



# 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  
JUNE 4, 2018**

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

**WORKSHOP SESSION - 6:30 P.M.**

**REGULAR SESSION – 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 6:30 P.M.**

**\*\*Items discussed during Workshop Session may be continued during the Regular Session after Reports if time does not permit holding or completing discussion of the item during Workshop Session.**

- A. Discussion of Garden Ridge Trail Project
- 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:** Deputy Mayor Pro Tem Jones
- C. **PROCLAMATIONS:**
  - 1. Declaring June 12, 2018 as “Women Veterans Day”
  - 2. Declaring the Week of June 18-24, 2018 as “Amateur Radio Week”

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 4, 2018**

**D. PUBLIC HEARINGS:**

- 1. Continued Public Hearing: Consideration of an Ordinance of the Lewisville City Council Amending the Lewisville City Code to add a New Chapter, Chapter 17.5 - IH-35E Corridor Overlay District, Which Creates an Overlay With the Northern Boundary Consisting of North Garden Ridge Boulevard, the Southern Boundary Consisting of the Southern City of Lewisville Corporate Limit Line, the Western Boundary Generally Consisting of Portions of McGee Lane, the KCS Railway, North Summit Avenue, Oakwood Lane, East Southwest Parkway, Macarthur Boulevard, SH 121 and Lake Vista Drive, and With the Eastern Boundary Generally Consisting of Portions of SH 121, Lakepointe Drive, Yates Street, McKenzie Street, Harbor Drive, Lake Haven Drive, West Purnell Street, South Edna Avenue, West Main Street, Degan Avenue, West College Street, Harn Drive, Millican Drive, the KCS Railway, Oakridge Boulevard and the Dallas Area Rapid Transit (DART) Railway and More Specifically Described in the Attached Exhibit 1; Amending Chapter 6 to Update a Cross-Reference to the New Overlay District Chapter Found in Section 6-54 and to Delete Section 6-77, Properties Impacted by the Interstate I-35 Widening; Amending Chapter 9.5, Sections 9.5-23 and 9.5-200 and Appendices 1 and B, and Chapter 11, Section 11-1 to Revise the Boundaries of the Old Town Design District; Amending Chapter 2, Section 2-201 to add Fees for Concept Plans, Requests for Alternative Standards, and IH-35E Corridor Overlay District Streetscape Improvement Fees-In-Lieu; Providing for a Repealer, Severability, Penalty, and an Effective Date; and Declaring an Emergency.**

**ADMINISTRATIVE COMMENTS:**

The IH-35E Corridor Overlay District is intended to implement the IH-35E Corridor Redevelopment Plan adopted in November 2014 by the Lewisville City Council. The District includes building and envelope standards, architectural standards, landscape standards, street and streetscape standards, and screening standards. Work sessions were held with the City Council on October 10, 2017, November 20, 2017 and February 5, 2018 and with the Planning and Zoning Commission on January 16, 2018. Informational meetings were held with property owners and the development community on March 7, 2018 and March 22, 2018. The Planning and Zoning Commission recommended unanimous approval (7-0) of the IH-35E Corridor Overlay District on April 3, 2018. Several modifications to other sections of the Lewisville City Code are proposed to support the IH-35E Corridor Overlay District.

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 4, 2018**

**RECOMMENDATION:**

That the City Council approve the proposed IH-35E Corridor Overlay District and associated ordinance amendments as presented.

**AVAILABLE FOR QUESTIONS:** - Richard E. Luedke, Planning Director

2. **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-2018-05-07).**

**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. The Planning and Zoning Commission considered and recommended approval of this Special Use Permit on March 21, 2017; and City Council approved it on April 3, 2017. This SUP and its variances have since expired. The project was delayed due to a legal dispute between the applicant and the current property owner. The applicant expects to resolve all issues with the current property owner within the next 60 to 120 days and is now seeking reapproval of the SUP and associated variances. On May 1, 2018, the Planning and Zoning Commission recommended unanimous approval (7-0) of the SUP.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:** - Richard E. Luedke, Planning Director  
- Jon Featherston, The Dimension Group

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 4, 2018**

- 3. Public Hearing: Consideration of Lewisville Juvenile Curfew Ordinance.**

**ADMINISTRATIVE COMMENTS:**

The public hearing is being conducted in accordance with provisions of the Local Government Code Section 370.002 in order to allow public input regarding the City's Juvenile Curfew Ordinance adopted September 12, 1994. By law, the ordinance is required to be reviewed every third year. It was last reviewed in 2015.

**RECOMMENDATION:**

That the City Council conduct the public hearing as set forth in the caption above.

- 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 a Purchase Agreement and Development Agreement Between the City of Lewisville and John and Magda Haugen and Authorization for the City Manager to Execute Said Agreements.**

**ADMINISTRATIVE COMMENTS:**

John and Magda Haugen, owners of the building at 101 Main Street, are making exterior façade enhancements. Haugens' total investment will be \$151,645. The proposed development agreement provides for a façade improvement grant where the City would reimburse up to \$57,000 for a portion of the eligible façade improvement costs. The development agreement also provides the city with the necessary rights to install a sprinkler system in the building. The associated purchase agreement provides that the City will purchase Haugens' rights to seven parking spaces located in the alley behind 101 Main Street for \$148,000.

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 4, 2018**

**RECOMMENDATION:**

That the City Council approve the development and purchase agreements and authorize the City Manager to execute said agreements.

**G. REGULAR HEARINGS:**

- 5. Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses, Regarding a Temporary Sales and Marketing Trailer at 1424 Lake falls Terrace. Part of Lakewood Hills Dr. Addition, a Single Family Detached Development Located South of Windhaven Parkway, West of Josey Lane, as Requested by Jason Oates, Representing Beazer Homes, the Property Owner.**

**ADMINISTRATIVE COMMENTS:**

Beazer Homes is currently developing a 133-unit Single Family Detached Residential project on a 44.860-acre property zoned PUD, located south of Windhaven Parkway west of Josey Lane. The final plat was filed (11/13/15) for construction and the developer is currently awaiting building permits for this phase. A variance is being requested to place a temporary sales and marketing trailer on their site for the purpose of pre-sales before the model home is completed. The City of Lewisville building code does not allow portable buildings to be placed in the City for the purposes of sales offices of this type.

**RECOMMENDATION**

That the City Council approve the variance as set forth in the above caption not to exceed twelve (12) months or until the issuance of a Certificate of Occupancy for the model home, whichever occurs first.

**AVAILABLE FOR** - Wayne K. Snell Jr., Director of Neighborhood &  
**QUESTIONS:** Inspection Services

- 6. Consideration of an Ordinance of the Lewisville City Council, Amending Chapter 4, Buildings and Building Regulations, by Repealing and Replacing Article VII, Substandard Buildings, in its Entirety.**

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 4, 2018**

**ADMINISTRATIVE COMMENTS:**

The City Code currently has an ordinance regulating substandard structures; however, it is difficult to enforce and does not clearly address all structure types. With the appropriate substandard process and standards in place, dilapidated and dangerous structures within our city can effectively be addressed and ideal outcomes reached in a timely fashion. At the May 21, 2018 City Council workshop, staff briefed City Council on various code changes that would help with enforcement. The proposed ordinance reflects the direction given by City Council.

**RECOMMENDATION:**

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

- 7. Consideration of an Ordinance Amending Section 7-246, Temporary Food Establishment Events, of the Lewisville City Code by Adding a Subsection Setting Forth Requirements for Temporary Food Establishment Event Permits for a TABC-Permitted/Licensed Distillery, Brewery, or Winery in the Old Town Design District.**

**ADMINISTRATIVE COMMENTS:**

Staff proposes revisions to Section 7-246 of the Lewisville Code to expand the number of temporary food establishment events and eliminate the elapsed time requirements between such events. It also specifies a two-day duration for each permit. These amendments would only apply to TABC-permitted wineries, breweries, and distilleries located in the Old Town Design District.

**RECOMMENDATION:**

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

- AVAILABLE FOR QUESTIONS:**
- Claire Swann, Assistant City Manager
  - Chris McGinn, Manager of Health & Animal Services

- 8. Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.**

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 4, 2018**

**ADMINISTRATIVE COMMENTS:**

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Electronic Notebook has been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the electronic book. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

**RECOMMENDATION:**

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

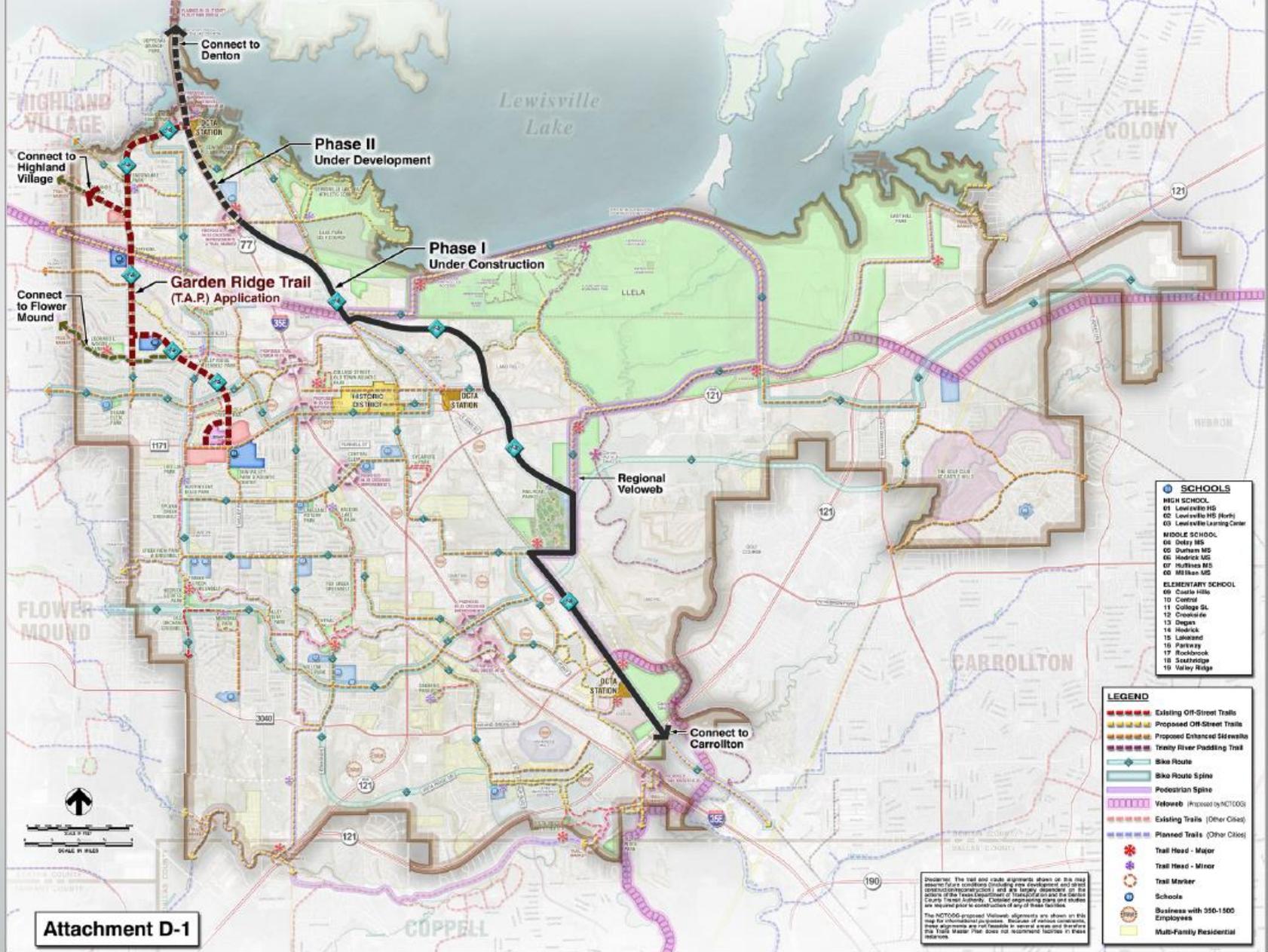
- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- I. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
  - 1. Section 551.072 (Real Estate): Property Acquisition
  - 2. Section 551.087 (Economic Development): Deliberation 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).



# Garden Ridge Trail Project

City Council Workshop – June 4, 2018



Attachment D-1

May 9, 2014

# PROJECT LOCATION MAP

CITY OF LEWISVILLE, TEXAS



# Timeline

- 2011
  - Hike and Bike Trail Master Plan
    - Connection to DCTA Rail Station at Garden Ridge Boulevard
    - On and Off Street bicycle and pedestrian facilities
      - Garden Ridge Boulevard and N. Valley Parkway
- 2013
  - Parks & Recreation Master Plan
    - Implementation of Trail Master Plan
- 2014
  - Transportation Alternative Program Grant
    - Texas Department of Transportation via North Central Texas Council of Governments
    - 75% funding available for project; 25% local match requirement (\$506,118)
    - Spring application with Council Action
    - Fall notification

# Timeline

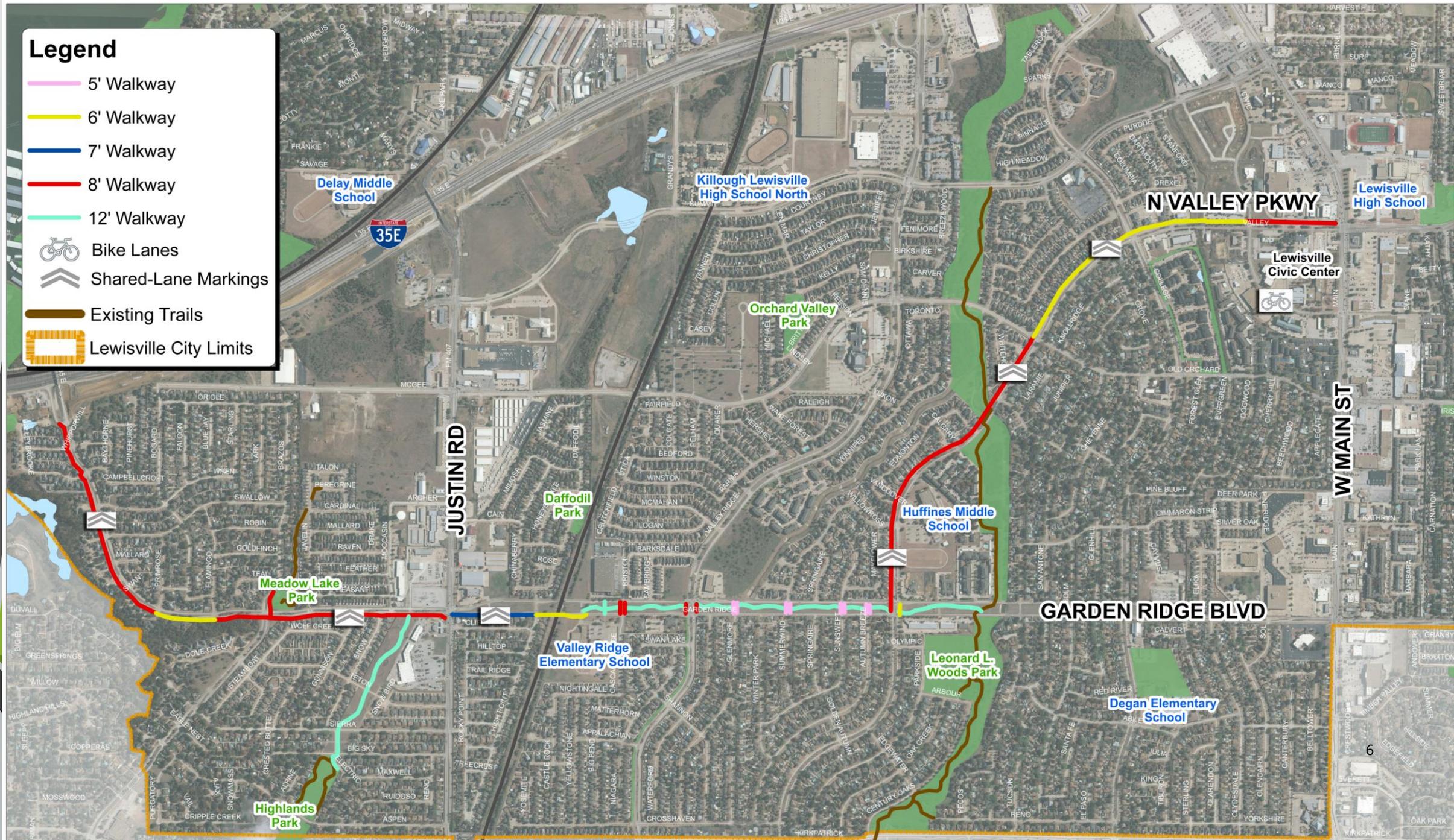
- 2015
  - August: Halff Associates
    - Professional Services Agreement for Design Services
    - Project Location Map
- 2016
  - Advanced Funding Agreement executed with TxDOT
- 2017
  - March: Public Meeting at Park & Recreation Advisory Board
    - Invitations sent to 80 residents along corridor
    - 15 attended meeting
    - Reviewed design and proposed path for improvements
  - June: 2025 Committee Update on Capital Projects
  - July: Park & Recreation Update on Capital Projects
- 2018
  - TxDOT Impact Letters Distributed
  - Project must be bid by August 2018

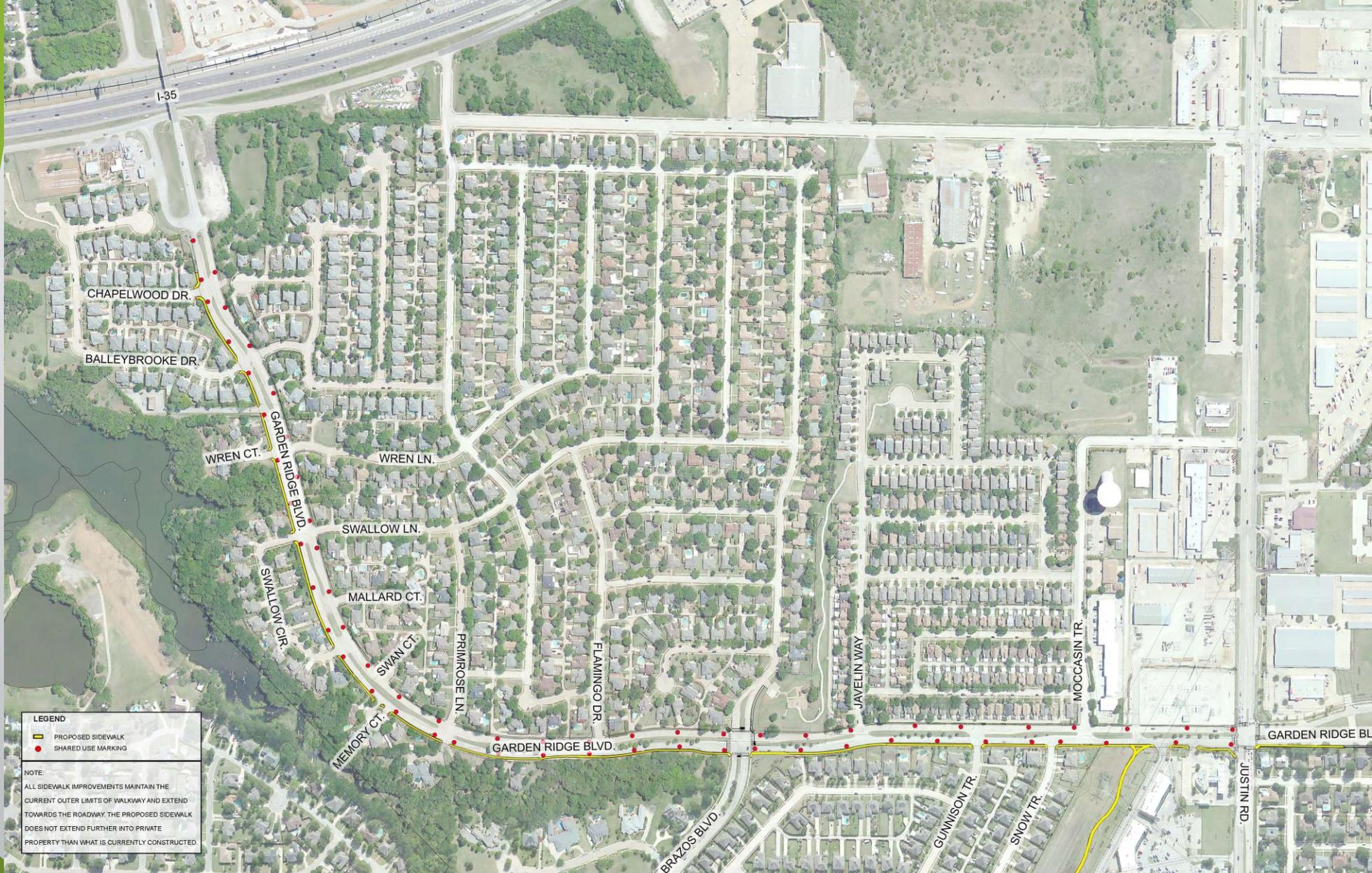


# Garden Ridge Trail Project Design Overview

# Legend

- 5' Walkway
- 6' Walkway
- 7' Walkway
- 8' Walkway
- 12' Walkway
- Bike Lanes
- Shared-Lane Markings
- Existing Trails
- Lewisville City Limits





MAY 2018



# GARDEN RIDGE TRAIL PROPOSED IMPROVEMENTS

I-35 TO JUSTIN



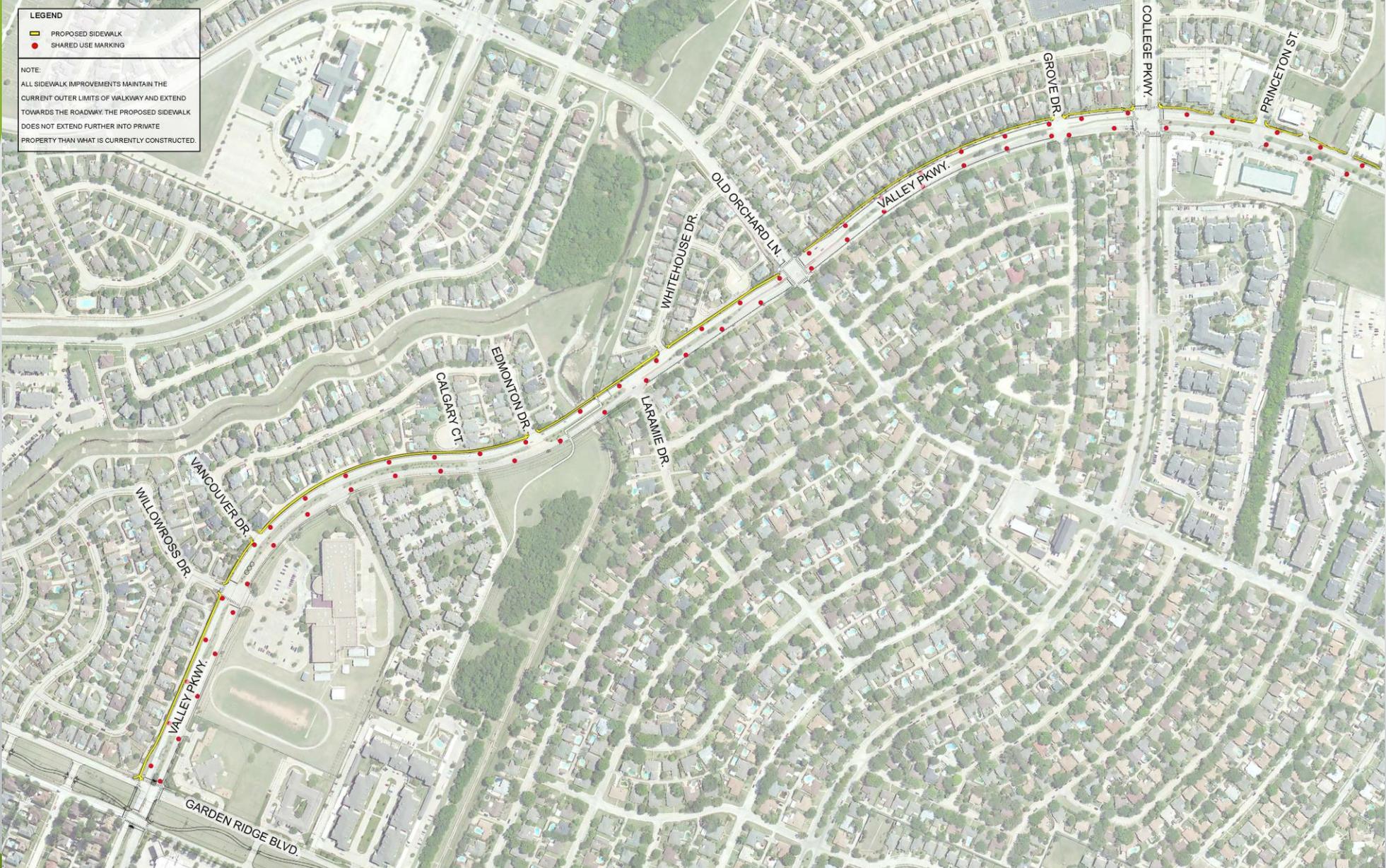
**HALFF**



**LEGEND**

-  PROPOSED SIDEWALK
-  SHARED USE MARKING

**NOTE:**  
 ALL SIDEWALK IMPROVEMENTS MAINTAIN THE CURRENT OUTER LIMITS OF WALKWAY AND EXTEND TOWARDS THE ROADWAY. THE PROPOSED SIDEWALK DOES NOT EXTEND FURTHER INTO PRIVATE PROPERTY THAN WHAT IS CURRENTLY CONSTRUCTED.



MAY 2018



# GARDEN RIDGE TRAIL PROPOSED IMPROVEMENTS

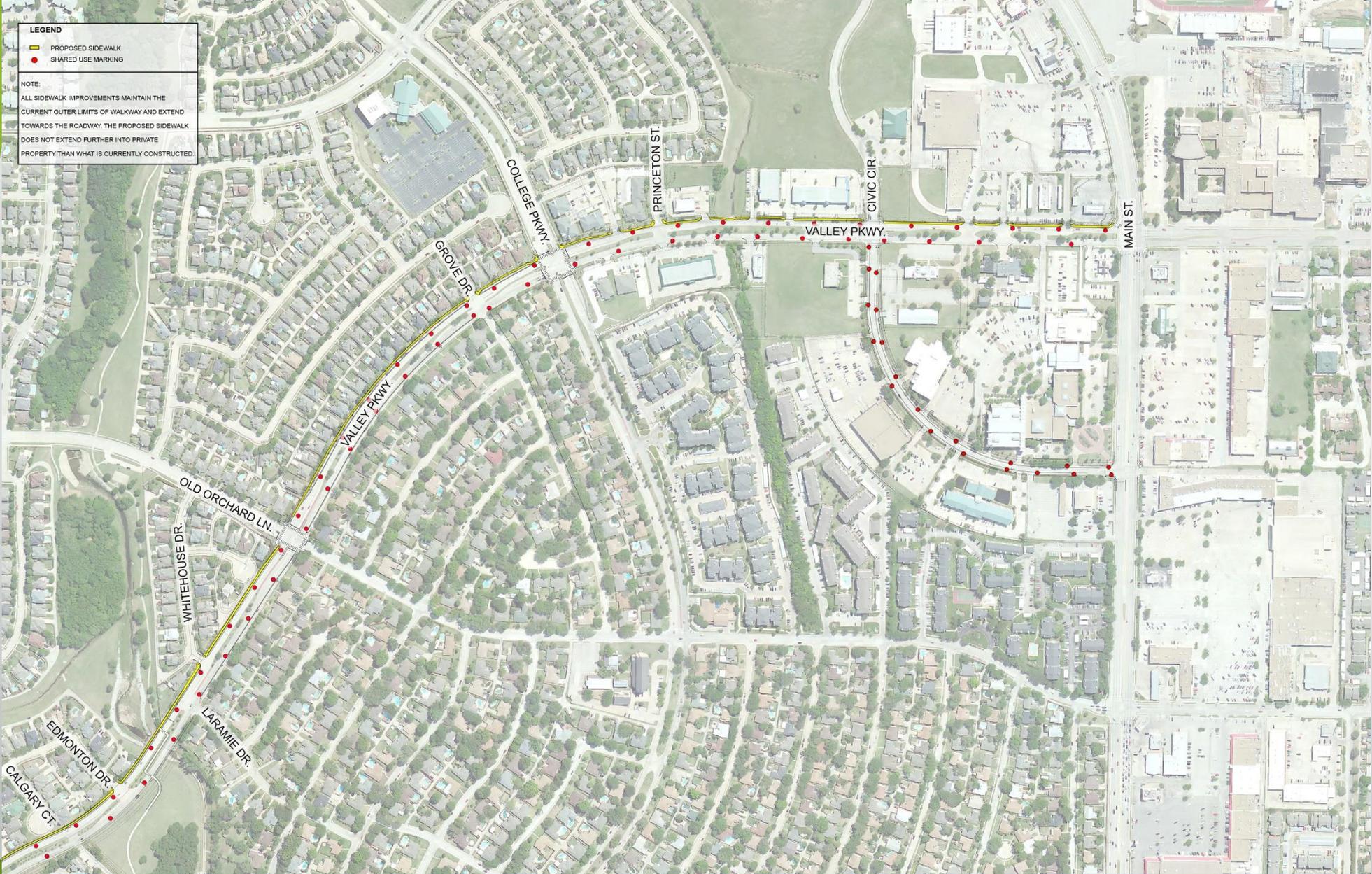
GARDEN RIDGE BLVD. COLLEGE PKWY.



**LEGEND**

- PROPOSED SIDEWALK
- SHARED USE MARKING

**NOTE:**  
 ALL SIDEWALK IMPROVEMENTS MAINTAIN THE CURRENT OUTER LIMITS OF WALKWAY AND EXTEND TOWARDS THE ROADWAY. THE PROPOSED SIDEWALK DOES NOT EXTEND FURTHER INTO PRIVATE PROPERTY THAN WHAT IS CURRENTLY CONSTRUCTED.



MAY 2018



0 40 80 120 160 200  
 SCALE IN FEET

# GARDEN RIDGE TRAIL PROPOSED IMPROVEMENTS

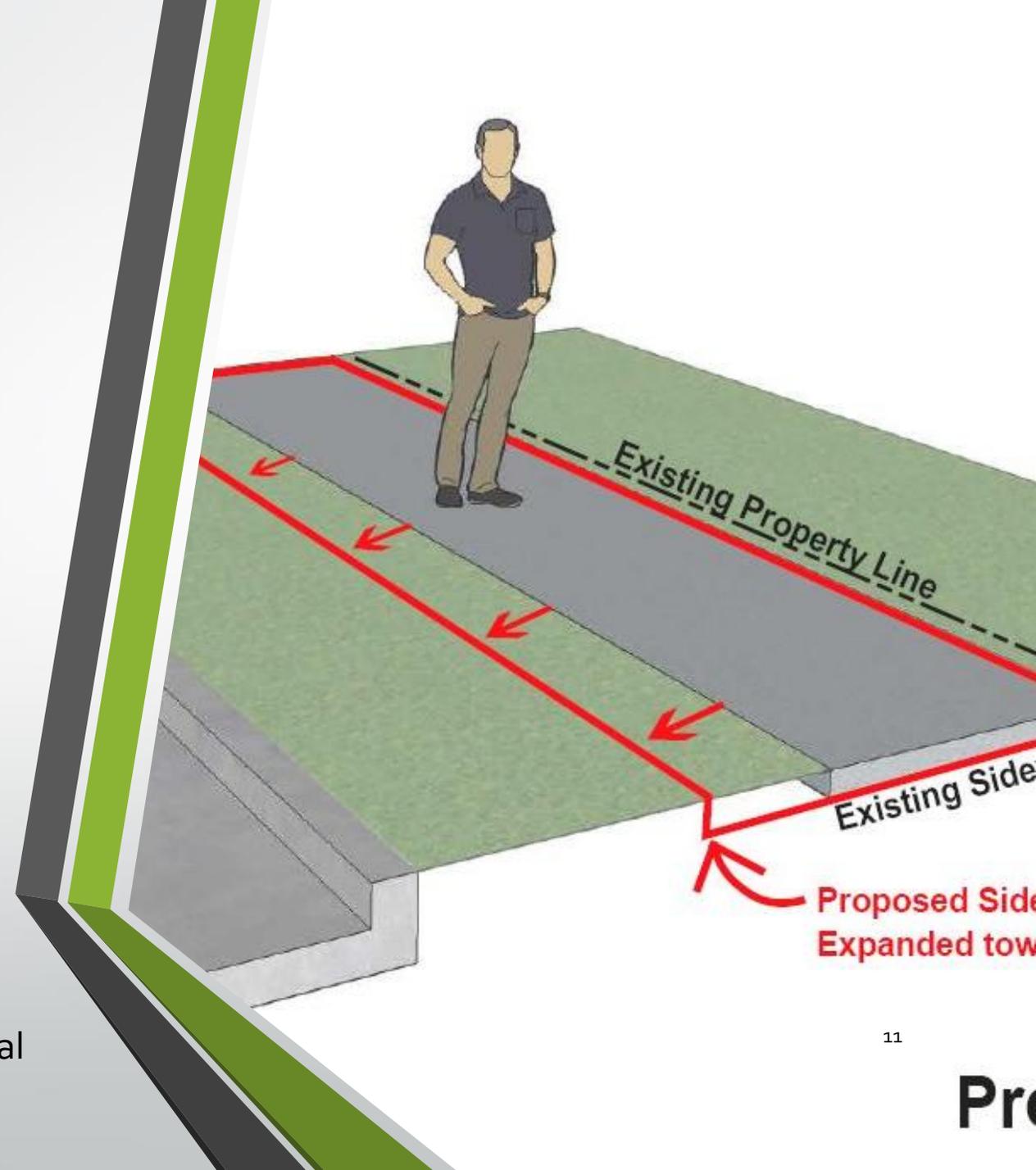
OLD ORCHARD LN. MAIN ST.



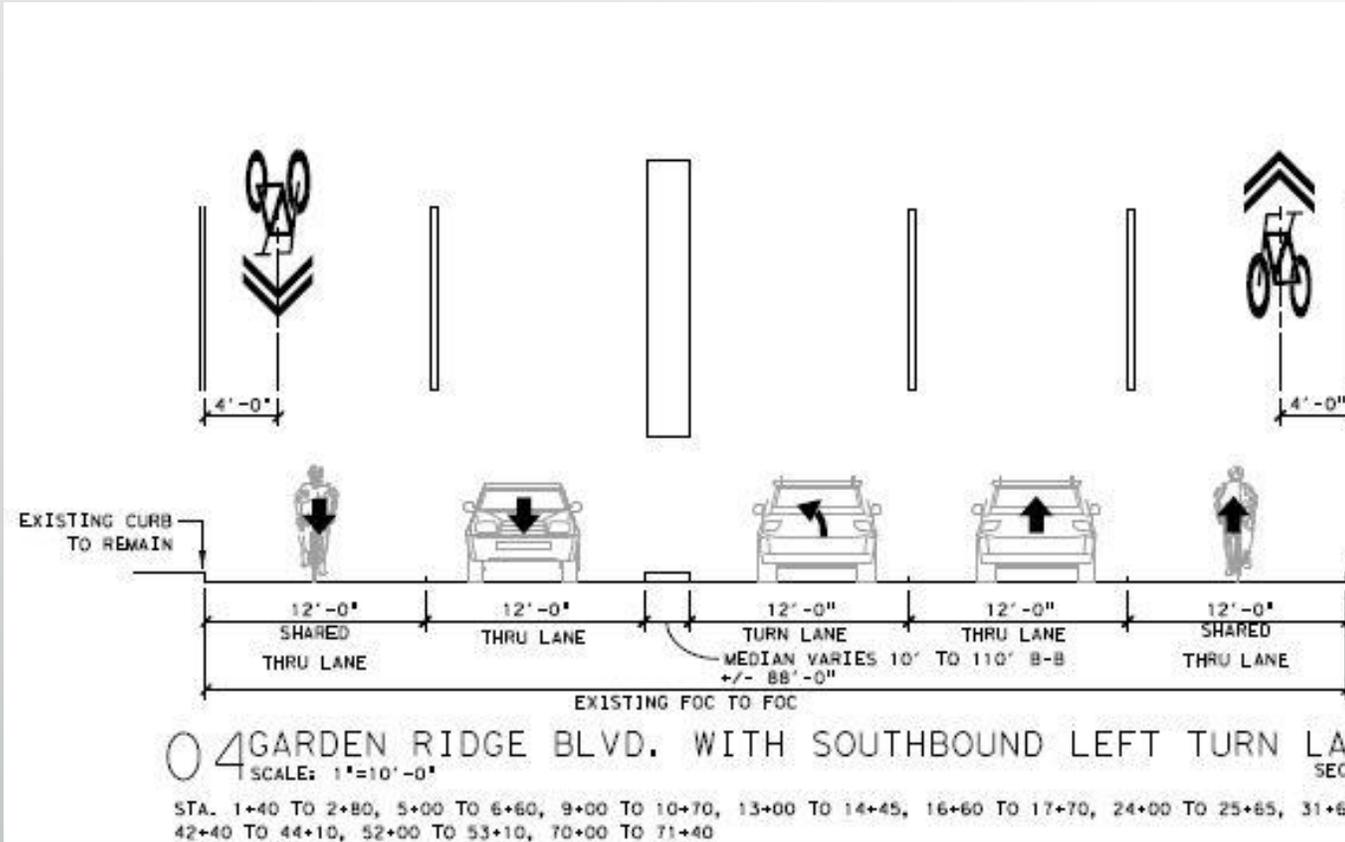
# GRT Design Elements: Sidewalk Expansions

- Garden Ridge Parkway:
  - Chapelwood Drive to Valley Ridge Elementary School
  - North side of parkway
- North Valley Parkway:
  - Garden Ridge Parkway to Main Street
  - East side of parkway
- 6' to 8' wide: varies due to space limitations

Note: No additional easements needed for any residential property at this time

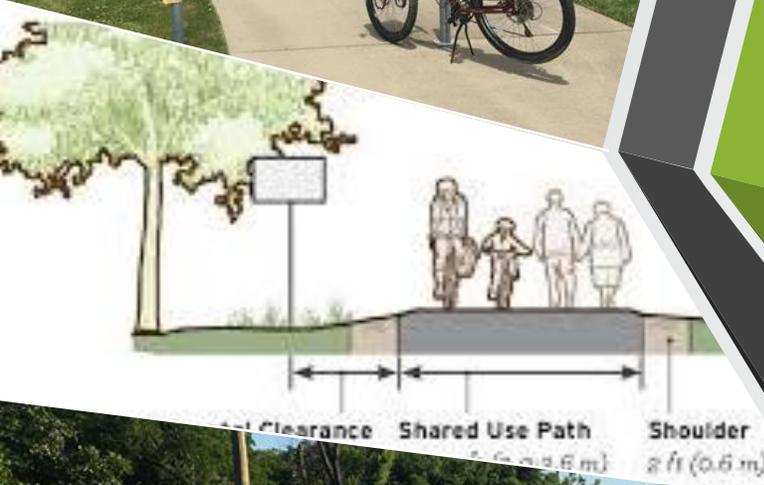


# GRT Design Elements – Shared Lane Sharrows



Entire length of project with exception of 12' trail area

# GRT Design Element- 12' Shared Use Trail



- Garden Ridge Parkway Median:
  - Valley Ridge Elementary School to LL Woods Park
  - Enhanced Crosswalks at side streets and North Valley Park intersections
  - No shared lanes (sharrows) along this segment
- Oncor Easement:
  - Garden Ridge Parkway to Highlands Park

# Next Steps

- Public Meeting at July Park & Recreation Advisory Board
- Final approval of design from TxDOT
- Issue bids before August 15
- Award contract for construction
- Begin construction
  - 14-18 months project

Track project information at  
[cityoflewisville.com](http://cityoflewisville.com)



# Proclamation

**WHEREAS**, Texas salutes and remembers the many American female veterans who have courageously and honorably served in the military on behalf of our nation; and

**WHEREAS**, women have formally been a part of the United States Armed Forces since the inception of Army Nurse Corps in 1901, but have proudly served alongside and supported our nation's military since the American Revolution; and

**WHEREAS**, the women veterans' community is the fastest growing subset of American veterans in Texas, women comprise over 13 percent of the veteran population, a percentage which is higher than the national average and increasing yearly; and

**WHEREAS**, Women Veterans of American, Chapter 48 and the Denton County Military Veterans Peer Network advocate for cultural transformation to raise awareness about the service and sacrifice of women veterans; and

**WHEREAS**, on June 9, 2017, Greg Abbott, Governor of Texas signed Senate Bill 805, declaring that June 12 be celebrated as Women Veterans Day in order that all Texans recognize the role of women in the military forces and to commemorate the sacrifices of and valor displayed by Texas women veterans; and

**WHEREAS**, on this day, The City of Lewisville commemorates the fearless service of women who have served our nation in the Armed Forces, and we honor our female veterans and their families for their remarkable sacrifices and outstanding contributions to our nation.

**NOW THEREFORE**, I Rudy Durham, Mayor of the City of Lewisville, Texas, and on behalf of the Lewisville City Council, do hereby declare June 12, 2018, as:

## **“Women Veterans Day”**

in Lewisville and encourage all residents to recognize the courage and contributions of generations of American servicewomen and their families, who have proudly served our great state and nation, doing their part to protect our land, people, freedoms, and legacy.

**PROCLAIMED** this the 4<sup>th</sup> day of June, 2018.

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Rudy Durham, Mayor  
City of Lewisville

# Proclamation

**WHEREAS**, Amateur Radio operators are celebrating over a century of communicating over the airwaves and continues to provide a bridge between peoples, societies and countries by creating friendships and the sharing of ideas; and

**WHEREAS**, the City of Lewisville recognizes the members of the Lewisville Amateur Radio Association and the services they provide to Emergency Response organizations without compensation; and

**WHEREAS**, these same individuals have further demonstrated their value in public assistance by providing free radio communications for local parades, concerts, and other entertainment events; and

**WHEREAS**, the City of Lewisville recognizes and appreciates the diligence of these “hams” who also serve as weather spotters in the Skywarn program of the National Weather Service; and

**WHEREAS**, the Amateur Radio Field Day exercise will take place on June 23-24, 2018 and is a 24 hour exercise and demonstration of the Radio Amateurs’ skills and readiness to provide self-supporting communications without further infrastructure; now

**THEREFORE**, I Rudy Durham, Mayor of the City of Lewisville, along with the members of the City Council, do hereby officially recognize and designate June 18-24, 2018, as

## **“Amateur Radio Week”**

in the City of Lewisville, Texas.

**PROCLAIMED** this the 4<sup>th</sup> day of June, 2018.

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**Rudy Durham, Mayor**  
**City of Lewisville**

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Richard E. Luedke, Planning Director

**DATE:** June 4, 2018

**SUBJECT:** Continued Public Hearing; Consideration of an Ordinance of the Lewisville City Council Amending the Lewisville City Code to add a New Chapter, Chapter 17.5 - IH-35E Corridor Overlay District, Which Creates an Overlay With the Northern Boundary Consisting of North Garden Ridge Boulevard, the Southern Boundary Consisting of the Southern City of Lewisville Corporate Limit Line, the Western Boundary Generally Consisting of Portions of McGee Lane, the KCS Railway, North Summit Avenue, Oakwood Lane, East Southwest Parkway, Macarthur Boulevard, SH 121 and Lake Vista Drive, and With the Eastern Boundary Generally Consisting of Portions of SH 121, Lakepointe Drive, Yates Street, McKenzie Street, Harbor Drive, Lake Haven Drive, West Purnell Street, South Edna Avenue, West Main Street, Degan Avenue, West College Street, Harn Drive, Millican Drive, the KCS Railway, Oakridge Boulevard and the Dallas Area Rapid Transit (DART) Railway and More Specifically Described in the Attached Exhibit 1; Amending Chapter 6 to Update a Cross-Reference to the New Overlay District Chapter Found in Section 6-54 and to Delete Section 6-77, Properties Impacted by the Interstate I-35 Widening; Amending Chapter 9.5, Sections 9.5-23 and 9.5-200 and Appendices 1 and B, and Chapter 11, Section 11-1 to Revise the Boundaries of the Old Town Design District; Amending Chapter 2, Section 2-201 to add Fees for Concept Plans, Requests for Alternative Standards, and IH-35E Corridor Overlay District Streetscape Improvement Fees-In-Lieu; Providing for a Repealer, Severability, Penalty, and an Effective Date; and Declaring an Emergency.

### BACKGROUND

The IH-35E Corridor Overlay District is intended to implement the IH-35E Corridor Redevelopment Plan adopted in November 2014 by the Lewisville City Council. The District includes building and envelope standards, architectural standards, landscape standards, street and streetscape standards, and screening standards. Work sessions were held with the City Council on October 10, 2017, November 20, 2017 and February 5, 2018 and with the Planning and Zoning Commission on January 16, 2018. Informational meetings were held with property owners and the development community on March 7, 2018 and March 22, 2018. Additional follow-up meetings were held with individual property owners and developers during the months of April and May 2018. The Planning and Zoning Commission recommended unanimous approval (7-0) of the IH-35E Corridor Overlay District on April 3, 2018.

### ANALYSIS

The IH-35E Corridor Overlay District implements the IH-35E Corridor Redevelopment Plan by adopting higher standards for new development and redevelopment along IH-35E. The intent is

to improve the economic viability of development along IH-35E as this is the face of the City of Lewisville. The overlay addresses items that are most visible to the passing public:

- building and envelop standards,
- architectural standards,
- landscape standards,
- street and streetscape standards, and
- screening standards.

The overlay district allows redevelopment and greater flexibility in regards to existing site conditions. The Ordinance includes an applicability table which outlines what standards will apply depending on the scope of work. The entire ordinance will apply to all new developments. For redevelopments, the extent of reinvestment will determine which standards apply, and if those standards apply to only the new construction or if the entire site must be brought into compliance. This is to ensure improvements required are proportional to the work proposed. In addition, staff may grant an Administrative Modification to any numerical standards of up to 10%, provided certain criteria are met.

An Overlay District Board is established to help implement the overlay district. The Planning and Zoning Commission will serve as the Overlay District Board. The board will have the authority to grant approval to Alternative Standards where:

- there is a deviation from 10% to 25% of numerical standards pertaining to landscaping or building materials,
- there is a deviation from 10% to 60% of any other numerical standard, or
- there is a concept plan that does not comply with the framework plan

Criteria for approval of Alternative Standards are established in the Ordinance. The Board will recommend to City Council any Alternative Standards in excess of the percentages listed above or to any non-numerical standard. Staff will bring requests for Alternative Standards to the Board with a recommendation.

The overlay district will not change uses permitted in the existing zoning districts. The overlay district provides design standards implemented in conjunction with the existing zoning and Land Development Regulations (LDR). Where there is conflict between the overlay district and the Zoning Ordinance or the LDR, the overlay district will control. The overlay district will not address signage.

Prior to official public hearings, staff sent postcards to all 940 property owners in the proposed overlay district and held two informational meetings: one with property owners on March 7, 2018; and one with developers, brokers, and engineers on March 22, 2018. The draft ordinance has been on the City website since February 26, 2018.

In addition to adopting the new overlay district, several code sections need revisions to support the adoption of IH-35E Corridor Overlay District Ordinance and include the following:

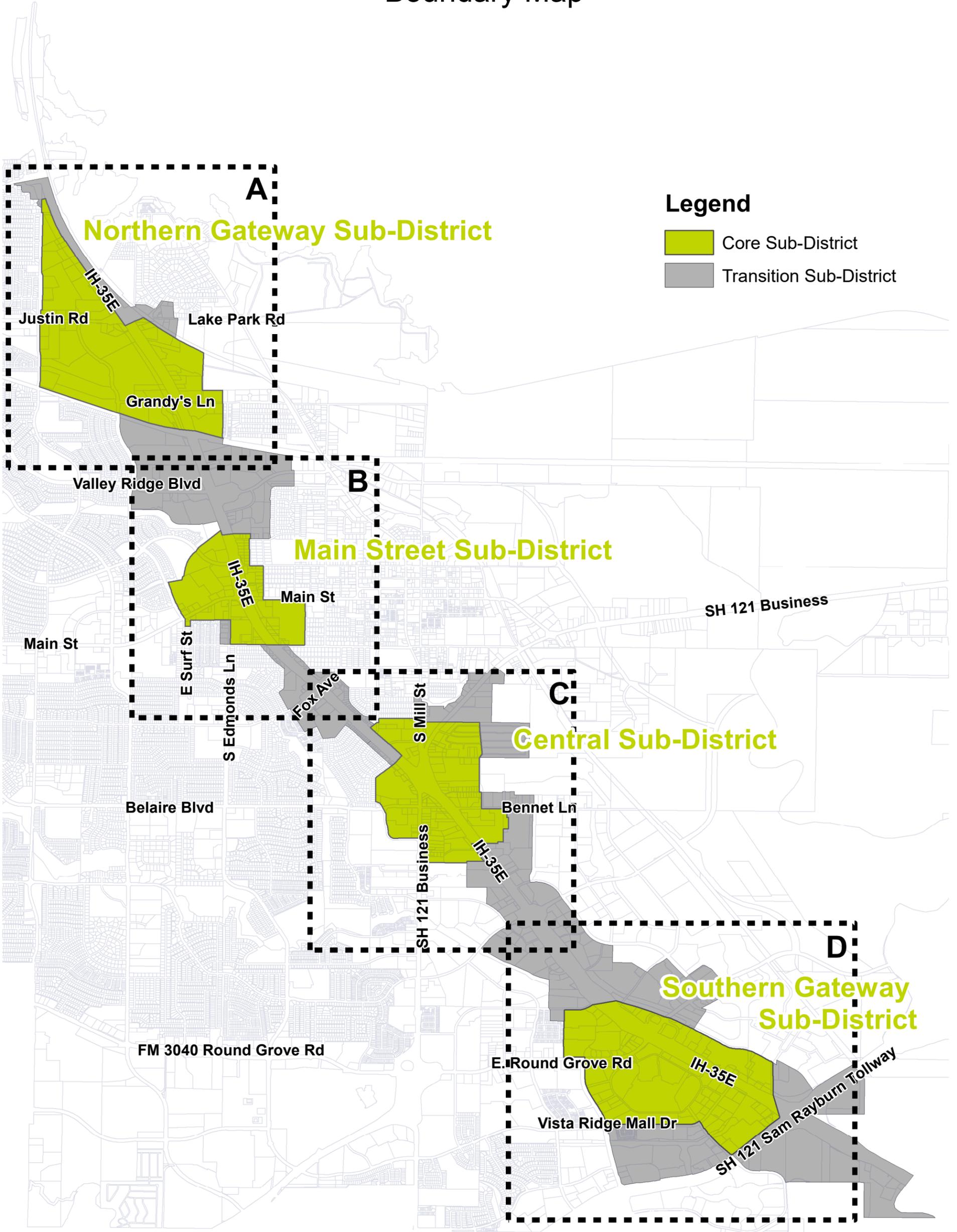
- The I-35 modified site plan in Chapter 6, Article IV, Section 6-77 and referenced in Section 6-53 may be deleted and replaced with a reference to the new section.
- The fee schedule in Chapter 2 needs to be amended to include fees for Concept Plans and Alternative Standards.

- The Old Town Design District Boundaries need to be modified so there is no overlap with the overlay district. The properties removed from the Old Town Design District are Medical City Lewisville and residential properties west of Degan Ave and south of College Street. The residential properties may remain residential and have been included in the IH-35E Overlay in the event they are assembled for future redevelopment. The IH-35E Overlay contains more appropriate standards for the hospital's continued development.

### **RECOMMENDATION**

It is City staff's recommendation that the City Council approve the proposed IH-35E Corridor Overlay District and associated ordinance amendments as presented.

# IH-35E Corridor Overlay District Boundary Map



**MINUTES  
PLANNING AND ZONING COMMISSION  
APRIL 3, 2018**

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**Item 1:**

The Lewisville Planning and Zoning Commission meeting was called to order at 6:35 pm. Members present: William Meredith, John Lyng, MaryEllen Miksa, Kristin Green, Karen Locke, Alvin Turner and James Davis.

Staff members present: Michele Berry, Planning Manager; June Sin, Planner; Jonathan Beckham, Planner.

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**Item 2:**

The second item on the agenda was to approve the minutes from the March 20, 2018, meeting. A motion was made by James Davis to approve the minutes, seconded by Alvin Turner. The motion passed unanimously (7-0).

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**Item 3:**

Public Hearings were next on the agenda. There was one item for consideration:

- A. **Public Hearing:** Consider a Recommendation for the Adoption of the IH-35E Corridor Overlay District; covering approximately 2,000 acres and consisting of 940 parcels of land either directly adjacent to or in close proximity to both the east and west sides of North and South Stemmons Freeway (IH-35E) through the City of Lewisville; the northern boundary consisting of North Garden Ridge Boulevard, the southern boundary consisting of the southern City of Lewisville corporate limit line, the western boundary generally consisting of portions of McGee Lane, the KCS Railway, North Summit Avenue, Oakwood Lane, East Southwest Parkway, MacArthur Boulevard, SH 121 and Lake Vista Drive, and with the eastern boundary generally consisting of portions of SH 121, Lakepointe Drive, Yates Street, McKenzie Street, Harbor Drive, Lake Haven Drive, West Purnell Street, South Edna Avenue, West Main Street, Degan Avenue, West College Street, Harn Drive, Millican Drive, the KCS Railway, Oakridge Boulevard and the Dallas Area Rapid Transit (DART) Railway. The IH-35E Corridor Overlay District is intended to implement the IH-35E Corridor Redevelopment Plan adopted in November 2014 by the Lewisville City Council. The District includes building and envelope standards, architectural standards, landscape standards, street and streetscape standards, and screening standards.

Staff gave a presentation on the IH-35E Corridor Overlay District and recommended approval. Chairman Green then opened the public hearing and Bill Davidson of First Commercial Realty came forward to speak. Mr. Davidson expressed concerns that the Overlay District will be too restrictive and will stifle development because rent prices will be unable to justify the cost. He

asked the Planning & Zoning Commission to consider tabling the item. With no one else coming forward to speak, the public hearing was then closed. Chairman Green expressed concerns regarding the framework plan and asked who pays for streets. Staff answered that the cost could be paid by the City through an Economic Development incentive policy for infrastructure but would be reviewed on a case by case basis. Staff further explained that the City staff can customize the plan's coverage depending on the scope and scale of a project. The framework plan serves as the bones of the Overlay District and will be revised over time, although the concept plan process is already established. Depending on the extent of redevelopment there will be small, medium and large projects. The intent is not to over burden developers with streets and infrastructure. Chairman Green also asked for further clarification on the density in Core districts compared to Transitional Districts. Staff explained that development will be on a case by case basis so not all streets will develop right away. Redevelopment depends on opportunities in one or two select blocks in each area. The Core areas are intended to be walkable and connected, not necessarily urban. Chairman Green also asked about tree spacing and flood plains counting as open space. Staff clarified that tree spacing in the Core areas would be 40 feet, not 30 feet, and that flood plain could be considered open space depending on site conditions and development design. Member James Davis asked if implementation could be delayed for the Overlay District. Staff answered that they will be working with developers over the next two weeks, as the item is scheduled to appear before the City Council on Monday, April 16, 2018. City Council may choose to table the item, but the Planning & Zoning Commission is able to give a recommendation for the adoption of the IH-35E Corridor Overlay District. *A motion was made by James Davis to recommend the adoption of the IH-35E Corridor Overlay District. The motion was seconded by Karen Locke. The motion passed unanimously (7-0).* Staff indicated that this item would appear before the City Council on April 16<sup>th</sup> for a second public hearing and a final decision.

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There being no other business to discuss, the meeting was adjourned at 7:10 p.m.

Respectfully Submitted,

Approved

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Michele Berry, AICP  
Planning Manager

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Kristin Green, Chairman  
Planning and Zoning Commission

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL AMENDING THE LEWISVILLE CITY CODE TO ADD A NEW CHAPTER, CHAPTER 17.5 - IH-35E CORRIDOR OVERLAY DISTRICT, WHICH CREATES AN OVERLAY WITH THE NORTHERN BOUNDARY CONSISTING OF NORTH GARDEN RIDGE BOULEVARD, THE SOUTHERN BOUNDARY CONSISTING OF THE SOUTHERN CITY OF LEWISVILLE CORPORATE LIMIT LINE, THE WESTERN BOUNDARY GENERALLY CONSISTING OF PORTIONS OF MCGEE LANE, THE KCS RAILWAY, NORTH SUMMIT AVENUE, OAKWOOD LANE, EAST SOUTHWEST PARKWAY, MACARTHUR BOULEVARD, SH 121 AND LAKE VISTA DRIVE, AND WITH THE EASTERN BOUNDARY GENERALLY CONSISTING OF PORTIONS OF SH 121, LAKEPOINTE DRIVE, YATES STREET, MCKENZIE STREET, HARBOR DRIVE, LAKE HAVEN DRIVE, WEST PURNELL STREET, SOUTH EDNA AVENUE, WEST MAIN STREET, DEGAN AVENUE, WEST COLLEGE STREET, HARN DRIVE, MILLICAN DRIVE, THE KCS RAILWAY, OAKRIDGE BOULEVARD AND THE DALLAS AREA RAPID TRANSIT (DART) RAILWAY AND MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT 1; AMENDING CHAPTER 6 TO UPDATE A CROSS-REFERENCE TO THE NEW OVERLAY DISTRICT CHAPTER FOUND IN SECTION 6-54 AND TO DELETE SECTION 6-77, PROPERTIES IMPACTED BY THE INTERSTATE I-35 WIDENING; AMENDING CHAPTER 9.5, SECTIONS 9.5-23 AND 9.5-200 AND APPENDICES 1 AND B, AND CHAPTER 11, SECTION 11-1 TO REVISE THE BOUNDARIES OF THE OLD TOWN DESIGN DISTRICT; AMENDING CHAPTER 2, SECTION 2-201 TO ADD FEES FOR CONCEPT PLANS, REQUESTS FOR ALTERNATIVE STANDARDS, AND IH-35E CORRIDOR OVERLAY DISTRICT STREETScape IMPROVEMENT FEES-IN-LIEU; PROVIDING FOR A REPEALER, SEVERABILITY, PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Council of the City of Lewisville, Texas has determined that for the health, welfare, and safety of its citizens, certain amendments to the Code of Ordinances of the City of Lewisville, Texas are necessary.

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

**SECTION 1.** The Lewisville City Code is hereby amended by adding new chapter, Chapter 17.5 - IH-35E Corridor Overlay District, as set forth in the attached Exhibit “2.”

**SECTION 2.** Lewisville City Code, Chapter 6, Article III, Section 6-54 is hereby amended by deleting the existing subsections (a)(7) and (a)(8) in their entirety and inserting a new subsection (a)(7) as follows:

(7) As otherwise expressly required in chapter 6, chapter 17, or chapter 17.5 of the Lewisville City Code.

**SECTION 3.** Lewisville City Code, Chapter 6, Article IV, Section 6-77 is hereby deleted and reserved for future use.

**SECTION 4.** Lewisville City Code, Chapter 9.5, Article XII, Section 9.5-200 and Chapter 11, Article I, Section 11-1 are hereby amended by deleting the existing definition of “Old Town Design District” and in its place inserting the following new definition:

*Old Town Design District.* The Old Town Design District is defined as listed in the Old Town Development Ordinance, Chapter 9.5 of the Lewisville Code of Ordinances, Appendix 1, but generally defined as the area bounded by College Street, Railroad Street, Purnell Street, South Edna Avenue, West Main Street and Degan Avenue.

**SECTION 5.** Lewisville City Code, Chapter 9.5, Article II, Section 9.5-23 is hereby amended by deleting the existing language in its entirety and in its place inserting the following new language:

**Sec. 9.5-23. - Jurisdiction.**

Provisions of the chapter shall apply to the Old Town center design district and the Old Town design district of the city, as described in Appendix B.

**SECTION 6.** Lewisville City Code, Chapter 9.5, Appendix B is hereby amended by deleting the existing Appendix B and in its place inserting the map as set forth in the attached Exhibit “3.”

**SECTION 7.** Lewisville City Code, Chapter 9.5, Appendix 1 is hereby amended by deleting the existing Appendix 1 and in its place inserting the map as set forth in the attached Exhibit “4.”

**SECTION 8.** Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule, is hereby amended by deleting the fees for “Engineering Site Plans/Modified Site Plans,” “Engineering site plan/Modified Site Plan,” and “Development and construction variance request fee” and in their place inserting the following new fees, and adding a “IH-35E Corridor Overlay District Streetscape Improvement Fee-in-Lieu” fee:

Fee	Amount
<b>ECONOMIC DEVELOPMENT:</b>	
Engineering Site Plans/Modified Site Plans/Concept Plans – 1 <sup>st</sup> Submittal – (all) – Less than 5 acres	75.00

Engineering Site Plans/Modified Site Plans/Concept Plans – 1 <sup>st</sup> Submittal – (all) – 5 to 10 acres	100.00
Engineering Site Plans/Modified Site Plans/Concept Plans – 1 <sup>st</sup> Submittal – (all) – More than 10 acres	150.00
Engineering Site Plans/Modified Site Plans/Concept Plans – 1 <sup>st</sup> Submittal – (all) – Annual User Access Fee	150.00
Engineering Site Plans/Modified Site Plans/Concept Plans – 2 <sup>nd</sup> Submittal – (all) – Less than 5 acres	50.00
Engineering Site Plans/Modified Site Plans/Concept Plans – 2 <sup>nd</sup> Submittal – (all) – 5 to 10 acres	75.00
Engineering Site Plans/Modified Site Plans/Concept Plans – 2 <sup>nd</sup> Submittal – (all) – More than 10 acres	100.00
Engineering Site Plans/Modified Site Plans/Concept Plans – 3 <sup>rd</sup> + Submittal – (all) – Less than 5 acres	25.00
Engineering Site Plans/Modified Site Plans/Concept Plans – 3 <sup>rd</sup> + Submittal – (all) – 5 to 10 acres	50.00
Engineering Site Plans/Modified Site Plans/Concept Plans – 3 <sup>rd</sup> + Submittal – (all) – More than 10 acres	75.00
***	
Engineering site plan/Modified Site Plan/Concept Plan	
Less than one acre	250.00
1.00-4.99 acres	400.00
5.00-24.99 acres	400.00, plus \$30.00 per acre
25.00 and up	750.00, plus \$30.00 per acre
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Development and construction variance/Alternative Standards request fee	350.00
IH-35E Corridor Overlay District Streetscape Improvement Fee-in-Lieu: Provisions for payment of a proportional fee in lieu of the required Streetscape improvements between the curb and property line within the Core Sub-district. If the Development is phased or the Sidewalk improvements need to match the timing of a programmed city capital project affecting that Street frontage, a fee in lieu of making the required improvements may be paid as outlined herein.	Based on construction cost estimates provided to the City for review; proportional to linear Street frontage along the subject property

**SECTION 9. REPEALER.** Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

**SECTION 10. 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 11. PENALTY.** Any person, firm or corporation who violates any provisions of this ordinance shall be subject to a fine of not more than \$500.00 for each offense, unless the violation relates to fire safety, zoning or public health and sanitation in which case the fine shall not exceed \$2,000.00, and each and every day such offense is continued shall constitute a new and separate offense.

**SECTION 12. 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 13. 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 4TH DAY OF JUNE, 2018.**

**APPROVED:**

\_\_\_\_\_  
Rudy Durham, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Worster, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY

**Exhibit "1"**

**Exhibit “2”**

**Exhibit “3”**

**Exhibit "4"**

# EXHIBIT 1

## IH-35E Corridor Overlay District Boundary

The IH-35E Corridor Overlay District is defined as all land located within the area bounded by the following: Beginning at the southwest corner of the intersection of North Stemmons Freeway (IH-35E) and North Garden Ridge Boulevard, running westerly along the south right-of-way line of North Garden Ridge Boulevard to the northwest corner of a 3.221-acre tract of land out of the F. Pierce Survey, Abstract No. 1016 conveyed to IH-35 & Garden Ridge Acquisitions, LP, then southerly and easterly along the western and southern boundaries of said IH-35 & Garden Ridge Acquisitions, LP tract to the west right-of-way line of North Stemmons Freeway, (IH-35E), then southerly along the west right-of-way line of North Stemmons Freeway (IH-35E) and crossing Bogard Lane to the southeast corner of the intersection of Bogard Lane and McGee Lane, then southerly along the east right-of-way line of McGee Lane to the northeast corner of the intersection of McGee Lane and the KCS Railroad, then easterly along the north right-of-way line of the KCS Railroad to the northeast corner of the intersection of the KCS Railroad and North Summit Avenue, then southerly along the east right-of-way line of North Summit Avenue to the northwest corner of Lot 1, Block H, Valley Ridge Residential Addition, then easterly along the north boundaries of Lot 1, Block H, Valley Ridge Residential Addition and Lot 3, Block I, Valley Ridge Business Park West Phase 9 to the west right-of-way line of North Stemmons Freeway (IH-35E), then southerly along the east boundary and westerly along the south boundary of Lot 3, Block I, Valley Ridge Business Park West Phase 9, then westerly along the south boundary of Lot 1, Block H, Valley Ridge Residential Addition to the north right-of-way line of College Parkway, then crossing the right-of-way College Parkway in a southwesterly direction to the eastern corner of Lot 1, Block A, Parkway Estates Addition, then in a southwesterly direction along the eastern and southern boundaries of Lot 1, Block A, Parkway Estates Addition to the southeast corner of a drainage right-of-way dedicated on the final plat of Fireside Village Addition, then westward along the southern boundary of said drainage right-of-way to the eastern right-of-way line of North Summit Avenue, then southward along the east right-of-way line of North Summit Avenue crossing West Main Street and continuing southerly along the east right-of-way line of Surf Street to the southwest corner of Lot 3, Block B, Harbor Heights, then eastward along the south boundary of Lot 3, Block B, Harbor Heights to the southeast corner of said lot, then northward along the east boundary of Lots 3, 2, and 1A, Block B, Harbor Heights to the southwest corner of Lot 6 (PT), Valley Square, then easterly along the south boundary of Lots 6 (PT), 3 and 2, Valley Square to a point being the intersection of the south boundary of Lot 2, Valley Square and the northward extension of the western boundary of Lot 5, Block G, Quailcrest, then south across the public alley to the northwest corner of Lot 5, Block G, Quailcrest and continuing southerly along the west boundaries of Lots 5, 4B, 3, 2 and 1, Block G, Quailcrest to the north right-of-way line of West Purnell Street, then east along the north right-of-way line of West Purnell Street to the west right-of-way line of South Stemmons Freeway (IH-35E), then southeasterly along the west right-of-way line of South Stemmons Freeway (IH-35E) to the northwest corner of a 0.9759-acre tract of land out of the J. Sutton Survey, Abstract No. 1155 conveyed to Neville Texas Investments, LLC, then south along the west boundary of said Neville Texas Investments LLC tract and continuing south along the west boundary of a 4.0839-acre tract and an 8.141-acre tract, both out of the J. Sutton Survey, Abstract No. 1155 conveyed to AVB Ltd, to the north right-of-way line of Fox Avenue, then in a

southeasterly direction across the Fox Avenue right-of-way to the northwest corner of Lot 1, Block A, Fox Haven Addition, then south and easterly along the west boundary and south boundary of Lot 1, Block A, Fox Haven Addition to the west boundary of Lot 6R, Block A, Fox-IH35E Addition, then southeasterly, east, and northeasterly along the west, south and southeast boundaries of Lot 6R, Block A, Fox-IH35E Addition to the west right-of-way line of South Stemmons Freeway (IH-35E), then southeasterly along the west right-of-way line of South Stemmons Freeway (IH-35E) to the north-most corner of Lot 3 (PT), Block A, Lakeland Plaza Addition, then southwesterly and southerly along the northwest and west boundaries of Lots 3 (PT) and 1 (PT), Block A, Lakeland Plaza Addition to the northwest corner of Lot 1, Block A, Peppermint Addition, then south along the west boundary of Lot 1, Block A, Peppermint Addition to the north right-of-way line of Oakwood Lane, then easterly, southerly and easterly along the north, east and north right-of-way lines (following curves) of Oakwood Lane to the east right-of-way line of SH 121 Business, then south along the east right-of-way line of SH 121 Business to the southwest corner of Lot 1, Block A, Rider Addition, then east along the south boundaries of Lot 1, Block A, Rider Addition and Lot 1R, Block A, Bankston Nissan Addition to the west boundary of Lot 1, Block A, Lewisville Mitsubishi Addition, then south along the west boundaries of Lot 1, Block A, Lewisville Mitsubishi Addition and Lot 1, Block A, Toyota of Lewisville to the southwest corner of Lot 1, Block A, Toyota of Lewisville, then east along the south boundary of Lot 1, Block A, Toyota of Lewisville to the northwest corner of Lot 1A, Block C, Timber Creek Square Phase I, then south along the west boundary of Lot 1A, Block C, Timber Creek Square Phase I to the northeast right-of-way line of East Southwest Parkway, then southeasterly along the northeast right-of-way line of East Southwest Parkway to the south right-of-way line of East Corporate Drive, then southwesterly along the south right-of-way line of East Corporate Drive to the north most corner of Lot 2, Block C, Timber Creek Square Phase 2, then southeasterly along the northeast boundary of Lot 2, Block C, Timber Creek Square Phase 2 to the northwest corner of Lot 6, Block A, Vista Ridge Pointe Addition, then south along the west boundaries of Lot 6, Block A, Vista Ridge Pointe Addition and Lots 2 and 1A, Block B, Vista Ridge Village Addition Phase 3 to the north right-of-way line of Oakbend Drive, then in a southeasterly direction across the Oakbend Drive right-of-way to the northwest corner of Lot 1, Block A, Oakbend and Rockbrook Addition, then south and east along the west and south boundaries of Lot 1, Block A, Oakbend and Rockbrook Addition to the west boundary of Lot 4, Block A, Vista Ridge Village Addition Phase 2, then south along the west boundaries of Lots 4, 3 and 2, Block A, Vista Ridge Village Addition Phase 2 to the north right-of-way of East Round Grove (FM 3040), then east along the north right-of-way line of Round Grove Road (FM 3040) to the east right-of-way line of Mac Arthur Boulevard, then southerly along the east right-of-way line of MacArthur Boulevard to the north right-of-way line of SH 121, then easterly along the north right-of-way line of SH 121 to the east right-of-way line of Lake Vista Drive, then southerly and easterly along the east and north right-of-way line of Lake Vista Drive to the south most corner of Lot 1RA, Block L, Vista Ridge to the southwest corner of a 38.0408-acre tract of land out of the McKinney-Williams Survey, Abstract No. 936 conveyed to Dallas Gun Club, then east along the south boundary of said Dallas Gun Club tract and following the City of Lewisville corporate limit line along the south boundary of a 2.2-acre tract of land out of the McKinney-Williams Survey, Abstract No. 936 and conveyed to Denton County Levee Improvement District No. 1 and continuing east and following the City

of Lewisville corporate limit line along the south boundary of said Dallas Gun Club tract and continuing east following the City of Lewisville corporate limit line along the south boundary of a 5.8-acre tract of land out of the McKinney-Williams Survey, Abstract No. 936 conveyed to Denton County Levee Improvement District No. 1 and continuing east following the City of Lewisville corporate limit line along the south boundary of a 38.0408-acre tract of land out of the McKinney-Williams Survey, Abstract No. 936 conveyed to Dallas Gun Club to the west most southwest corner of Lot 6R, Block A, I-35 Boat City Addition, then east, south, easterly, northerly, west and north (following curves) along the south, west, south, east, north and east boundaries of Lot 6R, Block A, I-35 Boat City Addition to south corner of Lot 5, Block A, I-35 Boat City Addition, then northeasterly along the southeastern boundary of Lot 5, Block A, I-35 Boat City Addition to the west right-of-way line of South Stemmons Freeway (I-35E), then following the City of Lewisville corporate limit line northeasterly across the South Stemmons Freeway (IH-35E) right-of-way to the east right-of-way line of South Stemmons Freeway (IH-35E) then following the City of Lewisville corporate limit line northwesterly to the southeast corner of a 14.029-acre tract of land out of the McKinney-Williams Survey, Abstract No. 936 conveyed to City of Carrollton, then northwesterly and east following the City of Lewisville corporate limit line along the southwest, west and north boundaries of said City of Carrollton tract to the west boundary of 109.6-acre tract of land out of the J. Chowning Survey, Abstract No. 242 conveyed to City of Carrollton, then north following the City of Lewisville corporate limit line along the west boundary of said City of Carrollton tract to the west right-of-way line of the Dallas Area Rapid Transit (DART) railway, then northerly along the west right-of-way line of the Dallas Area Rapid Transit (DART) railway, crossing the SH 121 right-of-way, to the north right-of-way line of SH 121, then southwesterly along the north right-of-way line of SH 121 to the southeast corner of Lot 4 (PT), Block A, Arthur James Addition, then northwesterly along the northeastern boundary of Lots 4 (PT), 3 and 2, Block A, Arthur James Addition to the east right-of-way line of Arthur's Lane, then northwesterly across the Arthur's Lane right-of-way to northeast corner of Lot 8R, Block H, Lakepointe Phase 5, then northwesterly along the northeast boundary of Lots 8R, 7B (PT) and 7A (PT), Block H, Lakepointe Phase 5 to the southeast corner of Lot 3, Block H, Lakepointe Phase 1, then northwesterly and northeasterly along the southwest and northwest boundaries of Lot 3, Block H, Lakepointe Phase 1 to the northmost corner of Lot 3, Block H, Lakepointe Phase 1, then in a northeasterly direction across Lot 3, Block G, Lakepointe Phase 3 to the southeast corner of Lot 2R-1, Block G, Lakepointe Phase 3, then northeasterly along the southeast boundaries of Lots 2R-1 and 1R-1B, Block G, Lakepointe Phase 3 and continuing in a straight line across the right-of-way of Lakeside Circle to the north right-of-way line of Lakeside Circle, then northwesterly along the north right-of-way line of Lakeside Circle to the south corner of Lot 1R-2A, Block E, Lakepointe Phase 3, then northeasterly along the southeast boundaries of Lots 1R-2A and 1R-3, Block E, Lakepointe Phase 3 and Lots 1, 2R1, 3R1 and 4, Block A, Hebron Lakepointe Addition to the south right-of-way line of Hebron Parkway, then crossing the right-of-way of Hebron Parkway to the east corner of Lots 3B and 3C, Block D, Lakepointe Phase 3, then northwesterly and southwesterly along the northeast boundary of Lots 3B and 3C, Block D, Lakepointe, Phase 3 and the northeast and northwest boundaries of Lots 3A (E PT) and 3A (W PT), Block D, Lakepointe Phase 3 to the northeast right-of-way line of Lakepointe Drive, then crossing the right-of-way of Lakepointe Drive to the southwest right-of-way line of Lakepointe Drive, then

northwesterly along the southwest right-of-way line of Lakepointe Drive to the south corner of the intersection of Lakepointe Drive and Waters Ridge Drive, then southwesterly along the southeast right-of-way line of Waters Ridge Drive to the west corner of Lot 7, Block A, Lakepointe West, then northwesterly across the right-of-way Waters Ridge Drive to the south corner of Lot 4A, Block B, Lakepointe Phase 2, then northwesterly, west and north along the southwest, south, and west boundaries of Lot 4A, Block B, Lakepointe Phase 2 to the south right-of-way line of Lakepointe Drive, then northwesterly along the south and west right-of-way line of Lakepointe Drive and crossing East Corporate Drive and continuing northwesterly along the southwest right-of-way line of Lakepointe Drive to a point being the intersection of the south right-of-way line of Lakepointe Drive and the southerly extension of the west boundary of Lot 5, Block A, Xerox Facility Addition, then north across the right-of-way of Lakepointe Drive to the southwest corner of Lot 5, Block A, Xerox Facility Addition, then north along the west boundary of Lot 5, Block A, Xerox Facility Addition to the south right-of-way line of Bennett Lane, then northeasterly across the Bennett Lane right-of-way to the southeast corner of a 0.963-acre tract of land out of the E. Aday Survey, Abstract No. 11 conveyed to City of Lewisville, then north to the northeast corner of said City of Lewisville tract then west along the north boundaries of said City of Lewisville tract; and continuing west, north and west along the north boundaries of a 1.926-acre tract of land out of the E. Aday Survey, Abstract No. 11 conveyed to City of Lewisville; Lot 1, Block A, Bennett Park Center; Lot 1, Block A, Octavi Hernandez Addition; a 0.75-acre tract of land out of the E. Aday Survey, Abstract No. 11 conveyed to Noblitt Living Trust; Lot 1, Block A, Tyson Estates; a 0.959-acre tract of land out of the E. Aday Survey, Abstract No. 11 conveyed to E&H Contractors; a 3.0-acre tract of land out of the E. Aday Survey, Abstract No. 11 conveyed to Rafael Corona; and a 3.027-acre tract of out of the E. Aday Survey, Abstract No. 11 conveyed to Nancy A. Stevens; to the east right-of-way line of Yates Street, then northerly along the east right-of-way line of Yates Street to the northwest corner of Lot 1, Block A, WRN Creekside Development Addition, then east, north and west along the south, east and north boundaries of a 57.3366-acre tract of land out of the J.W. King Survey, Abstract No. 695 conveyed to AMC Northwood, LLC, to the southwest corner of Lot 2, Block A, DCTA Maintenance Facility Addition, then north and east along the west and north boundaries of Lot 2, Block A, DCTA Maintenance Facility Addition to the southeast corner of 3R, Block A, Zander Place Addition, then north and northwesterly along the east and northeast boundaries of Lot 3R, Block A, Zander Place Addition to the southeast right-of-way line of SH 121 Business, then continuing in a straight line northwest across the SH 121 Business right-of-way to the northwest right-of-way line of SH 121 Business, then southwesterly along the northwest right-of-way line of SH 121 Business to the west corner of the intersection of SH 121 Business and McKenzie Street right-of-ways, then west along the south right-of-way line of McKenzie Street to the northeast corner of Lot 7, Block 10, McKenzie-Hembry Addition, then southerly, westerly and southerly along the east boundary of Lot 7, Block 10, McKenzie-Hembry Addition to the northeast corner of a 1.45-acre tract of land out of the J.W. King Survey, Abstract No. 695 conveyed to City of Lewisville, then southwesterly along the southeast boundaries of said City of Lewisville tract to the north-most corner of a 2.44-acre tract of land out of the J.W. King Survey, Abstract No. 695 conveyed to City of Lewisville, then southeasterly, southwesterly, westerly and northwesterly along the northeast, southeast, south and southwest boundaries of said City of Lewisville tract to the east right-of-way line of South Mill Street, then north along the east

right-of-way line of South Mill Street to the northeast corner of South Mill Street and Mesquite Street, then westerly across the South Mill Street right-of-way to the northeast corner of a 0.482-acre tract of land out of the E. Pickett Survey, Abstract No. 1014 conveyed to Lebz Brothers Inv. LLC, then west and south along the north and west boundaries of said Lebz Brothers Inv. LLC tract to the north right-of-way line of Yale Avenue, then southerly across the Yale Avenue right-of-way to the northwest corner of Lot 17, Block A, Termin, then south along the west boundaries of Lot 17, Block A, Termin and continuing southerly along the west boundary of a 0.45-acre tract of land out of the E. Pickett Survey, Abstract No. 1014 conveyed to Reid M. Anderson to the north right-of-way line of Harvard Avenue, then south across the Harvard Avenue right-of-way to the northwest corner of a 0.441 acre tract of land out of the E. Pickett Survey, Abstract No. 1014 conveyed to Bruce Properties LLC, then south along the west boundary of said Bruce Properties LLC tract to the north boundary of Lot 1, Block A, Batterton Addition, then west along the north boundaries of Lot 1, Block A, Batterton Addition and continuing west along the north boundaries of Lot 2, Block B, Huffines Dodge Addition, and a 3.7969-acre tract of land out of the E. Pickett Survey, Abstract No. 1014 conveyed to 1090 St. Charles Property, LLC, to the east right-of-way line of South Charles Street, then west across the South Charles Street right-of-way to the west right-of-way line of South Charles Street, then south along the west right-of-way line of South Charles Street to the north corner of a 0.711-acre tract of land out of the E. Pickett Survey, Abstract No. 1014 conveyed to Michael & Hiyasmin Noyes, then southwesterly along the northwest boundary of said Noyes tract to the east corner of Lot 9, Block B, Lakeland Terrace 1, then northwesterly along the northeast boundary of Lot 9, Block B, Lakeland Terrace 1 to the north corner of Lot 9, Block B, Lakeland Terrace 1, then northwesterly across the Lake Shore Drive right-of-way to the west right-of-way line of Lake Shore Drive, then north along the west right-of-way line of Lake Shore Drive to the southwest corner of Lake Shore Drive and Harbor Drive, then westerly, northwesterly and northerly along the south, southwest and west right-of-way line of Harbor Drive to the southwest corner of Harbor Drive and Lake Haven Drive, then north across the Lake Haven Drive right-of-way to the north right-of-way line of Lake Haven Drive, then northwesterly along the northeast right-of-way line of Lake Haven Drive to the east corner of Lake Haven Drive and Fox Avenue, then northeasterly across the right-of-way of Fox Avenue to the southeast corner of Lot 9, Block 4, James Degan, then westerly along the south boundaries of Lots 9, 8, 7, 6, 5, 4, 3 and 2 (PT), Block 4 James Degan to the northeast right-of-way line of South Stemmons Freeway (IH-35E), then northwesterly along the northeast right-of-way line of South Stemmons Freeway (IH-35E) to the northeast corner of South Stemmons Freeway (IH-35E) and West Purnell Street, then east along the north right-of-way line of West Purnell Street to the northwest corner of West Purnell Street and South Edna Avenue, then north along the west right-of-way line of South Edna Avenue to the southwest corner of South Edna Avenue and West Main Street, then north across the West Main Street right-of-way to the north right-of-way line of West Main Street, then west along the north right-of-way line of West Main Street to the northwest corner of West Main Street and Degan Avenue, then north along the west right-of-way line of Degan Avenue to the northwest corner of Degan Avenue and West College Street, then west along the north right-of-way line of West College Street to the northwest corner of Harn Drive, then north along the west right-of-way line of Harn Drive to the southwest corner of Harn Drive and Millican Drive, then north across the Millican Drive right-of-way to the north right-of-way line of

Millican Drive, then east along the north right-of-way line of Millican Drive to the southwest corner of Lot 18, Block E, Lewisville Park Estates, then north along the west boundaries of Lots 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1, Block E and Lots 1-5, Block A Lewisville Park Estates to the northwest corner of Lot 5, Block A, Lewisville Park Estates, then east along the north boundaries of Lots 5-12, Block A, Lewisville Park Estates to the northeast corner of Lot 12, Block A, Lewisville Park Estates, then northeasterly across two drainage right-of-way lots to the southeast corner of Lot 3A, Block A, Valley Ridge Business Park East, then north along the east boundary of Lot 3A, Block A, Valley Ridge Business Park East to the northeast corner of Lot 3A, Block A, Valley Ridge Business Park East, then northwesterly across the Valley Ridge Boulevard right-of-way to the southeast corner of Lot 3, Block B, Valley Ridge Business Park East, then north along the east boundary of Lot 3, Block B, Valley Ridge Business Park East to the northeast corner of Lot 3, Block B, Valley Ridge Business Park East, then westerly along the south right-of-way line of the KCS railway to east corner of Lot 1, Block A, May Trailer Sales Addition, then northwesterly across the KCS Railway right-of-way to the southeast corner of Lot 3, Block A, Butler Addition, then north along the east boundaries of Lot 3, Block A, Butler Addition and Lot 1, Block A, Denton County Addition to the south right-of-way line of West Jones Street, then northerly across the West Jones Street right-of-way to the southeast corner of Lot 2R1, Block A, Fairway Business Park, then north along the east boundary and west along the north boundary of Lot 2R1, Block A, Fairway Business Park to the east boundary of Lot 1, Block A, Phil Dill Jr Addition, then north along the east boundaries of Lot 1, Block A, Phil Dill Jr Addition and Lot 2, Block A Lewisville Boat Storage Addition (PT) to the southwest right-of-way line of the Dallas Area Rapid Transit (DART) railway, then northwesterly along the southwest Dallas Area Rapid Transit (DART) railway right-of-way line to the northwest corner of Lot 2, Block A, Franklin Street Addition, then northeasterly across the Dallas Area Rapid Transit (DART) railway right-of-way to the southeast corner of Lot 1, Block A, CB Green Addition, then north along the east boundary of Lot 1, Block A, CB Green Addition to the south right-of-way line of Lake Park Road, then north across the Lake Park Road right-of-way to the north right-of-way line of Lake Park Road, then west along the north right-of-way line of Lake Park Road to the southeast corner of a 3.2258-acre tract of land out of the P.K. Waggoner Survey, Abstract No. 1342 conveyed to the James C. Holmes Family Trust, then north along the east boundary of said James C. Holmes Family Trust tract to southeast corner of Lot 2, Block A, Callmark Addition, then north and westerly along the east and north boundaries of Lot 2, Block A, Callmark Addition and continuing westerly along the north boundary of Lot 1, Block A, Callmark Addition to the east right-of-way line of Oakridge Boulevard, then northwesterly across the Oakridge Boulevard right-of-way to the west right-of-way line of Oakridge Boulevard, then south along the west right-of-way line of Oakridge Boulevard to the northeast corner of Lot 30A, Block A, Oakridge Park Estates Section G, then northwest, west and south along the northeast, north and west boundaries of Lot 30A, Block A, Oakridge Park Estates Section G to the northeast right-of-way line of the Dallas Area Rapid Transit (DART) railway, then crossing the Dallas Area Rapid Transit (DART) railway right-of-way in a southwesterly direction and continuing northwesterly along the southwest right-of-way line of the Dallas Area Rapid Transit (DART) railway to the southwest corner of the Dallas Area Rapid Transit (DART) railway right-of-way and North Garden Ridge Boulevard, then westerly across the North Stemmons Freeway (IH-35E) right-of-way to the point of beginning.

# EXHIBIT 2

## Chapter 17.5 - IH-35E Corridor Overlay District

### Sec. 17.5-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the following meanings. For any word, phrase, or term not defined in this chapter, the definitions in the Zoning Ordinance and Land Development Regulations shall apply. If any definition in this chapter is in conflict with the Zoning Ordinance or Land Development Regulations, then the definitions in this chapter shall prevail:

*Administrative Modification* shall mean a requested modification of up to 10% of any numerical Standard established in this chapter, unless a more specific threshold has been established for Administrative Modifications in this chapter, but shall not include any requested modification to any Standards relating to development intensity (height and allowed square footage), density, or uses permitted.

*Alternative Standards* shall mean a requested modification of more than 10% of any numerical Standard established in this chapter, any modification of a non-numerical standard established in this chapter, or a Concept Plan which does not comply with Appendix D (Framework Plans) but shall not include any requested modification to any Standards relating to development intensity (height and allowed square footage), density, or uses permitted.

*Amenity Zone* shall mean that portion of the Public Right-of-Way in which the property owner is responsible for the placement of Sidewalks, trees, if required, and Street Furnishings in a manner that does not obstruct pedestrian access or motorist visibility.

*Architectural Screens* shall mean any permanent, semi-opaque screening device that is integrated with the architectural Facade design of a building. Architectural Screens may use a range of compatible materials including metal or plaster and may use opening patterns with geometric or irregular shapes.

*Art* shall mean sculpture, water features, and murals, or paving designs of a unique and attention-getting character.

*Articulation* shall mean features that provide architectural detail, differentiation, openings, and characteristics.

*Awning* shall mean a roof-like cover which may be fixed in place or retractable that is not a permanent integral element of the building to which is attached, projecting from the Facade of a building for the purpose of shielding a doorway or window from the elements.

*Block Perimeter* shall mean the sum total dimension of all sides of a block circumscribed by Streets/Private Vehicular Routes as measured along the property lines.

*Build-to Zone* shall mean an area of a specified depth, parallel to and touching a specified lot line or other setback line, within which the building's Facade shall be placed.

*Building Height* shall mean the overall height of a building as measured from natural grade

to the tallest projecting element on the building and/or Parking Structure.

*Canopy* shall mean a roof-like structure that is an integral element of a building and extends horizontally more than one (1) foot from the face of a building Facade.

*Corridor District* shall mean the IH-35E Corridor Overlay District, as created by this chapter.

*Concept Plan* shall mean a narrative, complete with illustrations, outlining a proposed project 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. Submittal requirements shall be the same as those outlined for Concept Plans in the Zoning Ordinance.

*Development* shall mean the subdivision of land and/or construction, reconstruction, expansion, structural alteration, conversion, or relocation of any buildings or structures; and any extensions of use of land. Development includes New Development and Redevelopment. Minor improvements to an existing property or structure, including routine maintenance, aesthetic enhancements, and landscaping enhancements shall be excluded from this definition.

*Driveways* shall mean an opening along the curb line at which point vehicles may enter or leave the Street/Private Vehicular Route.

*Engineering Site Plan* shall mean the development plans required by the LDR for one or more lots upon which is shown all information required by this chapter and the LDR, sealed by a state-licensed civil engineer. There are specific requirements for Engineering Site Plans in the LDR. An architectural site plan shall not be substituted for an Engineering Site Plan.

*Facade* shall mean the portion of any exterior elevation on the building extending from grade to top of the Parapet, wall, or eaves and the entire width of the building's elevation but excluding the roof. Where separate faces are oriented in the same direction or in directions within forty-five degrees of one another, they are to be considered as part of a single Facade. Multiple buildings on the same lot will each be deemed to have separate Facades.

*Facade Rhythm* shall mean the repetition of certain elements (windows, doors, columns, etc.) in regular manner along a building's elevation.

*Frontage Road (IH-35E Frontage Road)* shall mean roads that run parallel to IH-35E that provide access to abutting landowners and distribute and collect traffic to and from the freeway interchange.

*Graphic Representation* shall mean any sketch, photograph, or similar representation.

*Ground Floor* shall mean that portion of a building from street-level finish floor elevation and extended twelve and one-half feet above the street-level finish floor elevation.

*Hardscape* shall mean paving materials having architectural design features or patterns and laying flush on the ground level.

*Land Development Regulations or LDR* shall mean the City of Lewisville Land Development

Regulations, Chapter 6 of the Code of Ordinances, as amended. Also referred to as the General Development Ordinance (GDO).

*Local Street* shall mean a Street providing the primary means of access to properties which shall generally accommodate low traffic speeds and volumes.

*Masonry* shall mean brick, stone, rock, stucco, plaster, cement, or concrete tilt wall installed in accordance with the city's adopted building code. It shall not include EIFS (Exterior Insulation and Finish System), Hardi plank, or materials of similar characteristics.

*Mixed-use* shall mean a tract of land, building, or structure which combines residential and nonresidential uses within a single site, building or structure. Mixed-use sites, buildings or structures may consist of two or more uses including but not limited to residential, office, retail, restaurant, civic or entertainment.

*New Development* shall mean the site preparation and construction of new facilities on property previously undeveloped.

*Open Space* shall mean an area of land set aside, dedicated, designated, or reserved for public or private use for recreational activities or other amenities, including parks, courtyards, plazas, patios, etc. Open Space may be maintained by either the property owner or the city.

*Pad Sites* shall mean outparcels for individual commercial (usually drive through restaurants) buildings generally surrounded by its own parking and/or Driveways within a larger project such as a shopping center.

*Parapet* shall mean that portion of a building wall or Facade that extends above the roof line of the buildings.

*Parking Lot* shall mean a paved surface with On-site Parking spaces at grade level.

*Parking, Off-street or On-site* shall mean parking located completely within private property.

*Parking, On-street* shall mean parking located completely or partially within a Public Right-of-Way, Private Vehicular Route or Street.

*Parking Structure* shall mean a parking garage located above ground and/or underground consisting of one or more levels but excluding a Parking Lot.

*Pavers* shall mean brick or other man-made masonry units including stamped concrete and asphalt pavers intended for surface paving specifically, though not exclusively, excluding split-faced block, or CMU (Concrete Masonry Units) block.

*Primary Entrance* shall mean an entrance from a Primary Pedestrian Street/Private Vehicular Route, if a building has frontage along a Primary Pedestrian Street/Private Vehicular Route, or an entrance customarily providing entry to a main lobby, waiting room or foyer, if the building has another Street frontage.

*Primary Pedestrian Streets* shall mean those Streets labeled as Primary Pedestrian Streets in Appendix D that are high quality pedestrian routes, that have a minimum Sidewalk width of 6 feet,

offer adequate buffers between moving vehicles and pedestrians, contain a higher level of pedestrian amenities, and link major destinations.

*Principal Building* shall mean a building, structure or other facility, or a combination thereof, which are designed for or occupied by a principal use.

*Private Vehicular Route* shall mean a way for traffic which functions as a Primary Pedestrian Street, and is situated within a privately owned and maintained cross or joint access easement.

*Public Right-of-Way (ROW)* shall mean any public street, highway, roadway, alley or Sidewalk dedicated to and maintained by any public entity.

*Redevelopment* shall mean the demolition of all or a portion of existing facilities and the construction of new facilities on the property.

*Reflective Glass* shall mean glass having a reflectance of greater than 10%.

*Secondary Walkway* shall mean a Walkway immediately adjacent to a building that is set back from the Street by a Parking Lot. Such a Walkway may be parallel to the Sidewalk.

*Shared Parking* shall mean parking that is utilized by buildings or tenants on two or more parcels.

*Sidewalk* shall mean a paved surface intended for pedestrians provided immediately adjacent to Streets/Private Vehicular Routes, which are open to the public.

*Standards* shall mean basic requirements for any Development in this chapter. These are in addition to the specific requirements of the LDR.

*Street* shall mean a way for traffic, whether designated as a street, highway, thoroughfare, parkway, road, boulevard, alley, or however other designated.

*Streetscape or Streetscape Zone* shall mean all elements that are located outside of the Travel Zone of the Street/Private Vehicular Route and may include the Amenity Zone and Sidewalks.

*Street Furnishings* shall mean any elements useful for pedestrian convenience and comfort including but not limited to: pedestrian lights, benches, newspaper racks, trash receptacles, bollards, planters, tree grates, fences, railings, bicycle racks, mailboxes, fountains, kiosks, and phones.

*Travel Zone* shall mean the portion of the Street/Private Vehicular Route dedicated to vehicular traffic, medians, bike lanes and on-street parking.

*TxDOT* shall mean the Texas Department of Transportation.

*Utilities* shall mean any utilities serving a building on private property or placed in Public ROW or public easements.

*Walkway* shall mean any pedestrian accommodation that provides internal connectivity within a site.

*Zoning Ordinance* shall mean Chapter 17 of this Code of Ordinances, as amended.

## **17.5-2. General Provisions**

**(a) Purpose:**

This Corridor District is intended to implement the IH-35E Corridor Redevelopment Plan adopted in November 2014 by the Lewisville City Council. The purpose of the Corridor District is to guide New Development and Redevelopment along the IH-35E corridor by establishing enhanced Standards that increase the quality of development and encourage sustainable design while still maintaining the health, safety, and welfare of the public. The design regulations included in this Corridor District provide property owners and developers with a clear set of Standards that will instruct site planning, architecture, landscaping, Streetscapes, and other elements to create a consistent character of development throughout the Corridor District.

**(b) Geographic Limits:**

The geographic limits of the Corridor District are as shown in the Corridor District Map, attached hereto as Exhibit 1 in Section 17.5-3, and as more specifically described in the IH-35E Corridor Overlay District Boundary in Appendix H. Within the limits of the Corridor District, there are four core sub-districts: Northern Gateway, Main Street, Central, and Southern Gateway, as shown in Exhibits 2-5 in Section 17.5-3. All other areas within the Corridor District shall be part of the transition sub-district, as shown in Exhibit 1 in Section 17.5-3.

**(c) Purpose and Intent Statements:**

Purpose and intent statements are provided to set out high-level objectives.

**(d) Standards:**

Standards are provided to set out quantifiable measures, designed as regulations, to achieve the stated intent and purpose.

**(e) Graphic Representation:**

All Graphic Representations within this chapter are illustrative of the described Standard only and will not be used for regulation or enforcement of this chapter. The Standard noted in text shall prevail over any Graphic Representation.

**(f) Applicability:**

- (1) The regulations identified in this chapter shall apply to all properties within the Corridor District.
- (2) Table 1 illustrates the extent to which different sections of this chapter apply to any proposed New Development or Redevelopment.

- (3) The following Appendices shall be informational and illustrate the vision for Development in the Corridor District:
  - a. Appendix A: Corridor Character Principles;
  - b. Appendix B: Design Principles;
  - c. Appendix C: Core Sub-district Illustrative Plans
  
- (4) The following Appendices shall be regulatory and all applications for Development shall, as required by Table 1, meet the requirements in:
  - a. Appendix D: Core Sub-district Framework Plans.
  - b. Appendix F: Street Design Standards
  - c. Appendix G: Planting List
  
- (5) Relationship to the Zoning Ordinance and Land Development Regulations (LDR):
  - a. All provisions and requirements of the Zoning Ordinance and LDR apply to Development within the Corridor District, except where those provisions and requirements conflict with this chapter, in which case this chapter shall control.
  - b. Standards, requirements, and processes that are not addressed in this chapter shall be governed by the Zoning Ordinance and LDR.
  - c. All planned development district standards approved prior to the effective date of this ordinance shall supersede the Standards in this chapter.
  - d. Nothing in this chapter shall change the underlying zoning designation of any property within the Corridor District.
  
- (6) All Development including the application of the Standards contained in this chapter must comply with all applicable laws and regulations including, but not limited to, the Americans with Disabilities Act and Texas Accessibility Standards.
  
- (g) Process:** Development within the Corridor District shall follow the processes required by the LDR and all other applicable ordinances to the extent they are not in conflict with the Standards in this chapter and subject to the following (see Appendix E, Process Flow Chart, for Graphic Representation):
  - (1) Applications
    - a. Engineering Site Plans
      1. An Engineering Site Plan must be submitted to staff for review for any Development which is required to comply with the Standards in this chapter, when required by Table 1.
      2. Staff may approve Engineering Site Plans where Developments submitted conform to the requirements of this chapter and all applicable provisions of

the LDR.

b. Concept Plans

1. A Concept Plan shall be submitted as required by the Zoning Ordinance.
2. For any site that includes an area five (5) acres or greater or is part of a larger project such as an outparcel in a shopping center, a Concept Plan shall be submitted and approved by staff prior to any Engineering Site Plan approvals.
  - i. This requirement shall not apply if a Concept Plan has been previously approved as required by a zoning district designation.
  - ii. All Concept Plans shall be in compliance with the Framework Plans, outlined in Appendix D.
  - iii. A request for approval of a Concept Plan which does not comply with the Framework Plans in Appendix D shall be considered an application for an Alternative Standard and shall be handled and reviewed as such.

(2) Administrative Modifications

- a. A request for an Administrative Modification shall be submitted to staff at the time of submittal of the Engineering Site Plan. Said request may be made on the face of the Engineering Site Plan.
- b. Administrative Modification requests which involve development intensity (height and square footage permitted), density standards, or uses permitted in the Corridor District are considered zoning change requests and will be processed as such under the Zoning Ordinance.
- c. Staff review
  1. Staff may approve an Administrative Modification that is being requested for one of the following reasons, unless otherwise provided in this chapter:
    - i. To accommodate a site specific condition, including but not limited to, topography, vegetation, easements, utilities, existing improvements in good repair;
    - ii. To provide pedestrian, bicycle, or transit improvements; or
    - iii. To accommodate a phased Development of a site.
  2. In no case shall any Administrative Modification allow:
    - i. An increase in overall allowed intensity, density, height or lot coverage;  
or
    - ii. A change in permitted uses or mix of uses.

(3) Alternative Standards

- a. A complete application for any Alternative Standard shall be submitted, in writing, to staff at least four (4) weeks prior to any Overlay District Board meeting.
- b. The request shall state fully the grounds for the application and all facts relied upon by the applicant. All supporting exhibits, fees and documents must be

included with the application. Incomplete applications will not be processed until all necessary documents are received by staff.

- c. Alternative Standards requests which involve development intensity (height and square footage permitted), density standards, or uses permitted in the Corridor District are considered zoning change requests and will be processed as such under the Zoning Ordinance.
- d. Overlay District Board review
  - 1. Standard of review
    - i. When reviewing applications for Alternative Standards, if the Overlay District Board finds that hardship or practical difficulties may result from strict compliance with the regulations in this chapter and/or the purpose of the regulations in this chapter may be served to a greater extent by Alternative Standards, it may approve or recommend exceptions to the Corridor District regulations so that substantial justice may be done and the public interest secured, provided that such exception shall not have the effect of nullifying the intent and purpose of the regulations in this chapter.
    - ii. The Board may refer to the *IH-35E Corridor Redevelopment Plan* and the appendices hereto in determining the intent and purpose of the regulations in this chapter. Issues the Overlay District Board may consider in making their findings include, but are not limited to the following:
      - aa. Whether strict compliance would impair the architectural design or creativity of the project;
      - bb. Whether strict compliance would create an unnecessary hardship or a practical difficulty which is unique to the Development and is not self-imposed;
      - cc. Whether an Alternative Standard is necessary to ensure compatibility with surrounding developed properties while still meeting the vision for the Corridor District; or
      - dd. Whether the proposed Development is an addition to an existing facility that does not meet the requirements of the Corridor District but meets the intent of this chapter.
  - 2. Authority
    - i. Final authority
      - aa. The Overlay District Board shall have the authority to make a final decision to approve or deny applications for Alternative Standards which are:
        - I. Modifications of more than 10% but less than 25% of a numerical Standard pertaining to landscaping or building materials and modifications of more than 10% but less than 60% of any other numerical Standard established in this chapter; or



c. When reviewing variance requests, the Board and the city council shall use the standards outlined for reviewing variances in section 6-31(a) of the LDR.

(5) Fees

An administrative fee for processing Alternative Standards requests and variance requests are applicable for all requests in an amount as set forth in the city's fee ordinance (section 2-201).

**Table 1.  
 Applicability  
 Matrix**

Regulations →	Building and Envelope Regulations							Architectural Regulations						Landscape Regulations				Street and Streetscape Regulations					
	Placement	Orientation	Blocks/Lots	Height	Driveways	Ped-Circulation	Parking	Articulation	Facades	Materials/Colors	Awnings/Canopies	Windows	Parking Structures	Tree/Plant Materials	Hardscaping	Open Space	General	New or Existing Streets	Sidewalks	Trails	Street/Ped Lighting	Street Furnishings	Screening of Service Areas and Utilities
(a) New Development*	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
(b) Change of use/expansion of existing use (with NO increase in building area) (new use shall comply with the underlying zoning district)**							■																
(c) Interior remodel with no change of use, no change in any Street facing Facade, no increase of any existing nonconformity and no increase of building area																							
(d) Facade changes to existing buildings (regardless of value of improvements proposed)																							
(1) Addition of non-air conditioned space such as patios, porches, arcades, canopies, and outdoor seating areas (shall be permitted so long as no existing nonconformity is increased)**	■	■				■	■				■												
(2) Changes to any Street facing Facades (Standards in the specific section shall apply)**								■	■	■	■	■		■									■
(e) Expansion of Building Area																							
(1) 0% - 49% increase in building area regardless of value of improvements (Standards in applicable sections shall <u>apply only to the expansions</u> )*	■	■	■	■	■	■	■	■	■	■	■	■		■	■		■	■	■	■	■	■	■
(2) 50% or greater increase in building area BUT <i>less than both</i> : a. 50% increase in value of improvements, and b. Total proposed improvements valued at \$100,000 (Standards in applicable sections shall <u>apply only to the expansions</u> )*	■	■	■	■	■	■	■	■	■	■	■	■		■	■		■	■	■	■	■	■	■

Regulations →  Development Application/Request	Building and Envelope Regulations							Architectural Regulations						Landscape Regulations			Street and Streetscape Regulations							
	Placement	Orientation	Blocks/Lots	Height	Driveways	Ped-Circulation	Parking	Articulation	Facades	Materials/Colors	Awnings/Canopies	Windows	Parking	Tree/Plant Materials	Hardscaping	Open Space	General	New or Existing Streets	Sidewalks	Trails	Street/Ped Lighting	Street Furnishings	Screening of Service Areas and Utilities	
(3) 50% or greater increase of building area AND <i>more than either</i> : a. 50% increase in value of improvements <u>or</u> b. Any proposed improvements valued at \$100,000 (Standards in applicable sections shall apply to the <u>entire site, including retrofitting of the existing building and site</u> ).*	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
(f) Expansion of Parking Lot only (not in conjunction with a building or use expansion)																								
(1) Up to 10 additional spaces (shall not be placed in any area that increases any existing nonconformity)**					■								■											
(2) 11 or more additional spaces (shall not be placed in a manner that increases any existing nonconformity)*					■	■	■						■	■										

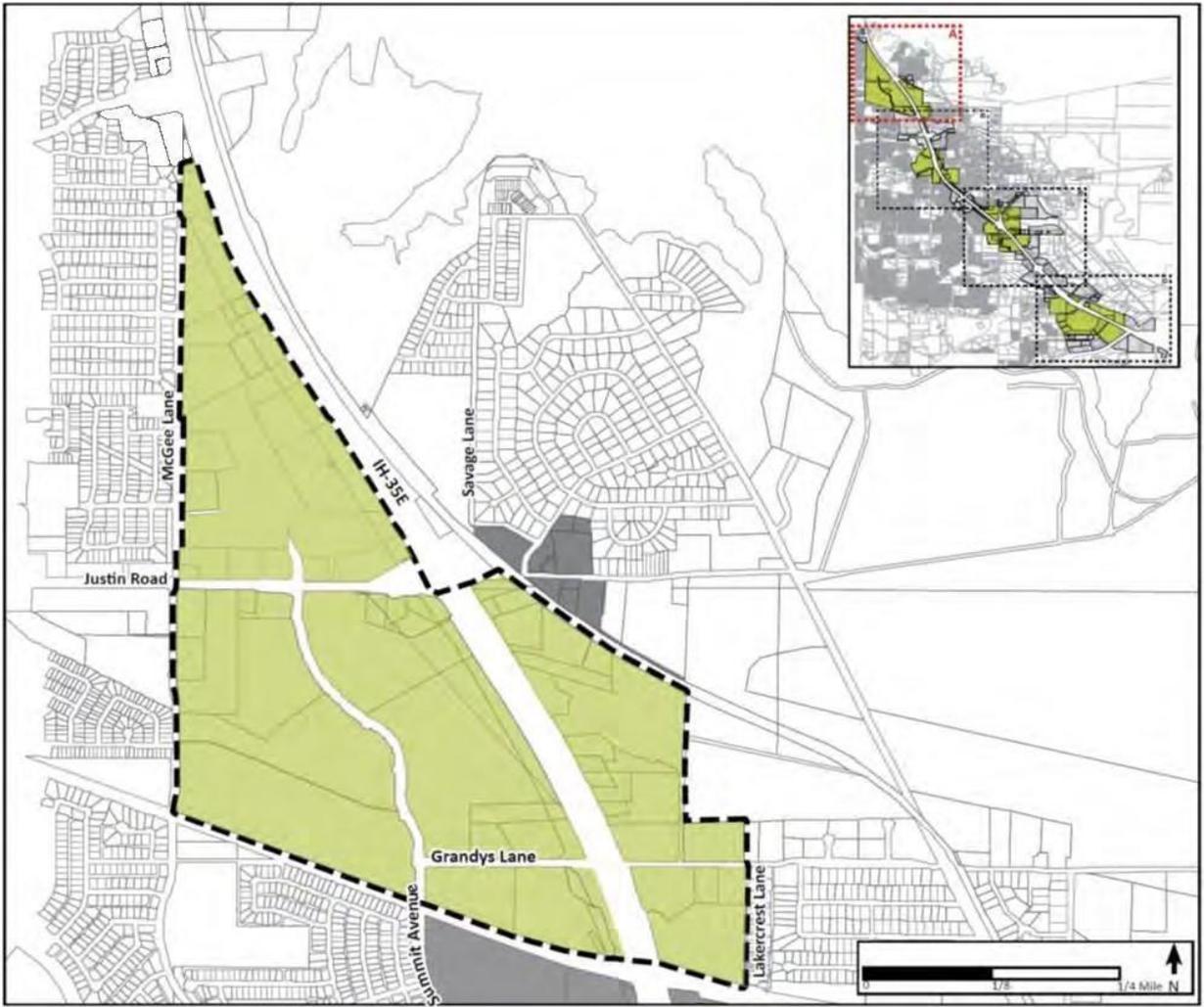
\* Engineering Site Plan shall be required

\*\* Engineering Site Plan may be required based on the extent of proposed improvements

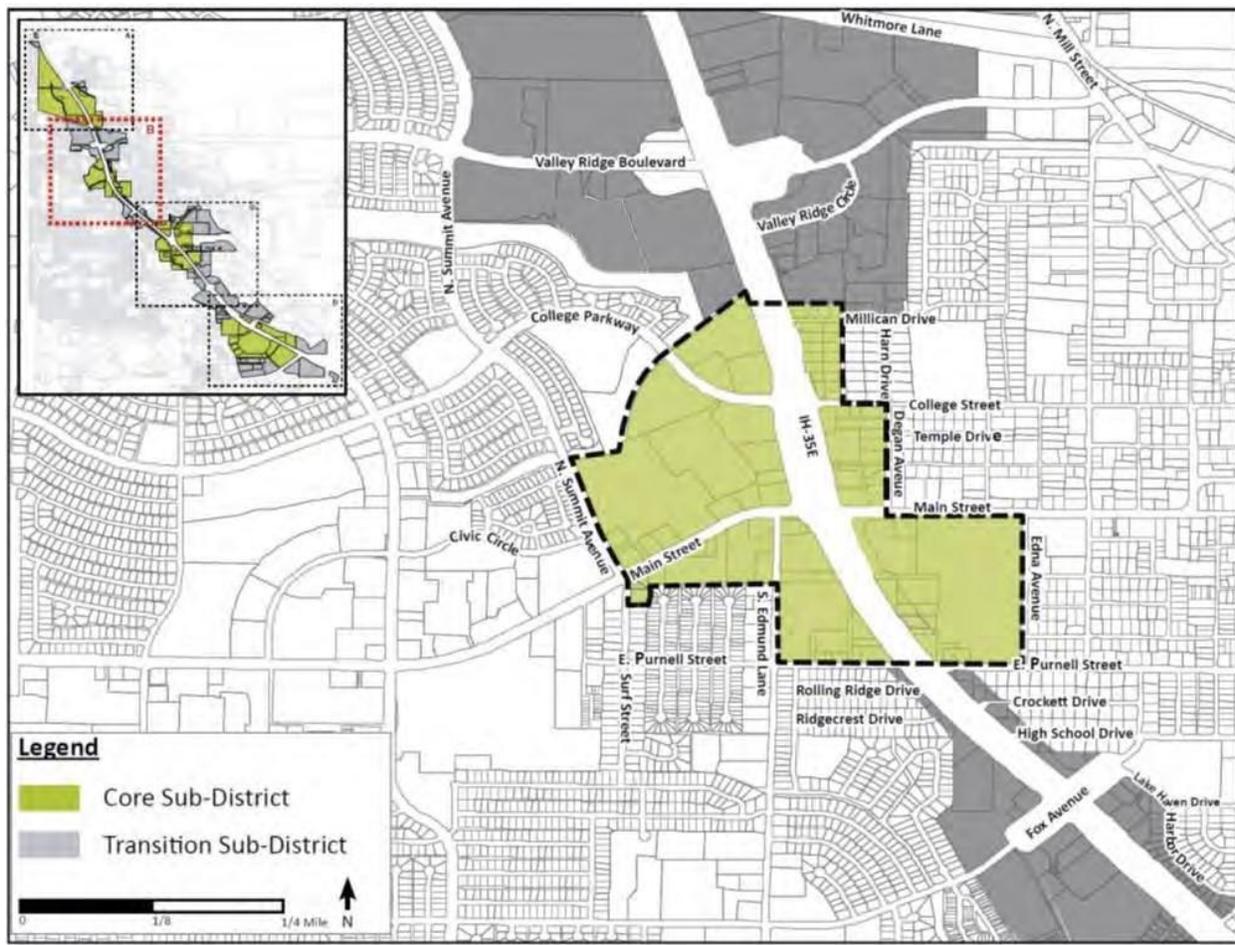
**17.5-3. Corridor District Map**

**Exhibit 1. Corridor District Map**

### Exhibit 2. Northern Gateway Sub-District Map



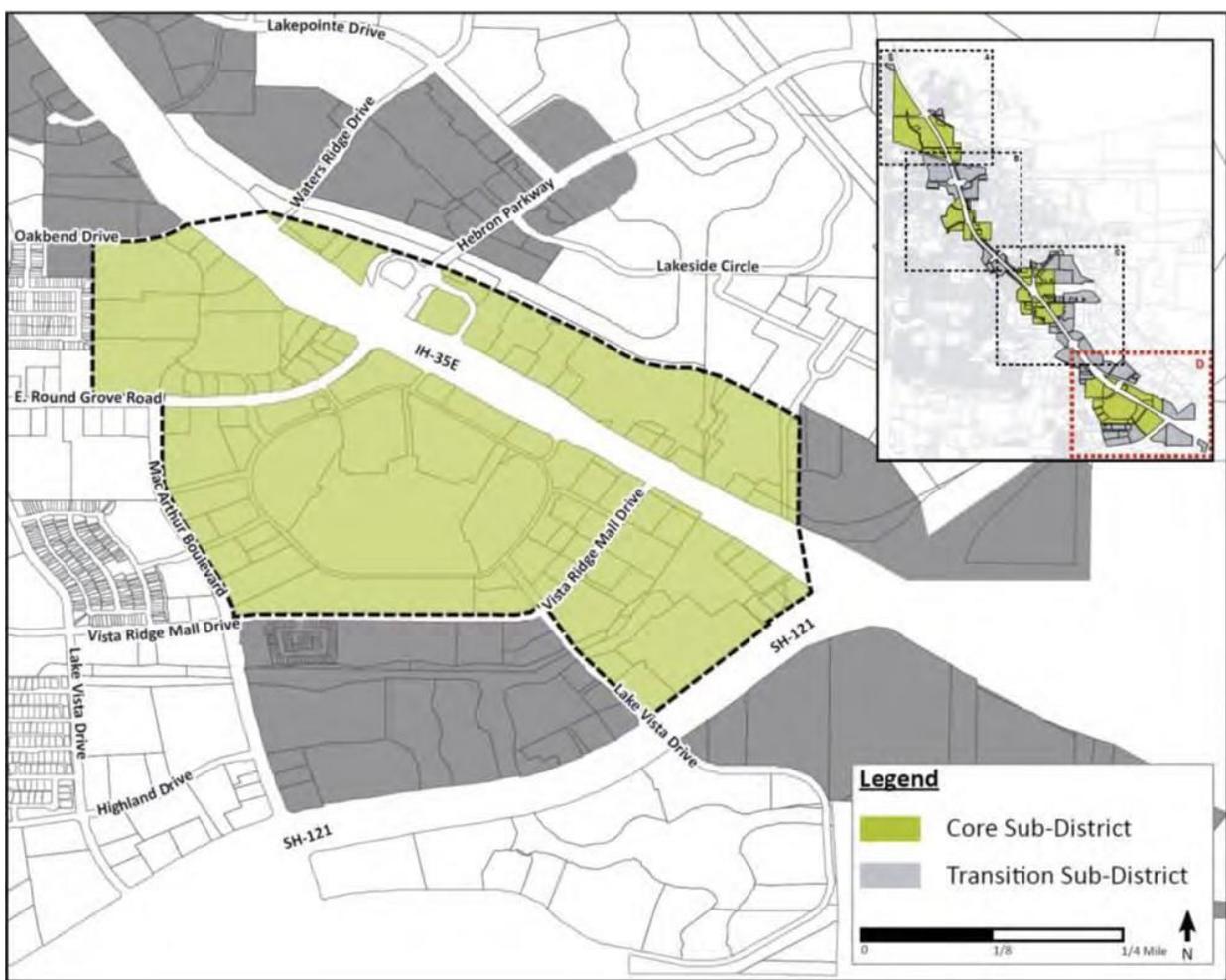
### Exhibit 3. Main Street Sub-District Map



### Exhibit 4. Central Sub-District Map



### Exhibit 5. Southern Gateway Sub-District Map



#### **17.5-4. Core Sub-District Regulations**

##### **(a) Purpose, Intent and Applicability:**

- (1) Purpose and intent: The vision for the core sub-districts is to create a series of vibrant, districts with a mix of uses at different strategic locations along the Corridor District by:
  - a. Focusing on creating a pedestrian-oriented, more walkable environment along identified Primary Pedestrian Street/Private Vehicular Route frontages (as illustrated in the Framework Plans, Appendix D);
  - b. Creating memorable destinations that both capitalize on existing strengths while tying nodes of activity together;
  - c. Creating regional gateways which are enhanced with a range of uses including living, working, and green spaces; and
  - d. Encouraging higher densities with a vibrant mix of uses that leverage expanded transportation options, allow higher land utilization, and provide a higher tax base.
  
- (2) Applicability: The regulations in this section, as illustrated in Table 1, apply to any property within the core sub-districts as shown on Exhibits 1-5 in Section 17.5-3.

##### **(b) Building and Envelope Standards:**

These Standards establish where the building should be placed on the property with respect to setbacks and build-to lines, the orientation of a building's Facades, alignment of new Streets/Private Vehicular Routes and blocks, height of buildings, Driveways and parking, and pedestrian accommodations on the site.

- (1) Building placement:
  - a. Building fronts and sides shall be placed parallel to adjacent Streets/Private Vehicular Routes to the extent practical with the highest priority placed on the front Facade of the building.
  - b. Build-to Zones and building setbacks shall be measured from the property line and shall be provided in accordance with the requirements in Table 2 of this subsection.
  - c. The building frontage build-out shall be in accordance with the requirements in Table 2 of this section. The building frontage build-out is the length of the portion of the Principal Building and/or Parking Structure which shall be located within the required Build-to Zone, as a percentage of the total width of the lot line.
  - d. At intersections, buildings shall have a minimum of at least twenty-five (25) feet of building frontage build-out along both Streets.
  - e. Canopies, signs, Awnings, and balconies may encroach over Walkways or over a

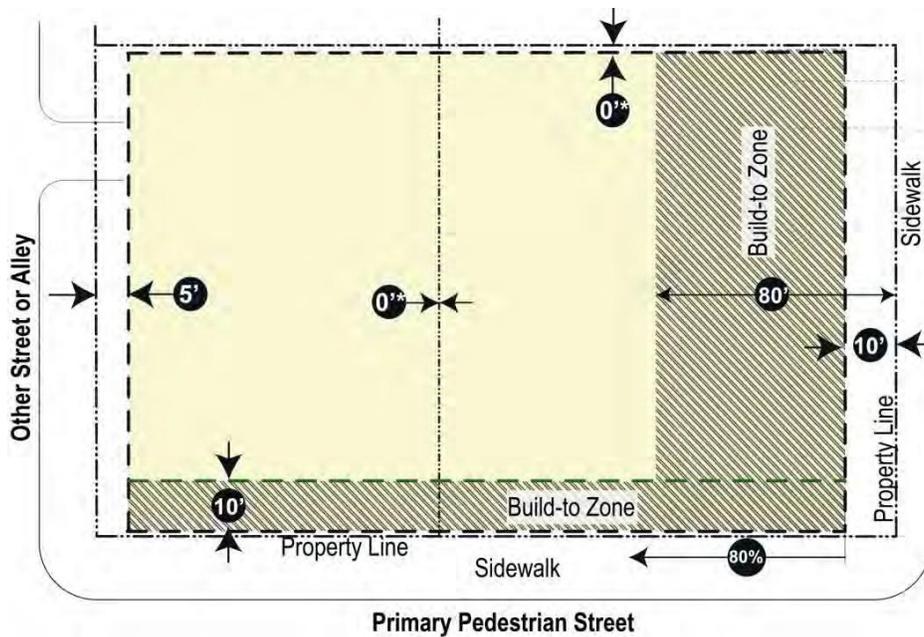
Build-To Zone area as long as the vertical clearance is a minimum of nine (9) feet. In no case shall an Awning or Canopy encroach over a Driveway or fire lane.

- f. **Specific Standard for Administrative Modification:** For properties fronting the IH-35E Frontage Road and arterial roadways, an Administrative Modification may be requested to allow an eighty-foot maximum Build-to Zone to allow for a single drive aisle with parking between Street and Principal Building as long as the building placement otherwise meets the standard in subsection (b) above.



*Ground floor storefront is built to the property line, defining the Street edge.*

<b>Table 2. Building Placement and Frontage Build-out Standards</b>				
	<b>Build-to Zones</b>		<b>Building Frontage Build-out (min.)</b>	<b>Off-street Parking permitted between building and Street</b>
	<b>Minimum (feet)</b>	<b>Maximum (feet)</b>		
<b>Front (by Street Type)</b>				
Primary Pedestrian Street/Private Vehicular Route	0	10	80%	No
IH-35E Frontage Road	10	80*	0%#	Yes*
Arterial roadway	10	80*	0%#	Yes*
Collector or Local Street (2-4 Lanes)	10	80	None Req'd	Yes
Other or Alley	10	None	None Req'd	Yes
Side (interior)	0**	None		
Rear (non-alley)	0**	None		
*Through Administrative Modification				
**There shall be no minimum setback unless the building is adjacent to single family residential uses that are outside the Corridor District, in which case the minimum setback shall be 20 feet.				
# If the site only has only one Street frontage (IH-35E Frontage Road or arterial roadway), then the longer side of the building shall be placed parallel to the Street.				



*Image showing Build-To Zones*

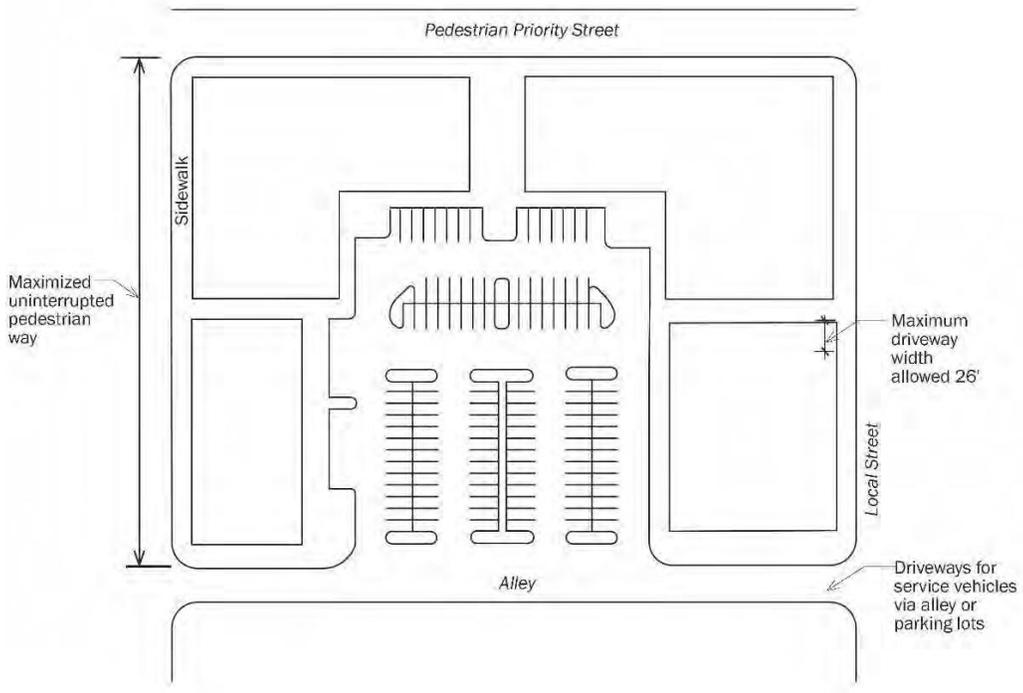
- (2) Building orientation:
  - a. Primary Entrances:
    - 1. All Primary Entrances to a building shall be oriented towards a Primary Pedestrian Street/Private Vehicular Routes.
    - 2. If the building does not have frontage on a Primary Pedestrian Street/Private Vehicular Route, the Primary Entrances shall be oriented toward Open Space, parks, and other significant spaces, where available. A building may have a secondary entrance from a Parking Lot or other Street.
    - 3. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested for buildings that do not have frontage on a Primary Pedestrian Street/Private Vehicular Route, Open Space, park, or other significant space.
  - b. Where a building is located along a Primary Pedestrian Street/Private Vehicular Route, the front of the building shall be oriented towards the Primary Pedestrian Street/Private Vehicular Route.
  - c. Off-street Parking shall not be located between any building and any Street/Private Vehicular Route unless permitted per Table 2 above.



*Front Facades of buildings shall be oriented towards a Primary Pedestrian Street, parks, Open Space, and other significant spaces, where available.*

- (3) Blocks and lots:
  - a. All blocks shall provide service and parking access along an alley or service drive.
  - b. The maximum Block Perimeter shall be 1,600 feet unless the Engineering Site Plan or Concept Plan follows the Street network as established by the Framework Plans (Appendix D).
  - c. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to allow for a 20% increase to the maximum Block Perimeter requirement.
  - d. Block faces that are 600 feet in length or greater shall provide pedestrian access through the block at an approximate mid-block distance, in order to allow pedestrians to walk through the blocks to the opposite side without having to walk along the Block Perimeter.
  
- (4) Building Height:
  - a. The minimum Building Height of a building or Parking Structure shall be 20 feet.
  - b. Minimum interior Ground Floor height shall be 12 feet (clear).
  
- (5) Driveways:
  - a. All vehicular entrances shall be located off of a Local Street or an alley. Driveways for service vehicles shall be via alleys or Parking Lots. If a property has no access to a Local Street or an alley, Driveways may be permitted along other Streets with the exception of Primary Pedestrian Streets/Private Vehicular Route.
  - b. Cross or joint access easements:
    - 1. Cross or joint access easements shall be required for all Developments unless grade and topography make such cross access unfeasible.
    - 2. Cross or joint access easements shall be designated at the time of Development in anticipation of future direct or indirect access.

- c. Driveway access may be permitted along Primary Pedestrian Streets/Private Vehicular Routes only if the property has no direct or indirect access (via a cross or joint access easement through an adjoining property) to any other Street. Such a Driveway access along a Primary Pedestrian Street shall be a maximum of 24 feet wide with a 20-foot radius and be deemed temporary and shall be closed when alternative direct or indirect access is provided to the property.
- d. For lots fronting the IH-35E Frontage Road and state highways, Driveways shall adhere to the Access Management Policy in the LDR. For all other lots, Driveways shall comply with the LDR, except that all Driveways shall be a maximum of 30 feet wide with a 20-foot radius.
- e. Sharing and consolidation of Driveways is encouraged in order to reduce the number of curb cuts to ensure smoother, more organized traffic movements and less disruption of pedestrian movement.
- f. Except where otherwise required by the Access Management Policy in the LDR, curb cuts (Driveway openings) shall:
  - 1. Be a minimum of 300 feet apart from any other curb cut or Street/Private Vehicular Route intersection; and
  - 2. Not interrupt the paving material of the Sidewalk with another material. Sidewalk paving shall be continuous across the Driveway.
- g. Driveway entrances into multi-building commercial properties along the IH-35E Frontage Road and all arterial roadways shall be enhanced with the addition of signs, accent paving, special landscaping and/or lighting. Design elements shall not be located within any required visibility easements or clear vision areas.



*Image showing acceptable Driveway locations*

- (6) Pedestrian circulation
  - a. Sidewalks
    - 1. Sidewalks for separate and continuous pedestrian circulation shall be provided along all Streets/Private Vehicular Routes.
  - b. Walkways
    - 1. Walkways shall be no less than six (6) feet in width.
    - 2. Walkway connections shall be required:
      - i. Between any existing or future Sidewalk, trails, parks or greenways and Primary Entrances of all buildings on the site;
      - ii. From building entrances to all on-site facilities, such as Parking Lots, bicycle facilities, and Open Space;
      - iii. Up to the property line in a manner which will allow walkway connections between adjoining properties and buildings; and
      - iv. To connect to any public transit stop that is adjacent to a site.
    - 3. Walkways shall be distinguished from any driving surfaces through the use of colored pavements, bollards, grade changes, pavement markings or combination of treatments, especially when Walkways cross or are adjacent to vehicular circulation areas.
  - c. Parking
    - 1. Parking Lots and Parking Structures shall clearly mark Walkways between parked vehicles and Primary Entrances through the use of clearly marked stop

signs, wayfinding/directional signage, lighting, and other similar measures.

2. Parking stalls shall not overhang onto any Walkway, Sidewalk or landscape area and shall require wheel stops or an increase in the minimum Walkway, Sidewalk or landscape area of at least the depth of the overhang.

(7) Off-street parking

- a. Parking Lots shall be located behind or along the side of buildings. In no case shall parking be permitted within the required Build-to Zone with the exception of properties with frontage along the IH-35E Frontage Road, as specifically permitted by this section. Parking Lots may be located adjacent to existing single-family residential uses located outside of the Corridor District if they meet the following standards:
  1. Parking is set back a minimum of ten (10) feet from the single-family residential property line, and
  2. A masonry, vegetation or combined screening device that is at least six (6) feet in height shall be located at the property line along the single family residential use.
- b. On-site Parking shall be provided in accordance with the following parking requirements:
  1. Non-residential uses: one (1) space per 300 square feet of gross floor area.
  2. Residential uses: one and a half (1.5) spaces per residential unit.
  3. Mixed-uses: use ratios above to calculate required spaces based on composition of the uses on the property.
- c. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to allow credit for available public parking or shared Off-street Parking on another lot within 1,000 feet of the subject property to apply towards On-site Parking requirements.
- d. Centralized parking locations throughout the core sub-districts that permit people to park at convenient locations with ample parking to access multiple uses are encouraged, but not required.
- e. Shared Parking Lots shall be connected to businesses with paved and landscaped Walkways per subsection 17.5-4(b)(6), above.
- f. Shared parking agreements shall be submitted for review with the Engineering Site Plan and recorded with Denton County.

- (8) On-street Parking is required within the core sub-districts along all Primary Pedestrian Streets/Private Vehicular Routes, and encouraged, but not required, on collector and Local Streets.

(c) **Architectural Standards:**

These Standards apply to the exterior architectural treatments within the core sub-districts.

External architectural treatments include building Articulations, Facade composition, exterior materials and colors, windows and doors, and Awnings and Canopies. These Standards apply to commercial, Mixed-use, and multi-family buildings in addition to special Standards for Parking Structures. Buildings are the largest impact on the visual appeal of the core sub-districts and have the opportunity to set a high standard for the entire Corridor District.

(1) Building Articulation and Facades:

- a. Building Facades visible from any Street/Private Vehicular Route (except alleys) or Open Space shall provide horizontal and vertical Articulation with a Facade Rhythm between twenty and thirty feet. The Facade Rhythm may be expressed by any of the following:
  1. a change in a building's horizontal and/or vertical plane,
  2. stepping portions of Facades in and out;
  3. utilizing balconies, columns or pilasters that are distinctively set out from the Facade; or
  4. changing types or colors of materials in combination with other techniques.
- b. Each building Facade visible from any Street/Private Vehicular Route or public Open Space shall provide architectural variety and scale through the use of elements including, but not limited to at least three of the following:
  1. expression lines denoting the base, middle, and top of a building;
  2. repetition in patterns of window, door or other openings or architectural elements;
  3. change in color;
  4. change in texture;
  5. change in material module or pattern; or
  6. art or ornament constructed as part of the building.
- c. A minimum of 25% of above-grade residential units adjacent to a Street/Private Vehicular Route or public Open Space shall have balconies that extend a minimum of five (5) feet beyond the face of the Facade. Balconies may extend over the Sidewalk area provided they maintain a minimum of ten (10) feet of clearance above the Sidewalk and do not substantially interfere with tree growth.
- d. All buildings with more than one Street frontage shall treat all Street-fronting Facades with equal design attention.
- e. All building Facades along Primary Pedestrian Streets/Private Vehicular Routes and Facades immediately adjacent to a Sidewalk at-grade shall have:
  1. A minimum of 40% of the Ground Floor Facade comprised of windows and doors, except that buildings with retail or restaurant uses on the Ground floor shall have a minimum of 60% and a maximum of 80% of the Ground Floor Facade comprised of windows; and

2. Entries covered with Awnings, Canopies, or inset behind the front Facade a minimum of six (6) feet. A door shall not be permitted to swing into a Public Right-of-Way or minimum Sidewalk area.
3. Upper floors of all Facades facing Primary Pedestrian Streets/Private Vehicular Routes shall have windows for a minimum of 25 percent and maximum of 60 percent of the upper floor Facade area.

(2) Building entrances:

- a. Primary Entrances for single-tenant building entries shall be emphasized with dramatic architectural elements such as horizontal and vertical Articulations with Canopies, tower elements, recessed entries, pilasters, changes in height or materials, enhanced lighting, etc.
- b. Primary Entrances for multi-tenant buildings shall be emphasized through such design devices as Awnings, differentiation in material and/or color, and/or building signage.
- c. A minimum of one entrance shall be required for every 60 feet of multi-tenant storefront along Primary Pedestrian Streets/Private Vehicular Routes.
- d. For Mixed-use buildings with residential units, one or more separate building entrances from the Sidewalk shall be used to provide access to the residential units.



*Ground floor commercial businesses are differentiated using vertical breaks and changes in building color and materials while maintaining an overall design theme.*

(3) Facade materials and colors

- a. Facade materials: Each exterior wall (except window and door area) of a building or Parking Structure shall comply with the following material requirements:
  1. Eighty percent (80%) or more of each exterior wall shall be comprised of brick or stone. The remainder of each exterior wall may be comprised of either three-step stucco (EIFS shall only be allowed at locations nine (9) feet above grade), architectural metal, cladding, or panels, or a combination

thereof.

2. Accent materials may be comprised of pre-cast stone, metal, or other architectural materials.
- b. Colors: At least two (2) main colors, and no more than three (3) colors, shall be used on each elevation. Eighty percent (80%) of each elevation must utilize natural and/or earth tone colors, and each elevation must have 20% of another type of color. Buildings shall not have colors that are fluorescent or bright (e.g. yellow, green, purple) visible from any public space or Street/Private Vehicular Route. This shall include service doors, down spouts, utility boxes, panels and other similar features integral to the Principal Building.



*Buildings materials as well as architectural details and finishes convey a sense of permanence. Quality materials shall be used to withstand the test of time regardless of architectural style.*

- (4) Awnings and Canopies
  - a. All non-residential uses adjacent to the Sidewalk at-grade along Primary Pedestrian Streets/Private Vehicular Routes shall have an Awning or Canopy which extends beyond the face of the building over the adjacent Sidewalk for a minimum of 75% along the building's Sidewalk frontage.
  - b. Awnings or Canopies on any building shall be constructed of metal or canvas. Reflective materials for finishes are prohibited.
  - c. An Awning or Canopy shall be located as to provide shading for exterior windows and doors and shall cover the entire width of the window opening or group of windows over which it is installed.
  - d. Awnings and Canopies may encroach over Sidewalks up to 50% of the width of the Sidewalk or five (5) feet, whichever is greater. They shall maintain a minimum nine-foot (9') vertical clearance as measured between the bottom of the Awning/Canopy and the finished grade of the Sidewalk. In no case shall an

Awning or Canopy encroach over the Travel Zone.



*Awnings should fit into the storefront's overall architecture and appearance.  
Awnings provide protection and cover from bright sunlight and inclement weather.*

(5) Windows

- a. Window framing materials shall consist of anodized aluminum, vinyl, or steel.
- b. For required windows at the Ground Floor along Primary Pedestrian Streets/Private Vehicular Routes, a minimum 60% visible light transmittance shall be required.
  1. **Specific Standard and Findings for Administrative Modification:** For windows along Street frontages other than Primary Pedestrian Streets, a visible light transmittance less than 60% may be allowed with an Administrative Modification if a finding is made by staff that an Administrative Modification is necessary in order for the windows to satisfy building code requirements related to energy efficiency.
- c. Mirrored glass is prohibited.
- d. Reflective Glass is prohibited on Ground Floors along Primary Pedestrian Streets/Private Vehicular Routes. Excluding Ground Floors along Primary Pedestrian Streets/Private Vehicular Routes, no more than 50% of any Facade may be Reflective Glass.
- e. Window screens are prohibited on non-residential Ground Floors.
- f. Horizontal groupings of windows are not to exceed five (5) per grouping, where groupings are separated by a mullion, column, or wall section a minimum of seven-inches wide.
- g. Windows shall be a minimum of thirty inches from building corners, unless separated by a corner mullion or column twice the width used in grouping.
- h. For storefronts along Primary Pedestrian Streets/Private Vehicular Routes, the following are prohibited:
  1. Single pane glass windows;
  2. Black glass, opaque glass, and other 'false window' techniques;

3. Doors with no opacity; and
4. Windows which do not permit unobstructed views into the building.



*Windows should maximize visibility to the Street on the Ground Floor. Ensure that commercial Ground Floor uses provide clear unobstructed windows, free of reflective coatings.*

(6) Parking Structures

- a. Parking Structures shall have a Facade design with the same colors and materials as the building the Parking Structure Services. If the Parking Structure serves multiple buildings, it shall have a Facade design with the same colors and materials as surrounding buildings along the Street front. Parking Structures shall be located behind buildings to minimize their visibility from adjacent Streets/Private Vehicular Routes.
- b. Parking Structures shall not be located with Ground Floor frontage along any Primary Pedestrian Street/Private Vehicular Route.
- c. Where a Parking Structure is located adjacent to a Street which is not a Primary Pedestrian Street:
  1. Parking Structure Facades shall be designed with both vertical Articulation such as changes in planes, columns, pilasters, etc. at least every 40 linear feet, and horizontal Articulation aligning with horizontal elements along the block.
  2. The Parking Structure shall be designed and screened in such a way that motor vehicles on all parking levels are hidden from view from all adjacent Streets. Parking Structure ramps shall not be visible from any Street. Ramps shall not be located on the perimeter of the Parking Structure. Architectural Screens shall be used to articulate the Facade, hide parked vehicles, and shield the lighting inside the structure.



*Parking Structures shall be located behind buildings to minimize their visibility from adjacent Streets.*



*Parking Structures shall have a Facade design similar to surrounding buildings along the Street front.*

**(d) Landscape Standards:**

These Standards apply to new trees and shrubs, Hardscape and Open Space treatments, screening of service, parking and utilitarian uses, and Parking Lot landscaping within the core sub-districts. Landscaping can reduce the urban heat island effect, soften the built environment and contribute to pedestrian comfort in addition to increasing property values and rents.

**(1) Trees and plant materials**

- a. Plantings shall be balanced symmetrically across Streets/Private Vehicular Routes or Driveways.
- b. Trees and plant materials shall be selected by the landscape architect or designer designing the landscape plan from the Approved Plant Material List in Appendix G. No artificial trees, shrubs, ground covers, turf, or seasonal colors are permitted.
  1. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to use other species that are drought tolerant and adaptive.
- c. Irrigation systems shall be provided within the Amenity Zone and shall be installed and maintained by the developer or property owner per current Parks and Recreation Department standards.
- d. Canopy trees shall be:
  1. Planted within the required Amenity Zone;
  2. Planted along Primary Pedestrian Streets/Private Vehicular Routes at an average spacing of thirty feet on center, but in no case placed more than forty feet apart on center;
  3. Planted along all other Streets (excluding alleys) at an average spacing of

forty feet on center; and

4. A minimum two and a half (2<sup>1/2</sup>) inch caliper and at least ten (10) feet in height with a single trunk at planting.
  - e. Tree preservation and landscape maintenance shall comply with the provisions in the LDR.
  - f. Parking Lots with frontage on IH-35E shall provide a minimum ten-foot wide landscape area between the Public ROW and Parking Lot. Canopy trees shall be placed at an average spacing of forty feet, but in no case shall trees be placed greater than fifty feet apart. A solid evergreen shrubbery hedge with a minimum 24-inch height at the time of planting shall also be planted in a manner which will screen the view of parked vehicles from the Street.
    1. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to allow any of the following (minimum height of 36-inches) as a Parking Lot screen:
      - i. Retaining wall;
      - ii. Berming; or
      - iii. A combination of retaining wall, berming, and/or evergreen screening hedge.
  - g. Parking Lots along all other Street/Private Vehicular Route frontages (except alleys) shall use one or both of the following screening methods:
    1. A minimum five-foot wide landscape area between the Sidewalk and Parking Lot, with a solid evergreen shrubbery hedge with a minimum height of 24 inches at the time of planting planted within the landscape area in a manner which will screen the view of parked vehicles from the roadway; or
    2. A Masonry (brick or stone) wall a minimum of 36-inches in height installed between the Sidewalk and the Parking Lot, placed such that a minimum two-foot parking space overhang is provided on the Parking Lot side of the wall, and wheel stops are provided for the parking spaces.
  - h. All Parking Lots shall include the following landscaping elements:
    1. Each row of parking shall be configured so that there is a minimum ten-foot wide landscape island with a minimum of 50% plant cover every eight (8) parking spaces. A landscape island shall be required on the end of each row of parking.
    2. Each Parking Lot shall include canopy trees at a ratio of one (1) tree per eight (8) parking spaces.
- (2) Hardscaping
- a. All hardscaping materials shall be of earth tones or colors found on the Facade of the Principal Building.
  - b. Walkway paving shall be comprised of the following materials or a combination thereof:

1. Concrete;
2. Pavers; or
3. Stamped concrete or asphalt.

(3) Open Spaces

- a. Open Spaces shall be provided on Developments that incorporate five (5) acres or more.
  1. If the Open Space provided is not publicly accessible, the minimum set aside for Open Space shall be 15% of the Development. The Open Space shall be centrally located and easily accessible to all individuals it is expected to serve.
  2. If the Open Space provided is publicly accessible, the minimum set aside for the Open Space shall be 8% of the Development. The Open Space shall be highly visible from the Public ROW and accessible to the general public.
  3. If the proposed Development is impacted by any Open Space as identified in the Framework Plan, then the location of the Open Space shall comply with the Framework Plan.
  4. The Engineering Site Plan or Concept Plan shall demonstrate how the Open Space requirement is being satisfied for an entire Development being considered. For phased Developments, a plan may be approved if at least 50 percent of the required Open Space is constructed within the first phase of the project, with the remaining required Open Space being provided for in subsequent phases.
- b. Developments that incorporate less than five (5) acres may, but are not required to, incorporate Open Spaces for the use of employees or the public.
- c. Private Open Spaces may be fenced or otherwise controlled for secure access using wrought iron, Masonry, or comparable decorative fencing, or vegetative screening.
- d. Parking, Driveway, or rear setback areas may not be used as publicly accessible Open Space, but publicly accessible Open Space may include front and side setback areas provided that they are integrated into the overall design of the project. Publicly accessible Open Space shall have Street frontage for a minimum of 25% of the perimeter of the Open Space.
- e. A combination of landscape and Hardscape materials shall be used in the design of the Open Space. Open Space shall be landscaped with trees, as well as turf, shrubs, or groundcover. All plant materials shall be permanently maintained and irrigated and shall be chosen from Appendix G.
  1. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to use other species that are drought tolerant and adaptive.
- f. In order to achieve a comfortable human scale within Open Spaces and ensure sunlight and air circulation, the following minimum height to width ratios are

required for Open Spaces required by this section:

1. Enclosed Open Space (i.e., Open Space that is enclosed on four sides, such as a courtyard), 2:1 ratio. The required Open Space shall have a width of at least one-half the height of the adjacent building Facade (measured perpendicularly from the Facade). This requirement shall apply to all sides of the required Open Space.
2. Open Space that is open on one or more sides, 3:1 ratio. The required Open Space shall have a width of at least one-third the height of the adjacent building Facade (measured perpendicularly from the Facade). This requirement shall apply to all sides of the required Open Space.



*Open Spaces should encourage diverse opportunities for social activities, provide relief and relaxation, expand and reinforce the public realm, and facilitate livability.*

**(e) Street and Streetscape Standards:**

These Standards provide for design of new and improved Streets and Private Vehicular Routes, as well as the treatment of areas between the curb and the private property line and Street medians, if any, including the placement and installation of trees, Sidewalk paving, Street Furnishings, lighting, and other amenities for pedestrians.

- (1) General Street Standards: Streets/Private vehicular Routes shall be built or improved in accordance with this section, Appendix F and the construction standards of the city. The city shall have the ultimate approval authority on Streetscaping on Streets and may establish standards by ordinance for different Street types and conditions. Unless otherwise provided herein, all Right-of-Way dedication and construction for Streets (existing and new) shall be in accordance with the LDR.
- (2) Street Design Standards: Streets shall include a Travel Zone and a Streetscape Zone per Appendix F.

- (3) Private Vehicular Routes: Private Vehicular Routes shall be allowed within existing developed properties in lieu of required Primary Pedestrian Streets designated on the Framework Plans in Exhibit D where existing drives at those locations currently provide internal vehicular circulation. Private Vehicular Routes shall meet all standards for new Streets and design requirements for Primary Pedestrian Streets in Exhibit F.
  1. Administrative Modification: Private Vehicular Routes may be requested in all other locations in lieu of Primary Pedestrian Streets designated on the Framework Plans in Appendix D with a Concept Plan.
  
- (4) Existing Streets: The Framework Plan in Appendix D depicts existing Streets, and Primary Pedestrian Streets/Private Vehicular Routes within the Corridor District. At such time when properties adjacent to existing Streets develop, and/or redevelop, the property owner shall, for the length of Street frontage of the property, dedicate to the city sufficient Public Right-of-Way (or equivalent) to accommodate the required Street and Streetscape improvements, in accordance with provisions in the LDR and any other applicable ordinances. Where the property does not include a Private Vehicular Route or adjoin a Primary Pedestrian Street, a minimum of one block face per existing block of the improved portion of the property shall be designated as a Primary Pedestrian Street as dictated by existing conditions of surrounding property.
  - a. **Specific Standard for Administrative Modifications:** The Street Design Standards in Appendix F may be adjusted through an Administrative Modification if staff finds that such an adjustment is necessary in order to fit existing and future utility locations, existing landscaping and development, or the International Fire Code as adopted by the city.
  - b. In addition to the requirements of the LDR, the applicant shall be responsible for improvements outside of the Travel Zone in the Public Right-of-Way or Private Vehicular Route or as per any approved agreement with the city.
    1. Fee-In-Lieu Option: An applicant may opt to pay a proportional fee in lieu of the required Streetscape improvements between the curb and the property line if the Development is phased or the Sidewalk improvements need to match the timing of a programmed city capital project affecting that Street frontage. This fee will be proportional to the linear Street frontage along the subject property. The fee shall be calculated based on construction cost estimates provided to the City for review. Payments shall be made prior to the issuance of any building permit or site permit for the Development.



*Illustrations delineating the Streetscape Zone elements and Optional Landscaping along Building Fronts*

- (5) New Streets:
  - a. Any new Street shall:
    - 1. Meet the Block Perimeter maximums established in this section;
    - 2. Continue any established Street and block pattern on adjoining sites developed or redeveloped under this chapter;
    - 3. Be designed in accordance with the Street Design Standards in Appendix F; and
    - 4. Designate Primary Pedestrian Streets in compliance with the Framework Plans in Appendix D.
  - b. For any new Street, the property owner shall construct the entire Street section including travel lanes, On-street Parking, Amenity Zone including irrigation system, and Sidewalk improvements. Half Streets may be provided where necessary to comply with the LDR.
  - c. Unless otherwise provided in this chapter, all Right-of-Way dedication and construction for Streets (existing and new) shall be in accordance with the LDR.
  
- (6) Streetscape Zone
  - a. Primary Pedestrian Streets: The Streetscape Zone along new or existing Primary Pedestrian Streets/Private Vehicular Routes shall be a minimum of 12 feet in width. Of this Streetscape Zone, a minimum of six (6) feet shall be designated for a clear Sidewalk and six (6) feet for the Amenity Zone.
  - b. All other Streets: The Streetscape Zone shall be a minimum of eight (8) feet in

width. Of this Streetscape Zone, a minimum of four (4) feet shall be designated for a clear Sidewalk and four (4) feet for the Amenity Zone unless a greater width is specified in the LDR or the Street Design Standards provided in Appendix F.

- c. Sidewalks shall be located adjacent to the Amenity Zone and shall comply with the requirements as outlined in this section and Appendix F. The sidewalk must be unobstructed by any permanent or nonpermanent element for a minimum height of nine (9) feet. Accessibility is required to connect Sidewalks on adjacent sites.
- d. Enhanced Sidewalks shall be required where recommended in the Lewisville Trails Master Plan.
- e. Sidewalks shall be constructed of concrete or Pavers and may be embellished with earth tones or the same colors and patterns found on the adjacent Facade(s).



*Buildings within the Core Sub-district shall be located adjacent to the Sidewalk.*

(7) Trails

- a. Trails shall be designed and constructed in accordance with the most recently adopted Lewisville Trails Master Plan.
- b. Any conflicts between the trail requirements and the Sidewalk requirements

herein should be resolved with staff prior to submitting an Engineering Site Plan or Concept Plan.

(8) Street and pedestrian lighting

a. General:

1. All types of exterior lighting shall comply with section 9-3 of the city code, as amended.
2. All lighting shall be directed downward.
  - i. **Specific Standard for Administrative Modification:** Up-lighting of building walls may be approved with an Administrative Modification.
3. Lighting of signage, parking and Walkways is to be controlled or narrowly focused.
4. Placement and shielding of light sources shall be done to limit visual impact. Full cut-off metal fixtures are required.
5. Distracting, flashing, traveling or animated lighting shall not be permitted with the exception of lights associated with seasonal displays.

b. Street lighting: Pedestrian-scaled Street lighting shall be provided along all Sidewalks and Walkways as follows:

1. Maximum height of the light pole shall be 15 feet.
2. Street lights shall be placed at 40' on center, approximately two (2) feet behind the curb line.
3. The light standard selected shall be used consistently within an approved Concept Plan area.

c. Exterior building lighting:

1. Building lighting shall accentuate important architectural components of the building, such as entries, towers or roof elements, or repetitive columns or bays.
2. Building lighting shall provide indirect or direct lighting for adjoining Sidewalks and Open Spaces.
3. Equipment and lighting fixtures shall be weather resistant.
4. Lighting fixtures shall include directional shields so as to prevent viewing of the light source.
5. Building lighting shall be limited to decorative lighting. Standard pack lights may not be attached on buildings except within loading and service areas.
6. LED, halogen, metal halide, incandescent, and compact fluorescent lighting are permitted for exterior lighting.
7. High-intensity discharge (HID) lights are prohibited.
8. **Specific Standard for Administrative Modification:** Neon lighting may be permitted subject to approval of an Administrative Modification.

d. Landscape lighting: Landscape lighting may be used to highlight landscape

elements, building entries and other important architectural features and accent elements such as fountains and sculptures.

(9) Pedestrian amenities

- a. Street Furnishings shall be located fully within the Amenity Zone. In addition to trees and lighting, an applicant shall provide all of the required Street Furnishing elements and at least two (2) of the optional Street Furnishing elements. Street Furnishings shall be required within the Amenity Zone along each block face of a Primary Pedestrian Street/Private Vehicular Route. Street Furnishings shall be optional along all other Streets. Street Furnishings within any Public Right-of-Way shall be maintained by the adjacent property owner.
- b. Required Street Furnishings:
  1. Trash receptacles: shall be constructed of metal (steel or aluminum) with a black polyester powder coat finish and a side opening. Trash receptacles shall be approximately 25 inches in diameter and 34 inches high, with an approximate 28 gallon capacity. They shall be placed at a frequency of two (2) per every 500 linear feet of block frontage.
  2. Bike racks: shall provide at least one (1) bike rack accommodating a minimum of six (6) bicycles per 400 linear feet of block face. An area of two (2) feet by six (6) feet must be provided for each bicycle parking space in order that a bicycle six (6) feet long can be securely held in place with its frame supported by the rack. A bicycle must be able to be placed in the rack in an upright manner that will not damage its wheels or components. The individual floor-mounted “inverted-U” style or “staple” style rack is recommended, but not required.
- c. Optional Street Furnishings:
  1. Planters: If provided, planters shall be constructed of natural grey concrete/sandstone or beige/light tan precast concrete/cast stone, with a drainage hole for irrigation, and shall be of a round tapered shape. Planters may be circular (24” – 42” in diameter) or square/rectangular (24” - 48” wide) with a height between 24 and 36 inches. A minimum of two (2) planters shall be placed for every 200 linear feet of block frontage. Planters shall be irrigated and maintained with landscaping in a healthy growing condition at all times.
  2. Benches: If provided, benches shall be constructed of metal (steel or aluminum) with a black polyester powder coat finish. Bench seats shall have two-seat configurations, with no more than three (3) sets of seats. Seating surfaces shall be 16 to 18 inches high with a minimum depth of 16 inches for seats without backs and 14 inches for seats with backs. They shall be placed at a frequency of one (1) per every 40 linear feet of block frontage.

3. Bollards: If used, bollards shall be constructed of metal (steel or aluminum) with a black polyester powder coat. Bollards may have a maximum height of 36 inches and a maximum diameter of nine (9) inches. Bollards shall be placed at a regular spacing of four (4) to six (6) feet on center.
4. Tree Grates: If used, they shall be placed around the trees and be manufactured of cast iron with a baked oil finish, and shall be six (6) feet by six (6) feet square, with maximum ½ inch square openings.
5. **Specific Standard for Administrative Modification:** Other optional Street Furnishing elements such as Art, water features, water fountains, newspaper racks, etc., may be proposed and approved through Administrative Modifications.

**(f) Screening of Service Areas and Utilities:**

These Standards provide for the screening of service and loading areas, roof or ground mounted utility equipment and similar uses on the site.

- (1) General provisions: Loading and outdoor storage areas, ground-mounted equipment, roof-mounted equipment, outdoor receptacles and utility accessories shall be screened to reduce the visual impact of these elements on adjoining properties and Public Rights-of-Way. All screening walls shall be measured at the highest finished grade and designed by a professional civil engineer registered in the state. Construction and location details of the required screening devices shall be shown as part of the Engineering Site Plan. In areas where non-single-family Development is proposed adjacent to established single-family residential dwellings and a screening wall is required, the screening wall shall be constructed prior to issuance of a building permit. The screening wall portion of the project costs may not be escrowed under the performance escrow policy as established in the LDR.
- (2) Loading areas: Where off-street loading areas for non-residential and Mixed-uses are required by the LDR, such areas shall be screened with one or a combination of the following:
  - a. A minimum eight-foot-tall solid brick, stone, or decorative block Masonry wall, of the same color(s) as the Principal Building on the site;
  - b. Solid metal gates; or
  - c. Overhead doors.
- (3) Outdoor receptacles, as defined by city code, shall be enclosed on three (3) sides by solid brick, stone, or decorative block Masonry wall, of earth tones or the same color(s) as the Principal Building on the site. The wall shall be a minimum six (6) feet in height or equal to the height of the equipment to be screened, whichever is greater. All other outdoor receptacle requirements in the city code apply.

- (4) Outdoor storage areas as an accessory use under the Zoning Ordinances shall be located behind a Principal Building and shall be screened from view of Streets/Private Vehicular Routes (excluding alleys) and adjacent properties. Screening walls for outdoor storage shall be either of the following:
  - a. Masonry walls (minimum six (6) feet tall, maximum eight (8) feet tall) of a natural color or the same color(s) as the Principal Building on the site; or
  - b. Tubular steel fence (minimum six (6) feet tall, maximum eight (8) feet tall) with an irrigated, solid landscape screen consisting of evergreen variety trees and/or shrubs maintained at the same height as the steel fence.
  - c. Materials, equipment or commodities shall be stacked no higher than the height of the screen mechanism.
  
- (5) Roof-mounted equipment: All roof-mounted equipment, including fans, vents, and air conditioning units and cooling towers, shall be screened to eliminate the view of the equipment from any adjoining Streets/Private Vehicular Route (excluding alleys).
  - a. The height of the screening mechanism shall be the height of the tallest element of the roof-mounted equipment. A Parapet or architectural design element on a building may screen roof-mounted equipment; however, the Parapet or architectural design element shall be limited to maximum six (6) feet in height. Roof-mounted equipment taller than six (6) feet shall be screened separately by a solid wall or metal panel/louver system.
  - b. The outside of the screening mechanism shall be painted or finished in a similar color to the building Facade, trim or roof surface and be architecturally integrated with the design of the building elevation.
  - c. The roof-mounted equipment and the inside of the screening device shall be painted similar to the color of the roof surface in order to minimize visibility of the roof-mounted equipment and screening mechanism from overhead views from the adjacent properties.
  
- (6) Ground-mounted equipment: All ground-mounted mechanical, electrical or other utility equipment shall be located behind the rear line of the building or along alleys without frontage along any Streets/Private Vehicular Route. If an Alternative Standard is approved allowing placement along a Street/Private Vehicular Route frontage, the equipment shall be screened and the screening shall be as tall as the equipment being screened and shall eliminate the view of the equipment from an adjoining Streets (excluding alleys). The screening may be evergreen shrubbery or Masonry walls matching the Principal Building material and color(s) of the site. All screening shall be architecturally integrated into the building elevation and Facade along that Street/Private Vehicular Route.

**17.5-5. Transition Sub-District Regulations**

**(a) Purpose, Intent and Applicability:**

- (1) Purpose and intent: The vision for the transition sub-district is to create an appropriate transition of the development context from the core sub-districts to existing neighborhoods by:
  - a. Maintaining auto-oriented uses while softening their frontages along major roadways with landscaping and Facade improvements;
  - b. Focusing on creating a more attractive frontage along the IH-35E highway corridor;
  - c. Minimizing visual clutter with respect to Driveways, signage, lack of landscaping, and older declining building Facades; and
  - d. Establishing a long-term Redevelopment strategy to elevate property values and development context.
  
- (2) Applicability. The regulations in this section, as illustrated in Table 1, apply to any property within the transition sub-district as shown on Exhibits 1 through 5 in section 17.5-3.

**(b) Building and Envelope Standards:**

These Standards establish where the building should be placed on the property with respect to setbacks and build-to lines, the orientation of a building’s Facades, alignment of new Streets and blocks, height of buildings, Driveways and parking, and pedestrian accommodations on the site.

- (1) Building placement:  
Building setbacks shall be measured from the property line and shall be provided in accordance with the requirements in Table 3 of this section.

<b>Table 3. Building Placement Standards</b>		
<b>Street Frontage</b>	<b>Building Setbacks</b>	
	<b>Minimum (feet)</b>	<b>Maximum (feet)</b>
Front (by Street Type)		
IH-35E Frontage Road	20	None
Arterial roadway	20	None
Collector or Local Street (2-4 lanes)	10	None
Other or Alley	5	None
Side (interior)	0 *	None
Rear (non-alley)	0 *	None

\*Except that any setbacks adjacent to single family residential uses located outside the Corridor District shall be a minimum of 20 feet.

- (2) Building orientation: If the building only has one Street frontage on the IH-35E Frontage Road or an arterial roadway, then the longer side of the building shall be placed parallel to the Street. For all properties which are adjacent to the IH-35E Frontage Road or an arterial roadway, the front Facade of the building shall be oriented to the higher category roadway.
  
- (3) Blocks and lots:
  - a. Maximum Block Perimeter shall be 2,400 feet.
  - b. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to allow for a 20% increase to the maximum Block Perimeter requirement.
  
- (4) Building Height:
  - a. The minimum Building Height of a building or Parking Structure shall be 20 feet.
  - b. Minimum interior Ground Floor height shall be 12 feet (clear).
  
- (5) Driveways:
  - a. Sharing and consolidation of Driveways is encouraged in order to reduce the number of curb cuts to ensure smoother, more organized traffic movements and less disruption of pedestrian movement.
  - b. Cross or joint access easements:
    - 1. Cross or joint access easements shall be required for all Developments unless grade and topography make such cross access unfeasible.
    - 2. Cross or joint access easements shall be designated at the time of Development in anticipation of future direct or indirect access.
  - c. Except where otherwise required by the Access Management Policy in the LDR, curb cuts (Driveway openings) shall:
    - 1. Be a minimum of 300 feet apart from any other curb cut or Street intersection; and
    - 2. Not interrupt the paving material of the Sidewalk with another material. Sidewalk paving shall be continuous across the Driveway.
  - d. Driveway entrances into multi-building commercial properties along the IH-35E Frontage Road and all arterial roadways shall be enhanced with the addition of signs, accent paving, special landscaping and/or lighting. Design elements shall not be located within any required visibility easements or clear vision triangles.
  
- (6) Pedestrian circulation
  - a. Sidewalks

1. Sidewalks for separate and continuous pedestrian circulation shall be provided along all Streets.
  - b. Walkways
    1. Walkways shall be no less than four (4) feet in width.
    2. Walkway connections shall be required:
      - i. Between any existing or future Sidewalk, trails, parks or greenways and Primary Entrances of all buildings on the site;
      - ii. From building entrances to all on-site facilities, such as Parking Lots, bicycle facilities, and Open Space;
      - iii. Up to the property line in a manner which will allow walkway connections between adjoining properties and buildings and
      - iv. To connect to any public transit stop that is adjacent to a site.
    3. Walkways shall be distinguished from any driving surfaces through the use of colored pavements, bollards, grade changes, pavement markings or combination of treatments, especially when Walkways cross or are adjacent to vehicular circulation areas.
  - c. Parking
    1. Parking Lots and Parking Structures shall clearly mark Walkways between parked vehicles and Primary Entrances through the use of clearly marked stop signs, wayfinding/directional signage, lighting, and other similar measures.
    2. Parking stalls shall not overhang onto any Walkway, Sidewalk or landscape area and shall require wheel stops or an increase in the minimum Walkway, Sidewalk or landscape area of at least the depth of the overhang.
- (7) Off-street Parking
- a. On-site parking shall be provided in accordance with the following parking requirements:
    1. Non-residential uses: one (1) space per 250 square feet of gross floor area.
    2. Residential uses: two (2) spaces per residential unit.
    3. Mixed-uses: use ratios above to calculate the required spaces based on the composition of the uses on the property.
  - b. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to allow credit for available public parking or shared Off-street Parking on another lot within 1,000 feet of the subject property to apply towards On-site Parking requirements.
  - c. Shared Parking Lots shall be connected to businesses with paved and landscaped Walkways per subsection 17.5-5(b)(6), above.
- (8) On-street Parking is encouraged, but not required, along all collector and Local Streets.

**(c) Architectural Standards:**

These Standards apply to the exterior architectural treatments within the transition sub-districts. External architectural treatments include building Articulations, Facade composition, exterior materials and colors, windows and doors, and Awnings and Canopies. These Standards are intended to elevate the visual appeal of the Corridor District through a common set of minimum building design Standards.

**(1) Building Articulation and Facades**

- a. Building Facades visible from any Street (except alleys) or Open Space shall demonstrate horizontal and vertical Articulation with a Facade Rhythm between twenty to forty feet. This rhythm may be expressed by any of the following:
  - 1. a change in a building’s horizontal or vertical plane;
  - 2. stepping portions of Facades in and out;
  - 3. utilizing balconies, columns or pilasters that are distinctively set out from the Facade; or
  - 4. changing types or colors of materials in combination with other techniques.



*Examples of attractive exterior architectural treatment*

- b. All building Facades along IH-35E Frontage Road or an arterial roadway shall have a minimum of 40% the Ground Floor Facade comprised of windows and doors.
- (2) Building entrances:**
- a. Primary Entrances shall be emphasized architecturally with Awnings, recessed entries, pilasters, etc.
  - b. A minimum twelve-foot wide Secondary Walkway shall be required along each building’s front Facade that is comprised of the Primary Entrances into businesses and/or tenant spaces, if such a Facade faces a Parking Lot on the property. This Secondary Walkway shall incorporate shading elements along its entire front Facade in the form of Canopies, trees, or a combination of the two.
    - 1. Canopies may be used for no more than 50% of the Facade length and shall

extend at least two (2) feet from the Facade.

2. Trees shall be planted at an average spacing of 40 feet. Trees shall be selected from the Canopy Tree List in Appendix G and shall be a minimum of two and a half (2<sup>1/2</sup>) inch caliper when planted.
  - i. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to use other species that are drought tolerant and adaptive.



*Illustration depicting the Secondary Walkway requirement along the interior storefront*

(3) Facade materials and colors

- a. Facade materials: Each exterior wall (except window and door area) of a building or Parking Structure shall comply with the following material requirements:
  1. Eighty percent (80%) or more of each exterior wall shall be comprised of brick or stone. The remainder of each exterior wall may be comprised of either three-step stucco (EIFS shall only be allowed at locations nine (9) feet above grade), architectural metal, cladding, or panels, or a combination thereof.
  2. Accent materials may be comprised of pre-cast stone, metal, or other architectural materials.
- b. Colors: At least two (2) main colors, and no more than three (3) colors, shall be used on each elevation. Eighty percent (80%) of each elevation must utilize natural and/or earth tone colors, and each elevation must have 20% of another type of color. Buildings shall not have colors that are fluorescent or bright (e.g. yellow, green, purple) visible from any public place or Street. This shall include service doors, down spouts, utility boxes, panels and other similar features integral to the Principal Building.



*Building Facade with no more than two colors with 80 percent natural/ earth tone colors.*

(4) Awnings and Canopies

- a. All building fronts with business/tenant space entrances shall have an Awning or Canopy which extends beyond the face of the building over an adjacent Walkway or Sidewalk for a minimum of 50% of the building's front Facade width.
- b. Materials allowed shall consist of metal or canvas. Reflective materials for finishes are prohibited.
- c. When used, Awnings or Canopies shall be located as to provide shading for exterior windows and doors and shall cover the entire width of the window opening or groups of windows over which it is installed.
- d. Awnings and Canopies may encroach over Walkways up to 50% of the width of the Walkway or five (5) feet, whichever is greater. They shall maintain a minimum nine-foot (9') vertical clearance as measured between the bottom of the Awning/Canopy and the finished grade of the Walkway. In no case shall an Awning or Canopy encroach over a Travel Zone, Driveway or fire lane.



*Awnings should fit into the storefront's overall architecture and appearance. Awnings provide protection and cover from bright sunlight and inclement weather.*

(5) Windows

- a. Window framing materials shall consist of anodized aluminum, vinyl, or steel.
- b. For required windows at the Ground Floor, a minimum 60% visible light transmittance shall be required.
  - 1. **Specific Standard and Findings for Administrative Modifications:**  
Windows having a visible light transmittance less than 60% may be allowed with an Administrative Modification if a finding is made by staff that an Administrative Modification is necessary to satisfy building code requirements related to energy efficiency.
- c. Mirrored glass is prohibited.
- d. No more than 50% of the windows on any Facade may be Reflective Glass.
- e. Window screens are prohibited on non-residential Ground Floors.
- f. Horizontal groupings of windows shall not exceed five (5) per grouping, where groupings are separated by a mullion, column, or wall section a minimum of seven-inches wide.
- g. Windows shall be a minimum of thirty inches from building corners, unless separated by a corner mullion or column twice the width used in grouping.
- h. The following are prohibited for use in storefronts:
  - 1. Single pane glass windows;
  - 2. Black glass, opaque glass, and other ‘false window’ techniques;
  - 3. Doors with no opacity; and
  - 4. Windows which do not permit unobstructed views into the building.



*Windows should maximize visibility to the Street on the Ground Floor. Ensure that commercial Ground Floor uses provide clear unobstructed windows, free of reflective coatings.*

(6) Parking Structures

- a. Parking Structures shall have a Facade design with the same colors and materials as the building the Parking Structure Services. If the Parking Structure serves multiple buildings, it shall have a Facade design with the same colors and materials. Parking Structures shall be located behind buildings to minimize their visibility from adjacent Streets.

- b. Where a Parking Structure is located adjacent to any Street:
  - 1. Parking Structure Facades shall be designed with both vertical Articulation at least every 40 linear feet and horizontal Articulation aligning with horizontal elements along the block. The building materials shall be the same materials and color(s) as the building the Parking Structure serves.
  - 2. The Parking Structure shall be designed and screened in such a way that motor vehicles on all parking levels are hidden from view from all adjacent Streets. Parking Structure ramps shall not be visible from any Street. Ramps shall not be located on the perimeter of the Parking Structure. Architectural Screens shall be used to articulate the Facade, hide parked vehicles, and shield the lighting inside the structure.



*Parking Structures shall be located behind buildings to minimize their visibility from adjacent Streets.*

*Parking Structures shall have a Facade design similar to surrounding buildings along the Street front.*

**(d) Landscape Standards:**

These Standards apply to new trees and shrubs, Hardscape and Open Space treatments, screening of service, parking and utilitarian uses, and Parking Lot landscaping. Landscaping can reduce the urban heat island effect, soften the built environment and contribute to pedestrian comfort in addition to increasing property values and rents.

(1) Trees and plant materials

- a. Plantings may be placed in natural groupings along Street frontages.
- b. Tree and plant materials shall be selected by the landscape architect or designer designing the landscape plan from the approved plant material list provided in Appendix G. No artificial trees, shrubs, ground covers, turf, or seasonal colors are permitted.

- 1. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to use other species that are drought tolerant and adaptive.

- c. Irrigation systems provided within all landscaped areas including the Secondary Walkway area and shall be installed and maintained by the developer or property owner per current Parks and Recreation Department standards.
- d. Canopy trees shall be:
  - 1. Planted along Street frontages within the Amenity Zone and/or Secondary Walkways;
  - 2. Planted at an average spacing of forty feet on center along all Street frontages; and
  - 3. A minimum three (3) inch caliper and at least ten (10) feet in height with a single trunk at planting.
- e. Tree preservation and landscape maintenance shall comply with the provisions in the LDR.
- f. Parking Lots with frontage on IH-35E shall provide a minimum twenty-foot wide landscape area between the Public ROW and Parking Lot. Canopy trees shall be placed at an average spacing of forty feet. A solid evergreen shrubbery hedge with a minimum 24-inch height at the time of planting shall be planted in a manner which will screen the view of parked vehicles from the Street.
  - 1. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to allow any of the following (minimum height of 36-inches) as a Parking Lot screen:
    - i. Retaining wall;
    - ii. Berming; or
    - iii. A combination of retaining wall, berming, and/or evergreen screening hedge.
- g. Parking Lots adjacent along all other Street frontages (except alleys) shall use one or both of the following screening methods:
  - 1. A minimum five-foot wide landscape area between the Sidewalk and Parking Lot, with a solid evergreen shrubbery hedge with a minimum 24-inch in height at the time of planting planted within the landscape area in a manner which will screen the view of parked vehicles from the Street; or
  - 2. A Masonry (brick or stone) wall a minimum of 36-inches in height installed between the Sidewalk and the Parking Lot, placed such that a minimum two-foot parking space overhang is provided on the Parking Lot side of the wall, and wheel stops are provided for the parking spaces.
- h. All Parking Lots shall include the following landscaping elements:
  - 1. Expanses of parking in excess of 120 parking spaces shall be organized into blocks of parking with no more than 120 spaces in each block. Each block of parking shall be separated from other parking blocks by a minimum of one (1) ten-foot landscape island with plant cover and trees as required below, as well as Walkways of at least four (4) feet in width leading to the front Facade of the building. Driveways between the parking blocks shall be provided.

2. Landscape islands shall be a minimum of ten (10) feet in width with a minimum of 50% plant cover. A landscape island shall be required on the end of each row of parking in addition to between each parking block.
3. Each Parking Lot shall include canopy trees at a ratio of one (1) tree per eight (8) parking spaces.

(2) Hardscaping

- a. All hardscaping materials shall be of earth tones or colors found on the Principal Building.
- b. Walkway and Secondary Walkway paving shall be comprised of the following materials or a combination thereof:
  1. Concrete;
  2. Pavers; or
  3. Stamped concrete or asphalt.

(3) Open Spaces

- a. Open Space shall be provided on Developments that incorporate five (5) acres or more.
  1. The minimum set aside for Open Space shall be 5% of the Development.
  2. If the Open Space is designed for public use, it shall be highly visible from the Public ROW and accessible to the general public. If the Open Space is designed solely for private use, it shall be centrally located and easily accessible to all individuals it is expected to serve.
- b. Developments that incorporate less than five (5) acres may incorporate Open Space for the use of employees or the public.
- c. Private Open Space may be fenced or otherwise controlled for secure access using wrought iron, Masonry, or comparable decorative fencing, or vegetative screening.
- d. Parking, Driveway, or rear setback areas may not be used as publicly accessible Open Space, but publicly accessible Open Space areas may include front and side setback areas provided that they are integrated into the overall design of the project. Publicly accessible Open Space shall have public or private street frontage for a minimum of 25% of the perimeter of the Open Space. Retention and detention areas that are incorporated into the overall site design with appropriate amenities may be credited towards 50% of the Open Space requirement.
- e. A combination of landscape and Hardscape materials shall be used in the design of Open Space. Open Space shall be landscaped with trees, as well as turf, shrubs, or groundcover. All plant materials shall be selected from Appendix G and permanently maintained and irrigated.
  1. **Specific Standard for Administrative Modification:** An Administrative Modification may be requested to use other species that are drought tolerant

and adaptive.



*Open Spaces should encourage diverse opportunities for social activities, provide relief and relaxation, expand and reinforce the public realm, and facilitate livability.*

**(e) Street and Streetscape Standards:**

These Standards provide for design of new and improved Streets as well as the treatment of areas between the curb and the private property line and Street medians, if any, including the placement or installation of trees, Sidewalk paving, Street Furnishings, lighting, and other amenities for pedestrians.

- (1) **General Street Standards:** Streets shall be built or improved in accordance to this section, the Street Design Standards in Appendix F, and the construction standards of the city. The city shall have the ultimate approval authority on Streetscaping on Streets and may establish standards by ordinance for different Street types and conditions. Unless otherwise provided herein, all Public ROW dedication and construction for Streets (existing and new) shall be in accordance with the LDR.
- (2) **Street Design Standards:** Streets shall include a Travel Zone and a Streetscape Zone per Appendix F.
- (3) **Existing Streets:** At such time when properties adjacent to the existing Streets develop, and/or redevelop, the property owner shall, in accordance this section and for the length of Street frontage of the property, dedicate to the city sufficient Public Right-of-Way (or equivalent) to accommodate the required Street and Streetscape improvements, subject to provisions in the LDR and any other applicable city ordinances.
  - a. **Specific Finding for Administrative Modification:** The Street Design Standards in Appendix F may be adjusted through an Administrative Modification if staff finds that such an adjustment is necessary in order to fit existing and future utility locations, existing landscaping, or the International Fire Code as adopted by the city.

- (4) New Streets:
  - a. Any new Street shall:
    - 1. Meet the Block Perimeter maximums established in this section;
    - 2. Continue any established Street and block pattern on adjoining sites developed or redeveloped under this chapter; and
    - 3. Be designed in accordance with the Street Design Standards in Appendix F.
  - b. For any new Street, the property owner shall construct the entire Street section including travel lanes, On-street Parking, and any other Sidewalk improvements. Half Streets may be provided where necessary to comply with the LDR.
  - c. Unless otherwise provided in this chapter, all Right-of-Way dedication and construction for Streets (existing and new) shall be in accordance with the LDR.
  
- (5) Streetscape Zone
  - a. The Streetscape Zone along all streets shall be a minimum of nine (9) feet in width. Of this streetscape Zone, a minimum of five (5) feet shall be designated for a clear Sidewalk and four (4) feet for the Amenity Zone.
  - b. Sidewalks shall be located adjacent to the Amenity Zone and shall comply with the requirements as outlined in this section and Appendix F. The sidewalk must be unobstructed by any permanent or nonpermanent element for a minimum height of nine (9) feet. Accessibility is required to connect Sidewalks on adjacent sites.
  - c. Enhanced Sidewalks shall be required where recommended in the Lewisville Trails Master Plan.
  - d. Sidewalks shall be constructed of concrete or Pavers and may be embellished with the same colors and patterns found on the adjacent Facade(s).
  
- (6) Trails
  - a. Trails shall be designed and constructed in accordance with the most recently adopted Lewisville Trails Master Plan.
  - b. Any conflicts between the trail requirements and the Sidewalk requirements herein should be resolved with staff prior to submitting any Engineering Site Plan or Concept Plan.
  
- (7) Street and pedestrian lighting
  - a. General:
    - 1. All types of exterior lighting shall comply with section 9-3 of the city code, as amended.
    - 2. All lighting shall be directed downward.
      - i. **Specific Standard for Administrative Modification:** Up-lighting of building walls may be approved with an Administrative Modification.
    - 3. Lighting of signage, parking, Sidewalks and Walkways is to be controlled or

narrowly focused.

4. Placement and shielding of light sources shall be done to limit visual impact. Full cut-off metal fixtures are required.
  5. Distracting, flashing, traveling, or animated lighting shall not be permitted with the exception of lights associated with seasonal displays.
- b. Street Lighting: Pedestrian-scaled Street lighting shall be provided along all Secondary Walkways, Walkways, and Sidewalks as follows:
1. Maximum height of the light pole shall be 15 feet.
  2. Street lights shall be placed at 40' on center, approximately two (2) feet behind the curb line.
  3. The light standard selected shall be compatible with the design of the Street Furnishings and buildings or per city standards.
- c. Exterior building lighting:
1. Building lighting shall accentuate important architectural components of the building, such as entries, towers or roof elements, or repetitive columns or bays.
  2. Building lighting shall provide indirect or direct lighting for adjoining Sidewalks and Open Spaces.
  3. Equipment and lighting fixtures shall be weather resistant.
  4. Lighting fixtures shall include directional shields so as to prevent viewing of the light source.
  5. Building lighting shall be limited to decorative lighting. Standard pack lights may not be attached on buildings except within loading and service areas.
  6. LED, halogen, metal halide, incandescent, and compact fluorescent lighting are permitted for exterior lighting.
  7. High-intensity discharge (HID) lights are prohibited.
  8. **Specific Standard for Administrative Modification:** Neon lighting may be permitted subject to approval of an Administrative Modification.
- d. Primary Entrance lighting: Primary Entrances shall be externally lit so as to promote a more secure environment at the door, emphasize the primary point of entry into the building, and provide sufficient lighting for efficient access into the building. Standard security lighting, including but not limited to wall-packs, shall only be allowed in service and loading areas.
- e. Landscape lighting: Landscape lighting may be used to highlight landscape elements, building entries and other important architectural features and accent elements such as fountains and sculptures.

(8) Pedestrian amenities

- a. General:
  1. Street Furnishings shall be located within Secondary Walkway areas as

designated in this section so long as a clear area of at least four (4) feet is designated. A minimum of two (2) of the Street Furnishings listed in subsection b. below shall be provided within a Secondary Walkway area. The Street Furnishings shall be shown on an approved Engineering Site Plan and landscape plan prior to installation.

2. Street Furnishings and any adjacent area required for the functional use of the Street Furnishings shall not be within the clear Sidewalk area required by this section.
  3. All Street Furnishings shall be affixed to the ground so as to prevent removal or tipping.
- b. Street Furnishings List:
1. Trash receptacles: shall be constructed of metal (steel or aluminum) with a black polyester powder coat finish and a side opening. Trash receptacles shall be approximately 25 inches in diameter and 34 inches high, with an approximate 28-gallon capacity. They shall be placed at a frequency of two (2) per every 500 linear feet of block frontage.
  2. Bike racks: shall provide at least one (1) bike rack accommodating a minimum of six (6) bicycles per 400 linear feet of block face. An area of two (2) feet by six (6) feet must be provided for each bicycle parking space in order that a bicycle six (6) feet long can be securely held in place with its frame supported by the rack. A bicycle must be able to be placed in the rack in an upright manner that will not damage its wheels or components. The individual floor-mounted “inverted-U” style or “staple” style rack is recommended, but not required.
  3. Planters: shall be constructed of natural grey concrete/sandstone or beige/light tan precast concrete/cast stone, with a drainage hole for irrigation, and shall be of a round tapered shape. Planters may be circular (24” – 42” in diameter) or square/rectangular (24” - 48” wide) with a height between 24 and 36 inches. A minimum of two (2) planters shall be placed for every 200 linear feet of block frontage. Planters shall be irrigated and maintained with landscaping in a healthy growing condition at all times.
  4. Benches: shall be constructed of metal (steel or aluminum) with a black polyester powder coat finish. Bench seats shall have two-seat configurations, with no more than three (3) sets of seats. Seating surfaces shall be 16 to 18 inches high with a minimum depth of 16 inches for seats without backs and 14 inches for seats with backs. They shall be placed at a frequency of one (1) per every 40 linear feet of block frontage.
  5. Bollards: shall be constructed of metal (steel or aluminum) with a black polyester powder coat. Bollards may have a maximum height of 36 inches and a maximum diameter of nine (9) inches. Bollards shall be placed at a

regular spacing of four (4) to six (6) feet on center.

6. Tree Grates: shall be placed around the trees and be manufactured of cast iron with a baked oil finish, and shall be six (6) feet by six (6) feet square, with maximum ½ inch square openings.
7. **Specific Standard for Administrative Modification:** Other Street Furnishing elements such as Art, water features, water fountains, newspaper racks, etc., may be proposed and approved through Administrative Modifications.

**(f) Screening of Service Areas and Utilities:**

These Standards provide for the screening of service and loading areas, roof or ground mounted utility equipment and similar uses on the site.

- (1) General provisions: Loading and outdoor storage areas, ground-mounted equipment, roof-mounted equipment, outdoor receptacles and utility accessories shall be screened to reduce the visual impact of these elements on adjoining properties and Public Rights-of-Way. All screening walls shall be measured at the highest finished grade, and designed by a professional civil engineer registered in the state. Construction and location details of the required screening devices shall be shown as part of the Engineering Site Plan. In areas where non-single-family Development is proposed adjacent to established single-family residential dwellings and a screening wall is required, the screening wall shall be constructed prior to issuance of a building permit. The screening wall portion of the project costs may not be escrowed under the performance escrow policy of the LDR.
- (2) Loading Areas: Where off-street loading areas for non-residential and Mixed-uses are required by the LDR, such areas shall be screened with one or a combination of the following:
  - a. A minimum eight-foot-tall solid brick, stone, or decorative block Masonry wall, of the same color(s) as the Principal Building on the site;
  - b. Solid metal gates; or
  - c. Overhead doors.
- (3) Outdoor receptacles, as defined by the LDR, shall be enclosed on three (3) sides by a solid brick, stone, or decorative block Masonry wall, of earth tones or the same color(s) as the Principal Building on the site. The wall shall be a minimum six (6) feet in height or equal to the height of the equipment to be screened, whichever is greater. All other outdoor receptacle requirements in the city code apply.
- (4) Outdoor storage areas as an accessory use under the Zoning Ordinances shall be located behind a Principal Building, and shall be screened from view of Streets (excluding

alleys) and adjacent properties. Screening walls for outdoor storage shall be either of the following:

- a. Masonry walls (minimum six (6) feet tall, maximum eight (8) feet tall) of the same color(s) as the Principal Building on the site; or
  - b. Tubular steel fence (minimum six (6) feet tall, maximum eight (8) feet tall) with an irrigated, solid landscape screen consisting of evergreen variety trees and/or shrubs maintained at the same height as the steel fence.
  - c. Materials, equipment or commodities shall be stacked no higher than the height of the screen mechanism.
- (5) Roof-mounted equipment: All roof-mounted equipment, including fans, vents, and air conditioning units and cooling towers, shall be screened to eliminate the view of the equipment from any adjoining Streets (excluding alleys).
- a. The height of the screening mechanism shall be the height of the tallest element of the roof-mounted equipment. A Parapet or architectural design element on a building may screen roof-mounted equipment; however, the Parapet or architectural design element shall be limited to maximum six (6) feet in height. Roof-mounted equipment taller than six (6) feet shall be screened separately by a solid wall or metal panel/louver system.
  - b. The outside of the screening mechanism shall be painted or finished in a similar color to the building Facade, trim or roof surface and be architecturally integrated with the design of the building elevation.
  - c. The roof-mounted equipment and the inside of the screening device shall be painted similar to the color of the roof surface in order to minimize visibility of the equipment and screening mechanism from overhead views from the adjacent properties.
- (6) Ground-mounted equipment: All ground-mounted mechanical, electrical or other utility equipment shall be located behind the rear line of the building or along alleys without frontage along any Streets. If an Alternative Standard is approved allowing placement along a Street frontage, the equipment shall be screened and the screening shall be as tall as the equipment being screened and shall eliminate the view of the equipment from any adjoining Streets (excluding alleys). The screening may be evergreen shrubbery or Masonry walls matching the Principal Building material and color(s) of the site. All screening shall be architecturally integrated into the building elevation and Facade along that Street.

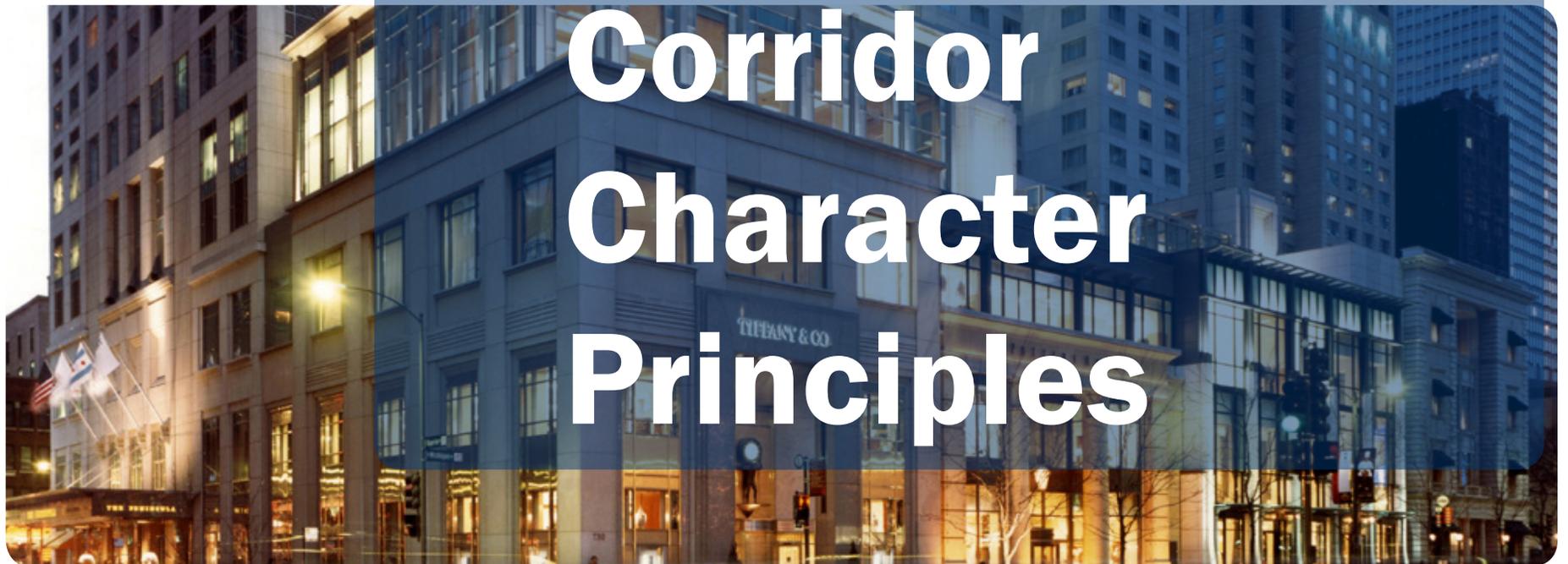
**(g) Pad Site Standards:**

These Standards provide for the development of Pad Sites including the architectural treatment of Facades, continuity of landscaping, screening of drive-through and service functions, and pedestrian accommodation.

- (1) Standards: In addition to all other Standards applicable to Development within the transition sub-district, the following shall apply to Pad Sites:
  
- (2) Building design and orientation standards:
  - a. All building Facades shall be designed as the front Facade in compliance with all requirements of this section for front Facades. If windows and doors cannot be incorporated into the rear and side Facades, changes of building materials and color shall be used to create the appearance of solids and voids.
  - b. The longer side of the building shall be oriented towards the primary Street frontage and shall be considered the front of the building.
  - c. The Primary Entrance to the building shall be located in the front of the building and shall be oriented toward the primary Street and the Sidewalk.
  - d. The Primary Entrance shall be emphasized along the front Facade with doors, display windows, Canopies, Awnings, increased architectural elements, increased landscaping, lighting, and/or pedestrian-oriented features.
  - e. Pedestrian access shall be provided leading from the Primary Entrance at the Secondary Walkway along the storefront to Sidewalk at the Street.
  - f. Stacking and drive-through lanes shall not be located along the primary Facade of the building.

## Appendices

**Appendix A**  
**Corridor Character Principles**



## Corridor Character Principles

The following corridor character principles are intended to provide a thematic vision for public infrastructure along the corridor and its subareas. This section is organized to present intent statements for spatial elements contained within the corridor, followed by design principles for each of the character subareas. The principles should be used to provide guidance during the decision-making process when evaluating detailed concepts for proposed treatments within the corridor.

These principles were used in the development of the IH-35E Corridor Identity Plan, which adopted the three character zone designations and determined the appropriate limits for each within the corridor. The physical design elements for the corridor were then developed in terms of the aesthetic character which was then applied to typical interchange locations along the corridor. A vocabulary of common elements was established for the entire corridor, including lighting, banner poles, wayfinding, plantings, cross street gateway identifiers, pedestrian protection barriers, decorative crosswalk pavement and bridge abutment wall treatments. Unique character zone defining elements were developed for pedestrian paving patterns, custom retaining wall graphics, pedestrian protection wall forms and textures, and planting palette.

## The Corridor Experience

The eight-mile drive along the IH-35E corridor through Lewisville provides a range of experiences that can be interpreted in the physical design of the spatial elements throughout the corridor. This corridor contains modulation through topography, compression of the right-of-way in areas where the highway is depressed, and openness as the highway crests to expansive views of the region. On a smaller scale, the corridor passes under bridges which will serve as landmarks, and along a variety of walled conditions. Through the journey, the corridor also passes along watercourses and open spaces that are amenities to local neighborhoods. These experiences provide inspiration that can inform the design of elements at the scale of the entire corridor and at smaller neighborhood scales.



The eight-mile corridor contains unique character areas including water, urban and park.

## Unifying Character Theme

One of the most impressive natural resources along this corridor is Lake Lewisville. The lake is a psychological and physical place of respite and recreation, and is a regional attraction in the Dallas metropolitan area. During work sessions with the project's Advisory Committee, the lake was identified as the most recognizable asset to the city and the theme of water was proposed as a unifying theme for the corridor. The purpose of providing a unifying theme is to provide a consistent brand for the city and to inform drivers of the range of experiences and opportunities contained in this corridor.

## Subarea Character Themes

Due to the length of the corridor, the range of experiences it offers, and the character of its adjacent communities, subarea themes are proposed for the north, central and south portions of the corridor. Subarea themes will help to break down scale of the corridor and provide neighborhood identification.



Water should be a defining characteristic in the north section and used as a unifying theme.

### North-Water

The subarea themes for the north section of the corridor are water and recreation. Combined with the vacant parcels available for redevelopment along the corridor, the water theme could serve as an organizing element for future development. Lifestyle oriented development could reflect the unique attributes of living, working and recreating around water. The design elements along this northern reach need to come together to draw visitors off the highway thereby capturing greater market share.

- Gateways and landmarks should be focused at Garden Ridge Boulevard and Valley Ridge Boulevard, both primary entrances into the Lake area. Higher density nodal development should be focused around these gateways to draw in visitors.
- Water should be a defining characteristic in the treatment of walls, bridges, lighting and art. Species such as Sun Fish and Large Mouth Bass could be utilized as relief along retaining walls to remind visitors of the Lake Lewisville recreational amenity.

## Corridor Character Principles



The central section of the corridor is tied to Old Town Lewisville



Hebron Parkway could benefit from a gateway in the southern section

### Central-Urban

The theme of the Central section of the corridor ties to historic Old Town Lewisville. Though located approximately one mile from the center of Old Town, IH-35E currently has little relationship to Old Town and the medical uses in between. Design elements should be consistent with the historic architecture of Old Town.

- Gateways and landmarks need to be located at both South Mill Street and West Main Street to signify entrance into the historic heart of the community, tying newer land uses along the highway with the history of Old Town.
- Design treatments for walls, bridges, lighting, building architecture and art should emphasize the area's history. Brick and warm materials need to reflect the historic nature of Old Town.

### South-Park

The southern section of the IH-35E corridor will remain an important center of retail, hospitality and corporate office space. The theme for this area should focus on its location as a gateway and destination, and capitalize on its unique assets, such as Timber Creek.

- A gateway is needed at Hebron Parkway to distinguish this area as a center of activity and connectivity between uses east and west of the highway. This bridge could exhibit a unique architectural style, such as an arched truss bridge. Tall lighted elements along this bridge could denote this as a special area, and create a nighttime place, while preserving views north and south during the day.
- Due to the complexity of the intersection of SH-121 to allow for all necessary vehicle movements, this area will contain a high percentage of retaining walls. Special attention will be required to reduce the impact of the walls through a variety of surface treatments, including massing breaks, color changes, and texture variations. Additional surface treatments could include the incorporation of public art to display shallow relief images with colored material.

# Unifying character theme spatial elements

The experience and character of the corridor will be communicated through the design and treatment of its spatial elements. Following are design principles for the primary spatial elements that will be experienced throughout the corridor. Each of the spatial elements described below should be designed to complement the unifying theme and respective subarea themes along the IH-35E corridor.

Each spatial element is defined below. Intent statements describe how each element is characterized in the corridor. Principles are included that should be incorporated in the design of each element.

## A. Landmarks and gateways take the form of natural features and design elements and include bridges, intersection treatments, development form, and significant open space areas.

### Intents:

- Landmarks identify and brand the City of Lewisville and its neighborhoods.
- Landmarks form a mental map for wayfinding purposes and can be created through natural or manmade means.
- Gateways identify particular areas within the city or particular neighborhoods.



Landmarks can enhance wayfinding



Gateways should be at least 8 feet tall

### Principles:

- A1.** To achieve a consistent treatment where gateways are provided, gateways should be designed as elements that either span across a highway or path, or are symmetrical treatments located on each side of the highway right-of-way or path, and require users to either pass under or pass through.
- A2.** To promote the diversity that exists in Lewisville, landmark locations are identified within the primary catalysts of Subareas 2, 5 and 7.
- A3.** To diversify community image, landmark and gateway treatments should contain a minimum of three (3) exterior materials.
- A4.** To promote visual clarity, gateway treatments should be a minimum of eight-feet (8') tall at any dimension from the ground or base condition.
- A5.** To incorporate nodal development, landmarks and gateway treatments should be integrated with intersection design at identified nodes.

## Corridor Character Principles

**B. Development Patterns** describe how buildings, roads and open space are organized together in a particular area. These patterns contribute significantly to the character of the highway.

### Intents:

- Development is composed of compact centers, or nodes, of mixed use development.
- Environments are designed to be comfortable to pedestrians and bicyclists.
- Networks of transportation modes interconnect development and open space.
- Land use and transportation are intricately linked to create active, engaging places.

### Principles:

**B1.** To reduce sprawl, create development nodes that capture a higher number of vehicle trips accessing the corridor than traditional development.

**B2.** To promote active places, create centers of mixed-use developments near a variety of residential densities.

**B3.** To promote active places, site design for major projects should allow for increased densities over time.

**B4.** To reduce the occurrence of strip development, new development should be nodal in character and concentrate development along the highway at planned areas that are separated by open space.

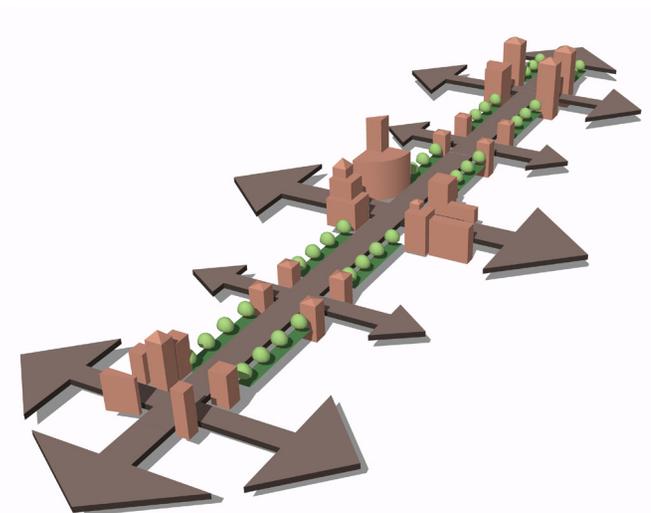
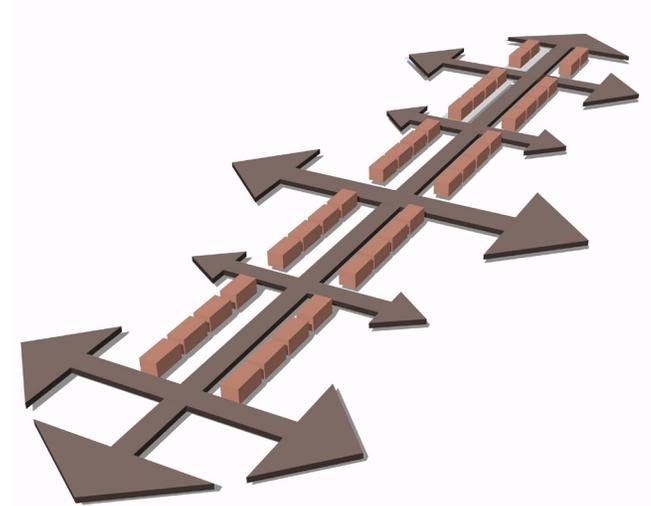
**B5.** To leverage transportation access, the tallest and densest development patterns should occur within 700 feet to one-quarter mile radius of planned nodes. Most nodes are situated at interchanges.

**B6.** To improve development character, parking locations should be less prominent and located to the rear of buildings or in parking structures.

**B7.** To promote active streets, pedestrian-oriented uses should be located on ground floors of buildings.

**B8.** To facilitate more active places, sidewalks should be wider in planned development nodes than in other lower density areas.

**B9.** To provide amenities for pedestrians, sidewalks should incorporate street trees, benches, kiosks and plazas.



Low-density development (top) and node development (bottom)

**B10.** To promote active streets, auto-oriented uses, including service stations and drive through facilities should be discouraged within one-quarter mile radius of planned nodes.

**B11.** To provide a pedestrian-friendly street network, street block sizes should not exceed 600,000 square feet.

### C. Right-of-way treatments include bridges, walls, fencing, landscaping and lighting.



#### Intents:

- Right-of-way treatments embody the unifying and subarea themes described in this plan.
- Aesthetic treatments are visibly consistent for public and private lands when viewed from the corridor.

#### Principles:

**C1.** To improve aesthetic quality, bridges should contain a minimum of three (3) exterior materials, and include accent lighting in addition to standard lighting for safety.

**C2.** To improve aesthetic quality, no chain link fencing is allowed within direct view of the corridor or fifty-feet (50') outside the state owned right-of-way.

**C3.** To improve the aesthetic quality, fencing treatments should incorporate live, drought-tolerant vegetation, where direct transparency for safety is not required.

**C4.** To improve the aesthetic quality, landscape treatments, including flowering plants should be provided adjacent to identified gateways and landmark areas.

**C5.** To reduce a canyon effect in the corridor, vertical surfaces of walls should not exceed twenty feet (20') without a twelve inch (12") minimum horizontal break.

**C6.** To break down the scale of walls, patterns should be created that are a maximum of four feet (4') in any direction.

**C7.** To promote a pedestrian-oriented environment, pedestrian routes should be buffered from fast-moving traffic and expanses of parking.



A bridge integrating a gateway treatment and architectural pedestrian railing



Patterns can break down the scale of walls

## Corridor Character Principles

**D.** Natural Spaces along the highway are primarily passive in form, and include open space, pedestrian pathways, waterways, wetlands and stormwater drainage areas.

### Intents:

- Natural spaces complement and separate areas of nodal development and enhance the natural surroundings.
- Natural spaces represent interconnected systems and are organized to facilitate system-wide drainage.
- View corridors provide expansive views out of the corridor and identify landmarks when appropriate.



### Principles:

- D1.** To facilitate pedestrian connectivity, natural spaces should create linear systems, particularly east-west along the corridor.
- D2.** To maintain a sustainable landscape, only native plantings should be provided.
- D3.** To promote expansive views, low plantings should be provided in open spaces designated to frame long views.
- D4.** To improve water quality, native landscape materials should be utilized to provide primary filtration of stormwater prior to entering sewers.



Low plantings preserve expansive views



Native plantings maintain a sustainable landscape

**E.** Access locations include the locations of curb cuts and intersections on frontage roads, arterial streets and intersections within the corridor.

**Intent:**

- Frontage roads facilitate local circulation parallel to the highway and provide access to the local street system.
- Local streets provide the majority of access to private property along the corridor.



**Principles:**

- E1.** To promote access, street patterns should form an interconnected grid that simplifies access for all transportation modes.
- E2.** To improve multi-modal circulation, bridges should include pedestrian paths and bicycle lanes.
- E3.** To increase capacity of the frontage road system, curb cuts should be minimized.



Retaining walls with unique character and treatments.

## Corridor Character Principles

**F.** Nighttime treatments include the organization and design of safety lighting and accent lighting on spatial elements, including landmarks, key building and landscape treatments, bridge and wall treatments and open spaces.

### Intents:

- Corridor treatments should be designed for daytime and nighttime users.
- Effect lighting attempts to replicate the daytime experience for nighttime users.
- Lighting for safety is integrated with effect lighting and provides a consistent design theme.



### Principles:

**F1.** To improve the aesthetic quality, accent lighting should be included in right-of-way treatments.

**F2.** To express the design theme in each subarea, safety lighting should be incorporated with effect lighting.

**F3.** To promote walking during nighttime, pedestrian scaled lighting should be included on all walkways with one-quarter mile of defined nodes.



Pedestrian scale lighting promotes walking

## G. Street design includes both traffic and pedestrian zones.

### Intents:

- The traffic zone encompasses vehicular and bicycle movements, and can also include medians, crosswalks and on-street parking.
- The pedestrian zone includes all elements from the back of curb.



### Principles: Traffic Zone

**G1.** Vehicular lane width will vary based on the street type and traffic volume. On highways such as IH-35E, 12-foot lanes may be most appropriate. Arterials with heavier volumes of traffic may require 11 to 12 foot lanes. On local streets, 10 to 11 foot lanes are encouraged to help reduce speed and narrow the overall traffic zone width.

**G2.** Bicycles may be accommodated either through a wider outside lane or through a striped bicycle lane. Bicycle lane widths should be between four and six feet. When placed adjacent to on-street parking, an additional 1 to 2 feet of bicycle lane should be provided.

**G3.** Medians should provide refuge areas for pedestrians and include special planting, paving treatments, or public art installations at each end to create a visual amenity.

**G4.** Crosswalks should include inset materials or textures, including brick pavers or stamped concrete which provides visual amenity and functional traffic calming for intersections.

**G5.** On-street parking is typically 8 to 10 feet wide allowing for parallel parking adjacent to the vehicular lane. On-street parking is typically placed on corridors with lower speed limits and streets with active pedestrian and development to help calm traffic and serve surrounding land uses.



Traffic zones need to balance vehicular and bicycle modes

## Corridor Character Principles



### Principles: Pedestrian Zone

**G6.** Sidewalks on frontage roads and arterial streets are encouraged to be detached from the curb and setback from the street a minimum of eight feet (8'). Sidewalk widths should be a minimum of six feet (6') and can exceed twelve feet (12') depending on planned pedestrian activity. Sidewalks on local streets should be a minimum of six feet (6') and either be attached or detached depending on other amenities provided.

**G7.** Curb cuts should be subject to conditions specified by an access management strategy for arterial roads. Curb cuts are only encouraged at combined business entries and for parcels that cannot be accessed from a local road. Curb cuts on all streets should be designed to be as narrow as possible while providing for safe traffic movements and access.

**G8.** Street trees are encouraged within the amenity zone. The trunk should be setback from the street a minimum of three feet (3') to provide a clear area from the street and to allow the canopy to mature.

**G9.** Planter boxes can be located in the amenity area and provide a buffer along busy streets and create a more intimate pedestrian space. Planters can be seasonal or permanent.

**G10.** Lighting along sidewalks should be provided to indicate safe pedestrian pathways. Pedestrian scale lighting can be incorporated with traffic lighting poles or provided as independent elements.

**G11.** Benches/seating on arterials should be provided at bus stops and near intersections in green areas to provide an amenity for people waiting to cross the street or board transit. Additionally, seating is encouraged in green areas with access to public open space, or large parking areas.

**G12.** Bus stops should provide overhead shelter from sun, snow and rain and provide side shelter from wind and rain. Side panels should provide a high degree of transparency and be clear of visual obstructions.

**G13.** Bicycle racks along streets should be provided adjacent to active streets containing neighborhood serving businesses. When provided, racks should be located in the amenity zone.



Benches and sidewalk treatments contribute to street character

**Appendix B**  
**Design Guidelines**



## Design Guidelines

These design guidelines are intended to enable the City to work together with the development and business communities in achieving the vision for IH-35E corridor. That vision includes four framework themes:

- Revitalizing the corridor will require enhancing the established character through multiple public and private realm improvements.
- Establishing memorable destinations will require creating authentic and diverse public places, while expanding the range of attractions and economic development opportunities that the corridor offers.
- Integrating the neighborhoods will require a mix of infill housing and services for local neighbors.
- Achieving a more accessible corridor will require improving the transportation system to minimize barriers and provide regional transportation alternatives.

The design guidelines are divided into two types: guidelines and standards. The Guidelines contained in this document are general statements describing ideal development along the corridor. The standards are basic requirements for any development or redevelopment along the IH-35E corridor. The use of these two types of statements is intended to give flexibility to the developer and/or applicant to respond and contribute to the corridor vision in advance of a submittal, to give the City of Lewisville a basis on which to make judgments so that its determinations are not arbitrary, and to give certainty to the City of Lewisville and its citizens that the corridor vision is met and that the quality described is maintained. The images in this section reflect examples from across the country, which exemplify the written standards.

As time passes and the city and its partners in the public and private sector advance in achieving the corridor vision, conditions along the corridor will change. The standards will be added to and amended over time. The guidelines and standards serve as a tool to ensure that the corridor vision and quality of corridor redevelopment remains consistently high.



Great places are defined in large part by great streets. Jane Jacobs said it well: “Streets and their sidewalks, the main public places of a city, are its most vital organs.”

## Authority

These Guidelines shall be approved as part of the IH-35E Corridor Redevelopment Plan according to the provisions of the General Development Ordinance.

## Applicability and Review

The review process follows the approved development process as stipulated in the City of Lewisville's adopted General Development Ordinance (GDO). The required standards of the corridor design guidelines and standards are in addition to the specific requirements of the GDO. These guidelines and standards supersede all other city design guidelines except as noted.

A design review committee (DRC) should be established by the City for review of projects along the IH-35E corridor. This committee should be responsible for the controls governing the design guidelines and standards. This DRC should have the responsibility to review all development within the boundaries of the corridor overlay area. Review of engineering requirements such as drainage; utilities; police, fire, and emergency service access is the responsibility of city staff. The DRC would have the responsibility of reviewing all design outside of the right of way, while city staff has the responsibility to review the street's engineering, traffic functions, utility and public safety requirements. The DRC should be composed of both public and private individuals. Representatives of the private development community bring value in providing their perspective.

## Amendments

These Guidelines may only be amended by City Council with a recommendation from the Planning Commission.

## Format

The format of the following design guidelines consists of development conditions defined by design principle statements and design standards. Development conditions are described for Site Plan, Architecture, Landscape, and Signage. Guidelines describe the design intent for each listed condition and should be incorporated into design treatments of each listed condition. Standards describe the specific treatments that, if incorporated, require no further DRC review. However, if standards cannot be achieved due to outstanding conditions, the DRC may evaluate specific condition proposed treatments against the stated Guidelines. If the DRC approves the proposed treatments no further DRC review is required. Appeals may be made to the Planning Commission.

## Design Guidelines

# A. SITE PLAN

## A1 Building orientation

### Guidelines

- A1.g1 The front facades and main entries of buildings should be oriented toward streets and plazas.
- A1.g2 Building orientation should provide views of adjoining publicly accessible streets and open spaces in order to provide passive viewing for safety.
- A1.g3 Pedestrian activity should be encouraged through the incorporation of active uses such as retail, commercial and/or institutional uses at the ground level.
- A1.g4 Buildings should define the street or public open space.
- A1.g5 Buildings should be located to promote sun and sky exposure to public streets and plazas.
- A1.g6 Buildings should be sited to create active outdoor spaces where possible, such as outdoor restaurant seating where appropriate.

### Standards

- A1.s1 Buildings shall line a street at the Right Of Way or the build-to line to the greatest extent possible.
- A1.s2 Buildings shall use the full width of the lot for the primary structure and/or active outdoor space.

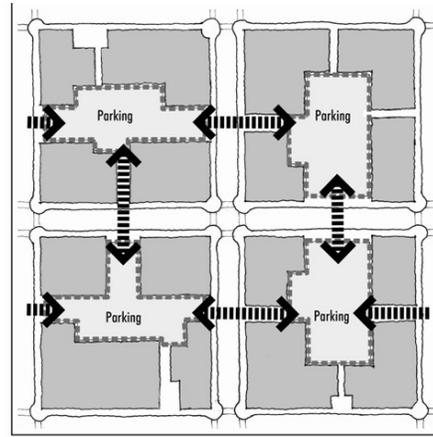


Facades and entries oriented toward street



Driveway across sidewalk identified by material change





## A2 Access and driveways

### Guidelines

- A2.g1 Access points, including alleys, and driveways should be located to promote the safe and efficient movement of vehicles, pedestrians and bicyclists.
- A2.g2 Uninterrupted pedestrian-ways should be maximized in order to improve walkability.
- A2.g3 The width of driveways and curb cuts should be minimized to reduce the overall impact of vehicular access across a sidewalk.
- A2.g4 Driveways and ramps to underground parking should be perpendicular or generally perpendicular to the street.
- A2.g5 Block frontages should have as few curb cuts as possible.
- A2.g6 Sharing of vehicle entries between two adjacent lots is strongly encouraged.

### Standards

- A2.s1 Developments shall provide access for service vehicles via alleys or parking lots.

## A3 Parking lot and structure location

### Guidelines

- A3.g1 Buildings should be located to minimize the visual impact of parked vehicles within lots and structures.
- A3.g2 Parking lot location should minimize the impact of parked vehicles on the continuity of active commercial, mixed use, and/or residential frontages.



Identify clear access points for parking

## Design Guidelines

- A3.g3 Parking lots and structures should be located to minimize the impact of vehicle noise and headlights from within parking lots and structures onto adjacent residential neighborhoods.
- A3.g4 Whenever possible, parking structures should be sited internally to the block so that parking structure street frontages are avoided. If internal siting is not feasible, then the parking structure should be oriented so that the shortest dimension fronts the street.
- A3.g5 If it is only feasible to orient the long dimension of a parking structure along a street, then the structure's street facade should exhibit the same high level of quality in its design, detailing and use of material as is provided in the adjoining commercial and/or mixed use buildings.
- A3.g6 Parking structures that are sited with exposed street frontage should orient the exposed frontage to commercial activities, rather than residential uses.

### Standards

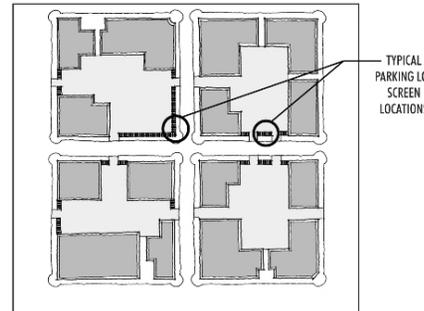
- A3.s1 Surface parking areas shall be located at the side or rear of buildings only.
- A3.s2 Parking structures with exposed street frontage shall not be oriented toward residential uses.



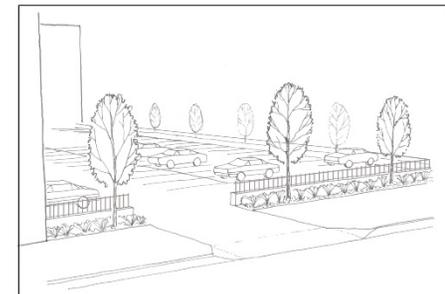
Active uses at street level of parking structure and high quality facade

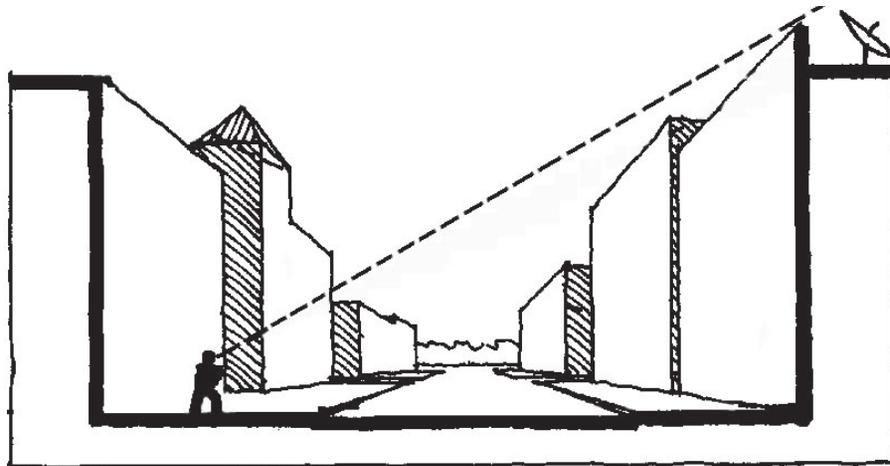


Parking structure with retail on ground floor, quality materials, and detail



Parking lot screen





Utility screening

## A4 Utility location and screening

### Guidelines

- A4.g1 Service areas and utility pedestals should be located to minimize the visual impact of service areas, refuse storage and mechanical/electrical equipment on streets, public open spaces and adjoining development.
- A4.g2 Utility appurtenances should be located behind the sidewalk and out of the sidewalk amenity zone wherever possible. Where it must be in the tree lawn or amenity zone, such equipment should be centered on the tree line and aligned with but no closer than 42 inches from the face of curb. This includes switch boxes, telephone pedestals, transformers, meters, irrigation, and similar equipment.
- A4.g3 The use of alleys is encouraged to locate all mechanical, electrical, and utility equipment to the extent possible.

### Standards

- A4.s1 Service areas and refuse storage areas shall not front onto streets and public open spaces. Such areas shall be located to the rear or side of buildings, and screened from view from the street and/or public open space.
- A4.s2 Refuse storage and pick-up areas shall be combined with other service and loading areas.

## Design Guidelines

### A5 Pedestrian access

#### Guidelines

- A5.g1 Pedestrian entries to buildings should promote security on a street or public open space through frequent points of access and sources of activity.
- A5.g2 In general, ground floor uses with exterior exposure should each have an individual public entry directly located on a public sidewalk along a street, or on a sidewalk or plaza leading directly to a street.

#### Standards

- A5.s1 Primary building entrances shall be oriented toward streets, parks or pedestrian plazas.
- A5.s2 Each block face shall have multiple building entries. A building occupying an entire city block shall include more than one building entrance along each block face.
- A5.s3 All secondary building entries shall be well lit and directly connected to the street.



Primary building entrances oriented toward streets

## B Architecture

### B1 Building Character

#### Guidelines

- B1.g1 Building character should be creative and within a visually comfortable and familiar environment.
- B1.g2 Buildings should be designed to provide human scale, interest, and variety while maintaining an overall sense of relationship with adjoining or nearby buildings.
- B1.g3 Art integrated into building facades or forms, and/or specially designed architectural ornament is encouraged.

#### Standards

- B1.s1 All buildings shall be designed specifically for the context and character of the corridor. 'Iconic' corporate standard building design is encouraged at identified gateway and landmark locations.
- B1.s2 The majority of the building(s) of a development shall possess an architectural character that respects traditional design principles, such as:
  - Variation in the building form such as recessed or projecting bays;
  - Expression of architectural or structural modules and detail;
  - Diversity of window size, shape or patterns that relate to interior functions;
  - Emphasis of building entries through projecting or recessed forms, detail, color or materials;



Human scaled development with interest and variety



Variations of material, color, and texture



## Design Guidelines

- Variations of material, modules, expressed joints and details, surface relief, color, and texture to scale;
- Tighter, more frequent rhythm of column/bay spacing, subdividing the building façade into smaller, more human scaled elements.

## B2 Building Form

### Guidelines

- B2.g1 New development should create occasional special building forms that terminate views, create a unique skyline, and aid in way-finding.
- B2.g2 Building form should emphasize important components of a building, such as an entry, or a special internal space.
- B2.g3 Lower building heights or upper level stepbacks are encouraged on the south or east side of the street or public open space in order to provide more sun penetration to the ground level.
- B2.g4 Taller buildings adjacent to lower buildings shall establish scale relationships with lower, neighboring buildings through methods such as: compatible horizontal alignment of architectural features and fenestration, and height and form transitions from one building to another.

### Standard

- B2.s1 Building form shall employ a uniform level of quality on all sides of the building.



Example of upper level stepbacks



Emphasis on entry or special internal space



## B3 Building Facade

### Guidelines

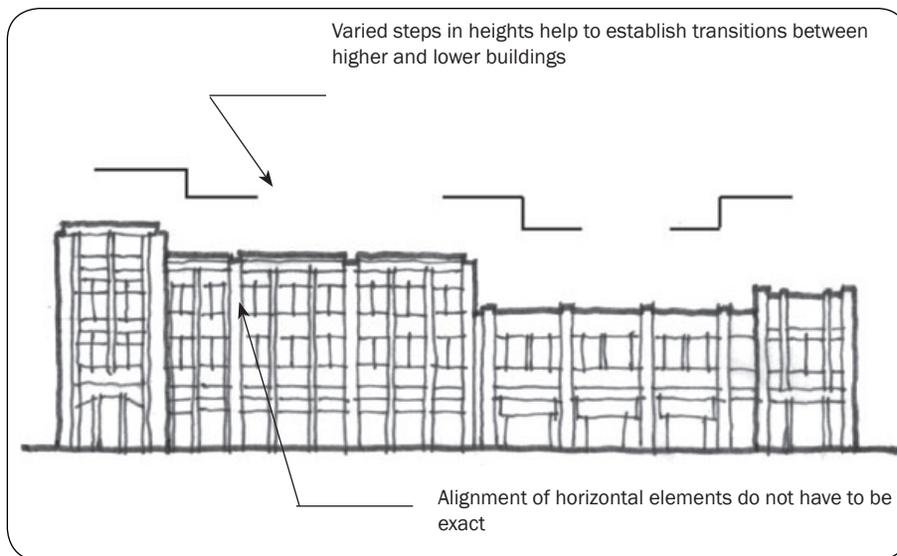
- B3.g1 Building facades should be designed to provide human scale and detail and to avoid large areas of undifferentiated or blank facades.
- B3.g2 Each building facade oriented to the street or public space should provide architectural variety and scale through the use of such elements as: expressions of building structure; patterns of window, door or other openings that provide surface variation through change of plane, change in color; change in texture; change in material module or pattern; art or ornament integral with the building.
- B3.g3 Primary building facades should include some elements that provide a change in plane that create interest through the interplay of light and shadow. Examples of such elements are:
- recessed windows, at least 3 inches;
  - recessed entries and doors;
  - projecting sills;
  - recessed or projecting balconies;
  - projecting pilasters, columns, bays;
  - projecting cornices, roofs.
- B3.g4 Each 'base' should be composed of the first floor or first two floors of the building.
- B3.g5 Each 'base' in its entirety should be designed to give the appearance of greater height than any single floor of the middle.



Varied steps in height



Vertical divisions in facade



Scale relationships

## Design Guidelines

- B3.g6 Each 'base' should have a greater level of transparency than the 'middle' or 'top'.
- B3.g7 The architectural treatment of the 'top' should be designed to create a sense of distinctly completing the dominant architectural theme of the 'middle' of the building. This architectural completion may be accomplished by such strategies as: change in the window rhythm, change in apparent floor height, setback, use of other materials, or a combination of these elements.
- B3.g8 Distinctive corner, entry treatments and other architectural features designed to interact with contextual features may be designed differently than the 'base', 'middle', and 'top'. This difference would allow the addition of vertical emphasis at significant architectural points along the building facade.
- B3.g9 The 'top' of buildings above four (4) stories may have a 'cap' set back above the lower stories, which is distinctive in shape and smaller than the previous floor.

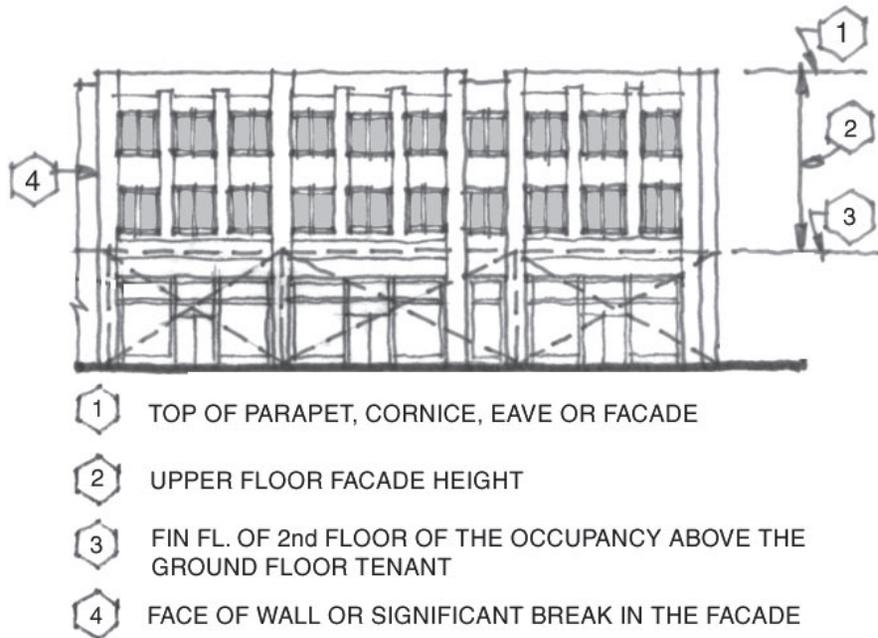
### Standards

- B3.s1 The building facade shall generally have three vertical divisions: 'bases', 'middles', and 'tops'. In buildings of three stories or less in height, the 'top' may be comprised of an ornamental 'cap' or cornice rather than the articulation of an entire floor of habitable space.
- B3.s2 The design of 'roofscape' elements of tall buildings shall relate directly to the building walls.
- B3.s3 Building design shall create varied roof parapet and cornice lines in order to create interesting and human scaled skylines.



Vertical divisions in facade





Upper floor transparency



Building transparency



## B4 Building transparency

### Guidelines

- B4.g1 Where functionally appropriate, the ground floor, street-facing facade shall be made of transparent materials designed to allow pedestrians to view activities inside the buildings, retail goods for sale, or display lighted windows related to these activities.
- B4.g2 When transparency is not functionally appropriate, other means should be used to provide activity along the street-facing façade such as public art; architectural ornament or detailing; or material, texture, or color patterns.
- B4.g3 Buildings should incorporate a window or glazing-to-wall ratio that is sufficient to establish the visual solidity of the building form.
- B4.g4 Reflective glass should be used sparingly, if at all, to reduce glare, reduce the opacity or ‘blankness’ of the facade. Coated or tinted glass may be considered to reduce heat gain, particularly on west and south facades.
- B4.g5 Windows or glazing on upper levels should be sufficiently transparent to provide an awareness of internal activities when viewed from the street or public spaces.

### Standards

- B4.s1 Glass without coatings or tints shall be used for all retail glazing. In no case shall highly reflective glass be used.

## Design Guidelines

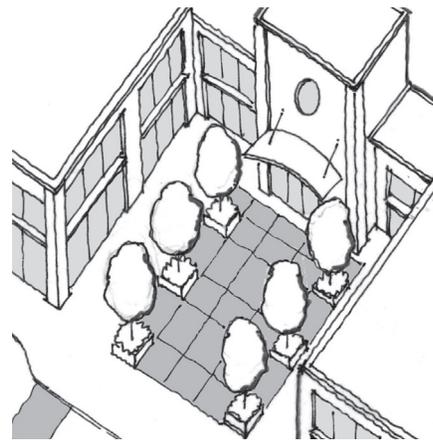
### B5 Building Entries

#### Guidelines

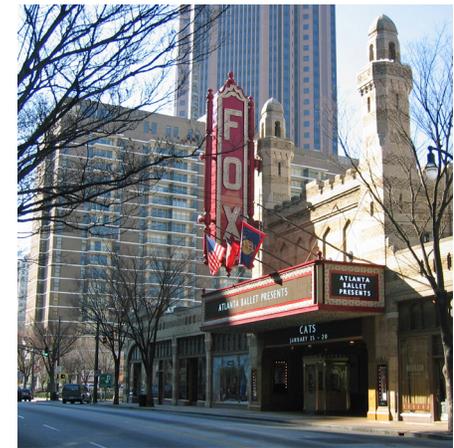
- B5.g1 For mixed-use buildings with residential units, one or more separate building entrances from the sidewalk should be used to provide access to the residential units.
- B5.g2 Detailed and elaborate entries should be used as another way to create street level interest and architectural variety.
- B5.g3 Major building entries should be emphasized through such design devices as changes in plane, differentiation in material and/or color, greater level of detail, enhanced lighting, ornament, art, and/or building graphics.
- B5.g4 Primary building entries should be oversized, and generally break the storefront/ground floor façade pattern.

#### Standard

- B5.s1 Each multi-story building shall have one clearly identifiable 'front door' that addresses the street. In addition to this 'front door,' a building occupying an entire city block shall include at least one other building entrance along each block face.



Emphasis on building entry





High quality materials



## B6 Building Materials

### Guidelines

- B6.g1 New development should use materials and colors that possess a comfortable and familiar character, convey a sense of quality and attention to detail, and are compatible with materials of adjacent buildings.
- B6.g2 New development should use lasting materials that weather well, need little maintenance, and resist vandalism.
- B6.g3 Materials and/or detailing at retail frontages should distinguish between the structural parts of a building (columns, walls and beams), and the infill parts of a building (wall panels, frames, windows and doors).
- B6.g4 Infill materials should have a non-structural appearance.

### Standards

- B6.s1 A significant portion of the facade facing a street or public open space (not including windows, doors and their framing systems), shall be composed of highly durable materials such as: brick, stone, cast stone, specially treated concrete masonry units, terra-cotta, and/or glass. All building materials shall be integrally tinted.
- B6.s2 Building materials shall maintain a uniform level of quality on all sides of the building.

## Design Guidelines

### B7 Parking Structures

#### Guidelines

- B7.g1** The exterior of parking structures should be wrapped with mixed-use space in order to minimize the visual impact of parking on the pedestrian experience, and the street environment and to increase pedestrian activity and interest along the street by locating active uses at the street level of parking garages
- B7.g2** Garage facades visible from public streets and open spaces should be compatible in character and quality with adjoining buildings.
- B7.g3** Parking structures should create visually interesting facades that provide human scale and detail while avoiding large areas of undifferentiated or blank facades.
- B7.g4** Openings should be vertically and horizontally aligned.

#### Standards

- B7.s1** Street oriented facades shall conceal or effectively reduce the impact of parked cars and light sources from the exterior view for the full height of the structure.
- B7.s2** Multi-story parking structures (3 levels or more) with facades facing public streets shall provide commercial, live-work, residential and/or institutional space for not less than 50% of the garage's ground level street facing frontage, or the design and structure of the ground floor street frontage should be able to accommodate in the future one of the above listed uses.
- B7.s3** Sloping ramps shall not be visible within the street facade of any parking structure.



Retail wrap and compatible facade on upper stories of parking structure



Street facade of parking structure that screens parked cars



## B8 Building Lighting

### Guidelines

- B8.g1 Building lighting should accentuate important architectural components of the building, such as entries, towers or roof elements, or repetitive columns or bays, and include decorative lighting.
- B8.g2 Building lighting should provide indirect or direct lighting for adjoining sidewalks and open spaces.
- B8.g3 Primary building entries should be externally lit so as to promote a more secure environment at the door, emphasize the primary point of entry into the building, and provide sufficient lighting for efficient access into the building.
- B8.g4 Steps and/or ramps at or leading to a primary building entry should be illuminated sufficiently for safe access.

### Standard

- B8.s1 Entry lighting shall complement the building's architecture. Standard security lighting such as wallpacks shall not be allowed.



Lighting at building entries

## Design Guidelines

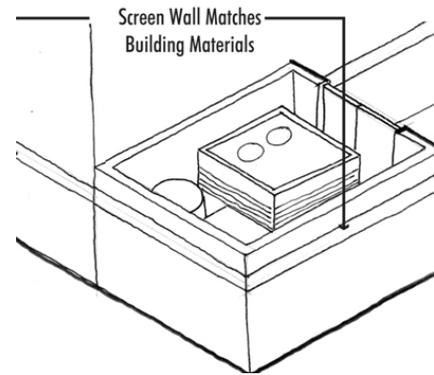
### B9 Rooftop design

#### Guidelines

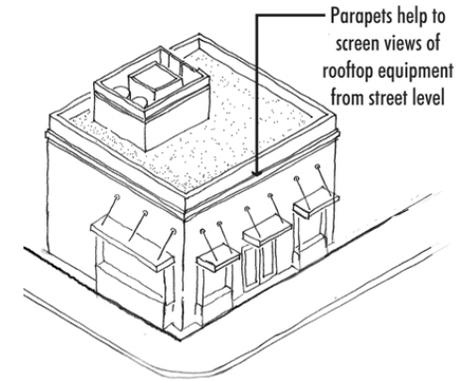
- B9.g1 Rooftop design should maintain the integrity of architecturally designed building tops and help create interesting and varied skylines.
- B9.g2 In mixed use development, if residential uses are located near mechanical equipment, care should be taken to mitigate the impacts of noise and odors.
- B9.g3 Antennae that extend over five feet above the roof line are encouraged to have screening techniques applied such as color and material to minimize visibility.
- B9.g4 Streetscape within the corridor area should not be cluttered by utility elements.
- B9.g5 Utility boxes should be located so that they do not obstruct pedestrian traffic or block sight lines at intersections.

#### Standards

- B9.s1 All roof mounted mechanical and electrical equipment, communication antennae or dishes shall be enclosed, screened, organized, designed and/or located as part of the architectural expression and shall not be visible from the public right of way. Any equipment shall be covered or screened to its full height.
- B9.s2 Switch boxes, transformers, electrical and gas meters, and other above ground utility elements shall be screened or located out of view from the street.



Screening of rooftop mechanical equipment



## C. LANDSCAPE

### C1 Perimeter Landscaping

#### Guidelines

- C1.g1 Perimeter landscaping design should create street and plaza spaces that join buildings, uses, pedestrian areas, and streets into a unified urban place.
- C1.g2 Perimeter landscaping should reinforce the pedestrian environment established in the adjoining street right of way.
- C1.g3 Perimeter landscaping should be designed to provide seamless transitions between buildings, uses, and open spaces that promote the mixing of commercial, residential, and institutional uses.
- C1.g4 Where a landscape perimeter area occurs between a building frontage and a street right of way, it should be designed to extend the pedestrian amenities of the street, such as increased walkway widths, areas for outdoor café/restaurant seating, increased sidewalk widths to allow window shopping out of the stream of pedestrian traffic, and space for the temporary display of a retailer's goods.
- C1.g5 Where space permits, planting in containers, raised planters, or cutouts in the paving is encouraged.

#### Standard

- C1.s1 Where a side setback landscape perimeter area occurs, it shall be designed to contribute to a pedestrian amenity zone such as a passageway, or contribute to a paved driveway or alley.



Perimeter landscaping design



## Design Guidelines

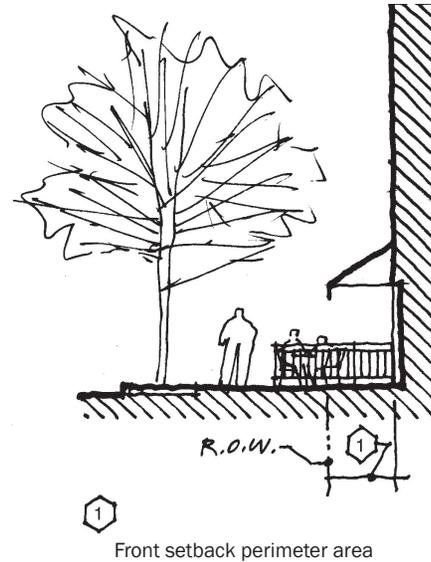
### C2 Internal courtyards, plazas and open spaces

#### Guidelines

- C2.g1 Internal courtyards, plazas, or open spaces should be designed to create useable open spaces, suitable for passive recreational activities such as informal play, reading, and sitting in the sun or shade.
- C2.g2 All open spaces accessible to the general public should be open a minimum of 12 hours per day.
- C2.g3 Private open space may be fenced with wrought iron, masonry or comparable decorative fencing or otherwise controlled for security.

#### Standard

- C2.s1 All public and private open space not used for recreation shall be attractively landscaped with plant material and hard surfaces.



Internal courtyards



## C3 Hardscape Design

### Guidelines

- C3.g1 Hardscape design should provide a quality of paving materials and patterns consistent with the quality of the surrounding architecture and open spaces and provide safe paving conditions for all persons.
- C3.g2 Hardscape design should create interest and variation within paved surfaces that includes but is not limited to public art, coloring, or materials.
- C3.g3 Special paving should be carefully chosen for structural capability and durability in the local climate. Uncolored concrete, colored concrete, brick, hydraulically pressed concrete unit pavers or stone is recommended.
- C3.g4 Special paving patterns and materials should be used to emphasize important building entries, provide interest and variation, and differentiate between sidewalks, plazas, medians, and crosswalks.

### Standards

- C3.s1 Sidewalks shall be separated or buffered from vehicle travel lanes by street/pedestrian lights, and/or street trees in grates or in a tree lawn.
- C3.s2 In transition areas, sidewalks shall be separated from the street by trees in tree lawns.



Variety in sidewalk paving materials



## Design Guidelines

### C4 Landscape: Trees and Plant Materials

#### Guidelines

- C4.g1 Landscaping should create a strong identity for each street and use quality plant materials that are located, sized, and provided in quantities sufficient to emphasize important streets.
- C4.g2 Landscaping should use plant materials that tolerate an urban condition.
- C4.g3 Trees should align parallel and perpendicularly across the street with each other whenever possible.
- C4.g4 Ornamental trees should not be used in a street right-of-way.
- C4.g5 Tree grates or planting cut-outs should be used in paved areas to prevent excessive soil compaction.
- C4.g6 Large tree pits that allow for a broader canopy are preferred over typical street trees.
- C4.g7 All tree lawns and street trees in cut-outs, tree pits, and grates should be irrigated with an automatic irrigation system. Drought tolerant turf or low, continuous ground covers should be used as the primary ground cover for continuous tree lawns.
- C4.g8 To the maximum extent feasible, topsoil that is removed during construction activity should be conserved for later use on areas requiring re-vegetation and landscaping.



Tree lawns in right-of-way



## Design Guidelines



Pedestrian lighting that provides an identity



Alignment of pedestrian lighting

### Standards

- C4.s1 No artificial trees, shrubs, turf, or plants shall be used to fulfill the minimum requirements for landscaping.
- C4.s2 Tree lawns shall be a minimum of 6 feet in width, measured from the back of curb to the edge of the sidewalk.
- C4.s3 Street trees shall be centered within the width of the tree lawn.
- C4.s4 Street trees in tree grates shall be at least 2 feet 6 inches from the face of the curb. Tree grates shall be at least 24 sq. ft. with openings no more than 1/4 inch to 3/8 inch in width and should be designed to allow for tree trunk growth.

## C5 Street and Pedestrian Lighting

### Guidelines

- C5.g1 Lighting should provide a safe and secure environment for motorists, bicyclists, and pedestrians.
- C5.g2 Lighting should create an identity for the development and/or special streets.
- C5.g3 Lighting should enhance the quality of streets in the commercial core through the design of the light poles, bases, fixtures, and attachments.
- C5.g4 Street and/or pedestrian light poles should be aligned with and centered between street trees.

## Design Guidelines

- C5.g5 Where the light source is directly visible, the luminaries should be designed to incorporate elements to reduce glare, such as translucent, internal refracting surfaces to direct light down and away from adjoining private property; lower height poles; lower wattage or pole location.

### Standards

none in this section

## C6 Street Furniture

### Guidelines

- C6.g1 Seating should be durable, comfortable, attractive, securely anchored, and easy to maintain. Seating surfaces should be 16 to 18 inches high with a minimum depth of 16 inches for seats without backs and 14 inches for seats with backs.
- C6.g2 Where bus stops occur within tree lawns, a minimum of one 6-foot long bench should be placed on a concrete pad. Where a bus stop occurs on a wide attached sidewalk, a 6 foot long bench should be provided within the sidewalk's amenity zone.
- C6.g3 Trash receptacles should be conveniently located near benches and other activity nodes.
- C6.g4 Trash receptacles should relate in appearance and color to other street furniture. They should be firmly attached to paving to avoid vandalism. Covered tops and sealed bottoms should be included to keep the contents dry and out of sight at all times.



Consolidated newsracks



Durable and comfortable seating

## Design Guidelines



Wayfinding signs



- C6.g5 Bicycle racks should be placed near entrances or gathering places, but out of pedestrian and bicycle traffic areas where they may create tripping or other safety hazards. If possible, locate racks where parked bicycles are visible from the inside of adjacent buildings.
- C6.g6 Newspaper racks and trash receptacles should be located at areas where high pedestrian activity is anticipated.
- C6.g7 Newspaper boxes should be clustered together and screened by specially designed railings. They should be located adjacent to pedestrian activity, but not so as to obstruct drivers' views at intersections, or car overhang/door swings at the curb.

### Standards

none in this section

## C7 Wayfinding Elements

### Guidelines

- C7.g1 Wayfinding should compliment and enrich the pedestrian experience and create interesting streets and spaces.
- C7.g2 Wayfinding information should be conveyed clearly and efficiently with high quality sign and graphic design.
- C7.g3 Information should be provided for events on-site as well as within the City.

## Design Guidelines

- C7.g4 To provide art, whimsy and contrast to the civic structure of the street furnishings, wayfinding elements should relate to local culture and flavor.
- C7.g5 Information kiosks and wayfinding elements should be located near pedestrian origin points such as parking structure stairs and elevators, public plazas and near entrances to public buildings.

### Standards

none in this section

## C8 Gateway Elements and Public Art

### Guidelines

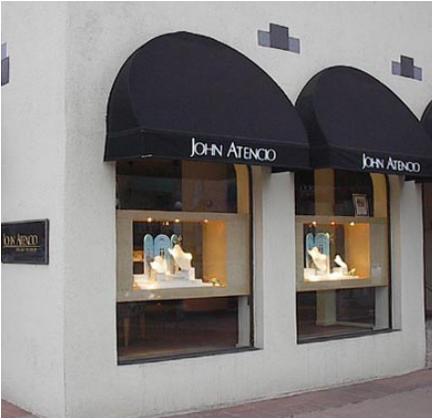
- C8.g1 Public art should engage the community, and express community identity.
- C8.g3 Art should create experiences for the senses and opportunities for surprise, wonder, interest, contemplation, reflection, humor, interaction and play.
- C8.g4 Art should provide shade structures at appropriate locations, particularly on the north side of the street.
- C8.g5 Commissioned works should exhibit superior craftsmanship and design, and be fabricated of durable, low maintenance materials using proven technologies. A range of signature pieces should include integrated urban design elements, architectural detailing and interactive features.
- C8.g6 Art should be sited to create areas of emphasis within the urban fabric while supporting the social function of each space.



Public Art



## Design Guidelines



- C8.g7 Selected artworks should include interactive elements allowing residents and visitors to walk through, play, sit on, and otherwise physically interact with the finished work.
- C8.g8 Artwork, where appropriate, should be integrated into infrastructure and site furnishings (i.e. hardscape/landscape elements, building facades, tree grates, wayfinding devices, seating, etc.).

### Standards

- C8.s1 All plaza areas shall include public art.
- C8.s2 Artwork shall be designed and sited to correlate with surrounding activity patterns.

## D. Signage

### D1 General Criteria

#### Guidelines

- D1.g1 Signs should be located, sized, and designed for single or multiple uses so as to eliminate conflicts, predict the impact and effects of the signs on adjoining properties, avoid clutter and achieve the desired character of their application.
- D1.g2 In an effort to limit the variety of sign types used on a single building along the corridor, the following combinations should be considered:
  - One (1) wall sign per use; window signs limited to 10 percent of any window area; one (1) monument sign per building frontage, but awning signs, pole signs, or projecting signs are discouraged in this combination.

## Design Guidelines

- Window signs limited to 20 percent of the window area, awning signs, and one (1) projecting sign per use, but wall signs, pole signs, or monument signs are discouraged in this combination.
- One (1) wall sign per use, one (1) projecting sign per use if located or designed so as not to visually conflict, window signs limited to 10 percent of any window area, but awning signs, pole signs, or monument signs are discouraged in this combination.

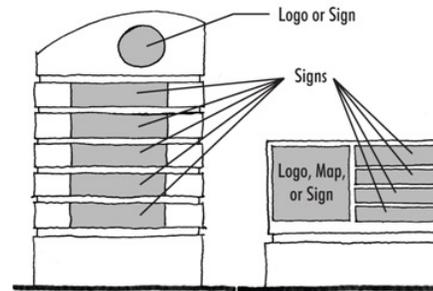
### Standards

- D1.s1 Rehabilitated buildings shall provide a sign plan showing locations, sizes, heights, and probable design and illumination of all sign types to be used on the building or its site.

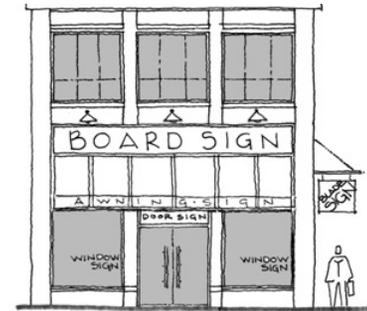
## D2 General Number and Location of Signs

### Guidelines

- D2.g1 Signs should be limited in number commensurate with the needs of the uses in the building.
- D2.g2 Signs should respect the architectural character and design of the building in their number and location.
- D2.g3 Sign clutter, where the number and size of signs dominate the storefront or façade of the building, should be avoided.



Signage examples



Awning sign



Projecting sign

## Design Guidelines



Wall sign



Window sign

### Standards

- D2.s1 Wall, window, awning, and projecting signs shall not be allowed above the ground floor with the exception of the following with the discretion of the design review committee:
- Painted, face-lit wall signs;
  - Internally lit channel letter signs and/or logos;
  - Painted wall murals with a minor component for the identification of a business;
  - One unlit window sign per business;
  - The extension of a ground floor projecting sign;
  - The name of the building integrated into the material and/or design of the facade; In no case shall an internally lighted, cabinet type wall sign be allowed above the ground floor.
- D2.s2 Signs shall not be located within the residential portion of the facade of any mixed use building.
- D2.s3 A maximum combination of three sign types shall be used for any building frontage. Such sign types are: wall, projecting, ground, window, awning, marquee and arcade.

## D3 General Size and Height

### Guidelines

- D3.g1 The size of signs should be related to the location and speed of movement of the typical person viewing the sign.

### Standards

none in this section

## Design Guidelines

### D4. General Design and Illumination

#### Guidelines

- D4.g1 Signs should respect the architectural character and design of the building.
- D4.g2 Signs should be expressive of the activity, product, or use for which they are displayed.
- D3.g3 Signs should be compatible with existing residential uses.

#### Standards

- D4.s1 Materials for signs shall compliment the color, material and overall character of the architecture.
- D4.s2 Signs shall be constructed of high quality, durable materials. All materials must be finished to withstand corrosion. All mechanical fasteners shall be of hot-dipped galvanized steel, stainless steel, aluminum, brass or bronze.
- D4.s3 All conduits, transformers, and other equipment shall be concealed, and shall have UL ratings.
- D4.s4 Exterior lighting of signs shall be oriented down onto the face of the sign, not up from below to minimize night sky light pollution.
- D4.s5 Sign illumination shall not create objectionable glare to pedestrians, motorists, and adjoining residents.
- D4.s6 A business's corporate logo or typical sign design may be allowed by the design review committee. However, the design review committee shall retain complete control over the design, dimensions, location, number and type of the sign.
- D4.s7 Hand painted signs shall not be allowed, unless painted by a sign contractor specializing in hand painted or hand crafted signs.



Signs compliment color, material and character of architecture

## Design Guidelines



Acceptable projecting wall sign



Wall sign with mounted letters

## D5 Wall Signs

### Guidelines

- D5.g1 Wall signs should be integrated with the architecture of the building.
- D5.g2 In general, wall mounted sign cabinets should be discouraged.

### Standards

- D5.s1 Wall signs shall be located within any sign areas clearly designed for signs on existing or proposed building facades.
- D5.s2 Lighted wall signs shall not be located at the top of a building's facade if the facade is higher than two stories and shall not directly face a residential neighborhood.
- D5.s3 Maximum wall sign size shall not be increased by an increase in sign height.
- D5.s4 No more than one wall sign shall be allowed per building.
- D5.s5 Wall signs shall not overlap, or generally conflict with important architectural features such as windows, cornices, belt courses, or other details.

## Design Guidelines

- D5.s6 Wall signs located on the side wall of a building that faces a side property line, alley, or parking area (including a side property line along a street), shall not be lighted above the ground floor.
- D5.s7 Wall signs shall be composed of individually mounted letters, logos or icons without sign backing panels, or letters/logos mounted on a backing panel.
- D5.s8 Phone/Fax numbers on all signs, with the exception of window signs, shall not be allowed.
- D5.s9 Neon signs, except those located in a window, shall not be allowed.



Appropriately scaled lighting and signage

## D6 Projecting Signs

### Guidelines

- D6.g1 Projecting signs should not be closer than 50 feet apart, and no more than 3 for 300 feet of street frontage.

### Standards

- D6.s1 Each use by right shall be limited to one projecting sign for each of that use's street frontage.
- D6.s2 Projecting signs shall not be located above the ground floor.
- D6.s3 All projecting sign structures on a building shall be located at the same height as the other sign structures.
- D6.s4 Projecting signs shall be located above or below non-signed awnings, but not in line with the awnings.



Desirable ground sign



Desirable window signs

- D6.s5 Projecting signs shall not be greater in size than 12 square feet per face or 24 square feet per sign.
- D6.s6 Projecting signs shall be externally lit. Internally lit sign cabinets are generally discouraged except where the sign face is composed of metal with back lit cut out letters or logos.

## D7 Ground Signs

### Guidelines

- D7.g1 Ground signs should be refined, creative and unique.
- D7.g2 'Designed' pole or post signs are encouraged when the vertical supports are integrated into the design of the sign.
- D7.g3 The design of a joint identification sign should be unified, uncluttered, easily readable, and of high quality. Ways to avoid a cluttered appearance are:
  - The sign text for most components is composed of the same type face and size.
  - The sign structure or frame is dominant enough or simple enough to visually organize varied components.
  - The sign has a clear hierarchy or importance in its components.

### Standards

- D7.s1 Only one (1) monument or per street frontage sign shall be allowed per building. The monument sign may also be a joint identification sign.
- D7.s2 Ground signs shall have no more than one sign cabinet or backing panel.
- D7.s3 If lighted, monument signs should be externally lit with a shielded or directed light source.

## D8 Window Signs

### Guidelines

- D8.g1 Window signs should emphasize a window's transparency and sense of openness to the interior.

## Design Guidelines

- D8.g1 Window signs should avoid clutter 1) within the text and graphic components of the window signs, and 2) in combination with the objects of view through the window.

### Standards

- D8.s1 Window signs shall generally be located in the lower or upper 25 percent of the window area. Window signs may be located in the middle portion of the window, but should not substantially obscure the activities or displays beyond the window.
- D8.s2 Window signs should not be larger than 10 percent of each window or door area, except that window signs may be as large as 20 percent of each window area if no wall sign is provided.
- D8.s3 Storefront window signs shall be limited to either the tenant's name or logo. Operating hours may be applied onto the glass, but shall be kept small, preferably on the windows next to the front door.
- D8.s4 Window signs on glazing shall be either silk screened, back-painted, metal-leafed, or sand-blasted onto the glass. Vinyl letters are not allowed.



## D9 Awning Signs

### Guidelines

- D9.g1 Awning signs should be carefully controlled so as not to become substitutes for wall signs or projecting signs

### Standards

- D9.s1 Each awning may have a sign printed on its valence.



## Design Guidelines



Desirable awning signs



- D9.s2 Awning signs shall not be allowed above the ground floor. Awnings without signs may be allowed above the ground floor if they are compatible with the architecture.
- D9.s3 Awnings shall be consistent in color and visually balanced over the façade of the building.
- D9.s4 Standard residential type aluminum awnings shall not be used. Awnings shall be composed of non-combustible acrylic fabric.
- D9.s5 Back-lit translucent awnings with or without signs shall not be allowed. Shielded down lights within an awning that light only the paving under the awning may be acceptable.
- D9.s6 Entry canopies shall not be allowed if they extend more than 4 feet from the building face.
- D9.s7 Awning signs shall be located primarily on the awning valence that faces the street, not on a valence that is generally perpendicular to the street.
- D9.s8 If side panels are provided, such panels should not carry signs greater in area than 20 percent of the area of the awning sign panel.
- D9.s9 Text on awning valences shall not be greater than 8 inches high. A valence drop length shall be no greater than 12 inches.
- D9.s10 Awnings shall not extend vertically beyond a building's or storefront's individual bays.
- D9.s11 Awnings shall be composed of traditional forms, and compliment the window or bay within which it occurs. Straight, more steeply sloped awnings are preferred. Rounded 'barrel' awnings are discouraged. Rounded awnings designed to fit arched windows or bays are acceptable.

**Appendix C**  
**Illustrative Plans**

# Northern Sub-District Illustrative Plan

*The Illustrative Plans are intended to guide elected officials, developers, and city staff on the character and form of redevelopment desired. They are not regulatory.*



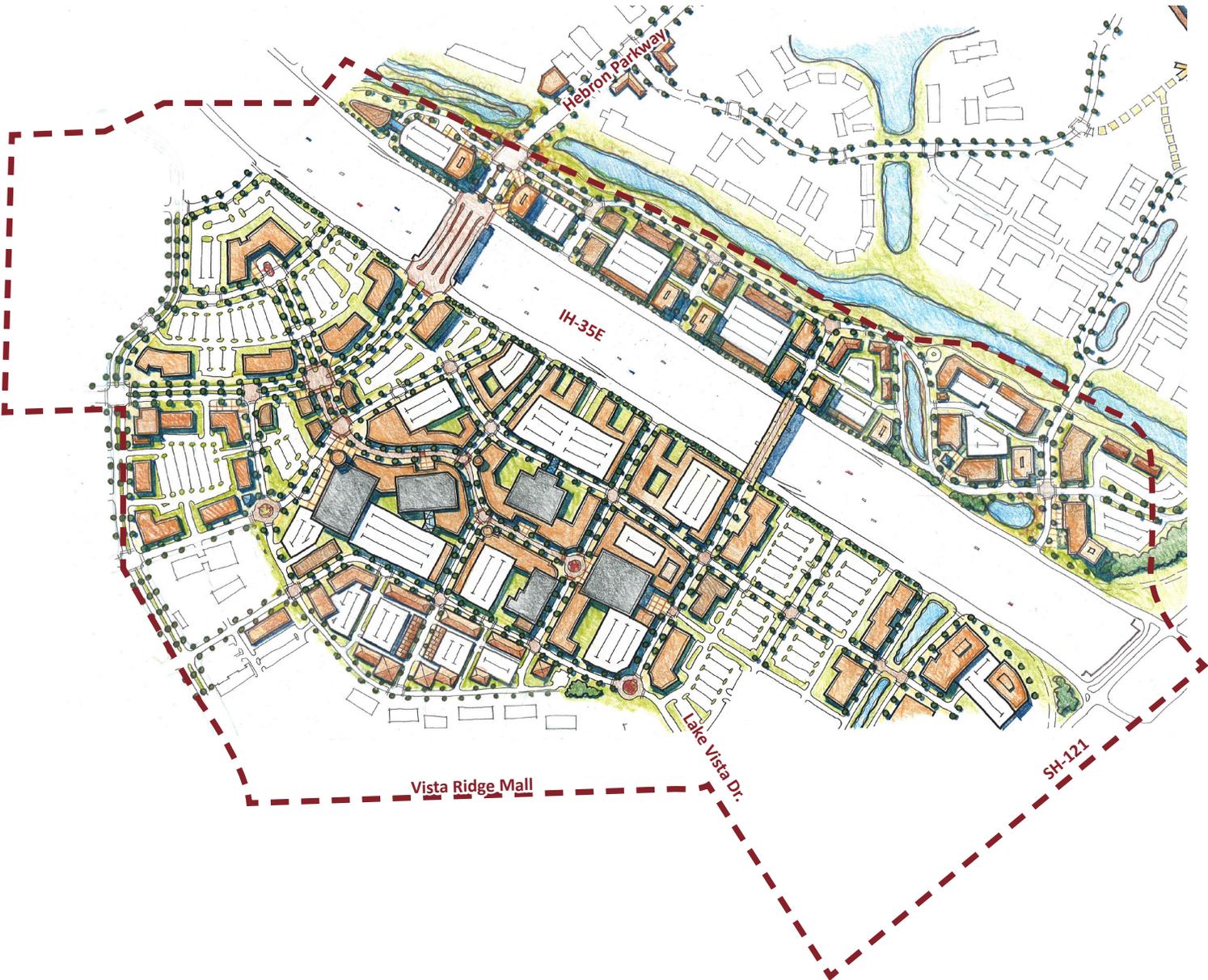
# Main Street Sub-District Illustrative Plan



# Northern Sub-District Illustrative Plan

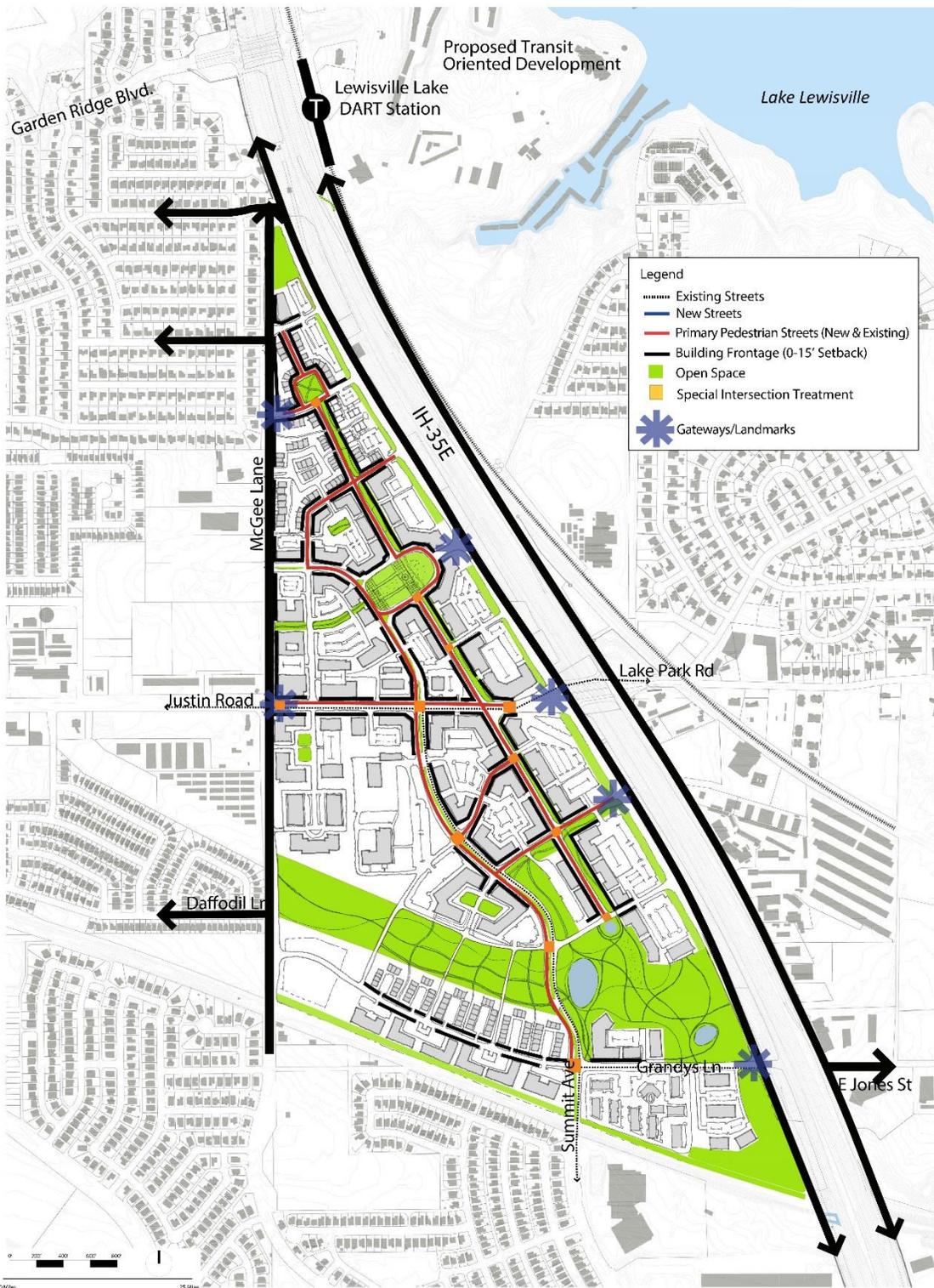


# Southern Sub-District Illustrative Plan

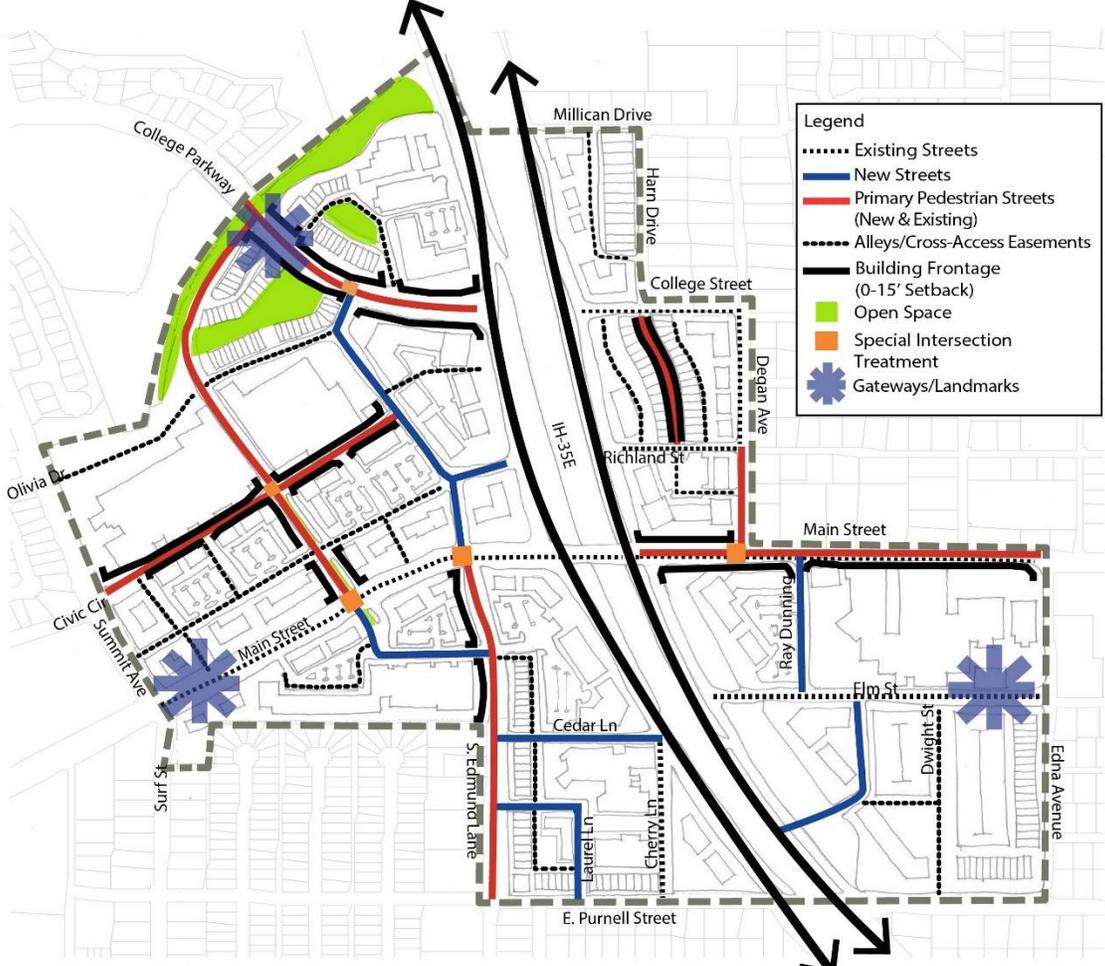


**Appendix D**  
**Framework Plans**

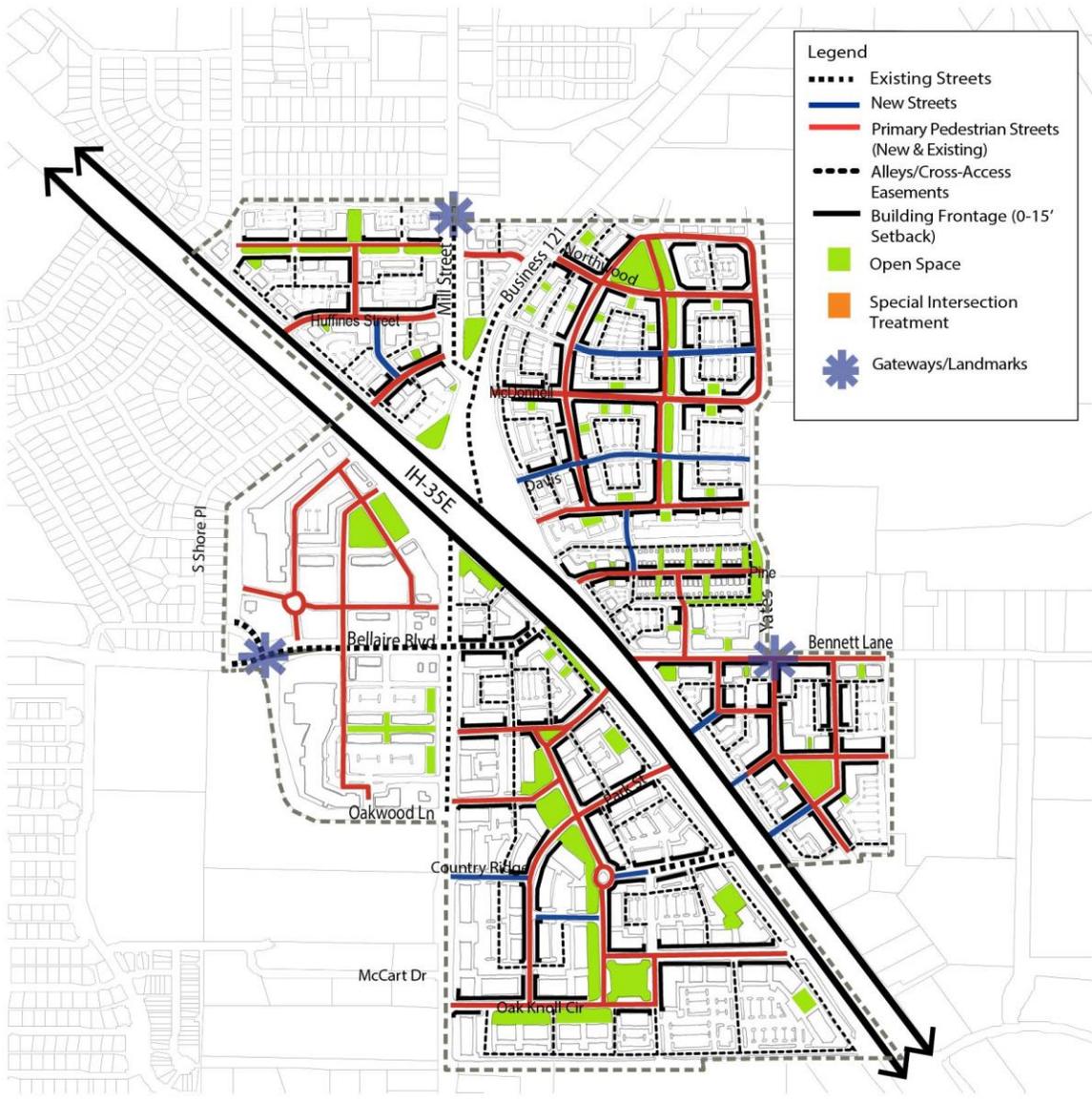
# Northern Gateway Core Sub-District Framework Plan



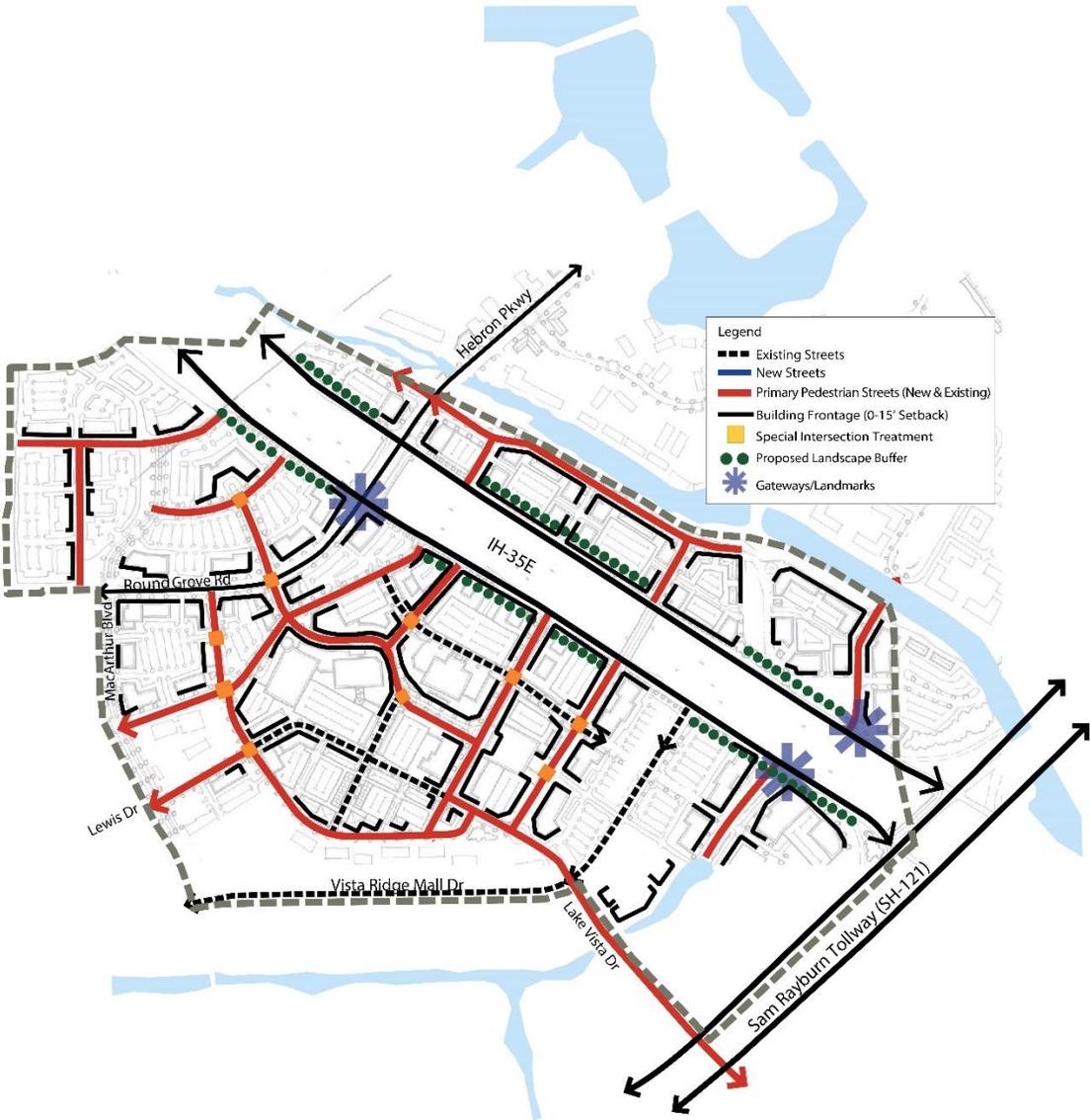
### Main Street Core Sub-District Framework Plan



# Central Core Sub-District Framework Plan

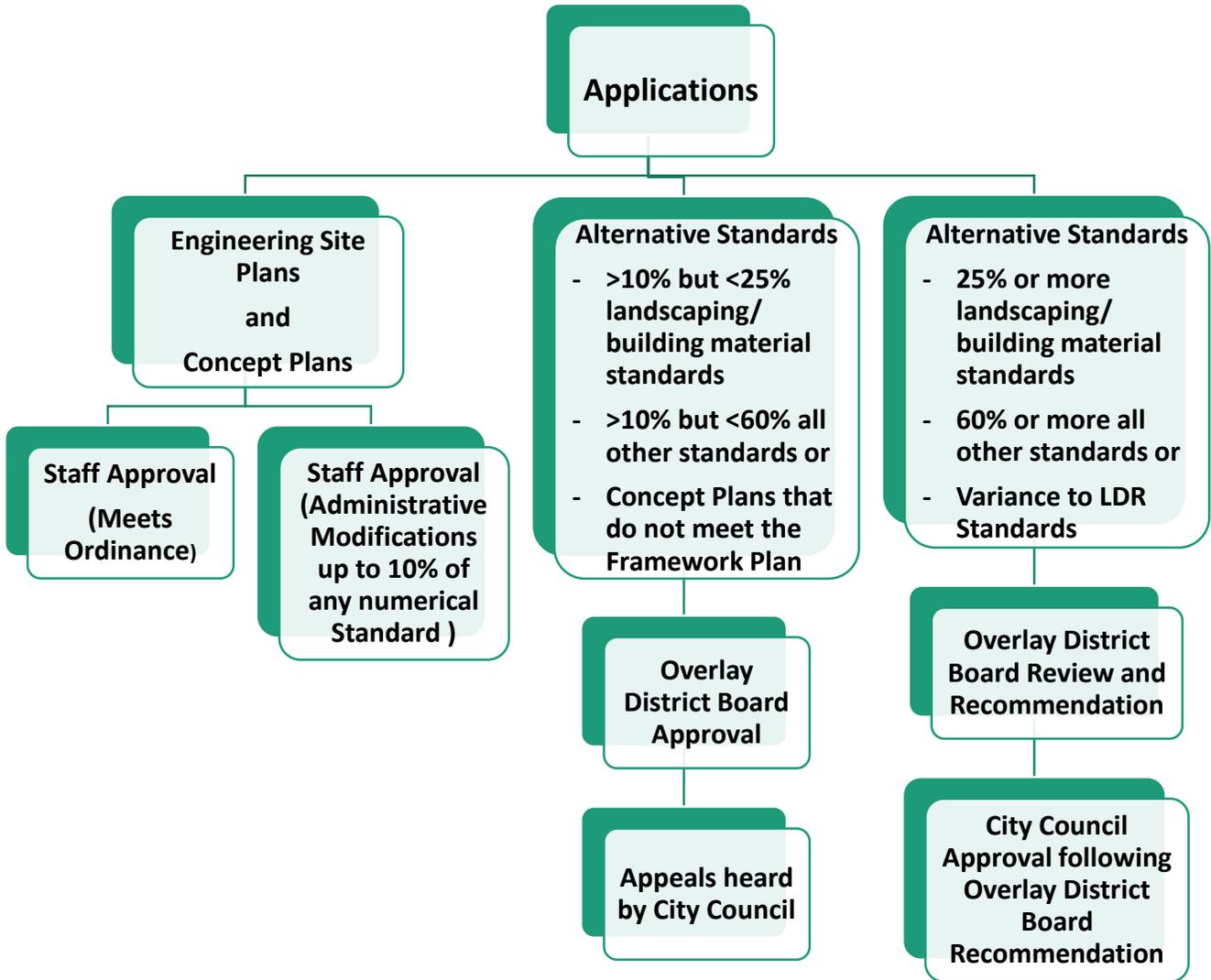


# Southern Gateway Core Sub-District Framework Plan



**Appendix E Process  
Flow Chart**

# Appendix E Process Flow Chart



## Appendix F Core Sub-district Street Design Standards

Street Types →	Arterial	Collector (Divided)	Collector (Undivided)	Local Street/ Private Vehicular Route		Alley	
				Commercial	Residential	Commercial	Residential
<b>ROW* (min-max)</b>	74'-106'	84'-118'	52'-93'	52'-86'	52'-58'	32'	18'-58'
<b>Design Speed</b>	45 MPH	35-45 MPH	25-35 MPH	25 MPH	25 MPH	<20 MPH	<20 MPH
<b>Travel Zone</b>							
<b>Number of Lanes (min-max)</b>	4-6	4	2-3	2	2	2	1 Yield
<b>Lane Widths** (min-max)</b>	11'	10'-11'	10'-11'	10'-11'	10'-11'	11'	Yield# (12'-15')
<b>Median Required (Y/N; min-max)</b>	Y (14'-16')	Y (12'-14')	N	N	N	N	N
<b>On Street Parking Permitted (Y/N)</b>	N	Y	Y	Y	Y	N	Y
<b>On-Street Parking Required (Y/N)</b>	N	Y	Y	Y	Y	N	N
<b>Allowable Parking design and Min. Width</b>	<b>Parallel (8' min.)</b>	-	Y	Y	Y	-	-Y
	<b>Angled (60 degree, 18'</b>	-	Y	Y	Y	N	-Y
	<b>Head-in (20' min.)</b>	-	N	N	Y <sup>e</sup>	N	-
<b>On-Street Bike Lane *** Permitted (Y/N)</b>	-N	Y	Y	Y	N-	-N	-N
<b>Streetscape Zone</b>							
<b>Total Streetscape Zone</b>							
<b>Primary Pedestrian Street</b>	12' (min.)	12' (min.)	12' (min.)	12' (min.)	10' (min.)	NA	NA
<b>All other Streets</b>	8' (min.)	8' (min.)	8' (min.)	8' (min.)	8' (min.)	NA	NA
<b>Amenity Zone</b>							
<b>Primary Pedestrian Street</b>	6' (min.)	6' (min.)	6' (min.)	6' (min.)	4' (min.)	NA	NA
<b>All other Streets</b>	4' (min.)	4' (min.)	4' (min.)	4' (min.)	4' (min.)	NA	NA
<b>Sidewalk (clear width)<sup>u</sup></b>						-	-
<b>Primary Pedestrian Street</b>	6' (min.)	6' (min.)	6' (min.)	6' (min.)	6' (min.)	NA	NA
<b>All other Streets</b>	4' (min.)	4' (min.)	4' (min.)	4' (min.)	4' (min.)	NA	NA

\*Standard ranges for width provided. Max. ROW widths may vary based on the Streetscape Zone. ROW widths for dedication along existing Streets shall be based on the city's adopted Thoroughfare Plan and LDR.

\*\* Total pavement widths shall be sufficient for fire access

#Unless alley acts as a fire lane, then fire lane standards shall apply

<sup>e</sup> Less than 6,000 cars/day and non Primary Pedestrian Street frontage

\*\*\* Shall be based on any adopted bike plans

<sup>u</sup> Any enhanced sidewalks shall meet the city's adopted Trail Plan standards

## Appendix F Transition Sub-district Street Design Standards

Street Types →	Arterial	Collector (Divided)	Collector (Undivided)	Local Street		Alley	
				Commercial	Residential	Commercial	Residential
<b>ROW* (min-max)</b>	76'-106'	70'-112'	36'-87'	38'-80'	42'-58'	32'	18'
<b>Design Speed</b>	45 MPH	35-45 MPH	25-35 MPH	25 MPH	25 MPH	<20 MPH	<20 MPH
<b>Travel Zone</b>							
<b>Number of Lanes (min-max)</b>	4-6	4	2-3	2	2	2	1 Yield
<b>Lane Widths** (min-max)</b>	11'-12'	10'-11'	10'-11'	10'-11'	10'-11'	11'	Yield# (12'-15')
<b>Median Required (Y/N; min-max)</b>	Y (14'-16')	Y (12'-14')	N	N	N	N	N
<b>On-Street Parking Permit'd (Y/N)</b>	N	Y	Y	Y	Y	N	N
<b>Allowable Parking design and Min. Width</b>	<b>Parallel (8' min.)</b>	-	Y	Y	Y	-	-
	<b>Angled (60 degree, 18' min.)</b>	-	Y	Y	Y	N	-
	<b>Head-in (20' min.)</b>	-	N	N	Y <sup>e</sup>	N	-
<b>On-Street Bike Lane*** (Permitted Y/N)</b>	-N	Y	Y	Y	N-	-N	-N
<b>Streetscape Zone</b>							
<b>Total Streetscape Zone</b>	9' (min.)	9' (min.)	9' (min.)	9' (min.)	9' (min.)	NA	NA
<b>Amenity Zone</b>	4' (min.)	4' (min.)	4' (min.)	4' (min.)	4' (min.)	NA	NA
<b>Sidewalk (clear width)<sup>u</sup></b>	5' (min.)	5' (min.)	5' (min.)	5' (min.)	5' (min.)	- NA	- NA

\*Standard ranges for width provided. Max. ROW widths may vary based on the Streetscape Zone.. ROW widths for dedication along existing streets shall be based on the city's adopted Thoroughfare Plan and LDR

\*\* Total pavement widths shall be sufficient for fire access

#Unless alley acts as a fire lane, then fire lane standards shall apply

<sup>e</sup> Less than 6,000 cars/day and non Primary Pedestrian Street frontage

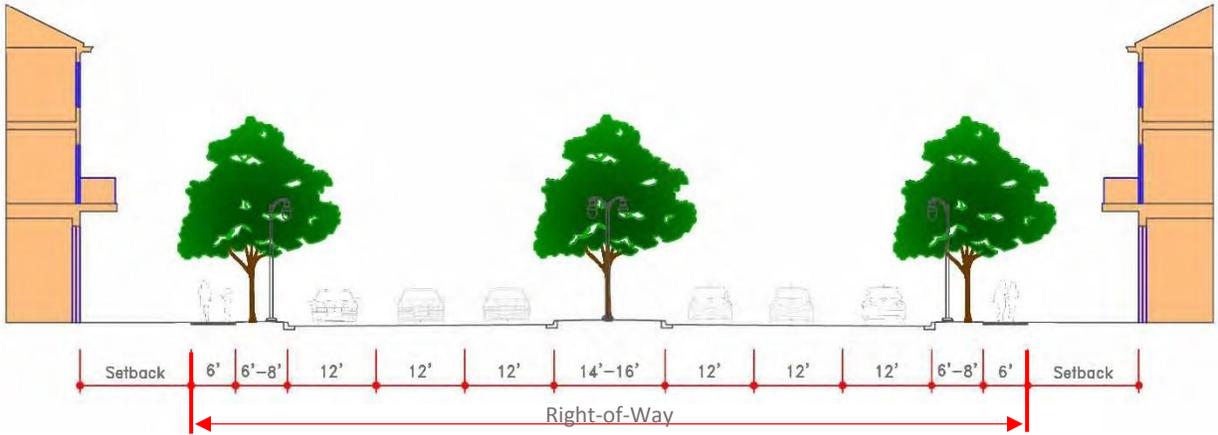
\*\*\* Shall be based on any adopted bike plans

<sup>u</sup> Any enhanced sidewalks shall meet the city's adopted Trail Plan standards

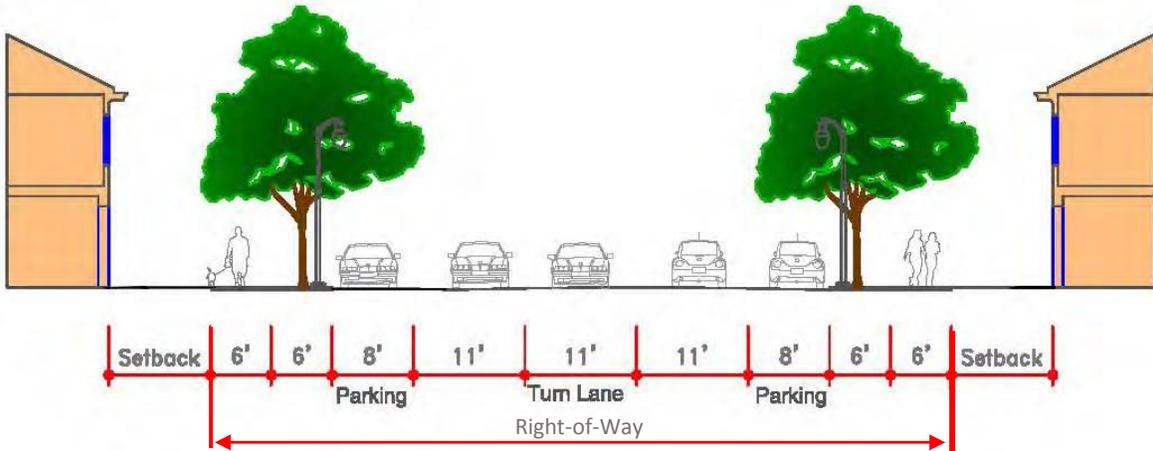
### Example Core District Cross Sections

The following street cross sections are examples developed from the Street Design Standards for Street types in the Corridor District. These are provided to show how elements can be combined. ROW widths shall be derived from the Master Thoroughfare Plan, where applicable, and Street Design Standards.

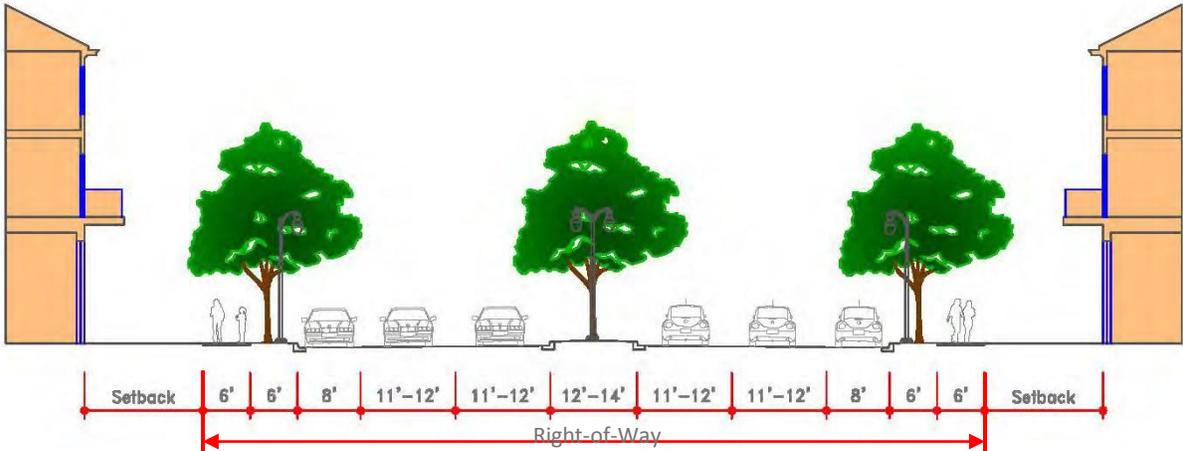
#### Arterial



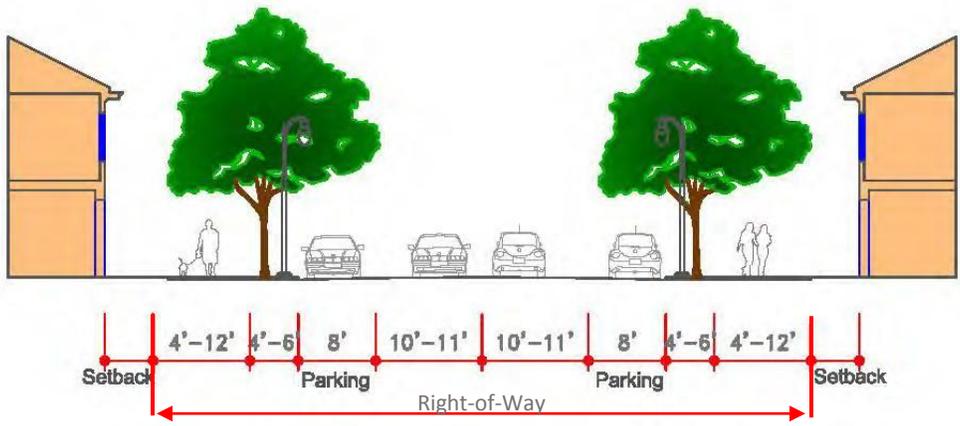
#### Collector Undivided



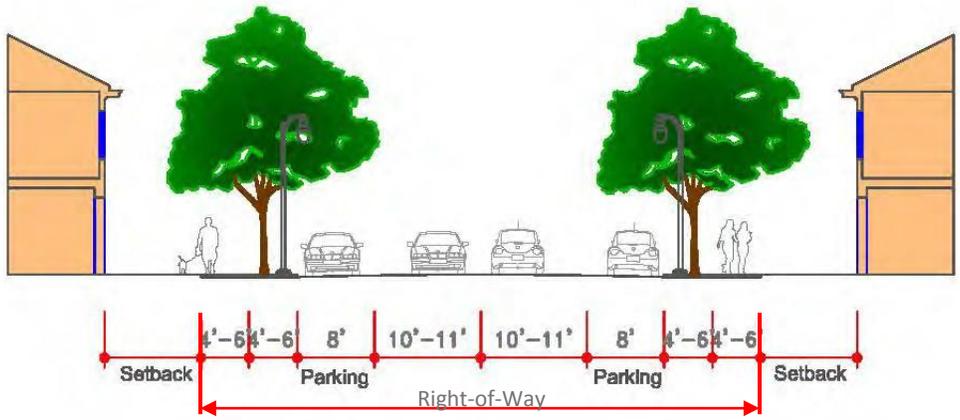
#### Collector Divided



**Commercial Street (Local Street)**



**Residential Street (Local Street)**



Commercial Alley	Residential Alley
<p>Dimensions: 5' (setback), 11' (vehicle lane), 11' (vehicle lane), 5' (setback). Right-of-Way spans the two 11' lanes.</p>	<p>Dimensions: 3'-5' (setback), 12'-15' (vehicle lane), 3'-5' (setback). Right-of-Way spans the 12'-15' lane.</p>

## Appendix G Approved Plant Material List

The following lists contain all species approved for use in the Corridor District. It contains native and acceptable adapted species. Other species that are drought tolerant and adaptive may be used for planting within the Corridor District with approval of an Administrative Modification, as specifically authorized in this chapter.

### CANOPY TREE LIST

<b><u>Common Name</u></b>	<b><u>Botanical Name</u></b>
Live Oak	<i>Quercus virginiana</i>
Red Oak *	<i>Quercus shumardi</i>
Bald Cypress	<i>Taxodium distichum</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Lacebark Elm *	<i>Ulmus parvifolia</i>
Bigtooth Maple*	<i>Acer grandidentatum</i>
Caddo Maple	<i>Acer saccharum 'Caddo'</i>
Texas Ash*	<i>Fraxinus velutina 'Rio Grande'</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Escarpment Live Oak	<i>Quercus fusiformis</i>
Ginkgo	<i>Ginkgo biloba</i>
Pecan	<i>Carya illinoensis</i>

\*Species preferred but not required for Amenity Zones

### ORNAMENTAL TREE LIST

<b><u>Common Name</u></b>	<b><u>Botanical Name</u></b>
Yaupon Holly	<i>Ilex vomatoria</i>
Crape Myrtle	<i>Lagerstromia indica</i>
Deciduous Yaupon	<i>Ilex decidua</i>
Southern Crabapple	<i>Malus app.</i>
Mexican Plum	<i>Prunus Mexicana</i>
Wax Myrtle	<i>Myrica carifera</i>
Chitalpa	<i>Chitalpa tashkentensis</i>
Deciduous Holly	<i>Ilex decidua</i>
Desert Willow	<i>Chilopsis linearis</i>
Eve's Necklace	<i>Sophora affinis</i>

### SHRUBBERY LIST

<b><u>Common Name</u></b>	<b><u>Botanical Name</u></b>
Dwarf Nandina	<i>Nandina domestica 'nana'</i>
Dwarf Burford Holly	<i>Ilex cornuta 'burfordi nana'</i>
Abelia Grandiflora	<i>Abelia grandiflora</i>
Barberry	<i>Barberry spp.</i>
Yucca (Red, Yellow or Soft Tip)	<i>Hesperaloe parviflora</i>
Texas Sage	<i>Leucophyllum frutescans</i>
Indian Hawthorn	<i>Raphiolepis indica</i>
Dwarf Crape Myrtle	<i>Lagerstromia indica 'nana'</i>

**Common Name**

Dwarf Yaupon Holly  
Pampas Grass  
Black-Eyed Susan  
Dwarf Wax Myrtle  
Needlepoint Holly  
Knockout Rose  
Rosemary

**Botanical Name**

*Ilex vomitorria 'nana'*  
*Cortaderia selloana*  
*Rudbeckia hirta*  
*Myrica pusilla*  
*Ilex cornuta 'Needle Point'*  
*Rosa 'Knock Out'*  
*Rosmarinus officinalis*

GROUND COVER/VINES LIST

**Common Name**

Asian Jasmine  
Big Blue Liriope  
Mondograss  
Purple Winter Creeper  
Santolina  
Trumpet Vine  
Virginia Creeper  
Lady Banks Rose  
Confederate Jasmine  
Crossvine  
Evergreen Wisteria  
Lantana 'New Gold'  
Liriope 'Silver Dragon'  
Prostrate Rosemary  
Sweet Autumn Clematis

**Botanical Name**

*Trachelosperum Asiaticum*  
*Liriope muscari*  
*Ophiopogon japonicus*  
*Euonymum coloratus*  
*Santolina virens*  
*Campsis radicans*  
*Parthenocissus quinquefolia*  
*Rosa banksiaw lutea*  
*Trachelospermum jasminoides*  
*Bignonia capreolata*  
*Millettia reticulata*  
*Lantana camara 'New Gold'*  
*Liriope muscari 'Silver Dragon'*  
*Rosmarinus officinalis prostrata*  
*Clematis terniflora*

ORNAMENTAL GRASSES LIST

**Common Name**

Dwarf Fountain Grass 'Little Bunny'  
Dwarf Maiden Grass  
Fountain Grass  
Inland Seaoats  
Maiden Grass  
Mexican Feather Grass  
Muhly Grass  
Weeping Lovegrass

**Botanical Name**

*Pennisetum alopecuroides 'Little Bunny'*  
*Miscanthus sinensis 'Adagio'*  
*Pennisetum alopecuroides*  
*Chasmanthium latifolium*  
*Miscanthus sinensis 'Gracillimus'*  
*Stipa tenuissima*  
*Muhlenbergia capillaris*  
*Eragrostis curvula*

TURF

**Common Name**

Bermuda  
St. Augustine  
Zoysia

**Botanical Name**

*Cynodon dactylon*  
*Stenotaphrum secundatum*  
*Zoysia tenuifolia*

## **Appendix H - IH-35E Corridor Overlay District Boundary**

The IH-35E Corridor Overlay District is defined as all land located within the area bounded by the following: Beginning at the southwest corner of the intersection of North Stemmons Freeway (IH-35E) and North Garden Ridge Boulevard, running westerly along the south right-of-way line of North Garden Ridge Boulevard to the northwest corner of a 3.221-acre tract of land out of the F. Pierce Survey, Abstract No. 1016 conveyed to IH-35 & Garden Ridge Acquisitions, LP, then southerly and easterly along the western and southern boundaries of said IH-35 & Garden Ridge Acquisitions, LP tract to the west right-of-way line of North Stemmons Freeway, (IH-35E), then southerly along the west right-of-way line of North Stemmons Freeway (IH-35E) and crossing Bogard Lane to the southeast corner of the intersection of Bogard Lane and McGee Lane, then southerly along the east right-of-way line of McGee Lane to the northeast corner of the intersection of McGee Lane and the KCS Railroad, then easterly along the north right-of-way line of the KCS Railroad to the northeast corner of the intersection of the KCS Railroad and North Summit Avenue, then southerly along the east right-of-way line of North Summit Avenue to the northwest corner of Lot 1, Block H, Valley Ridge Residential Addition, then easterly along the north boundaries of Lot 1, Block H, Valley Ridge Residential Addition and Lot 3, Block I, Valley Ridge Business Park West Phase 9 to the west right-of-way line of North Stemmons Freeway (IH-35E), then southerly along the east boundary and westerly along the south boundary of Lot 3, Block I, Valley Ridge Business Park West Phase 9, then westerly along the south boundary of Lot 1, Block H, Valley Ridge Residential Addition to the north right-of-way line of College Parkway, then crossing the right-of-way College Parkway in a southwesterly direction to the eastern corner of Lot 1, Block A, Parkway Estates Addition, then in a southwesterly direction along the eastern and southern boundaries of Lot 1, Block A, Parkway Estates Addition to the southeast corner of a drainage right-of-way dedicated on the final plat of Fireside Village Addition, then westward along the southern boundary of said drainage right-of-way to the eastern right-of-way line of North Summit Avenue, then southward along the east right-of-way line of North Summit Avenue crossing West Main Street and continuing southerly along the east right-of-way line of Surf Street to the southwest corner of Lot 3, Block B, Harbor Heights, then eastward along the south boundary of Lot 3, Block B, Harbor Heights to the southeast corner of said lot, then northward along the east boundary of Lots 3, 2, and 1A, Block B, Harbor Heights to the southwest corner of Lot 6 (PT), Valley Square, then easterly along the south boundary of Lots 6 (PT), 3 and 2, Valley Square to a point being the intersection of the south boundary of Lot 2, Valley Square and the northward extension of the western boundary of Lot 5, Block G, Quailcrest, then south across the public alley to the northwest corner of Lot 5, Block G, Quailcrest and continuing southerly along the west boundaries of Lots 5, 4B, 3, 2 and 1, Block G, Quailcrest to the north right-of-way line of West Purnell Street, then east along the north right-of-way line of West Purnell Street to the west right-of-way line of South Stemmons Freeway (IH-35E), then southeasterly along the west right-of-way line of South Stemmons Freeway (IH-35E) to the northwest corner of a 0.9759-acre tract of land out of the J. Sutton Survey, Abstract No. 1155 conveyed to Neville Texas Investments, LLC, then south along the west boundary of said Neville Texas Investments LLC tract and continuing south along the west boundary of a 4.0839-acre tract and an 8.141-acre tract, both out of the J. Sutton Survey, Abstract No. 1155 conveyed to AVB Ltd, to the north right-of-way line of Fox Avenue, then in a

southeasterly direction across the Fox Avenue right-of-way to the northwest corner of Lot 1, Block A, Fox Haven Addition, then south and easterly along the west boundary and south boundary of Lot 1, Block A, Fox Haven Addition to the west boundary of Lot 6R, Block A, Fox-IH35E Addition, then southeasterly, east, and northeasterly along the west, south and southeast boundaries of Lot 6R, Block A, Fox-IH35E Addition to the west right-of-way line of South Stemmons Freeway (IH-35E), then southeasterly along the west right-of-way line of South Stemmons Freeway (IH-35E) to the north-most corner of Lot 3 (PT), Block A, Lakeland Plaza Addition, then southwesterly and southerly along the northwest and west boundaries of Lots 3 (PT) and 1 (PT), Block A, Lakeland Plaza Addition to the northwest corner of Lot 1, Block A, Peppermint Addition, then south along the west boundary of Lot 1, Block A, Peppermint Addition to the north right-of-way line of Oakwood Lane, then easterly, southerly and easterly along the north, east and north right-of-way lines (following curves) of Oakwood Lane to the east right-of-way line of SH 121 Business, then south along the east right-of-way line of SH 121 Business to the southwest corner of Lot 1, Block A, Rider Addition, then east along the south boundaries of Lot 1, Block A, Rider Addition and Lot 1R, Block A, Bankston Nissan Addition to the west boundary of Lot 1, Block A, Lewisville Mitsubishi Addition, then south along the west boundaries of Lot 1, Block A, Lewisville Mitsubishi Addition and Lot 1, Block A, Toyota of Lewisville to the southwest corner of Lot 1, Block A, Toyota of Lewisville, then east along the south boundary of Lot 1, Block A, Toyota of Lewisville to the northwest corner of Lot 1A, Block C, Timber Creek Square Phase I, then south along the west boundary of Lot 1A, Block C, Timber Creek Square Phase I to the northeast right-of-way line of East Southwest Parkway, then southeasterly along the northeast right-of-way line of East Southwest Parkway to the south right-of-way line of East Corporate Drive, then southwesterly along the south right-of-way line of East Corporate Drive to the north most corner of Lot 2, Block C, Timber Creek Square Phase 2, then southeasterly along the northeast boundary of Lot 2, Block C, Timber Creek Square Phase 2 to the northwest corner of Lot 6, Block A, Vista Ridge Pointe Addition, then south along the west boundaries of Lot 6, Block A, Vista Ridge Pointe Addition and Lots 2 and 1A, Block B, Vista Ridge Village Addition Phase 3 to the north right-of-way line of Oakbend Drive, then in a southeasterly direction across the Oakbend Drive right-of-way to the northwest corner of Lot 1, Block A, Oakbend and Rockbrook Addition, then south and east along the west and south boundaries of Lot 1, Block A, Oakbend and Rockbrook Addition to the west boundary of Lot 4, Block A, Vista Ridge Village Addition Phase 2, then south along the west boundaries of Lots 4, 3 and 2, Block A, Vista Ridge Village Addition Phase 2 to the north right-of-way of East Round Grove (FM 3040), then east along the north right-of-way line of Round Grove Road (FM 3040) to the east right-of-way line of Mac Arthur Boulevard, then southerly along the east right-of-way line of MacArthur Boulevard to the north right-of-way line of SH 121, then easterly along the north right-of-way line of SH 121 to the east right-of-way line of Lake Vista Drive, then southerly and easterly along the east and north right-of-way line of Lake Vista Drive to the south most corner of Lot 1RA, Block L, Vista Ridge to the southwest corner of a 38.0408-acre tract of land out of the McKinney-Williams Survey, Abstract No. 936 conveyed to Dallas Gun Club, then east along the south boundary of said Dallas Gun Club tract and following the City of Lewisville corporate limit line along the south boundary of a 2.2-acre tract of land out of the McKinney-Williams Survey, Abstract No. 936 and conveyed to Denton County Levee Improvement District No. 1 and continuing east and following the City

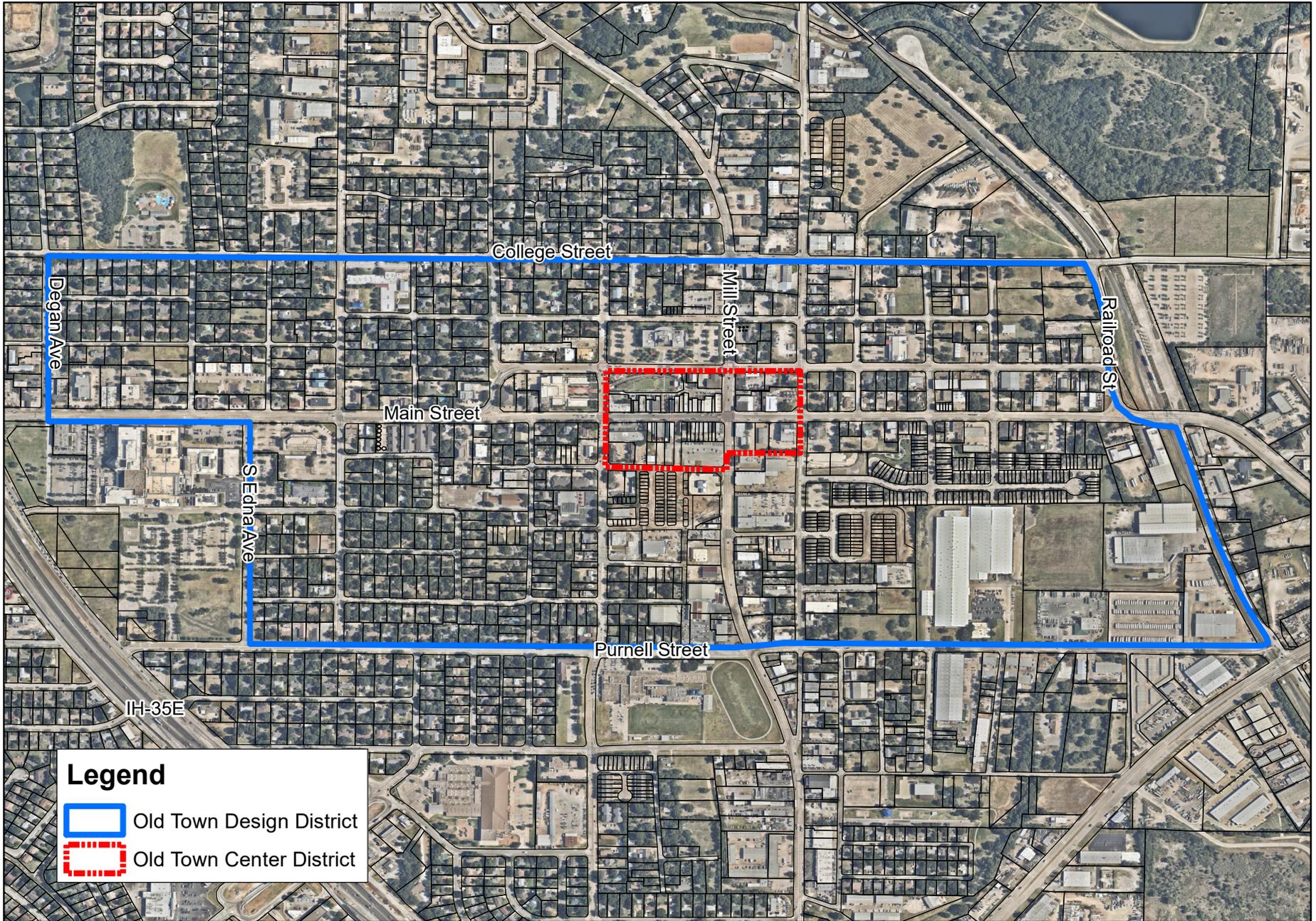
of Lewisville corporate limit line along the south boundary of said Dallas Gun Club tract and continuing east following the City of Lewisville corporate limit line along the south boundary of a 5.8-acre tract of land out of the McKinney-Williams Survey, Abstract No. 936 conveyed to Denton County Levee Improvement District No. 1 and continuing east following the City of Lewisville corporate limit line along the south boundary of a 38.0408-acre tract of land out of the McKinney-Williams Survey, Abstract No. 936 conveyed to Dallas Gun Club to the west most southwest corner of Lot 6R, Block A, I-35 Boat City Addition, then east, south, easterly, northerly, west and north (following curves) along the south, west, south, east, north and east boundaries of Lot 6R, Block A, I-35 Boat City Addition to south corner of Lot 5, Block A, I-35 Boat City Addition, then northeasterly along the southeastern boundary of Lot 5, Block A, I-35 Boat City Addition to the west right-of-way line of South Stemmons Freeway (I-35E), then following the City of Lewisville corporate limit line northeasterly across the South Stemmons Freeway (IH-35E) right-of-way to the east right-of-way line of South Stemmons Freeway (IH-35E) then following the City of Lewisville corporate limit line northwesterly to the southeast corner of a 14.029-acre tract of land out of the McKinney-Williams Survey, Abstract No. 936 conveyed to City of Carrollton, then northwesterly and east following the City of Lewisville corporate limit line along the southwest, west and north boundaries of said City of Carrollton tract to the west boundary of 109.6-acre tract of land out of the J. Chowning Survey, Abstract No. 242 conveyed to City of Carrollton, then north following the City of Lewisville corporate limit line along the west boundary of said City of Carrollton tract to the west right-of-way line of the Dallas Area Rapid Transit (DART) railway, then northerly along the west right-of-way line of the Dallas Area Rapid Transit (DART) railway, crossing the SH 121 right-of-way, to the north right-of-way line of SH 121, then southwesterly along the north right-of-way line of SH 121 to the southeast corner of Lot 4 (PT), Block A, Arthur James Addition, then northwesterly along the northeastern boundary of Lots 4 (PT), 3 and 2, Block A, Arthur James Addition to the east right-of-way line of Arthur's Lane, then northwesterly across the Arthur's Lane right-of-way to northeast corner of Lot 8R, Block H, Lakepointe Phase 5, then northwesterly along the northeast boundary of Lots 8R, 7B (PT) and 7A (PT), Block H, Lakepointe Phase 5 to the southeast corner of Lot 3, Block H, Lakepointe Phase 1, then northwesterly and northeasterly along the southwest and northwest boundaries of Lot 3, Block H, Lakepointe Phase 1 to the northmost corner of Lot 3, Block H, Lakepointe Phase 1, then in a northeasterly direction across Lot 3, Block G, Lakepointe Phase 3 to the southeast corner of Lot 2R-1, Block G, Lakepointe Phase 3, then northeasterly along the southeast boundaries of Lots 2R-1 and 1R-1B, Block G, Lakepointe Phase 3 and continuing in a straight line across the right-of-way of Lakeside Circle to the north right-of-way line of Lakeside Circle, then northwesterly along the north right-of-way line of Lakeside Circle to the south corner of Lot 1R-2A, Block E, Lakepointe Phase 3, then northeasterly along the southeast boundaries of Lots 1R-2A and 1R-3, Block E, Lakepointe Phase 3 and Lots 1, 2R1, 3R1 and 4, Block A, Hebron Lakepointe Addition to the south right-of-way line of Hebron Parkway, then crossing the right-of-way of Hebron Parkway to the east corner of Lots 3B and 3C, Block D, Lakepointe Phase 3, then northwesterly and southwesterly along the northeast boundary of Lots 3B and 3C, Block D, Lakepointe, Phase 3 and the northeast and northwest boundaries of Lots 3A (E PT) and 3A (W PT), Block D, Lakepointe Phase 3 to the northeast right-of-way line of Lakepointe Drive, then crossing the right-of-way of Lakepointe Drive to the southwest right-of-way line of Lakepointe Drive, then

northwesterly along the southwest right-of-way line of Lakepointe Drive to the south corner of the intersection of Lakepointe Drive and Waters Ridge Drive, then southwesterly along the southeast right-of-way line of Waters Ridge Drive to the west corner of Lot 7, Block A, Lakepointe West, then northwesterly across the right-of-way Waters Ridge Drive to the south corner of Lot 4A, Block B, Lakepointe Phase 2, then northwesterly, west and north along the southwest, south, and west boundaries of Lot 4A, Block B, Lakepointe Phase 2 to the south right-of-way line of Lakepointe Drive, then northwesterly along the south and west right-of-way line of Lakepointe Drive and crossing East Corporate Drive and continuing northwesterly along the southwest right-of-way line of Lakepointe Drive to a point being the intersection of the south right-of-way line of Lakepointe Drive and the southerly extension of the west boundary of Lot 5, Block A, Xerox Facility Addition, then north across the right-of-way of Lakepointe Drive to the southwest corner of Lot 5, Block A, Xerox Facility Addition, then north along the west boundary of Lot 5, Block A, Xerox Facility Addition to the south right-of-way line of Bennett Lane, then northeasterly across the Bennett Lane right-of-way to the southeast corner of a 0.963-acre tract of land out of the E. Aday Survey, Abstract No. 11 conveyed to City of Lewisville, then north to the northeast corner of said City of Lewisville tract then west along the north boundaries of said City of Lewisville tract; and continuing west, north and west along the north boundaries of a 1.926-acre tract of land out of the E. Aday Survey, Abstract No. 11 conveyed to City of Lewisville; Lot 1, Block A, Bennett Park Center; Lot 1, Block A, Octavi Hernandez Addition; a 0.75-acre tract of land out of the E. Aday Survey, Abstract No. 11 conveyed to Noblitt Living Trust; Lot 1, Block A, Tyson Estates; a 0.959-acre tract of land out of the E. Aday Survey, Abstract No. 11 conveyed to E&H Contractors; a 3.0-acre tract of land out of the E. Aday Survey, Abstract No. 11 conveyed to Rafael Corona; and a 3.027-acre tract of out of the E. Aday Survey, Abstract No. 11 conveyed to Nancy A. Stevens; to the east right-of-way line of Yates Street, then northerly along the east right-of-way line of Yates Street to the northwest corner of Lot 1, Block A, WRN Creekside Development Addition, then east, north and west along the south, east and north boundaries of a 57.3366-acre tract of land out of the J.W. King Survey, Abstract No. 695 conveyed to AMC Northwood, LLC, to the southwest corner of Lot 2, Block A, DCTA Maintenance Facility Addition, then north and east along the west and north boundaries of Lot 2, Block A, DCTA Maintenance Facility Addition to the southeast corner of 3R, Block A, Zander Place Addition, then north and northwesterly along the east and northeast boundaries of Lot 3R, Block A, Zander Place Addition to the southeast right-of-way line of SH 121 Business, then continuing in a straight line northwest across the SH 121 Business right-of-way to the northwest right-of-way line of SH 121 Business, then southwesterly along the northwest right-of-way line of SH 121 Business to the west corner of the intersection of SH 121 Business and McKenzie Street right-of-ways, then west along the south right-of-way line of McKenzie Street to the northeast corner of Lot 7, Block 10, McKenzie-Hembry Addition, then southerly, westerly and southerly along the east boundary of Lot 7, Block 10, McKenzie-Hembry Addition to the northeast corner of a 1.45-acre tract of land out of the J.W. King Survey, Abstract No. 695 conveyed to City of Lewisville, then southwesterly along the southeast boundaries of said City of Lewisville tract to the north-most corner of a 2.44-acre tract of land out of the J.W. King Survey, Abstract No. 695 conveyed to City of Lewisville, then southeasterly, southwesterly, westerly and northwesterly along the northeast, southeast, south and southwest boundaries of said City of Lewisville tract to the east right-of-way line of South Mill Street, then north along the east

right-of-way line of South Mill Street to the northeast corner of South Mill Street and Mesquite Street, then westerly across the South Mill Street right-of-way to the northeast corner of a 0.482-acre tract of land out of the E. Pickett Survey, Abstract No. 1014 conveyed to Lebz Brothers Inv. LLC, then west and south along the north and west boundaries of said Lebz Brothers Inv. LLC tract to the north right-of-way line of Yale Avenue, then southerly across the Yale Avenue right-of-way to the northwest corner of Lot 17, Block A, Termin, then south along the west boundaries of Lot 17, Block A, Termin and continuing southerly along the west boundary of a 0.45-acre tract of land out of the E. Pickett Survey, Abstract No. 1014 conveyed to Reid M. Anderson to the north right-of-way line of Harvard Avenue, then south across the Harvard Avenue right-of-way to the northwest corner of a 0.441 acre tract of land out of the E. Pickett Survey, Abstract No. 1014 conveyed to Bruce Properties LLC, then south along the west boundary of said Bruce Properties LLC tract to the north boundary of Lot 1, Block A, Batterton Addition, then west along the north boundaries of Lot 1, Block A, Batterton Addition and continuing west along the north boundaries of Lot 2, Block B, Huffines Dodge Addition, and a 3.7969-acre tract of land out of the E. Pickett Survey, Abstract No. 1014 conveyed to 1090 St. Charles Property, LLC, to the east right-of-way line of South Charles Street, then west across the South Charles Street right-of-way to the west right-of-way line of South Charles Street, then south along the west right-of-way line of South Charles Street to the north corner of a 0.711-acre tract of land out of the E. Pickett Survey, Abstract No. 1014 conveyed to Michael & Hiyasmin Noyes, then southwesterly along the northwest boundary of said Noyes tract to the east corner of Lot 9, Block B, Lakeland Terrace 1, then northwesterly along the northeast boundary of Lot 9, Block B, Lakeland Terrace 1 to the north corner of Lot 9, Block B, Lakeland Terrace 1, then northwesterly across the Lake Shore Drive right-of-way to the west right-of-way line of Lake Shore Drive, then north along the west right-of-way line of Lake Shore Drive to the southwest corner of Lake Shore Drive and Harbor Drive, then westerly, northwesterly and northerly along the south, southwest and west right-of-way line of Harbor Drive to the southwest corner of Harbor Drive and Lake Haven Drive, then north across the Lake Haven Drive right-of-way to the north right-of-way line of Lake Haven Drive, then northwesterly along the northeast right-of-way line of Lake Haven Drive to the east corner of Lake Haven Drive and Fox Avenue, then northeasterly across the right-of-way of Fox Avenue to the southeast corner of Lot 9, Block 4, James Degan, then westerly along the south boundaries of Lots 9, 8, 7, 6, 5, 4, 3 and 2 (PT), Block 4 James Degan to the northeast right-of-way line of South Stemmons Freeway (IH-35E), then northwesterly along the northeast right-of-way line of South Stemmons Freeway (IH-35E) to the northeast corner of South Stemmons Freeway (IH-35E) and West Purnell Street, then east along the north right-of-way line of West Purnell Street to the northwest corner of West Purnell Street and South Edna Avenue, then north along the west right-of-way line of South Edna Avenue to the southwest corner of South Edna Avenue and West Main Street, then north across the West Main Street right-of-way to the north right-of-way line of West Main Street, then west along the north right-of-way line of West Main Street to the northwest corner of West Main Street and Degan Avenue, then north along the west right-of-way line of Degan Avenue to the northwest corner of Degan Avenue and West College Street, then west along the north right-of-way line of West College Street to the northwest corner of Harn Drive, then north along the west right-of-way line of Harn Drive to the southwest corner of Harn Drive and Millican Drive, then north across the Millican Drive right-of-way to the north right-of-way line of

Millican Drive, then east along the north right-of-way line of Millican Drive to the southwest corner of Lot 18, Block E, Lewisville Park Estates, then north along the west boundaries of Lots 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1, Block E and Lots 1-5, Block A Lewisville Park Estates to the northwest corner of Lot 5, Block A, Lewisville Park Estates, then east along the north boundaries of Lots 5-12, Block A, Lewisville Park Estates to the northeast corner of Lot 12, Block A, Lewisville Park Estates, then northeasterly across two drainage right-of-way lots to the southeast corner of Lot 3A, Block A, Valley Ridge Business Park East, then north along the east boundary of Lot 3A, Block A, Valley Ridge Business Park East to the northeast corner of Lot 3A, Block A, Valley Ridge Business Park East, then northwesterly across the Valley Ridge Boulevard right-of-way to the southeast corner of Lot 3, Block B, Valley Ridge Business Park East, then north along the east boundary of Lot 3, Block B, Valley Ridge Business Park East to the northeast corner of Lot 3, Block B, Valley Ridge Business Park East, then westerly along the south right-of-way line of the KCS railway to east corner of Lot 1, Block A, May Trailer Sales Addition, then northwesterly across the KCS Railway right-of-way to the southeast corner of Lot 3, Block A, Butler Addition, then north along the east boundaries of Lot 3, Block A, Butler Addition and Lot 1, Block A, Denton County Addition to the south right-of-way line of West Jones Street, then northerly across the West Jones Street right-of-way to the southeast corner of Lot 2R1, Block A, Fairway Business Park, then north along the east boundary and west along the north boundary of Lot 2R1, Block A, Fairway Business Park to the east boundary of Lot 1, Block A, Phil Dill Jr Addition, then north along the east boundaries of Lot 1, Block A, Phil Dill Jr Addition and Lot 2, Block A Lewisville Boat Storage Addition (PT) to the southwest right-of-way line of the Dallas Area Rapid Transit (DART) railway, then northwesterly along the southwest Dallas Area Rapid Transit (DART) railway right-of-way line to the northwest corner of Lot 2, Block A, Franklin Street Addition, then northeasterly across the Dallas Area Rapid Transit (DART) railway right-of-way to the southeast corner of Lot 1, Block A, CB Green Addition, then north along the east boundary of Lot 1, Block A, CB Green Addition to the south right-of-way line of Lake Park Road, then north across the Lake Park Road right-of-way to the north right-of-way line of Lake Park Road, then west along the north right-of-way line of Lake Park Road to the southeast corner of a 3.2258-acre tract of land out of the P.K. Waggoner Survey, Abstract No. 1342 conveyed to the James C. Holmes Family Trust, then north along the east boundary of said James C. Holmes Family Trust tract to southeast corner of Lot 2, Block A, Callmark Addition, then north and westerly along the east and north boundaries of Lot 2, Block A, Callmark Addition and continuing westerly along the north boundary of Lot 1, Block A, Callmark Addition to the east right-of-way line of Oakridge Boulevard, then northwesterly across the Oakridge Boulevard right-of-way to the west right-of-way line of Oakridge Boulevard, then south along the west right-of-way line of Oakridge Boulevard to the northeast corner of Lot 30A, Block A, Oakridge Park Estates Section G, then northwest, west and south along the northeast, north and west boundaries of Lot 30A, Block A, Oakridge Park Estates Section G to the northeast right-of-way line of the Dallas Area Rapid Transit (DART) railway, then crossing the Dallas Area Rapid Transit (DART) railway right-of-way in a southwesterly direction and continuing northwesterly along the southwest right-of-way line of the Dallas Area Rapid Transit (DART) railway to the southwest corner of the Dallas Area Rapid Transit (DART) railway right-of-way and North Garden Ridge Boulevard, then westerly across the North Stemmons Freeway (IH-35E) right-of-way to the point of beginning.

# EXHIBIT 3



# EXHIBIT 4

## APPENDIX B

- **OLD TOWN CENTER DESIGN DISTRICT AND OLD TOWN DESIGN DISTRICT BOUNDARIES.**
- **LOCATIONAL MAP OF DISTRICT BOUNDARIES.**

**The Old Town Center Design District** is defined as all land located within the area bounded by the following: Beginning at the southeast corner of the intersection of West Church Street and North Charles Street, running easterly along the southern right-of-way of Church Street to the southwest corner of the intersection of East Church Street and North Kealy Street, then southerly along the western right-of-way of Kealy Street to the north property line of Lot 1 A, Block A of the Christian Community Action Addition, then westerly along the north property line of Lot 1 A to the northeast corner of Lot 1 R, Block A of the MHJ Sonic Addition, then westerly along the north property line of Lot 1 R to the easterly right-of-way of South Mill Street, continuing westerly across South Mill Street to the western right-of-way of South Mill Street, then southerly to the northwest corner of Elm Street and South Mill Street, then westerly along the northern right-of-way of Elm Street to the northeast corner of the intersection of Elm Street and South Charles Street, then northerly along the eastern right-of-way of Charles Street to the southeast corner of the intersection of North Charles Street and West Church Street.

**The Old Town Design District** is defined as all land located within the area bounded by the following: Beginning at the southeast corner of the intersection of West College Street and Degan Avenue, running easterly along the southern right-of-way of College Street to the southwest corner of the intersection of East College Street and the railroad right-of-way, formerly owned by M.K.T., then southerly along the western railroad right-of-way to the northwest corner of the intersection with Purnell Street, then westerly along the northern right-of-way of the Purnell Street to the northeast corner of the intersection with South Edna Avenue, then northerly along the eastern right-of-way of South Edna Avenue to the southeast corner of the intersection with West Main Street, then westerly along the southern right-of-way of West Main Street to the southeast corner of the intersection with Degan Avenue, then northerly along the eastern right-of-way of Degan Avenue to the southeast corner of the intersection of West College Street and Degan Avenue. The Old Town Center Design District as defined above is excluded from this section.



## MEMORANDUM

**TO:** Donna Barron, City Manager  
**FROM:** Richard E. Luedke, Planning Director  
**DATE:** June 4, 2018  
**SUBJECT:** **PUBLIC HEARING: Consideration of an Ordinance Granting a Special Use Permit (SUP) Request for a Gasoline Service Station, on Approximately 0.765-Acres Legally Described as Lot 1R, Block A, Chevron Addition, Located at 1301 South State Highway 121 Business, and Zoned General Business District (GB); as Requested by Jon Featherston, of The Dimension Group, on Behalf of Eun Hae Properties, LLC, the Property Owner (Case No. SUP-2018-05-07).**

### **BACKGROUND**

The Special Use Permit 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 a Special Use Permit.

The Planning and Zoning Commission considered and recommended approval of this Special Use Permit on March 21, 2017; and City Council approved it on April 3, 2017. This SUP and its variances have since expired. The project was delayed due to a legal dispute between the applicant and the current property owner. The applicant expects to resolve all issues with the current property owner within the next 60 to 120 days and is now seeking reapproval of the SUP and associated variances.

The Planning and Zoning Commission recommended unanimous approval (7-0) of the requested SUP on May 1, 2018

### **ANALYSIS**

The new gas station will be located on the southwest corner of South State Highway 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 construct 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 10 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 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. 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 South State Highway 121 Business entrance.

### **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.

### **Variiances**

Three variances are being requested with this development that will be considered by City Council in conjunction with the SUP.

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 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

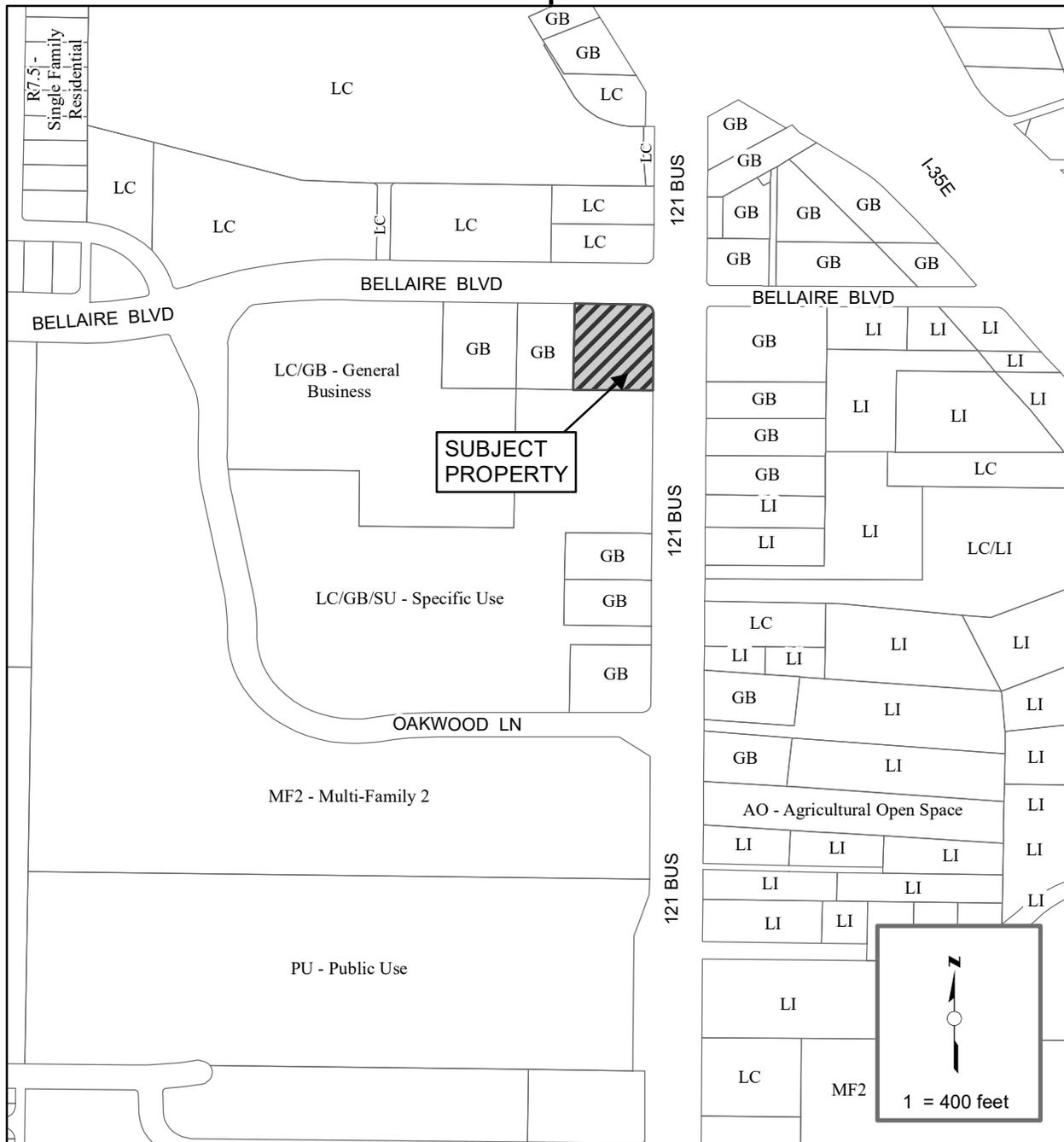
Section 6-103(c)(2), Access Spacing requires that driveways on adjacent properties be spaced at least 230 feet apart on Major Traffic Carriers such as SH 121 Business. The owner has requested a variance to allow a driveway to be 95.79 feet from the existing adjacent driveway to the south. The main purpose 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.

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-2018-05-07**

**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  
MAY 1, 2018**

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**Item 1:**

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

Staff members present: Richard Luedke, Planning Director; Jonathan Beckham, Planner.

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**Item 5:**

Public Hearing Zoning & Special Use Permits were next on the agenda. There was one item for consideration:

- A. **Public Hearing:** Consideration of a Special Use Permit (SUP) Request for a Gasoline Service Station; on an Approximately 0.765-Acre Tract of Land, Zoned General Business District (GB); Located on the Southwest Corner of State Highway 121 Business and Bellaire Boulevard, Further Identified as Lot 1R, Block A of the Chevron Addition; as Requested by Jon Featherston, of The Dimension Group, on Behalf of Eun Hae Properties, LLC, the Property Owner. (Case No. SUP-2017-05-07).

Staff gave a brief overview of the proposed special use permit request and recommended approval. Chairman Green asked if the applicant had resolved the issue that prevented the proposed development from moving forward. Staff responded that the applicant had assured staff that the issues had been resolved. Member Karen Locke asked if the Fire Department had signed off on the driveway variances. Staff responded that they have. Member John Lyng asked the reason the gas station did not have greater connectivity to the surrounding properties since it was in the IH-35E Corridor Overlay District. Staff responded that the Overlay District had not yet been approved by City Council, but a note would be added on the Site Plan to allow connectivity between the properties the time surrounding properties redevelop. Chairman Green then opened the public hearing and with no one else coming forward to speak, the public hearing was then closed. A motion was made by James Davis to recommend approval of the proposed special use permit request. The motion was seconded by Alvin Turner. The motion passed unanimously (7-0). Staff indicated that this item would appear before the City Council on June 4<sup>th</sup> for a second public hearing and a final decision.

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## **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.

## Sec. 17-29.5 - "SUP" special use permit

- (a) *Purpose.* The special use permit (SUP) provides a means for evaluating land uses identified in this chapter 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 subsection 17-29.5(b)(2);
  - b. A metes 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) An application for an SUP shall be considered to be an amendment to the zoning ordinance, and shall comply with all

provisions of section 17-37 of this Code, except that in no instance shall the provisions of section 17-37 be construed to negate or remove any requirements of this section for an SUP application.

- (4) 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.
- (5) 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.
- (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.)

(Ord. No. 4206-09-2015(Z), § 1, 9-14-15; Ord. No. 4374-05-2017(Z), § 1, 5-1-17)

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



**LEWISVILLE**

**SPECIAL USE PERMIT (SUP)  
APPLICATION**

<b>Owner/s (name):</b> Ki Choe	
<b>Company Name:</b> Eun Hae Properties, LLC	
<b>Mailing Address:</b> 1301 S State Hwy 121 Business, Lewisville, Texas 75067	
<b>Work #:</b> (972) 989-0366	<b>Cell #:</b>
<b>E-Mail:</b> kichoe@hotmail.com	
<b>Owner Signature</b> (Owner/s Must Sign or Submit Letter of Authorization)	<b>Date:</b> 3/7/2018
<b>Printed Name:</b> - Ki Choe, President, Eun Hae Properties, LLC	

<b>Applicant/Agent (name):</b> Jon R. Featherston	
<b>Company Name:</b> The Dimension Group	
<b>Mailing Address:</b> 10755 Sandhill Road, Dallas, Texas 75238	
<b>Work #:</b> (214) 343-9400	<b>Cell #:</b> (214) 668-2644
<b>E-Mail:</b> jfeatherston@dimensiongroup.com	
<b>Applicant/Agent Signature</b>	<b>Date:</b> 3/7/2018
<b>Printed Name:</b> Jon R. Featherston	

<b>Current Zoning:</b> <u>GB (General Business) w/SUP for Gasoline Service Station</u>	<b>Requested Zoning:</b> <u>GB w/Reapproval Request of SUP For Gasoline Service Station</u>	<b>Acres:</b> <u>0.765 Acre</u>
<b>Legal Description (Lot/ Block/Tract/Abstract):</b> <u>Chevron Addition, Block A, Lot 1R</u>		
<b>Address/Location:</b> <u>1301 S.H. 121 Business (SWC S.H.121 Business &amp; Bellaire Boulevard)</u>		

**Application and Sign Fees:**

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

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

<b>Qty:</b> <u>1</u>	<b>SUP Signs - \$35 each.</b>	<b>\$</b> <u>35.00</u>
1 sign required for each 5 acres (max. 5 per site)		

Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

<b>Amount Due (application &amp; sign fee)</b>	<b>\$</b> <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: 33,315 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.



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April 17, 2018

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](http://www.dimensiongrp.com)  
[info@dimensiongrp.com](mailto: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](http://www.dimensiongrp.com)  
[info@dimensiongrp.com](mailto:info@dimensiongrp.com)

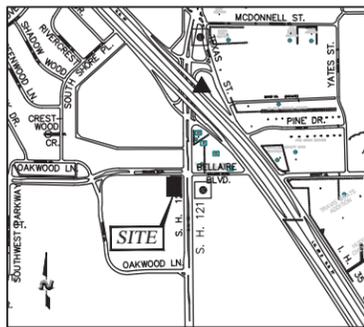
**DALLAS**

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

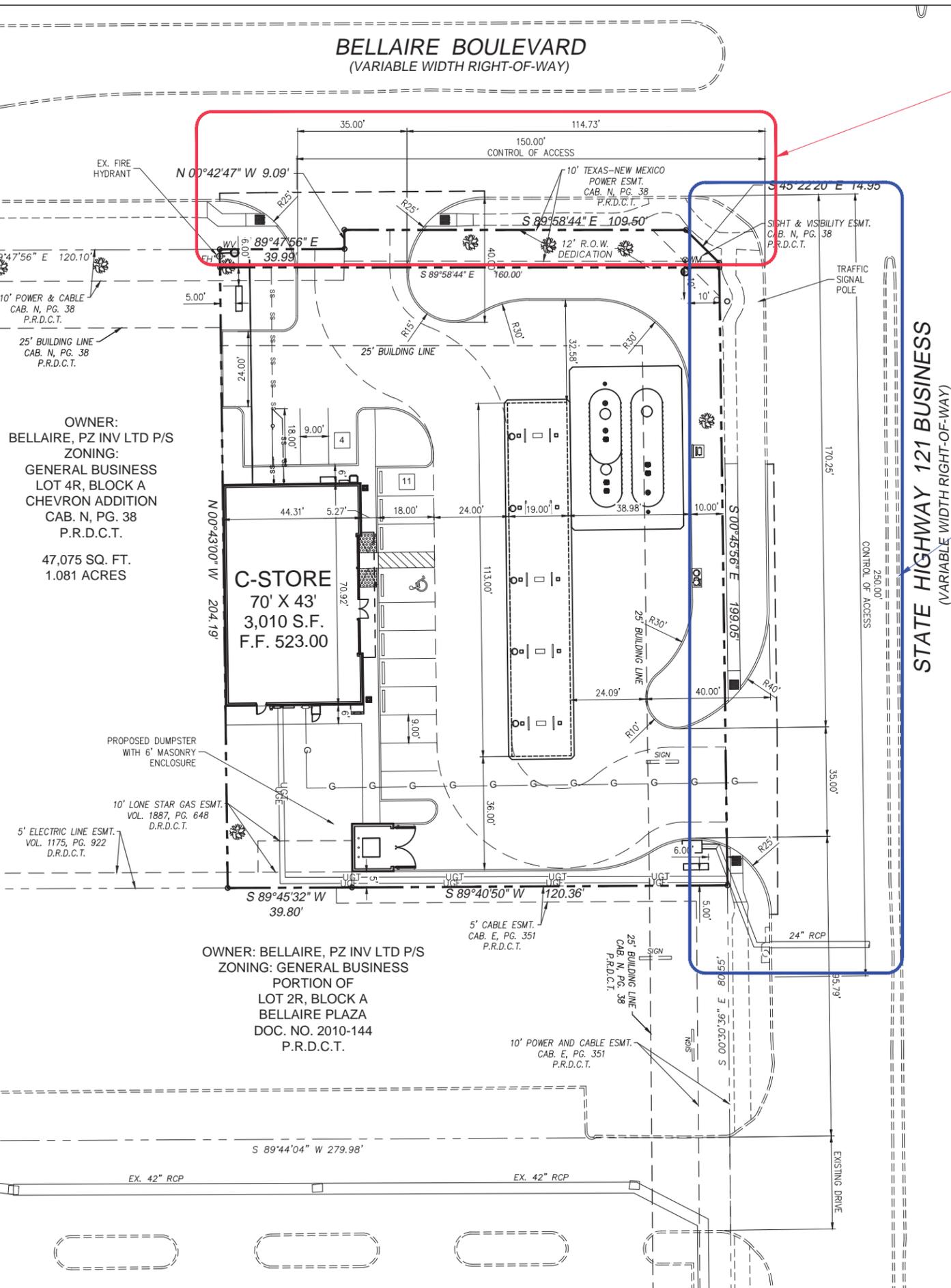
**DENVER**

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

THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS INCLUDING COPYRIGHT. THEY MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN CONSENT OF THE DIMENSION GROUP.

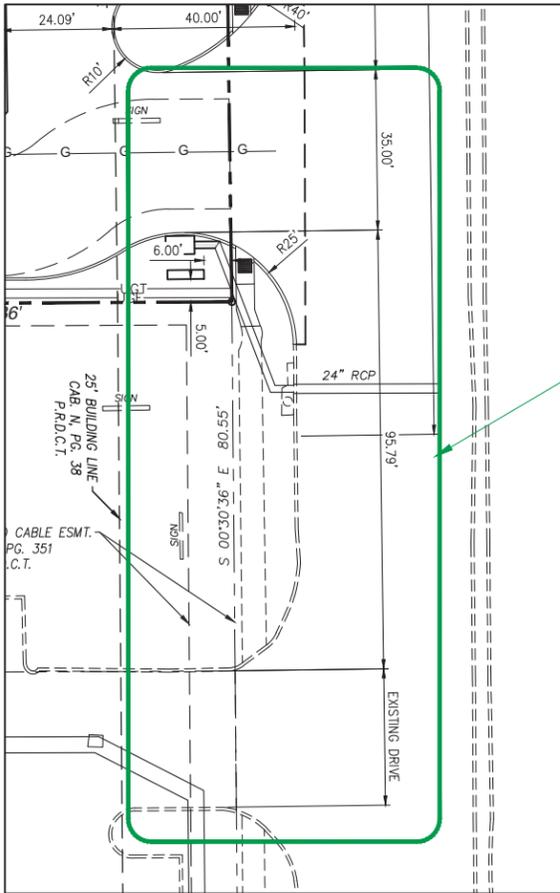


LOCATION MAP  
SCALE: 1" = 1000'



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 BUSINESS 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

**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 APPROXIMATELY 0.765 ACRES, LEGALLY DESCRIBED AS LOT 1R, BLOCK A, CHEVRON ADDITION, LOCATED AT 1301 SOUTH STATE HIGHWAY 121 BUSINESS AND ZONED GENERAL BUSINESS DISTRICT (GB); PROVIDING FOR A REPEALER, SEVERABILITY, PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, applications were made requesting approval of a Special Use Permit for 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 for 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, building elevations, and signage illustrations, attached hereto as Exhibit "B"; and
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 4TH DAY OF JUNE, 2018.**

**APPROVED:**

\_\_\_\_\_  
Rudy Durham, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Worster, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY

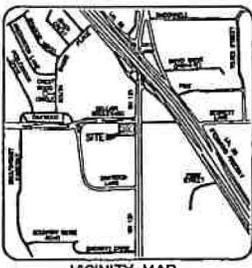
ORDINANCE NO. \_\_\_\_\_

Page 5

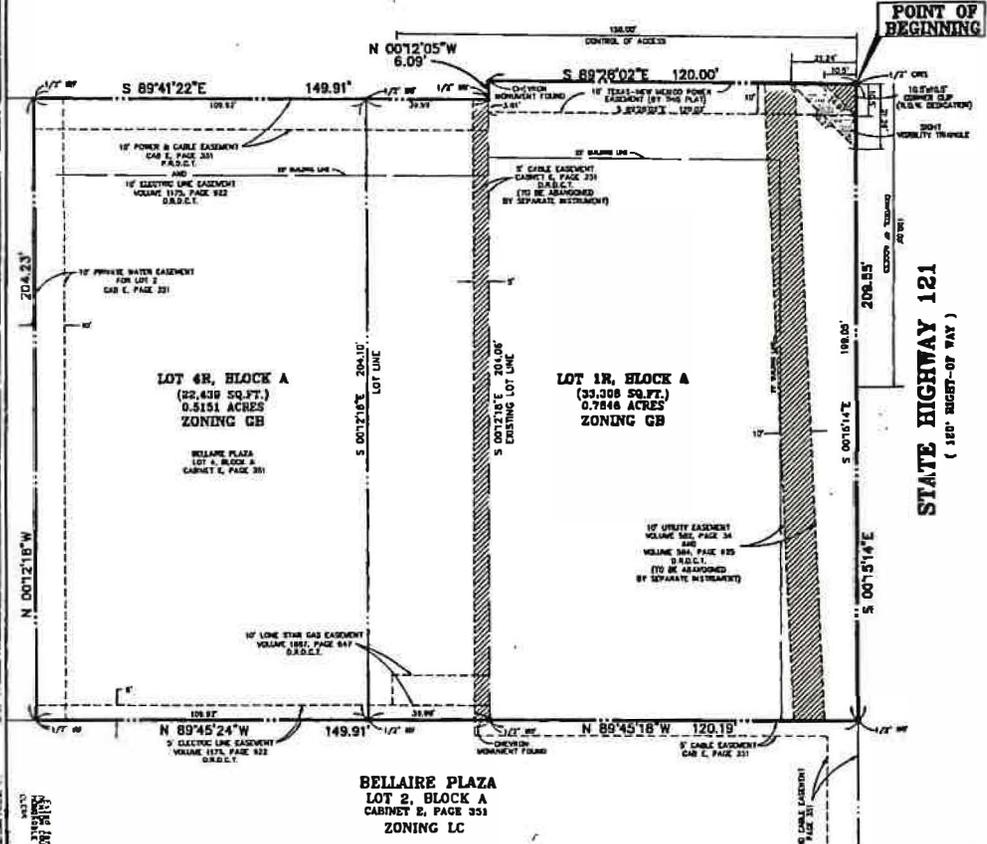
Exhibit A  
Property Description

Exhibit B  
Narrative  
Development Plan  
Landscape Plan  
Building Elevations  
Signage Illustrations

# EXHIBIT A PROPERTY DESCRIPTION



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



**BELLAIRE PLAZA**  
LOT 2, BLOCK A  
CABINET E, PAGE 351  
ZONING LC

**LEGEND**  
1/2" OR - 1/2" NON RED INK WITH YELLOW PLASTIC CAP STAMPED "1/2"  
BF - BORN RED TOLPO  
BR - BORN RED INK

**OWNER/DEVELOPER:**  
Y & E INVESTMENT COMPANY  
727 E. FLOID ROAD  
ROCKFORD, TEXAS 75080  
(972) 644-8882  
CONTACT PERSON: TREA WIT

**OWNER/DEVELOPER:**  
CHEVRON, U.S.A.  
2300 WEST WOODS PARKWAY  
SUITE 800  
ATLANTA, GEORGIA 30338  
(770) 584-3118  
CONTACT PERSON: ROBERT RUMBA

**ARCHITECT/PLANNER:**  
DANNY TOSH ARCHITECTS & PLANNERS  
10501 ADDISON ROAD  
SUITE 300  
DALLAS, TEXAS 75248  
(972) 991-4478  
CONTACT PERSON: TONY WAGNER

**ENGINEER:**  
RAYMOND L. GOODSON JR., INC.  
3445 LA SIERRA DRIVE  
SUITE 300  
DALLAS, TEXAS 75231  
(214) 738-9100  
CONTACT PERSON: JERRY FANG

**OWNER'S CERTIFICATE**

STATE OF TEXAS  
COUNTY OF DENTON

Whereas, Chevron, U.S.A. and Y & E Investment Company are the owners of a tract of land situated in the W.B. Hunter Survey, Abstract No. 555, City of Lewisville, Denton County, Texas, and being all of Lot 4, Block A of Bellaire Plaza, an addition to the City of Lewisville according to the plat recorded in Central E. Page 351, Plat Records, Denton County, Texas, and being all of Lot 1 of Gulf First Addition, an addition to the City of Lewisville according to the plat recorded in Central E. Page 352, Plat Records, Denton County, Texas, and being more particularly described as follows:

BEING that a 1/2" iron rod with yellow plastic cap stamped "1/2" set for corner of the intersection of the west line of State Highway No. 121, a distance of 209.53 feet to a 1/2" iron rod found for corner, being the southeast corner of said Lot 1 and the northern corner of Lot 2, Block A of said Bellaire Plaza;

THENCE South 00°15'41" East, with the west line of said State Highway No. 121, a distance of 209.53 feet to a 1/2" iron rod found for corner, being the southwest corner of said Lot 1 and the northern corner of Lot 2, Block A of said Bellaire Plaza;

THENCE North 89°45'18" West, with the eastern line between said Lot 1 and said Lot 2, a distance of 120.00 feet to a 1/2" iron rod found for corner, being the southwest corner of said Lot 1 and the southeast corner of said Lot 4;

THENCE North 89°45'24" West, with the common line between said Lot 4 and said Lot 2, a distance of 120.00 feet to a 1/2" iron rod found at 38.82 feet in a total distance of 149.81 feet to a 1/2" iron rod found for corner;

THENCE North 00°12'05" West a distance of 204.23 feet to a 1/2" iron rod found for corner in the south line of said Bellaire Boulevard;

THENCE South 89°41'22" East, with the south line of said Bellaire Boulevard, passing a 1/2" iron rod found at 109.82 feet, to a 1/2" iron rod found at 149.81 feet to a 1/2" iron rod found for corner, in the west line of said Lot 1, at the northeast corner of said Lot 4;

THENCE North 00°12'05" West, with the west line of said Lot 1, a distance of 8.00 feet to a Chevron Monument found in the south line of said Bellaire Boulevard;

THENCE South 89°25'02" East, with the south line of said Bellaire Boulevard, a distance of 125.00 feet to the POINT OF BEGINNING and containing 30,804 sq-ft or 0.7081 acres of land, more or less.

Now, therefore, know all men by these presents that Chevron, U.S.A. and Y & E Investment Company through the undersigned authority, do hereby adopt this plat designating the herein above described property as Lots 1R and 4R, Block A, Chevron Addition, an addition to the City of Lewisville, Denton County, Texas, and do hereby dedicate to the public use forever the streets and alleys shown hereon, do hereby dedicate the easement strips shown on this plat for public use and accommodation of the City of Lewisville, and all public utilities pertaining to gas, or other same. No buildings, fences, sheds, signs, or other improvements shall be constructed or placed upon, over or across the easement strips on said plat.

The City of Lewisville and other public utility shall have the right to remove and keep removed or parts of any buildings, fences, sheds, signs or other improvements or structures which in any way impede or interfere with the construction, maintenance, or operation of its respective systems or any of these easement strips, and the City of Lewisville and any public utility shall at all times have the right of ingress and egress to and from any of said easement strips for the purpose of constructing, reconstructing, inspecting, maintaining, and adding to or removing all or part of its respective systems without the necessity of any form of securing the permission of anyone. A blanket easement of a three (3) foot radius from the center point of all fire hydrants and a ten (10) foot radius from the center point of all other apparatuses, fire hydrants, meters, meter boxes, meter boxes to be hereby granted to the City of Lewisville for the purpose of constructing, reconstructing, inspecting, and maintaining the above named apparatuses.

We do further dedicate, subject to the exceptions and reservations set forth hereinafter to the public use forever, all public use spaces shown on the face of this plat.

All lots in the subdivision shall be sold and developed subject to the building lines shown on this plat.

**STATE HIGHWAY 121  
( 180' RIGHT-OF-WAY )**

Now, therefore, know all men by these presents that Chevron, U.S.A. and Y & E Investment Company through the undersigned authority, do hereby adopt this plat designating the herein above described property as Lots 1R and 4R, Block A, Chevron Addition, an addition to the City of Lewisville, Denton County, Texas, and do hereby dedicate to the public use forever the streets and alleys shown hereon, do hereby dedicate the easement strips shown on this plat for public use and accommodation of the City of Lewisville, and all public utilities pertaining to gas, or other same. No buildings, fences, sheds, signs, or other improvements shall be constructed or placed upon, over or across the easement strips on said plat.

The City of Lewisville and other public utility shall have the right to remove and keep removed or parts of any buildings, fences, sheds, signs or other improvements or structures which in any way impede or interfere with the construction, maintenance, or operation of its respective systems or any of these easement strips, and the City of Lewisville and any public utility shall at all times have the right of ingress and egress to and from any of said easement strips for the purpose of constructing, reconstructing, inspecting, maintaining, and adding to or removing all or part of its respective systems without the necessity of any form of securing the permission of anyone. A blanket easement of a three (3) foot radius from the center point of all fire hydrants and a ten (10) foot radius from the center point of all other apparatuses, fire hydrants, meters, meter boxes, meter boxes to be hereby granted to the City of Lewisville for the purpose of constructing, reconstructing, inspecting, and maintaining the above named apparatuses.

We do further dedicate, subject to the exceptions and reservations set forth hereinafter to the public use forever, all public use spaces shown on the face of this plat.

All lots in the subdivision shall be sold and developed subject to the building lines shown on this plat.

Chevron U.S.A.  
By: *Wally J. Young*  
Wally J. Young  
Development Manager East

Bellaire Plaza Investment, LTD.  
Y & E Investment Company  
By: *Wally J. Young*  
Wally J. Young  
President

STATE OF GEORGIA  
COUNTY OF DALLAS

*Cuba #938*

BEFORE ME, the undersigned authority, on this day personally appeared Wally J. Young, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office this 1<sup>st</sup> day of January, 1992.

*Alison B. Douglas*  
Notary Public in and for the State of Georgia

STATE OF TEXAS  
COUNTY OF DALLAS

ALISON B. DOUGLAS  
Notary Public in and for the State of Texas

BEFORE ME, the undersigned authority, on this day personally appeared Trea W. Wit, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office this 1<sup>st</sup> day of January, 1992.

*Trea W. Wit*  
Notary Public in and for the State of Texas

SURVEYOR'S DECLARATION

STATE OF TEXAS  
COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS THAT I, C. Richard Bailey of Raymond L. Goodson Jr., Inc. do hereby certify that this plat from an actual and accurate survey of the land shown on this plat was prepared by me or under my direct supervision and in accordance with the subdivision rules and regulations of the City of Lewisville, Texas.

*C. Richard Bailey*  
C. Richard Bailey, P.E., L.S. 4111

All witnesses (if any) form the General Development Ordinance Approved by City Council.

*Dean Uecker*  
Dean Uecker  
Chairman, Planning and Zoning Commission  
City of Lewisville, Texas

The undersigned, the City Secretary of the City of Lewisville, Texas, hereby certifies that the foregoing plat plat of the CHEVRON ADDITION, an addition to the City of Lewisville as required by the ordinances of the City of Lewisville on 25th Jan, 1992 and such body by formal action, then and there occupied the dedication of streets, alleys, ports, easements, public places and water and sewer lines, as shown and set forth in and upon said plat, and said body further authorized the acceptance thereof by signing as herein above subscribed in the capacity stated.

Witness my hand this 1<sup>st</sup> day of January, 1992.

*Marty Hendrix*  
Marty Hendrix  
City Secretary  
City of Lewisville, Texas

STATE OF TEXAS  
COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS THAT I, C. Richard Bailey of Raymond L. Goodson Jr., Inc. do hereby certify that this plat from an actual and accurate survey of the land shown on this plat was prepared by me or under my direct supervision and in accordance with the subdivision rules and regulations of the City of Lewisville, Texas.

*C. Richard Bailey*  
C. Richard Bailey, P.E., L.S. 4111

All witnesses (if any) form the General Development Ordinance Approved by City Council.

*Dean Uecker*  
Dean Uecker  
Chairman, Planning and Zoning Commission  
City of Lewisville, Texas

The undersigned, the City Secretary of the City of Lewisville, Texas, hereby certifies that the foregoing plat plat of the CHEVRON ADDITION, an addition to the City of Lewisville as required by the ordinances of the City of Lewisville on 25th Jan, 1992 and such body by formal action, then and there occupied the dedication of streets, alleys, ports, easements, public places and water and sewer lines, as shown and set forth in and upon said plat, and said body further authorized the acceptance thereof by signing as herein above subscribed in the capacity stated.

Witness my hand this 1<sup>st</sup> day of January, 1992.

*Marty Hendrix*  
Marty Hendrix  
City Secretary  
City of Lewisville, Texas



**EXHIBIT A**

**FINAL PLAT**  
**CHEVRON ADDITION**  
**LOTS 1R & 4R, BLOCK A**  
**1.2797 ACRES**  
**ZONED GB**  
**BEING A REPLAT OF**  
**LOT 1, GULF FIRST ADDITION**  
**AND LOT 4, BLOCK A**  
**OF**  
**BELLAIRE PLAZA**  
**PART OF THE W. B. HUNTER SURVEY**  
**ABSTRACT NO. 552**

SCALE: 1"=30'      DECEMBER 30, 1996

APPROVED AND AUTHORIZED FOR THE CITY OF LEWISVILLE, TEXAS  
 BY: \_\_\_\_\_  
 CITY CLERK

F-392

## EXHIBIT B NARRATIVE

### ***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.



May 29, 2018

Richard Luedke, AICP  
Planning Director  
Lewisville Planning & Economic Development Department  
151 West Church Street  
Lewisville, Texas 75057

**RE: Proposed 7-Eleven @ SWC S.H.121 Business & Bellaire Blvd (1301 State Highway 121 Business)  
NEW Request of Special Use Permit for Motor Vehicle Fuel Sales & Convenience Store Use**

Dear Mr. Luedke:

Today, Jon Featherston of Dimension Group forwarded an email requesting information concerning the status of the deed restrictions concerning the requested Special Use Permit under consideration for the subject location in Lewisville.

This letter will confirm that the restrictions have been resolved as of January 2017 and are not a factor in our decision to proceed with the 7-Eleven fuel and convenience store development at the subject site.

In my April 2, 2018 letter to you, I mentioned a dispute we have with the Seller which delayed closing. We are confident with a Motion for Summary Judgment decision the dispute with the Seller should be resolved in the next 60-120 days allowing us to proceed to closing and filing for an obtaining a building permit with Lewisville.

Please let me know if you require any additional information and thank you.

*D.J. Porter*

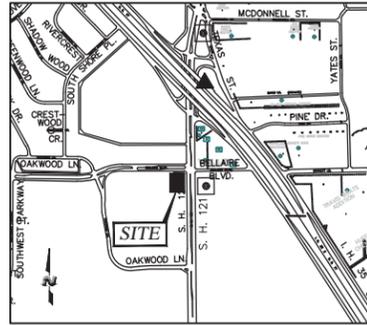
Daniel J. Porter  
Vice President  
Dynamic Development Company II LLC  
Dynamic Bellaire Investments, LLC

Encl.

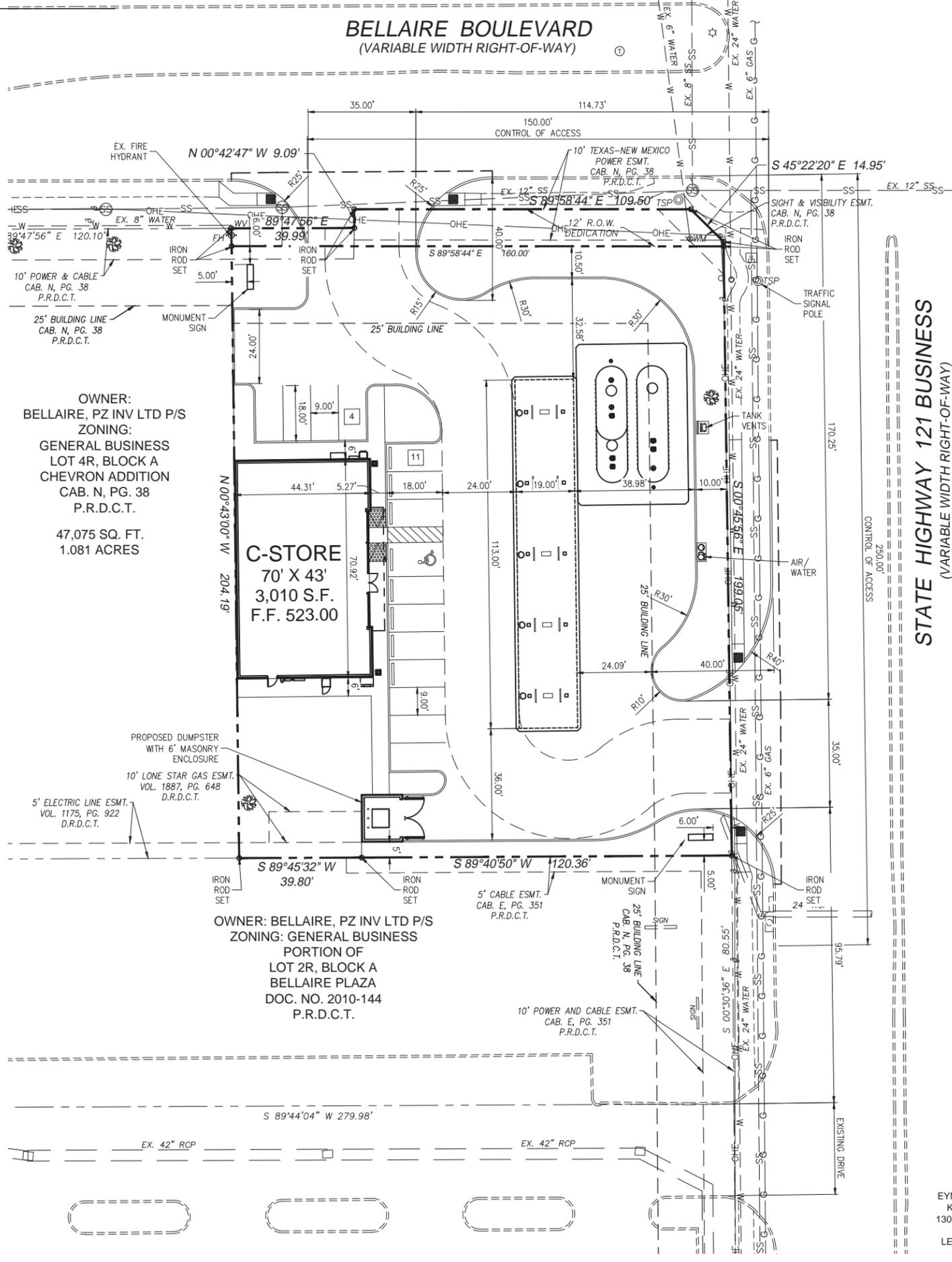
# DEVELOPMENT PLAN

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

Exhibit



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.

STATE HIGHWAY 121 BUSINESS  
(VARIABLE WIDTH RIGHT-OF-WAY)

SITE NOTES

- ALL SIGNS WILL REQUIRE SEPARATE SIGN PERMIT.
- EXTERIOR FINISH MATERIAL TO BE MINIMUM 80% BRICK OR STONE.
- 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.
- CANOPY TO BE A MINIMUM DISTANCE OF 12' TO PROPERTY LINES.
- 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]
<b>PARKING</b>	
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
<b>LANDSCAPE AREA</b>	
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
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

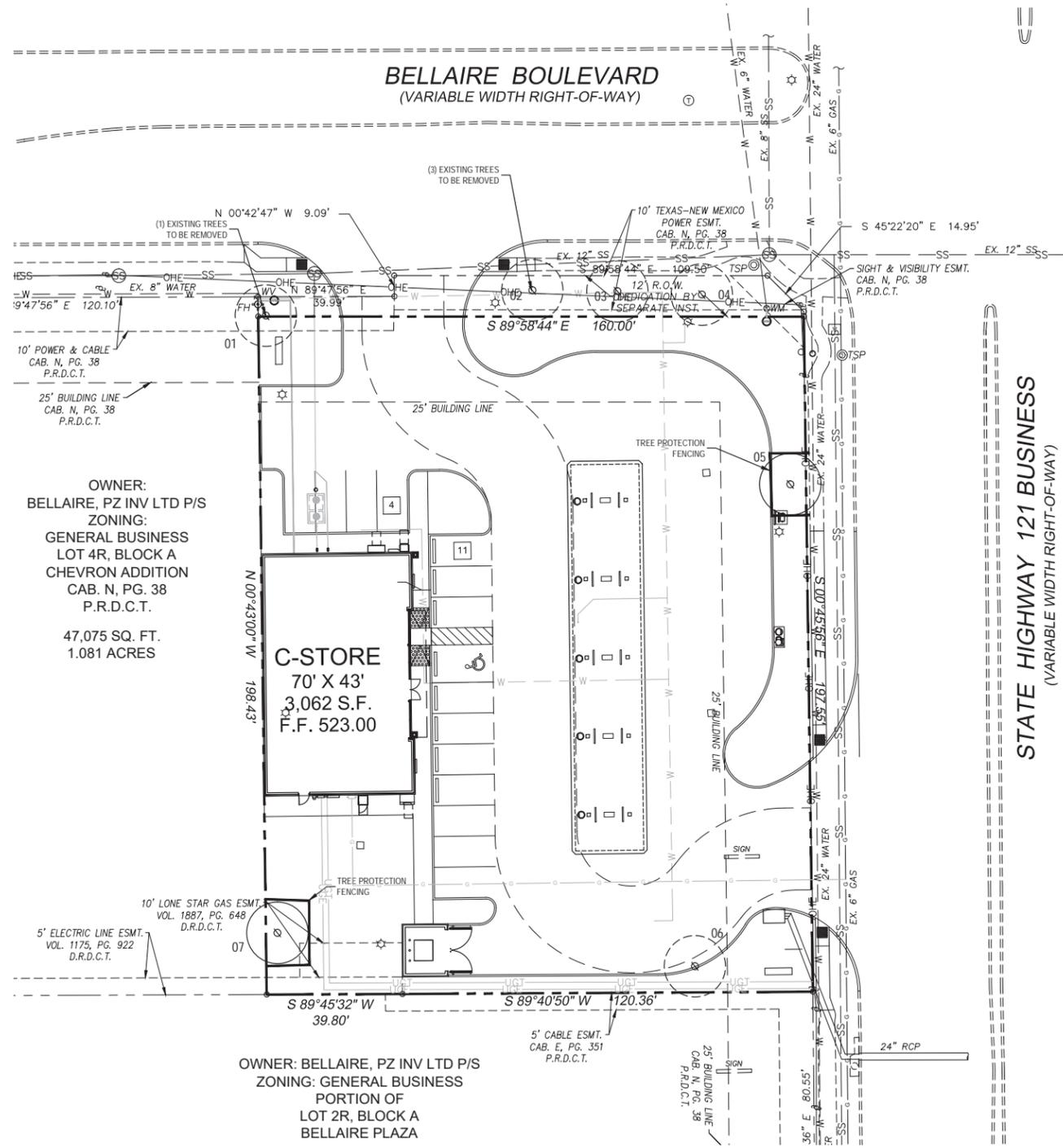
SHEET  
**C3.0**

THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS INCLUDING COPYRIGHT. THEY MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF THE DIMENSION GROUP.

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.



# LANDSCAPE PLAN



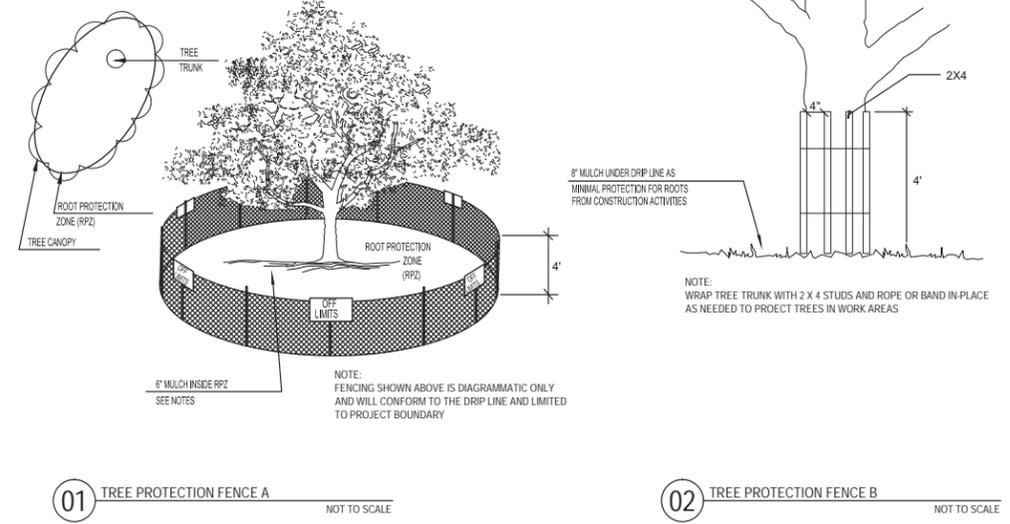
OWNER:  
BELLAIRE, PZ INV LTD P/S  
ZONING:  
GENERAL BUSINESS  
LOT 4R, BLOCK A  
CHEVRON ADDITION  
CAB. N, PG. 38  
P.R.D.C.T.  
47,075 SQ. FT.  
1.081 ACRES

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

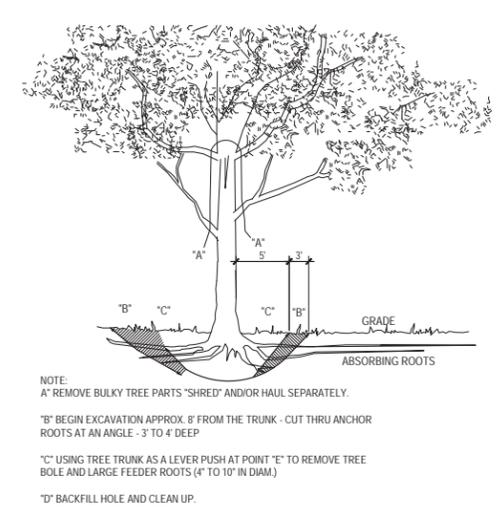
7-11 Store- TREE MITIGATION SCHEDULE						
TREE NO.	DIA "	SPECIES	REMOVE	COST	SAVE/COST	LOCATION
1	8	ELM	x	n/a		Dedicated R.O.W.
2	6	ELM	x	n/a		Dedicated R.O.W.
3	6	ELM	x	na/		Dedicated R.O.W.
4	10	PEAR	x	n/a		Dedicated R.O.W.
5	9	PEAR		n/a		Landscape Area
6	10	PEAR	x	n/a		Parking / Drive
7	10	PEAR		n/a		Landscape Area
<b>TOTAL</b>	<b>59</b>			<b>\$ -</b>		<b>33 caliper inches</b>

\*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.

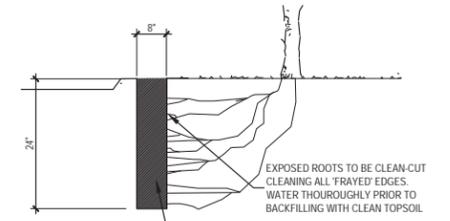
- EXISTING TREE NOTES**
- Existing trees to remain shall be protected during construction from tree structure damage and compaction of soil under and around dripline (canopy) of tree.
  - If any root structure is damaged during adjacent excavation/construction, notify the Architect immediately. It is 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/Liquid Disposal: No equipment may be cleaned, toxic 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.
  - Trenching: Any irrigation trenching 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 snow 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 Detail(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 encircled with wire or other means that does not damage the tree. Refer to Tree Protection Detail(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"

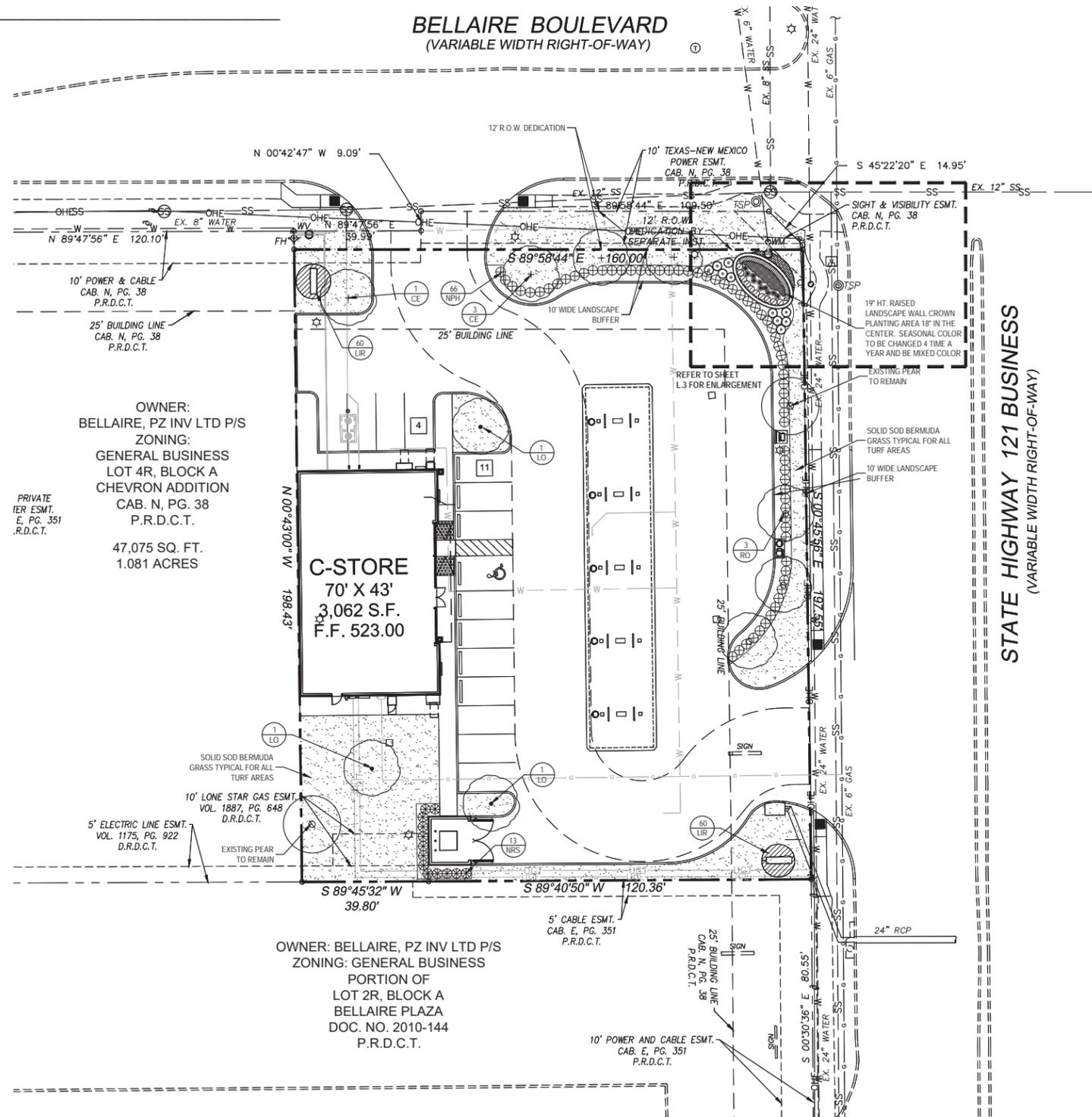


EXISTING TREE PLAN  
**7-ELEVEN STORE**  
1301 S.H. 121 BUSINESS  
LEWISVILLE, TEXAS 75067  
CHEVRON ADDITION, LOT 1R, BLOCK A

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

Date: 07.12.2017  
Job:  
Sheet  
**L.1**  
Of 6 Sheets

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



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.

**GENERAL LAWN NOTES**

- FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS INDICATED ON CIVIL PLANS.
- 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.
- 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.
- IMPORTED TOPSOIL SHALL BE NATURAL, FRAILABLE SOIL FROM THE REGION, KNOWN AS BOTTOM AND SOIL, FREE FROM LUMPS, CLAY, TOXIC SUBSTANCES, ROOTS, DEBRIS, VEGETATION, STONES, CONTAINING NO SALT AND BLACK TO BROWN IN COLOR.
- 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.
- ALL ROCKS 3/4" DIAMETER AND LARGER, DIRT CLOUDS, STICKS, CONCRETE SPOILS, ETC. SHALL BE REMOVED PRIOR TO PLACING TOPSOIL AND ANY LAWN INSTALLATION.
- 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 landscape  
All parking must be screened with 24' ht. evergreen shrubs

Required	Provided
(1) trees, 3" cal. 1,079 s.f. (10%) shrubs, 24' ht.	(2) trees, 3" cal. 1,205 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 26,255 S.F. (78.8%)

**SOLID SOD NOTES**

- FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS INDICATED. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL DESIRED GRADE IN PLANTING AREAS AND 1" BELOW FINAL GRADE IN TURF AREAS.
- 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.
- 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.
- CONTRACTOR TO COORDINATE WITH ON-SITE CONSTRUCTION MANAGER FOR AVAILABILITY OF EXISTING TOPSOIL.
- 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.
- ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE, FREE FROM UNWARRANTED UNDULATIONS.
- WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES.
- 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.
- CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF AN ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.
- 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.

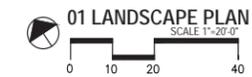
**LANDSCAPE NOTES**

- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
- 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.
- CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.
- CONTRACTOR TO PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
- ALL PLANTING BEDS AND LAWN AREAS TO BE SEPARATED BY STEEL EDGING. NO STEEL TO BE INSTALLED ADJACENT TO SIDEWALKS OR CURBS.
- ALL LANDSCAPE AREAS TO BE 100% IRRIGATED WITH AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM AND SHALL INCLUDE RAIN AND FREEZE SENSORS.
- ALL LAWN AREAS TO BE SOLID SOD BERMUDAGRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.

**PLANT MATERIAL SCHEDULE**

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



07.12.2017

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: 07.12.2017

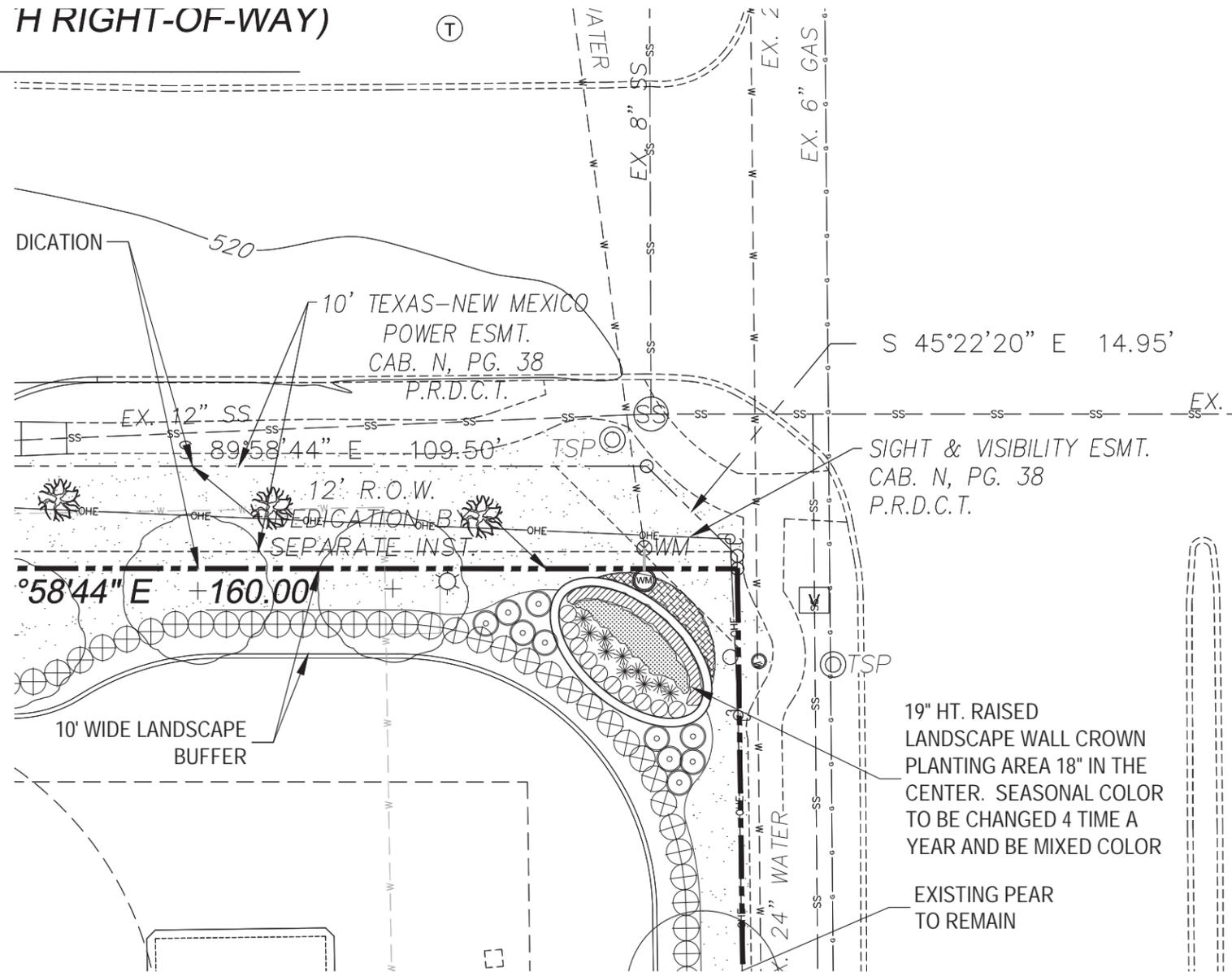
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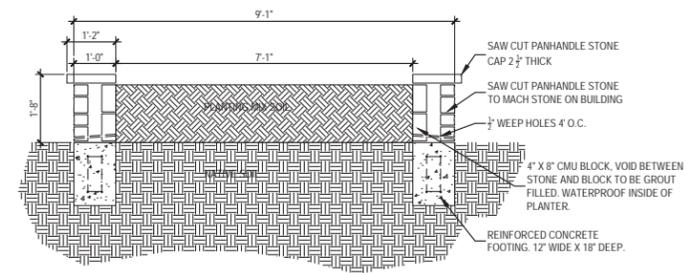
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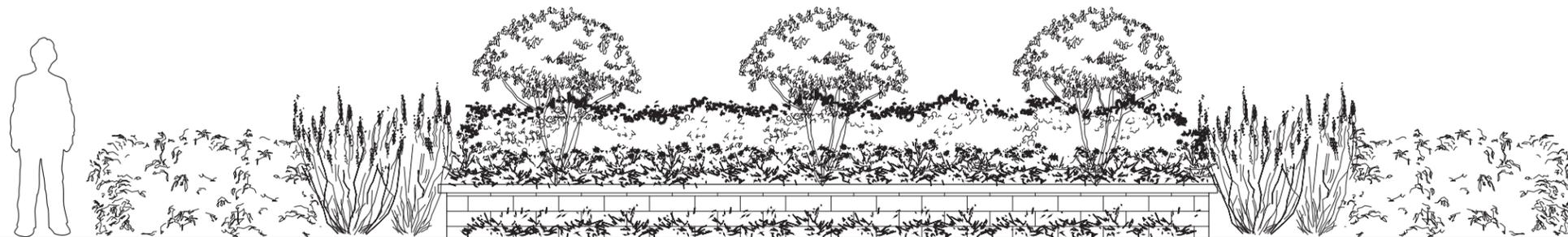
**PLANT LEGEND**

TREES	
TYPE	COMMON NAME
CE	Cedar 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
NRS	Nelle R. Stevens Holly
GROUNDCOVERS	
TYPE	COMMON NAME
LIR	Liriope
SC	Seasonal Color



03 STONE PLANTER SECTION  
 SCALE 3/4"=1'-0"

01 LANDSCAPE PLAN  
 SCALE 1"=20'-0"



02 FEATURE PLANTING BED ELEVATION  
 SCALE 3/4"=1'-0"



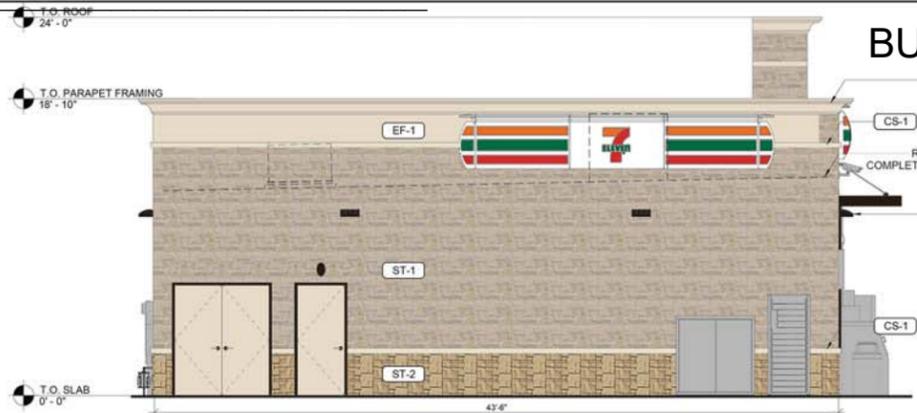
07.12.2017

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: 07.12.2017  
 Job:  
 Sheet  
**L.3**  
 Of 6 Sheets

# BUILDING ELEVATIONS

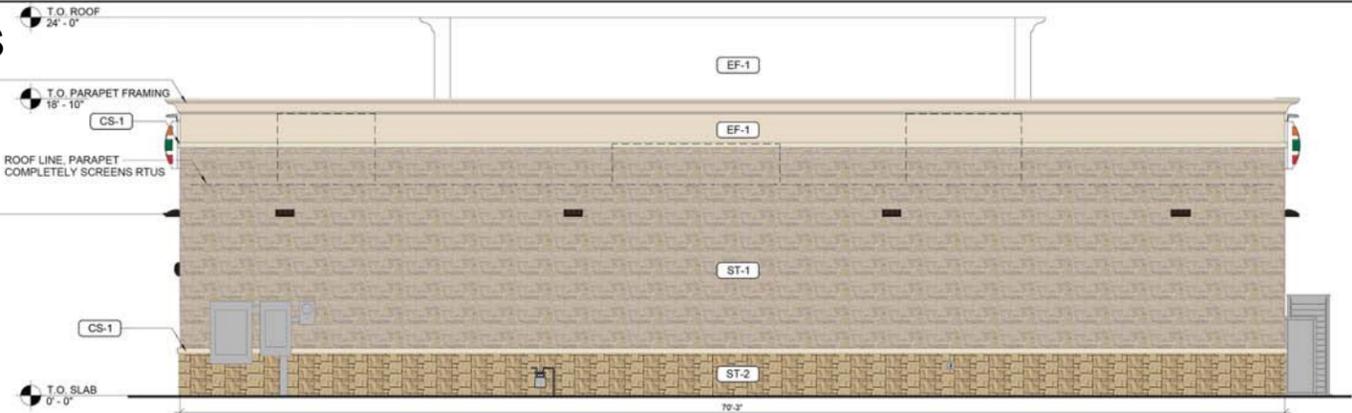


**1 ELEVATION - SOUTH**  
3/16" = 1'-0"

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

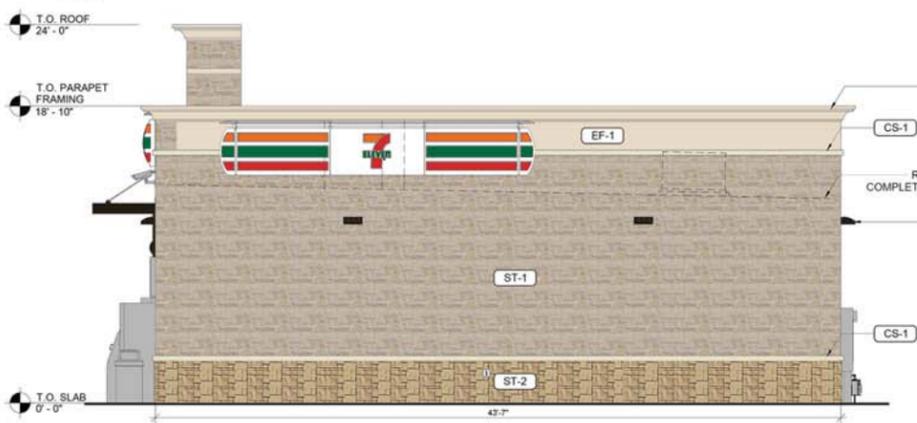
TOTAL AGGREGATE OF ALL WALLS

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



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

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



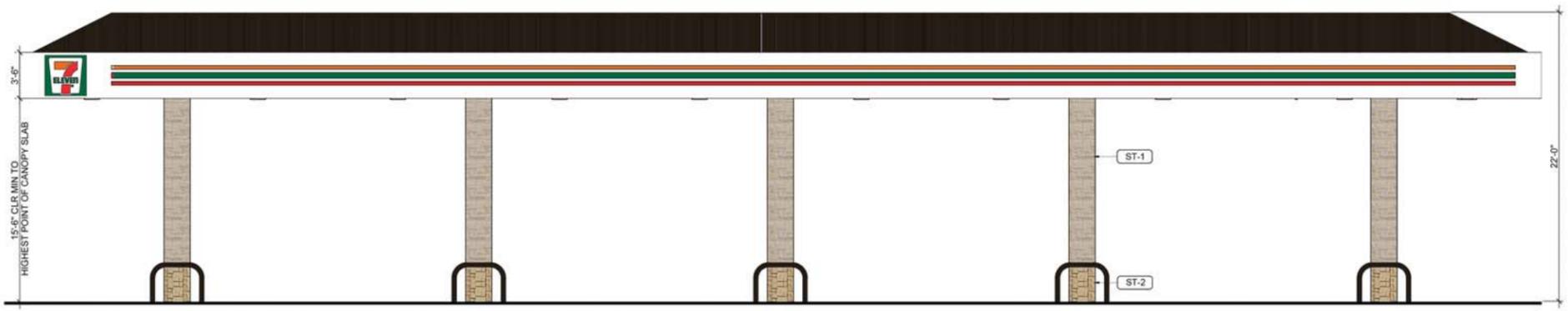
**3 ELEVATION - NORTH**  
3/16" = 1'-0"

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

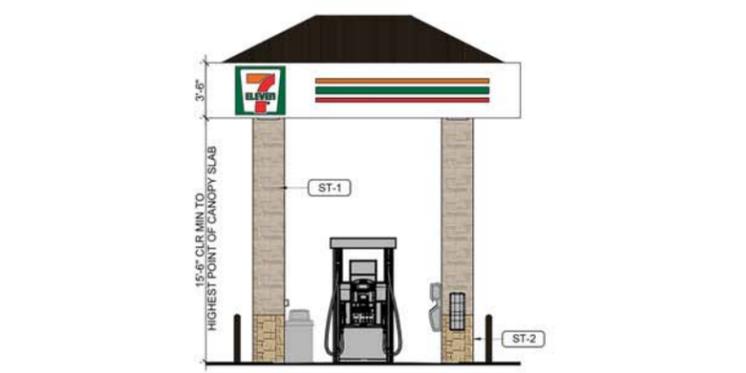


**4 ELEVATION - EAST**  
3/16" = 1'-0"

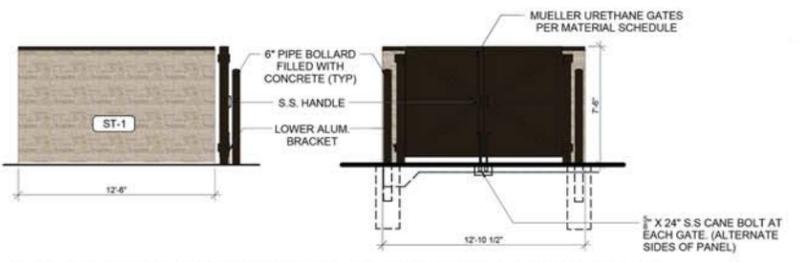
4% STUCCO	-	54 SF
80% BRICK/ STONE	-	1,181 SF
16% GLAZING	-	287 SF
<b>100% TOTAL</b>		<b>1,522 SF</b>



**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"



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

ELEVATION EXHIBIT

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

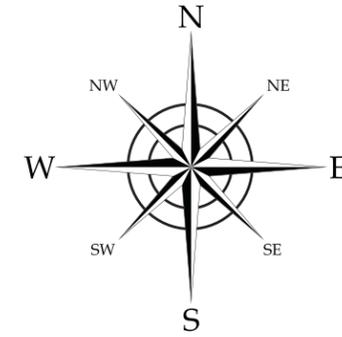
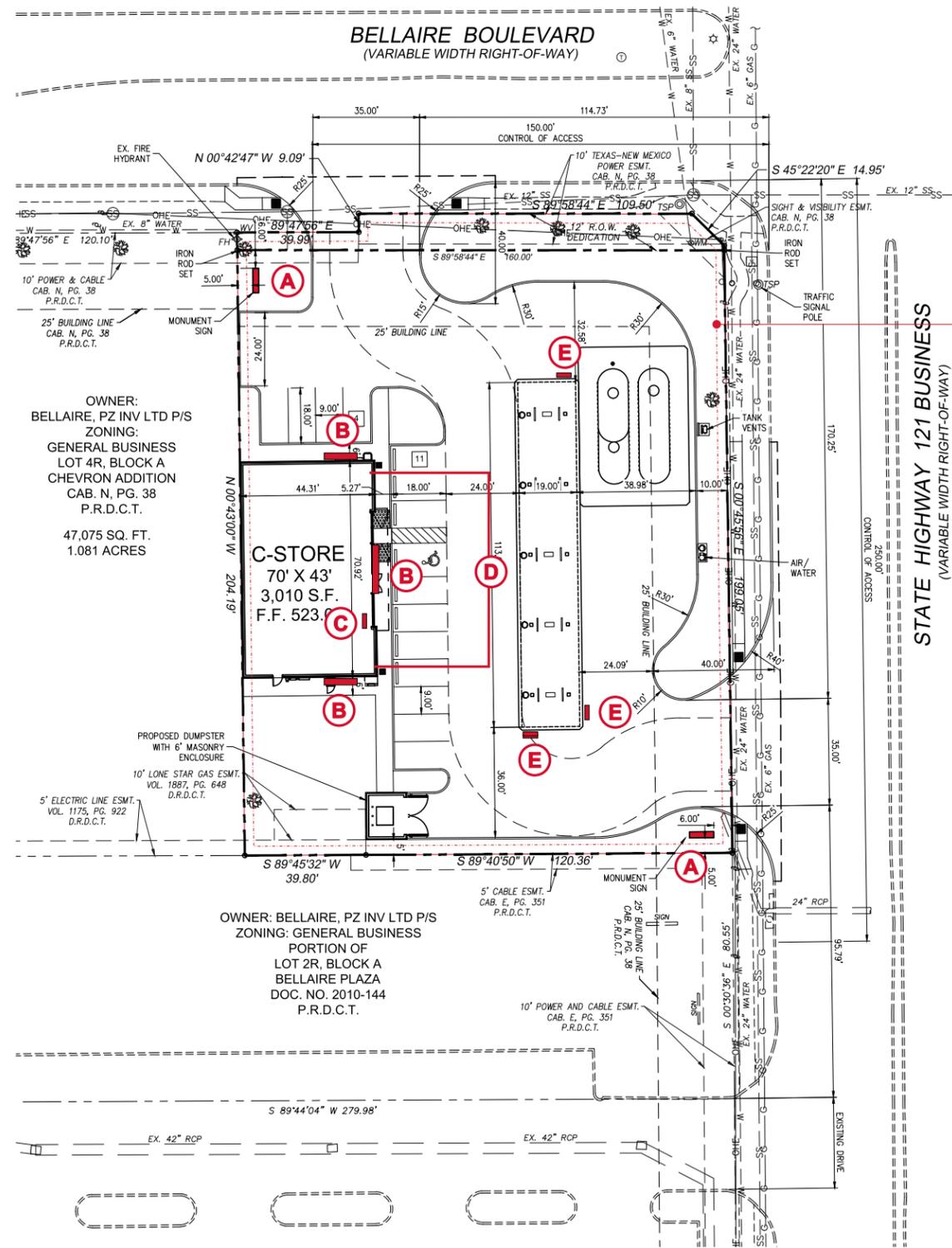


Job#:	16-613
Scale:	AS NOTED
Date:	03/02/17
Drawn By:	JT
Checked By:	FS

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SHEET:  
**PR1**  
7043 SIP - RIGHT

# SIGNAGE ILLUSTRATION



**3'-0" SET BACK**

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

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 Plan  
 1"=50'



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: 1

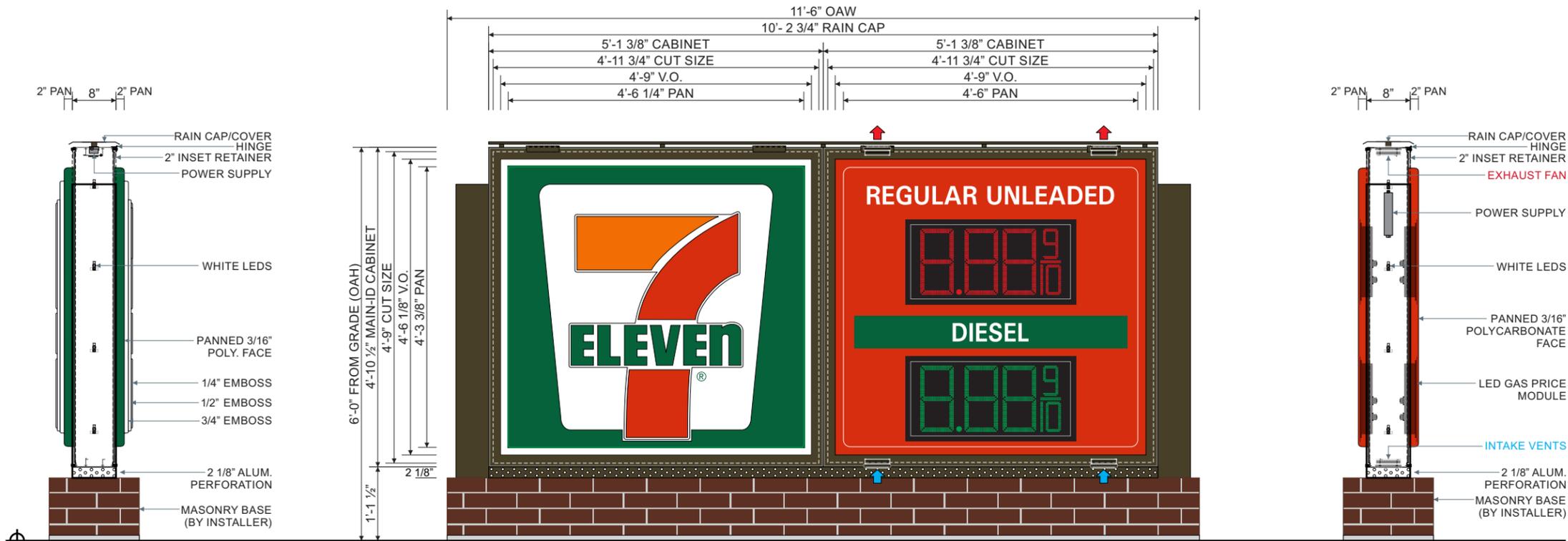
customer approval \_\_\_\_\_ date: \_\_\_\_\_



Complies with  
 UL 48  
 CSA C22.2 No.207

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**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

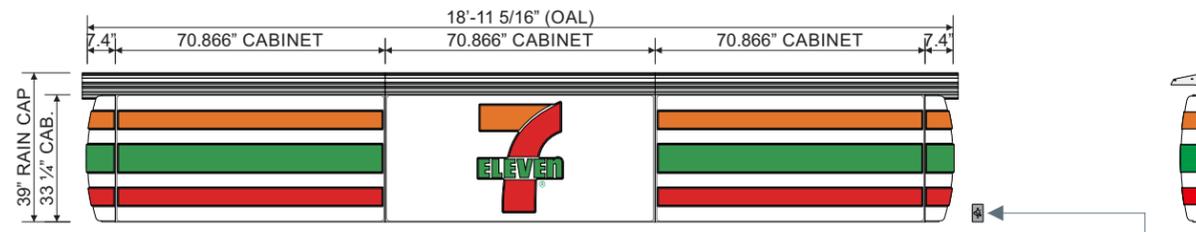
SetBacks:	
Requirements:	3 Feet
Proposed:	6 Feet

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



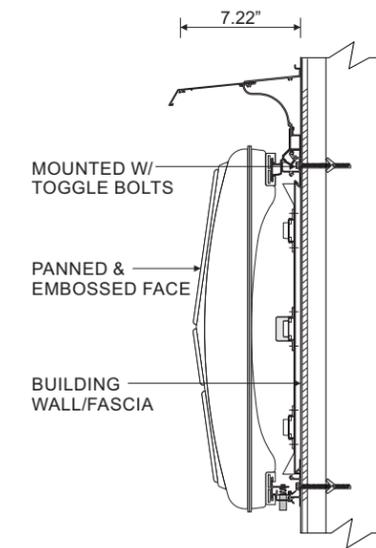
MANUFACTURE & SHIP THREE (3) SETS OF 33 1/4" S/F INTERNALLY ILLUMINATED WALL SIGNS (SEJ 1800 SERIES).

**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

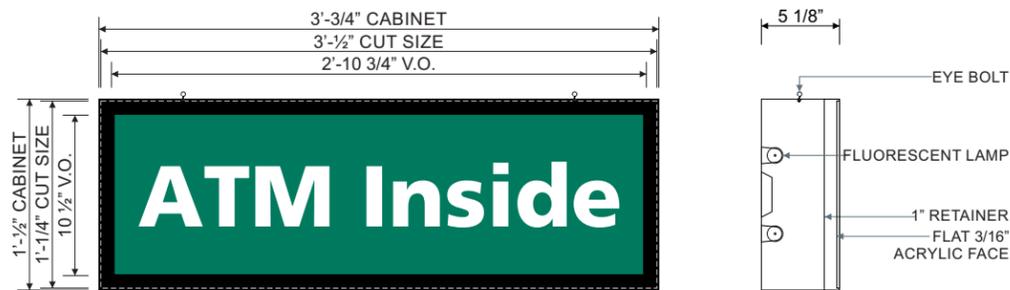
1/4" = 1'-0"

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.

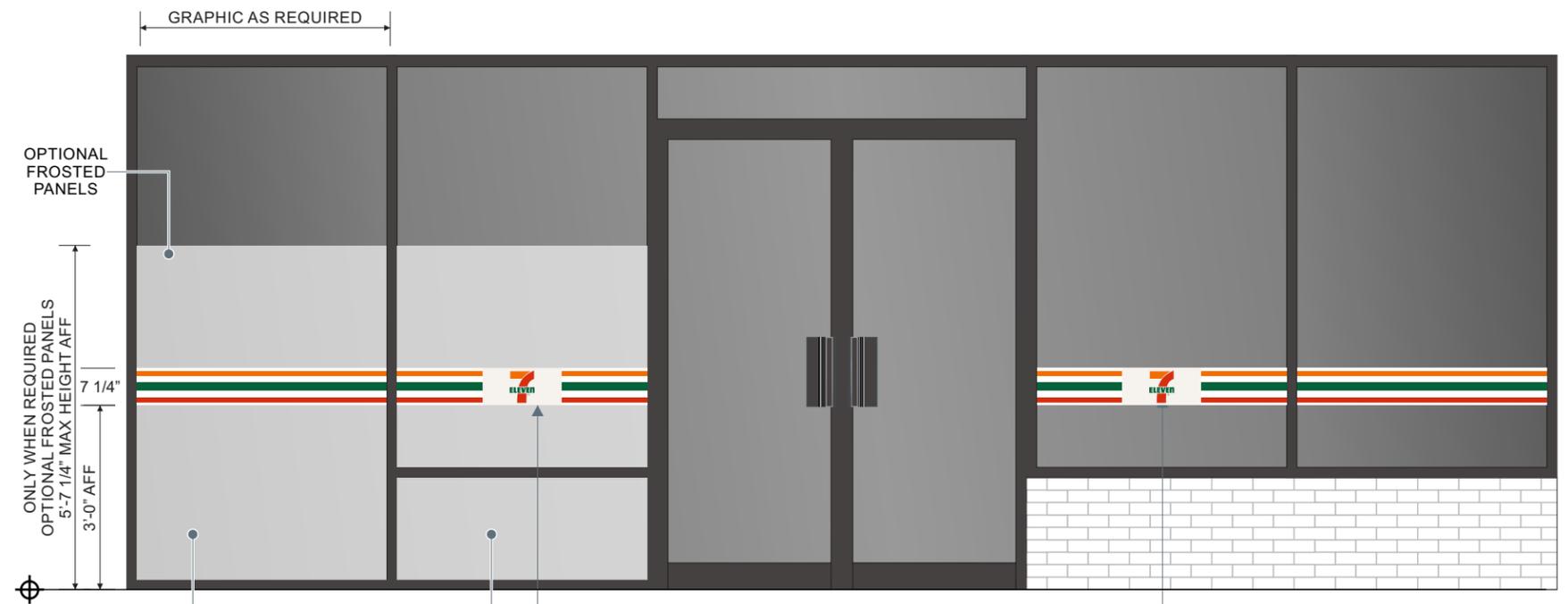
**VINYL SPECS: 3M 3630-26 GREEN**

**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)

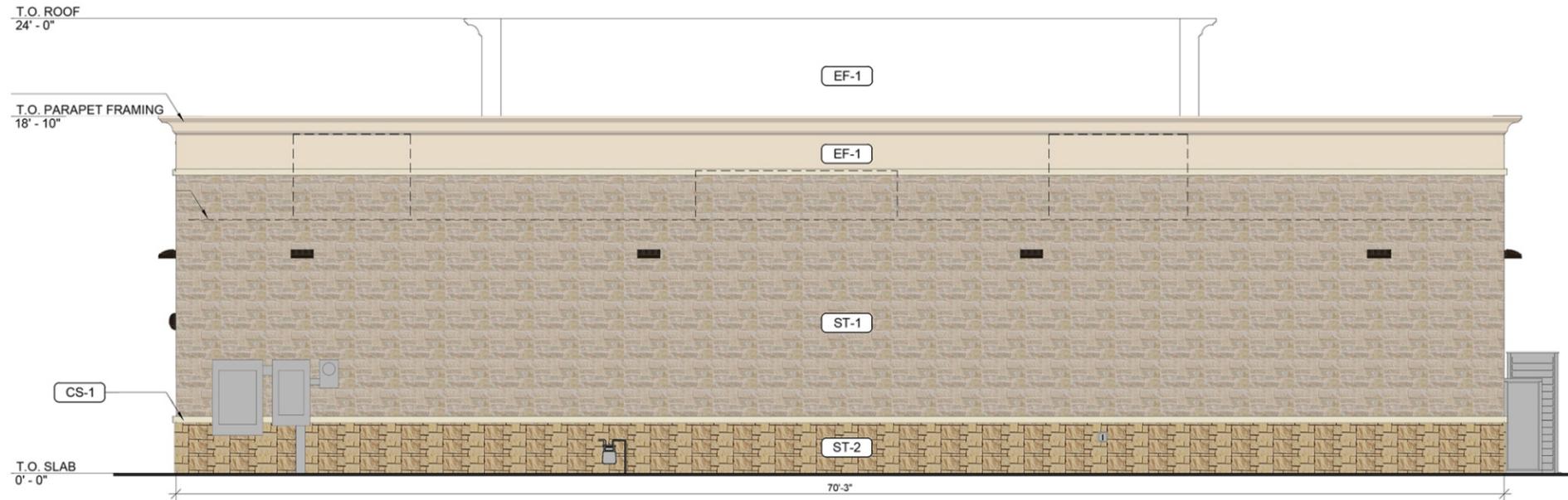
THE VERY FIRST WINDOWS ON EITHER SIDE OF THE DOOR WILL GET THE STRIPE WITH THE LOGO. ALL OF THE REMAINING WINDOWS WILL GET STRIPES WITHOUT THE LOGO.

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.**

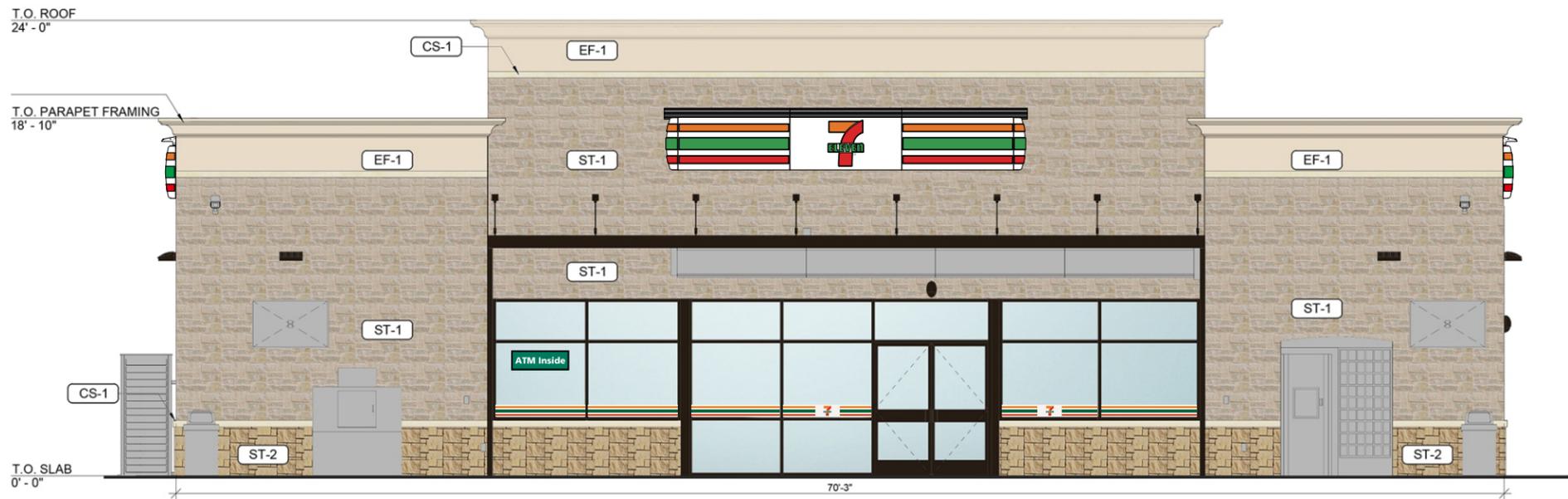
Front Elevation - Typical Window Vinyl Graphics - Sign D

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"



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

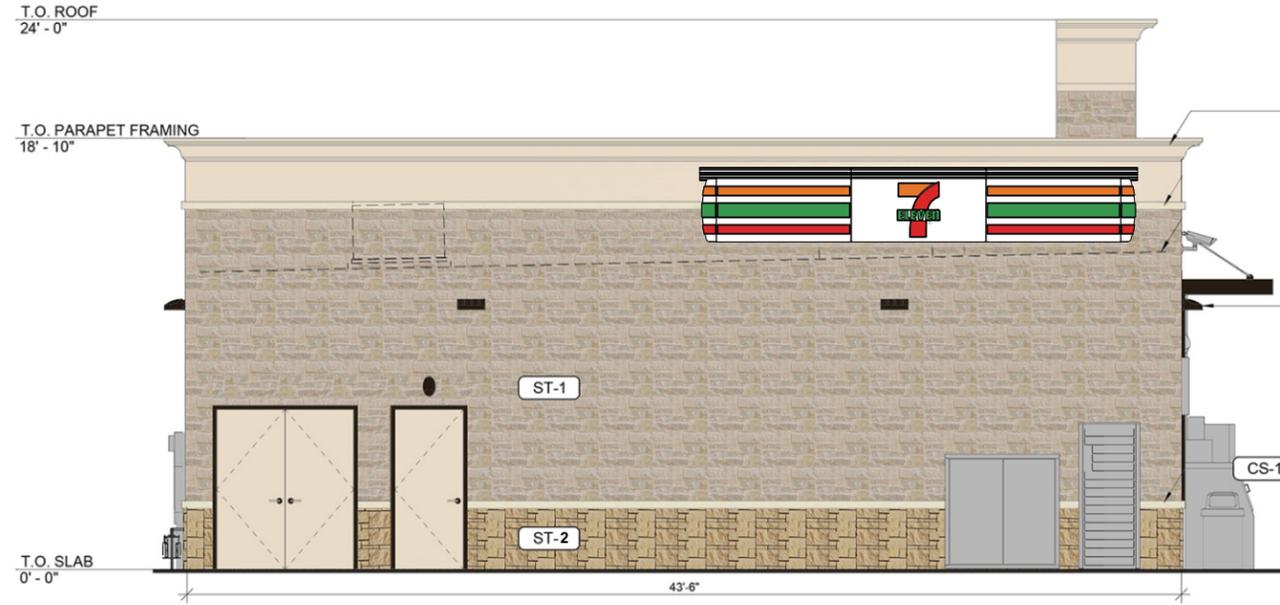
date:	rev.	description:	designer:
12.29.16	00	Original Concept	mh
01.23.17	R1	Revised site plan, building & canopy elevations.	mh
02.20.17	R2	Revised site plan, sign A and Sign B.	mh
02.21.17	R3	Revised site plan and sign A to monument.	mh
03.03.17	R4	Revised sign A monument.	mh

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

customer approval \_\_\_\_\_ date: \_\_\_\_\_

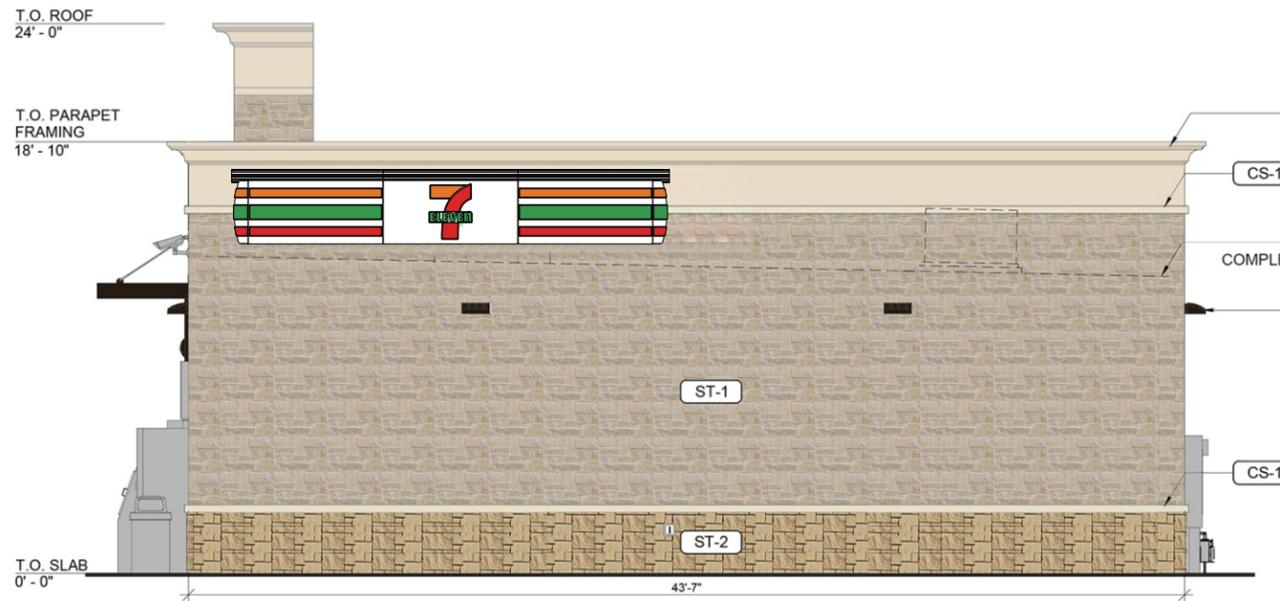


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SOUTH Elevation Photo Overlay - Sign B  
 1/8"=1'-0"

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



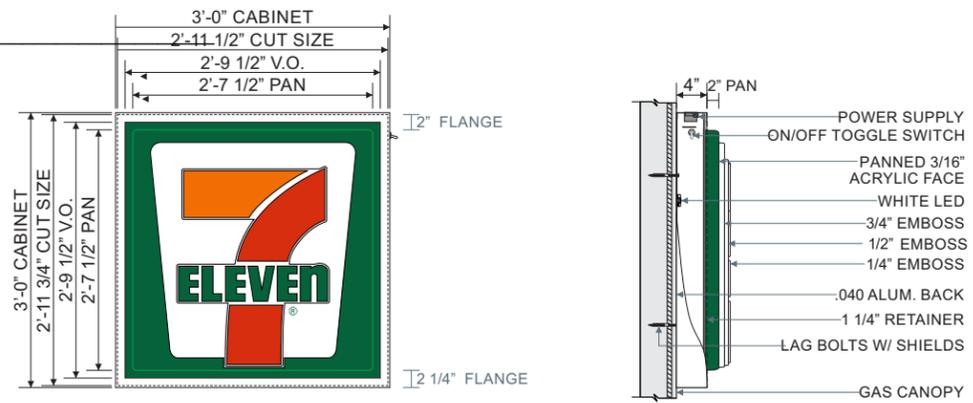
NORTH Elevation Photo Overlay - Sign B  
 1/8"=1'-0"

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



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) 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

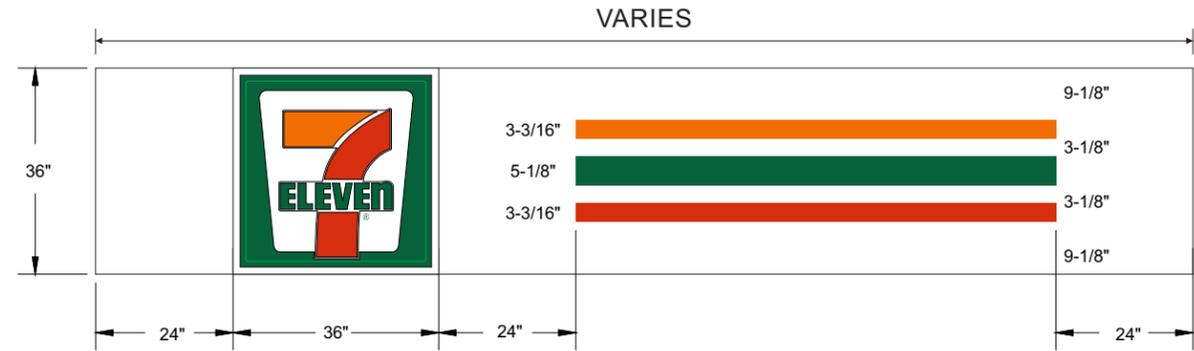
**NOTE:** SIGN TO BE INSTALLED 2'-0" FROM LEFT EDGE OF GAS CANOPY.  
**NOTE:** ACCOMPANYING TRI-STRIPE GRAPHICS TO BEGIN 2'-0" FROM CABINET.  
**NOTE:** TRI-STRIPE GRAPHICS TO BE SUPPLIED BY 7-ELEVEN CANOPY CONTRACTOR.

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

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

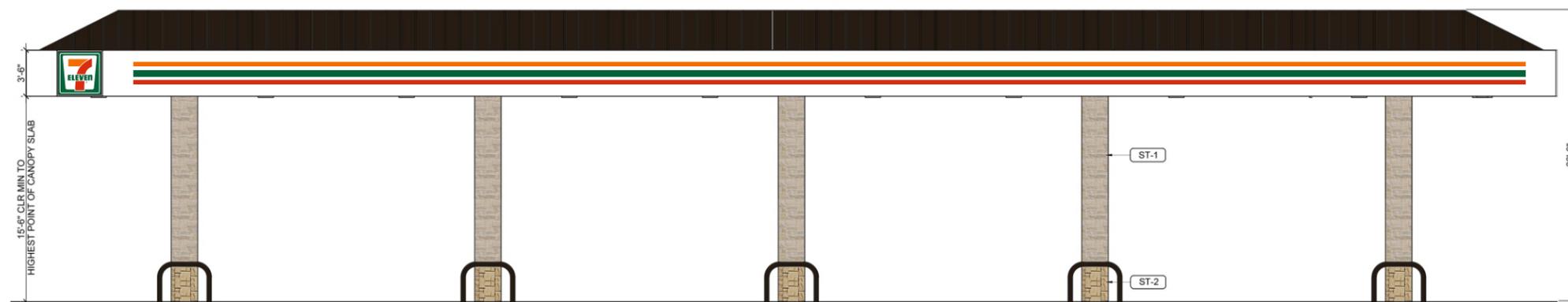
1/2" = 1'-0"

Display Square Footage(Cabinet): 9.0

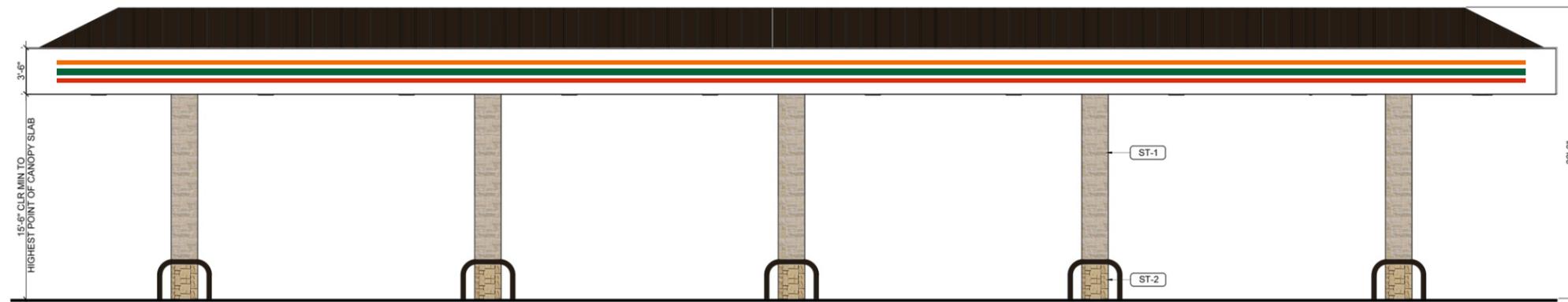


Front Elevation - 36" Canopy Height - Sign And Graphics Layout

3/8" = 1'-0"



FRONT ELEVATION



REAR ELEVATION

Proposed Canopy Elevation - Layout - Sign E

NTS



SIDE ELEVATION



SIDE ELEVATION

## MEMORANDUM

**TO:** Melinda Galler, Assistant City Manager  
**FROM:** Russ Kerbow, Police Chief  
**DATE:** May 22, 2018  
**SUBJECT:** Public Hearing: Consideration of Lewisville Juvenile Curfew Ordinance.

### BACKGROUND

On September 12, 1994, the City of Lewisville adopted the Juvenile Curfew Ordinance to help combat juvenile crime.

Section 370.002 of the Local Government Code requires a review of the Juvenile Curfew Ordinance before the third anniversary of the date of adoption, and every third year thereafter. Council conducted the last review in June 2015.

Section 370.002 also requires that the City Council review the ordinance and its effects on the community. The Council is to address problems the ordinance was intended to remedy, to conduct public hearings on the need to continue the ordinance, and to abolish, continue or modify the ordinance. Should the Council fail to conduct the review, the ordinance will expire.

### ANALYSIS

Curfew hours shall mean:

- a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- b. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

The ordinance contains the following defense to prosecution section:

c) Defenses.

- 1) It is a defense to prosecution under subsection (b) that the minor was:
  - a. Accompanied by the minor's parent or guardian;
  - b. On an errand at the direction of the minor's parent or guardian, without
  - c. any detour or stop;
  - d. In a motor vehicle involved in interstate travel;
  - e. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
  - f. Involved in an emergency;

- g. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- h. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor; Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- i. Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

Lewisville Police Department officers continue to use the Juvenile Curfew Ordinance as a tool to combat juvenile crime. Police supervisors believe strongly that the ordinance is effective and positively affects the control of juvenile crime. Effective ordinances establish rules that help Lewisville neighborhoods continue to thrive. A study on the effectiveness of juvenile curfew laws on crime prevention recognizes that juvenile crime and victimization reductions do occur by keeping children off the street.<sup>1</sup> A spillover effect of a curfew ordinance is in providing parents with a tool to aid them in keeping their children off the street at night and under better supervision. The number of juveniles observed during curfew hours since the passage of this ordinance has reduced. Police enforcement activity of the curfew ordinances is as follows:

<b>Year</b>	<b>Number of Curfew Warnings to Juveniles</b>	<b>Number of Actual Citations Issued for Violation of Curfew Ordinance</b>	<b>Total</b>
1994	21	20	41
1995	119	20	139
1996	67	36	103
1997	85	25	110
1998	67	42	109
1999	61	85	146
2000	58	69	127
2001	85	55	140
2002	5	49	54
2003	0	69	69
2004	7	142	149
2005	12	67	79

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<sup>1</sup> Adams, Kenneth. 2003. The Effectiveness of Juvenile Curfews at Crime Prevention. *The Annals of the American Academy*, 587: 136-159.

Subject: Review of Juvenile Curfew Ordinance  
May 22, 2018  
Page 3 of 3

2006	28	101	129
2007	15	109	124
2008	8	84	92
2009	11	20	31
2010	5	11	16
2011	3	15	18
2012	10	27	37
2013	6	15	21
2014	5	8	13
2015	4	18	22
2016	2	18	20
2017	0	18	18

The City Attorney recommends holding two public hearings. The suggested dates for the public hearings are June 4 and June 18, 2018.

**RECOMMENDATION**

That the City Council conduct the public hearing.

# The Effectiveness of Juvenile Curfews at Crime Prevention

By  
KENNETH ADAMS

Juvenile curfew laws have become a pervasive and popular strategy for controlling juvenile crime. Public opinion is solidly behind the use of curfews, and the primary basis for this support is the notion that curfews make streets safer. This article provides preliminary results from a systematic review of empirical research on juvenile curfews, concluding that the evidence does not support the argument that curfews prevent crime and victimization. Juvenile crime and victimization are most likely to remain unchanged after implementation of curfew laws. Other aspects of curfew research, such as efficiency at detecting criminal activity, costs of enforcement, crime displacement, counterintuitive findings, and characteristics of curfew violators also are discussed. Finally, suggestions for future research are offered.

*Keywords:* juvenile curfew; juvenile crime; crime prevention; law enforcement

Juvenile curfew laws restrict the presence of youngsters in public during specified hours on a continuing basis. As a way of controlling juvenile crime, curfews have enjoyed immense popularity during the past decade or so. For many, curfews represent a simple and effective strategy for curbing juvenile offending by keeping would-be delinquents off the streets and at home. From this perspective, curfew laws benefit from commonsense thinking and reinforce important social values, such as parental responsibility. For others, however, curfews represent a dubious crime control strategy that abridges

*Kenneth Adams is an associate professor in the School of Public and Environmental Affairs at Indiana University–Purdue University–Indianapolis. He received his Ph.D. in criminal justice from the State University of New York at Albany. He has directed a variety of research projects that focus on program evaluation and public policy, involving topics such as prison misconduct, forensic mental health services, citizen complaints against police, juvenile boot camps, and gun control laws.*

NOTE: This research was supported by research grant number 95-IJ-CX-0038 from the National Institute of Justice. The opinions expressed herein are solely that of the author.

DOI: 10.1177/0002716202250944

important civil rights and is open to discriminatory enforcement. In particular, minority groups feel that they unfairly bear the brunt of curfew enforcement efforts and tend to view curfews as an instrument of political oppression. From this perspective, curfew laws are seen as a quick fix to the juvenile crime problem, with little concrete support for their effectiveness, tipping the scale too far against individual freedoms, such as free movement, and too far in favor of communal rights, such as public safety.

In this article, the history and current popularity of curfew laws are discussed first. Next, questions regarding curfew effectiveness at crime prevention, along with questions bearing on related policy issues, are identified. Then, results of a systematic review of research on curfew effectiveness are presented, followed by a discussion of research findings on related issues. Finally, plans for a more comprehensive review and suggestions for future research are offered.

## Background

### *History of curfews*

Curfews are not a new idea; they have been used throughout history as a provisional measure to control civil disorder and unrest, especially by victorious armies (A brief history of curfews 2002). William the Conqueror introduced the curfew as a normal part of social life in England in the 1000s. Specifically, a curfew bell would be rung at night, signaling to people that they should put out their lights (fires) and stay off the streets until daybreak. This practice is reflected in the etymology of the word “curfew,” which derives from the Old French phrase *cuevrefeu*, meaning “cover the fire” (*American heritage dictionary* 1985). The purpose of the curfew at this time was fire prevention and keeping the peace.

The first juvenile curfew law in the United States seems to have been enacted in 1880 in Omaha, Nebraska (Curfew 1997). Within a short period, America quickly and enthusiastically embraced the concept of juvenile curfews. In 1897, the Boys and Girls’ National Home and Employment Association called on states to enact curfew laws (Townsend 1896). Also, by 1897, three hundred cities had adopted curfew ordinances, and claims were being made that commitments to stationhouses and reform schools dropped 50 percent to 75 percent in these cities (Curfew ordinances 1897).

### *Current popularity of curfews*

The renaissance of interest in curfew laws across the nation has been well documented. In a survey of 387 cities in 1997, the U.S. Conference of Mayors (1997) found that seven out of ten respondents reported having a curfew law. Similarly, in a survey of 200 cities, Reufle and Reynolds (1996) found that more than three-quarters of the respondents had a curfew law. In 1993 alone, more than 100 communities in New Jersey passed a curfew ordinance (Sherman 1995). In some com-

munities, curfew laws have been on the books for a long time, and when the community develops a renewed interest in curfew enforcement, statutory modification of the curfew laws may be needed to address contemporary court rulings. In 1996, Camden, New Jersey, for example, began enforcing its curfew ordinance, which actually had been in effect for more than four decades. Old practices die hard, so the start of the curfew was announced each night by sounding a siren atop city hall. The curfew, which applies to juveniles younger than eighteen, runs from 10:00 P.M. to 6:00 A.M. on weekdays and from 11:00 P.M. to 6:00 A.M. on weekends. Violations of the curfew law carry a maximum \$1,000 fine against parents (American Civil Liberties Union 1996).

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*Overall, the weight of the scientific evidence, based on ten studies with weak to moderately rigorous designs, fails to support the argument that curfews reduce crime and criminal victimization.*

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Curfews have flourished as a crime control measure for several reasons. In terms of broad political factors, there has been growing concern about the juvenile crime problem. Young offenders, specifically those fourteen years old and younger, have been described as the “leading edge of the juvenile crime problem” (Butts and Snyder 1997). Although this group accounts for only about one-third of juvenile crime, violent crime rates between 1980 and 1995 for this group grew at twice the rate of older juveniles (94 percent for juveniles fourteen years and younger, 47 percent for older juveniles) (Butts and Snyder 1997). These observations led to widespread cries for more effective handling of young offenders by the criminal justice system. For conservatives, these concerns translated into more vigorous law enforcement, increased social controls, and harsher punishments. For liberals, these concerns were reflected in early identification of potentially serious delinquents, followed by intervention strategies designed to prevent development of serious delinquent careers. Within this context, curfews had something useful to offer to both sides of the political spectrum.

Another attractive feature of curfew laws is that they can be used as a means for identifying children who are at high risk for criminal offending and victimization. Chances are that youngsters who are outside during the late night and early morning hours are not being supervised appropriately. Perhaps the issue is insufficient

supervision by parents who are indifferent about their child's welfare. Perhaps the problem is ineffective supervision by concerned parents who have difficulty dealing with an unruly child. In any case, crime prevention goals are assumed to be advanced when curfew laws focus on the youngest children and are coupled with intervention strategies intended to improve parental supervision.

The law enforcement community generally favors curfew laws in part because they provide police with additional authority and opportunity to stop and question suspicious youngsters. In this process, police may detect criminal behavior that might otherwise go unnoticed. Even the possibility of being stopped and questioned may have a deterrent effect on juveniles who are contemplating wrongdoing. These crime control benefits can accrue in addition to any crime reduction effects that compliance with curfew restrictions may have.

Another attractive aspect of curfew laws is that they are a seemingly inexpensive way of addressing juvenile crime problems. While the actual costs of curfew enforcement depend on operational details, such as whether the violator is issued a citation or taken into custody, there seems to be a general notion that curfew enforcement can simply be added to the list of an officer's law enforcement duties without need for any significant increase in police resources. Some commentators, however, will point out that curfew enforcement, which involves a relatively minor offense, detracts from the time that an officer can devote to dealing with serious crime. While this may be true, the argument does not seem particularly compelling given a lack of information on how curfew enforcement operates.

Thus, curfews are attractive to a broad audience that encompasses a wide variety of philosophical and political persuasions. As an instrument of social policy, curfews can be used to reinforce parental responsibility and strengthen family ties. Curfew laws that emphasize parental responsibility view parents as the first line of enforcement for curfew laws. Many curfew laws sanction both parents and children for violations, and some exclusively target parents. As a related matter, family ties may be strengthened as children spend more time at home, and there may be benefits in other domains, such as school performance. As a crime control instrument, curfew laws promise to reduce both juvenile offending and victimization. They also provide law enforcement with an additional tool to investigate and detect juvenile crime more aggressively.

#### *Key assumptions regarding curfew effectiveness*

The rationale behind the effectiveness of curfew laws is a relatively straightforward example of opportunity theory: juveniles are less likely to commit crimes and to be victimized if they are not on the streets. To fully understand the impact of curfews, however, several implicit assumptions should be considered. For example, it is assumed that children have parents or caretakers who watch over and provide for them and that these adults are motivated or can be motivated to supervise the child's behavior. As early as 1896, Mrs. John D. Townsend advocated this position, arguing that "the curfew ordinance places responsibility where it belongs, on the parents" (Townsend 1896, 725). However, a strategy of holding parents responsi-

ble for their children's behavior may not always be realistic for children who are at high risk for delinquency. For example, although precise statistics are difficult to come by, it has been estimated that 10 million children have a parent who is or has been incarcerated (Center for Children with Incarcerated Parents 2001).

It also is assumed that children have a safe and secure place to live and that a child is better off at home than on the streets. In some cases, these assumptions may not be valid, particularly for children who are at highest risk for offending. For example, homicide at home is among the top five causes of death for children (Dawson and Langan 1994).

Finally, it is assumed that adolescents will not change their delinquent activities in ways that accommodate a curfew. On the contrary, delinquents may shift their activities to times of day when the curfew is not in effect. They might also relocate their delinquent activities to nearby towns or areas that do not have a curfew. Temporal or geographic displacement of delinquent behavior could mean that the net effect of curfews on total crime is negligible.

These observations suggest that variations in family structure and in patterns of offending behavior need to be considered in understanding the impact of curfew enforcement efforts and that on occasion there may be unintended consequences of curfew laws that are injurious to juveniles.

Having briefly reviewed the history of curfew laws and discussed the rationale behind their use as a crime control measure, we can ask the following questions regarding curfew effectiveness. Do curfews reduce crime? Do they reduce criminal victimization? Do they facilitate discovery of criminal activity? Is there temporal or geographic displacement that mitigates the impact of curfews?

In addition to questions of effectiveness, we can identify another set of policy questions to be addressed through research. These questions include, What does the public think about curfew laws? Specifically, how do adolescents, who are the targets of curfew laws, view them? What do curfew laws cost to enforce? What are the characteristics of curfew violators? What types of families do they come from? What is their criminal history? Finally, is there any evidence of discriminatory enforcement against certain segments of society, such as racial or ethnic groups? It is to these questions that we now turn and examine the empirical evidence.

### *Curfews and crime prevention*

Perceived effectiveness of curfews as a crime prevention measure leads to strong support for these laws. In a New Orleans survey, 81 percent of parents and 76 percent of teenagers agreed or strongly agreed that a curfew helped reduce juvenile delinquency in their city (Reynolds, Thayer, and Reuffle 1996). Perceived efficacy also is a major consideration of public officials in deciding to enact curfew laws and of judges in determining their constitutionality. For example, 88 percent of mayors in cities with curfew laws believe that enforcement of these laws makes the streets safer (U.S. Conference of Mayors 1997).

Some claims for the efficacy of curfew laws border on incredible. The police chief in Monrovia, California, maintained that a curfew law reduced juvenile crime

by 31 percent to 94 percent across various crime categories (CNN 1998). Such extravagant assertions are easy targets for critics, who launch counterclaims that seem equally incredible. In response to the claims of the Monrovia police chief, the Justice Policy Institute (1999) argued that youth crime actually increased by 53 percent during the school year, when a curfew was in force, and dropped by 12 percent during the summer, when the curfew was not in force. What is often missing from these debates is solid empirical evidence, facts that meet social scientific standards of inquiry. There are only a handful of studies on the impact of curfew laws, and many of them are fairly recent. We now examine these studies, considering separately the impact of curfews on juvenile crime and juvenile victimizations.

## Systematic Review Method

### *Methodology of review*

This article reports preliminary results of a systematic review of research conducted for the Campbell Collaboration Crime and Justice group. The purpose of the review is to assess the impact of juvenile curfews on crime. Studies with the following characteristics are included in the review: (1) the study investigates the effects of a curfew statute that restricts the presence of juveniles on the street during certain hours (daytime or nighttime); (2) the study includes measures of public safety, criminal offense behavior, or victimization as outcome variables; and (3) the study makes or allows for statistical comparisons of outcome variables before and after curfew implementation. Published and unpublished works are eligible for inclusion in the review. The following databases were searched for eligible studies: Criminal Justice Periodicals Index, Psychological Abstracts, Sociological Abstracts, Criminal Justice Abstracts, National Criminal Justice Reference Service, Educational Resource Information Clearinghouse, and Dissertation Abstracts. In addition, the Internet was searched using the Google search engine. Keywords for all the searches were “juvenile” and “curfew.” These electronic search activities, while essential, are not necessarily sufficient to yield an exhaustive search of empirical research on curfews. Additional search methods to be added include writing to researchers and hand searches of research journals.

### *Findings regarding impact on offense behavior*

Ten empirical studies of juvenile curfews were identified. Since all these studies met the criteria for inclusion, none were excluded from the review. Characteristics of these studies, as well as their overall findings, are displayed in Table 1. In general, the studies do not involve strong research designs. None of the studies used randomization; all of the studies were quasi-experimental in design, predominately comparing before and after measures in curfew areas without control or comparison groups.

TABLE 1  
SUMMARY OF RESEARCH ON THE EFFECTIVENESS OF JUVENILE CURFEWS

Author	Year	Location	Unit of Analysis	Time Period	Data Source	Design	Primary Analytic Method	Outcome	Curfew Type	Relations Examined	None	Negative Effects	Positive Effects
Adams	2002	Texas	4 cities and comparison areas	1987-1995	State arrest records	Time-series, nonequivalent control groups	Least-squares regression	11 crimes	Day Night Noncurfew hours	18 38 20	16 31 16	0 4 1	2 2 3
Fritch, Caeti, and Taylor	1999	Dallas	5 target and comparison areas	1995-1997	Police offense and gang records	Pre-post comparison, nonequivalent control groups	Difference in means	13 crimes	Enhanced Regular	17 17	10 13	5 3	2 1
Levy	1988	United States	47 states	1975-1984	Fatal accident reporting system	Pooled cross section	Multivariate regression	2 auto crashes	Night driving	2	0	0	2
Males	2000	Vernon, CT	City and comparison areas	1990-1998	Police and Uniform Crime Reports arrest records	Multiple pre-post comparisons, nonequivalent control group	Percentage change	1 crime	Night	1	0	1	0
Males and Macallair	1999	California	State and 12 counties	1978-1997	State arrest records	Pre-post comparison	Correlation	6 crimes	Night	Statewide: 6 12 counties: 72	5 62	0 2	1 8

Mazerolle, 1999 Brown, and Conover	Cincinnati Areas surrounding 15 schools and 8 hangouts	1997-1998	Police call for service records	Pre-post comparison	Percentage change	2 crimes	Day	School: 30 Hangout: 16	8 4	11 10	11 2
McDowell, 2000 Loftin, and Wiersema	United States 52 counties and 12 city/ counties	1985-1996	Uniform Crime Reports arrest and National Center for Health Statistics homicide records	Pooled cross section, time series	Least- squares regression	12 crimes  1 victim (homi- cide)	Night  Night	County: 30 City/ county: 30 County: 1 City/ county: 1	27 27 1 1	3 1 0 0	0 2 0 0
Preusser et al.	1984 United States 4 states	1976-1980	Police records	Nonequivalent control group, time series	Percentage difference	3 auto crashes	Night driving	15	4	11	0
Reynolds, 2000 Seydlitz, and Jenkins	New Orleans City	1993-1995	Police arrest and victimi- zation records	Time series	Least- squares regression	1 crime  4 victims	Night Noncurfew hours Night Noncurfew hours	2 2 8 8	2 2 5 5	0 0 1 1	0 2 0 0
Sutphen and Ford	2001 Unnamed City city	1992-1998	Police arrest records	Pre-post comparison	Difference in means	17 crimes	Night	17	17	0	0

Only a few studies used a series of measurements before and after curfew implementation, which potentially improves the chances of detecting change, especially change that is short lived, and potentially allows temporary or permanent change and abrupt or gradual change to be identified in the analyses. Although multiple locations often were involved in the research, all of the locations usually were subject to a curfew. Nonequivalent control groups not subject to curfew laws were used infrequently, so in most cases, it was not possible to distinguish the effects of curfew implementation from the effects of all other possible influences on juvenile crime. Multiple outcome variables often were used, allowing for investigation of restricted effects. Finally, all the studies relied on administrative data, such as arrest records, to measure changes in juvenile crime. These records may have been subject to reporting and detection biases that masked actual changes in criminal activity. Indeed, if curfews are efficient at uncovering criminal behavior, one might expect the arrest rate for some offenses to increase after curfew implementation. Moreover, it often was not possible to isolate offenses committed during curfew hours. By measuring changes in total juvenile crime, the impact of curfew laws may have been diluted.

A formal meta-analysis of the data was not conducted, since the data were so diverse and of uncertain quality. Nonetheless, the studies show mixed results, usually reporting a combination of no change in crime, a decrease in crime, and an increase in crime after curfew implementation. By and large, however, the research fails to demonstrate that curfews produce a decrease in juvenile crime. If one tallies all the relations between curfew laws and crime examined in these studies, researchers report no significant change in crime rates in roughly three out of four instances. When significant changes in crime rates are observed, about half the studies show increases while the other half show decreases.<sup>1</sup> The findings of one study, however, could be interpreted as suggesting that curfews, when combined with aggressive police patrol focused on juvenile gangs, can have an impact on crime. Also, two studies on driving curfews suggest that traffic fatalities may be reduced. Thus, it is possible to draw on a single study or several studies to show that curfews work. However, a more comprehensive review of the research indicates that curfews generally do not produce statistically significant changes in crime and that when such changes are observed, they are just as likely as not to be in the direction opposite that predicted by curfew theory.

The first study, by Males and Macallair (1999), to report a lack of effect was conducted in California. On a statewide basis, only one of six correlations between annual differences in arrests rates (for misdemeanors) and rates of curfew enforcement was statistically significant, the relation being substantial and positive.<sup>2</sup> An analysis of juvenile crime rates as a ratio to comparable adult crime rates produced similar results. Analyses also were conducted at the county level for the twelve largest counties in the state. The analyses revealed that in only one county was curfew enforcement negatively correlated with juvenile crime, specifically for juvenile homicide.<sup>3</sup> Again, an analysis of the ratio of juvenile crime rates to adult crime rates produced similar results. Specific comparisons between counties with high and low levels of curfew enforcement did not reveal any systematic differences.

Another study by Mazerolle, Brown, and Conover (1999) examined the impact of a daytime curfew in Cincinnati. The analysis involved comparisons made a year before and a year after curfew implementation and focused on the area contained within a 1,000-foot radius of fifteen public schools and eight juvenile hangouts. Five categories of police calls for service involving public order offenses by juveniles (e.g., disorderly conduct, noise, fireworks, etc.) and five arrest categories that covered a range of offenses (i.e., both felonies and misdemeanors) were studied. In addition, school statistics, pertaining to items such as enrollments, suspensions, and dropouts, were examined.

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*[T]here is some scant evidence to suggest that short-term, highly focused, and geographically limited curfew enforcement can reduce juvenile crime.*

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The analyses showed that for areas surrounding the schools, police calls for service went down in nine instances and up in six instances. Regarding juvenile arrests, the number decreased in six instances and increased in nine instances. For areas surrounding the hangouts, calls for service went down in five instances and up in two instances, and there was no change in one instance. The same results were obtained when juvenile arrests were examined. Interestingly, school attendance rates, which were used as a reverse indicator of truancy, went down in twelve instances, meaning truancy increased, and up in five instances. Results of tests of significance are not reported, so it is not known if some or all of the observed differences can be attributed to random error.

The finding that truancy increased in twelve out of seventeen schools is significant because it shows that a major goal of the daytime curfew law, which was to increase school attendance, was not achieved. The finding that police calls for service decreased in two-thirds of the schools areas (yet increased in one-third of areas) can be seen as supporting the effectiveness of curfews to a limited extent. However, opposite findings were reported for juvenile arrests, going down in one-third of areas and up in two-thirds of areas. An argument for the effectiveness of curfews with regard to areas surrounding juvenile hangouts could be made, although given an increase in truancy, it is not clear whether juveniles changed their behavior by hanging out in other locations.

McDowell, Loftin, and Wiersema (2000) investigated the impact of curfew laws among fifty-seven large American cities. During the study period, twenty-eight cit-

ies passed new curfew laws and fourteen implemented revised curfew statutes.<sup>4</sup> The analysis focused on ten crime categories,<sup>5</sup> and the design used a pooled cross section, so the model estimated the average impact on crime rates across all cities. Two sets of time-series analyses were conducted, the first using a binary indicator to represent the year of curfew implementation or revision, and another using number of curfew violations as an indicator of enforcement.<sup>6</sup> Because the curfew laws applied to cities and the arrest statistics applied to counties, a second set of analyses were conducted on twelve cities/counties to address the problem of ecological inference.

The analyses revealed that implementation of new curfew laws did not have a statistically significant impact on any of the crime categories examined. With regard to revised curfew laws, statutory changes had a statistically significant impact on only three crime categories: burglary, larceny, and simple assault. In each case, the effect was in the expected direction, or negative, and the average reduction in crime rates was estimated to be 14 percent. Slightly different results were obtained for the analysis of the twelve city/counties. Passage of a new curfew law showed a statistically significant increase in homicide, and curfew law revision showed a statistically significant decrease in larceny.

Analyses of the impact of curfew enforcement arrests on arrests for other crimes showed no statistically significant relations for the fifty-two county analyses and a statistically significant increase in simple assault for the twelve city/county analyses.

Sutphen and Ford (2001) examined the impact of a curfew law in an unnamed city. Juvenile arrest statistics were examined for three years before and after curfew implementation. Visual inspection of graphic displays indicated that the curfew did not have an effect on arrest rates, while a comparison of mean arrest rates before and after curfew implementation showed that the overall arrest rate had dropped a bit. When specific crime categories were examined, it was found that arrest rates for violent crimes and felonies increased slightly, while rates for property crimes decreased slightly. None of the observed differences were statistically significant.

Adams (2002) investigated the impact of curfew laws on juvenile crime in four Texas cities: Dallas, Fort Worth, Houston, and San Antonio. Two of the cities, San Antonio and Houston, had both day and night curfews.

The results for night curfews indicated that out of thirty-eight relations between curfew implementation and crime rates, four showed a significant decrease in crime, two showed a significant increase in crime, and thirty-two showed no significant change. For cities with day curfews, eighteen relations between curfew implementation and crime rates were investigated. None showed a significant decrease in crime, two showed a significant increase in crime, and sixteen showed no significant change. Finally, among the twenty relations between crime during noncurfew hours and curfew implementation, one showed a significant decrease, three showed a significant increase, and six showed no significant change.

Reynolds, Seydlitz, and Jenkins (2000) investigated the curfew law in New Orleans, which they described as "the most restrictive curfew law in the United States." They examined police arrest and victim reports spanning a one-year period

before and after implementation of the curfew law.<sup>7</sup> With regard to juvenile arrests, time-series analyses indicated that there were no significant effects of curfew implementation and curfew enforcement on crime during both curfew and noncurfew hours.

A study of the impact of a gang suppression program on juvenile crime by Fritch, Caeti, and Taylor (1999) suggests that curfew laws may have an impact on crime under some circumstances. The suppression program consisted of saturation patrol combined with aggressive enforcement of curfew and truancy laws. Comparisons before and after implementation of the program were made in five target areas that were subject to the program and in five comparison areas that were not. It should be noted that both target and comparison areas were subject to a curfew law, so the intervention involved enhanced curfew enforcement in target areas.

The analyses revealed a statistically significant drop overall in gang-related violence for both target (57 percent) and comparison (37 percent) areas. In other analyses, three of the target areas showed a statistically significant decrease (69 percent overall) as compared to two of the comparison areas (47 percent).

For Uniform Crime Reports offenses, statistically significant declines in criminal mischief and weapons offenses were observed in the target areas (15 percent and 29 percent, respectively), coupled with statistically significant increases in robbery and auto theft (24 percent and 15 percent, respectively). In comparison areas, there was a statistically significant drop in criminal mischief (13 percent) and an increase in thefts (11 percent).

Overall, the findings of this study are mixed and do not make a strong case for the effectiveness of curfew laws. Substantial drops in gang-related violence, which sometimes are quite large, are reported for some target areas. However, declines also occurred in some nontarget areas, albeit of lesser magnitude. It may be that there was a contamination of treatment such that the nontarget areas showing declines were subject to some aspects of the intervention. Changes in measurement also may be at work since police must decide whether a given act of violence is gang related or not. Finally, there may be an interaction effect, such that the impact of a curfew is enhanced when combined with other crime control strategies. Nonetheless, the findings could be viewed as sufficiently suggestive that future research should investigate the efficacy of short-term, highly focused curfew enforcement efforts, particularly when curfews are used as part of a multifaceted crime control effort.

Finally, Preusser and colleagues (1984) investigated the impact of curfew laws on automobile crashes. Using a nonequivalent control group design, they concluded that vehicle crashes and injuries were lower in three states with driving curfew laws as compared to nearby states without such laws. In one state, where an interrupted time series design was possible, implementation of a curfew law did not result in a significant decrease in vehicle crashes or injuries. Subsequently, Levy (1988) investigated the impact of driving curfew laws on teenage traffic fatalities in forty-seven states from 1975 to 1984. The findings suggest that states with curfew laws have fewer fatalities. Although these studies indicate that nighttime

driving restrictions for teenagers increase highway safety, the results are dated and may not apply to current driving conditions and laws. Also, the studies did not include measures of enforcement and could not fully resolve issues of spuriousness and temporal order.

### *Findings regarding impact on criminal victimization*

Reducing juvenile victimization is an important justification for curfew laws. Advocates of curfew laws claim that they protect potential young victims by keeping them off the street, and the pool of prospective predators includes persons not covered by the curfew law. Several of the studies in the review address this issue.

In the New Orleans study, Reynolds, Seydlitz, and Jenkins (2000) examined the impact of a curfew on both violent and property victimization using official police reports. The findings point to a drop in all (juvenile and adult) violent victimizations. The impact, however, was abrupt and temporary. By the end of the first year of curfew enforcement, the number of victimizations returned to its original level. In contrast, the curfew led to an abrupt and permanent increase in all property victimizations and an abrupt and temporary increase in juvenile property victimization. Thus, property victimization increased after curfew implementation.

Reynolds, Seydlitz, and Jenkins (2000) also investigated changes in victimizations during noncurfew hours. They found that juvenile violent victimizations decreased, but the change was abrupt and temporary. In contrast, all violent and all property victimizations increased. In both cases, the increase was gradual and permanent.

McDowell, Loftin, and Wiersema (2000) examined juvenile homicide victimizations using health statistics. Their analyses indicate that neither implementation nor revision of a curfew law had a statistically significant impact on juvenile homicide victimization.

The research by Reynolds, Seydlitz, and Jenkins (2000) highlights the importance of examining various types of impacts, such as gradual or permanent, or temporary or abrupt. In the short run (i.e., weeks or months), curfews could bring about substantial drops in crime that fade over the longer term (i.e., years) as enforcement or compliance wanes or as criminal behavior adapts to a new set of environmental conditions. Their findings show that a pattern of abrupt, temporary change characterizes the impact of curfews on violent victimizations in New Orleans, which is unsurprising given that the pattern is characteristic of many police crackdowns (Sherman 1990). Changes in time perspective can yield very different pictures of curfew effectiveness, and it is important that research investigate such differences.

### *Counterintuitive findings*

Many studies report a statistically significant increase in some types of crimes after curfew implementation. Indeed, among studies that report significant changes in crime rates, increases are almost as common as decreases. These find-

ings are counterintuitive since they are in a direction opposite of that predicted by theories of curfew effectiveness. There are several possible explanations for these findings.

First, it is possible that observed increases in crime rates are the result of random error. Although tests of statistical significance are intended to address this situation, they only reduce the possibility of such error (generally to a probability level of .05) but do not eliminate it. If enough tests of statistical significance were done, we would expect in five cases out of one hundred (i.e., .05 confidence level) to conclude erroneously that there is a statistically significant change when in fact there is none. Since random error is equally likely to have a positive or negative sign, situations in which the error is positive could lead us to conclude erroneously that the curfew led to an increase in the crime rate.

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*There is evidence that as many as one-third of curfew violators taken into custody have to be sheltered for the night because no parent or adult guardian is available to pick up the child. These children and their families probably are at risk for a wide variety of problems.*

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A second possibility is spuriousness, meaning that some third factor may be positively related to the presence of a curfew and to increasing crime rates. For example, an increase in drug use or drug sales could bring about implementation of a curfew and could also lead to an increase in crime rates. Similarly, curfew laws may be part of a get-tough attitude toward juvenile crime that leads to stricter enforcement of many laws, including curfew laws. In this scenario, marginal crimes that were overlooked or treated with leniency in the past become more likely to result in arrest.

A third possibility is that curfew laws are used by police as an investigation tool that leads to the discovery of additional crime. In this scenario, curfew laws would lead to an increase in arrests for crimes that do not depend heavily on victim reporting and rely instead on proactive police work. For example, in the process of being stopped for a curfew violation, illegal drugs may fall out of a juvenile's pockets as he or she searches for identification. However, research findings discussed in the next

section dealing with the efficiency of curfews at detecting criminal behavior indicate that curfew violations rarely lead to arrest, thus diminishing the credibility of this particular explanation.

A fourth possibility is that curfew laws change the behavior of juveniles in ways that make it more likely that they will commit crimes. For example, curfew violators may gravitate more toward out-of-the-way places as a way of avoiding detection, and such environments may increase the chances of offending (e.g., auto theft, burglary) owing to perceptions of reduced guardianship and surveillance.

Future research should explore possible explanations for increases in crime rates after curfew implementation when these increases are observed. Such inquiries, which focus attention on possible negative or harmful consequences of curfew, will lead to a more complete picture of curfew effects.

## Other Issues

In addition to questions of effectiveness at crime prevention, researchers have investigated other issues regarding curfew operations. Some of these issues, such as efficiency at detecting criminal activity and displacement of crime, are related to questions of effectiveness. Other questions, such as public opinion, costs of enforcement, and characteristics of curfew violators, deal with policy issues that more broadly bear on the attractiveness of curfew laws as a crime prevention strategy. These issues are now examined, drawing on the ten studies previously reviewed as well as a few other studies.

### *Efficiency at detecting criminal activity*

Besides keeping potential offenders and victims off the streets, curfew laws provide justification for stopping and questioning juveniles about their activities. Thus, law enforcement officials tend to support curfew laws because they are viewed as an investigatory tool that potentially allows police officers to identify more criminal activity.

A few studies have examined the number and types of criminal arrests incident to curfew violations. Males (2000) reported that 410 curfew stops in Vernon, Connecticut, produced 10 arrests. Seven of the arrests were for curfew violations, and only 3 were for other crimes. Adams (2002) reported that in Dallas, Texas, a weekend curfew sweep involving 98 curfew detentions yielded 8 arrests. Finally, Sutphen and Ford (2001) reported that 377 curfew violations led to 65 additional charges, the most frequent being intoxication and eluding police and the least frequent being running away and possession of contraband.

In general, the available research indicates that curfew laws are not an efficient mechanism for uncovering criminal behavior. Furthermore, most of the criminal activity that is uncovered by curfew enforcement consists of minor offenses or curfew-related infractions. Given the small number of studies involved, however,

these conclusions should be considered open to reconsideration based on future research, which should continue to explore this issue.

### *Displacement of crime*

The issue of displacement, although widely recognized, seldom has been investigated in the context of curfew research. Hunt and Weiner (1977) conducted what is probably the earliest published empirical study of curfew laws. The study, which was conducted in Detroit, examined the percentage distribution of offenses by time of day across three offense categories, which were total Uniform Crime Reports part 1 offenses, robbery, and burglary.<sup>8</sup> It is important to note that the design of the study is intended to address specifically the issue of time displacement, not overall reductions in juvenile crime.<sup>9</sup>

The results, which were based on a visual inspection of graphic displays, indicated that there was relatively less crime during the curfew hours and relatively more crime during the afternoon hours. Specifically, offenses committed from 2 P.M. to 4 P.M. went from 13 percent of total crime during the comparison period to 22 percent during the curfew period.

Adams (2002) investigated the possibility of geographic displacement of juvenile crime from Dallas to Fort Worth after Dallas implemented a juvenile curfew law. Although the distance involved is about thirty miles, a major highway connects the cities. Furthermore, the Fort Wayne Police Department urged implementation of a curfew, arguing in part that juvenile crime was being displaced from Dallas. The analyses, which looked at eleven types of crimes, showed that there was no statistically significant increase in juvenile crime in Fort Worth after Dallas implemented its curfew law.

On the basis of available research, which is limited, it appears that curfew laws can lead to displacement. One study found that curfews lead to temporal displacement, although another did not find evidence to support geographic displacement. Future curfew research should investigate displacement effects to build a more substantial body of knowledge about this phenomenon. Displacement can be particularly important in weighing the full set of costs and benefits that attach to curfew laws.

### *Public opinion*

With regard to nationwide public opinion, roughly even proportions of the general public (51 percent) and of parents (54 percent) strongly endorse the idea of a curfew, indicating that a curfew would be “very effective” in helping children. When those who view curfews as “somewhat effective” are included, the level of support rises to 81 percent and 84 percent, respectively (Public Agenda 1997).

Questions posed to a nationwide audience often are hypothetical for some respondents because they have limited experience with curfews. It may also be that they support curfews in other places but not in their hometown. Thus, opinions

may differ in areas that actually have curfews because people will have direct experience with how curfews operate and with circumstances precipitating the implementation or reinvigorated enforcement of curfews.

Reynolds, Thayer, and Reufle (1996) conducted a citywide telephone survey in New Orleans about the curfew. The survey included 317 parents and 283 teens between the ages of thirteen and seventeen, with roughly even numbers of respondents across race (African American, white) and gender. Support for the curfew was overwhelming. When asked to respond to the statement that a curfew is a good idea for their city, 87 percent of parents strongly agreed. Similarly high levels of support for curfew laws have been found in surveys conducted in other cities. For example, it has been reported that 92 percent of respondents in Cincinnati and 77 percent of respondents in Washington, D.C., support their juvenile curfew (Crowell 1996).

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*Future research should explore possible explanations for increases in crime rates after curfew implementation when these increases are observed. Such inquiries, which focus attention on possible negative or harmful consequences of curfew, will lead to a more complete picture of curfew effects.*

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Among teenagers, however, support for curfews is not nearly as strong. Nationwide, 27 percent of teenage respondents see curfews as “very effective,” and 34 percent see them as “somewhat effective.” Taken together, however, a majority (61 percent) of teenagers support curfews on the grounds that they help children. In New Orleans, 85 percent of teens agreed (strongly or somewhat) that a curfew is a good idea. Interestingly, 54 percent of teens also agreed that a curfew is unfair. Focus groups with eighty teenagers helped to inform this seeming inconsistency (Reynolds et al. 1999). Although teenagers were concerned about unfair enforcement, they strongly supported the curfew because they thought it would make their neighborhood safer. It is worth noting that only half of the youth in the focus groups said that they complied with the curfew law.

Opinion polls show that curfew laws enjoy widespread support. The basis for this support stems from a fear of crime and a belief that curfews are an effective

crime control mechanism. Criminal justice administrators can expect to enjoy broad political support if they propose a curfew law. Indeed, levels of support are so high among the public that there may be political liability in failing to support a curfew. Citizens might perceive this stance as signaling a lack of concern or complacency about crime problems. Even those at whom curfews are directed, teenagers, support curfew laws, although they harbor reservations about fairness of enforcement. While teens are concerned that they might be subject to unfair curfew enforcement, it is a trade-off they seem to be willing to make based on fear of crime and perceived effectiveness of curfews. At this time, we do not know if minorities differ in their views of curfew laws, nor do we know the opinions of those who live in areas with aggressive curfew enforcement.

### *Costs of enforcement*

There is scant information on the cost of curfew enforcement programs. While the total cost of a curfew will be influenced by a variety of administrative and organizational factors (e.g., police salary structure, use of overtime, taking juveniles into custody, etc.), such information needs to be collected so that work can begin on cost-benefit, cost-effectiveness, and other types of financial analyses. Reynolds, Seydlitz, and Jenkins (2000) reported, "During the first year of the curfew law the department spent in excess of \$600,000 for curfew enforcement" (p. 221). They also noted, "During the first year of the curfew law 3,572 youth were arrested for curfew violations (p. 13). Adams (2002) observed a weekend curfew enforcement initiative in Dallas. The initiative involved thirty-six officers in two-officer patrol units spread over six patrol districts. A centralized processing unit was set up so that officers could maximize time spent in the field. During the two days, ninety-four juveniles were detained. The cost for the initiative, which involved overtime pay, was \$10,500.

Clearly, substantial sums of money are being expended on curfew enforcement. The question is whether this money is well spent in terms of the costs and benefits of curfew enforcement as well as in relation to other programs that are intended to produce similar results. More sophisticated economic analyses that develop a fuller picture of the financial aspects of curfew enforcement are needed.

### *Characteristics of violators*

Characteristics of curfew violators, with regard to items such as age, race, gender, family structure, and criminal history, are important for understanding the operation of curfews. Personal characteristics of curfew violators, such as race, are relevant to issues of perceived fairness and justice. Schiraldi (1999), for one, charged that curfew enforcement is susceptible to racial discrimination. He pointed out that in New Orleans, African Americans are arrested for curfew violations at a rate nineteen times greater than that of whites. He also noted that San Francisco essentially stopped curfew enforcement in response to an incident in

which an African American youth was arrested while nearby white youth of similar age were not. In contrast, Males and Macallair (1999) described curfew enforcement in California as evenly distributed over races, although there are four counties that serve as important exceptions.

This issue of racial discrimination is complicated given that some racial or ethnic groups may be more likely to violate curfew laws. The issue becomes more complex when we recognize that some racial or ethnic groups are more likely to live in high-crime areas that are subject to more aggressive curfew enforcement. Empirical research addressing these issues is sparse.

A study in Charlotte, North Carolina, reported that African Americans were more likely to be cited for curfew violations. However, within the community, African American youth also were disproportionately involved in arrests (Hirschel, Dean, and Dumond 2001). Sutphen and Ford (2001) examined police records generated during the first year of curfew enforcement. Preliminary analyses indicated that African American children and parents were more likely to be cited for curfew violations. Further analyses indicated that a higher curfew citation rate for African American children was primarily a function of increased curfew enforcement in low-income, high-crime areas. However, African American parents were cited at a higher rate than other parents, taking into account the seriousness of the youth's curfew violation. Thus, the available research suggests a pattern of disproportionate curfew enforcement against minorities, although the relation often can be explained by factors other than race. Additional research is needed on the issue of the role that race or ethnicity plays in curfew enforcement.

Little information is available on other characteristics of curfew violators. With regard to criminal history, Lersch and Sellers (2000) found in Largo, Florida, that self-identified curfew violators reported higher levels of involvement in criminal activity across eighteen categories of self-reported offense behavior. They also were more likely to report criminal victimization. Among curfew violators, nearly half (49 percent) reported multiple curfew violations. Adams (2002) found that a minority (29 percent) of curfew violators in Dallas had a prior arrest record. As a group, however, the twenty-seven youth with a police record accounted for forty-nine arrests and ninety-one runaways, field interrogations, and city citations. These findings suggest that some curfew violators show a sustained pattern of involvement with the criminal justice system. Males (2000) reported that roughly 10 percent of curfew violators are repeat violators having three or more stops.

Finally, Adams (2002) reported that for roughly 30 percent of the curfew violators picked up in a weekend sweep in Dallas, police could not arrange for a parent to come and pick up the child. Overnight accommodations had to be found for these children, which was problematic because some social service agencies would not deal with juvenile offenders. This finding rebuts to some degree the assumption that juveniles on the streets who are at risk for delinquency have parents or guardians who are interested in or available for responsible parenting. It also highlights some of the cost and logistical challenges that police face when taking large numbers of juveniles into custody.

## Summary and Conclusions

Curfews are an old practice that has become exceedingly popular in modern times. As a device for controlling juvenile crime, most large cities have a curfew law on the books. Arguably, curfews reduce juvenile offending and victimization by keeping children off the streets. They also may encourage parental responsibility and family cohesiveness, which may bring secondary benefits in areas such as school performance. In principle, curfews can be used to promote increased crime prevention, improved child welfare, and more effective law enforcement, all at modest cost to taxpayers.

Public opinion shows overwhelming support for curfews, and even teenagers, who are subject to enforcement, favor curfew restrictions. The primary basis for support is the conviction that curfews reduce crime and make the streets safer. However, research fails to support this hypothesis.

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*The seduction of commonsense reasoning  
sometimes is too strong to be swayed by  
scientific evidence, which by nature is  
always open to reconsideration.*

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Although the number of studies on curfew effectiveness is modest, as a group, the studies cover a wide range of characteristics. They include both small- and large-scale investigations, micro and macro units of analysis, short and long time periods, crime and noncrime outcome variables, and basic and sophisticated methods of analysis. Overall, the weight of the scientific evidence, based on ten studies with weak to moderately rigorous designs, fails to support the argument that curfews reduce crime and criminal victimization. Studies consistently report no change in crime in relation to curfews. When changes in crime are observed, they are almost equally likely to be increases in crime as opposed to decreases. Furthermore, curfew enforcement rarely leads to discovery of serious criminal behavior precipitating arrest. For the most part, curfew violators tend to be arrested for curfew-related offenses, such as lying about one's age, and it could be argued that these arrests needlessly add to the criminal histories of some juveniles. There is some evidence, however, to suggest that driving curfews, which may reduce the rate of teenage licensure by making driving less attractive, may reduce automobile crashes and injuries. In the next stage of this review, a more comprehensive search

for research on curfew effectiveness will be conducted so as to identify the contours of existing knowledge more definitively. In addition, use of meta-analysis techniques will be explored in an attempt to summarize the set of research findings with more precision and greater methodological rigor. Finally, given the lack of highly rigorous research designs in curfew research, the question of whether stronger designs, such as experiments, are desirable will be addressed.

Ardent supporters of curfew laws, including numerous police administrators and perhaps much of the general public, likely will resist the conclusion that curfews fail to reduce juvenile crime. The seduction of commonsense reasoning sometimes is too strong to be swayed by scientific evidence, which by nature is always open to reconsideration.

In this regard, three observations come to mind. First, as noted previously, the existing studies are fairly diverse in terms of research design, and none provides convincing evidence for the effectiveness of curfews. Thus, it is questionable whether use of more rigorous designs in future research will yield different results. Second, existing studies can be faulted on a variety of grounds, including measurement and analytic technique, so chances are that shortcomings in research design alone are not responsible for our inability to detect an effect, assuming that one exists. Third, prior research asks generally whether curfews are effective, and given the lack of conclusive evidence in the affirmative, future research might better concentrate on the conditions or circumstances under which curfews might be effective. This approach is consistent with the view of policy makers and law enforcement professionals for whom the issue will be that of how to make curfews effective rather than eliminating them. In this regard, two ideas come to mind.

First, there is some scant evidence to suggest that short-term, highly focused, and geographically limited curfew enforcement can reduce juvenile crime. This finding is consistent with research on police crackdowns and hot spots, and more study is needed on the role that curfews can play in such enforcement strategies. Issues of crime displacement, temporal patterns of change, and counterintuitive increases in crime come to the fore with this strategy, and these issues should be investigated as vigorously as possible in the context of various curfew enforcement strategies. Nonetheless, one can think about deploying curfews for spots that become too hot in an attempt to bring the situation under control. In this manner, contemporary use of curfews harkens back to their original function, which was control of temporary civil disorder.

Another strategy is to emphasize the social welfare aspects of juvenile curfews, meaning that curfews can be used to identify children and families who can benefit from additional social services. There is evidence that as many as one-third of curfew violators taken into custody have to be sheltered for the night because no parent or adult guardian is available to pick up the child. These children and their families probably are at risk for a wide variety of problems. The issues that need to be investigated by research include whether curfews are a proper, desirable, and efficient way of identifying such children and families in light of other alternatives that are available.

A variety of issues, secondary to the general question of effectiveness at reducing crime, need considerably more attention by researchers. The issues include costs of curfew enforcement, particularly in relation to its various configurations, and characteristics of curfew violators, particularly in relation to race or ethnicity, criminal history, and family situation. The information is needed to weigh the full set of costs and benefits of curfew enforcement, to address fundamental assumptions regarding curfew effectiveness, and to reassure disenfranchised segments of society that police do work in their best interests. Opportunities for curfew research abound throughout the country, and potential investigators need not worry that the pervasiveness of curfews will fade into near-term oblivion. As the scientific record accumulates, we will be in a better position to make informed policy decisions regarding juvenile curfews.

## Notes

1. In the aggregate, 75 percent of relations tested in the studies reviewed fail to reject the null hypothesis, 14 percent reject the null hypothesis in favor of the hypothesis that curfews decrease crime, and 11 percent reject the null hypothesis in favor of the hypothesis that curfews increase crime. It should be recognized that this simple tally has several shortcomings: (1) it gives all hypothesis tests equality, giving them the same weight; (2) it does not take into account that studies disproportionately contribute to the tally based on the number of hypothesis tests involved; and (3) it does not take into account the fact that multiple hypothesis tests with the same data set are not independent.

2. The six categories are felonies, homicide, violent crime, property crime, misdemeanor, and drug offense. In addition, a summary variable of all crimes was included in the analysis. The correlation was .54 for misdemeanors. A significant correlation (.47) also was observed for an all crimes variable. Since the all crimes category includes misdemeanors, it is likely that this correlation is an artifact of the correlation for misdemeanors and is not discussed here.

3. A statistically significant correlation for an all crimes variable also was reported. See note 2.

4. Five cities were omitted from the analysis of arrest statistics as a result of missing data.

5. The categories are homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, simple assault, vandalism, and weapons offense.

6. The model also included total county population, infant mortality ratio, cocaine arrest rate, and real per capita personal income as covariates.

7. The curfew was enacted on 1 June 1994.

8. The curfew period investigated was August 1976, the month in which curfew enforcement was said to be highest, and comparisons were made to the average number of offenses in August during four preceding years. Offenses were averaged over 1971, 1973, 1974, and 1975. Data for 1972 were not available.

9. Details provided in a note indicate that there were considerably more offenses during the curfew when compared to past years. The data indicate that juvenile crime increased 15 percent for all Uniform Crime Reports part 1 offenses, by 24 percent for robbery offenses, and by 19 percent for burglary offenses compared to the base period.

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Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE. (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;

(2) conduct public hearings on the need to continue the ordinance or order; and

(3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.

Added by Acts 1995, 74th Leg., ch. 262, Sec. 96, eff. May 31, 1995.

ORDINANCE NO. 1970-9-94

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING CHAPTER 8, ARTICLE II. CURFEW, OF THE CODE OF ORDINANCES OF THE CITY OF LEWISVILLE, TEXAS BY CHANGING VARIOUS PROVISIONS RELATING THERETO; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens, certain amendments to Chapter 8, Article II. Curfew, of the Code of Ordinances of the City of Lewisville, Texas are necessary to conform with recent Court decisions;

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

SECTION I.

AMENDMENTS

Chapter 8, Article II. Curfew, of the Code of Ordinances of the City of Lewisville is hereby amended by deleting the current language of Sections 8-26 through 8-34 in its entirety and in its place inserting a new Section 8-26 as follows:

"Sec. 8-26. Curfew Hours for Minors.

(a) Definitions. In this section:

(1) CURFEW HOURS means:

- (A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- (B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

- (2) EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (3) ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
- (4) GUARDIAN means:
  - (A) a person who, under court order, is the guardian of the person of a minor; or
  - (B) a public or private agency with whom a minor has been placed by a court.
- (5) MINOR means any person under 17 years of age.
- (6) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) PARENT means a person who is:
  - (A) a natural parent, adoptive parent, or step-parent of another person; or
  - (B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (9) REMAIN means to:
  - (A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(10) SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(c) Defenses.

(1) It is a defense to prosecution under Subsection (b) that the minor was:

(A) accompanied by the minor's parent or guardian;

(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

- (F) on the sidewalk abutting the minor's residence or abutting the residence of a nextdoor neighbor if the neighbor did not complain to the police department about the minor's presence;
- (G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Lewisville, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Lewisville, a civic organization, or another similar entity that takes responsibility for the minor;
- (H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(d) Enforcement.

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present.

(e) Penalties.

(1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is

committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

- (2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Subsection (b)(1) of this section and shall refer the minor to juvenile court."

SECTION II.

REPEALER

Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III.

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 IV.

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.

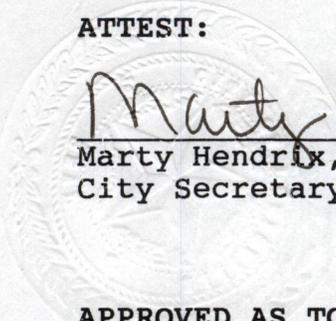
PASSED AND APPROVED by a vote of 3 to 2 on this 15TH day of AUGUST, 1994.

CYNTHIA WHITE, MAYOR PRO TEM  
CITY OF LEWISVILLE, TEXAS

ORDINANCE NO. 1970-9-94

PAGE 6

ATTEST:

  
Marty Hendrix

Marty Hendrix, CMC/AEE  
City Secretary

APPROVED AS TO FORM:

Ronald J. Neiman

Ronald J. Neiman  
City Attorney

FIRST READING:	<u>AUGUST 15, 1994</u>
SECOND READING:	<u>SEPTEMBER 12, 1994</u>
EFFECTIVE DATE:	<u>SEPTEMBER 19, 1994</u>

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Claire Swann, Assistant City Manager

**DATE:** May 31, 2018

**SUBJECT:** **Approval of a Purchase Agreement and Development Agreement Between the City of Lewisville and John and Magda Haugen and Authorization for the City Manager to Execute Said Agreements**

### BACKGROUND

John and Magda Haugen, owners of the building at 101 Main Street are making exterior façade enhancements as shown in the attached elevations. They are projected to invest \$151,645 in these renovations and have requested incentives under our front and rear façade programs. The design was approved by OTDRC on February 26, 2018. The owners also desire to sell their exclusive rights to use seven parking spaces located in the alley behind their building. They also desire to enter into an agreement to give the city the necessary rights to install and maintain sprinklers in conjunction with our historic sprinkler system program.

### ANALYSIS

The *development agreement* addresses the façade grants and the sprinkler installation. It calls for the city to reimburse the owner for qualifying actual expenses after successful completion of the work. These reimbursable expenses shall not exceed \$57,000 and must be allowable expenses under our current economic development policy. The development agreement also provides the City with the necessary rights to install and maintain a sprinkler system in their building in accordance with the city's designs and our historic sprinkler system program.

The *purchase agreement* addresses the City's purchase of Haugen's rights to use seven parking spaces located in the alley behind 101 Main Street and as shown in the attached drawing. Under the purchase agreement, the City would pay \$148,000 for all rights to those parking spaces. This money would be paid at the time we execute the purchase agreement.

### RECOMMENDATION

That the City Council approve the development and purchase agreements and authorize the City Manager to execute said agreements.



**WILLIAM PECK &  
ASSOCIATES INC.**  
**ARCHITECTS**  
Lewisville, Tx (972) 221-1424

**HAUGEN LAW OFFICE**  
101 W MAIN ST., LEWISVILLE, TX  
DATE : 2018/02/16

These plans are intended to provide the basic construction information necessary to substantially complete this structure. These construction documents must be verified and checked by the builder or person in authority of this project. Any discrepancy, error, and/ or omissions, if any, are to be brought to the attention of the Designer prior to any construction or purchases being made. It is recommended that the owner or builder obtain complete engineering services for: foundation, HVAC, and structural, prior to construction of any kind. NOTE: All Federal, state, and Local codes, ordinances, and restrictions take precedence over any part of these construction documents which may conflict with same, and must be strictly obeyed and followed before and during construction.  
THESE CONSTRUCTION DOCUMENTS AND THEIR USE, ARE THE PROPERTY OF WILLIAM PECK & ASSOCIATES, INC. AND ARE NOT TO BE TRACED, REUSED OR REPRODUCED IN ANY WAY, BY ANY MEANS, WITHOUT THE EXPRESSED WRITTEN PERMISSION OF WILLIAM PECK & ASSOCIATES, INC.. ALL RIGHTS RESERVED



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## Property Analysis

### Land Description and Analysis

#### Location

The property is located on the Northwest corner of W. Main Street and N. Mill Street.

#### Land Area

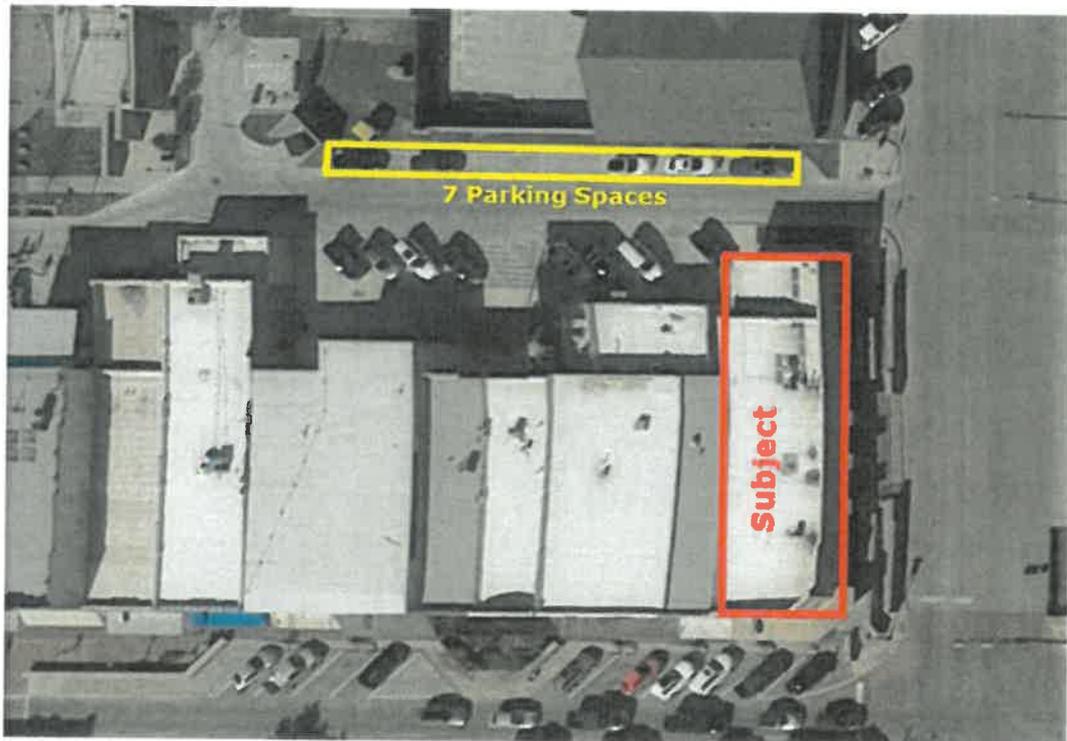
The following table summarizes the subject's land area.

#### *Land Area Summary*

Tax ID	SF	Acres
14814	4,051	0.093

Source: Survey

In addition to the subject's land area, the subject has the exclusive use of seven (7) parking spaces located in the alley behind the property as shown on the picture below. Use of these parking spaces is reserved for the subject Monday – Friday from 8:00am – 5:00pm, otherwise, the spaces are available for public use.



## **PURCHASE AGREEMENT**

This Purchase Agreement (the "Agreement") is entered into by and between the City of Lewisville, Texas, a home rule city and municipal corporation of Denton County, Texas, duly acting by and through its City Manager, (the "City") and John and Magda Haugen (the "Owner").

**WHEREAS**, the Owner currently owns property located in Old Town Lewisville, specifically at 101 W. Main Street, Lewisville, Texas, further described in Attachment A, (the "Premises"); and all rights running with the property including the exclusive use, during specific times and days, of seven (7) parking spaces as described in Attachment B.

**WHEREAS**, the City desires to purchase, and the Owner agrees to sell, any and all of the Owner's exclusive right to the seven parking spaces (Attachment B).

**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 PURCHASE OF EXCLUSIVE USE TO PARKING SPACES**

1.1 Exclusive Use. In the Old Town Plaza Alley Agreement regarding the Premises, effective on January 2, 2013, attached hereto as Attachment C (the "Alley Agreement"), the then-owner of the Premises reserved the exclusive use of seven (7) parking spaces (Attachment B) between the hours of 8:00 a.m. and 5:00 p.m. on Mondays through Fridays, excluding holidays, which right runs with the Premises.

1.2 Sale of Exclusive Use. The City agrees to purchase, and the Owner agrees to sell, any and all of the Owner's exclusive use of said seven (7) parking spaces (Attachment B) as provided for in the Alley Agreement (Attachment C), for one hundred and forty-eight thousand and 00/100 dollars (\$148,000.00) paid at the time this Agreement is executed.

1.3 Termination of Exclusive Use. Upon execution of this Agreement and disbursement of payment to the Owner by the City, the exclusive use of the seven (7) parking spaces (Attachment B) reserved by section A(5) of the Alley Agreement (Attachment C) is hereby permanently extinguished.

## **ARTICLE II MISCELLANEOUS**

2.1 The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto.

2.2 It is understood and agreed between the parties that the parties, in performing their obligations hereunder, are acting independently, and neither party assumes responsibility or liabilities in connection therewith to third parties.

2.3 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.

2.4 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.

2.5 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.

2.6 This Agreement may be modified or rescinded only by a written instrument signed by both of the parties or their duly authorized agents.

2.7 Venue for any litigation arising from this Agreement shall lie in Denton County, Texas.

2.8 This Agreement was authorized by action of the City Council, authorizing the City Manager to execute the Agreement on behalf of the City. This Agreement to be effective from the last date signed and marked on this Agreement by a participating Party.

2.9 Any legal action that results in an award for damages concerning this matter will be limited to the consideration paid for the rights. No consequential or other damages will be awarded.

DATED this the \_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF LEWISVILLE, TEXAS**

**JOHN & MAGDA HAUGEN**

\_\_\_\_\_  
Donna Barron, City Manager

\_\_\_\_\_  
John Haugen, Owner

**ATTEST:**

\_\_\_\_\_  
Magda Haugen, Owner

\_\_\_\_\_  
Julie Worster, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, City Attorney



**Attachment A**  
**Legal Description**

**EXHIBIT "A"**

**BEING** a 0.093 acre tract of land situated in the J. W. King Survey, Abstract No. 696, in the City of Lewisville, Denton County, Texas, and being a part of Block 6 of the Original Town of Lewisville, an addition to the City of Lewisville, Denton County, Texas, according to the Plat thereof recorded in Volume 75, Page 158 of the Deed Records of Denton County, Texas, and being a part of that certain tract of land described by deed to 101 W Main Street, Ltd., a Texas limited partnership, as recorded in Document No. 2007-61196, of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

**BEGINNING** at a northeast building corner for the northeast corner of the herein described tract, same being the southeast corner of that certain tract of land described by deed to the City of Lewisville, as recorded in Document No. 2012-142656, R.P.R.D.C.T., same being in the east line of said 101 W Main Street, Ltd. tract and Block 6, and being in the west line of N. Mill Street (a variable width right-of-way);

**THENCE** South 00 degrees 22 minutes 10 seconds West, with the west line of said N. Mill Street, a distance of 120.43 feet to an "X" set in concrete for corner, same being in the north line of W. Main Street (a variable width right-of-way);

**THENCE** South 90 degrees 00 minutes 00 seconds West, with the north line of said W. Main Street, a distance of 33.65 feet to a distinct building seam for corner, same being the southeast corner of that certain tract of land described by deed to William Peck, as recorded in Volume 5098, Page 2334, R.P.R.D.C.T.;

**THENCE** North 00 degrees 22 minutes 10 seconds East, with the east line of said Peck tract, a distance of 120.43 feet to a point in the north face of the building wall for corner, and being in the south line of said City of Lewisville tract;

**THENCE** North 90 degrees 00 minutes 00 seconds East, with the south line of said City of Lewisville tract, a distance of 33.65 feet to the **POINT OF BEGINNING** and containing a total of 0.093 acres of land, more or less, and being subject to any and all easements that may affect.

**Attachment B**  
**Parking Spaces**

## Property Analysis

### Land Description and Analysis

#### Location

The property is located on the Northwest corner of W. Main Street and N. Mill Street.

#### Land Area

The following table summarizes the subject's land area.

#### *Land Area Summary*

Tax ID	SF	Acres
14814	4,051	0.093

Source: Survey

In addition to the subject's land area, the subject has the exclusive use of seven (7) parking spaces located in the alley behind the property as shown on the picture below. Use of these parking spaces is reserved for the subject Monday – Friday from 8:00am – 5:00pm, otherwise, the spaces are available for public use.



Attachment C  
Alley Agreement

## **OLD TOWN PLAZA ALLEY AGREEMENT**

**THE STATE OF TEXAS   §**  
**§**  
**COUNTY OF DENTON    §**

This Agreement (“Agreement”) is entered into as of the Effective Date between the City of Lewisville, Texas, a Home-Rule municipal corporation principally situated in Denton County, Texas, acting by and through its duly authorized City Manager (the “City”), and 101 W. Main Street, Ltd., a Texas limited partnership (the “Owner”).

WHEREAS, the City has invested in reestablishing itself in Old Town through new construction, such as City Hall and the MCL Grand Theater, and other improvements; and

WHEREAS, the City desires to create an iconic park or plaza space in Old Town that can serve many functions (the “Old Town Plaza”); and

WHEREAS, the Old Town Plaza will bridge the needs of the community with programmed events and help support the businesses in Old Town; and

WHEREAS, certain changes and improvements to the alleyway directly adjacent to the proposed Old Town Plaza are necessary; and

WHEREAS, the Owner owns the property, located at 101 W. Main, Lewisville, Texas (collectively, the “Property”); and

WHEREAS, the Property’s rear façade faces the alleyway directly adjacent to the proposed Old Town Plaza; and

WHEREAS, this Agreement provides benefits to both the City and the Owner which are reasonable and equitable with regard to the benefits provided to the other party.

NOW THEREFORE, this AGREEMENT is hereby made and entered into by City and Owner for the mutual considerations stated herein:

A. In consideration for the Owner forfeiting its right to a trash collection container on its Property, the City and Owner agree to the following:

- (1) The Owner agrees to forfeit its right to place a trash collection container on its Property.
- (2) The City agrees to provide and maintain central trash collection containers and locations and provide, at no cost to the Owner, use of said trash collection containers.

(3) The City agrees to place all overhead utilities underground and to provide, at no cost to the Owner, new utilities connections on the Owner's Property, and the Owner agrees to provide all written consents necessary for providing said utilities connections.

(4) The City agrees to maintain access, storm drainage and other utilities in the alleyway adjacent to the Owner's Property, which will allow for through access from Mill Street to Charles Street.

(5) The City agrees to improve and maximize as much parking as determined reasonably possible adjacent to the alleyway for the Owner's non-exclusive use. Additionally, the City agrees to identify, for Owner's exclusive use, seven (7) parking spaces as provided in the attached exhibit. Said parking spaces will be available for Owner's exclusive use only on Mondays through Fridays between 8:00 a.m. and 5:00 p.m. excluding holidays. For all other times, including nights, holidays, and weekends, the parking spaces shall be utilized for general public parking.

(6) The City agrees to install and maintain landscaping on and/or near alleyway adjacent to the Owner's Property.

(7) By separate written agreement and at no cost to the Owner, the City will consider leasing to the Owner the portion of the alleyway adjacent to the Property which is not needed by the City for the construction of alley/parking/utilities (the "Lease Area"). Use of and/or construction within the Lease Area by Owner must comply with the Old Town development requirements as well as all applicable federal, state, and local laws. The Lease Area may also be used by the Owner for clean outs, grease traps, ac units, and other similar uses so long as such uses are also in full compliance with all federal, state, and local laws. The City will maintain the surface area within the Lease Area. The Owner shall be responsible for the maintenance, repair, routine service and/or replacement of all privately owned equipment within the Lease Area such as, clean outs, grease traps, ac units, or other similar equipment utilized by the Owner located within the Lease Area.

(8) By separate written agreement and at no cost to the Owner, the City will consider quitclaiming to the Owner the portion of the alleyway adjacent to the Property which is not needed by the City for the construction of alley/parking/utilities (the "Quitclaim Area"). Use of and/or construction within the Quitclaim Area must comply with the Old Town development requirements as well as all applicable federal, state, and local laws. The Owner will be responsible for all surface maintenance of the Quitclaim Area.

(9) The City will consider providing economic development incentives to the Owner for improving the rear façade of the building which backs to the proposed Old Town Plaza.

B. The initial term of this Agreement shall be for the period from the Effective Date through September 30, 2037 (the "Initial Expiration Date"). On the Initial Expiration Date, this Agreement shall automatically renew for another 25-year term, expiring on September 30, 2062, unless terminated, in writing, by the City prior to the Initial Expiration Date.

C. It is the intention of the parties to this Agreement that they be regulated in accordance with the terms of this Agreement. If a party to this Agreement believes that the other party has, by act or omission, committed a breach of this Agreement, the non-defaulting party shall notify the defaulting party in writing of an alleged failure to comply with a provision of this Agreement and describing the alleged failure with reasonable particularity. The defaulting party shall, within thirty (30) days after receipt of the notice or a longer period of time as the non-defaulting party may specify in the notice, either cure the alleged failure or, in a written response to the non-defaulting party, either present facts and arguments in refutation or excuse of the alleged failure or state that the alleged failure will be cured and set forth the method and time schedule for accomplishing the cure. If the non-defaulting party determines that a failure to comply with a provision has occurred and that the failure is not excusable and has not been or will not be cured by the defaulting party in a manner and in accordance with a schedule reasonably satisfactory to the non-defaulting party, then the non-defaulting party may exercise the applicable remedy under this Agreement.

D. If the either party determines that the other party has committed a material breach of this Agreement and has failed to cure said breach after proper notice, the party may file suit in a court of competent jurisdiction in Denton County, Texas, and seek any relief available at law or in equity, including, but not limited to, an action under the Uniform Declaratory Judgment Act and termination of this Agreement in addition to the monetary awards as may be appropriate.

E. This Agreement binds and inures to the benefit of the Parties, their successors and assigns. The District shall record this Agreement with the County Clerk in the Official Records of Denton County, Texas.

F. The Parties, by mutual consent, may amend the terms of this Agreement at any time.

G. If any part of this Agreement is found to be unenforceable, all other parts remain enforceable unless the result materially prejudices either party.

H. Any failure by a party to insist upon strict performance by the other party of any material provision of the Agreement shall not be deemed a waiver thereof or of any other provision hereof, and the party shall have the right at any time thereafter to insist upon strict performance of any and all of the provisions of this Agreement.

I. The construction and validity of this Agreement shall be governed by the laws of the State of Texas without regard to conflicts of law principles. Venue shall be in Denton County, Texas.

J. To the extent not inconsistent with this Agreement, each Party reserves all rights, privileges, and immunities under applicable laws.

K. All Exhibits and other documents attached to or referred to in this Agreement are incorporated into this Agreement by reference for the purposes set forth in this Agreement.

L. Notwithstanding any other provision of this Agreement, the parties shall comply with all applicable statutes or regulations of the United States and the State of Texas.

M. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective from the last date signed and marked by a participating Party. Further, the parties have executed this Agreement in multiple copies, each of which shall be an original, as of the date countersigned by the City of Lewisville.

101 W MAIN STREET, LTD., a Texas Limited Partnership

By: BEATRICE MANAGEMENT, INC.

General Partner

By:

  
Norman J. Strange, President

Date:

9/15/12

#### ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF Denton

This instrument was acknowledged before me on the 15 day of September 2012, by NORMAN J. STRANGE, President of BEATRICE MANAGEMENT, INC., General Partner of 101 W MAIN STREET, LTD., a Texas Limited Partnership, on behalf of said partnership.

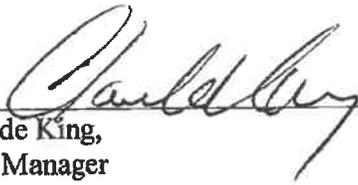
  
\_\_\_\_\_



Notary Public, State of Texas

My Commission Expires: 12/20/13

**CITY OF LEWISVILLE, TEXAS**

By:   
Claude King,  
City Manager

Date: 1/2/13

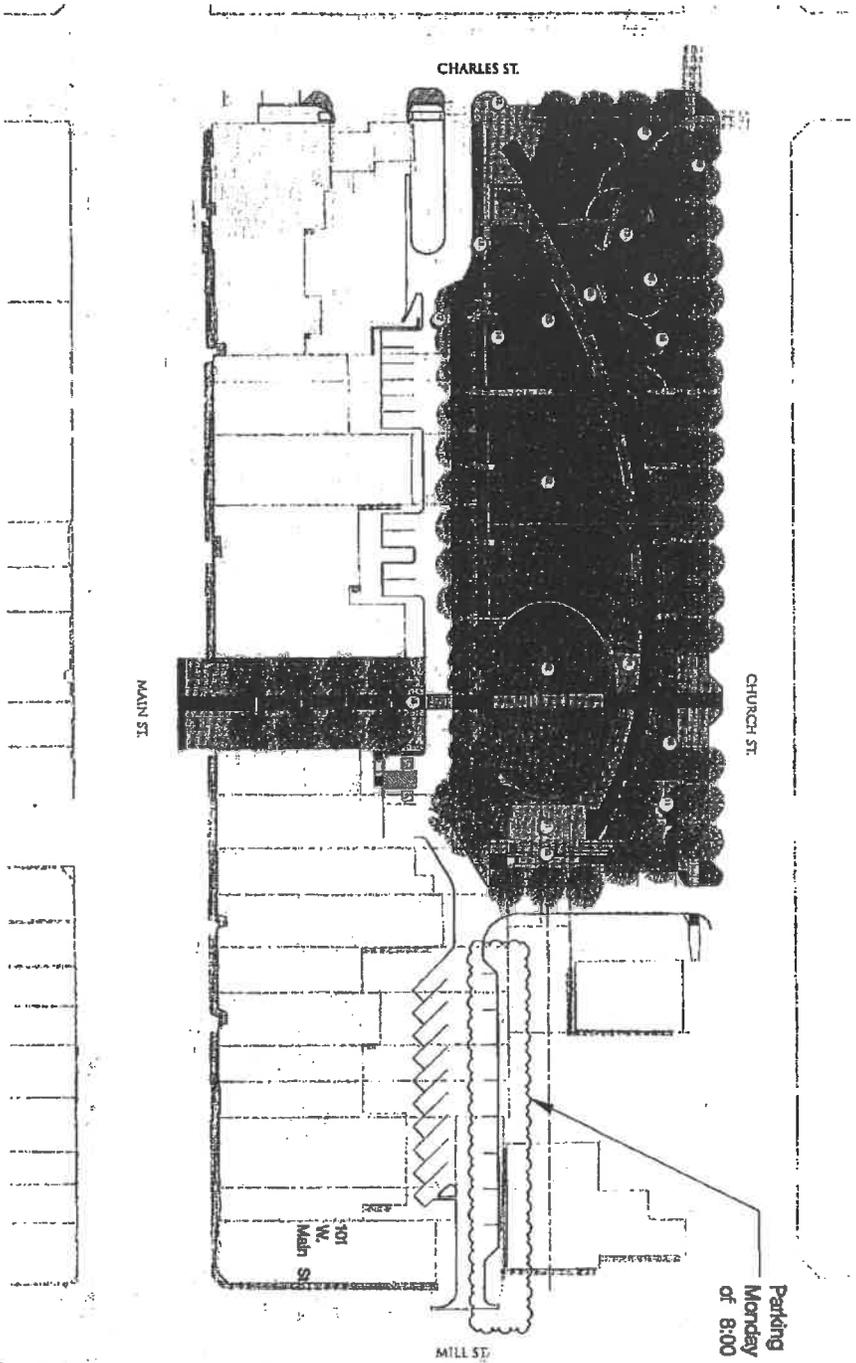
**ATTEST:**

By:   
Julie Heinze,  
City Secretary

**APPROVED AS TO FORM:**

By:   
Elizabeth Plaster,  
City Attorney

CITY OF LEWISVILLE OLD TOWN PLAZA: PLAN VIEW



Parking Spaces for use by 101 West Main Street  
 Monday through Friday between the hours  
 of 8:00 am and 5:00 pm excluding Holidays

- Legend
- 01 Field
  - 02 Field
  - 03 Field
  - 04 Field
  - 05 Field
  - 06 Field
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  - 09 Field
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  - 100 Field

DESIGNWORKSHOP



Denton County  
Cynthia Mitchell  
County Clerk  
Denton, TX 76202



70 2012 00142656

Instrument Number: 2012-142656

Recorded On: December 18, 2012

As  
Deed

Parties: 101 W MAIN STREET LTD

To

Billable Pages: 6  
Number of Pages: 6

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Deed	36.00
Total Recording:	36.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2012-142656  
Receipt Number: 982490  
Recorded Date/Time: December 18, 2012 10:08:09A

**Record and Return To:**

CITY OF LEWISVILLE  
PO BOX 299002  
CITY MANAGER  
LEWISVILLE TX 75029

User / Station: C Robinson - Cash Station 1



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

*Chubbell*

County Clerk  
Denton County, Texas

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**DONATION DEED**

**THE STATE OF TEXAS**

§

**COUNTY OF DENTON**

§

§

THAT, 101 W. Main Street, Ltd., a Texas Limited Partnership, of the County of *Denton*, State of Texas, hereinafter referred to as Grantor, whether one or more, with no reversionary interests whatsoever in favor of Grantor, have GIVEN, GRANTED, and CONVEYED, and by these presents do GIVE, GRANT, and CONVEY to the City of Lewisville, a municipal corporation, of the County of Denton, State of Texas, hereinafter referred to as Grantee, all that certain tract or parcel of land lying and being situated in the County of Denton, State of Texas, more particularly described on attached Exhibit "A" (the "Property").

It is Grantor's intention to make a gift as a charitable contribution under applicable income tax laws and regulations.

TO HAVE AND TO HOLD the above-described Property, together with all and singular the rights and appurtenances lawfully accompanying the Property to the City of Lewisville, Texas, and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to WARRANT and FOREVER DEFEND all and singular the said Property unto the City of Lewisville, Texas, and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed on the last date signed and marked below.

**SIGNATURE PAGE(S) FOLLOW**

101 W MAIN STREET, LTD., a Texas Limited Partnership

By: BEATRICE MANAGEMENT, INC.  
General Partner

By: *Norman J. Strange*  
Norman J. Strange, President

ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF Denton

This instrument was acknowledged before me on the 15 day of September, 2012, by NORMAN J. STRANGE, President of BEATRICE MANAGEMENT, INC., General Partner of 101 W MAIN STREET, LTD., a Texas Limited Partnership, on behalf of said partnership.



*Darla Blakeslee*  
Notary Public, State of Texas

My Commission Expires: 12/20/13

After Recording, Return To:  
City of Lewisville  
City Manager's Office – Steve Bacchus  
P.O. Box 299002  
Lewisville, TX 75029-9002

# ACQUISITION PARCEL

## J.W. KING SURVEY, ABSTRACT NO. 696 PART OF BLOCK 6, ORIGINAL TOWN OF LEWISVILLE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS

### Property Description

Being a tract of land situated in the J.W. King Survey, Abstract No. 696, City of Lewisville, Denton County, Texas, and being a portion of Block 6, of the Original Town of Lewisville according to the plat thereof recorded in Volume 75, Page 162, of the Deed Records of Denton County, Texas, and being a portion of that certain tract of land conveyed to 101 W. Main Street, LTD, according to Special Warranty Deed recorded in Document Number 2007-61196, Official Records of Denton County, Texas, and being more particularly described as follows:

Beginning at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the northeast corner of said 101 W. Main Street, Ltd. tract, said iron rod being the southeast corner of that certain tract of land conveyed to James L. Tips, Sr., according to Warranty Deed recorded in Document Number 94-0047813, Official Records of Denton County, Texas, and being in the west line of Mill Street (called 80' right of way);

THENCE South 00°49'56" East, departing said Tips tract, 37.86 feet with the east line of said 101 W. Main Street, Ltd. tract and the west line of said Mill Street to the north face of wall of an existing building;

THENCE South 89°03'33" West, departing the east line of said 101 W. Main Street, Ltd. tract and the west line of said Mill Street, 17.34 feet with the north face of wall of said existing building to an angle point of said existing wall;

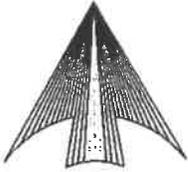
THENCE South 89°18'31" West, 16.27 feet with the north face of wall of said existing building to the west line of said 101 W. Main Street, Ltd. tract and the east line of that certain tract of land conveyed to William C. Peck according to Warranty Deed with Vendor's Lien recorded in Volume 5098, Page 2334 (Document Number 02-068776), Official Records of Denton County, Texas;

THENCE North 00°49'56" West, 11.13 feet with the west line of said 101 W. Main Street, Ltd. tract and the east line of said Peck tract to a P.K. Nail with shiner stamped "NDM" set for an interior ell corner of said 101 W. Main Street, Ltd. tract, said nail being the northeast corner of said Peck tract;

THENCE South 89°07'33" West, 54.39 feet with the south line of said 101 W. Main Street, Ltd. tract and the north line of said Peck tract and the north line of that certain tract of land

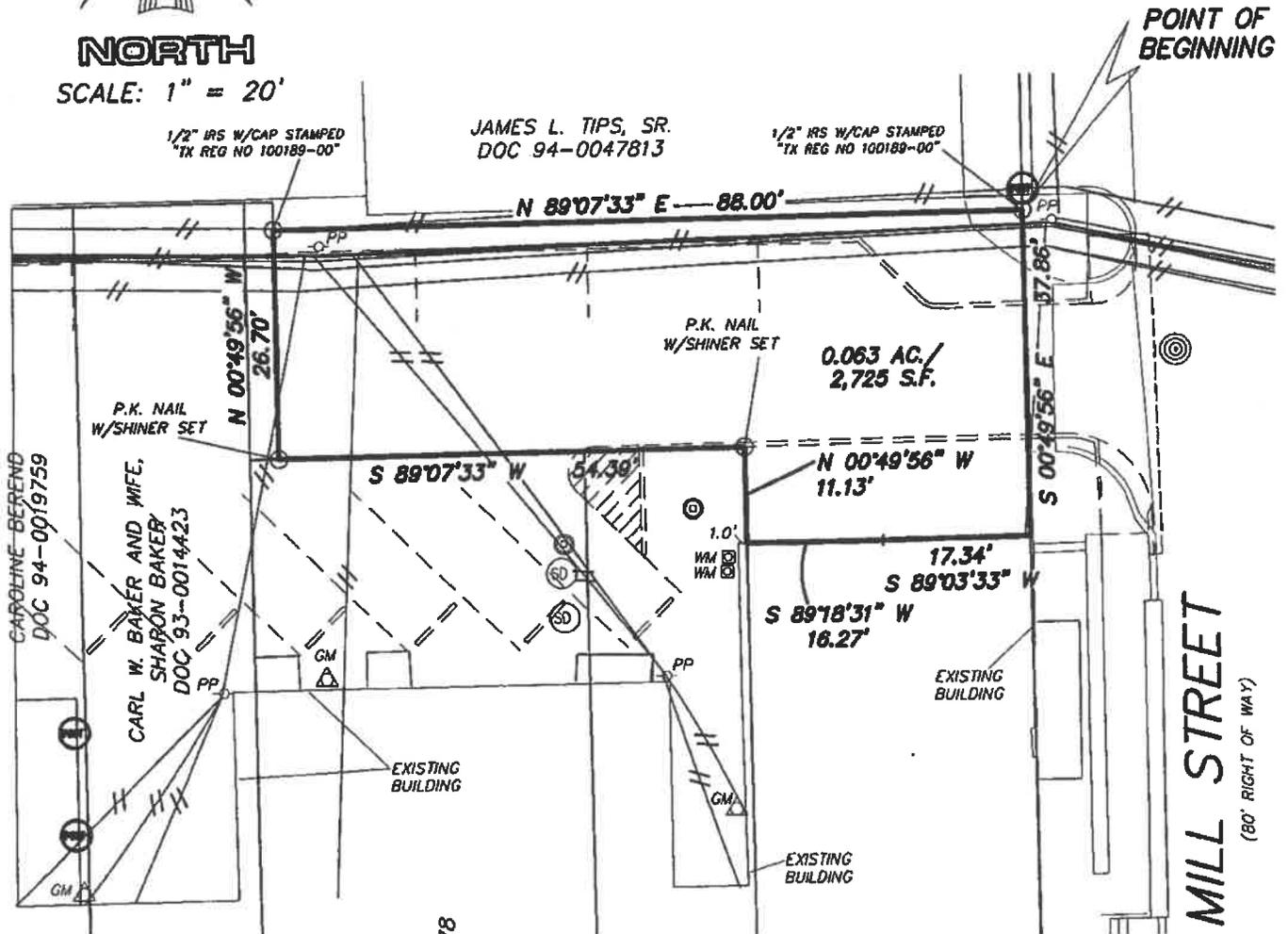
# ACQUISITION PARCEL

J.W. KING SURVEY, ABSTRACT NO. 696  
 PART OF BLOCK 6, ORIGINAL TOWN OF LEWISVILLE  
 CITY OF LEWISVILLE, DENTON COUNTY, TEXAS



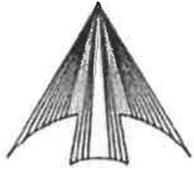
**NORTH**

SCALE: 1" = 20'



# ACQUISITION PARCEL

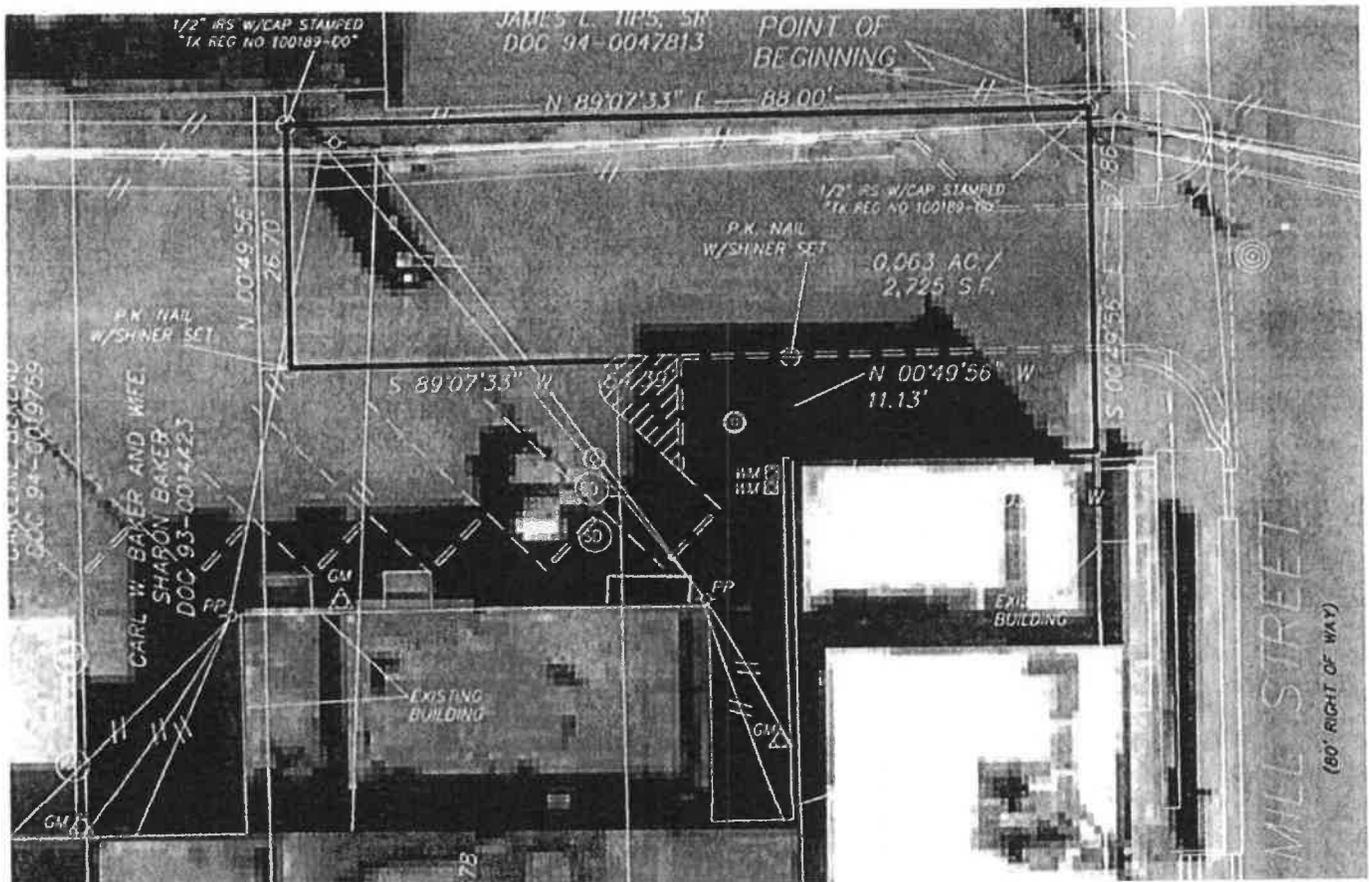
J.W. KING SURVEY, ABSTRACT NO. 696  
PART OF BLOCK 6, ORIGINAL TOWN OF LEWISVILLE  
CITY OF LEWISVILLE, DENTON COUNTY, TEXAS



**NORTH**

SCALE: 1" = 20'

*Advised that this  
plat may not scan*



**CORPORATE RESOLUTION  
BEATRICE MANAGEMENT, INC.  
A Texas Corporation**

A special meeting of the Directors of BEATRICE MANAGEMENT, INC. ("Corporation") was held on this 15<sup>th</sup> day of September, 2012. The Corporation's President, Norman J. Strange, called this meeting. The Corporation's President served as chairman of the meeting and recorded the minutes. The following Directors were present:

N. Joseph Strange  
Cory A. Strange  
Scott D. Strange

BE IT HEREBY RESOLVED, that BEATRICE MANAGEMENT, INC. authorizes Norman J. Strange, as President, to donate to the City of Lewisville, Texas all that certain tract or parcel of land lying and being situated in the County of Denton, State of Texas, more particularly described on attached Exhibit "A" (the "Property"). Norman J. Strange, as President, shall execute and deliver any legal instruments relating to the donation of the Property. Norman J. Strange, as President, shall do everything and sign everything necessary and appropriate to donate the Property.

IN TESTIMONY WHEREOF, we have hereunto set our hand and attest that the signatures set opposite the names listed above are their genuine signatures.

We each have read all the provisions of this Resolution, and we each personally and on behalf of the Corporation certify that all statements and representations made in this Resolution are true and correct.

**SIGNATURE PAGE(S) FOLLOW**

Dated this 15 day of September, 2012.

DIRECTORS:

Norman J. [Signature]  
B.D. [Signature]  
C.J. [Signature]

Approved by the following Shareholders, which represent 100% of the Shareholders:

SHAREHOLDERS:

Norman J. [Signature]  
B.D. [Signature]  
C.J. [Signature]

# ACQUISITION PARCEL

## J.W. KING SURVEY, ABSTRACT NO. 696 PART OF BLOCK 6, ORIGINAL TOWN OF LEWISVILLE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS

### Property Description

Being a tract of land situated in the J.W. King Survey, Abstract No. 696, City of Lewisville, Denton County, Texas, and being a portion of Block 6, of the Original Town of Lewisville according to the plat thereof recorded in Volume 75, Page 162, of the Deed Records of Denton County, Texas, and being a portion of that certain tract of land conveyed to 101 W. Main Street, LTD, according to Special Warranty Deed recorded in Document Number 2007-81196, Official Records of Denton County, Texas, and being more particularly described as follows:

Beginning at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the northeast corner of said 101 W. Main Street, Ltd. tract, said iron rod being the southeast corner of that certain tract of land conveyed to James L. Tips, Sr., according to Warranty Deed recorded in Document Number 94-0047813, Official Records of Denton County, Texas, and being in the west line of Mill Street (called 80' right of way);

THENCE South 00°49'56" East, departing said Tips tract, 37.86 feet with the east line of said 101 W. Main Street, Ltd. tract and the west line of said Mill Street to the north face of wall of an existing building;

THENCE South 89°03'33" West, departing the east line of said 101 W. Main Street, Ltd. tract and the west line of said Mill Street, 17.34 feet with the north face of wall of said existing building to an angle point of said existing wall;

THENCE South 89°18'31" West, 16.27 feet with the north face of wall of said existing building to the west line of said 101 W. Main Street, Ltd. tract and the east line of that certain tract of land conveyed to William C. Peck according to Warranty Deed with Vendor's Lien recorded in Volume 5098, Page 2334 (Document Number 02-068776), Official Records of Denton County, Texas;

THENCE North 00°49'56" West, 11.13 feet with the west line of said 101 W. Main Street, Ltd. tract and the east line of said Peck tract to a P.K. Nail with shiner stamped "NDM" set for an interior ell corner of said 101 W. Main Street, Ltd. tract, said nail being the northeast corner of said Peck tract;

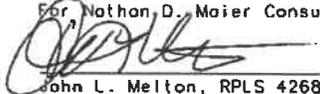
THENCE South 89°07'33" West, 54.39 feet with the south line of said 101 W. Main Street, Ltd. tract and the north line of said Peck tract and the north line of that certain tract of land conveyed to Ken Hodge according to Special Warranty Deed recorded in Volume 1860, Page 678, Official Records of Denton County, Texas, to a P.K. Nail with shiner stamped "NDM" set for the southwest corner of said 101 W. Main Street, Ltd. tract;

THENCE North 00°49'56" West, 26.70 feet with the west line of said 101 W. Main Street, Ltd. tract to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the northwest corner of said 101 W. Main Street, Ltd. tract, said iron rod being the southwest corner of the aforementioned Tips tract;

THENCE North 89°07'33" East, 88.00 feet with the north line of said 101 W. Main Street, Ltd. tract and the south line of said Tips tract to the Point of Beginning and containing 0.063 acres (2,725 square feet) of land, more or less.

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202.

For Nathan D. Maier Consulting Engineers, Inc.

  
John L. Melton, RPLS 4268



NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / Ph. (214) 739-4741

1 OF 3  
03/26/2012  
08-09-066.J  
8066bn14.dwg

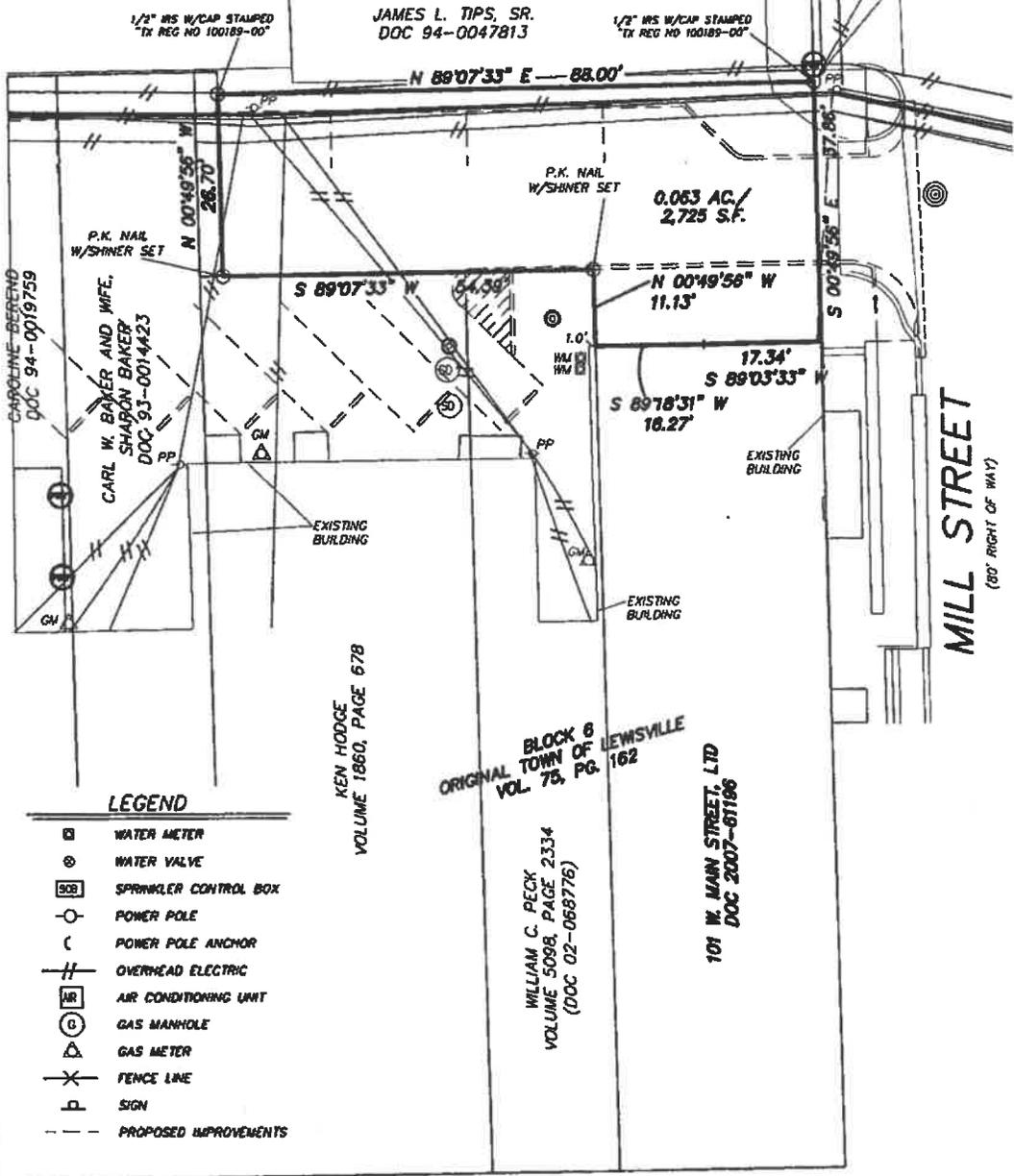
# ACQUISITION PARCEL

J.W. KING SURVEY, ABSTRACT NO. 696  
 PART OF BLOCK 6, ORIGINAL TOWN OF LEWISVILLE  
 CITY OF LEWISVILLE, DENTON COUNTY, TEXAS



**NORTH**

SCALE: 1" = 20'



## LEGEND

- WATER METER
- ⊗ WATER VALVE
- ⊠ SPRINKLER CONTROL BOX
- ⊙ POWER POLE
- ⊕ POWER POLE ANCHOR
- ⊥ OVERHEAD ELECTRIC
- ⊠ AIR CONDITIONING UNIT
- ⊙ GAS MANHOLE
- ⊠ GAS METER
- ⊥ FENCE LINE
- ⊠ SIGN
- - - PROPOSED IMPROVEMENTS

**MAIN STREET**

(80' RIGHT OF WAY)



NATHAN D. MAIER CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00  
 Two Northpark / 8080 Park Lane / Suite 600  
 Dallas, Texas 75231 / Ph. (214) 739-4741

2 OF 3  
 03/26/2012  
 08-09-066.J  
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## **DEVELOPMENT AGREEMENT**

This Development Agreement (the “Agreement”) is entered into by and between the City of Lewisville, Texas, a home rule city and municipal corporation of Denton County, Texas, duly acting by and through its City Manager, (the “City”) and John and Magda Haugen (the “Owner”).

**WHEREAS**, the Owner currently owns property located in Old Town Lewisville, specifically at 101 W. Main Street, Lewisville, Texas, further described in Attachment A, (the “Premises”) that is the subject of this Agreement; and

**WHEREAS**, the City desires to provide incentives to the Owner for certain improvements to the Premises, including façade and fire suppression improvements; and

**WHEREAS**, said improvements would promote local economic development, stimulate business activity and increase property values in the Old Town area, thereby directly establishing a public purpose; and

**WHEREAS**, the fire suppression improvements would also constitute historical preservation activities by significantly increasing the protection of the historic buildings in Old Town from destruction by fire, further directly establishing a public purpose; and

**WHEREAS**, the City adopted its economic development program on June 20, 2016, pursuant to Chapter 380 of the Texas Government Code and 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 economic development program.

**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 executed (“Effective Date”) and shall continue until all requirements of the Agreement have been fulfilled as provided herein, unless otherwise terminated in accordance with this Agreement.

## **ARTICLE II DEFINITIONS**

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

**“Agreement”** shall have the meaning set forth in the introductory paragraphs of this Agreement.

**“City”** shall have the meaning set forth in the introductory paragraphs of this Agreement.

**“Design Approval”** shall mean approval by the City’s designated body, the Old Town Design Review Committee, which all exterior modifications to buildings in the Old Town District as defined by City ordinance must obtain prior to being issued any pertinent permits, as part of the Development Process.

**“Development Process”** shall mean the requisite procedure for making structural alterations to property in the Old Town District as defined by City ordinance, and is outlined in the Old Town development ordinance, building codes, zoning ordinance or other applicable laws of the City.

**“Effective Date”** shall mean the date established in Article I of this Agreement.

**“Eligible Costs”** shall mean those costs listed in the City’s Economic Development Policy in effect on the Effective Date of this Agreement.

**“Façade Grant”** shall have the meaning set forth in Article III of this Agreement.

**“Façade Improvements”** shall mean improvements to all façades of the structure located on the Premises which are in compliance with the elevations shown in Attachment B.

**“Force Majeure”** shall mean any contingency or cause beyond the reasonable control of Owner, 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), fire, explosion or flood, and strikes.

**“Invoice”** shall mean a document submitted by the Owner after completion of Façade Improvements, which details costs incurred, by Line Item, and provides proof of legitimacy that the costs comply with the Eligible Costs.

**“Line Item”** shall mean an entry in an Invoice which contains the complete costs,

including materials and labor, associated with the completion of a certain construction task as part of proposed or approved Façade Improvements.

“**Owner**” shall have the meaning set forth in the introductory paragraphs of this Agreement.

“**Premises**” shall have the meaning set forth in the introductory paragraphs of this Agreement.

“**Private Fire Suppression Improvements**” shall mean a commercial fire suppression sprinkler system, as shown generally in Attachment D. Detailed plans and specifications for the Private Fire Suppression Improvements shall be available during business hours in the Fire Marshal’s Office, located in Lewisville City Hall.

“**Private Fire Suppression Improvements Grant**” shall have the meaning set forth in Article IV of this Agreement.

“**Proof of Payment**” shall mean adequate documentation to demonstrate that expenses being reimbursed have been paid for by the Owner prior to reimbursement. Such documentation could be copies of returned checks, credit card or bank statements, or contractor invoices signed and dated by both the Owner and the contractor.

### **ARTICLE III FAÇADE IMPROVEMENTS AND GRANT**

3.1 Commencement. As soon as practical but within one hundred eighty (180) days after permitting from the City, the Owner will commence the Façade Improvements.

3.2 Conditions.

3.2.1 Completion. Within twelve months of receiving permitting from the City, the Owner shall complete construction of the Façade Improvements in compliance with the Owner’s economic development application and as shown in the submitted elevations (Attachment B). If the Owner wishes to request additional time to complete the Façade Improvements, a written request for extension must be made to the City via the Office of Economic Development prior to the expiration of the twelve-month window. In the event of Force Majeure or if in the reasonable opinion of the City, the Owner has made substantial progress toward completion of the Façade Improvements, additional time may be granted in the City’s sole discretion.

3.2.2 Compliance with this Agreement. The Owner to diligently and faithfully, in a good workmanlike manner, complete the Façade Improvements to the Premises in accordance with all applicable state and local laws and regulations or a valid waiver thereof within the term of this Agreement. Construction of the Façade Improvements shall be substantially in accordance with the attached Attachment B and shall be subject to Design Approval and the Development Process in accordance with the City's codes and ordinances. Any substantial deviation from approved designs or prescribed development regulations shall require a valid waiver thereof and an amendment to this Agreement subject to approval by the City Council.

3.3 Façade Grant. Subject to the terms and conditions of this Agreement, the City shall provide to the Owner a grant in an amount equal to the Eligible Costs associated for the Façade Improvements, not to exceed \$57,000.00 ("Façade Grant").

3.4 Payment of Façade Grant. Payment of the Façade Grant shall be made upon successful completion of the corresponding work for the Façade Improvements, as agreed upon and outlined in this Agreement. All payment requests shall be made no later than forty-five (45) days after the project completion date of the Façade Improvements. The City reserves the right to inspect the Façade Improvements prior to the disbursement of the Façade Grant to determine if the Façade Improvements have been completed in accordance with this Agreement and prescribed development regulations. Inspection shall be made by the City within fifteen days of request for payment by Owner or inspection is waived. Payment shall be made by the City within thirty (30) days after Owner submits all invoices for the work done with Proof of Payment which is deemed acceptable by the Office of Economic Development for total costs of Façade Improvements. No payments shall be made for any Invoice or Proof of Payment dated prior to the Effective Date of this Agreement. At the time payment is requested, Owner shall submit a signed certification statement (Attachment C) with copies of all building permits and inspection documentation.

#### **ARTICLE IV PRIVATE FIRE SUPPRESSION IMPROVEMENTS AND GRANT**

4.1 Construction. The construction of the Private Fire Suppression Improvements on the Premises shall be in accordance with the designs and specifications included in Attachment

D. The designs and specifications may be amended, but must be approved, in writing, by the Owner and the City.

4.1.1 The City shall have twenty-four months from the Effective Date to install the Private Fire Suppression Improvements. If the City fails to complete the Private Fire Suppression Improvements during this period and the delay has not been caused by the Owner, this Agreement will be terminated, and all costs of restoring the Owner's building to its original condition will be paid by the City.

4.1.2 The City will, insofar as reasonably practicable, restore the Premises to its condition prior to the construction of the Private Fire Suppression Improvements and shall be responsible for any damage caused by the City to the Owner's building and the Owner's personal property during construction of the Private Fire Suppression Improvements.

#### 4.2 Conditions.

##### 4.2.1 Right of Entry.

4.2.1.1 The Owner shall allow the City and its contractor(s) access to the Premises after 5:30 pm on weekdays or on weekends for purposes of design, installation and inspection of the Private Fire Suppression Improvements.

4.2.1.2 For entry not due to an emergency, the City must give the Owner reasonable prior telephone or written notice of any such entrance onto the Premises, and a representative of the Owner shall have the right to accompany the agent or employee of the City who is accessing the Premises.

4.2.2 Maintenance and Compliance. The Owner shall be solely responsible for the maintenance of the Private Fire Suppression Improvements. At the time of installation, the City shall ensure that the Private Fire Suppression Improvements conform with all ordinances, statutes, rules, orders and regulations of any authorized authority of the federal, state or city government, including but not limited to, the International Fire Code and permits required therein. If it is later determined that the Private Fire Suppression Improvements did not meet these legal requirements at the time of installation, the City will be responsible for any upgrade or repair to meet or exceed said requirements. Except as otherwise provided herein, after installation, the Owner shall ensure that the Private Fire Suppression Improvements conform with all

ordinances, statutes, rules, orders and regulations of any authorized authority of the federal, state or city government, including but not limited to, the International Fire Code and permits required therein.

4.2.3 Inspection. The annual inspection of the Private Fire Suppression Improvements shall be coordinated and paid for by the City. Any repairs or other work required on the Private Fire Suppression Improvements as a result of the annual inspection shall be the responsibility of the Owner.

4.3 Private Fire Suppression Improvements Grant. The City shall, at its own expense, install, or cause to be installed, the Private Fire Suppression Improvements on the Premises as shown in Attachment D. At the time of completion of the Private Fire Suppression Improvements, the Private Fire Suppression Improvements, as shown in Attachment D, shall become the property of the Owner ("Private Fire Suppression Improvements Grant").

4.4 Termination of Installation. The City may, at its sole discretion, terminate the installation of the Private Fire Suppression Improvements before the start of construction of said Private Fire Suppression Improvements. In such case, all duties of both parties outlined in this Article shall be immediately extinguished. Termination of this Article shall not affect the remainder of the Agreement.

## **ARTICLE V TERMINATION**

- 5.1 This Agreement may be terminated upon any one of the following:
- 5.1.1 By written agreement of the Parties;
  - 5.1.2 Expiration of the Term;
  - 5.1.3 By either party 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, unless another cure period is specified; or
  - 5.1.4 As otherwise stated within this Agreement.

**ARTICLE VI  
MISCELLANEOUS**

6.1 The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. If the Premises is leased, the Owner has the responsibility to ensure that the lessee understands that the lessee is bound by all terms and conditions of this Agreement.

6.2 It is understood and agreed between the parties that the parties, in performing their obligations hereunder, are acting independently, and neither party assumes responsibility or liabilities in connection therewith to third parties.

6.3 The City shall not be obligated to pay any commercial bank, lender or similar institution for any loan or credit agreement made by the Owner. None of the City's obligations with respect to the Façade or Private Fire Suppression Improvements Grants under this Agreement shall be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution.

6.4 The Owner represents and warrants that the Premises does not include any property that is owned by a member of the City Council having responsibility for the approval of this Agreement.

6.5 Notices required to be given to any party to this Agreement shall be given personally or by certified mail, return receipt requested, postage prepaid, addressed to the party at its address as set forth below, and, if given by mail, shall be deemed delivered 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  
Lewisville, Texas 75057

For Owner by notice to:  
John & Magda Haugen  
101 W. Main Street  
Lewisville, Texas 75057

Any party may change the address to which notices are to be sent by giving the other parties written notice in the manner provided in this paragraph. It shall be the responsibility of the

Owner to notify the City in writing of a change of address.

6.6 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.

6.7 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.

6.8 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.

6.9 This Agreement may be modified or rescinded only by a written instrument signed by both of the parties or their duly authorized agents.

6.10 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.

6.11 Venue for any litigation arising from this Agreement shall lie in Denton County, Texas.

**6.12 THE OWNER 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 THE OWNER'S BREACH OF ANY OF THESE TERMS AND CONDITIONS OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT OR OMISSION OR INTENTIONAL TORT OF THE OWNER, ITS OFFICERS, AGENTS, EMPLOYEES OR CONTRACTORS, IN THE PERFORMANCE OF THIS AGREEMENT; EXCEPT THAT THE INDEMNITY PROVIDED FOR IN THE 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 OWNER**

**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 OWNER'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.**

**6.13. TO THE EXTENT ALLOWED BY LAW, THE CITY AGREES TO DEFEND, INDEMNIFY AND HOLD THE OWNER 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 THE CITY'S BREACH OF ANY OF THESE TERMS AND CONDITIONS OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT OR OMISSION OR INTENTIONAL TORT OF THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES OR CONTRACTORS, IN THE PERFORMANCE OF THIS AGREEMENT; EXCEPT THAT THE INDEMNITY PROVIDED FOR IN THE PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR FAULT OF THE OWNER, ITS OFFICERS, AGENTS, EMPLOYEES OR CONTRACTORS, AND IN THE EVENT OF JOINT AND CONCURRING NEGLIGENCE OR FAULT OF THE OWNER 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 OWNER'S REASONABLE ATTORNEY'S FEES SHALL BE REIMBURSED IN PROPORTION TO THE CITY'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.**

6.14. This Agreement was authorized by action of the City Council, authorizing the City Manager to execute the Agreement on behalf of the City.

DATED this the \_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF LEWISVILLE, TEXAS**

**JOHN & MAGDA HAUGEN**

\_\_\_\_\_  
Donna Barron, City Manager

\_\_\_\_\_  
John Haugen, Owner

**ATTEST:**

\_\_\_\_\_  
Magda Haugen, Owner

\_\_\_\_\_  
Julie Worster, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, City Attorney

**Attachment A**  
**Legal Description**

**EXHIBIT "A"**

**BEING** a 0.093 acre tract of land situated in the J. W. King Survey, Abstract No. 696, in the City of Lewisville, Denton County, Texas, and being a part of Block 6 of the Original Town of Lewisville, an addition to the City of Lewisville, Denton County, Texas, according to the Plat thereof recorded in Volume 75, Page 158 of the Deed Records of Denton County, Texas, and being a part of that certain tract of land described by deed to 101 W Main Street, Ltd., a Texas limited partnership, as recorded in Document No. 2007-61196, of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

**BEGINNING** at a northeast building corner for the northeast corner of the herein described tract, same being the southeast corner of that certain tract of land described by deed to the City of Lewisville, as recorded in Document No. 2012-142656, R.P.R.D.C.T., same being in the east line of said 101 W Main Street, Ltd. tract and Block 6, and being in the west line of N. Mill Street (a variable width right-of-way);

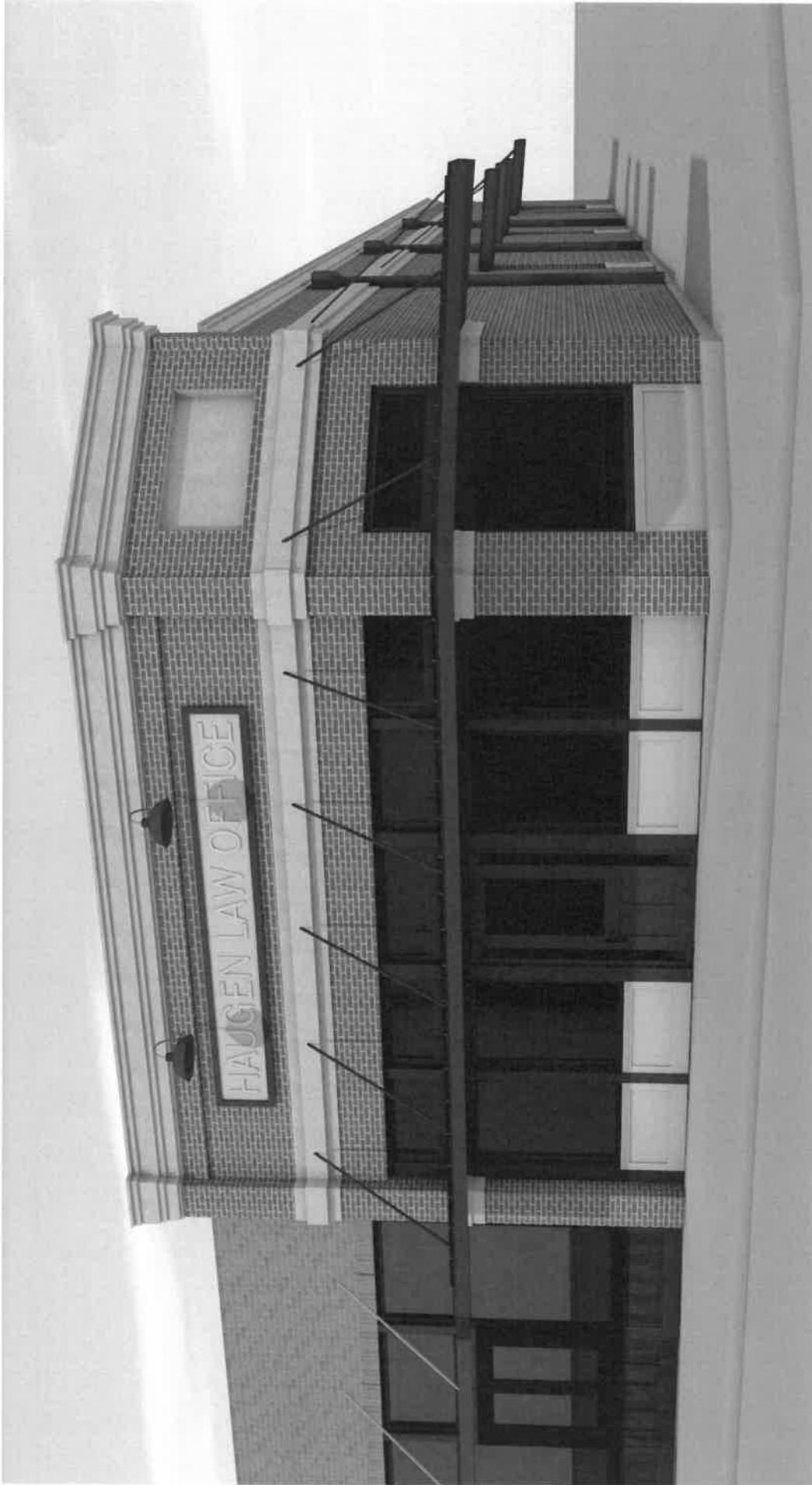
**THENCE** South 00 degrees 22 minutes 10 seconds West, with the west line of said N. Mill Street, a distance of 120.43 feet to an "X" set in concrete for corner, same being in the north line of W. Main Street (a variable width right-of-way);

**THENCE** South 90 degrees 00 minutes 00 seconds West, with the north line of said W. Main Street, a distance of 33.65 feet to a distinct building seam for corner, same being the southeast corner of that certain tract of land described by deed to William Peck, as recorded in Volume 5098, Page 2334, R.P.R.D.C.T.;

**THENCE** North 00 degrees 22 minutes 10 seconds East, with the east line of said Peck tract, a distance of 120.43 feet to a point in the north face of the building wall for corner, and being in the south line of said City of Lewisville tract;

**THENCE** North 90 degrees 00 minutes 00 seconds East, with the south line of said City of Lewisville tract, a distance of 33.65 feet to the **POINT OF BEGINNING** and containing a total of 0.093 acres of land, more or less, and being subject to any and all easements that may affect.

**Attachment B**  
**Elevations**

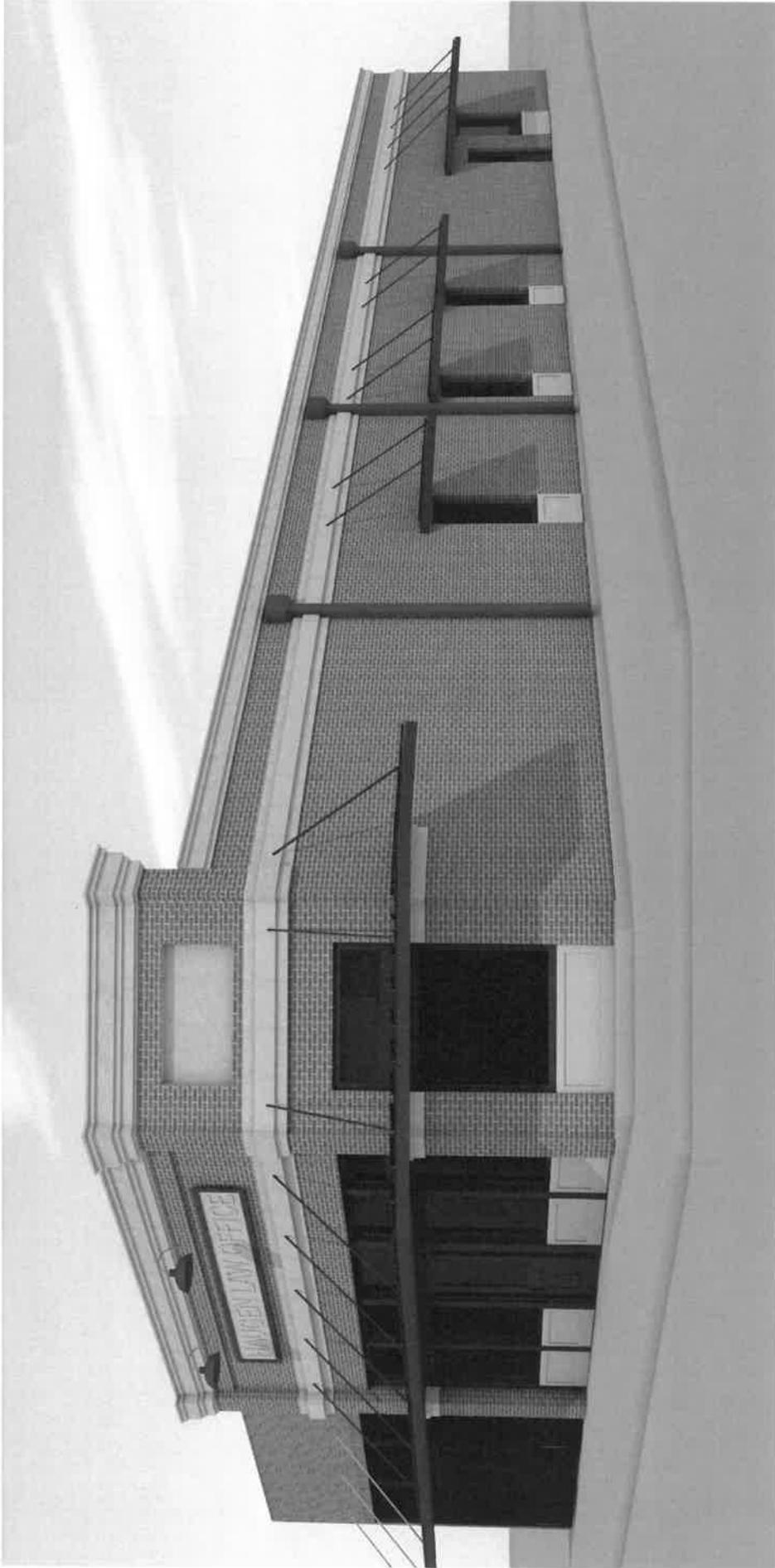


**WILLIAM PECK &  
ASSOCIATES INC.  
ARCHITECTS**  
Lewisville, Tx (972) 221-1424

**HAUGEN LAW OFFICE**  
101 W MAIN ST., LEWISVILLE, TX

DATE : 2018/02/16

These plans are intended to provide the basic construction information necessary to substantially complete this structure. These construction documents must be verified and checked by the builder or person in authority of the project prior to construction. If any, are to be changed, it is the responsibility of the contractor to obtain the approval of the Designer prior to any construction. No liability shall be assumed by the Designer for any construction not shown on these plans. The Designer is not responsible for the accuracy of the information provided in these construction documents. The Designer is not responsible for the accuracy of the information provided in these construction documents. NOTE: All Federal, state, and Local codes, ordinances, and restrictions take precedence over any part of these construction documents which may conflict with same, and must be strictly obeyed and followed before and during construction. THESE CONSTRUCTION DOCUMENTS AND THEIR USE ARE THE PROPERTY OF WILLIAM PECK & ASSOCIATES, INC. AND ARE NOT TO BE TRACED, REPRODUCED OR REPRODUCED IN ANY WAY BY ANY MEANS, WITHOUT THE EXPRESSED WRITTEN PERMISSION OF WILLIAM PECK & ASSOCIATES, INC. ALL RIGHTS RESERVED



**WILLIAM PECK &  
ASSOCIATES INC.  
ARCHITECTS**  
Lewisville, Tx (972) 221-1424

**HAUGEN LAW OFFICE**  
101 W MAIN ST., LEWISVILLE, TX  
DATE : 2018/02/16

These plans are intended to provide the basic construction information necessary to substantially complete this structure. These construction documents must be verified and checked by the builder or person in authority of this project. Any discrepancy, error, or omission, if any, are to be brought to the attention of the Designer immediately upon discovery. The Designer is not responsible for the accuracy of the information provided in these complete engineering services for foundation, HVAC, and structural, prior to construction of any kind. NOTE: All Federal, state, and Local codes, ordinances, and restrictions take precedence over any part of these construction documents which may conflict with same, and must be strictly obeyed and followed before and during construction.  
THESE CONSTRUCTION DOCUMENTS AND THEIR USE ARE THE PROPERTY OF WILLIAM PECK & ASSOCIATES, INC. NO PART OF THESE DOCUMENTS ARE TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE EXPRESSED WRITTEN PERMISSION OF WILLIAM PECK & ASSOCIATES, INC.. ALL RIGHTS RESERVED



**Attachment C**  
**Certification Statement**

Attachment "C"

**CITY OF LEWISVILLE  
OFFICE OF ECONOMIC DEVELOPMENT  
PAYMENT CERTIFICATION STATEMENT**

I, \_\_\_\_\_, as Owner of the property at \_\_\_\_\_ and party to the Economic Development Agreement set forth between the City of Lewisville and \_\_\_\_\_, do certify that the attached approved charges for reimbursement were incurred solely for the purposes of renovations in accordance with the attached Agreement and that the charges are true and correct to the best of my knowledge.

Signed:

\_\_\_\_\_

Owner-Name

\_\_\_\_\_

Date:

\_\_\_\_\_

Contact Information:

Phone:

Address:

**Attachment D**

**Private Fire Suppression Improvements**



## MEMORANDUM

**TO:** Donna Baron, City Manager

**FROM:** George Babineaux II, Assistant Building Official

**VIA:** Wayne K. Snell Jr., Director of Neighborhood & Inspection Services

**DATE:** May 17, 2018

**SUBJECT:** **Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses, Regarding a Temporary Sales and Marketing Trailer at 1424 Lake Falls Terrace. Part of Lakewood Hills West Addition, a Single Family Detached Development Located South of Windhaven Parkway West of Josey Lane, as Requested by Jason Oates, Representing Beazer Homes, The Property Owner.**

### BACKGROUND

Beazer Homes is currently developing a 133-unit Single Family Detached Residential project on a 44.860-acre property zoned PUD, located south of Windhaven Parkway west of Josey Lane within Lakewood Hills West Phase I. There are five phases of Lakewood Hills consisting of 540 planned residential lots. The final plat was filed (11/13/15) for construction of Lakewood Hills West Phase I. The expectation is for the model home to begin construction in early August 2018. A variance is being requested to place a temporary sales and marketing trailer on their site for the purpose of pre-sales before the model home is completed. The City of Lewisville building code does not allow portable buildings to be placed in the City for the purposes of sales offices of this type.

#### a.) To allow a temporary sales and marketing trailer

The zoning ordinance of the City of Lewisville allows for a sales office to be temporarily placed on a developed property for a period of two years. However, the City of Lewisville building codes do not allow portable buildings or trailers for use as a sales office. The developer is requesting City Council to allow the use of a modular sales office with skirting, and permanent type landscaping. The request is for a 12 months period from permit issuance or until the issuance of a Certificate of Occupancy of the Lakewood Hills West Addition model home located at 3248 Lakewood Hills Drive. The overall aesthetics would be to create a permanent appearance that would include a concrete walkway with a ADA ramp. For these reasons, Staff is in support of this variance.

Past similar requests approved by Lewisville City Council include:

- Lakewood Hills West (Lennar Homes) - August 2017
- Willowbrook Addition - August 2017

- Lakewood Hills West - January 2017
- Kings Grant - April 2, 2012
- Portrait Homes - January 8, 2008
- Lynn Square - July 10, 2006
- Evergreen at Lewisville - June 6, 2005

### **RECOMMENDATION**

It is City staff's recommendation that the City Council approve the variance as set forth in the above caption not to exceed twelve (12) months or until the issuance of a Certificate of Occupancy for the model home, whichever occurs first.



Dallas Division  
1750 Valley View Lane #200  
Dallas, TX 75234  
Office 972.250.5500  
[beazer.com](http://beazer.com)

5/2/2018

George Babineaux  
Assistant Building Official  
City of Lewisville  
151 West Church Street  
Lewisville, Texas 75057-9002

Subject: Lakewood Hills West Addition/Block J /Lot 23 – 1424 Lake Falls Terrace.  
Variance request – Temporary sales trailer

George,

Please accept this letter as a variance request for a temporary sales trailer to be placed at Lakewood Hills West Addition, Block J, Lot 23, 1424 Lake Falls Terrace. The temporary sales trailer will be required for a limited time not to exceed March 31, 2019 or until construction is completed on the model home at Lakewood Hills West, Block S, Lot 97, 3248 Lakewood Hills Drive.

The proposed sales trailer will have an exposed aggregate walk, wood ramp, deck and skirting. It will also include landscape beds with shrubbery as indicated on the plot plan. Please refer to the photo attachments for a depiction of the above components.

Respectfully,

A handwritten signature in blue ink, appearing to read "Mike Sander".

Mike Sander

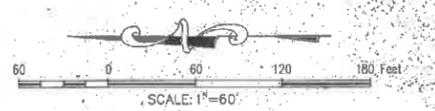
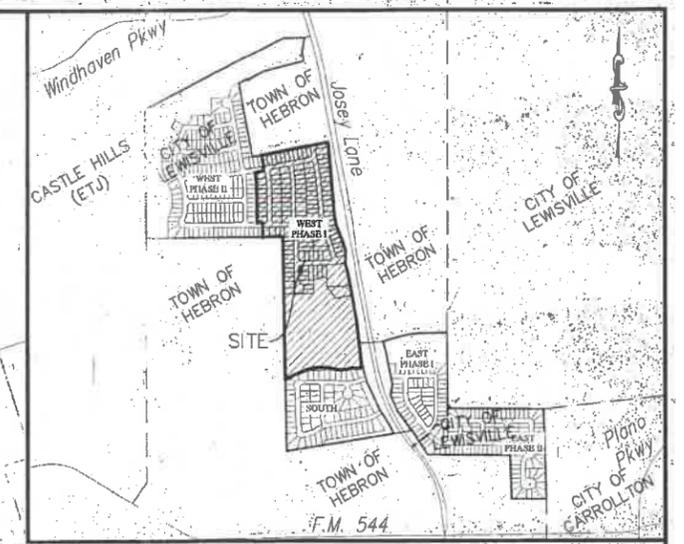
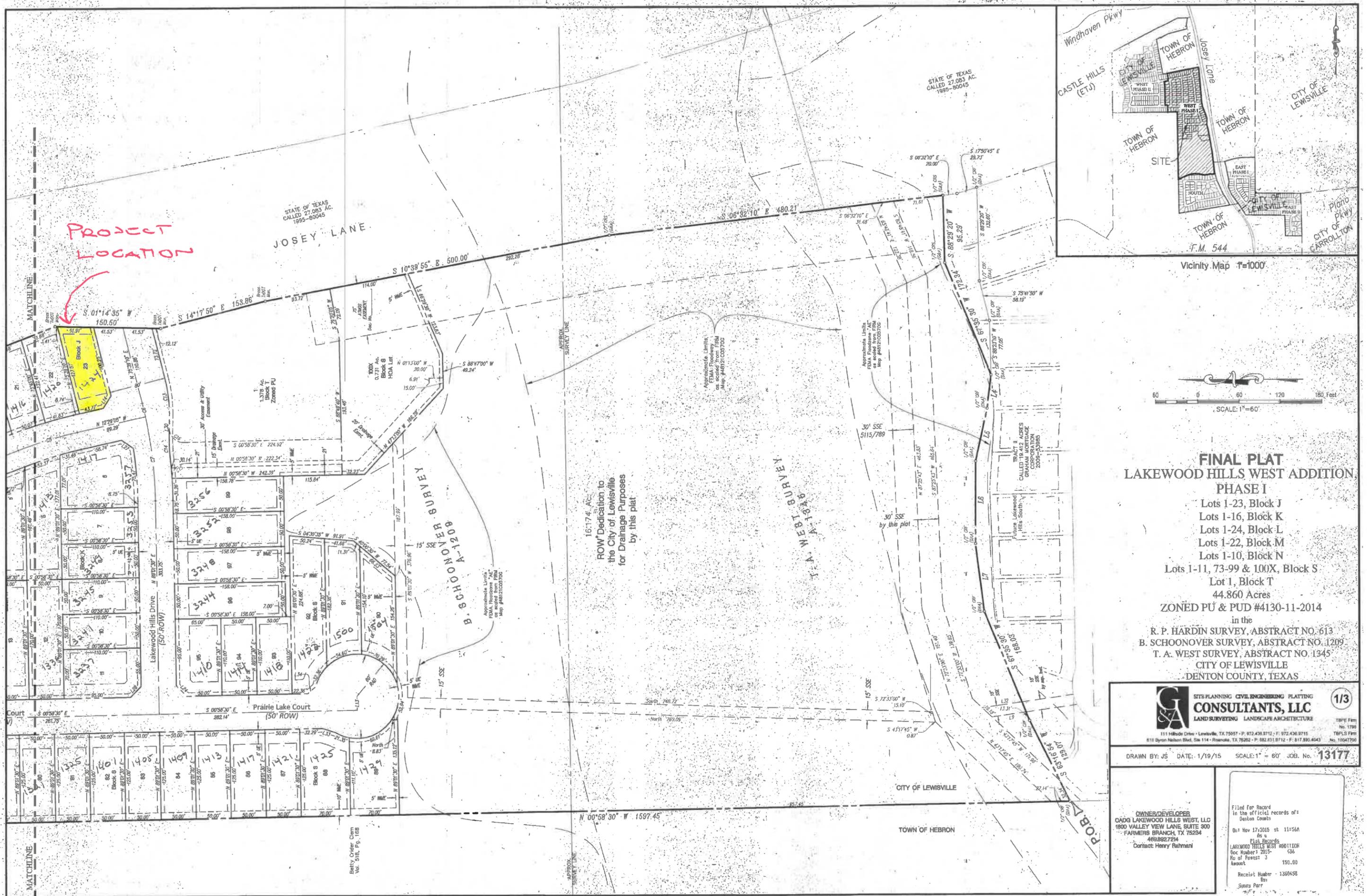
VP. Of Sales, Beazer Homes

817-822-7458

[Jason.oates@beazer.com](mailto:Jason.oates@beazer.com)

[Mike.sander@beazer.com](mailto:Mike.sander@beazer.com)

[Jamie.allen@beazer.com](mailto:Jamie.allen@beazer.com)

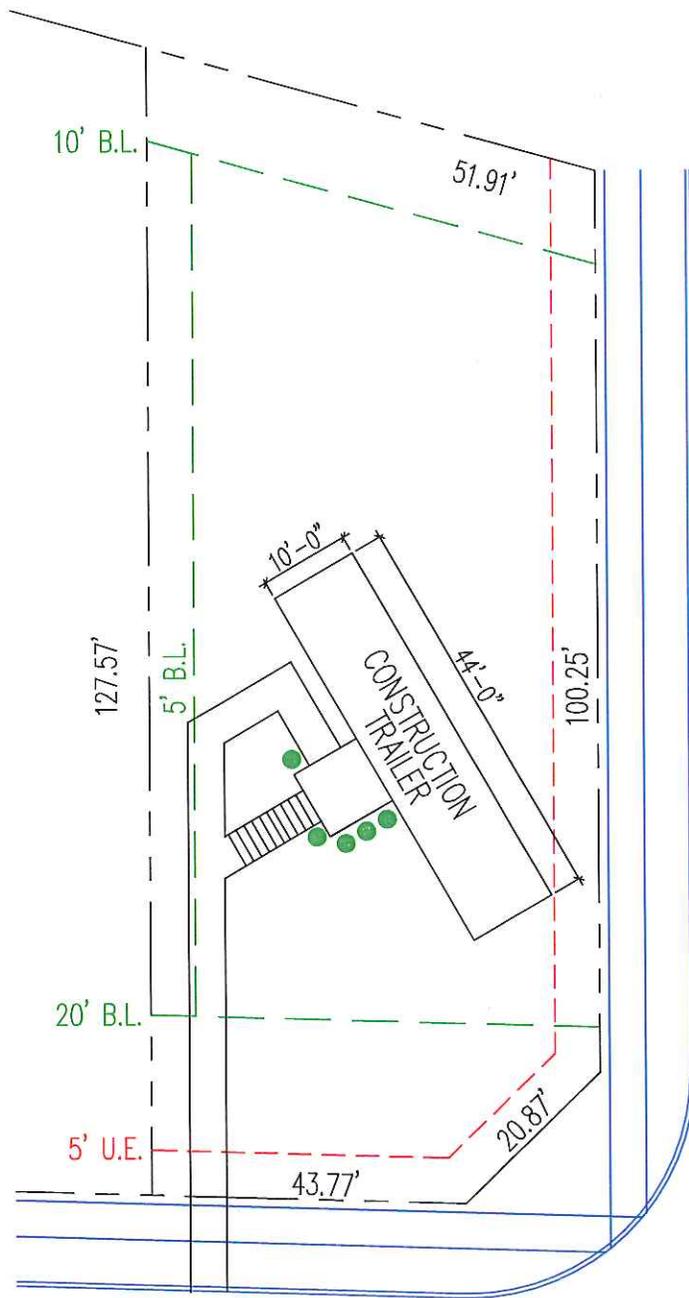


**FINAL PLAT**  
**LAKWOOD HILLS WEST ADDITION**  
**PHASE I**  
 Lots 1-23, Block J  
 Lots 1-16, Block K  
 Lots 1-24, Block L  
 Lots 1-22, Block M  
 Lots 1-10, Block N  
 Lots 1-11, 73-99 & 100X, Block S  
 Lot 1, Block T  
 44.860 Acres  
 ZONED PU & PUD #4130-11-2014  
 in the  
 R. P. HARDIN SURVEY, ABSTRACT NO. 613  
 B. SCHOONOVER SURVEY, ABSTRACT NO. 1209  
 T. A. WEST SURVEY, ABSTRACT NO. 1345  
 CITY OF LEWISVILLE  
 DENTON COUNTY, TEXAS

	SITE PLANNING CIVIL ENGINEERING PLATTING <b>CONSULTANTS, LLC</b> LAND SURVEYING LANDSCAPE ARCHITECTURE	<b>1/3</b> <small>TYPE Form No. 1398 T&amp;E Form No. 10047700</small>
	<small>111 Hillside Drive • Lewisville, TX 75057 • P: 972.438.8712 • F: 972.438.8715          6111 Byron Nelson Blvd, Ste 114 • Rowlett, TX 75082 • P: 982.831.9712 • F: 817.895.4043</small>	
DRAWN BY: JS    DATE: 1/19/15    SCALE: 1" = 60'    JOB. No. <b>13177</b>		

<b>OWNER/DEVELOPER</b> CADG LAKWOOD HILLS WEST, LLC 1800 VALLEY VIEW LANE, SUITE 300 FARMERS BRANCH, TX 75234 469.892.7214 Contact: Henry Rahmani	Filed for Record in the official records of Denton County On: Nov 17, 2015 at 11:56A as a Plat Records LAKEWOOD HILLS WEST ADDITION Doc Number: 2015-636 No of Pages: 3    150.00 Amount Receipt Number: 1369498 Stamp Part
--	--

This plat was prepared by S&A Consultants, LLC, a civil engineering and land surveying firm, on 1/19/15 at 11:56 AM. The plat was prepared by Henry Rahmani, a Professional Land Surveyor, License No. 10047700.



LOT SIZE XXXX'  
 HOUSE AREA XXXX'  
 COVERAGE: XXX %  
 FRONT SOD XXX SQ. YD.  
 BACK SOD XXX SQ. YD.  
 FENCE LINE XXX

DRIVEWAY TO CITYWALK XXX'  
 APPROACH FROM CITYWALK XXX'  
 LEAD WALK XX'

CITY WALK XXX'  
 A/C PAD 18'  
 PATIO: SEE PLANS

1424 LAKE FALLS TERRACE  
 LOT 23 BLOCK J

LEGEND	
B.L.	- BUILDING LINE
U.E.	- UTILITY EASEMENT
F.F.	- FINISH FLOOR
F.P.	- FINISH PAD
F.	- FINISH ELEVATION
T.C.	- TOP OF CURB
—x—x—	- FENCE

SCALE: 1" = 20'

BUILDER: BEAZER HOMES	PLAN: SALES TRAILER
ADDITION: LAKEWOOD HILLS WEST PHASE 1	
ADDRESS: 1424 LAKE FALLS TERRACE	DRAWN BY: TAM
LOT: 23 BLOCK: J	DATE: 03/13/2018
CITY: LEWISVILLE	



NOTE: ARCHITECTURAL PLANS TAKES PRECEDENCE OVER ALL DRAWINGS, ALL FINAL DECISIONS REFER TO PLANS PROVIDED BY BEAZER ARCHITECTURAL DEPARTMENT. PLOT PLAN IS APPROXIMATE PLACEMENT ONLY. BUILDER CAN VARY DUE TO ACTUAL BUILDING CONDITIONS. BUILDER IS FULLY RESPONSIBLE FOR ADHERING TO ANY AND ALL BUILDING LINES OR EASEMENTS OF RECORD OR THAT MAY NOT BE NOTED ON THE RECORDED PLAT. BUILDER TO CONFIRM THAT THIS LAYOUT HAS NO CONFLICTS WITH INLETS OR UTILITY SERVICES. FINAL SURVEY WILL SHOW PLACEMENT OF HOUSE.



1216

HOME CALL  
HOURS



SCALE: 1"= 400'

WINDHAVEN PKWY

Castle Hills (ETJ)

Town of Hebron  
City of Lewisville

LAKWOOD BLUFFS TRAIL

LAKE FALLS TERRACE

JOSEY LN

City of Lewisville  
Town of Hebron

LAKWOOD HILLS

PROJECT LOCATION

VARIANCE REQUEST  
FOR  
1424 LAKE FALLS TERRACE  
LAKWOOD HILLS WEST  
BEAZER HOMES SALES AND  
MARKETING TRAILER



SCALE: 1"= 400'

WINDHAVEN PKWY.

Castle Hills (ETJ)

Town of Hebron  
City of Lewisville

LAKWOOD BLUFFS TRAIL

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LAKWOOD HILLS

PROJECT LOCATION

VARIANCE REQUEST  
FOR  
1424 LAKE FALLS TERRACE  
LAKWOOD HILLS WEST  
BEAZER HOMES SALES AND  
MARKETING TRAILER

## MEMORANDUM

**TO:** Donna Baron, City Manager

**FROM:** Wayne K. Snell Jr., Director of Neighborhood & Inspection Services

**DATE:** May 22, 2018

**SUBJECT:** **Consideration of an Ordinance Amending the Lewisville City Code, Chapter 4, Repealing and Replacing Article VII, Substandard Buildings.**

### BACKGROUND

The City of Lewisville already has a substandard structure ordinance; however, it is difficult to enforce and does not clearly address all structure types. With the appropriate substandard process and standards in place, we can effectively address dilapidated and dangerous structures within our city and reach ideal outcomes in a timely fashion. At the May 21, 2018 City Council workshop, staff briefed City Council on various code changes that would help with enforcement. This proposed ordinance reflects the direction given by City Council.

### ANALYSIS

The proposed ordinance makes improvements to our current substandard process by: (1) creating more objective standards; (2) clarifying that the ordinance applies also to commercial properties; and (3) providing greater organization to make the ordinance easier to read, understand, and enforce.

Under the proposed ordinance, the city council can find that a structure is substandard if any of the following conditions or defects exist to the extent that the structure is dilapidated, substandard, or unfit for human habitation and constitutes a hazard to the public health, safety, and welfare:

- (a) The structure has been damaged by fire, earthquake, tornado, wind, flood, vandals or any other cause, to such an extent that the structural strength or stability thereof is subject to partially or fully collapsing.
- (b) The structure was constructed or is being maintained in violation of any provision of the city's Building Codes, Fire Code or any other applicable ordinance or law of the city, county, state, or federal government.
- (c) Any wall or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third (1/3) of its base.
- (d) The foundation of the structure or the vertical or horizontal supporting members are twenty-five (25) percent or more damaged or deteriorated.
- (e) The total area of nonsupporting coverings of walls, ceilings, roofs, and floors throughout the structure is fifty (50) percent or more damaged or deteriorated.

- (f) The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used.
- (g) The structure or any part thereof has been damaged by fire, water, earthquake, wind, tornado, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare.
- (h) A portion of a structure remains on a site when construction or demolition work is abandoned.
- (i) A door, aisle, passageway, stairway, fire escape or other means of egress is not of sufficient width or size, or is damaged, dilapidated, obstructed or otherwise unusable, or so arranged so as not to provide safe and adequate means of egress in case of fire or panic.
- (j) The structure, because of its condition, is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the city's citizens including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects reasonably calculated to spread disease.
- (k) The structure has been found to contain molds which are known to be harmful to humans, and the city council finds that the cost of remediation of such mold contamination would exceed fifty (50) percent of the appraised value of the structure.
- (l) Whenever the structure has been so damaged by fire, wind, tornado, earthquake or flood, or has become so dilapidated or deteriorated as to:
  - (1) become an attractive nuisance to children;
  - (2) become a harbor for vagrants, criminals or trespassers; or
  - (3) as to enable persons to resort thereto for the purpose of committing unlawful acts.
- (m) A portion of the structure or member or appurtenance thereof (e.g. porch, chimney, signs) is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (n) The structure has any portion, member, appurtenance, or ornamentation on the exterior thereof which is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of safely resisting wind pressure, snow, ice, or other loads.
- (o) The electrical system is totally or partially damaged, destroyed, removed or otherwise made inoperable, unsafe or hazardous.
- (p) The plumbing system is totally or partially damaged, destroyed, removed or

otherwise made inoperable or unsanitary.

- (q) The mechanical system or any portion of the mechanical system is totally or partially damaged, destroyed, removed or otherwise made inoperable or unsafe.

The proposed ordinance also clarifies the substandard determination process. Under the ordinance, if the building official determines a structure is substandard, the property owner will be provided with (1) the required notices; (2) a hearing before the city council, (3) the opportunity to abate the structure, and (4) the right to appeal the City Council's determination. If the property owner does not abate the structure or successfully appeal the decision, the City would then have the right to demolish the structure and lien the property.

### **RECOMMENDATION**

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS, BY REPEALING AND REPLACING ARTICLE VII, SUBSTANDARD BUILDINGS, IN ITS ENTIRETY; PROVIDING FOR A REPEALER; PROVIDING FOR A REPEALER, SEVERABILITY, AND A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Lewisville City Council has determined that for the health, welfare, and safety of its citizens, certain amendments to the Lewisville City Code, Chapter 4, are necessary.

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

**SECTION 1.** Chapter 4, Article VII is hereby repealed in its entirety, and in its place the attached Article VII is inserted, as illustrated in Exhibit “A.”

**SECTION 2. REPEALER.** Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION 3. 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 4. PENALTY.** Any person, firm or corporation who violates any provisions of this ordinance shall be subject to a fine of not more than \$500.00 for each offense, unless the violation relates to fire safety, zoning or public health and sanitation in which case the fine shall not exceed \$2,000.00. Each continuing day’s violation shall constitute a separate offense.

**ORDINANCE NO.** \_\_\_\_\_

**SECTION 5. EFFECTIVE DATE.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**SECTION 6. 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 \_\_\_\_ DAY OF \_\_\_\_, 2018.**

**APPROVED:**

\_\_\_\_\_  
Rudy Durham, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Worster, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY

**ORDINANCE NO.** \_\_\_\_\_

Exhibit “A”

Chapter 4, Article VII

Substandard Structures

**Article VII. Substandard Structures**

**Sec. 4-241. Purpose.**

The purpose of this article is to promote the public health, safety, and general welfare within the city by requiring the repair, removal, and/or demolition of substandard structures in order to protect property values and prevent bodily injury, death, and property damage within the city limits.

**Sec. 4-242. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appraised value* means the value given to the structure by the applicable county’s tax assessor’s office.

*Building Codes* means the International Building Code, International Residential Code, National Electrical Code, International Plumbing Code, and International Mechanical Code, as adopted with amendments in Article II of this chapter.

*Demolish* means to tear down, destroy, dismantle, or otherwise abolish the existence of a structure in a lawful manner and to remove all remaining pieces, parts, rubbish, and traces of the structure.

*Diligent effort* means to attempt to determine the identity and address of an owner, a lien holder, or a mortgagee by performing a search of the following records:

- (a) county real property records of the county in which the structure is located;
- (b) appraisal district records of the appraisal district in which the structure is located;
- (c) records of the secretary of state;
- (d) assumed name records of the county in which the structure is located;

- (e) tax records of the city, if any; and
- (f) city utility records.

*Fire Code* means the International Fire Code, as adopted with amendments in Chapter 5, Article III of this code.

*Owner* means any person, agent, firm or corporation, named in the real property records of the county where the structure is located as owning the property.

*Structure* means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, or any part thereof, including a wall, slab, portion, foundation, or the collapsed remains of a structure or any other portion of a building, wall, or fence that was erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

**Sec. 4-243. Minimum standards and substandard declaration.**

- (a) All structures within the city shall comply with the Building Codes and the Fire Code.
- (b) If the city council declares that a structure is a substandard structure under this article, such structure shall automatically be deemed to be a danger to the public health and welfare, a public nuisance, and in violation of this article.
- (c) Compliance is required with any orders issued by the city council relating to the repair, removal, or demolition of a substandard structure.

**Sec. 4-244. Inspections.**

Whenever it is necessary to make an inspection to enforce any of the provisions of this article, or whenever the Building Official has reasonable cause to believe that there exists in any structure or upon any premises any condition or violation of this article which makes such structure or premises unsafe, dangerous or hazardous, the Building Official may enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this article, provided that if such structure or premises be occupied, he shall first present proper credentials and request entry. If such structure or premises is unoccupied, he shall first make a diligent effort to locate the owner or other persons having charge or control of the structure or premises and request entry. If such entry is refused, or the owner or person in control is not identified or located, the Building Official shall have recourse to every remedy provided by law to secure entry.

**Sec. 4-245. Notice of Violation.**

- (a) Whenever the Building Official has inspected any structure and believes that such structure is substandard due to violations of this article, he shall prepare a written report of such inspection, giving a general description of the structure in question, a description of the land on which it is located and street address, a description of the violations of this article observed therein, and stating his opinion as to whether such structure should be ordered to be vacated, repaired, removed, or demolished, as provided for herein.
  
- (b) Upon completion of the written report, the Building Official shall schedule a public hearing for the city council to determine whether the structure should be declared a substandard structure and whether the structure must be vacated, repaired, removed, or demolished, or any occupants relocated.
  
- (c) A notice of the public hearing shall be sent to the occupant, if any, and all owners, lienholders or mortgagees. The notice of hearing shall contain:
  - (1) The name and address of the owner of the affected property, if that information can be determined;
  
  - (2) The names of all persons to whom notice is being served;
  
  - (3) The street address and legal description of the affected property;
  
  - (4) The date of inspection;
  
  - (5) The nature of the violation(s);
  
  - (6) The date, time and location of the hearing, which shall be established not less than ten (10) days from the date of the mailing of the notice;
  
  - (7) A description of the hearing;

- (8) A statement advising that securing the required permits and physically commencing the work required to rectify the violations set forth in the Building Official's report shall be considered as an intent to comply with the Building Codes and Fire Code, and that the hearing may, at the sole discretion of the Building Official, be temporarily postponed upon the written request of the owner, lienholder or mortgagee with accompanying evidence of such permits and/or work, but should such compliance efforts halt, or not progress at a rate determined to be reasonable by the Building Official, the hearing shall be recalled and new notice sent in compliance with the requirements of this section; and
  
- (9) A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the city's Building Codes and Fire Code and the time it will take to reasonably perform the work.
  
- (d) Notice of the hearing shall be in writing and shall be delivered by personal delivery or by certified mail with return receipt requested, with a second copy sent by regular mail. Notice to the occupant of the property does not require the occupant's name. The city shall make a diligent effort to discover the identity and address of each owner, mortgagee, and lienholder before mailing or delivering notice of the hearing.
  
- (e) The notice of hearing shall be served to all unknown owners, lien holders, or mortgagees by posting a copy of the notice on the front door of each affected structure situated on the property or as close to the front door as practicable.
  
- (f) The notice of hearing shall also be filed in the Official Public Records of Real Property in the county in which the property is located.
  
- (g) When the notice of hearing is mailed in accordance with this section to a property owner, lienholder, mortgagee, or registered

agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

**Sec. 4-246. Substandard structure finding.**

The city council is authorized to find that a structure is a substandard structure if any of the following conditions or defects exist to the extent that the structure is dilapidated, substandard, or unfit for human habitation and constitutes a hazard to the public health, safety, and welfare:

- (a) The structure has been damaged by fire, earthquake, tornado, wind, flood, vandals or any other cause, to such an extent that the structural strength or stability thereof is subject to partially or fully collapsing.
- (b) The structure was constructed or is being maintained in violation of any provision of the city’s Building Codes, Fire Code or any other applicable ordinance or law of the city, county, state, or federal government.
- (c) Any wall or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third (1/3) of its base.
- (d) The foundation of the structure or the vertical or horizontal supporting members are twenty-five (25) percent or more damaged or deteriorated.
- (e) The total area of nonsupporting coverings of walls, ceilings, roofs, and floors throughout the structure is fifty (50) percent or more damaged or deteriorated.
- (f) The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used.
- (g) The structure or any part thereof has been damaged by fire, water, earthquake, wind, tornado, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare.
- (h) A portion of a structure remains on a site when construction or demolition work is abandoned.
- (i) A door, aisle, passageway, stairway, fire escape or other means of egress is not of sufficient width or size, or is damaged, dilapidated, obstructed or otherwise unusable, or so arranged so as

not to provide safe and adequate means of egress in case of fire or panic.

- (j) The structure, because of its condition, is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the city's citizens including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects reasonably calculated to spread disease.
- (k) The structure has been found to contain molds which are known to be harmful to humans, and the city council finds that the cost of remediation of such mold contamination would exceed fifty (50) percent of the appraised value of the structure.
- (l) Whenever the structure has been so damaged by fire, wind, tornado, earthquake or flood, or has become so dilapidated or deteriorated as to:
  - (1) become an attractive nuisance to children;
  - (2) become a harbor for vagrants, criminals or trespassers; or
  - (3) as to enable persons to resort thereto for the purpose of committing unlawful acts.
- (m) A portion of the structure or member or appurtenance thereof (e.g. porch, chimney, signs) is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (n) The structure has any portion, member, appurtenance, or ornamentation on the exterior thereof which is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of safely resisting wind pressure, snow, ice, or other loads.
- (o) The electrical system is totally or partially damaged, destroyed, removed or otherwise made inoperable, unsafe or hazardous.
- (p) The plumbing system is totally or partially damaged, destroyed, removed or otherwise made inoperable or unsanitary.
- (q) The mechanical system or any portion of the mechanical system is totally or partially damaged, destroyed, removed or otherwise

made inoperable or unsafe.

**Sec. 4-247. Public hearing.**

- (a) To determine if a structure is substandard, there shall be a public hearing before the city council.
- (b) In the public hearing to determine if a structure is a substandard structure under this article, the owner, lienholder, or mortgagee may testify or present witnesses or written information, and has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
- (c) If, at the public hearing, a structure is found to be a substandard structure, the city shall order the owner of the structure to, within thirty (30) days:
  - (1) secure the structure from unauthorized entry; or
  - (2) repair, remove, or demolish the structure, unless the owner, lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed in thirty (30) days.

The city council may also order that the occupants be relocated within a reasonable time, at the owner’s expense.

- (d) The order shall also specify an additional reasonable time, comprising at least thirty (30) days, for the ordered action(s) to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner. The city is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.
- (e) If the city council allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the structure, the city council shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the city council.

- (f) The city council shall not allow the owner, lienholder or mortgagee more than ninety (90) days to repair, remove, or demolish the structure or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
  - (1) submits a detailed plan and time scheduled for the work at the hearing; and
  - (2) proves at the hearing that the work cannot reasonably be completed within ninety (90) days.

If the city council allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required by the order, the city council shall require the owner, lienholder, or mortgagee to regularly submit work progress reports to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the city council to demonstrate compliance with the time schedules.

- (g) The following standards shall be followed by the city council in ordering the repair, vacation or demolition of any substandard structure:
  - (1) The structure shall be repaired in accordance with the current Building Codes and Fire Code or other current codes applicable to the type of substandard conditions requiring repair.
  - (2) If city council finds that the structure is in such a condition as to make it immediately dangerous to the health, safety and welfare of the occupants, it shall be ordered vacated and secured from unlawful entry, and the occupants relocated.
- (h) An order may not be reconsidered by the city council unless a written request for reconsideration is submitted to the city secretary within ten days of the order. The request for reconsideration will be entertained only if it includes substantial evidence, clearly documented, of changed circumstances sufficient to warrant a change of decision.

**Sec. 4-248. Notice of repair, removal, or demolition.**

- (a) After the hearing, the city shall promptly mail by certified mail with return receipt requested or delivery by the United States Postal Service using signature confirmation service, with a second copy by regular mail, or personally deliver a copy of the order to the owner and any lienholder or mortgagee of the structure.

The city shall make a diligent effort to determine the identity and address of any owner, lienholder, or mortgagee of the structure before mailing or delivering a copy of the order.

- (b) Within ten (10) days after the date that the order is issued, the city shall:
  - (1) File a copy of the order in the office of the city secretary; and
  - (2) Publish in a newspaper of general circulation in the city a notice containing:
    - a. the street address or legal description of the property;
    - b. the date of the hearing;
    - c. a brief statement indicating the results of the order; and
    - d. instructions stating where a complete copy of the order may be obtained.

**Sec. 4-249. Demolition, removal, and repair by the city.**

- (a) If the structure is not vacated, secured, repaired, removed or demolished, or the occupants are not relocated, within the allotted time, the city may vacate, secure, remove or demolish the structure or relocate the occupants at its own expense. The city

shall keep an itemized account of the expenses, and may thereafter assess the expenses on the property, and establish a lien for the expenses against the property as set forth in section 4-250, below.

(b) Whenever the required repair or demolition is not commenced within the time period allotted by an order issued under this article:

(1) The Building Official shall cause the structure described in such order to be vacated by posting at each entrance thereto a notice reading:

**SUBSTANDARD BUILDING**

**DO NOT OCCUPY**

It is a misdemeanor to occupy this structure, or to remove or deface this notice.

Building Official, Department of Community Development  
for City of Lewisville

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(2) No person shall occupy any structure which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the city council have been completed and a certificate of occupancy issued pursuant to the provisions of this code.

(c) If, after the expiration of the time allotted under an order issued under this article, the owner, lienholder or mortgagee of a structure which is a residential building with ten (10) or fewer dwelling units fails to comply with the order, the city may do or cause to be done the repairs necessary to bring the structure into compliance with this article. The repairs may not improve the structure to the extent that the structure exceeds the minimum standards outlined in the Building Codes and Fire Code, and expenses may be assessed and a lien established against the property as provided in section 4-250. Notwithstanding the requirements of this section, the city may elect to obtain a judicial determination by a decree of a court of competent jurisdiction of the existence, in fact, of a public nuisance in cases contemplated

by this article. Such judicial determination may include any available remedy for the abatement of such a nuisance.

- (d) If work under this section is done at the expense of the city, then said expense shall be assessed against any salvage resulting from the demolition of the structure and against the lot, tract, or parcel of land, or the premises upon which such expense was incurred, and the remainder shall be considered a lien against the property as described in Section 4-250.

**Sec. 4-250. Assessment of Lien.**

- (a) In the event the owner fails or refuses to pay the expenses assessed against the property under Section 4-249, above, within twenty (20) days after the abatement work is completed, a lien may be obtained against the property on which the structure was located, unless the property in question is a homestead as protected by the Texas Constitution, and subject to any other restrictions in Chapter 214 of the Texas Local Government Code. The lien arises and attaches to the property when the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice shall contain:
  - (1) The name and address of the owner, if that information can be determined with a diligent effort;
  - (2) A legal description of the property on which the structure was located;
  - (3) The amount of expenses incurred by the city;
  - (4) The balance due; and
  - (5) The date on which said work was done or improvements made.
- (b) A lien placed on a property under this section shall be a privileged lien subordinate only to tax liens; except that a lien placed on a property for expenses arising from repair work done under Section 4-249(d), above, shall be inferior to any previously recorded bona fide mortgage lien attached to the property to which the city’s lien attaches if the mortgage lien was filed for record in the office of

the county clerk of the county in which the property is located before the date the repair is begun by the city, but shall be superior to all other previously recorded judgment liens.

- (c) The amount of a lien under this section shall bear interest at the rate of ten (10) percent per annum from the date such statement was filed.
- (d) For any expenditure and interest assessed under this section and placed as a lien on a property, suit may be instituted and recovered, and foreclosure of said lien may be made in the name of the city, except when prohibited by Chapter 214 of the Texas Local Government Code; and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or expense.
- (e) The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses.

**Sec. 4-251. Interference with repair or demolition work prohibited.**

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this city or with any person who owns or holds any estate or interest in any structure which has been ordered repaired, vacated or demolished under the provisions of this article; or with any person to whom such structure has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this city, person having an interest or estate in such structure, or purchaser is engaged in the work of repairing, vacating and repairing, removing or demolishing such structure pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this article.

**Sec. 4-252. Appeal.**

In accordance with Section 214.0012 of the Texas Local Government Code, any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order issued under this article may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner,

lienholder, or mortgagee within thirty (30) calendar days after the respective dates a copy of the final decision of the municipality is personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by the United States Postal Service using signature confirmation service, or such decision shall become final as to each of them upon the expiration of each such thirty (30) calendar day period.

**Sec. 4-253. Emergency demolitions.**

(a) Where it appears to the Building Official or fire marshal that, due to violations of the Building Codes or Fire Code threatening the structural integrity of a structure, there is clear and imminent danger to the life, safety or property of any person unless the structure is immediately vacated and demolished, either of these officials shall, in writing, declare its immediate vacation and demolition. The written concurrence of the Director of Development Services shall be required prior to execution of the demolition order. Such concurrence shall include a determination that under the circumstances no other abatement procedure is reasonably available except demolition. Emergency demolition under this section shall be the remedy of last resort, and shall be utilized only when the notice and hearing procedure outlined in this article will not be adequate to prevent the clear and imminent danger described herein.

(b) Notice that the structure has been determined to be a clear and imminent danger to life and safety shall be issued:

(1) by a placard affixed to the property or by stake driven into the ground at the property where the structure is located. It shall be unlawful for any person to remove the posted notice without written permission of the Building Official and no unauthorized person shall enter the structure for any purpose; and

(2) by personal delivery to the owner of the structure, as defined herein, only if the owner resides within the city. If the owner cannot be located for personal delivery, a copy of the notice may be posted on the front door of the main

structure at the owner’s address.

- (c) The emergency demolition shall be executed not later than ninety-six (96) hours after the last required written concurrence is made.
  
- (d) After execution of the emergency demolition, the official who declared the immediate vacation and demolition shall:
  - (1) Provide notice to the owners, lienholders, and mortgagees of the structure; and
  
  - (2) Advise the city council at its next regularly scheduled meeting.
  
- (e) Expenses for the repair, removal, or demolition of the structure shall be at the expense of the city. Such expenses shall be assessed on the property on which the structure was located and a lien placed thereupon as outlined in Section 4-250, above.

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Claire Swann, Assistant City Manager

**DATE:** January 29, 2018

**SUBJECT:** **Consideration of an Ordinance Amending Section 7-246, Temporary Food Establishment Events, of the Lewisville City Code by Adding a Subsection Setting Forth Requirements for Temporary Food Establishment Event Permits for a TABC-Permitted/Licensed Distillery, Brewery, or Winery in the Old Town Design District.**

### **BACKGROUND**

A temporary food establishment event permit allows businesses to prepare food for events without a commercial or catering kitchen. An example would be a crawfish boil at Old Town Brew House or an outdoor barbeque at Witherspoon Distillery. These types of events carry a higher risk for food-borne illnesses, which is why cities regulate them and require health inspections. Similar to our survey cities and in accordance with best practices, the City of Lewisville requires basic health standards be met (i.e. a cleaning station, food storage standards, etc...). Currently Lewisville allows up to six temporary food establishment event permits per location and per vendor. Those permits must be spaced sixty days from one another. These regulations are consistent with how other cities in our metroplex regulate these type of events.

The owners of the Old Town Brew House and Witherspoon Distillery, however, have requested changes to these regulations. Main & Mill Association also sent a letter requesting similar changes. The letter from Main & Mill requested that the council consider making the following changes:<sup>1</sup>

1. Allow up to 12 temporary food establishment permits per year
2. Eliminate the elapsed time requirement between issuance of temporary food establishment permits.

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<sup>1</sup> They also requested changes to our mobile food vendor permit process, specifically requesting six-month (rather than our existing one-year-long) permits. They also requested that we prorate the annual permit fee, since permits expire every year on December 31<sup>st</sup>. Staff is now setting up the fee to be prorated. No changes must be made to the ordinance to do so. We, however, are not recommending changing our permits to run for a six-month basis. Such a change would be out of line with the practices of our neighboring cities and would double the number of inspections our health inspectors would have to complete per year. We have advised the Old Town Brew House, Witherspoon Distillery, and Main & Mill Association that we cannot support this part of their request. They all expressed support in moving forward with our proposed changes.

Subject: Temporary Food Establishment Event Permits  
May 29, 2018  
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Staff has reviewed the impacts of these proposed changes and believes that certain changes can be made to our ordinances to not only come up with a solution for these businesses, but also to balance staffing demands and to continue protecting the public health.

### **ANALYSIS**

Staff proposes revisions to Section 7-246 of the Lewisville Code to expand the number of temporary food establishment events to eight and eliminate the elapsed time requirements for such events. These amendments, however, would only apply to TABC-permitted/licensed wineries, breweries, and distilleries located in the Old Town Design District. The ordinance also states that the duration of each of these events can last up to two days.

Staff is recommending tailoring this ordinance to focus on supporting our local wine, beer, and liquor producers in our Old Town Design District because these type of uses typically do not have full kitchens or offer full menus to their patrons. Furthermore, allowing for more of these events in our Old Town Design District can support the goals of bringing more visitors to Old Town, support our local industry, and create a more vibrant entertainment district. Also, by limiting the applicability of this expansion to only these three proposed uses in our Old Town Design District (rather than expanding our regulations city-wide) allows the City to continue to support property owners who invest in developing “sticks and bricks” projects with commercial kitchen.

This proposed ordinance would make the City of Lewisville one of the most flexible cities with regard to temporary food establishment events, as it relates to our Old Town breweries, wineries, and distilleries. We have discussed these proposed changes with the owners of Old Town Brew House and Witherspoon Distillery as well as with one of the co-chairs of the Main & Mill Association. All parties feel this is a good compromise and are supportive of these changes.

### **RECOMMENDATION**

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



15 May 2018

Dear Donna Barron,

On behalf of the Main & Mill Business Association, we would like to thank City Staff & Council for their continued support of the Old Town Lewisville business community. With that said, M&MBA would like to address a city temporary health/food/event permit ordinance.

Currently, businesses are allowed up to six temporary health/food/event permits per year, with an elapsed time requirement of sixty days between each issued/approved permit. This requirement is restrictive to businesses in order to take advantage of prime outdoor seasons.

We respectfully request consideration of:

- Max of 12 temporary health/food/event permits per year, per business
- Eliminate the elapsed time requirement between permits

In addition, we would like to ask consideration in revising the food truck permit requirements. Currently the City of Lewisville assesses a fee of \$395 for an annual permit regardless of when an applicant applies for said permit. If a Food Truck were to apply for a permit on Dec 30, 2018 it would expire the following day, Dec 31, 2018, but the truck would still be charged for the entire year at a rate of \$395. The M&MBA request consideration for:

- 6 month permitting timeframe, replacing the current annual requirement
- Prorated permit fee, based on the date a truck is issued a permit

We would like to continue to work closely with City Staff in any way possible to ensure a resolution for all that is best suited for the business owners.

Regards,

Caroline Berend  
Heather Cicirello

M&MBA Co-Chairs

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL AMENDING CHAPTER 7, ARTICLE VII, DIVISION 4, SECTION 7-246, TEMPORARY FOOD ESTABLISHMENT EVENTS, OF THE LEWISVILLE CITY CODE BY ADDING A SUBSECTION SETTING FORTH REQUIREMENTS FOR TEMPORARY FOOD ESTABLISHMENT EVENT PERMITS FOR A TABC-PERMITTED/LICENSED DISTILLERY, BREWERY OR WINERY IN THE OLD TOWN DESIGN DISTRICT; PROVIDING A REPEALER, SEVERABILITY, PENALTY AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens certain amendments to Chapter 7 of the Lewisville City Code are necessary.

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

**SECTION 1.** Chapter 7, article VII, division 4, section 7-246 of the Lewisville City Code is hereby amended by inserting the following new subsection:

- (f) TABC-permitted/licensed distillery, brewery, or winery in the Old Town Design District.
  - (1) Except as otherwise set forth below, a TABC-permitted/licensed distillery, brewery, or winery in the Old Town Design District shall comply with all temporary food establishment permit requirements and must have a current off-premise alcohol sales permit from the city.
  - (2) Notwithstanding anything to the contrary, up to eight temporary food establishment permits may be issued per calendar year for events located at a TABC-permitted/licensed distillery, brewery or winery in the Old Town Design District. There is no elapsed time requirement for said temporary food establishment permits, but each such permit shall only remain in effect for two consecutive days from date of issuance unless suspended or revoked sooner;

provided however, if a temporary food establishment permit for a TABC-permitted/licensed distillery, brewery, or winery in the Old Town Design District is issued in conjunction with a special event permit, then the relevant provisions of section 7-235(d), Duration, (2) shall apply.

**SECTION II.** Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION III.** 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 IV.** Any person, firm or corporation who violates any provisions of this ordinance shall be subject to a fine of not more than \$500.00 for each offense, unless the violation relates to fire safety, zoning or public health and sanitation in which case the fine shall not exceed \$2,000.00. Each continuing day’s violation shall constitute a separate offense.

**SECTION V.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**SECTION VI.** 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.

ORDINANCE NO. \_\_\_\_\_

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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
LEWISVILLE, TEXAS, BY A VOTE OF \_\_\_ TO \_\_\_, ON THIS THE \_\_\_\_ DAY OF  
\_\_\_\_\_, 2018.

**APPROVED:**

\_\_\_\_\_  
Rudy Durham, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Worster, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY



**LEWISVILLE**

Deep Roots. Broad Wings. Bright Future.

**MEMORANDUM**

**TO:** Mayor Rudy Durham  
Mayor Pro Tem Brent Daniels  
Deputy Mayor Pro Tem Brandon Jones  
Councilman TJ Gilmore  
Councilman R Neil Ferguson  
Councilman Bob Troyer

**FROM:** Julie Worster, City Secretary

**DATE:** May 23, 2018

**SUBJECT: Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.**

**BACKGROUND**

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Electronic Notebook has been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the electronic book. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

The following is a list of current board members that are interested in being reappointed:

**Animal Services Advisory Committee**

Denise Jeffery	Place No. 2
Ethel Strother	Place No. 4 (Staff Rep.)
Jeanne Kule	Place No. 6

**Arts Advisory Board**

Al DeBerry	Place No. 2
Sarah Hicks	Place No. 4
Dr. Traci Gardner-PettePetteway	Place No. 6
Ken Lannin	Place No. 8

**Community Development Block Grant Advisory Committee**

Eric Page	Place No. 2
Deniese Sheppard	Place No. 4

**Lewisville Housing Finance Corporation**

Sheila Taylor-Clark      Place No. 2  
Mary E. Smith            Place No. 4

**Library Board**

Jennifer B Linde        Place No. 2  
Jean Ferguson         Place No. 4  
Rosario Klier          Place No. 6

**Oil and Gas Advisory Board**

Jennifer Whitaker      Place No. 2  
Kathi Stock            Place No. 6

**Old Town Design Review Committee**

Amanda Ferguson     Place No. 2  
Jack Miller            Place No. 4

**Park Board**

William Shull         Place No. 2  
Jon Dahlvig            Place No. 4  
James Collier         Place No. 6

**Planning and Zoning Commission** (also serves as: Transportation Board, Capital Improvement Advisory Committee & Brownfields Advisory Committee)

William Meridith     Place No. 1  
MaryEllen Miksa     Place No. 3  
Karen Locke          Place No. 5  
James Davis          Place No. 7

**Tax Increment Reinvestment Zone, Number One, Board of Directors**

Kellie F. Stokes        Place No. 4

**Tax Increment Reinvestment Zone, Number Two, Board of Directors**

Phillip Huffines      Place No. 2  
John Lyng              Place No. 4



**Zoning Board of Adjustment**

Antonio Gallizzi	Place No. 2
Douglas Hicks	Place No. 4
Audra Smolinski	Alternate No. 2

**Lewisville 2025 Advisory Board**

Amanda Ferguson	Place No. 4
Kristen Green	Place No. 6
Karen Locke	Place No. 8

Should the City Council reappoint all the current members interested in being reappointed to their existing Board/Commission/Committee, the following vacancies will exist:

- Community Development Block Grant Advisory Committee – Place No. 6
- Oil and Gas Advisory Board – Place No. 4 (Resident)
- Oil and Gas Advisory Board – Place No. 5 (Industry Representative)
- Park Board – Place No. 8
- Tax Increment Reinvestment Zone, No. 1, Board of Directors – Place No. 2
- Tax Increment Reinvestment Zone, No. 1, Board of Directors – Place No. 3 (TIRZ Property Owner)
- Lewisville 2025 Advisory Board – Place No. 2

**ANALYSIS**

Please note when reviewing the data sheets behind each specific board of the electronic boards/commissions notebook, in the top right hand corner there is a notation if the applicant is a current member or new applicant. If they are a new applicant, it will show if this board is their first or second choice (when no applicants have selected a first or second choices for a particular board, applicants indicating a lower rated interest will be included). The electronic notebook contains the following information:

Bookmark 1	Appointment Directives
Bookmark 2:	List of 2018 Vacancies and Reappointment Considerations
Bookmark 3:	Interview Questions
Bookmark 4:	Re-appointees – 2018
Bookmark 5:	New Applicants List - 2018
Bookmark 6:	Animal Services Advisory Committee
Bookmark 7:	Arts Advisory Board
Bookmark 8:	Community Development Block Grant Committee



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Bookmark 9:	Lewisville Housing Finance Corporation
Bookmark 10:	Library Board
Bookmark 11:	Oil and Gas Advisory Board
Bookmark 12:	Old Town Design Review Committee
Bookmark 13:	Park Board
Bookmark 14:	Planning and Zoning Commission
Bookmark 15:	Tax Increment Reinvestment Zone #1
Bookmark 16:	Tax Increment Reinvestment Zone #2
Bookmark 17:	Zoning Board of Adjustment
Bookmark 18:	Lewisville 2025 Advisory Board

### **RECOMMENDATION**

The City staff's recommendation is that the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.