RATE OF (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.

- LANDSCAPE NOTES**
1. CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
 2. CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY ARCHITECT OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
 3. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.
 4. CONTRACTOR TO PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
 5. ALL PLANTING BEDS AND LAWN AREAS TO BE SEPARATED BY STEEL EDGING. NO STEEL TO BE INSTALLED ADJACENT TO SIDEWALKS OR CURBS.
 6. ALL LANDSCAPE AREAS TO BE 100% IRRIGATED WITH AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM AND SHALL INCLUDE RAIN AND FREEZE SENSORS.
 7. ALL LAWN AREAS TO BE SOLID SOD BERMUDA GRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.

PLANT MATERIAL SCHEDULE

TREES					
TYPE	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
CE	4	Cedar Elm	Ulmus crassifolia	3" cal.	B&B, 12' ht., 4" spread, 5' clear straight trunk
LO	3	Live Oak	Quercus virginiana	3" cal.	container 12' ht., 4" spread, 5' clear straight trunk
RO	3	Red Oak	Quercus shumardii	3" cal.	container, 12' ht., 4" spread, 5' clear straight trunk
SHRUBS					
TYPE	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
DL	30	Stella d'Oro Daylily	Hemerocallis x 'Stella de Oro'	1 gal.	container full, 12" o.c.
KO	10	Knock out Rose	Rosa x 'Knockout'	24" ht.	container, 20" spread
MS	10	Gulf Muhly Grass	Muhlenbergia capillaris	24" ht.	container full, well rooted
AD	10	Adagio Maiden Grass	Miscanthus sinensis 'Adagio'	24" ht.	container full, well rooted
NPH	66	Needlepoint Holly	Ilex cornuta 'needlepoint'	24" ht.	container, 20" spread, 30" o.c.
NRS	13	Nellie R. Stevens Holly	Ilex x 'Nellie R. Stevens'	36" ht.	container, 30" spread, full to base
GROUNDCOVERS					
TYPE	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
LIR	165	Liriope	Liriope muscari	4" pots	container full, well rooted, 12" o.c.
SC	50	Seasonal Color 419' Bermudagrass	Cynodon dactylon '419'	4" pots	container, mixed color, selection by owner, 10" o.c. Solid Sod refer to notes

NOTE: Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. All plant material shall meet or exceed remarks as indicated. All trees to have straight trunks and be matching within varieties.

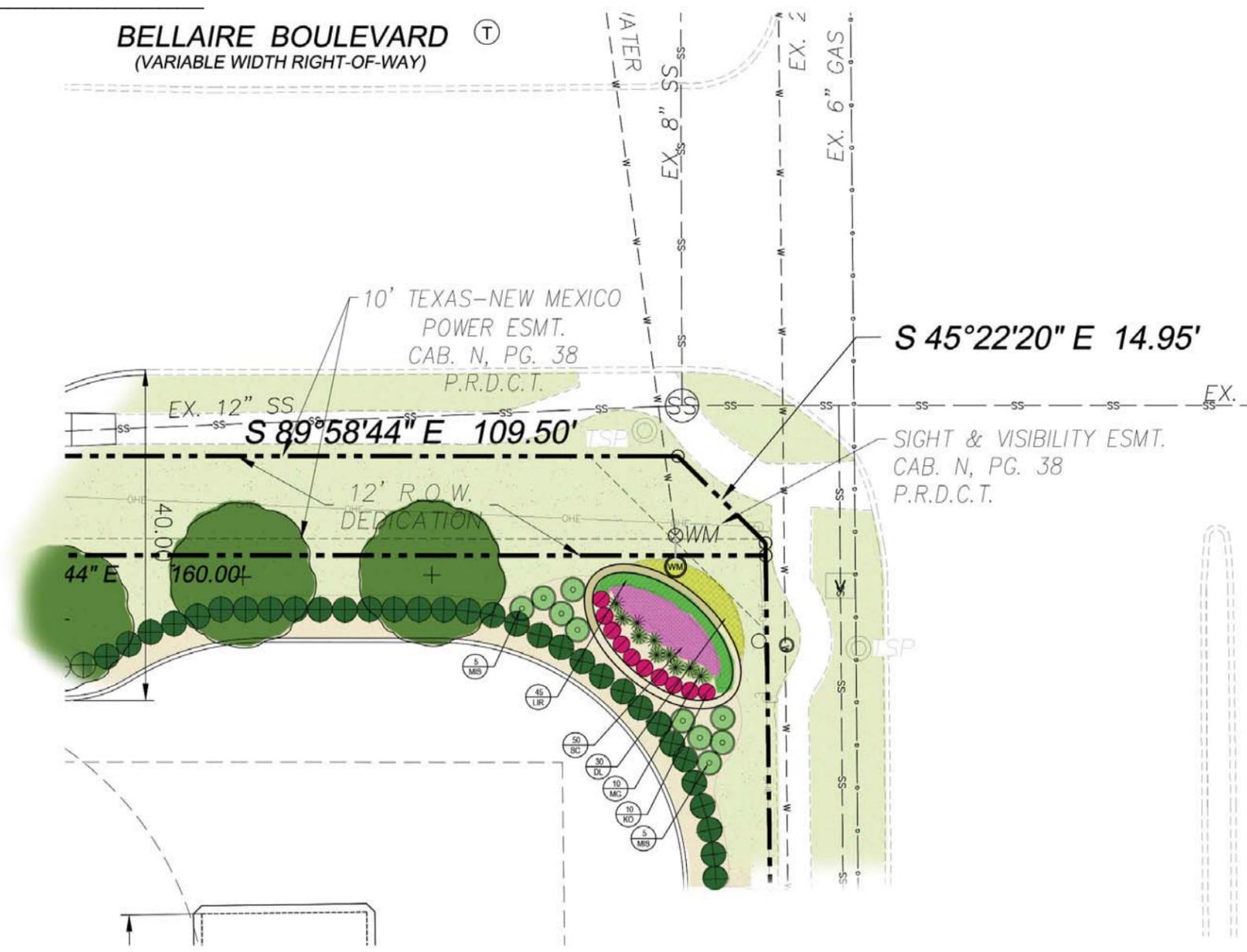


LANDSCAPE PLAN
 7-ELEVEN STORE
 1301 S.H. 121 BUSINESS
 LEWISVILLE, TEXAS 75067
 CHEVRON ADDITION, LOT 1R, BLOCK A

LANDSCAPE ARCHITECT
 STUDIO GREEN SPOT, INC.
 CHRIS TRONZANO
 (469) 369-4448
 CHRIS@STUDIOGREENSPOT.COM

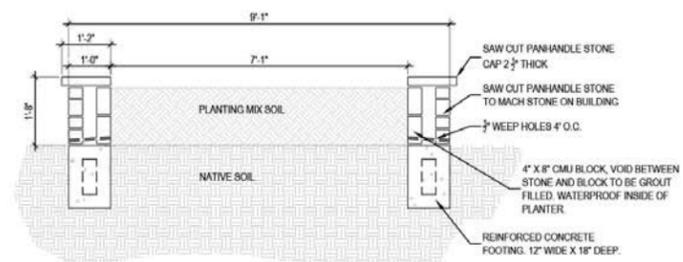
Date: 01-23-2017
 Job:
 Sheet
L.2
 Of 5 Sheets

BELLAIRE BOULEVARD (T)
(VARIABLE WIDTH RIGHT-OF-WAY)

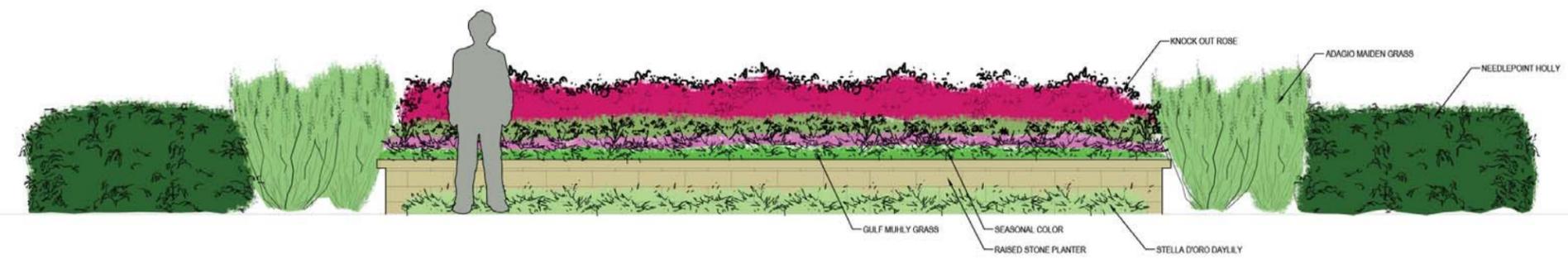


PLANT LEGEND

TREES	
TYPE	COMMON NAME
OE	Oedar Elm
LO	Live Oak
RO	Red Oak
SHRUBS	
TYPE	COMMON NAME
DL	Stella d'Oro Daylily
KO	Knock out Rose
MG	Gulf Muhly Grass
MIS	Adagio Maiden Grass
NPH	Needlepoint Holly
NSS	Nellie R. Stevens Holly
GROUNDCOVERS	
TYPE	COMMON NAME
LIR	Liriope
SC	Seasonal Color



03 STONE PLANTER SECTION
SCALE 3/4\"/>



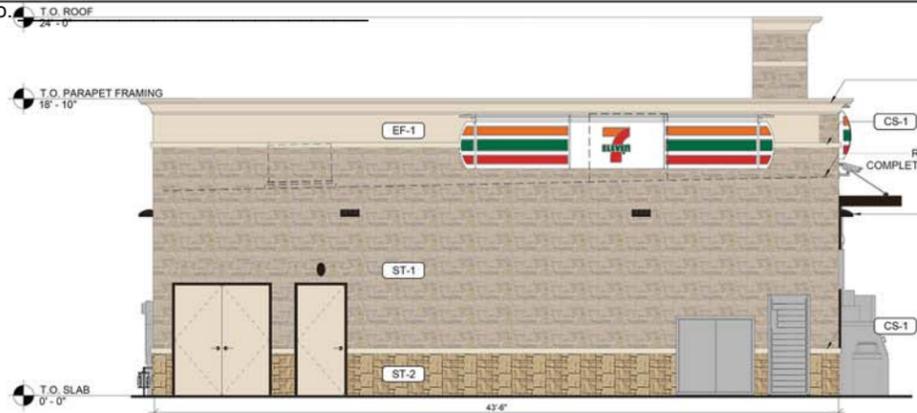
02 FEATURE PLANTING BED ELEVATION
SCALE 3/4\"/>

LANDSCAPE ENLARGEMENTS
7-ELEVEN STORE
1301 S.H. 121 BUSINESS
LEWISVILLE, TEXAS 75067
CHEVRON ADDITION, LOT 1R, BLOCK A



LANDSCAPE ARCHITECT
STUDIO GREEN SPOT, INC.
CHRIS TRONZANO
(469) 369-4448
CHRIS@STUDIOGREENSPOT.COM

Date: 03.06.2017
Job:
Sheet
L.3
Of 6 Sheets

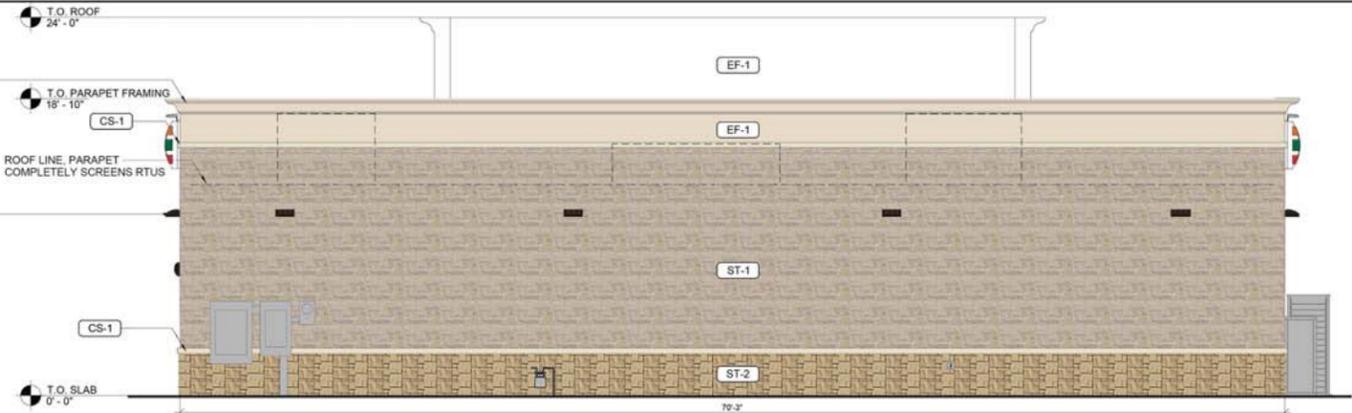


1 ELEVATION - SOUTH
3/16" = 1'-0"

17% STUCCO	-	139 SF
83% BRICK/ STONE	-	684 SF
0% GLAZING	-	0 SF
100% TOTAL		823 SF

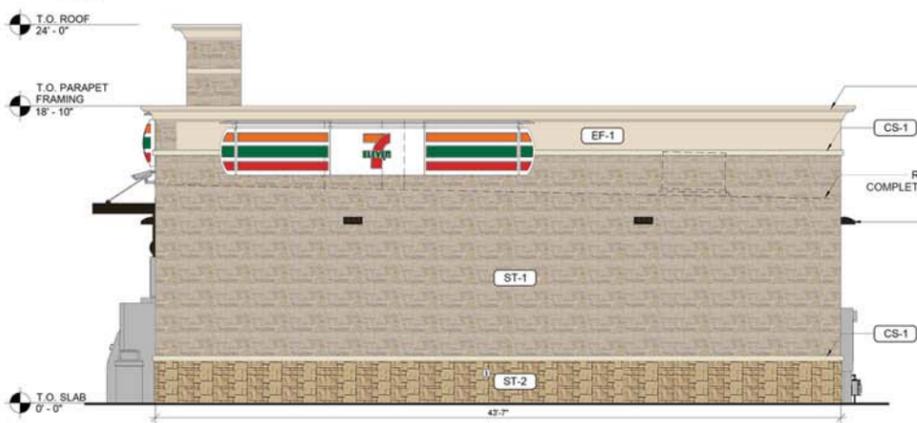
TOTAL AGGREGATE OF ALL WALLS

11% STUCCO	-	499 SF
82% BRICK/ STONE	-	3,637 SF
7% GLAZING	-	287 SF
100% TOTAL		4,423 SF



2 ELEVATION - WEST
3/16" = 1'-0"

17% STUCCO	-	221 SF
83% BRICK/ STONE	-	1,104 SF
0% GLAZING	-	0 SF
100% TOTAL		1,325 SF



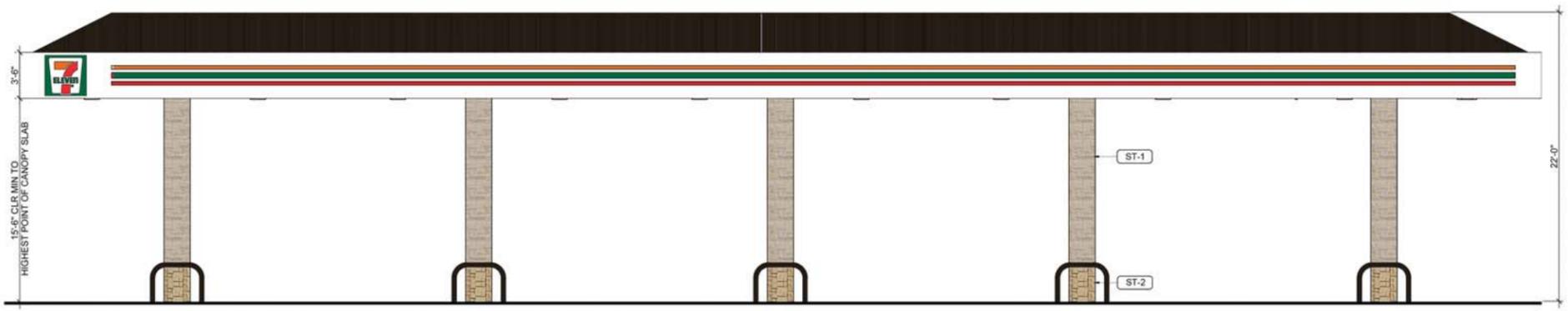
3 ELEVATION - NORTH
3/16" = 1'-0"

18% STUCCO	-	139 SF
82% BRICK/ STONE	-	614 SF
0% GLAZING	-	0 SF
100% TOTAL		753 SF

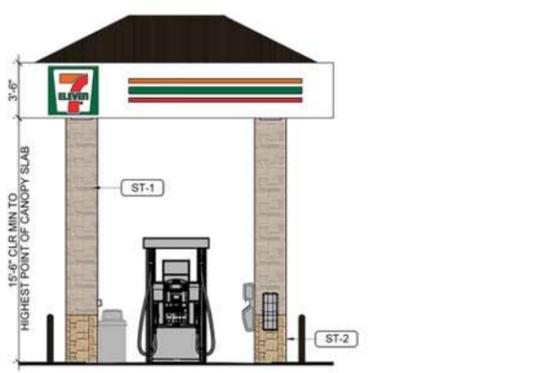


4 ELEVATION - EAST
3/16" = 1'-0"

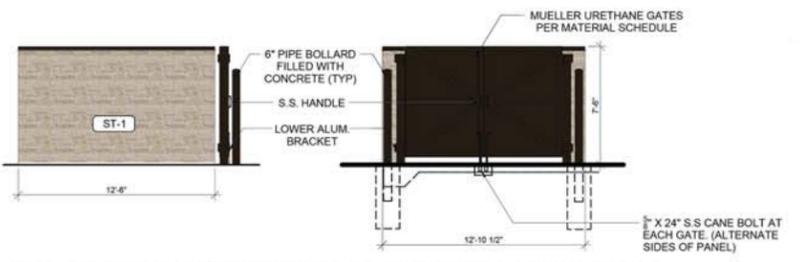
4% STUCCO	-	54 SF
80% BRICK/ STONE	-	1,181 SF
16% GLAZING	-	287 SF
100% TOTAL		1,522 SF



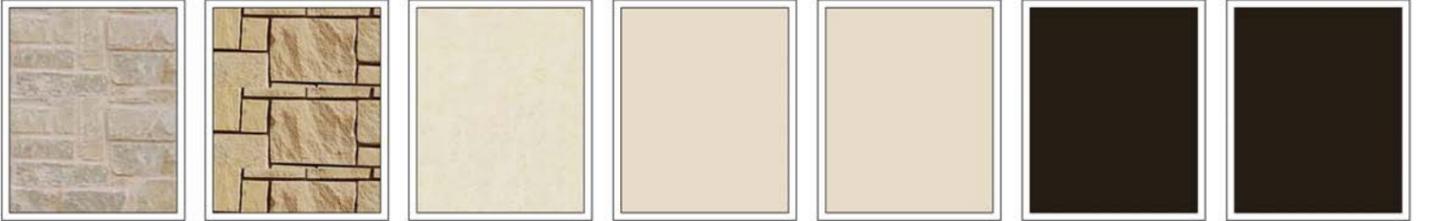
5 FUEL CANOPY ELEVATION - SIDE VIEW
3/16" = 1'-0"



6 FUEL CANOPY ELEVATION - END VIEW
3/16" = 1'-0"



7 DUMPSTER ENCLOSURE ELEVATION
3/16" = 1'-0"



STONE ALLIANCE MATERIALS SAW CUT LUEDERS/ LUEDERS BUFF (ST-1)	STONE ALLIANCE MATERIALS SAW CUT PANHANDLE (ST-2)	CAST STONE CAST STONE - NATURAL (CS-1)	STUCCO BENJAMIN MOORE ALBESCENT OC-40 (EF-1)	PAINTED EXTERIOR BENJAMIN MOORE ALBESCENT OC-40	STOREFRONT KAWNEER DARK BRONZE NO. 40 STOREFRONT, FRAMES	ROOFING BERRIDGE MANUFACTURING STANDING SEAM METAL ROOFING PREFINISHED DARK BRONZE METAL
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ELEVATION EXHIBIT

7-ELEVEN, INC.
3200 HACKBERRY RD. IRVING, TEXAS 75063
7-11 #1040168
1301 TX-121 BUSINESS
LEWISVILLE, TEXAS

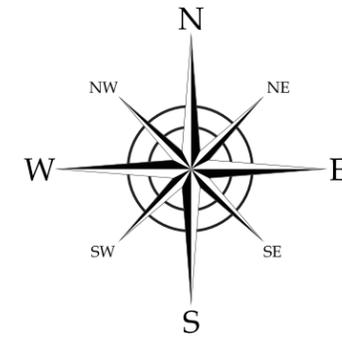
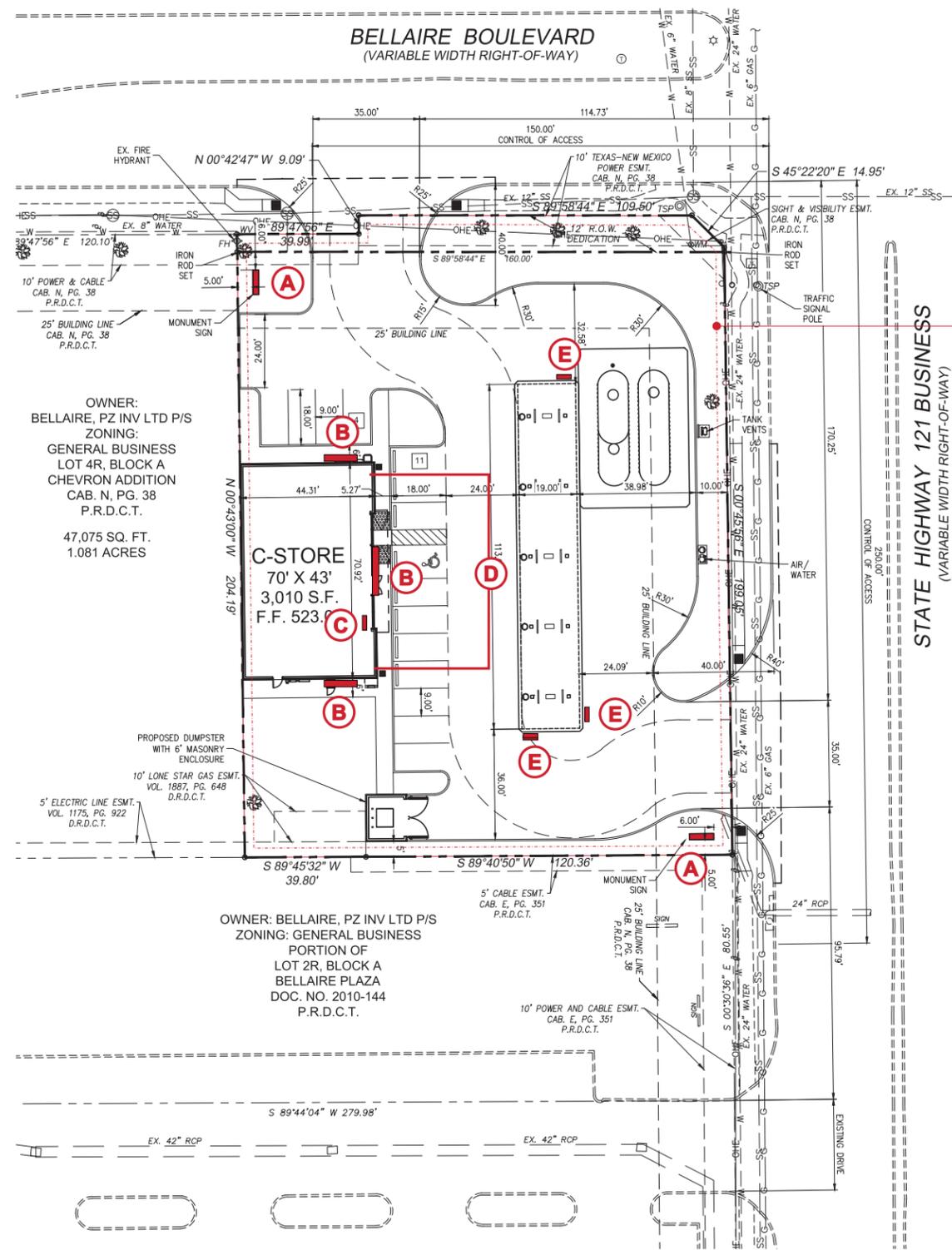


THE DIMENSION GROUP
ARCHITECTURE
CIVIL ENGINEERING
MEP ENGINEERING
PLANNING
10755 SANDHILL ROAD
DALLAS, TEXAS 75238
O: 214-343-9400 | F: 214-503-6778
dimensiongrp.com

Job#:	16-613
Scale:	AS NOTED
Date:	03/02/17
Drawn By:	JT
Checked By:	FS

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SHEET:
PR1
7043 SIP - RIGHT



OWNER:
BELLAIRE, PZ INV LTD P/S
ZONING:
GENERAL BUSINESS
LOT 4R, BLOCK A
CHEVRON ADDITION
CAB. N. PG. 38
P.R.D.C.T.

47,075 SQ. FT.
1.081 ACRES

OWNER: BELLAIRE, PZ INV LTD P/S
ZONING: GENERAL BUSINESS
PORTION OF
LOT 2R, BLOCK A
BELLAIRE PLAZA
DOC. NO. 2010-144
P.R.D.C.T.

3'-0" SET BACK

A	MONUMENT Sign
B	3-Pack SEJ W/S
C	ATM Interior Sign
D	Window Graphics
E	W9 Canopy Signs

Site Plan
1"=50'



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1301 TX-121 Business @
Bellaire Avenue
Lewisville, Texas 75067

SVE5693-R3

F:\Customers\7 Eleven\Art
\SVE5693-R3 #1040168.cdr

date:	rev.	description:	designer:
12.29.16	00	Original Concept	mh
01.23.17	R1	Revised site plan, building & canopy elevations.	mh
02.20.17	R2	Revised site plan, sign A and Sign B.	mh
02.21.17	R3	Revised site plan and sign A to monument.	mh
03.03.17	R4	Revised sign A monument.	mh

Salesperson: rg PM: bb Designer: mh Page: 1

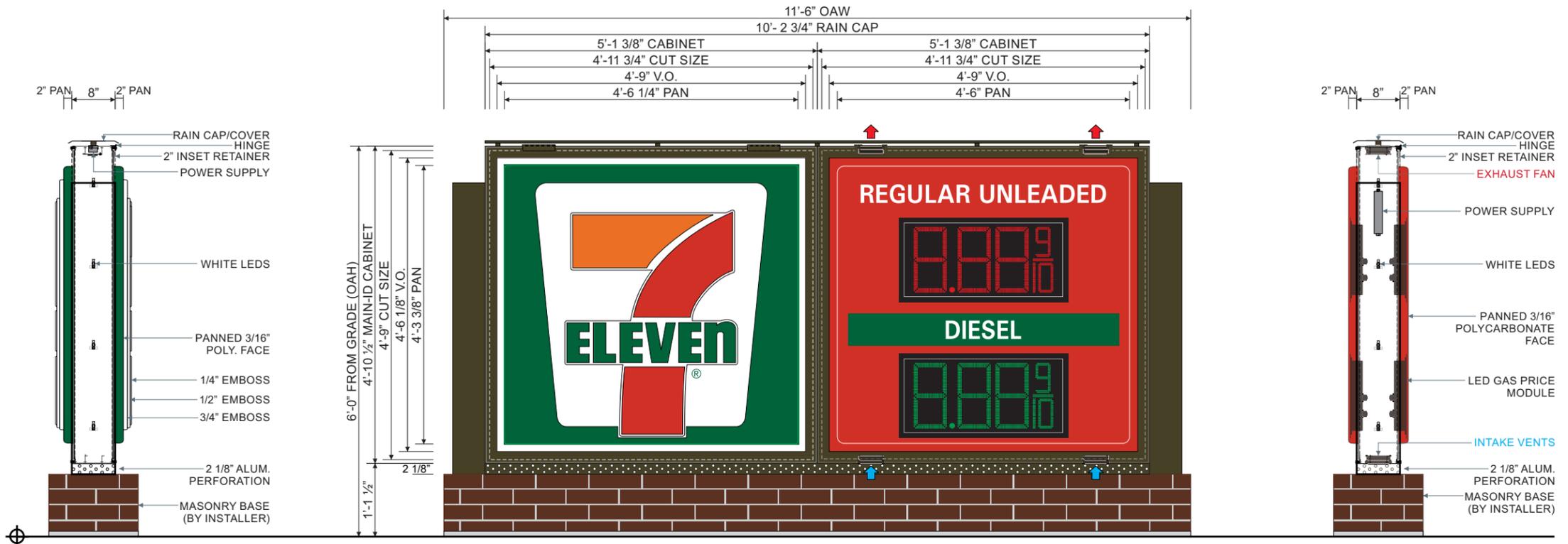
customer approval _____ date: _____



Complies with
UL 48
CSA C22.2 No.207

THE SIGNS ON THESE PAGES HAVE BEEN DESIGNED TO MEET OR EXCEED ALL APPLICABLE CODES OR REQUIREMENTS OF THE NEC-2014 AND OR THE 2014 FBC AND OR THE 2007 SFBC

NOTE: DEDICATED 20 AMP CIRCUIT REQUIRED FOR LED GAS PRICE CABINET, MUST BE PROVIDED BY CUSTOMER



MANUFACTURE & SHIP TWO (2) **M25 (03130797)** D/F INTERNALLY ILLUMINATED "MAIN ID" SIGN CABINETS. 3/16" THICK PAN FORMED & EMBOSSSED WHITE POLYCARBONATE FACES W/ TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE. 8" DEEP EXTRUDED ALUM. CABINET W/ 2" INSET HINGED RETAINERS TO BE PAINTED **DURANODIC BRONZE**. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS. 2" INSET RETAINERS TO BE HINGED ON ONE SIDE OF CABINET.

MANUFACTURE & SHIP TWO (2) **L25G2D (00000000)** D/F "DOUBLE-PRODUCT" DIESEL INTERNALLY ILLUMINATED SIGN CABINETS W/ GREEN & RED LED DIGITS. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS. 3/16" THICK PAN FORMED CLEAR POLYCARBONATE FACES BACK SPRAYED **PMS 485 RED** THEN **PMS WHITE** W/ **3M 3630-26 GREEN** TRANSLUCENT VINYL & **3M 7725-12 BLACK** VINYL TRIM AROUND LED WINDOW APPLIED SECOND SURFACE. 8" DEEP EXTRUDED ALUM. CABINET W/ 2" INSET HINGED RETAINERS TO BE PAINTED **DURANODIC BRONZE**. 2" INSET RETAINERS TO BE HINGED ON ONE SIDE OF CABINET.

PROVIDE CUSTOMER W/ **STANDARD 12" DIGIT RED LED MODULES**.
 PROVIDE CUSTOMER W/ **STANDARD 12" DIGIT GREEN LED MODULES**.
 PROVIDE CUSTOMER W/ CONTINUOUS ALUMINUM RAIN GUARD/COVER PAINTED **DURANODIC BRONZE**.
 PROVIDE CUSTOMER W/ CONTINUOUS 2 1/8" PERFORATED ALUMINUM FRAME PAINTED **DURANODIC BRONZE**.

VINYL SPECS: 3M 3630-44 ORANGE, 3M 3630-33 RED, 3M 3630-26 GREEN, 3M 7725-12 BLACK
PAINT SPECS: PMS 485 RED, PMS WHITE, DURANODIC BRONZE.

NOTE: STEEL MOUNTING & MASONRY BASE TO BE PROVIDED BY INSTALLER.

7-ELEVEN LOGO DIMENSIONS:
 OAH: 47"
 OAL: 42 15/16"

PRODUCT/LED MODULE SPECS:
 LED UNIT SIZE: 15.6" X 31.3"
 LED UNIT V.O.: 15.6" X 31.3"
 LED CHARACTER SIZE: 12"
 DIESEL BKGRND SIZE: 6" X 50"
 PRODUCT COPY: 3.5"

Total Sign Square footage Calculations:	
Allowed:	60.0 sqft
Proposed:	49.8 sqft

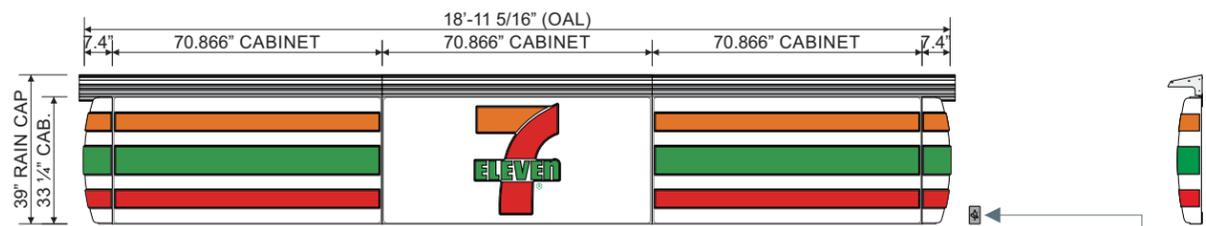
Overall Height:	
Allowed Max:	6.0 Feet
Proposed:	6.0 Feet

SetBacks:	
Requirements:	3 Feet
Proposed:	6 Feet

Front Elevation & Side Detail - **M25 & L25G2D Monument Sign Structures - Sign A**
 1/2" = 1'-0"

Display Square Footage (Cabinets Combined): **49.8**

date:	rev.	description:	designer:
12.29.16	00	Original Concept	mh
01.23.17	R1	Revised site plan, building & canopy elevations.	mh
02.20.17	R2	Revised site plan, sign A and Sign B.	mh
02.21.17	R3	Revised site plan and sign A to monument.	mh
03.03.17	R4	Revised sign A monument.	mh



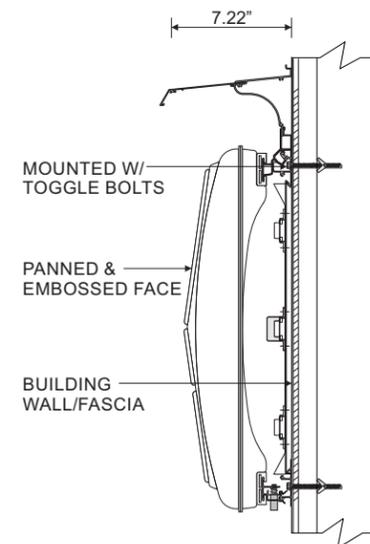
MANUFACTURE & SHIP THREE (3) SETS OF 33 1/4" S/F INTERNALLY ILLUMINATED WALL SIGNS (SEJ 1800 SERIES).

ELECTRICAL NOTE: EXPOSED EXTERIOR 20 AMP WEATHERPROOF ELECTRICAL DISCONNECT REQUIRED WITHIN VISUAL RANGE OF SIGN REQUIRED FOR EVERY 16 AMPS OF SIGNAGE. ACTUAL NUMBER OF CIRCUITS TO BE DETERMINED BY A LICENSED ELECTRICAL CONTRACTOR. ACTUAL LOCATION OF BOX MAY VARY. CIRCUITS AND SWITCH TO BE PROVIDED BY OTHERS. INPUT VOLTAGE - 120V
ALL SIGNAGE WILL BE (MET) LISTED,(U.L.) 48STD COMPLIANT AND CARRY (MET) LABELS.

Front Elevation - SEJ 1800 Series Wall Sign Cabinets - Sign B

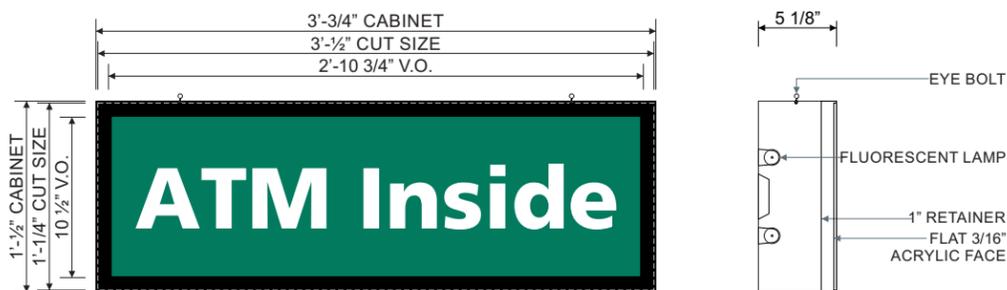
1/4" = 1'-0"

Display Square Footage (Cabinets): 52.5



Side Mounting Detail - Sign B

NTS



INSTALL ONE (1) **STANDARD** INTERNALLY ILLUMINATED S/F WINDOW SIGN. 3/16" THICK FLAT WHITE ACRYLIC FACE W/TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE. CABINET TO BE INTERNALLY ILLUMINATED W/ T-8 H.O. FLUORESCENT LAMPS. 5 1/8" DEEP ALUM. CABINET & 1" RETAINERS ALL PAINTED **BLACK**. SIGN TO HANG INSIDE THE STORE BEHIND GLASS AS INDICATED IN PHOTO OVERLAY WITH EYE BOLTS.

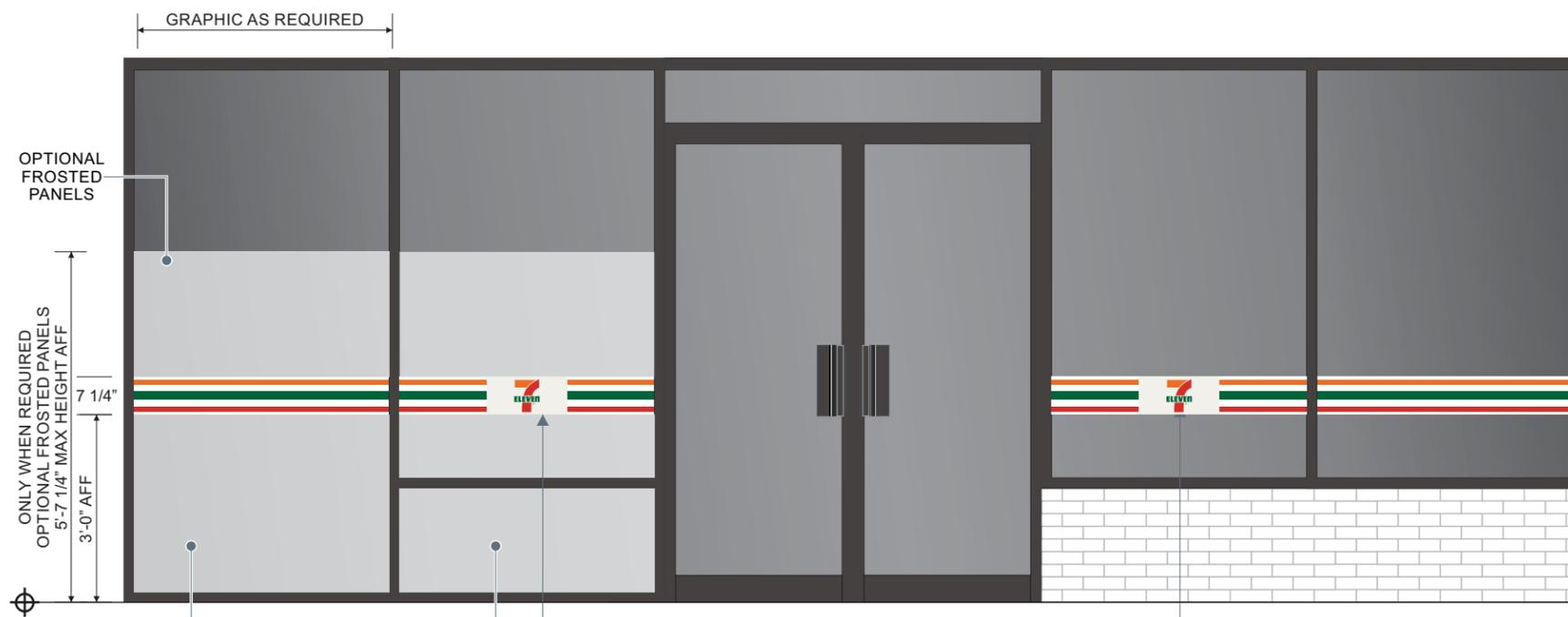
VINYL SPECS: 3M 3630-26 GREEN

NOTE: ATM SIGN TO BE FABRICATED & PROVIDED BY OTHERS!

Front Elevation & Side Mounting Detail - Standard ATM S/F Window Sign - Sign C

1" = 1'-0"

Display Square Footage (Cabinet): 3.2



ONLY TO HIDE EQUIPMENT AT THE SALES COUNTER AREA (DETERMINED BY OTHERS)

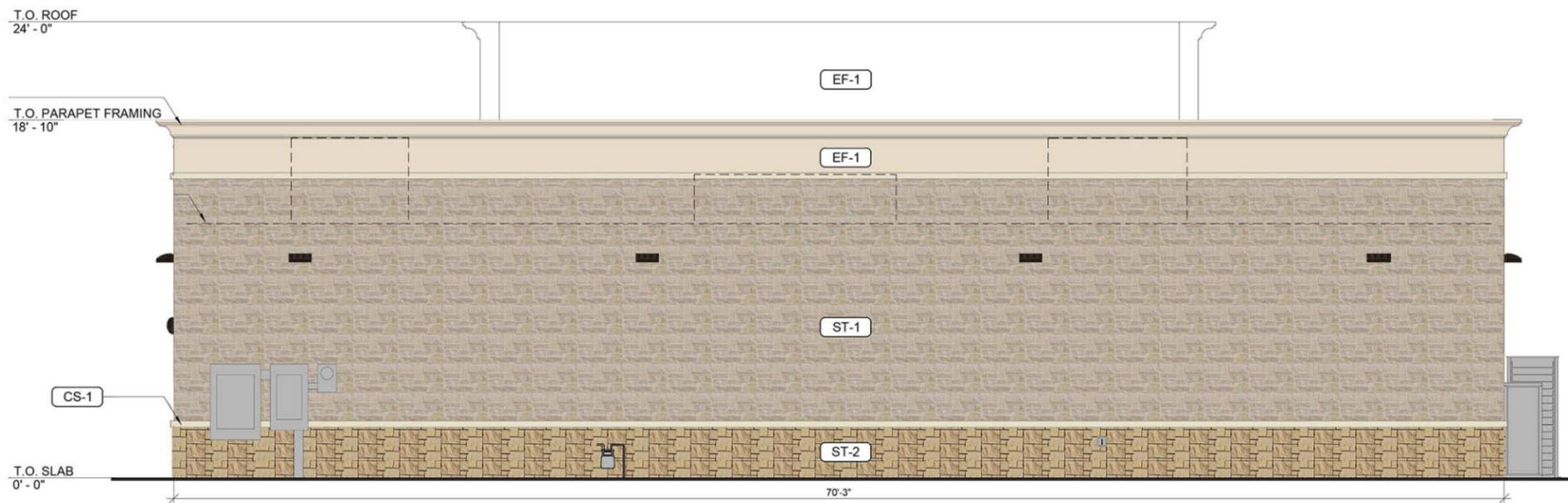
THE VERY FIRST WINDOWS ON EITHER SIDE OF THE DOOR WILL GET THE STRIPE WITH THE LOGO. ALL OF THE REMAINING WINDOWS WILL GET STRIPES WITHOUT THE LOGO.

WINDOW VINYL GRAPHICS.
VINYL GRAPHICS TO BE APPLIED SECOND SURFACE ONTO DESIGNATED STORE WINDOWS.

NOTE: WINDOW GRAPHICS KITS TO BE PROVIDED AND INSTALLED BY OTHERS. NOT PART OF HARBINGERS SCOPE OF WORK.
NOTE: FOR FULL INSTALLATION INSTRUCTIONS, REFER TO 7-ELEVEN SIGNAGE MANUAL.

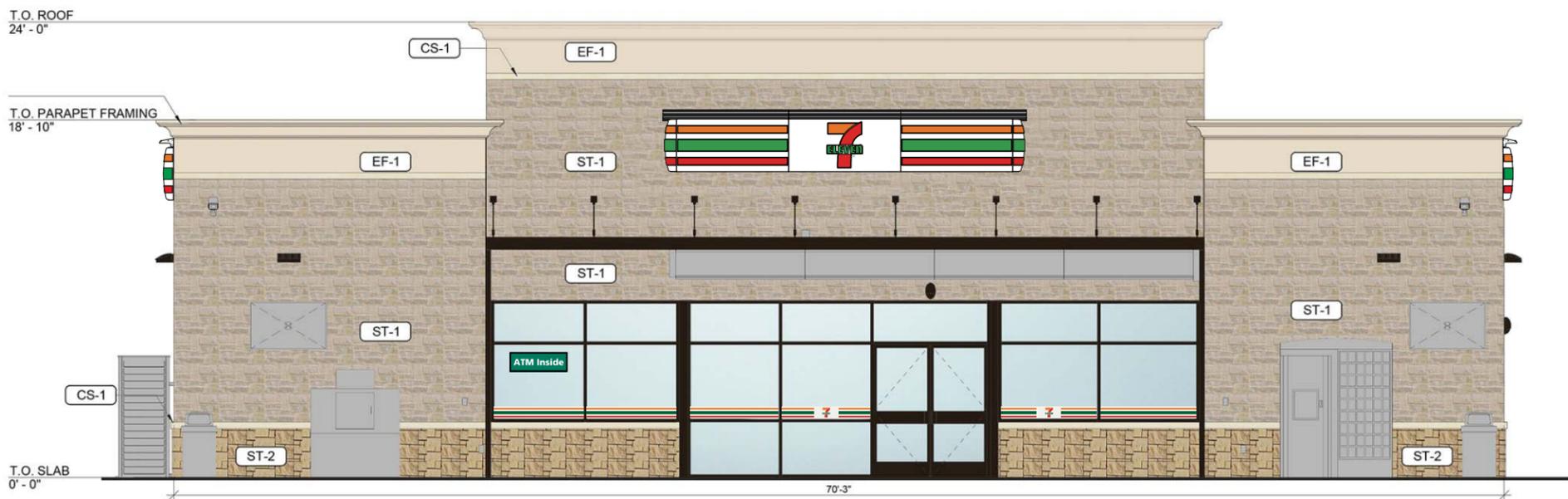
Front Elevation - Typical Window Vinyl Graphics - Sign D

3/8" = 1'-0"



Square footage Calculations:	
BLDG ALLOWED 1.5SF PER LINEAL FEET OF WALL.	
Allowed:	105.0 sqft
Proposed:	00.0 sqft

WEST Elevation Photo Overlay
 1/8"=1'-0"



Square footage Calculations:	
BLDG ALLOWED 1.5SF PER LINEAL FEET OF WALL.	
Allowed:	105.0 sqft
Proposed:	52.5 sqft

EAST Elevation Photo Overlay - Signs B, C, D
 1/8"=1'-0"



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 2301 Ohio Dr, Plano, TX. 32257 • 972.905.9450



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 1301 TX-121 Business @
 Bellaire Avenue
 Lewisville, Texas 75067

SVE5693-R3

F:\Customers\7 Eleven\Art
 \SVE5693-R3 #1040168.cdr

date:	rev.	description:	designer:
12.29.16	00	Original Concept	mh
01.23.17	R1	Revised site plan, building & canopy elevations.	mh
02.20.17	R2	Revised site plan, sign A and Sign B.	mh
02.21.17	R3	Revised site plan and sign A to monument.	mh
03.03.17	R4	Revised sign A monument.	mh

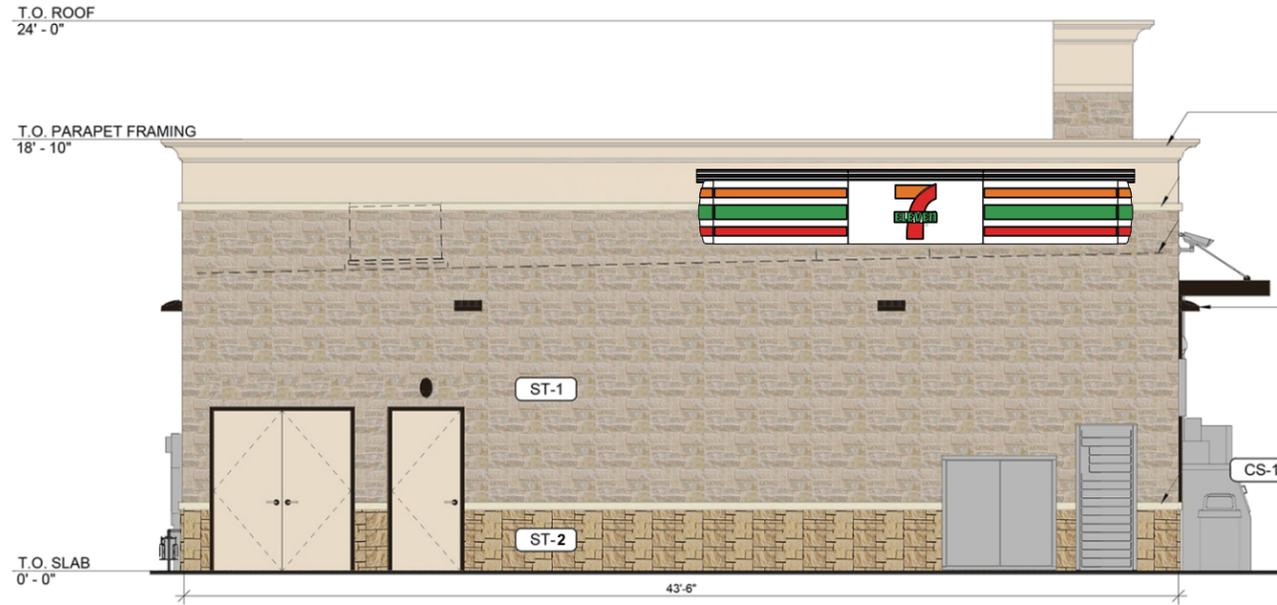
Salesperson: rg PM: bb Designer: mh Page: 4

customer approval _____ date: _____



Complies with
 UL 48
 CSA C22.2 No.207

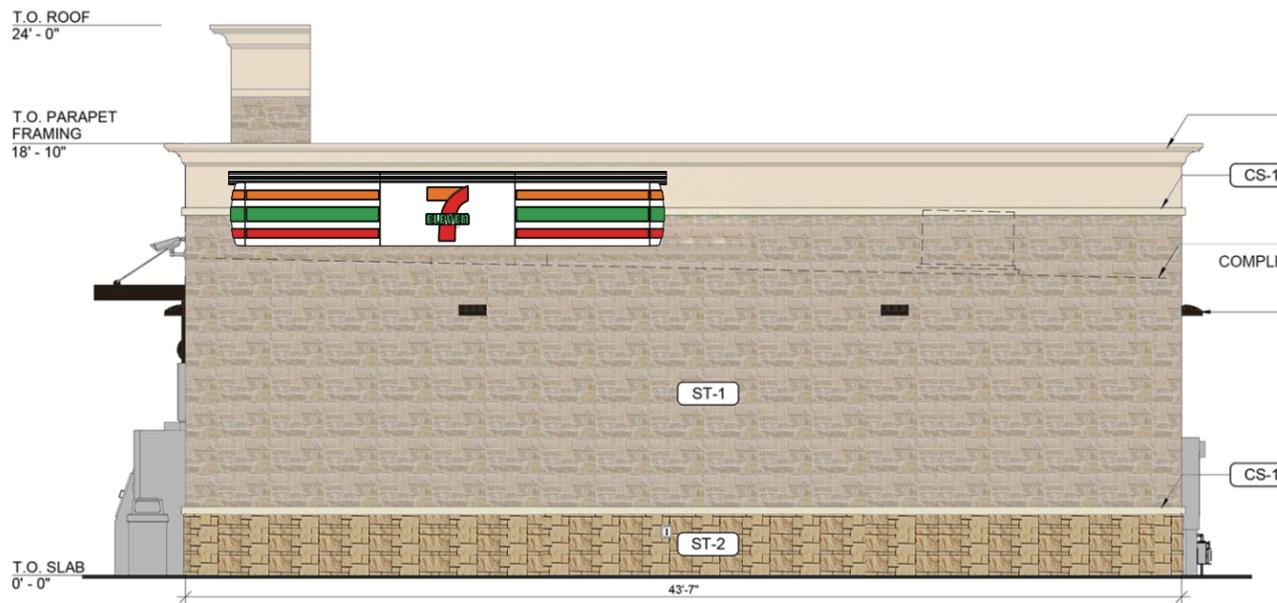
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Square footage Calculations:	
BLDG ALLOWED 1.5SF PER LINEAL FEET OF WALL.	
Allowed:	64.5 sqft
Proposed:	52.5 sqft

SOUTH Elevation Photo Overlay - Sign B

1/8"=1'-0"



Square footage Calculations:	
BLDG ALLOWED 1.5SF PER LINEAL FEET OF WALL.	
Allowed:	64.5 sqft
Proposed:	52.5 sqft

NORTH Elevation Photo Overlay - Sign B

1/8"=1'-0"



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7-Eleven #1040168
 1301 TX-121 Business @
 Bellaire Avenue
 Lewisville, Texas 75067

SVE5693-R3

F:\Customers\7 Eleven\Art
 \SVE5693-R3 #1040168.cdr

date:	rev.	description:	designer:
12.29.16	00	Original Concept	mh
01.23.17	R1	Revised site plan, building & canopy elevations.	mh
02.20.17	R2	Revised site plan, sign A and Sign B.	mh
02.21.17	R3	Revised site plan and sign A to monument.	mh
03.03.17	R4	Revised sign A monument.	mh

Salesperson: rg

PM: bb

Designer: mh

Page: 5

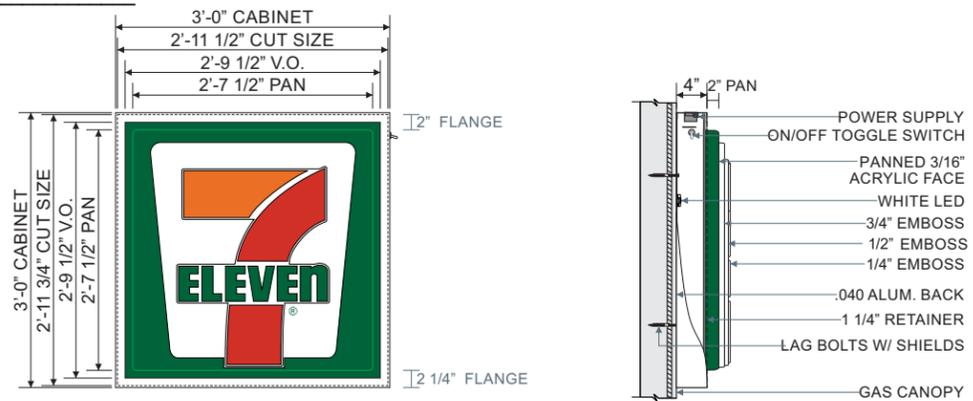
customer approval

date:



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THE SIGNS ON THESE PAGES HAVE BEEN DESIGNED TO MEET OR EXCEED ALL APPLICABLE CODES OR REQUIREMENTS OF THE NEC-2014 AND OR THE 2014 FBC AND OR THE 2007 SFBC



MANUFACTURE & SHIP THREE (3) W9 (0000000) S/F INTERNALLY ILLUMINATED CANOPY SIGN CABINETS. 3/16" THICK PAN FORMED & EMBOSSED WHITE ACRYLIC FACE W/ TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE. 4" DEEP EXTRUDED ALUM. CABINET W/ 1 1/4" RETAINERS TO BE PAINTED WHITE. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS.

VINYL SPECS: 3M 3630-44 ORANGE, 3M 3630-33 RED, 3M 3630-26 GREEN
PAINT SPECS: PMS WHITE

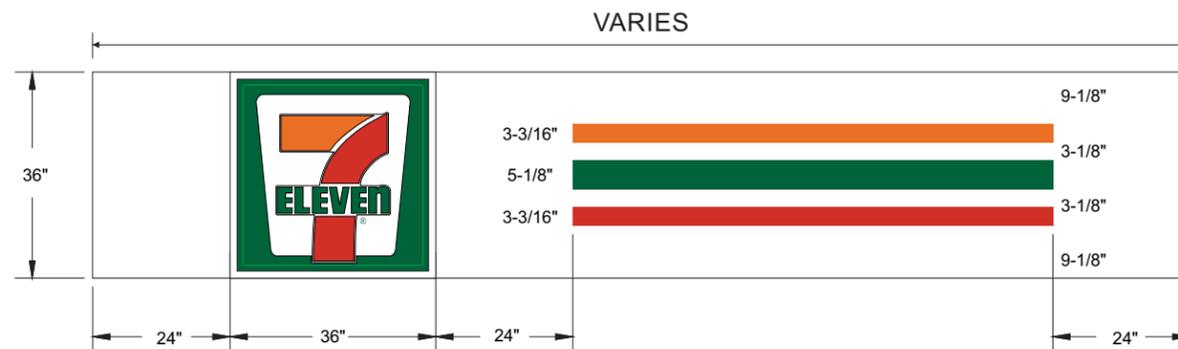
NOTE: SIGN TO BE INSTALLED 2'-0" FROM LEFT EDGE OF GAS CANOPY.
NOTE: ACCOMPANYING TRI-STRIPE GRAPHICS TO BEGIN 2'-0" FROM CABINET.
NOTE: TRI-STRIPE GRAPHICS TO BE SUPPLIED BY 7-ELEVEN CANOPY CONTRACTOR.

7-ELEVEN LOGO DIMENSIONS:
OAH: 29 1/2"
OAL: 27"

Face & Side Detail - W9 (0000000) Canopy Sign Cabinet - Sign E

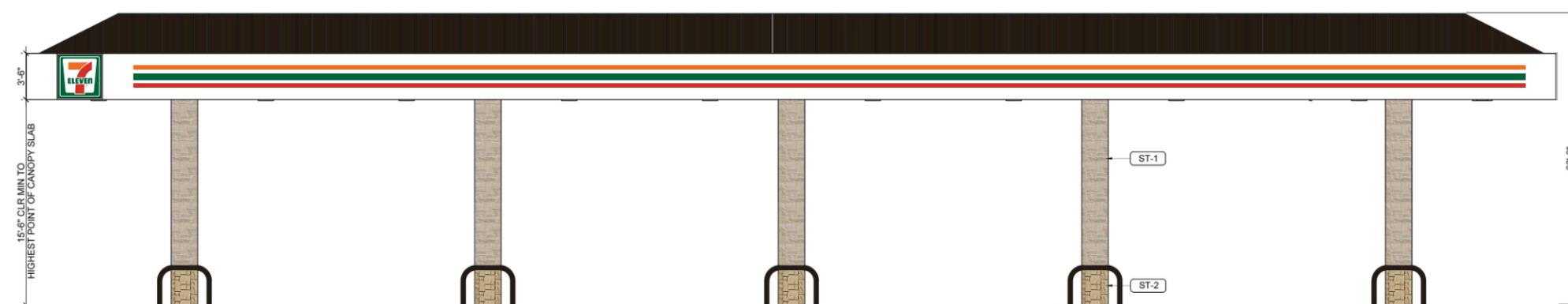
1/2" = 1'-0"

Display Square Footage(Cabinet): 9.0

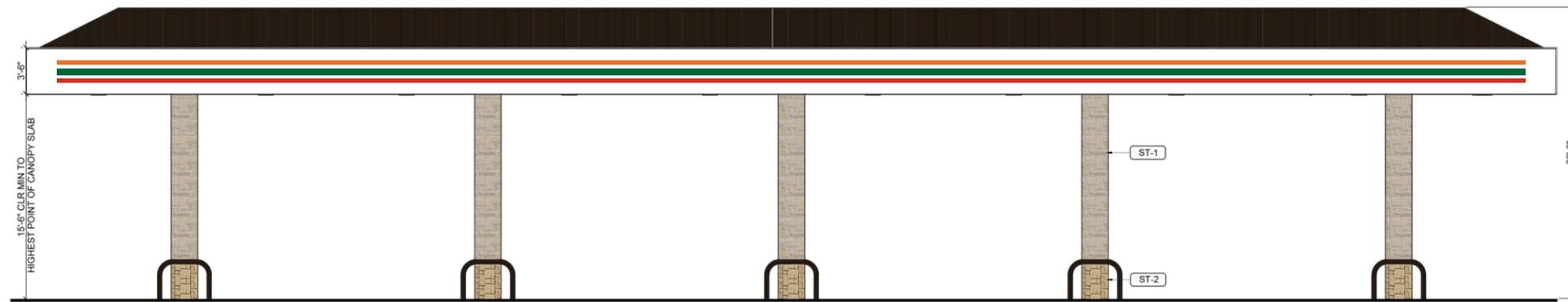


Front Elevation - 36" Canopy Height - Sign And Graphics Layout

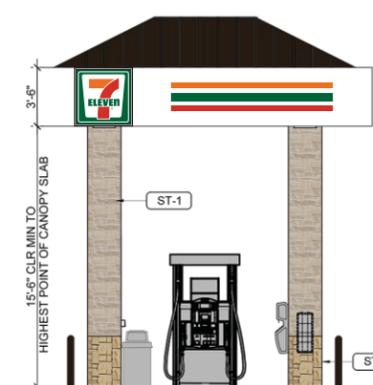
3/8" = 1'-0"



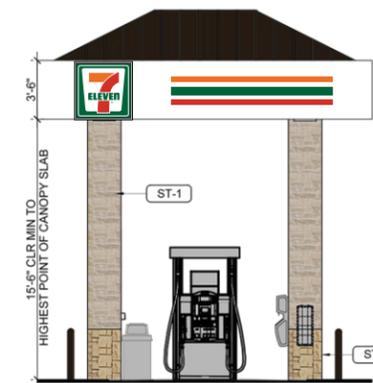
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

Proposed Canopy Elevation - Layout - Sign E

NTS



5300 Shad Road, Jacksonville, FL, 32257 • 904.268.4681
2301 Ohio Dr, Plano, TX, 32257 • 972.905.9450



7-Eleven #1040168
1301 TX-121 Business @
Bellaire Avenue
Lewisville, Texas 75067

SVE5693-R3

F:\Customers\7 Eleven\Art
\SVE5693-R3 #1040168.cdr

date:	rev.	description:	designer:
12.29.16	00	Original Concept	mh
01.23.17	R1	Revised site plan, building & canopy elevations.	mh
02.20.17	R2	Revised site plan, sign A and Sign B.	mh
02.21.17	R3	Revised site plan and sign A to monument.	mh
03.03.17	R4	Revised sign A monument.	mh

Salesperson: rg

PM: bb

Designer: mh

Page: 6

customer approval

date:



Complies with UL 48 CSA C22.2 No.207

THE SIGNS ON THESE PAGES HAVE BEEN DESIGNED TO MEET OR EXCEED ALL APPLICABLE CODES OR REQUIREMENTS OF THE NEC-2014 AND OR THE 2014 FBC AND OR THE 2007 SFBC

MEMORANDUM

TO: Donna Barron, City Manager

VIA: Keith Marvin, P.E., Director of Public Services

FROM: Ron Carson, Public Works Manager, Public Services

DATE: March 15, 2017

SUBJECT: **Approval of a Bid Award for an Annual Requirements Agreement for Ready Mix Concrete to Nelson Brothers Ready Mix, LTD, Lewisville, Texas, for the Estimated Amount of \$54,230; and Authorization for the City Manager to Execute the Agreement.**

BACKGROUND

Public Works uses Annual Requirements Agreements for Ready Mix Concrete to make maintenance repairs to City owned concrete assets. The previous agreement expired in February, and there were no additional renewals available.

The proposed agreement is a one year award with two additional one year awards if both parties agree. Public Works has its own concrete truck and the annual agreement is set up so we can pick the product up ourselves or have it delivered if needed.

ANALYSIS

Three (3) competitive sealed proposals were received and opened on March 14, 2017. The low bidder, after applying travel expense calculations as listed in the bid documents, is Nelson Brothers Ready Mix in the amount of \$54,230. Nelson Brothers Ready Mix is located in Lewisville and has held this contract in previous years. They have proven to be a good vendor to work with.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the bid award as set forth in the caption above.

MEMORANDUM

TO: Donna Barron, City Manager

THROUGH: Brenda Martin, Finance Director

FROM: Todd White, Purchasing Manager

DATE: March 22, 2017

SUBJECT: Approval of a Bid Award for an Annual Requirements Agreement for Ready Mix Concrete to Nelson Bros Ready Mix, LTD, Lewisville, Texas, for an Estimated Annual Amount of \$54,230; and Authorization for the City Manager to Execute the Agreement.

BACKGROUND

A bid invitation was created and posted on Bidsync.com February 27, 2017. Specifications were created in accordance with Texas Local Government Code Chapter 252.043, *Award of Contract*. Specifications under this chapter of the law state the award is to be made on the basis of the best value for the municipality.

In determining the best value for the municipality, the municipality may consider, among other things: (1) the purchase price; (2) the quality of the bidder's goods or services; and (3) the extent to which those goods or services meet the municipality's needs.

ANALYSIS

Sealed bids were due March 14, 2017 and three bids were received. An evaluation of bids were performed and it was determined Nelson Brothers Ready Mix, LTD submitted the lowest bid and is being recommended on the basis of best value.

RECOMMENDATION

It is City staff's recommendation that the City Council approves the award as set forth in the cation above.

Bid #17-32-A

Annual Requirements Contract for Ready Mix Concrete

Tuesday, March 14, 2017 5:30 pm

Item #	Item	Qty	Unit	Lattimore Materials Corp Addison, TX				Nelson Bros Ready Mix Lewisville, TX				Redi-Mix Concrete Eules, TX			
				Price	Total	Evaluated Price	Evaluated Total	Price	Total	Evaluated Price	Evaluated Total	Price	Total	Evaluated Price	Evaluated Total
17-32-A-01-01	3000 P.S.I. Ready Mix Concrete (FOB Job Site)	10	cubic yard	\$118.00	\$1,180.00		\$1,180.00	\$112.00	\$1,120.00		\$1,120.00	\$115.00	\$1,150.00		\$1,150.00
17-32-A-01-02	3000 P.S.I. Ready Mix Concrete (FOB Plant)	100	cubic yard	\$108.00	\$10,800.00	\$108.53	\$10,852.89	\$99.00	\$9,900.00	\$99.96	\$9,995.76	\$105.00	\$10,500.00	\$105.69	\$10,569.48
17-32-A-01-03	3750 P.S.I. Ready Mix Concrete (FOB Job Site)	10	cubic yard	\$124.00	\$1,240.00		\$1,240.00	\$118.00	\$1,180.00		\$1,180.00	\$121.00	\$1,210.00		\$1,210.00
17-32-A-01-04	3750 P.S.I. Ready Mix Concrete (FOB Plant)	300	cubic yard	\$114.00	\$34,200.00	\$114.53	\$34,358.67	\$105.00	\$31,500.00	\$105.96	\$31,787.28	\$110.00	\$33,000.00	\$110.69	\$33,000.00
17-32-A-01-05	4200 P.S.I. Ready Mix Concrete (FOB Job Site)	10	cubic yard	\$144.00	\$1,440.00		\$1,440.00	\$125.00	\$1,250.00		\$1,250.00	\$125.00	\$1,250.00		\$1,250.00
17-32-A-01-06	4200 P.S.I. Ready Mix Concrete (FOB Plant)	50	cubic yard	\$134.00	\$6,700.00	\$134.53	\$6,726.45	\$112.00	\$5,600.00	\$112.96	\$5,647.88	\$115.00	\$5,750.00	\$115.69	\$5,784.74
17-32-A-01-09	Flowable Fill - 1 sack (FOB Job Site)	10	cubic yard	\$94.00	\$940.00		\$940.00	\$94.00	\$940.00		\$940.00	\$95.00	\$950.00		\$950.00
17-32-A-01-10	Flowable Fill - 1 sack (FOB Plant)	10	cubic yard	\$84.00	\$840.00	\$84.53	\$845.29	\$84.00	\$840.00	\$84.96	\$849.58	\$85.00	\$850.00	\$85.69	\$856.95
17-32-A-01-11	Flowable Fill - 2 sack (FOB Job Site)	10	cubic yard	\$100.00	\$1,000.00		\$1,000.00	\$100.00	\$1,000.00		\$1,000.00	\$100.00	\$1,000.00		\$1,000.00
17-32-A-01-12	Flowable Fill - 2 sack (FOB Plant)	10	cubic yard	\$90.00	\$900.00	\$90.53	\$905.29	\$90.00	\$900.00	\$90.96	\$909.58	\$90.00	\$900.00	\$90.69	\$906.95
TOTALS:				\$59,240.00		\$59,488.58		\$54,230.00		\$54,680.07		\$56,560.00		\$56,678.12	
Plant Address:				987 E Main St., Lewisville Round trip from 1100 N. Kealy: 1.7 miles; 5 minutes \$0.53 Per cubic yard for pick up				721 E. Main St., Lewisville, TX Round trip from 1100 N. Kealy: 2.8 miles; 10 minutes \$0.96 Per cubic yard for pick up				725 E. College, Lewisville, TX Round trip from 1100 N. Kealy: 2.4 miles; 6 minutes \$0.69 Per cubic yard for pick up			
TRAVEL EXPENSE:															
Maintenance and Fuel Cost				\$1.67											
Driver's rate per minute				\$0.49											
Size of City Truck (Cubic Yards)				10											



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

ANNUAL REQUIREMENTS AGREEMENT

March 22, 2017

Nelson Bros Ready Mix., LTD
721 E. Main St.
Lewisville, TX 75057
Attn: Billy Sessom

Re: Ready Mix Concrete
Bid #17-32-A

Dear Mr. Sessom,

The City of Lewisville accepts your offer to provide Ready Mix Concrete in accordance with the above referenced bid. The term of the agreement will be for twelve (12) months, with an option to extend up to two (2) additional twelve (12) month periods, subject to the approval of the contractor and the City. The agreement dates are as follows:

Begin: April 4, 2017
Expire: April 3, 2018

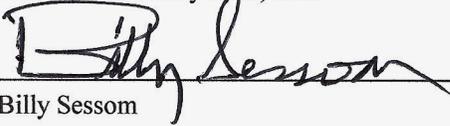
All Terms and Conditions as included in the original bid invitation and your offer will be enforced during the term(s) of the agreement.

Thank you for your interest in doing business with the City of Lewisville.

City of Lewisville

Donna Barron
City Manager

Nelson Bros Ready Mix., LTD



Billy Sessom
Sales Manager

MEMORANDUM

TO: Donna Barron, City Manager

FROM: David Salmon, P.E., City Engineer

VIA: Eric Ferris, Deputy City Manager

DATE: April 3, 2017

SUBJECT: **Approval of a Professional Services Agreement With Garver, LLC in the Amount of \$421,542 for Final Design and Construction Services Relating to College Street From IH-35 to Mill Street; and Authorization for the City Manager to Execute the Agreement.**

BACKGROUND

The project consists of final design and construction phase services for College Street from IH-35 Service Road to Mill Street as a two-lane collector street with a 60-foot Right-of-Way. The project includes the removal and replacement of approximately 4,500 linear feet of existing concrete paving along with upgrading the existing drainage, water, and sanitary sewer under College Street. Funding for College Street reconstruction was included in the 2015 Bond Election approved by voters in November 2015. The proposed roadway section will match the current 37-foot-wide section centered in the 60 feet of R.O.W. The street from Charles Street to Mill Street is somewhat narrower. The final proposed street section for that block will be determined after the right of way and topography has been surveyed. Existing sidewalks will be replaced with new, ADA compliant sidewalks and ramps. Additional sidewalk will be considered as ROW allows in areas where there is no sidewalk. Some areas may have slightly less than 60 feet of R.O.W., however it is the intent to design the improvements within the existing R.O.W. and not purchase any additional R.O.W.

Staff is recommending to replace the utilities with the street reconstruction because of constant utility breaks from older water and sanitary sewer lines. There have been almost two dozen water main breaks in recent history and several sanitary sewer breaks through the years. The engineering consultant will also evaluate the existing storm drain system and drainage areas to see if there are any improvements that can be made. Staff is not aware of any flooding incidents along College Street, however input from residents will also be gathered.

Staff has negotiated a Professional Services Agreement with Garver, LLC. in the amount of \$421,542.00 to include design, construction services, design surveying, ROW determination, hydraulic analysis, and TDLR permitting, and TxDOT permitting.

ANALYSIS

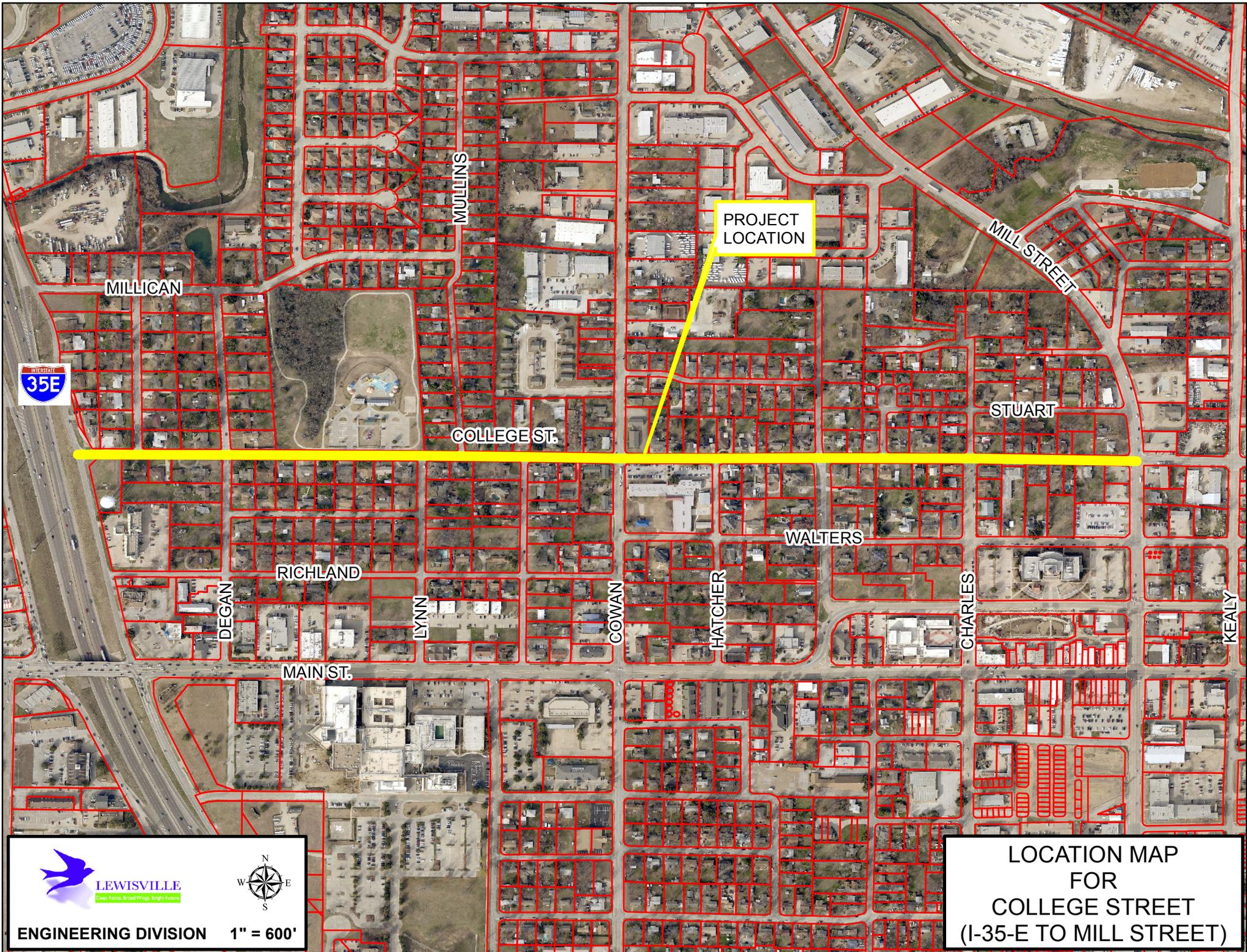
Staff has negotiated a Professional Services Agreement with Garver, LLC. in the amount of \$421,542.00 for the Professional Services Agreement for College Street to include final design services, supplemental topo surveying, geotechnical services, construction phase services, TxDOT design submittal package, supplemental hydraulic analysis, and TDLR permitting. The

Subject: PSA with Garver, LLC. for College Street from IH-35 to Mill Street Final Design
April 3, 2017
Page 2

project will be designed such that construction can be performed in multiple phases allowing the street to remain open during construction and to allow residents to have access to their driveways throughout construction. The design timeline for the completion of College Street is 292 calendar days from notice to proceed and is exclusive of time for City staff reviews. The proposed fee is commensurate with a project of this size and scope.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the agreement as set forth in the caption above.



MILLIGAN

MULLINS

PROJECT LOCATION

MILL STREET

COLLEGE ST.

STUART

DEGAN

RICHLAND

LYNN

COWAN

HATCHER

WALTERS

CHARLES

KEALY

MAIN ST.



ENGINEERING DIVISION

1" = 600'

LOCATION MAP FOR COLLEGE STREET (I-35-E TO MILL STREET)

PROFESSIONAL SERVICES AGREEMENT
for
College Street from IH-35 to Mill Street

The City of Lewisville, Texas, hereinafter called City, hereby engages Garver, LLC, hereinafter called Consultant, to perform professional services in connection with the preparation of construction plans for College Street from IH-35 Service Road to Mill Street (Paving, Drainage, Water, and Sanitary Sewer) hereinafter called Project.

I. PROJECT. The Project includes the removal and replacement of approximately 4,500 linear feet of existing concrete paving along with upgrading the existing drainage, water, and sanitary sewer under College Street from IH-35 to Mill Street. The proposed roadway section will match the current 37 foot wide section (slightly wider at Mill Street) centered in 60 feet of right-of-way (ROW). Some areas may have slightly less than 60 feet of ROW, however it is the intent to design the improvements within the existing ROW and not purchase any additional ROW.

II. SCOPE OF SERVICES:

- A. Preparation of construction plans (30%, 60%, 90%, pre-final and final) for review, bidding, and construction, inspection and record keeping in accordance with the City.
- B. Preparation of any technical specifications not covered under the NCTCOG required for bidding and construction of the project.
- C. Process plans through the City.
- D. Provide topographic design survey.
- E. Provided geotechnical services (borings and testing) along the project limits.
- F. Permitting from the Texas Department of Licensing and Regulations (TDLR) for sidewalks and curb ramps.
- G. Assist the City through the bidding phase
- H. Assist the City through the Construction Phase (Does not include site observation)
- I. Assist the City and attend up to one (1) public meeting to explain the proposed project to residents.

Attachment “B” – Services contains a more detailed description of services and is hereby included in this Professional Services Agreement by reference.

III. COMPENSATION.

The Consultant agrees to perform the services described herein for the amounts stated; and the City agrees to make payments in the amounts stated. The total fee agreed to for all described services is \$ **421,542.00**. A breakdown of fees for various services is included in Attachment "C", which is hereby included in this Professional Services Agreement by Reference.

Invoices shall be submitted by cover letter from the project engineer. The letter shall certify that the invoice properly represents work actually done. The City reserves the right to request additional justification prior to payment of any invoice. If satisfactory justification is not received, the City reserves the right to amend the invoice or to refuse to make payment without incurring penalty or interest. Invoices shall be based on percentage of work completed per identifiable unit of work. The City agrees to make prompt payments for all approved invoices and agrees to pay interest at the rate approved by law for approved invoices not paid within 30 days from the date of approval.

IV. INSURANCE. The Consultant agrees to maintain insurance throughout the term of the contract, in accordance with Attachment "A". All Certificates of Insurance shall be kept current and shall be forwarded to the Purchasing Division of the City by cover letter from the Consultant. Insurance certificate must be received and approved prior to commencement of work. The Consultant shall also review and forward certificates covering sub-consultants.

V. REUSE OF DOCUMENTS. All documents, including drawings and specifications prepared by the Consultant pursuant to this Agreement, are instruments of service in respect of the Project. They are not intended or represented to be suitable for reuse by the City or others on extensions of the Project or on any other project. Any reuse without written verification or adaptation by the Consultant for the specific purpose intended will be at City's sole risk and without liability or legal exposure to the Consultant from all claims, damages, losses and expenses including attorneys fees arising out of or resulting therefrom. Any such verification or adaptation will entitle the Consultant to further compensation at rates to be agreed upon the City and the Consultant.

VI. OWNERSHIP OF DOCUMENTS. Original documents, plans, designs, reports and survey notes developed in connection with services performed hereunder belong to, and remain the property of the City, in consideration of which it is mutually agreed that the City will use them solely in connection with the Project, save with the express consent of the Consultant. The Consultant shall retain reproducible copies or electronic files of such documents for at least five (5) years and shall furnish copies to the City for reimbursable costs, if so requested.

VII. INDEMNIFICATION.

THE CONSULTANT AGREES TO INDEMNIFY AND HOLD THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR

PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY CONSULTANT'S BREACH OF ANY OF THESE TERMS AND CONDITIONS OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT OR OMISSION OF CONSULTANT, ITS OFFICERS, AGENTS, EMPLOYEES OR SUBCONTRACTORS, IN THE PERFORMANCE OF THIS AGREEMENT; EXCEPT THAT THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR FAULT OF THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE CONTRACTORS, AND IN THE EVENT OF JOINT AND CONCURRING NEGLIGENCE OR FAULT OF THE CONSULTANT AND THE CITY, RESPONSIBILITY AND INDEMNITY, IF ANY, SHALL BE APPORTIONED IN ACCORDANCE WITH THE LAW OF THE STATE OF TEXAS, WITHOUT WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW AND THE CITY'S REASONABLE ATTORNEY'S FEES SHALL BE REIMBURSED IN PROPORTION TO THE CONSULTANT'S LIABILITY. THE PROVISIONS OF THIS PARAGRAPH ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

- VIII. TERMINATION.** This Agreement may be terminated without cause at any time prior to completion of the Consultant's services by the City, or by the Consultant with cause, upon seven days written notice to the City at the address of record. Termination shall release each party from all obligations of this Agreement, except as specified in Paragraphs V, VI and VII above. Upon notice of termination, the Consultant shall prepare and submit to City a final invoice within 15 days.
- IX. TIME OF COMPLETION.** A project schedule, shown in Attachment "B" is hereby included in this Professional Services Agreement by reference. The Consultant agrees to perform the services in accordance with the schedule, to the extent over which the Consultant has control.
- X. PROTECTION OF RESIDENT WORKERS.** Protection of Resident Workers: The City of Lewisville actively supports the Immigration and Nationality Act (INA) which includes provisions addressing employment eligibility, employment verification, and nondiscrimination. Under the INA, employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the U.S.) and aliens authorized to work in the U.S. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9). The Consultant shall establish appropriate procedures and controls so no services under the Contract Documents will be performed by any worker who is not legally eligible to perform such services or employment. The City reserves the right to audit consultant's employment records to verify the existence of a completed Employment Eligibility Verification Form (I-9) for every worker performing services under the Contract Documents. The audit will be at the City's expense.
- XI. IMMIGRATION REFORM AND CONTROL ACT.** Immigration Reform and Control Act (8 U.S.C. §1324a): The City of Lewisville supports the Immigration Reform and Control Act

(IRCA) which is a comprehensive scheme prohibiting the employment of unauthorized aliens in the United States. The Consultant shall submit a declaration signed under penalty of perjury of the laws of the State of Texas stating that it has not been found in violation of IRCA by the United States Attorney General or Secretary of Homeland Security in the preceding five (5) years. The Consultant shall ensure that its Subcontractors submit a declaration signed under penalty of perjury of the laws of the State of Texas stating that they have not been found in violation of IRCA by the United States Attorney General or Secretary of Homeland Security in the preceding five (5) years. The Consultant and its Subcontractors shall at all times during the term of the contract with the City comply with the requirements of IRCA and shall notify the City within fifteen (15) working days of receiving notice of a violation of IRCA. The City may terminate a contract with the Consultant if the City determines that (a) the Consultant or its Subcontractors have been untruthful regarding IRCA violations in the preceding five (5) years; (b) if the Consultant fails to ensure that its Subcontractors submit the aforementioned declaration; or (c) the Consultant or its Subcontractors fail to timely notify the City of an IRCA violation.

XII. ADA COMPLIANCE. All goods and services provided to the City must be compliant with the Americans with Disabilities Act ("ADA") and all regulations promulgated pursuant to the ADA. Consultant will be required to certify compliance, if applicable.

XIII. SUCCESSORS AND ASSIGNS. The City and Consultant each binds itself and its partners, successors, executors, administrators and assigns to the other party of this Agreement and to partners, successors, executors, administrators and assigns of each other in party in respect to all covenants of this Agreement. Neither the City nor the Consultant shall assign, sublet or transfer its interest in this Agreement without the written consent of the other. Nothing herein shall be construed as giving any right or benefits hereunder to anyone other than the City and the Consultant.

XIV. DISCLOSURE. Pursuant to Chapter 176 of the Texas Local Government Code, a person or agent of a person who contracts or seeks to contract with the City of Lewisville must complete a conflict of interest questionnaire if the person or agent has an affiliation or business relationship that might cause a conflict of interest with the City. The conflict of interest questionnaire, which is available online at ethics.state.tx.us, must be filed with the City Secretary of the City of Lewisville no later than the seventh business day after the person or agent begins contract discussions or negotiations with the City of Lewisville or submits to the City of Lewisville an application, response to a request for proposal or bid, correspondence, or another writing related to a potential agreement with the City of Lewisville. An updated conflict of interest questionnaire must be filed in accordance with Chapter 176 of the Local Government Code.

Said person should consult with legal counsel if they have questions regarding its compliance with the requirements of Chapter 176. It is the responsibility of each person or agent who is contracting or seeking to contract with the City of Lewisville to comply with the filing requirements of Chapter 176.

XV. PERFORMANCE. In compliance with Texas Local Government Code 271.904, the Contractor agrees to perform the services outlined herein with the professional skill and care ordinarily provided by competent engineers practicing in the same or similar locality as the City and under

the same or similar circumstances and professional license; and to perform the services outlined herein as expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer, under the schedule as referenced in Section XIII of this Agreement.

CLOSURE. By signature below, the parties to this Agreement hereby bind themselves to the terms stated herein, including all attachments referred to herein.

CITY OF LEWISVILLE, TEXAS
Approved by the Lewisville City
Council _____

By: _____
Donna Barron, City Manager

By: _____
Frank McIlwain, PE

Date: _____

Date: _____

Attest: _____
Julie Heinze

Attest: _____
Quinn G. Spann, Jr., PE

CITY OF LEWISVILLE
151 West Church Street
Lewisville, Texas 75057

APPROVED AS TO FORM:

Lizbeth Plaster, City Attorney

Attachment A

INSURANCE REQUIREMENTS **PROFESSIONAL SERVICES PROJECTS INVOLVING CONSTRUCTION**

Services for professionals including: Architects, Engineers, Building Contractors

Vendor shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by the vendor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Vendor's bid.

A. MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. ISO Form Number GL 00 01 (Ed 10 01) covering Comprehensive General Liability. "Occurrence" form only, "claim made" forms are unacceptable except for professional liability.
2. Workers' Compensation insurance as required by the Labor Code of the State of Texas, including Employers' Liability Insurance.
3. Automobile Liability – as required by the State of Texas, covering all owned, hired, or non-owned vehicles. Automobile Liability is only required if vehicle(s) will be used under this contract. Coverage not required for delivery services.
4. Professional Liability Insurer. (Applicable only to certified or licensed Engineers and or Architects.)

B. MINIMUM LIMITS OF INSURANCE

Vendor shall maintain throughout contract limits not less than:

1. Commercial General Liability: \$500,000 per occurrence for bodily injury, personal injury and property damage. \$1,000,000 Aggregate Policy will include coverage for:
 - a. Premises – Operations
 - b. Broad Form Contractual Liability
 - c. Products and Completed Operations
 - d. Use of Contractors and Subcontractors
 - e. Personal Injury
 - f. Broad Form Property Damage
 - g. If applicable, Explosion Collapse and Underground (XCU) Coverage (when applicable, Fire Damage, Medical Expense).
NOTE: The aggregate loss limit applies to each project.

2. Workers' Compensation and Employer's Liability: Workers' Compensation limits as required by the Labor Code of the State of Texas and Statutory Employer's Liability minimum limits of \$500,000 per injury, \$500,000 per occurrence, and \$500,000 per occupational disease.
3. Automobile Liability - \$500,000 Combined Single Limit. Limits can only be reduced if approved by the Risk Manager or designee.
4. Professional Liability - \$500,000 per occurrence. \$1,000,000 Aggregate. (Applicable only to certified or licensed Engineers and or Architects.)
5. Builders' Risk Insurance (as applicable) – Completed value form, insurance carried must equal the completed value of the structure.

C. **DEDUCTIBLES AND SELF-INSURED RETENTIONS**

Any deductible or self-insured retentions must be declared to and approved by the City.

D. **OTHER INSURANCE PROVISIONS**

The policies are to contain, or be endorsed to contain the following provisions:

1. General Liability and Automobile Liability Coverages
 - a. The City, its officers, officials, employees, Boards and Commissions and volunteers are to be added as "Additional Insured" as respects liability arising out of activities performed by or on behalf of the vendor, products and completed operations of the vendor, premises owned, occupied or used by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers. It is understood that the business auto policy under "Who is an Insured" automatically provides liability coverage in favor of the City.
 - b. The vendor's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the vendor's insurance and shall not contribute with it.
 - c. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the City, its officers, officials, and employees, Boards and Commissions or volunteers.
 - d. The vendor's insurance shall apply separately to each insured against whose claim is made or suit is brought, except to the limits of the insured's liability.
2. Workers' Compensation and Employer's Liability Coverage
The insurer shall agree to waive all rights of subrogation against the City, its officers, officials, employees and volunteers for losses arising from work performed by the vendor for the City.
3. All Coverages
Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled or non-renewed by either party, reduced in coverage or in

limits except after thirty (30) days prior written notice by USPS mail or email, has been given the City.

4. Professional Liability (applicable only to certified or licensed Engineers and or Architects)
“Claims made” policy is acceptable coverage which must be maintained during the course of the project and up to two (2) years after completion and acceptance of the project by the City.

E. ACCEPTABILITY OF INSURERS

The City prefers that Insurance be placed with insurers with an A.M. Best’s rating of no less than **A-:VI, or, A or better** by Standard and Poors. Professional Liability carriers will need to be approved by the Risk Manager.

F. VERIFICATION OF COVERAGE

Contractor shall furnish the City with certificates of insurance affecting coverage required. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. Certificates of Insurance similar to the ACCORD Form are acceptable. City will not accept Memorandums of Insurance or Binders as proof of insurance. The City reserves the right to require complete, certified copies of all required insurance policies at any time.

G. HOLD HARMLESS AND INDEMNIFICATION

Contractor agrees to defend, indemnify and hold the City, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by Contractor’s breach of any of these terms and conditions or by any negligent or strictly liable act or omission of Contractor, its officers, agents, employees or subcontractors, in the performance of this Agreement; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of the Contractor and the City, responsibility and indemnity, if any, shall be apportioned in accordance with the law of the State of Texas, without waiving any governmental immunity available to the City under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

H. PROOF OF INSURANCE

Contractor is required to submit proof of insurance on a form acceptable to the City of Lewisville. Certificates of Insurance similar to the ACCORD form are acceptable. City will not accept Memorandums of Insurance or Binders as proof of insurance. City, at its own discretion, may require a copy of any policy presented to the City.

ATTACHMENT “B” – SERVICES

Construction Plans for College Street from IH-35 to Mill Street

1. BASIC SERVICES:

A. CONCEPTUAL DESIGN (30% Submittal)

1. Plot existing topographic features including existing pavement & utilities (marked via Texas811 and from record drawings) on a roll plot plan sheet (1”=20’ horizontal).
2. Provide roll plot (hard copy and electronic PDF copy) of 30% plan view only of the proposed roadway paving and sidewalk design as well as new water and sanitary sewer for neighborhood meeting. (Roadway profile, storm sewer design, water/sanitary sewer profiles, and cross sections will be designed at 60% submittal.)
3. Provide typical roadway sections.
4. Attend one neighborhood meeting to assist in presenting the 30% design.
5. Provide an opinion of probable construction costs.

B. PRELIMINARY DESIGN (60% & 90% Submittals)

1. Plot existing topographic features including pavement & utilities on (22” x 34”) plan and profile sheets (1”=20’ horizontal and 1”=5’ vertical).
2. Provide general notes sheet.
3. Provide typical roadway sections.
4. Provide horizontal and vertical control per the City’s guidelines.
5. Provide pavement removal plan.
6. Provide utility removal plan.
7. Attend one City Council meeting
8. Prepare plan and profile drawings for College Street showing existing and proposed top of curbs.
9. Drainage Area Map
10. Drainage Calculations
11. Evaluate the existing storm sewer based on current design criteria.
12. Storm sewer plan and profile sheets (22” x 34”) (1”=20’ horizontal and 1”=5’ vertical).
13. Provide water line plan and profile sheets (22” x 34”) (1”=20’ horizontal and 1”=5’ vertical).
14. Provide sanitary sewer line plan and profile sheets (22” x 34”) (1”=20’ horizontal and 1”=5’ vertical).
15. Paving details
16. Sidewalk and BFR details, if the BFR at an intersection is unique then a plan sheet will be created (use City BFR or TxDOT)
17. Storm sewer details
18. Water Details – incorporate City details into plans.
19. Sanitary Sewer details – incorporate City details into plans.

20. Roadway cross sections on 50-foot intervals, center of all streets and center of all drives.
21. Driveway Profiles in the cross sections.
22. Prepare Erosion Control Plan (The Stormwater Pollution Prevention Plan, NOI & NOT will be prepared by the City.)
23. Prepare signing and pavement marking plans per the TMUTCD for 90% submittal.
24. Develop construction phasing, sequence of work, and traffic control plan for 90% submittals.
25. Submit three sets of preliminary construction plans (22" x 34") at 60% and 90% for City staff review and comments.
26. Prepare opinion of probable cost based on 60% and 90% preliminary design.
27. Prepare and submit invoices with reports indicating work progress and any design issues that may arise.
28. Maintain contact with the City personnel during the project design.
29. Work with the City to complete a TxDOT permit for work near the IH-35 Service Road.

C. FINAL DESIGN (100%)

1. Incorporate City's 90% review comments into pre-final design.
2. Develop any necessary additional design details.
3. Develop final quantities and prepare summary sheets. Determine opinion of probable construction cost based upon final design.
4. Submit three sets of pre-final construction plans (22" x 34"), specifications, quantities and opinion of probable construction costs to City staff for final review.
5. Incorporate City review comments of final design.
6. Submit final signed and sealed plans (22" x 34") to the City.

D. BIDDING PHASE

1. Provide paper set of plans (22" x 34") to the City for bidding. Provide all necessary copies of bid documents for bidding purposes.
2. Bidders will pick up plans and specification at the City.
3. Attend pre-bid conference.
4. Provide answers to questions that may arise in prebid meeting for City prepared and issued Addendums, if needed.

E. CONSTRUCTION PHASE

1. Attend the Pre-construction meeting at the City offices
2. Provide responses to requests for information (RFI) or clarification to the City or contractor (up to 8 hours of Project Manager and Project Engineer time included).
3. Attend 1 site visit per month during construction (estimate 16 months).
4. Prepare record drawings, incorporating changes provided by the Contractor and known variations to provide the City the best possible set of record drawings. The final record drawings shall be furnished on set of paper prints (22" x 34") and one electronic full size PDF.

2. SPECIAL SERVICES:

SURVEY FOR DESIGN:

Consultant proposes to provide survey services for the design of the project.

- A standard topographic survey will be performed within said areas. The survey will include pavement, fence and retaining wall material types, gate locations, landscape edgings, trees, street crowns, and all utility boxes (including water meters, clean outs, franchise utility boxes, etc.). The headwall west of the park, channel flowline, and area.
- Provide owner information on the plans for each parcel or lot.
- Show approximate lot line information based on Denton County Tax records.
- Intersecting streets will be surveyed 50' from the College Street right-of-way. The survey will extend 50' past Mill Street.
- 15' beyond the apparent ROW at all other driveways.
- Top of water valve nuts, storm sewer inlet flowlines, storm sewer manhole flowlines, and sanitary sewer manhole flowlines are included. The first sanitary sewer manhole encountered on intersecting streets are included.
- The approximate location of the relevant property and right-of-way lines will be shown for reference purposes only. The lines will be tied to limited property corner monumentation. Lot numbers and addresses will be provided; owners will not.
- Surveyor will topo Storm/Sanitary manholes; water valve operating nuts; overhead electric lines and guy wires; longitudinal joints in the driveway pavement outside the ROW.
- Survey Storm/Sanitary flowlines in manhole.
- Pavement crosses section spaced at 50'
- Make a reasonable effort to request Texas811 to completely mark underground utilities within the project limits. However, we do not accept responsibility for unresponsiveness by Texas811 or locating utilities not marked by Texas811.
- Survey control for construction will be set at 500' intervals. Monuments will be iron rods or 'x' cuts in concrete.
- Surveyor will utilize City of Lewisville control monuments.
- Provide a letter notifying residents of survey activities will be mailed to the each property within the survey limits.
- An additional small survey allowance to be utilized at the client's discretion by written authorization. *This will also be used for any survey to tie down SUE locates.*
- Provide up to six (6) Right of way documents.
- Provide up to six (6) temporary or permanent construction easements.
- Set up to six (6) property corners clips.

Subsurface Utility Engineering - SUE

Consultant proposes an allowance for subsurface utility engineering. Rates for each depth will be provide in the cost items.

- Includes Level "A" locates (exact number depends on the depth)
 - 0-4 Feet
 - 4-8 Feet
 - 8-12 Feet
 - 12-18 Feet

- Pavement Core
- Level “B” may be required if utility is not adequately marked
- Coordination of locates
- Survey of SUE will be utilizing the “additional small survey allowance” listed above in the Survey For Design
- Does not include obtaining a permit
- Does not include Traffic Control beyond basic cones and signs.
- Does not include SUE data sheet sealed by a Professional Engineer.

GEOTECHNICAL

Consultant will provide four 15 foot deep borings; traffic control.

- Clays will be sampled with thin tube samplers, pocket pen strength values will be included.
- Borings will be located and staked using a hand help GPS with an accuracy of about 20 feet.
- Texas811 will be called. City of Lewisville to confirm that boring locations are not likely to be in conflict with underground public utilities. We are not responsible for utility repairs where utilities were not correctly marked by public or private agencies.
- Water level observation during drilling and upon completion of drilling.
- Backfill boring with sakcrete
- Discard samples 60 days after final report is issued.

TDLR PERMITTING

Consultant shall prepare applications to the Texas Department of Licensing and Regulations (TDLR), or engage the services of a state approved contract provider, for code review of sidewalks and ramps. After construction the Consultant will notify TDLR or the contract provider of completion date. Consultant will address question or issues by TDLR as a result of review and inspection.

3. **ADDITIONAL SERVICES:** If requested by the City, Consultant will provide the following services on an hourly basis:
 - A. Assumes western paving project limits will start outside TxDOT ROW and will not require TxDOT design submittal package. (Scope does include coordination for TxDOT permit for construction signing into College Street along IH-35 service road.)
 - B. Traffic signal plans
 - C. Landscaping and irrigation design.
 - D. Street illumination plans
 - E. Roadway pavement design or subgrade recommendations.
 - F. Resetting disturbed control points for construction
 - G. Locating utilities not marked by Texas811
 - H. Opening City manholes or water vaults that are bolted shut
 - I. Providing survey control or ROW monuments other than iron rods
 - J. Detailed construction staking.
 - K. Signal design or pull box/ wiring relocation at intersections
 - L. Full time construction inspection.

- M. Internal inspection of sanitary sewer lines.
- N. Trench excavation safety plan.
- O. Gabion Design
- P. Review of Contractor's monthly and final payment requests and preparation of monthly pay estimates.
- Q. Prepare Change Orders or Addendums (unless to correct error on plans)
- R. Structural design, including walls
- S. HEC II & Hydraulic Studies
- T. Public Meetings (other than one neighborhood meeting at 30% and one Council meeting)
- U. Deed Research
- V. Environmental investigation
- W. Title searches, boundary surveys, or property surveys
- X. Services in connection with condemnation hearings
- Y. On-Site safety
- Z. SWP3 - Review fees, NOI, NOT, & BMP's inspection during construction

4. **TIME OF COMPLETION**

The Consultant agrees to perform its services in accordance with the schedule below, to the extent over which the Consultant has control. The City agrees to review plans and other submittals and to arrange meetings in a timely manner. The City agrees to issue written authorization to proceed as soon as practical after approval by the Lewisville City Council. The Consultant agrees to commence work in accordance with the Agreement within ten (10) working day following receipt of a written authorization.

Time Line – the following items of work shall be completed with the time line indicated.

- A. Topographic Survey – The surveyor will mail survey notification letters out to the affected property owners 14 calendar days from date of written authorization. Complete topographic survey for design: 35 calendar days from written authorization.
- B. Complete/furnish 30% conceptual design plans: 30 calendar days from completed topographic.
- C. Complete/furnishing 60% preliminary plans: 160 calendar days from completed 30% conceptual plans, excluding City review time.
- D. Complete/furnishing 90% preliminary plans: 37 calendar days from completed 60% preliminary plans, excluding City review time.
- E. Complete/furnishing pre-final plans: 15 calendar days from completed 90% preliminary plans, excluding City review time.
- F. Complete/furnishing final plans: 15 calendar days from completed pre-final plans, excluding City review time.
- G. Bidding and construction services shall correspond to City's schedule and construction time.
- H. Closure: 60 days from the date of construction completion.

END OF ATTACHMENT “B”

ATTACHMENT “C” – COMPENSATION

Construction Plans for College Street from IH-35 to Mill Street

This Attachment “C” further defines the basis of compensation to the Garver for the services rendered.

1. **Basic Fee Services** – The basic Lump Sum fee for the services as described in Attachment “B” will be **\$348,474.00** which includes in-house and out-of-house printing, mileage, and other direct costs normally associated with production of these services.

The basis of compensation for Basic Fee services shall be as follows:

A. Conceptual Design – 30% Roll plot	\$ 23,144.00
B. Preliminary Design Phase	
a. 60% submittal	\$160,284.00
b. 90% submittal	\$ 58,438.00
C. Final Design Phase (Pre-final and 100% submittal)	\$ 71,544.00
D. Bidding Phase	\$ 5,336.00
E. Construction Phase	\$ 29,728.00

2. **Special Services** – The maximum not-to-exceed fee for the special services as described in Attachment “B” will be **\$ 73,068.00**, which include printing, direct cost, mileage, and other direct costs normally associated with production of these services. The basis of compensation for Special Services shall be as indicated below for each task:

A. Survey for Design	
a. Topographic survey for design (Lump Sum)	\$ 36,237.00
b. Additional survey allowance (Hourly- Not-To-Exceed)	\$ 3,450.00
c. Prepare ROW Docs. (Est 6 parcels at \$1,380 each)	\$ 8,280.00
d. Prepare Temp Constr Esmt. (Est 6 Esmt at \$920 each)	\$ 5,520.00
e. Set Property Corners (Est 6 parcels at \$290 each)	\$ 1,725.00
B. Subsurface Utility Engineering (SUE) (Not-To-Exceed-Budget)	\$ 12,000.00
Level “A”	
a. 0-4 Feet deep (\$ 1,080.00 Each)	
b. 4-8 Feet deep (\$ 1,440.00 Each)	
c. 8-12 Feet deep (\$ 1,740.00 Each)	
d. 12-18 Feet deep (\$ 2,760.00 Each)	
e. Pavement Core (\$ 240.00 Each)	
Level B if utility is no adequately marked (\$ 1,000.00 Each)	
C. Geotechnical (Lump Sum)	\$ 4,740.00
D. TDLR (Lump Sum)	\$ 1,116.00

Total Maximum Fee for all services is: **\$421,542.00**

END OF ATTACHMENT “C”

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: March 20, 2017

SUBJECT: **Approval of an Economic Development Agreement By and Between the City of Lewisville and Ferguson Enterprises; and Authorization for the City Manager to Execute the Contract.**

BACKGROUND

Ferguson Enterprises has leased 181,000 square feet of space within the building owned by DCT at 514 Bennett Lane. Ferguson will be relocating their Dallas facility to Lewisville to operate an industrial manufacturing facility. Ferguson Enterprises is considered one of the largest distributors of commercial and residential plumbing supplies.

Ferguson will invest \$2,000,000 in capital improvements into the facility as well as maintain a minimum of \$6,000,000 in taxable inventory. In addition, the company will invest \$1,400,000 in furniture and fixture improvements. There will be a minimum of 45 employees at the Lewisville facility. Ferguson will maintain a minimum of \$25,000,000 in sales annually.

ANALYSIS

Staff has conducted a cost-benefit analysis and consulted with the City Council regarding the economic impact of this project. Based on the project scope, this project will bring a positive economic investment to Lewisville. The proposed agreement provides for the following:

- A grant equal to 75% of the Real and Business Personal Property (BPP) taxes for years 1-5 and 50% of Real and BPP taxes for years 6-10
- Expedited permits and a rebate on 50% of permit fees
- Grant equal to 50% of sales tax collected in Lewisville for qualified furniture, fixture and equipment and other qualified taxable items, during the construction period not to exceed 24 months

RECOMMENDATION

It is City staff's recommendation that the City Council approve the agreement as set forth in the caption above.

ECONOMIC DEVELOPMENT AGREEMENT

THIS ECONOMIC DEVELOPMENT AGREEMENT (“Agreement”) is entered into by and between the City of Lewisville, Texas, a home rule municipality duly acting by and through its City Manager, (hereinafter called “City”) and Ferguson Enterprises, Inc. (hereinafter called “Company”) (together, “Parties”).

WITNESSETH:

WHEREAS, pursuant to Chapter 380 of the Texas Local Government Code (hereinafter referred to as "Statute"), the City adopted an Economic Incentive Policy for making economic development incentives and grants on June 20, 2016 (hereinafter referred to as "the Policy Statement"); and

WHEREAS, the Policy Statement constitutes appropriate guidelines and criteria governing economic development agreements to be entered into by the City as contemplated by the Statute; and

WHEREAS, in order to maintain and/or enhance the commercial, economic, and employment base of the Lewisville area to the long-term interest and benefit of the City, in accordance with said Statute, the City desires to enter into this Agreement; and

WHEREAS, on the ____ day of _____, 2017, the City Council of the City of Lewisville, Texas, authorized this Agreement pursuant to the Statute;

WHEREAS, DCT Industrial (“Owner”) currently owns property located at 514 Bennett Lane, defined in Attachment “A” (“Premises”), that is the subject of this Agreement;

WHEREAS, Company is a vital and growing plumbing supply company which has been serving the greater Dallas Fort Worth metropolitan area for over sixty years and now desires to relocate to suitable industrial space in the City; and

WHEREAS, the City welcomes Company to Lewisville for the purpose of expanding its business and furthering economic growth and development of the City in a manner consistent with the City of Lewisville Zoning Ordinance and in compliance with all City development standards; and

WHEREAS, Company desires to lease approximately one hundred eighty-one thousand square feet (181,000 sf) of suitable existing space from Owner, which is part of the Premises and further described on Attachment “A” attached hereto, labeled as “Facility”; and

WHEREAS, the City desires to provide, pursuant to the Statute, a relocation incentive to Company to occupy the Facility, as hereinafter defined, and expand the business; and

WHEREAS, the City has determined that this Agreement contains sufficient controls to ensure that the above-mentioned public purposes are carried out in all transactions involving the use of public funds and resources in the establishment and administration of the Agreement; and

NOW, THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, the Parties do mutually agree as follows:

ARTICLE I TERM

1.1 This Agreement shall be effective on the date that this Agreement is executed by the Parties (“Effective Date”) and shall continue for ten (10) years from the date on which the first Annual Grant payment is made to Company by the City under Section 4.1 of this Agreement, unless sooner terminated as provided herein (“Term”). This agreement terminates automatically if Company has not started operations at the Facility by December 31, 2017 (“Completion Deadline”).

ARTICLE II DEFINITIONS

2.1 Wherever used in this Agreement, the following terms shall have the meanings ascribed to them:

“**Agreement**” has the meaning set forth in the introductory paragraph of this Agreement.

“**Annual Grant**” shall mean a grant to Company in an amount equal to the real and business personal property taxes levied by the City on the Facility, within the agreed term period, as defined in 4.1(a) of this Agreement.

“**City**” has the meaning set forth in the introductory paragraph of this Agreement.

“**Company**” has the meaning set forth in the introductory paragraph of this Agreement.

“**Completion Deadline**” has the meaning set forth in Article I of this Agreement.

“**Effective Date**” has the meaning set forth in Article I of this Agreement.

“**Event of Bankruptcy**” means that Company becomes insolvent or bankrupt, has a receiver or trustee appointed for any part of its property, makes an assignment for the benefit of its creditors, or any proceeding is commenced either by Company or against it under any bankruptcy or insolvency laws, which proceeding is not dismissed within sixty (60) days.

“**Facility**” shall mean a minimum of 181,000 square feet of Owner’s existing facility located at 514 Bennett Lane within the City of Lewisville, and any combined real and business personal property improvements made by Company thereupon.

“**Facility Improvements**” shall mean building improvements to the Facility, which shall not include furniture, fixtures, equipment or inventory.

“**Force Majeure**” shall mean any contingency or cause beyond the reasonable control of Company, including without limitation, acts of God or the public enemy, war, riot, terrorism, civil commotion, insurrection, governmental or de facto governmental action including, but not limited to, government actions pertaining to the determination of flood zones or FEMA actions (unless caused by acts or omissions of Owner or Company), fire, explosion or flood, and strikes.

“**Furniture and Fixture Improvements**” shall mean furniture, fixtures and equipment not attached to the Facility, but which shall be considered business personal property as defined by the Denton County Appraisal District.

“**Incentives**” shall mean the Annual Grant and the Start Up Grant, as herein defined.

“**Inventory**” shall mean inventory, as defined by Section 23.12 of TEX. TAX CODE, as amended, owned by the Company, located at the Premises and valued by the Denton Central Appraisal District.

“**Local Sales Tax**” shall mean the one percent (1%) sales and use tax imposed by the City for its general fund, pursuant to Chapter 321, TEX. TAX CODE, as amended.

“**Owner**” has the meaning set forth in the introductory paragraph of this Agreement.

“**Premises**” has the meaning set forth in the recitals of this Agreement.

“**Start-Up Grant**” has the meaning established in Article IV, Section 4.3 of this Agreement.

“**Start-Up Materials**” has the meaning established in Article IV, Section 4.3 of this Agreement.

“**Term**” has the meaning established in Article I of this Agreement.

ARTICLE III GENERAL PROVISIONS

3.1 Minimum Threshold Eligibility Requirements: As soon as practical after the Effective Date of this Agreement, but not later than the Completion Deadline, Company shall complete the following requirements (“Minimum Threshold Eligibility Requirements”) and shall

notify the City in writing upon completion of the Minimum Threshold Eligibility Requirements. Following receipt of such written notice, the City shall promptly verify whether the Minimum Threshold Eligibility Requirements have been met. Upon such verification, the City shall provide Company with written confirmation that the Minimum Threshold Eligibility Requirements were met (the date of such written confirmation being no later than the Completion Deadline).

The Company shall, during the Term of this Agreement, meet the following Minimum Threshold Eligibility Requirements:

- i) construct of a minimum two million dollars (\$2,000,000) in Facility Improvements;
- ii) maintain a minimum of six million dollars (\$6,000,000) in Inventory;
- iii) spend a minimum of one million, four hundred thousand dollars (\$1.4 million) in Furniture and Fixture Improvements;
- iv) maintain a minimum of twenty five million dollars (\$25,000,000) in annual taxable sales originating from the Facility, and
- v) employ a minimum of forty five (45) employees in the Facility at all times during the Term.

3.2 Annual Compliance Report: Owner and Company shall provide the City an annual report verifying compliance with the Minimum Eligibility Requirements as shown in Attachment “B” to this Agreement (“Annual Compliance Report”) no later than the last regular business day in January of each year of the Term. Receipt of the most recent Annual Compliance Report and verification by the City for compliance with the Minimum Threshold Eligibility Requirements is required prior to the City paying the Incentives, except for any waiver of permit fees under Section 4.2 of this Agreement.

3.3 Substantial Completion: Company shall substantially complete the Facility Improvements and Furniture and Fixture Improvements as required by Section 3.1 of this Agreement by the Completion Deadline. Substantial completion shall be determined upon inspection of the Facility Improvements and Furniture and Fixture Improvements by City staff. In the event of Force Majeure, or if, in the reasonable opinion of the City, Company has made substantial progress toward substantial completion by the Completion Deadline, additional time may be granted at the City’s discretion.

ARTICLE IV ECONOMIC DEVELOPMENT INCENTIVES

4.1. Annual Grant: Subject to Company’s continued satisfaction of the terms and conditions of this Agreement, the City shall grant the following:

4.1.1 During each full year of the Term, beginning upon the issuance of the certificate of occupancy for the Facility by the City, and continuing through the end of year five (5), the City shall provide Company with a grant in an amount equal to seventy-five percent (75%) of the real property taxes and business personal property taxes assessed to the Facility by the City and paid to the City by Company and Owner. Beginning year six

(6) and running through year ten (10) the City shall provide Company with a grant in an amount equal to fifty percent (50%) of the real and business personal property taxes assessed against the Facility by the City and paid to the City by Company and Owner.

<u>Years</u>	<u>Grant to Company in amount equal to:</u>
1-5	75% of Real Property and Business Personal Property Taxes Collected by City on the Facility
6-10	50% of Real Property and Business Personal Property Taxes Collected by City on the Facility

4.2 Permit Fees: The City shall waive or reimburse, if paid by Company, 50% of all building permit fees, assessed at the time of issuance of the permit, which are directly related to the Facility Improvements. Notwithstanding any fee waiver, Owner must still obtain all permits required by City ordinances.

4.3. Start-Up Grant: Subject to the terms and conditions of this Agreement, the City agrees to provide to the Company a one-time grant in an amount equal to fifty percent (50%) of the Local Sales Tax on any taxable items purchased for the Facility, including but not limited to construction materials, equipment, furniture, and fixtures, but excluding Inventory (“Start-Up Materials”), on which Local Sales Tax was paid by Company during the twenty-four (24) month period from the start of construction, which means the date of issuance of site or building permits for the Facility Improvements (“Start-Up Period”). Said grant shall be referred to as the “Start-Up Grant.”

4.3.1 After all qualified expenditures are completed, the Company shall provide a final statement in a form reasonably acceptable to the City setting forth the City’s receipts from the State of Texas from the collection of the Local Sales Tax for the sale to and purchase by the Company of Start-Up Materials during the Start-Up Period which are to be used to determine the amount and eligibility of the Start-Up Grant (“Sales Tax Receipt Statement”), together with such supporting documentation, and additional documentation as the City may reasonably request, including but not limited to the following:

1. A schedule as shown in Attachment “C”, detailing the amount of the Local Sales Tax collected and/or paid to the State of Texas as a result of the sale to and purchase by the Company;
2. A copy of all receipts received from sales and use tax returns and reports, sales and use tax prepayment returns, direct payment permits and reports, including amended sales and use tax returns or reports, filed by the Company showing the Local Sales Tax collected (including Local Sales Tax paid directly to the State of Texas pursuant to a direct payment certificate);

3. Information concerning any refund or credit received by the Company of the Local Sales Tax paid by the Company (including any Local Sales Tax paid directly to the State of Texas pursuant to a direct payment permit) which has previously been reported by the Company as Local Sales Tax paid or collected during the Start-Up Period.

4.3.2 In the event the State of Texas determines that the City erroneously received sales tax receipts, or that the amount of sales and use tax paid by the State of Texas to the City exceeds the correct amount of sales and use tax applicable to the Start-Up Grant, the Company shall, within thirty (30) days after receipt of notification thereof from the City specifying the amount by which such Start-Up Grant exceeded the amount to which the Company was entitled pursuant to such State of Texas determination, pay such amount to the City. As a condition precedent to payment of such refund, the City shall provide the Company with a copy of such determination by the State of Texas. The provisions of this section shall survive termination of this Agreement.

4.3.3 In the event the Company files an amended sales and use tax return, or report with the State of Texas, or if additional sales and use tax is due and owing, as determined or approved by the State of Texas, affecting sales tax receipts for the Start-Up Grant, the City shall pay to the Company any underpayment of the Start-Up Grant, provided the City has received sales tax receipts attributed to such adjustment. As a condition precedent to payment of such adjustment, the Company shall provide the City with a copy of any Company amended sales and use tax report or return made available to the Company, any relevant receipts, or any relevant direct payment and self-assessment returns. The provisions of this section shall survive termination of this Agreement.

4.3.4 Under no circumstances shall the City be obligated to pay the Start-Up Grant unless there are available sales or use tax receipts and not until receipt of the Sales Tax Receipt Statement. The City shall not be required to pay the Start-Up Grant unless the City has received sales or use tax receipts for the Start-Up Period attributed to the sale to and purchase by the Company of Start-Up Materials during the Start-Up Period.

4.4. Disbursement of Incentives.

4.4.1 Annual Grant. The City will disburse the Annual Grant on an annual basis, on a date to be selected by the City, upon City verification of payment of City-assessed real property taxes and business personal property taxes by Company and Owner.

4.4.2 Start-Up Grant and Permit Fee Reimbursements. The City will disburse the Start-Up Grant upon receipt and City approval of the Sales Tax Receipt Statement and any associated documentation. Any permit fee reimbursements under Section 4.2 will also be disbursed at this time.

4.5 Texas Skilled Development Fund: The City will provide assistance to Company in obtaining funding for the Texas Skilled Development Fund in partnership with a college or

university for workforce training. All costs related to this application is the responsibility of the Company.

ARTICLE V AGREEMENT CONDITIONS

5.1 Minimum Use Condition. During the Term of this Agreement following the issuance of a certificate of occupancy to Company for the Facility, Company agrees to occupy the Facility and operate a distribution facility with on-site sales and ancillary facilities and improvements.

5.2 Minimum Sales Sourced from Facility. During each year of the Term of this Agreement, starting from the date of issuance of a certificate of occupancy to Company for the Facility, the total amount of sales sourced from the Facility according to the Texas Comptroller which are subject to the City's sales tax shall be at least twenty-five million dollars (\$25,000,000).

5.3 Minimum Inventory Condition. During the Term of this Agreement following the issuance of a certificate of occupancy to Company for the Facility, Company agrees to maintain a minimum of six million dollars (\$6,000,000) in Inventory at all times.

5.4 Minimum Employment Condition. During the Term of this Agreement following the issuance of a certificate of occupancy to Company for the Facility, Company agrees to employ a minimum of forty five (45) employees at all times.

5.5 Community Support. Company shall support a community event or economic development activity with a minimum contribution of \$10,000 to the City each twelve (12) month period commencing after the Effective Date for the Term of this Agreement.

ARTICLE VI TERMINATION

This Agreement may be terminated upon any one of the following:

1. By written agreement of the Parties;
2. Expiration of the Term;
3. By either of the Parties in the event the other Party breaches any of the terms or conditions of this Agreement and such breach is not cured within sixty (60) days after written notice thereof;
4. By City, if Company suffers an Event of Bankruptcy; and
5. By City, if any taxes, assessments or payments owed to the City or the State of Texas by Company shall become delinquent and not cured within sixty (60) days after written notice thereof (provided, however, that Company retains the right to timely and properly protest and contest any such taxes or assessments).

In the event the Agreement is terminated by the City pursuant to this Article subsection (3), (4), or (5), Company shall be ineligible for further rebates, grants, waivers, or assistance pursuant to this Agreement and shall be required to refund all funds granted by the City under this Agreement up to the date of termination.

ARTICLE VII MISCELLANEOUS

7.1 The terms and conditions of this Agreement are binding upon the successors and assigns of all Parties hereto. This Agreement cannot be assigned by Company unless written permission is first granted by the City, which consent shall not be unreasonably withheld, so long as the assignee agrees to be bound by all terms and conditions of this Agreement. It is understood and agreed between the Parties that Company in performing their obligations thereunder, are acting independently, and the City assumes no responsibility or liabilities in connection therewith to third parties.

7.2 Company further agrees that the City, its agents and employees, shall have reasonable rights of access to the Premises and Facility for inspection purposes in order to ensure that the improvements to the Facility and use and maintenance of the Facility are in accordance with all applicable agreements with the City, including this Agreement, and all applicable state and local laws and regulations, as well as the continuing right, subject to Company's reasonable security requirements, to inspect the Facility and Premises to ensure that the Facility and Premises are thereafter maintained, operated, and occupied in accordance with all applicable agreements with the City, provided that with respect to matters concerning this Agreement (i) the City must give Company reasonable notice by phone or letter of any such inspection, and (ii) a representative of Company shall have the right to accompany the agent or employee of the City who is conducting such inspection. The City represents and warrants that the Facility and Premises do not and will not include any property that is owned by a member of the City Council having responsibility for the approval of this Agreement.

7.3 Notices required to be given to any party to this Agreement shall be given personally or by nationally-recognized overnight courier or certified mail with return receipt requested to the party at its address as set forth below, and shall be deemed delivered one (1) day after the date deposited with the overnight courier and three (3) days after the date deposited in the United States' mail:

For City by notice to:

City of Lewisville
Attn: Economic Development Director
151 W. Church Street
P.O. Box 299002
Lewisville, Texas 75057

For Company by notice to:

Ferguson Enterprises, Inc.
12500 Jefferson Avenue
Newport News, VA 23602
Attn: Legal – Real Estate

Either Party may change the address to which notices are to be sent by giving the other Party written notice in the manner provided in this paragraph.

7.4 No claim or right arising out of a breach of this Agreement can be discharged in whole or in part by a waiver or renunciation of the claim or right unless the waiver or renunciation is supported by consideration and is in writing signed by the aggrieved.

7.5 This Agreement may be modified or rescinded only by a writing signed by both of the Parties or their duly authorized agents.

7.6 Venue for any litigation arising from this Agreement shall lie in Denton County, Texas.

7.7 THE COMPANY AGREES TO DEFEND, INDEMNIFY AND HOLD CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY COMPANY'S BREACH OF THIS AGREEMENT OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT OR OMISSION OF COMPANY, ITS OFFICERS, AGENTS, EMPLOYEES OR SUBCONTRACTORS, OR COMPANY, ITS OFFICERS, AGENTS, EMPLOYEES OR SUBCONTRACTORS, IN THE PERFORMANCE OF THIS AGREEMENT. THE PROVISIONS OF THIS PARAGRAPH ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. THIS PARAGRAPH SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

7.8 This Agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which in the aggregate shall constitute one agreement.

7.9 If any provision contained in this Agreement is held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof. In lieu of each invalid, illegal or unenforceable provision, there shall be added a new provision by agreement of the Parties as similar in terms to such invalid, illegal or unenforceable provision as may be possible and yet be valid, legal and enforceable.

7.10 Whenever the context requires, all words herein shall be deemed to include the male, female, and neuter gender, singular words shall include the plural, and vice versa.

7.11 This Agreement was authorized by action of the City Council, authorizing the City Manager to execute the Agreement on behalf of the City.

[The remainder of this page left blank intentionally; signature page follows]

CITY OF LEWISVILLE, TEXAS

Donna Barron, City Manager

ATTEST:

Julie Heinze, City Secretary

APPROVED TO FORM:

Lizbeth Plaster, City Attorney

FERGUSON ENTERPRISES, INC.

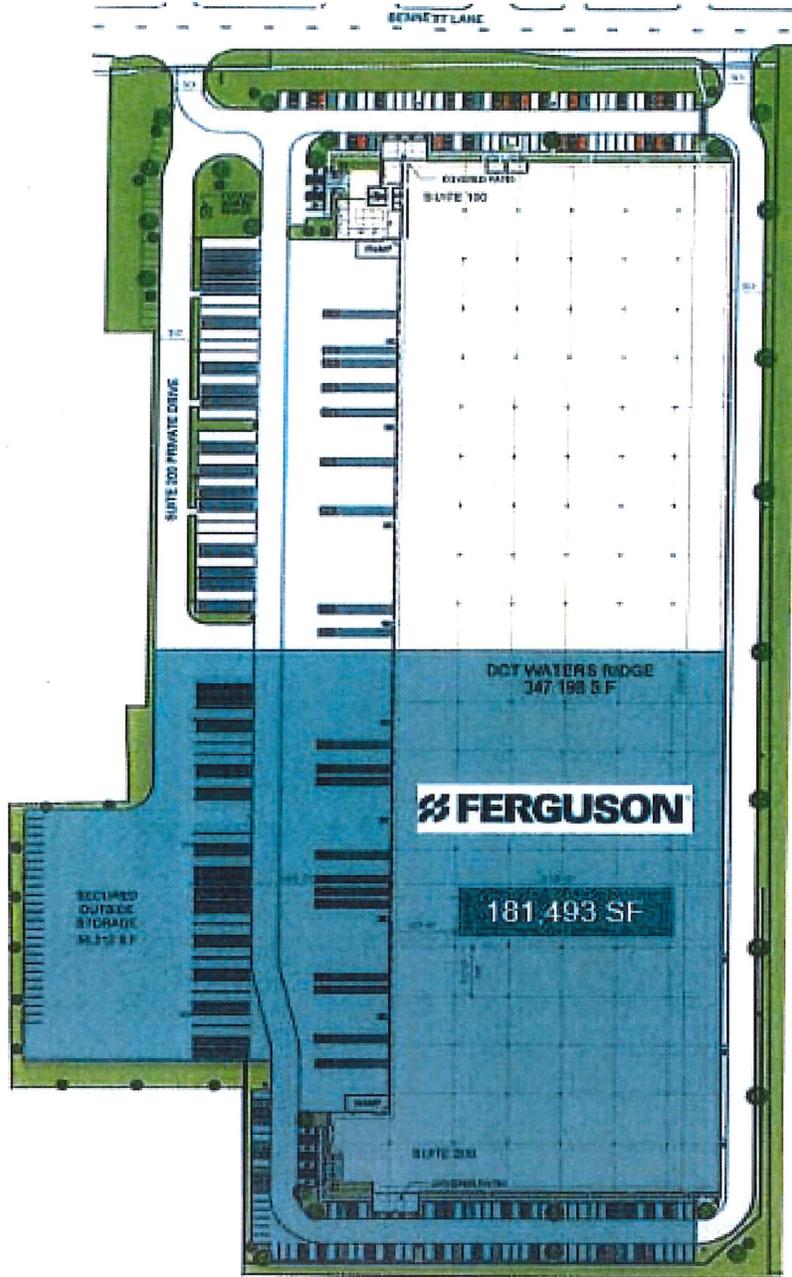
By: _____

Name: Kirk D. Wall

Title: Senior Director of Facilities

Attachment "A"
Premises / Facility
514 Bennett Lane Lewisville, Texas

DCT WATERS RIDGE ADDTION BLK A LOT 1



Attachment "B"
Annual Compliance Report

Company Name: _____

Company Address: _____

Capital Investment Value – 1st Year (documentation required):

Capital Investment Value – Reporting Year (documentation required):

Date on which Certificate of Occupancy was received:

Donation Amount in Support of a City Sponsored Event or Program Annually:

Membership in the Lewisville Chamber of Commerce:

Please list the dollar amount for the following:

Current Year Appraised Real Property Value – Land	
Current Year Appraised Real Property Value – Improvements	
Current Year Appraised Business Personal Property Value – Machinery, Equipment and Other BPP	
Current Year Appraised Inventory Value	
Property Taxes Paid – Real Property	
Property Taxes Paid – Business Personal Property	
Property Taxes Paid – Inventory Tax	

Attachment "B"
Annual Compliance Report

Please provide a copy of your Quarterly Payroll Report along with the following information:

	Part Time	Full Time
Total Current Employees at End of Reporting Period		
Number of New Employees Added During Reporting Period		

Annual Payroll During Reporting Period:

Average Salary During Reporting Period:

Has construction/installation of planned improvements commenced? Yes No

Has construction/installation of planned improvements been completed? Yes No

Construction Dollars Spent This Reporting Period:

Additional Information to be Attached:
Quarterly Payroll Report
Brief Narrative Highlighting the Progress of the project
If Applicable, a Statement Addressing any Failure to Meet Requirements of the Economic Development Agreement
Letter of Request re: the Economic Development Agreement Rebate plus supporting documents

I certify that, to the best of my knowledge, the information and attachments provided herein are true and accurate and in compliance with the terms of the Economic Development agreement with the City Of Lewisville.

Name of Certifying Officer

Title

Signature of Certifying Officer

Date

Telephone:

Fax:

E-mail:

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Eric Ferris, Deputy City Manager

DATE: April 3, 2017

SUBJECT: **Approval of a Resolution of the City of Lewisville Suspending the April 21, 2017, Effective Date of Oncor Electric Delivery Company's Requested Rate a Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With the Steering Committee of Cities Served by ONCOR to Hire Legal and Consulting Services and to Negotiate with the Company and Direct any Necessary Litigation and Appeals; 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 for the Steering Committee.**

BACKGROUND

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about March 17, 2017 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$317 million or approximately 7.5% over present revenues. The Company asks the City to approve an 11.8% increase in residential rates and a 0.5% increase in street lighting rates. If approved, a residential customer using 1000 kWh per month would see a bill increase of about \$6.68 per month. The resolution suspends the April 21, 2017 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The City of Lewisville is a member of a 156-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 30 years.

Although Oncor has increased rates many times over the past few years, this is the first comprehensive base rate case for the Company since January, 2011.

ANALYSIS

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.**

Explanation of "Be It Resolved" Paragraphs:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as “the maximum period allowed by law” rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on Oncor's request to raise rates by April 21, 2017.

Section 2. This provision authorizes the Steering Committee, consistent with the City's resolution approving membership in the Steering Committee, to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperating with the Steering Committee in a common review and common purpose. Additionally, rate case expenses are minimized when the Steering Committee hires one set of attorneys and experts who work under the guidance and control of the Executive Committee of the Steering Committee.

Section 3. The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants approved by the Executive Committee of the Steering Committee will submit monthly invoices that will be forwarded to Oncor for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that both Oncor and Steering Committee counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

RECOMMENDATION

That the City Council approve the resolution as set forth in the caption above.

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF LEWISVILLE SUSPENDING THE APRIL 21, 2017, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; 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 FOR THE STEERING COMMITTEE

WHEREAS, on or about March 17, 2017, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Lewisville a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective April 21, 2017; and

WHEREAS, the City of Lewisville is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 156 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS:

1. That the April 21, 2017 effective date of the rate request submitted by Oncor on or about March 17, 2017, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

RESOLUTION NO. _____

2. As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, Care of Howard Fisher, Oncor Electric Delivery Company, LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 3rd DAY OF APRIL, 2017.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

MEMORANDUM

TO: Donna Barron, City Manager

FROM: David Salmon, P.E., City Engineer

VIA: Eric Ferris, Deputy City Manager

DATE: March 7, 2017

SUBJECT: Consideration of a Variance to the Lewisville City Code Section 6-101(b) (Underground Utilities) to Allow CoServ to Provide Electric Service to Lakewood Hills Subdivision via Overhead Utilities on the East Side of Josey Lane Within the Lewisville City Limits.

BACKGROUND

The Developer of Lakewood Hills Subdivision has contracted with CoServ to provide electric service to the subdivision. CoServ has no facilities along Josey Lane thus will need to extend new service from FM 544 within the Josey Lane right of way. The City Code requires new electric utilities less than 60KV to be installed underground. When Lakewood Hills was annexed, Most of Josey Lane was not included within the annexation area. Therefore, the City Code only applies to a 1300-foot segment of Josey Lane south of Indian Creek which was included within the annexed property. There are no utility easements along Josey Lane, so CoServ will need to install the line inside the right of way. Due to the relatively short segment of Josey Lane within the Lewisville City limits, most of the area within the Lewisville City Limits is in the Indian Creek Floodplain requiring underground installation by boring rather than open cut, and the \$1,200,000 cost associated with the bore, CoServ has requested a variance to allow an overhead installation along Josey Lane for the 1300-foot segment within the Lewisville City Limits. As the remainder of the proposed utility line (Aprox. 4700 feet) is outside of the City limits and not subject to City code, it will be installed on overhead poles.

ANALYSIS

- a. To allow a new overhead utility line within the Lewisville City limits on Josey Lane.

Section 6-101(b) – Underground Utilities

The General Development Ordinance requires new electric utility lines less than 60KV to be installed underground. As indicated, the proposed electric utility is being extended along Josey Lane to serve the Lakewood Hills subdivision. Of the 6000 feet of electric utility line proposed, only 1300 feet of the line is within the Lewisville City Limits and subject to City code requirements. The 1300 feet of proposed electric utility line within Lewisville is also within the Indian Creek floodplain which if installed underground would require boring instead of open cut. The roughly 1300-foot bore would cost more than \$1,200,000 as opposed to \$120,000 for overhead installation. All electric utility lines within the subdivision will be installed underground. As the majority of the electric utility line

Subject: CoServ – Lakewood Hills Overhead Electric Utility Variance

March 7, 2017

Page 2 of 2

(outside the City limits) will be installed on poles within the Josey Lane right of way and due to the high cost of installation for the short distance within Lewisville City limits, staff recommends allowing CoServ to install an overhead line along Josey Lane within the City limits.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the variance as set forth in the caption above.



SITE PLANNING CIVIL ENGINEERING PLATTING
CONSULTANTS, LLC
LAND SURVEYING LANDSCAPE ARCHITECTURE

TBPE Firm No. 1798

TBPLS Firm No. 10047700

February 18, 2016

Mr. Eric Ferris
City of Lewisville City Hall
151 W. Church Street
Lewisville, TX 75057

Re: Lakewood Hills Development CoServ Service – Josey Lane, Lewisville, Texas

Mr. Ferris,

This letter is to respectfully request that the City consider overhead power be allowed to serve the Lakewood Hills development due to the negative implications of boring Indian Creek with underground cables. Lakewood Hills is a multi-phase residential development that will ultimately provide 525 new lots to the City of Lewisville. The approximately 151 acre development was annexed into the City of Lewisville on 10/6/2014 and the preliminary plat was approved by the Planning and Zoning Commission on 11/4/2014. The development is located on both the east and west side of Josey Lane in between FM 544 and Windhaven Parkway.

Our client, CADG Lakewood Hills, has been in contact with CoServ in order to determine the best method for serving the development with new electrical lines. There is currently existing overhead power along FM 544 that CoServ would use as a starting point for the new lines to serve this development by either overhead or underground means. Overhead power from FM 544 would be the preferred method of service due to the amount and size of the easements required for underground power along Josey Lane as well as on the proposed developments. 30' wide easements would have to be granted by not only the developer of the Lakewood Hills development but also by land owners along Josey Lane due to the fact that easements for underground cannot be granted in the Josey Lane Right-of-Way (ROW). Overhead power lines do not require easements so they can be placed in the Josey Lane ROW.

Also, easements granted on the Lakewood Hills development property will remove at least 40 lots already approved in the preliminary plat and PUD and will impact the City's future fire station lot. The Lakewood Hills development is not only located on both sides of Josey Lane but is also located on both sides of Indian Creek, a Corp of Engineers protected stream and FEMA floodplain. Indian Creek would have to be bored in order to serve the entire subdivision with underground cables. CoServ estimated that the approximately 1000' bore would cost \$1.2 million. Requiring underground electric in easements on private property parallel to Josey Lane along with boring Indian Creek would place an enormous financial burden on the project which is why our client respectfully requests that overhead power be allowed to serve the development. An exhibit has been provided with this letter to further illustrate what is being proposed.

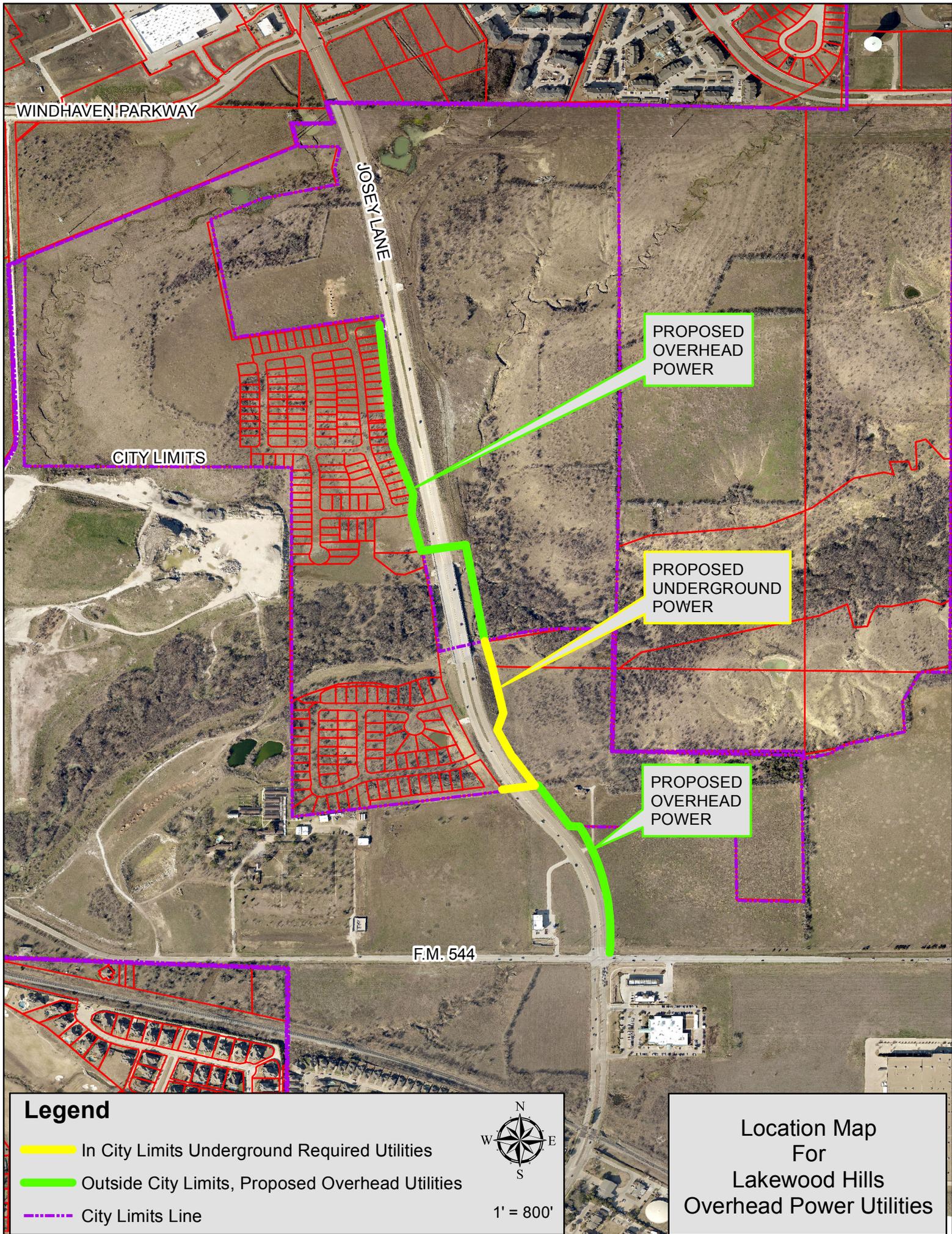
If you have any questions, or need any additional information, you may contact Bobby Dollak at Bobby@gacon.com or 972-436-9712.

Sincerely,

Robert J. Dollak, Jr., P.E.

cc: CADG Lakewood Hills

Z:\2013\13177\PDFs & Submittals\FP & Const. Plans\East\Phase I\2016.02.17_13177A Lakewood Hills East Coserv Letter.docx



MEMORANDUM

TO: Donna Barron, City Manager

FROM: David Salmon, P.E., City Engineer

VIA: Eric Ferris, Deputy City Manager

DATE: March 21, 2017

SUBJECT: **Consideration of a Variance to the Lewisville City Code Section 6-101(b) (Underground Utilities) to Allow Installation of an Overhead Cable on an Existing Pole Line Over Timber Creek Overflow Channel Immediately West of I-35 as Requested by Robert Houston, Construction Coordinator at Spectrum.**

BACKGROUND

Spectrum (formerly Charter Communications) is running a new service from Corporate Drive to five businesses on the west side of I-35, south of Corporate Drive. The service extension will generally be installed underground, however Spectrum has applied for a variance to install a portion of the new service on an existing pole line over Timber Creek overflow channel. According to Spectrum, in addition to difficult topography (steep slopes and heavy brush) and poor soil conditions affecting the ability to install an underground cable, there are existing underground utilities (gas, fiber and 2 water mains) crossing Timber Creek in the vicinity that can't be easily or accurately located for the same reasons. Installing the proposed cable service on the existing poles will be the safest way to cross the drainage channel while avoiding potential utility conflicts.

ANALYSIS

- a. To allow installation of a new service line on existing poles crossing Timber Creek overflow channel on the west side of I-35.

Section 6-101(b) – Underground Utilities

The City Code prohibits installation of new overhead utilities. Staff visited the site to inspect the location of the overhead pole line. In late spring through early fall when trees have leaves, the pole line is only partially visible from I-35. Allowing the new service line to be installed on the existing poles over the drainage channel will save Spectrum time and expense and avoid potential utility conflicts. Because the existing underground utilities (gas main, fiber and 30 & 12-inch water mains) can't be easily or accurately located, there is a risk of causing a rupture of the existing pipelines if they were inadvertently disturbed during installation of an underground cable line in the same area. A similar variance was approved most recently in January this year for Charter to relocate an underground line to an existing pole line. Also, in April, 2007 CoServ was granted a variance to allow an overhead electric line to be installed adjacent to Lakeridge Road and before that a variance was granted to allow an overhead electric line within Farmers Branch Landfill. In all three of these cases, the lines were not easily visible from a City gateway or thoroughfare.

Subject: Spectrum – Overhead Utility Variance
March 21, 2017
Page 2 of 2

RECOMMENDATION

It is City staff's recommendation that the City Council approve the variance as set forth in the caption above.



(3/17/2017)

City of Lewisville, Engineering Department
PO Box 299002
Lewisville, TX 75029

Dear City of Lewisville:

Please be advised that Spectrum has made a formal application to Lewisville, for a variance from the requirements of the zoning regulations, as they apply to the following described property:

See Plans and profiles for a description of work to be done attached herein.

It is our intent to ask the City to allow us to attach to the pole line, starting on the north side, in front of Chili's restaurant, and ending on the south side of the creek area, on the aforementioned Texas New Mexico Power (TNMP) pole line easement. In order to provide service to Epic 4X4, Safelite, and the Billiard Factory, we are asking for this, due to the existing utilities that are crossing the ravine that are not locatable. Please be assured, that our request should not adversely affect the view, from the highway, as the trees are already covering most of the visibility of the pole line.

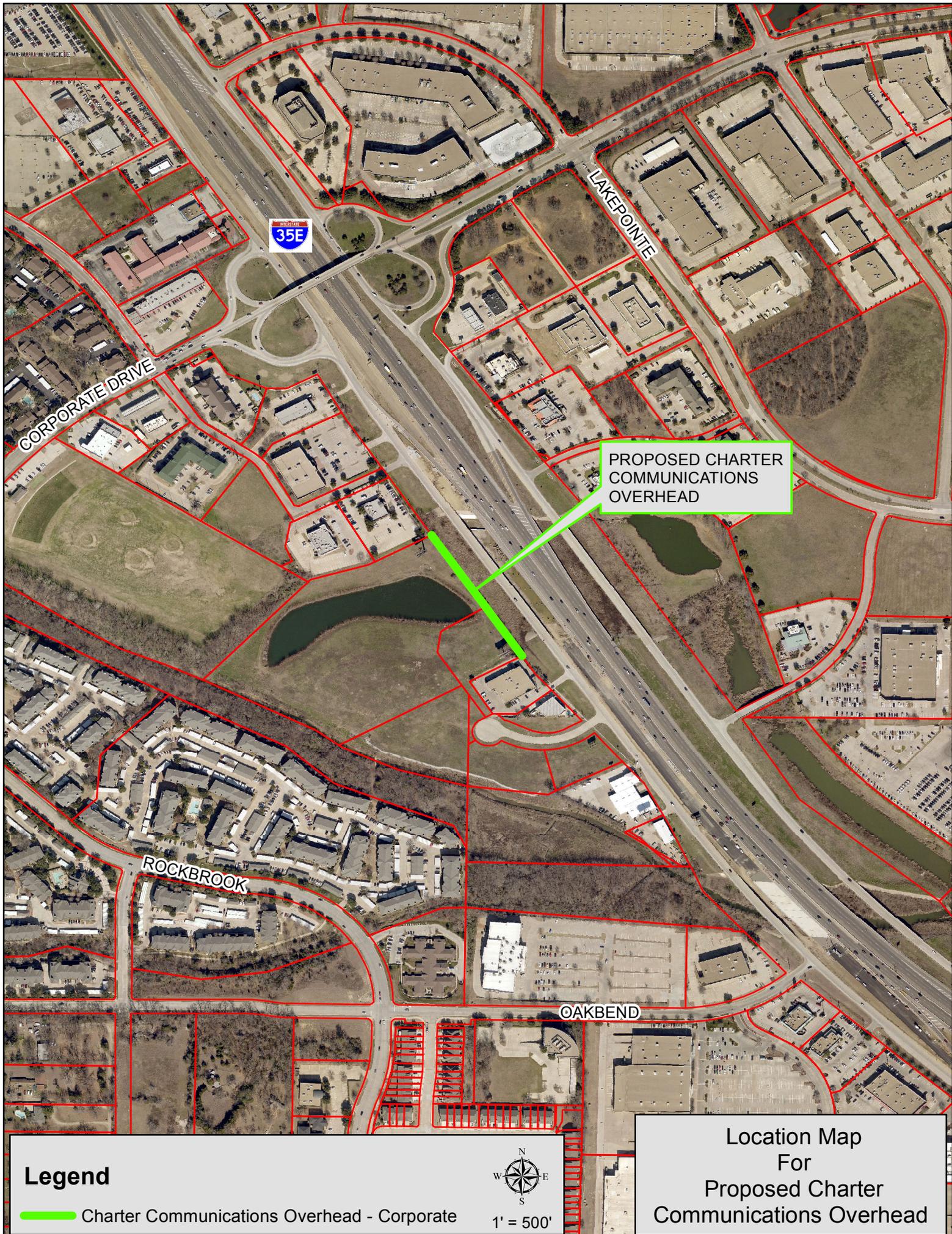
Sincerely,

A handwritten signature in black ink, appearing to read "Robert Houston", written over a horizontal line.

Robert Houston
Construction Coordinator 2
West Region/Texas



1565 Chenault St.
Dallas, Texas 75228
(Cell) 469-744-9794
robert.houston@charter.com



35E

CORPORATE DRIVE

LAKEPONTE

PROPOSED CHARTER COMMUNICATIONS OVERHEAD

ROCKBROOK

OAKBEND

Legend

 Charter Communications Overhead - Corporate



1' = 500'

Location Map
For
Proposed Charter
Communications Overhead

STAR "We Buy Cars"



006669

MISSING PERSON
Iryna Rybolchenko
Ft. Worth, Texas
TexasSearch.org



EL FENIX

chilis





BILLBOARD

JOHN SALAZAR
DIRECTOR OF AN ACCIDENT
214-696-5292

... sandwiches.
Schlotzsky's
006670
CLEAR CHANNEL

EL
MEX