



# 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 18, 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. Salary Survey
- B. CO Process
- C. Park Development Fee
- D. Discussion of Regular Agenda Items and Consent Agenda Items

**REGULAR SESSION – 7:00 P.M.**

- A. **INVOCATION:** Councilman Gilmore
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Ferguson
- C. **PROCLAMATION/PRESENTATION:** a) Declaring the City of Lewisville, Texas a “Purple Heart City”; and b) Presentation by Patriot Members.

**AGENDA  
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**D. PUBLIC HEARINGS:**

- 1. Public Hearing: Consideration of an Ordinance Granting a Zone Change From Townhouse Two District (TH-2) to Planned Development – Townhouse Two District (PD-TH-2), With Five Associated Variances and Removal of Deed Restrictions; on Approximately 9.49-Acres out of the Joel Summers Survey, Abstract No. 1323, Legally Described as Lots 1-14, and 15x, Block A; Lots 1-17, and 18X, Block B; Lots 1 & 2, and 3X, Block C; and Lot 1-X, Block D, Fireside Village Addition, Located at the Southeast Corner of College Parkway and Summit Avenue as Requested by Steve Lenart, Megatel Homes III, LLC, on Behalf of FCH Lewisville Senior Homes, LLC the Property Owner (Case No. PZ-2018-06-05).**

**ADMINISTRATIVE COMMENTS:**

The applicant plans to develop 82 townhomes on the subject property, which has been left vacant since streets and some utilities were installed but not completed in 2015 for a proposed 33-lot single family detached development deed restricted for seniors. The applicant is requesting removal of the deed restrictions and approval of five associated variances: a) to waive the alley requirement and allow front entry; b) to allow a gated community and private streets that are maintained by the HOA; c) to allow public utilities under private street pavement, HOA is responsible for the cost of the street and sidewalk repairs due to maintenance of the public utilities; d) to reduce the street intersection spacing from 350' to 120' between the proposed Fireside Lane & College Parkway intersection and the existing College Parkway & Summit Avenue intersection, and e) to allow for an ornamental tubular steel fence in lieu of the required masonry screening wall along the east boundary of the site. This request complies with the Lewisville 2025 Plan Big Moves of New Neighborhood Choice and Thriving Neighborhoods. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request and removal of deed restrictions at their meeting on June 5, 2018.

**RECOMMENDATION:**

It is City staff's recommendation that the City Council approve the zone change with the associated variances and removal of deed restrictions as set forth in the caption above.

**AVAILABLE FOR** - Richard E. Luedke, Planning Director  
**QUESTIONS:** - Steve Lenart, Megatel Homes III, LLC

**AGENDA  
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2. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Single Family Residential District (R-7.5) to General Business District (GB); on Approximately 4.038 Acres out of the J.W. King Survey, Abstract Number 696, Located at 715 North Mill Street; as Requested by Patricia A. Guzik Koulogeorgiou, Trustee of the Koulogeorgiou Family Trust, the Property Owner (Case No. PZ-2018-05-03).**

**ADMINISTRATIVE COMMENTS:**

A residential home has been on the lot since 1970. An existing business is looking to consolidate their retail, office and showroom operations at this location. The business is consistent with the “creative mix” development desired by the Old Town North Small Area Plan, as well as Lewisville 2025 Vision: Big Move #3, which calls for new investment along Mill Street. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request at their meeting on May 15, 2018.

**RECOMMENDATION:**

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

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

3. **Public Hearing: Consideration of Lewisville Juvenile Curfew Ordinance; and Consideration of a Resolution to Continue the Current Ordinance.**

**ADMINISTRATIVE COMMENTS:**

This is the second public hearing being held 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. The City Council may abolish, continue, or modify the ordinance.

**RECOMMENDATION:**

That the City Council conduct the public hearing and approve a resolution to continue the current City Juvenile Curfew Ordinance.

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- E. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.
- F. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
4. **APPROVAL OF MINUTES:** a) **City Council Minutes of the May 16, 2018, Called Special Session;** b) **City Council Minutes of the May 21, 2018, Workshop Session and Regular Session;** and c) **City Council Minutes of the June 4, 2018, Workshop Session and Regular Session.**
5. **Approval of Administrative Policy 2.0, Section XV- Inclement Weather Leave.**

**ADMINISTRATIVE COMMENTS:**

In the event of extreme weather conditions that present an unreasonable safety risk to non-essential employees traveling to and from work, the City Manager may officially close City facilities based on recommendations from the Emergency Administration Manager. The proposed policy allows employees to use up to 16 hours per year of Employee and Dependent Sick Leave to cover any missed scheduled work time should the City Manager delay opening, close early or close for the day during inclement weather.

**RECOMMENDATION:**

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

6. **Approval of a Resolution of the City of Lewisville Suspending the July 5, 2018 Effective Date of Texas-New Mexico Power Company's (TNMP's) Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation with Other TNMP Cities; Hiring Lloyd Gosselink Attorneys and Consulting Services to Negotiate with the Company and Direct Any Necessary Litigation and Appeals; Finding that the Meeting at Which this Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel.**

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**ADMINISTRATIVE COMMENTS:**

On May 30, 2018, Texas-New Mexico Power Company (TNMP) filed an application with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$33.3 million. TNMP asks the City to approve a 23.4% increase in residential rates and an 11.8% increase in street lighting rates. Monthly rates would increase by approximately \$12.21 for an average residential customer. The resolution suspends the July 5, 2018 effective date of TNMP's rate increase for the maximum period permitted by law to allow the City, working in conjunction with other cities served by TNMP, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, TNMP's rate request is deemed approved.

**RECOMMENDATION:**

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

**G. REGULAR HEARINGS:**

- 7. Consideration of a Variance to the Lewisville, City Code, Section 6-103 (E), Access Management, Auxiliary Lanes for First Baptist Church Lewisville, a 19.9-Acre Parcel Zoned Single-Family Residential (R-6), Located at the North West corner of Valley Ridge Boulevard and McGee Lane Requested by Jerry Fang, RLG Consulting Engineers, Inc., on Behalf of the Owner.**

**ADMINISTRATIVE COMMENTS:**

The First Baptist Church will be expanding its current building by over 20,000 square feet and will be removing the portable buildings. The proposed building will include classrooms and offices. The First Baptist Church has seven driveways along the frontage of McGee Lane and Valley Ridge Boulevard. None of the existing driveways have deceleration lanes which would be required under the General Development Ordinance Section 6-103 Access Management Policy based on the size lot. However, the owner hired a consultant to provide a Traffic Impact Analysis (TIA) for City Staff to review. The TIA showed during peak traffic times the church does not have a negative impact on the abutting roadways.

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**RECOMMENDATION:**

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

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

- 8. Considering an Ordinance of the Lewisville City Council Amending Chapter 6, Article II, Division I of the Lewisville City Code by Making Provisions for a Park Fee Consisting of a Parkland Dedication Requirement and Park Development Fee on Residential Development and Other Related Requirements; Amending Chapter 2, Article VIII, Section 2-201 by Amending the Park Development Fee Rate; Providing a Repealer, Severability and an Effective Date; and Declaring an Emergency.**

**ADMINISTRATIVE COMMENTS:**

The 2018 update to the Parks, Recreation and Open Space Master Plan calls for a periodic review and update of the Parkland Dedication Ordinance to provide a realistic mechanism for acquiring and developing parkland to meet the recreation needs of the community. Based on an evaluation of current level of service and the estimated population growth, staff recommends amending the ordinance to include a parkland dedication requirement, a cash-in-lieu of land option and increasing the park development fee to reflect the cost of improving the park system to accommodate the recreation needs of the community.

**RECOMMENDATION:**

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

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

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**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. At the June 4, 2018 City Council meeting, the following interview teams were set up: Mayor Pro Tem Daniels and Councilman Ferguson; Deputy Mayor Pro Tem Jones and Councilman Gilmore; Mayor Durham and Councilman Troyer.

**RECOMMENDATION:**

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees.

**10. Consideration of Appointment to the Denton County Homelessness Leadership Team**

**ADMINISTRATIVE COMMENTS:**

The focus of the Denton County Homelessness Leadership Team (DCHLT) includes creating stronger community collaboration around community goals to end homelessness, better data collection and sharing, and educating and informing the community about solutions to homelessness and the community impact. The DCHLT is made up of representatives from Denton County, City of Denton, City of Lewisville, City of Sanger, board members from homelessness and housing providers, healthcare providers and members to the United Way of Denton County Board. The City of Lewisville appoints two members of the team (a council member and a city staff member/member of the community). Councilman Gilmore continues to serve on the DCHLT, but a vacancy now exists in the City's other appointed position. Neighborhood Services Coordinator Prit Patel has expressed an interest in serving on the DCHLT.

**RECOMMENDATION:**

That the City Council consider appointment of Neighborhood Services Coordinator Prit Patel to the Denton County Homelessness Leadership Team.

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

**AGENDA  
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- 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).



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# PAY PLAN METHODOLOGY

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CITY OF LEWISVILLE

# Internal Versus External Equity

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## Internal Equity – Point Factor Analysis

- HR staff reviews new positions to determine where they fall on the pay plan by analyzing the knowledge, skills and abilities necessary for the position.

## External Equity – Market Analysis

- In order to attract and retain employees, it is important that the City of Lewisville be competitive with comparable cities that share the same applicant pool
- Per Administrative Directive 2.7.4 – Employee Performance Evaluation/Compensation Plan, the Human Resources Department conducts an annual market analysis using the Metroplex Compensation Survey's 14 participating cities along with Coppell, Grapevine and Flower Mound.
- By using the Metroplex Compensation Survey, the HR staff has access to all 14 participating cities' salary information and job descriptions. Each participating City updates its information at least annually.

# Survey Cities' Population

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Dallas – 1.281 million

Fort Worth – 837,000

Arlington – 370,115

Plano – 279,700

Garland – 236,786

Irving – 234,710

Grand Prairie – 187,050

Frisco- 170,268

McKinney – 161,905

Mesquite-145,284

Denton – 133,808

Carrollton – 133,168

Richardson – 108,617

Lewisville – 104,039

Allen – 99,882

Flower Mound – 73,000

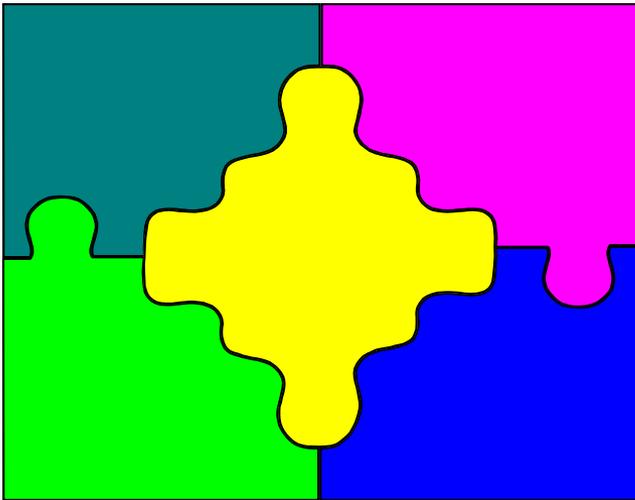
Grapevine – 51,122

Coppell – 41,110

# Current Market Methodology

## General Government Positions

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Salary data is compared for each separate pay plans:

- PROFESSIONAL – Benchmark positions
- ADMINISTRATIVE/CLERICAL/TECHNICAL – Benchmark positions
- TRADES – Benchmark position
- Executive Staff/Director/Manager Broadband
- Appointed Positions

# Benchmark Methodology

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Several positions within each pay range whose duties are similar in all cities are designated as “benchmark” positions and are used for survey purposes.

Benchmark examples:

Professional Pay Plan	Administrative/Clerical/Technical Pay Plan	Trades Pay Plan
Purchasing Agent	Cashier	Maintenance Worker
Librarian	Deputy Court Clerk	Meter Operations Worker
Planner	Administrative Assistant	Animal Control Officer
Recreation Center Supervisor	Detention Officer (Jailer)	Heavy Equipment Operator
Accountant	Public Safety Dispatcher	Crew Leader
Chief Sanitarian	Code Enforcement Officer	Foreman

# Market Analysis

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- The City of Lewisville salary structure midpoint for each ***benchmark position*** is compared to average (50th percentile) of salary midpoints of the same or similar position in the survey cities.
- The market difference of each ***benchmark position*** within each pay plan is then averaged to determine the recommended pay plan adjustment necessary to remain competitive.
- Pay ranges are adjusted on October 1. Employees' salaries who fall below the new minimum are adjusted to the new minimum.

# Market Analysis

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When certain positions experience high turnover, difficulty recruiting and are more than 5% below market, staff will review that position and make adjustments to keep it competitive.

Several positions were identified this year and are being further reviewed.

## Example: Maintenance Worker

- ✓ Turnover: 50% turnover since 10/1/16 (24 have terminated and the City has 48 authorized positions)
- ✓ Recruitment: Positions have been posted continuously in all areas since 2015. Those areas are: Parks Operations, Facilities Maintenance, Streets, & Utility Line Maintenance

# Comparison of 2018 Market

Professional Pay Plan	
Grade	Job Title
17	Purchasing Agent
17	Sanitarian
17	Recreation Center Supervisor
17	Planner
17	Librarian
19	Animal Services Supervisor
19	Chief Sanitarian
20	Internal Auditor

2018 Survey Data - Professional  
-2% for all Survey Cities

Admin/Clerical/Tech Pay Plan	
Grade	Job Title
53	Clerk/Typist
53	Library Assistant
53	Police Records Clerk
54	Cashier
55	AP Clerk
55	Billing Clerk
57	Accounting Technician
57	Detention Officer
57	Property & Evidence Technician
57	Public Safety Call Taker
57	Senior Administrative Assistant
58	Public Safety Dispatcher
58	Recreation Specialist
58	Construction Inspector
58	Traffic Signal Technician
59	Inspector (Bldg, Electr, Plumb)
59	Storm Water Inspector
59	Code Enforcement Officer
60	Paralegal
61	Communications Supervisor
61	Traffic Supervisor

2018 Survey Data –  
Admin/Cler/Tech  
-1% for all Survey Cities

Trades Pay Plan	
Grade	Job Title
53	Maintenance Worker
54	Chemical Applicator
55	Meter Operations Worker
56	Heavy Equipment Operator
56	Plant Operator
57	Crew Leader
59	Foreman

2018 Survey Data - Trades  
-2% for all Survey Cities

# Professional; Administrative, Clerical & Technical; and Trades Pay Plan Administration

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All General Government Employees who receive a “Meets Standards” are eligible for a merit increase (if approved by Council) on the anniversary date of their employment or promotion.



# Police & Fire Pay Plan Methodology

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All positions on the police and fire pay plans are surveyed **rank to rank**.

The maximum salary for each **rank** position is compared to the average (50th percentile ) of the maximum salaries of the same **rank** position in the 17 survey cities.

The difference in Lewisville's maximum salary to that of the average of the seventeen survey cities' maximum salaries is used to determine the recommended market adjustment for the next fiscal year.

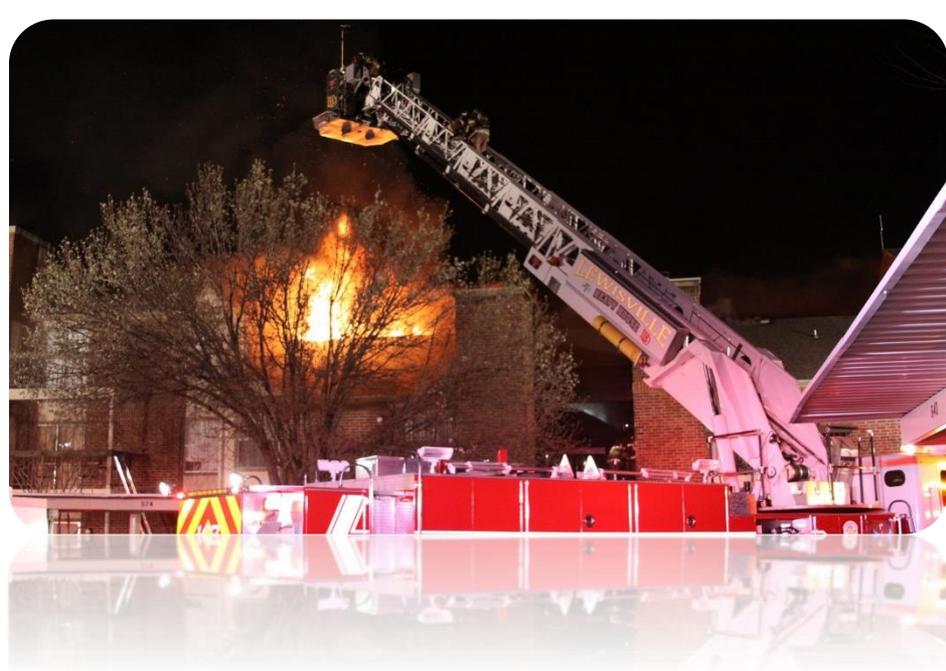
Creates a "lag" of the market – positions move based on prior year average. Other cities are adjusting their salaries at the same time causing a "lag".

- Beginning in 2016, added 2% to market difference to combat "lag"



POLICE		Structure			
		Lewisville	Market		
Grade	Job Title	Maximum	Maximum	Variance	Market +2%
81	Police Officer	\$79,737	\$81,056	-1.7%	3.7%

\*Average Increase for other Police Ranks 1.9%



FIRE		Structure			
Grade	Job Title	Lewisville Maximum	Market Maximum	Variance	Market +2%
71	Firefighter	\$75,507	\$76,714	-1.6%	3.6%

\*Average Increase for Other Fire Ranks 2.5%

# Lateral Transfers

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In 2016, City implemented a Lateral Transfer policy for Police Officers:

- Applicants must have one-year continuous service as a paid, full-time certified peace officer with a municipal law enforcement agency with a population over 50,000 or work for a law enforcement entity/agency that employs over 100 sworn police officers who perform comparable law enforcement duties. Must have no more than a three-year break in service from the time they left a comparable law enforcement agency and the time they make application with the Lewisville Police Department.
- To date, 8 Police Officers have been hired as a Lateral Transfer

# Police Hiring Statistics – 2016 through today

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## 2015-2016

- Turnover – 9 employees
- New Hires – 11 employees

## 2016-2017

- Turnover – 5 employees
- New Hires – 10 employees

## 2017-2018

- Turnover – 6 employees
- New Hires – 3 employees

\* **As of today, there are 6 vacancies.**

Police Officer Recruitment Overview							
Year	# Applications Received	# Tested	# Passed Written	# Passed Physical Ability	# Hired	# Still Employed	% of Applicants Hired
15-16	898	261	151	118	11	10	1.2%
16-17	171 (Certified Only)	47	40	32	10	10	5.8%
17-18 complete	300	94	55	31	3	3	3.0%
17-18 in progress	302	47	24	18			
<b>TOTAL</b>	<b>1,671</b>	<b>449</b>	<b>270</b>	<b>199</b>	<b>24</b>	<b>23</b>	<b>3.3%</b>

# Fire Hiring Statistics – 2016 through Today

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## 2015-2016

- Turnover – 9 employees
- New Hires – 13 employees

## 2016-2017

- Turnover – 7 employees
- New Hires – 6 employees

## 2017-2018

- Turnover – 5 employees
- New Hires – 5 employees

**\* As of today, there are 4 vacancies and an additional 18 are needed by October 1<sup>st</sup>.**

Firefighter Recruitment Overview						
Year	# Applications Received	# Tested	# Passed (Physical, Essay & Rapid Panel Interview)	# Hired	# Still Employed	% of Applicants Hired
15-16	263	146	66	13	13	4.9%
16-17	86	46	28	6	5	7.0%
17-18 complete	98	40	17	5	5	5.1%
17-18 in progress	175	62	29			
<b>TOTAL</b>	<b>622</b>	<b>294</b>	<b>140</b>	<b>24</b>	<b>23</b>	<b>5.7%</b>

# Consideration of Lateral Transfers for Firefighter

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- The recent test for firefighter did not generate a sufficient applicant pool to hire 22 firefighters
- Staff is considering implementing a lateral transfer program that emulates the police program and will be meeting with a committee of Fire personnel to flesh out the details.
- If approved, the program will be advertised and testing will begin later this summer in an effort to provide a sufficient pool of qualified applicants.



City	Police Officer	Max
Plano	Police Officer	\$88,826
Ft Worth	Police Officer	\$85,509
Denton	Police Officer	\$83,445
Carrollton	Police Officer	\$83,297
Irving	Police Officer	\$83,160
Arlington	Police Officer	\$83,115
	<b>Proposed (Market +2%)</b>	<b>\$82,687</b>
Frisco	Police Officer	\$81,912
Garland	Police Officer	\$81,866
Grand Prairie	Police Officer	\$81,782
	<b>2018 Survey Average</b>	<b>\$81,056</b>
Flower Mound	Police Officer	\$80,267
McKinney	Police Officer	\$80,161
Richardson	Police Officer	\$79,824
	<b>Lewisville's Current Salary</b>	<b>\$79,737</b>
Coppell	Police Officer	\$79,509
Grapevine	Police Officer	\$77,346
Mesquite	Police Officer	\$76,713
Dallas	Police Officer	\$75,656
Allen	Police Officer	\$75,572
	<b>Survey Average</b>	<b>\$81,056</b>
Lewisville	Police Officer	\$79,737
	<b>Percentage Difference from Market Average</b>	<b>-1.7%</b>

Market +3% =  
\$83,485



City	Firefighter	Max
Denton	Firefighter	\$81,428
Frisco	Firefighter/Paramedic	\$79,692
Arlington	Firefighter	\$79,546
Plano	Firefighter	\$79,103
Grand Prairie	Firefighter	\$78,227
	<b>Proposed (Market +2%)</b>	<b>\$78,225</b>
Grapevine	Firefighter	\$77,346
Coppell	Firefighter/Paramedic	\$77,302
Irving	Firefighter	\$77,028
	<b>2018 Survey Average</b>	<b>\$76,714</b>
Mesquite	Firefighter	\$76,713
Garland	Firefighter	\$76,260
Richardson	Firefighter	\$76,104
Dallas	Fire and Rescue Officer	\$75,626
Flower Mound	Firefighter	\$75,514
	<b>Lewisville's Current Salary</b>	<b>\$75,507</b>
Ft Worth	Firefighter	\$74,339
McKinney	Firefighter	\$74,009
Allen	Firefighter	\$73,175
Carrollton	Firefighter	\$72,734
	<b>Survey Average</b>	<b>\$76,714</b>
Lewisville	Firefighter	\$75,507
	<b>Percentage Difference from Market Average</b>	<b>-1.6%</b>

Market +3% =  
\$78,980

# Police and Fire Administration

- ❑ Steps for each rank are adjusted on the first day of the fiscal year based on the market average of position maximums.
- ❑ Police Officers and Firefighters below Step 7 are also eligible for a 4% step increase on date of hire or promotion date.
  - ❑ 39% of Firefighters and 30% of Police Officers are eligible for a step increase in 2018-19
- ❑ Upper ranks move up a step after two years



# Broadband Pay Administration

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New positions or open positions with similar responsibilities in other cities are compared to survey cities excluding Dallas and Fort Worth to determine a competitive salary.

Consideration is given to internal equity when setting salaries for managers and directors.

Internal applicants who are promoted receive a minimum of 5%

- Employees are eligible for a performance increase on their date of hire or date of promotion.
- Pay increases are based on individual's achievement of key results linked to organizational goals and strategies.
- The performance increase given the director or manager is at the discretion of his supervisor.
- The performance increase can range from 0% to the maximum increase derived from combining the council approved merit and the recommended market.

# 2018-19 Budget

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## Base Budget:

- General Government Employees:
  - 2% Market Adjustment to the Professional Pay Plan and the Trades Pay Plan
    - (Only the employees whose salaries fall below the new minimum are adjusted)
  - 1% Market Adjustment to the Administrative, Clerical and Technical Pay Plan
    - (Only the employees whose salaries fall below the new minimum are adjusted)
  - 3% Merit Increase for all General Government Employees
- Base Budget for Police and Fire Employees:
  - 3.7% Market Adjustment for Police Officer and an average 1.9% for other Police ranks
  - 3.6% Market Adjustment for Firefighter and an average 2.5% for other Fire ranks
  - Step Increases (39% of Firefighters and 30% of Police Officers are eligible for a step increase in 2018-19)

## Unfunded List:

- Additional 1% Market Increase for Police Officer and Firefighter

# Certificate of Occupancy Requisites

Building Inspections



# Certificate of Occupancy



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## Building Inspection Division

This building, or the described portion of the building, has been inspected for compliance with the requirements of the International Building Code for the group and division of occupancy and the use for which the proposed occupancy is classified.

A document issued by a Local Municipality or Building Department certifying a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.



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# Why is a C.O. Required?

- When the building is new, the C.O. verifies that it conforms to the most current life safety standards
- When the building is existing, has an ownership change, tenant change, or change in building use, a new C.O. is required to provide that the building is still safe to occupy
- The Fire Department uses the C.O. information to help identify potential hazards that may be encountered while responding to emergency calls
- Utilities can be released in the new tenant's name

# Best Practices for when a C.O. required?



- When a new building is constructed and occupied;
- If an existing building or lease space is remodeled, enlarged, or altered;
- When any new use, tenant, or occupant is established;
- When any tenant name or ownership is changed



# Language in the Current Ordinance

Sec. 17-36. - Certificates of occupancy. (Located in Zoning Ordinance)

(a) *Certificates of occupancy shall be required for any of the following:*

- (1) Occupancy and use of a building hereafter erected or structurally altered.
- (2) Change in use of an existing building to a use of a different classification.
- (3) Occupancy and use of vacant land, except agricultural use.
- (4) Change in the use of land to a use of a different classification.
- (5) Any change in the use of a nonconforming use.

- Current ordinance does not address tenant name changes or ownership changes.
- New Tenant Registrations are not an ordinance requirement.
- Requires a Certificate of Occupancy when no building is involved.



# Challenges with Current Ordinance

- Our current ordinance hinders our ability to (1) adequately track the occupancy of a building; (2) maintain up-to-date information about the occupant and its use; and (3) ensure code requirements are met.

*Example: Work performed without a permit due to a new tenant moving into a space without any inspections. Tenant moves in a warehouse use for the purposes of storage, but converts the interior into a processing plant.*

- The Certificate of Occupancy requirements are currently maintained in the Zoning Ordinance.
- We are inconsistent with the region

# Recommendations



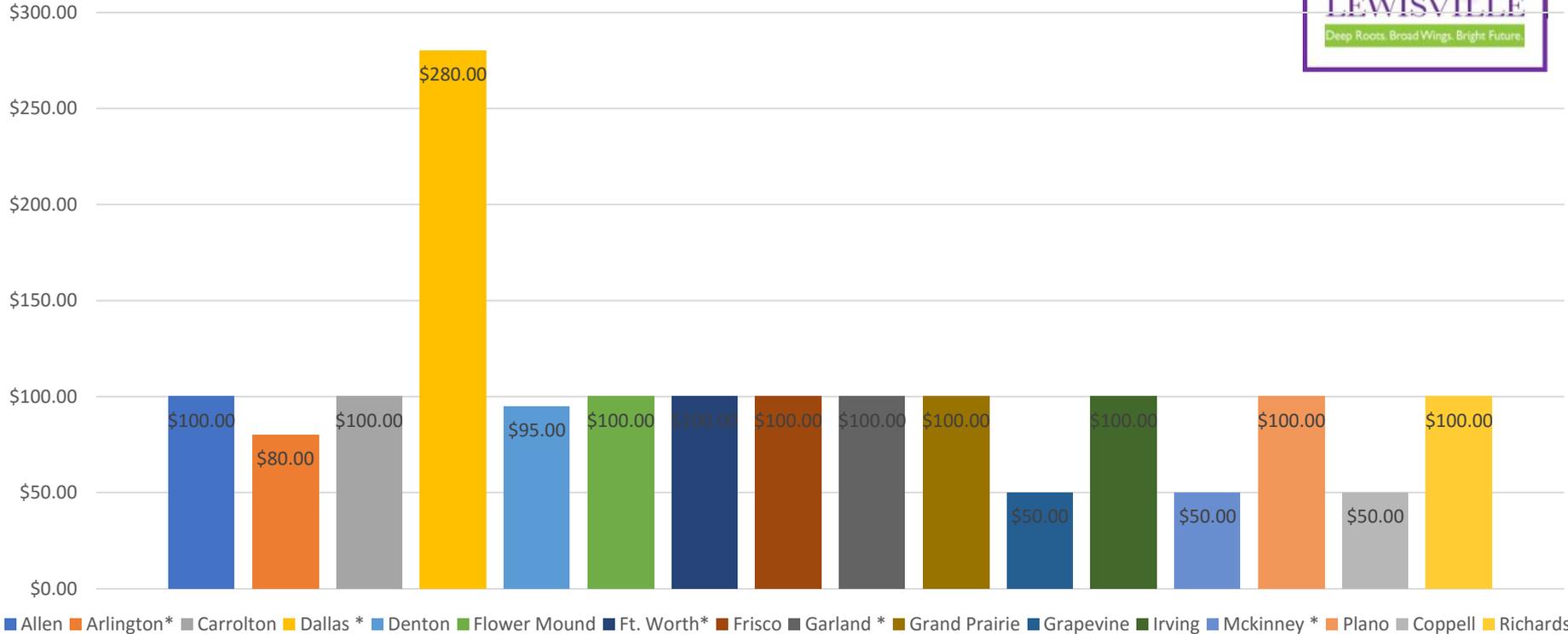
- Move the requirements from the Zoning Ordinance.
- Remove the following language regarding vacant land and use of land and add the underlined.

Sec. 17-36. - Certificates of occupancy. (Located in Zoning Ordinance)

- (a) Certificates of occupancy shall be required for any of the following:
  - (1) Occupancy and use of a building hereafter erected or structurally altered.
  - (2) Change in use of an existing building ~~to a use of a different classification.~~
  - (3) ~~Occupancy and use of vacant land, except agricultural use.~~
  - (4) ~~Change in the use of land to a use of a different classification.~~
  - (5) ~~Any change in the use of a nonconforming use.~~
  - (6) When any tenant name or ownership is changed regardless of a change in use.

- Add a Certificate of Occupancy permit fee of \$100

# Fee Comparison



\* Minimum Charge



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OPEN FOR  
BUSINESS

Next Steps





**Thank You!**

**Any Questions?**



# PARK DEVELOPMENT FEES

City Council Meeting and Workshop – June 18, 2018

# 2018 Park Master Plan Update

## Legend

 Report Area

 Parks

### Park Need (Places)

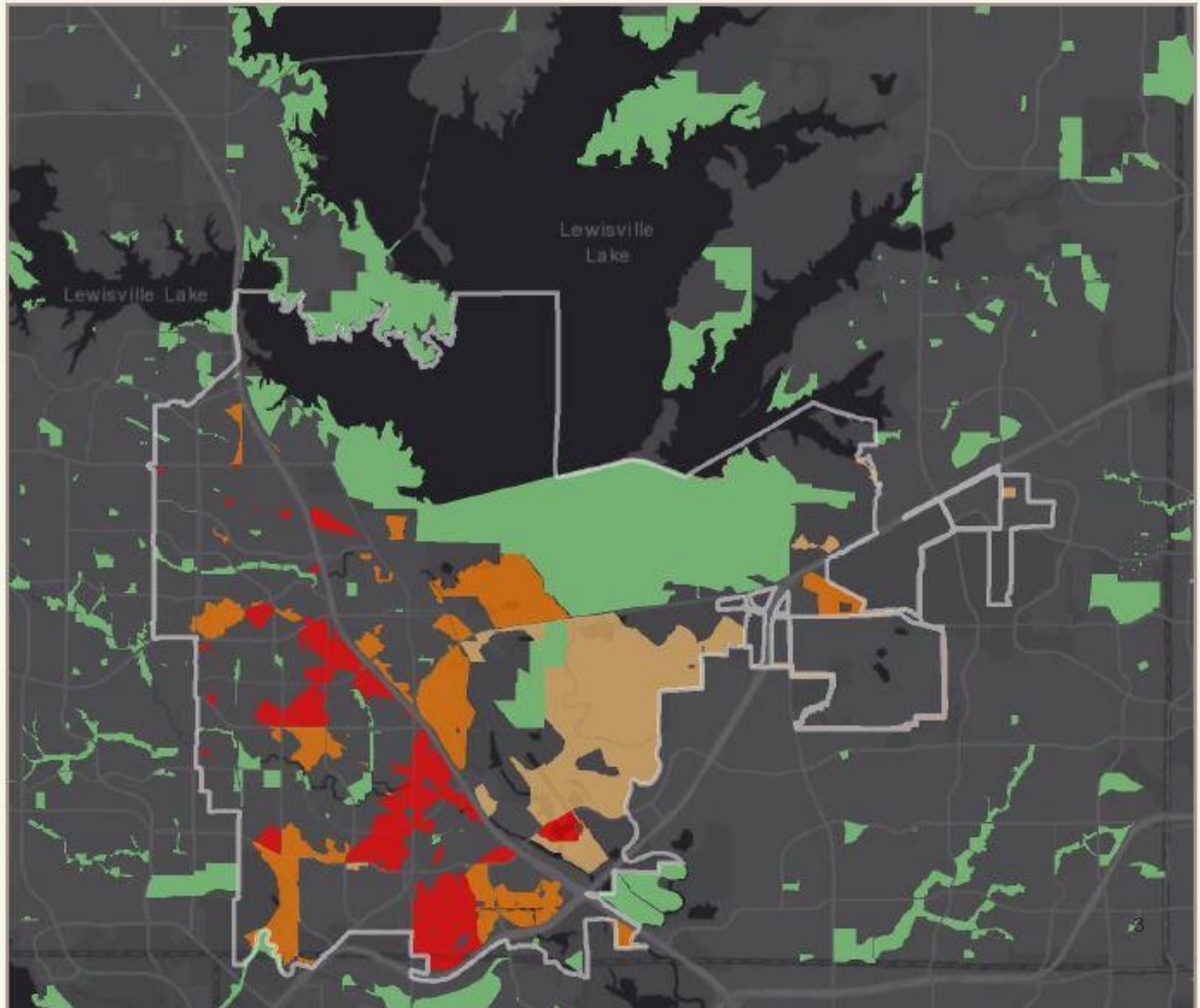
 High

 Moderate To High

 Moderate

## Parkland deficiencies

- Trust for Public Land analysis
- 10-minute walk to a park



ACTION	ADDITIONAL DESCRIPTION	ESTIMATE OF PROBABLE COST	PRIORITY	PLAN GOAL
<b>SYSTEM IMPROVEMENTS</b>				
Modernize existing parks with new amenities and programs.	Set schedule to replace playground equipment, upgrade entry signs, ADA improvements, and other park features as needed.	\$500,000 minimum per park	Ongoing	1A, 3A, 5B
	Conduct redevelopment master plan for Lake Park (begin in 2018) and revisit community park master plan for East Hill Park.	\$150,000	High	
	Feasibility study to repurpose Vista Ridge Athletic Complex and Amphitheater.	\$80,000	High	
Incorporate sustainable areas within parks.	May include butterfly way stations, native and drought-tolerant plants, natural riparian buffers, and wild-flower areas.	\$50,000 minimum per park	Ongoing	3A
Continue to develop a city-wide network of multi-use trails.	Complete construction of Phase 1 trail segments from the Trails Master Plan.	\$6,300,000	High	4A, 4B, 4C
	Add wayfinding signage.	\$15,000 per sign	High	
	Move the 3 priority trails forward.	TBD from planning/design	High	
Create access points along the Elm Fork of the Trinity River.	Complete design of LLELA and Hebron access points and move to construction.	\$1,700,000	High	2A
Resurface tennis courts at Sun Valley and coordinate expanded access to LISD tennis facilities.	Work with LISD to facilitate joint access to existing tennis courts at area schools.	\$0	High	5B
	Resurface existing courts to improve playing conditions and add multi-purpose court striping.	\$40,000	Medium	
Renovate and modernize the Frederick P. Herring Recreation Center.	After the MGC opens, conduct feasibility study to determine best use of the facility.	\$100,000	Medium	5B, 6A
	Plan, design, and construct new components.	TBD by feasibility study	Low	
Renovate and update the Hedrick House.	Enhance kitchen and meeting area.	\$250,000	Medium	1A
Update technology and furniture components in the J. Glenmore Savage Sr. Community Room.	Install new A/V equipment, lighting, paint, and furniture.	\$80,500	Medium	1A

ACTION	ADDITIONAL DESCRIPTION	ESTIMATE OF PROBABLE COST	PRIORITY	PLAN GOAL
<b>NEW FACILITIES</b>				
Construct new parks, trails, and open space in under-served areas.	Revisit interlocal agreement with LISD for shared parkland. Consider Degan, Lakeland Rotary, Central, Rockbrook, Parkway, and Castle Hills elementary schools.	Shared maintenance costs	High	1A
	Create a neighborhood park at the Oak Bend Greenbelt.	\$1,200,000	Medium	
	Develop a neighborhood park in the Castle Hills area.	Acquisition: \$250,000 Planning & Design: \$180,000 Construction: \$1,200,000	Low	
	Designate the rodeo site as parkland and repurpose as an enhanced rodeo site with multi-purpose uses.	TBD from planning/design	Low	
Develop the Valley Vista Property into a nature park	Dedicate property as parkland. Develop a master plan that considers elements such as sustainability, natural areas, wildlife, and outdoor learning.	Master Plan & Design: \$450,000 Construction: \$3,000,000	High	1A, 3A
Construct nature center at LLELA.	Develop a master plan that considers elements such as access, preservation of sensitive areas, and education.	\$20,000,000	Medium	2B
Incorporate parks, trails, recreation, and open space as identified in the small area plans.	Construct parks and trail connections in the Southwest Lewisville and North End Small Area Plan areas	TBD – completion of Small Area Plans	Medium	1B
Create pocket parks in the City.	Create pause points along the DCTA Rail Trail.	\$400,000 (for 2 pause points)	Medium	1A, 5A
	Acquire parcels in Old Town to serve as pocket parks as the area continues to redevelop and has more residential density.	Land acquisition: \$250,000	High	
	Develop a pocket park in the 2.8 acres of land near Timber Creek acquired through the FEMA buy-out program.	\$200,000	Medium	

# Update of Park Development Fee

- Two part approach
  - Horizontal
    - Dedication requirement – Land or money in lieu of land
      - Land requirement - Based on number of acres per dwelling unit in proposed for development
        - 3 acres per 100 dwelling units (du)
      - Money in lieu of land requirement – market price per acre
        - Based on third party land appraisal
  - Vertical
    - Development fee
      - construction of park elements
      - Based on estimate to develop a park acre
      - Collected per dwelling unit - \$1,000
- Collected at time of final plat



# Example

- Plat submitted with 150 planned dwelling units in Northwest Lewisville
- Parkland Dedication Requirement (3 acres per 100 du)
  - $3 / 100 = n / 150$
  - $450 = 100n$
  - 4.5 acres required
- OR Cash-in-lieu of Parkland
  - 4.5 acres required
  - Average cost per acre in park planning area = \$50,000 (example)
  - $4.5 \times \$50,000 = \$225,000$
- Parkland Development Requirement (\$1,000 per du)
  - $\$1,000 \times 150 = \$150,000$
- Possible Payment - \$375,000

# Lakewood Hills Development

- 260 proposed dwelling units
- Parkland Dedication Requirement
  - $3 / 100 = n / 260$
  - $780 = 100n$
  - 7.8 acres required
- OR Cash-in-lieu of land option
  - 7.8 acres
  - Average cost per acre in park planning area = \$50,000 (example)
  - \$390,000
- Park Development
  - $\$1,000 \times 260 = \$260,000$
- Possible Payment - \$650,000
- Potential use of funds - Neighborhood/Community Park in Northeast Lewisville or Work with Developer on Park/Trail construction

# Comparison Cities

City	Parkland Dedication Requirement	Parkland Adjusted Requirement for 100 DU	Cash in Lieu of Fee	Park Development Fee
Allen	1/100 DU	1	\$ 645/DU	\$0
Arlington	1/250 DU	.25		\$1,143/DU
Carrollton	Dedication required in designated areas per Master Plan		\$300/DU	\$0
Coppell*	1/100 DU	1	Market Value	\$1285/DU
Dallas	1/100 DU	1	\$762/DU	\$403/DU
Denton*	.7/100 DU	.7	Market Value	\$ 291/DU
Flower Mound*	1/25 DU	4	Market Value	\$790/DU
Fort Worth*	2.5/1000 DU	.25	Market Value	\$30,000/acre
Frisco	1/50 DU	2	\$1,561/DU	\$0
Grapevine	1/145 DU	.69	\$1,416/DU	\$0
Lewisville (old)				\$ 750/DU
McKinney*	1/50 DU	2	Market Value	\$2,000/DU
Plano	Dedication required in designated areas per Master Plan			\$ 468/DU
Lewisville (proposed)	3/100 DU	3	Market Value	\$1,000/DU

# Park Development Fees

- Intent is that the cost of a new park should be paid by those responsible for creating the demand for the new park facilities
- Courts have upheld the right of a City to charge a fee
  - Texas Supreme Court ruled fee to be constitutionally legal
  - US Supreme Court ruled the dedication requirements imposed on a developer should be “roughly proportional” to the increased demands of the proposed development on a city's park system
- Proposed Ordinance
  - Provides council authority to grant variance
  - Requirements and fees based on cost of residential property and park development



# NEXT STEPS

- Adopt proposed changes to ordinance
- Market analysis of cost per acre in each park planning area – every three years
- Annual review of construction/development costs during budget preparation

# Proclamation

**WHEREAS**, the people of the City of Lewisville, Texas have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces; and

**WHEREAS**, the Purple Heart is the oldest military decoration in present use and was initially created as the Badge of Military Merit by George Washington in 1782; and

**WHEREAS**, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to members of the United States Armed Forces who have been wounded or paid the ultimate sacrifice in combat with a declared enemy of the United States of America; and

**WHEREAS**, the contributions and sacrifices of the men and women from the City of Lewisville, Texas, who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

**WHEREAS**, many men and women in uniform have given their lives while serving in the Armed Forces; and

**WHEREAS**, June 18, 2018 has officially been designated as the day in the City of Lewisville, Texas to remember and recognize veterans who are recipients of the Purple Heart Medal.

**NOW, THEREFORE**, I Rudy Durham, Mayor of the City of Lewisville, and behalf of the Lewisville City Council, do hereby proclaim City of Lewisville, Texas a

## **“PURPLE HEART CITY”**

**IN WITNESS WHEREOF**, I have hereunto set my hand on this the 18th day of June 2018.

---

Rudy Durham, Mayor

## MEMORANDUM

**TO:** Donna Barron, City Manager

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

**DATE:** June 18, 2018

**SUBJECT:** **Public Hearing: Consideration of an Ordinance Granting a Zone Change From Townhouse Two District (TH-2) to Planned Development – Townhouse Two District (PD-TH-2), With Five Associated Variances and Removal of Deed Restrictions; on Approximately 9.49-Acres out of the Joel Summers Survey, Abstract No. 1323, Legally Described as Lots 1-14, and 15x, Block A; Lots 1-17, and 18X, Block B; Lots 1 & 2, and 3X, Block C; and Lot 1-X, Block D, Fireside Village Addition, Located at the Southeast Corner of College Parkway and Summit Avenue as Requested by Steve Lenart, Megatel Homes III, LLC, on Behalf of FCH Lewisville Senior Homes, LLC the Property Owner (Case No. PZ-2018-06-05).**

### **BACKGROUND**

The Planned Development (PD) district allows for innovative community design concepts which may not meet all regulations of the City's standard zoning categories but ensures a high quality development with enhanced amenities and a customized design tailored for a particular site. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request at their meeting of June 5, 2018.

The property for the proposed PD is currently zoned Townhouse Two (TH2). The property was rezoned from General Business (GB) to Townhouse (TH2) in 2012 by Ordinance No. 3952-08-2012 for a proposed development with 33 single family detached lots. The rezoning included deed restrictions requiring the community be age-restricted that were filed with Denton County. A set of variances for the development were granted in September, 2014:

- a) to waive the alley requirement and allow front entry;
- b) to allow for a tubular steel fence with brick column in lieu of the required masonry screening wall along the east boundary of the site;
- c) to allow a gated community and private streets that are maintain by the HOA;
- d) to allow public utilities under private street pavement, HOA is responsible for the cost of the street and sidewalk repairs due to maintenance of the public utilities; and
- e) to reduce the street intersection spacing from 350' to 120' between the proposed Fireside Lane & College Parkway intersection and the existing College Parkway & Summit Avenue Intersection.

In 2015 the utilities and the street were installed after the final plat and construction plans were approved. However, construction was not completed and the street has remained unfinished with no further development on the site.

Along with the proposed Planned Development is a request to remove the deed-restriction for an age-restricted community. The street will remain private.

## **ANALYSIS**

The proposed PD will have a base zoning of Townhouse Two (TH-2) with 82 townhouses in groups of four to six attached units with no age-restrictions. Townhouses will be two stories in height. The applicant is requesting flexibility with the Planned Development with regards to the maintenance of the screening wall and fully gating the community. All decisions will be made final at time of platting. The Planned Development and concept plans illustrate the options.

### *Development Standards*

The development will consist of townhouse units taller than permitted in the base zoning with smaller side yard setbacks but with larger lots sizes, lot depths, rear yards, and home square footage. This is described in the proposed Planned Development standards and further illustrated within a table in the Planned Development.

Residential units will have front entry with a decorative garage door as illustrated on the elevations. Each unit will be equipped with a fire sprinkler system. Driveways will be treated with a decorative finish. Buildings will meet the 80 percent minimum for masonry materials and generally resemble the elevations attached, each of the three elevations will be used on at least four of the 14 buildings.

### *Streets and Parking*

The homes will have a two-car garage and additional two concrete spaces on-site. Additional visitor parking is located in front of clustered mailbox locations and open space locations.

The development is proposed to have an exit-only gate on College Parkway to meet the intersection reduction variance approved by City Council on September 15, 2014. However, if the subdivision is fully gated, the visitor parking near the Summit Avenue entrance will be removed.

### *Screening*

The development will contain a masonry screening wall along Summit Avenue and College Parkway. The masonry wall will be built per City standards and may either be publicly maintained or maintained by the HOA. If maintained by the HOA, the applicant will not pay the maintenance fee to the City. If maintained by the City, the maintenance fee will be required at the time of final plat and construction plan approval. The final option will be determined at the time of platting. The City has used both methods in the past.

### *Landscaping, Open Spaces and Amenities*

The applicant is proposing 1.88 acres of private open space, accounting for 19% of the project area. Several common area open spaces will be provided around the site. A minimum five-foot-wide trail will connect two common areas behind the homes and be at least 1,750 linear feet. Two common areas will feature benches, cluster mailboxes and pet waste stations. The HOA will maintain all these amenities.

### VariANCES

The following variances were previously approved and are requested to be approved again for the proposed PD zoning:

- a) to waive the alley requirement and allow front entry;

Section 6-92 (k) Alleys requires alleys for all single family residential subdivisions. This was originally requested to provide for an open community that allows more visibility of the common area that will be landscaped and maintained by the HOA. The site is limited in terms of its size, shape, and proximity to the adjacent creek. Since then, the street has been constructed, leaving little opportunity for alleys. This variance has also been granted previously for other townhouse developments such as Manors at Forestbrook, Brookside, The Preserve at Vista Ridge, and Castle Hills Golf Course Phases I, II and III. Staff recommends approval of this variance.

- b) to allow a gated community and private streets that are maintained by the HOA;

Section 6-94 (a) Lots, requires that each residential lot adjoin a public street. The applicants are requesting private streets with gated access maintained by the HOA. Staff will ensure that the HOA documents make provisions for maintenance of the private streets and other amenities within the subdivision. Those documents are completed and filed prior to the first home being occupied. Gates will be equipped with devices acceptable to the Lewisville Fire Department to allow access for emergency vehicles. Other similar developments with Private Streets in Lewisville include the Manors At Vista Ridge and Castle Hills Golf Villas in Castle Hills. In addition, gating the north entrance mitigates potential traffic concerns based on the intersection spacing. Staff recommends approval of this variance.

- c) to allow public utilities under private street pavement, HOA is responsible for the cost of the street and sidewalk repairs due to maintenance of the public utilities; and

Section 6-95 (a) Easements/R.O.W.s General Provisions requires public utilities in residential subdivisions to be located within public right(s)-of-way. Approval of privately maintained streets with gated access will require utilities to be placed in easements coinciding with the private streets. This is the same concept approved for several estate townhome projects with private streets including Manors at Forestbrook, Castle Hills Golf Course Phases I, II and III. The sewer and water mains will be maintained by the City. These lines have already been constructed and paved over. Staff recommends approval of this variance.

- d) to reduce the street intersection spacing from 350' to 120' between the proposed Fireside Lane & College Parkway intersection and the existing College Parkway & Summit Avenue Intersection.

Section 6-92 (b) Streets requires that no residential street intersection with arterial streets be allowed within 350 feet of a major arterial street intersection and/or within the proposed right turn lane limits. Summit Avenue and College Street are currently built as principal arterial four lane divided streets. The proposed private street would intersect College Street 120 feet east of the existing Summit Avenue and College Street intersection and is not within the proposed right turn

lane limits. Emergency access & exit is required on College Street to provide a second point of access to the subdivision. The proposed private street will be a gated secondary exit only for the homeowners and secondary point of access for emergency vehicles, which will minimize traffic use of the intersection to College Street. The street was constructed based on these variances being previously approved. Staff recommends approval of this variance.

One previously approved variance is being amended:

- e) to allow for an ornamental tubular steel fence in lieu of the required masonry screening wall along the east boundary of the site and combination of ornamental tubular steel fence and existing landscaping along the south boundary of the site.

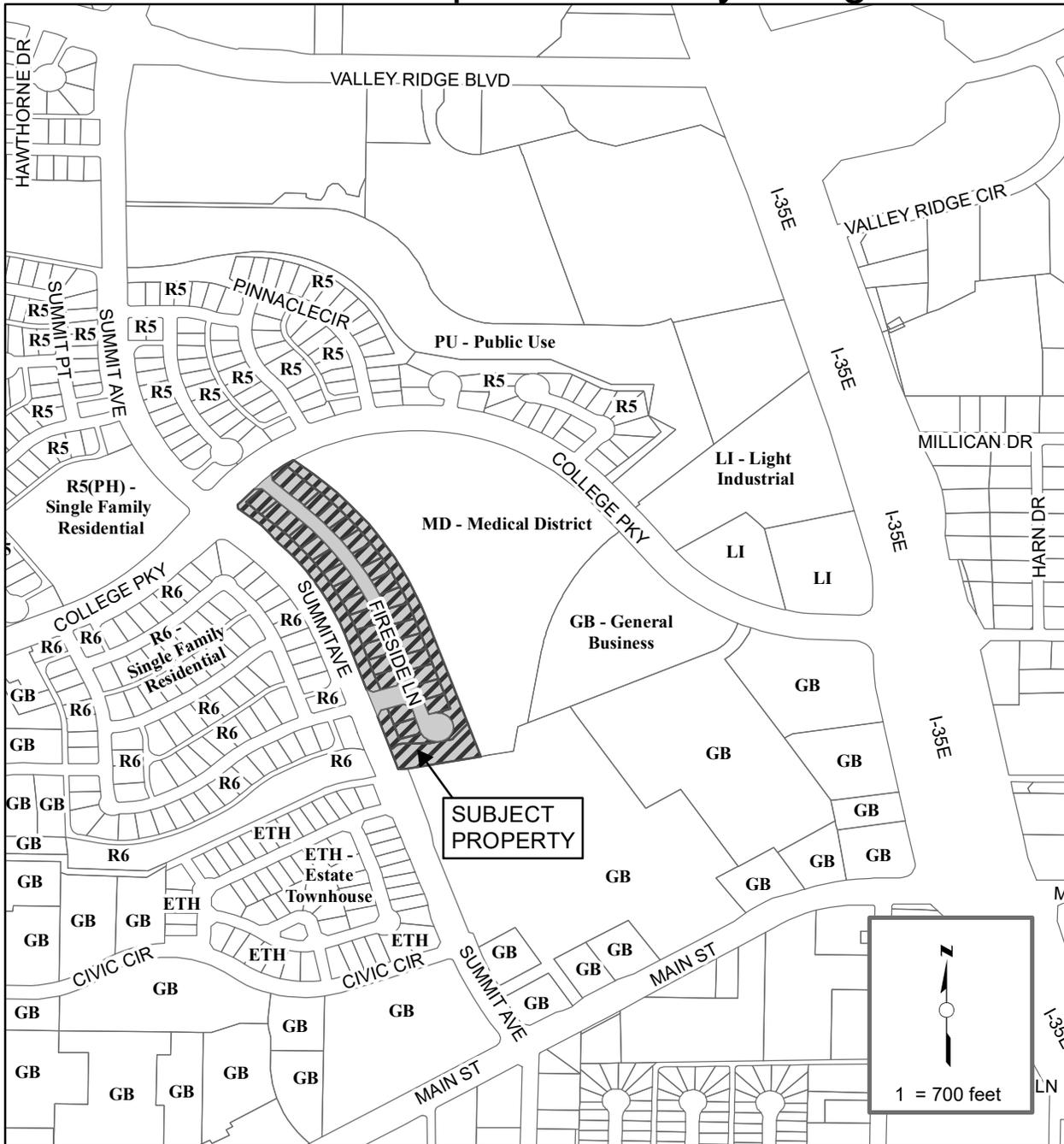
Section 6-144 Screening Wall Between Commercial and Residential Uses requires a screening wall of not less than six feet in height along any portion of an office, retail or institutional use which adjoins any portion of a single family detached zoning district. The construction of the screening wall is the responsibility of the commercial property owner; however, if a single-family residential use is being constructed adjacent to an existing commercial use with no screening wall in place, the construction responsibility will shift to the residential developer. The property adjacent to the proposed subdivision consists of independent and assisted living, zoned Medical District. When the independent and assisted living was originally developed in the 1990's, both properties had commercial zoning and no screening wall was required. The subject property was rezoned in 2012, necessitating the screening wall requirement when development occurred. There is an open space with a walking trail behind the homes that abuts the adjacent property. The backyards will also have wood fencing, to provide privacy for the residents. The change requested is that the ornamental tubular steel fence will go along the south and east property lines and there will not be masonry columns along fence. A large vegetated drainage area separates the development from the Walmart property to the south.

The purpose of the Planned Development zoning district is to provide flexibility and accommodate innovative design in order to achieve a more desirable development and activate a defunct development site. The proposal removes the existing deed restriction for an age-restricted community, calls for larger home square footage and larger lots with small side yards and slightly taller buildings. This complies with the Lewisville 2025 Plan Big Moves of New Neighborhood Choice and Thriving Neighborhoods.

### **RECOMMENDATION**

It is City staff's recommendation that the City Council approve the zone change, associated variances and removal of deed restrictions as set forth in the caption above.

# Location Map - Normandy Village



**CASE NO. PZ-2018-06-05**

**PROPERTY OWNER:** FCH SENIOR HOMES, LLC

**APPLICANT NAME:** STEVE LENART, MEGATEL HOMES III, LLC

**PROPERTY LOCATION:** SOUTHWEST CORNER OF COLLEGE PARKWAY AND SUMMIT AVENUE  
(9.49-ACRES)

**CURRENT ZONING:** TOWNHOUSE TWO DISTRICT (TH-2)

**REQUESTED ZONING:** PLANNED DEVELOPMENT - TOWNHOUSE TWO DISTRICT (PD-TH-2)

# Aerial Map - Normandy Village



**AGENDA  
PLANNING AND ZONING COMMISSION  
JUNE 5, 2018**

**COUNCIL CHAMBERS  
151 WEST CHURCH STREET  
LEWISVILLE, TEXAS**

**REGULAR SESSION 6:30 P.M.**

**1. CALL TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT.**

**2. APPROVE MINUTES OF THE MAY 15, 2018 MEETING**

**3. PUBLIC HEARING CONSENT AGENDA - PLATS**

(The following Replats on the Consent Agenda are submitted for approval with no variance requests, or the variances have previously been approved by the City Council. Although a citizen or Commission Member may speak regarding individual plats, they will be considered and acted upon with one motion following a public hearing in accordance with Local Government Code Section 212. Individual replats may be removed from the consent Agenda list for separate consideration at the request of a citizen or Commission Member.)

- A. **Public Hearing**: Final Plat of James Degan Addition, Lot 17R, Block 2; on a 0.598-Acre Tract of Land out of the J. Sutton Survey, Abstract No. 1155; Zoned Single Family Residential District (R-7.5); Located at 461 and 471 Crockett Drive; Being a Replat of James Degan Subdivision, Part of Lot 17 and All of Lot 18, Block 2.

**4. PUBLIC HEARING – ZONING & SPECIAL USE PERMITS**

- A. **Public Hearing**: Consideration of a Special Use Permit for a Communication Tower; on Approximately 24.619 Acres, Legally Described as a Lot 16, Block A of the Fairway Business Park Addition, Located off at the Northern Terminus of Fairway Drive, Approximately 390 Feet North of East Jones Street, and West of North Mill Street; as Requested by Shawn Rockenbaugh of Teague, Nall & Perkins, Inc., on Brazos Electric Power Cooperative, the Property Owner. (Case No. SUP-2018-06-10).
- B. **Public Hearing**: Consideration of a Special Use Permit for an Auto Display and Sales Facility; on an Approximately 0.883-Acre Tract of Land, out of the E. Pickett Survey Abstract No. 1014; Located at the Southwest Corner of South Mill Street and Harvard Avenue, at 901 and 903 South Mill Street, Zoned General Business District (GB); as Requested by Darrell Moseley of Bruce Properties, LLC., the Property Owner. (Case No. SUP-2018-06-09).

- C. **Public Hearing:** Consideration of a Zone Change Request From Local Commercial District (LC) to Multi-Family One District (MF-1); on Approximately 1.13 Acres, Being Lot 2R-B, Block C, Country Ridge Addition, Located on the North Side of Southwest Parkway, Approximately 840 Feet West of South State Highway 121 Business; as Requested by Steven Homeyer, of Homeyer Engineering, Inc., on Behalf of John Gillespie, of WAK/285SWP, LLC, the Property Owner. (Case No. PZ-2018-06-04).
- D. **Public Hearing:** Consideration of a Zone Change Request From Townhouse Two District (TH-2) to Planned Development – Townhouse Two District (PD-TH-2); on approximately 9.49 acres, legally described as Lots 1-14, 15X, Block A; Lots 1-17, 18X, Block B; Lots 1 & 2, 3X, Block C; Lot 1-X, Block D, Fireside Village Addition and located at the southeast corner of College Parkway and Summit Avenue. The request is being made by Steve Lenart, Megatel Homes III, LLC, on behalf of FCH Lewisville Senior Homes, LLC the property owner. (Case No. PZ-2018-06-05).

## 5. ADJOURNMENT

### NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City will provide appropriate auxiliary aids and services, including sign language interpreters and assisted listening devices, whenever necessary to ensure effective communication with members of the public who have hearing, sight or speech impairments, unless doing so would result in a fundamental alteration of its programs or an undue financial burden. A person who requires an accommodation or auxiliary aid or service to participate in a City program, service or activity, should contact the sponsoring Department, or the Human Resource Department at 972-219-3450 or by Fax at 972-219-5005 as far in advance as possible but no later than 48 hours before the scheduled event.

## **SECTION 17-14.5. - "TH-2" TOWNHOUSE TWO RESIDENTIAL DISTRICT REGULATIONS**

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family attached dwelling units, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
  - (2) Single-family detached dwelling units.
  - (3) Church worship facilities.
  - (4) Buildings and uses owned or operated by public governmental agencies.
  - (5) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
  - (6) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
  - (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
  - (8) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
  - (9) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building..
  - (10) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
  - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
  - (12) Gas and oil drilling accessory uses (SUP required).
  - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* Attached living units shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
    - a. *Front yard.* There shall be a front yard having a required depth of not less than seventeen and one-half (17.5) feet, except that the garage shall be set back a minimum of twenty (20) feet to be used for driveway and additional onsite parking. Where entrance to the garage is provided from an alley or easement in the rear, the minimum front yard shall be five (5) feet.
    - b. *Side yard.* There shall be a side yard on each side of a continuous row or group of dwellings, or on each side of a detached dwelling, of not less than six and one-half (6.5) feet. A side yard adjacent to a side street shall not be less than ten (10) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
    - c. *Rear yard.* There shall be a rear yard having a required depth of not less than five (5) feet if there is no rear entry for parking from an alley or easement. Where the entrance to the garage is provided from an easement serving a row of attached dwelling units, the minimum rear setback shall be seventeen and one-half (17.5) feet. Where the entrance to the garage is provided from an alley, the minimum setback shall be seventeen and one-half (17.5) feet, except that the garage shall be set back a minimum of twenty (20) feet to be used for driveway and additional onsite parking.
  - (2) *Size of lot.*
    - a. *Lot area.* No building shall be constructed on any lot less than seventeen hundred (1,700) square feet per dwelling unit, except that detached units shall be constructed on lots which are a minimum of five thousand (5,000) square feet per lot.

- b. *Lot width.* The width of a lot shall not be less than twenty (20) feet at any point, except that lots for detached units shall have a lot width of not less than fifty (50) feet at the front and rear building lines, and forty (40) feet at the front property line.
  - c. *Lot depth.* The depth of a lot shall not be less than seventy-five (75) feet at any point.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling unit, attached or detached, shall be twelve hundred (1,200) square feet, exclusive of any garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than seventy percent (70%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

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



**LEWISVILLE**  
 Deep Roots. Broad Wings. Bright Future.

**ZONE CHANGE APPLICATION**

Owner/s (name):	
Company Name: FCH Lewisville Senior Homes, LLC	
Mailing Address: 17130 Dallas Parkway #240, Dallas TX. 75248	
Work #: 469-687-2502	Cell #: 972 9796996
E-Mail: KENT@CONINE.COM	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization):	Date: 02/01/2018
Printed Name: C. KENT CONINE	

Applicant/Agent (name): Steve Lenart	
Company Name: Megatel Homes III, LLC.	
Mailing Address: 520 Central Parkway E. #104 Plano, TX. 75074	
Work #: 469-440-2701	Cell #: 469-446-3544
E-Mail: s_lenart@lenartdevelopment.com	
Applicant/Agent Signature	Date: 02/01/2018
Printed Name: Steve Lenart	

Current Zoning: TH-2	Requested Zoning: PD	Acres: 9.5
Legal Description (Lot/ Block/Tract/Abstract): See Attached		
Address/Location: SE Corner of Summit Ave and College Parkway		

**Application and Sign Fees:**

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

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

Qty: 2	Zone Change Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ 70
--------	--	-------

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

Amount Due (application & sign fee)	\$ 470
-------------------------------------	--------



FCH Lewisville Senior Homes, LLC.  
17130 Dallas Parkway #240  
Dallas, TX. 75248

April 16, 2018

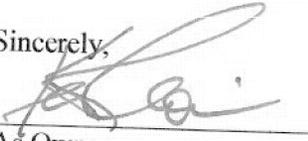
Mr. Richard E. Luedke, AICP  
Planning Director  
City of Lewisville  
151 W Church Street  
Lewisville, TX 75057

**RE: Owners Letter of Authorization to Rezone the Project Normandy Village f/k/a Fireside Village.**

Dear Mr. Luedke,

This letter provides FCH Lewisville Senior Homes, LLC. consent, as the property owner, for Lenart Development Company, LLC and Megatel Homes III, LLC to rezone the subject property to a Planned Development (PD) per the attached Zoning Change Request on the 9.49 acres of land located at the Southeast corner of Summit Ave and College Parkway.

Sincerely,

  
As Owner

The State of Texas County  
of Coleman

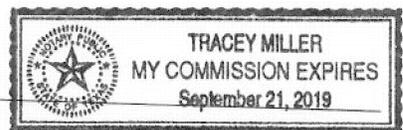
Before me, Tracy Miller (insert the name and title of the officer),

on this day personally appeared Kent, Corine, Manager, known to me (or proved to me on the oath of Drivers License or through \_\_\_\_\_ (description of identity card or other document) to be the person whose name is subscribed to

the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

(Seal)

Given under my hand and seal of office this 17th day of April, 2018.



(Notary's Signature)  
Notary Public, State of Texas

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

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

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

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

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

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

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

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

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



Lenart Development Company, L.L.C.  
520 Central Parkway East, Suite 104 Plano, TX 75074 ▼ 972-422-9880

February 7, 2018

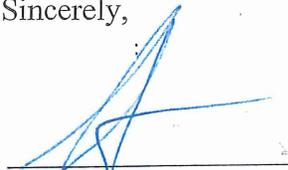
The Honorable Rudy Durham  
Mayor of Lewisville  
151 W. Church St.  
Lewisville, TX. 75057

Re: Fireside Village Abandonment of Existing Covenants, Conditions and Restrictions

Dear Mayor Durham,

Lenart Development Company, LLC on behalf of Megatel Homes III as applicant. Requests the existing Covenants, Conditions and Restrictions, filed by Heatley-Moist, Inc. September 14, 2012, in the Public Records of Denton County, Texas, document number 2012-103252. Then refiled June 24, 2016 correcting the legal description, document number 2016-74806, in the Public Records of Denton County, Texas be abandoned with the approval of the proposed PD and Final Plat.

Sincerely,



Steven H. Lenart

\*-----\*  
Official Receipt for Recording in:

Denton County Clerk  
PO Box 2187  
Denton, TX 76202

Issued To:  
CITY OF LEWISVILLE  
NIKA REINECKA  
151 W CHURCH ST  
LEWISVILLE TX 75057

Recording Fees

Document Description	Number	Recording Amount
DED	103252	28.00
DR-HEATLEY MOIST INC		
		28.00

Collected Amounts

Payment Type	Amount
Check	1000171365 28.00
28.00	

Total Received : 28.00  
Less Total Recordings: 28.00  
-----  
Change Due : .00

Thank You  
CYNTHIA MITCHELL - County Clerk

By - Matthew Ivory

Receipt# Date Time  
0949430 09/14/2012 08:17a

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, TX 76202



70 2012 00103252

Instrument Number: 2012-103252

As  
Deed

Recorded On: September 14, 2012

Parties: HEATLEY MOIST INC

To

Billable Pages: 4

Number of Pages: 4

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Deed	28.00
<b>Total Recording:</b>	<b>28.00</b>

\*\*\*\*\* 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:**

**Record and Return To:**

Document Number: 2012-103252

Receipt Number: 949430

Recorded Date/Time: September 14, 2012 08:17:45A

User / Station: M Ivory - Cash Station 1

CITY OF LEWISVILLE

NIKA REINECKA

151 W CHURCH ST

LEWISVILLE TX 75057



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.

*C Mitchell*

County Clerk  
Denton County, Texas



The restrictions contained herein inure to the benefit of the City of Lewisville, Texas, and Declarant does hereby grant to the City of Lewisville, Texas, the right to prosecute, at law and in equity, against the person violating or attempting to violate such restrictions, either to prevent him from so doing or to correct such violation and for further remedy the City of Lewisville may withhold the Building Permit or the Certificate of Occupancy necessary for the lawful use of the applicable lot or lots within the Property until such restrictions described herein are fully complied with.

Declarant, its successors, and assigns have the right to enforce by any proceeding at law or in equity all of the covenants, conditions, and restrictions imposed upon the Property by the provisions of this instrument

Failure to enforce any covenant, condition, or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. Invalidation of any one of the covenants, conditions, or restrictions by a judgment or court order shall in no way affect any other provision hereof and all other provisions shall remain in full force and effect

The covenants, conditions, and restrictions herein contained shall run with and bind the Property and shall inure to the benefit of and be enforceable by the Declarant, its successors,, and assigns, and any owner of the Property and his or her respective legal representatives, heirs, grantees, successors, and assigns, and shall be effective for a term of twenty-five (25) years from the date these covenants, conditions, and restrictions are recorded in the Deed Records of Denton

County, Texas.

EXECUTED this 1 day of August, 2012.

HEATLEY-MOIST, INC.

By: [Signature]

THE STATE OF TEXAS §  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 1 day of August, 2012, by Michael Heatley on behalf of said corporation.



[Signature]  
Notary Public in and for the State of Texas



Lenart Development Company, L.L.C.

520 Central Parkway East, Suite 104 Plano, TX 75074 ▼ 972-422-9880

February 7, 2018

The Honorable Rudy Durham  
Mayor of Lewisville  
151 W. Church St.  
Lewisville, TX. 75057

Re: Fireside Village Variances Requested

Dear Mayor Durham,

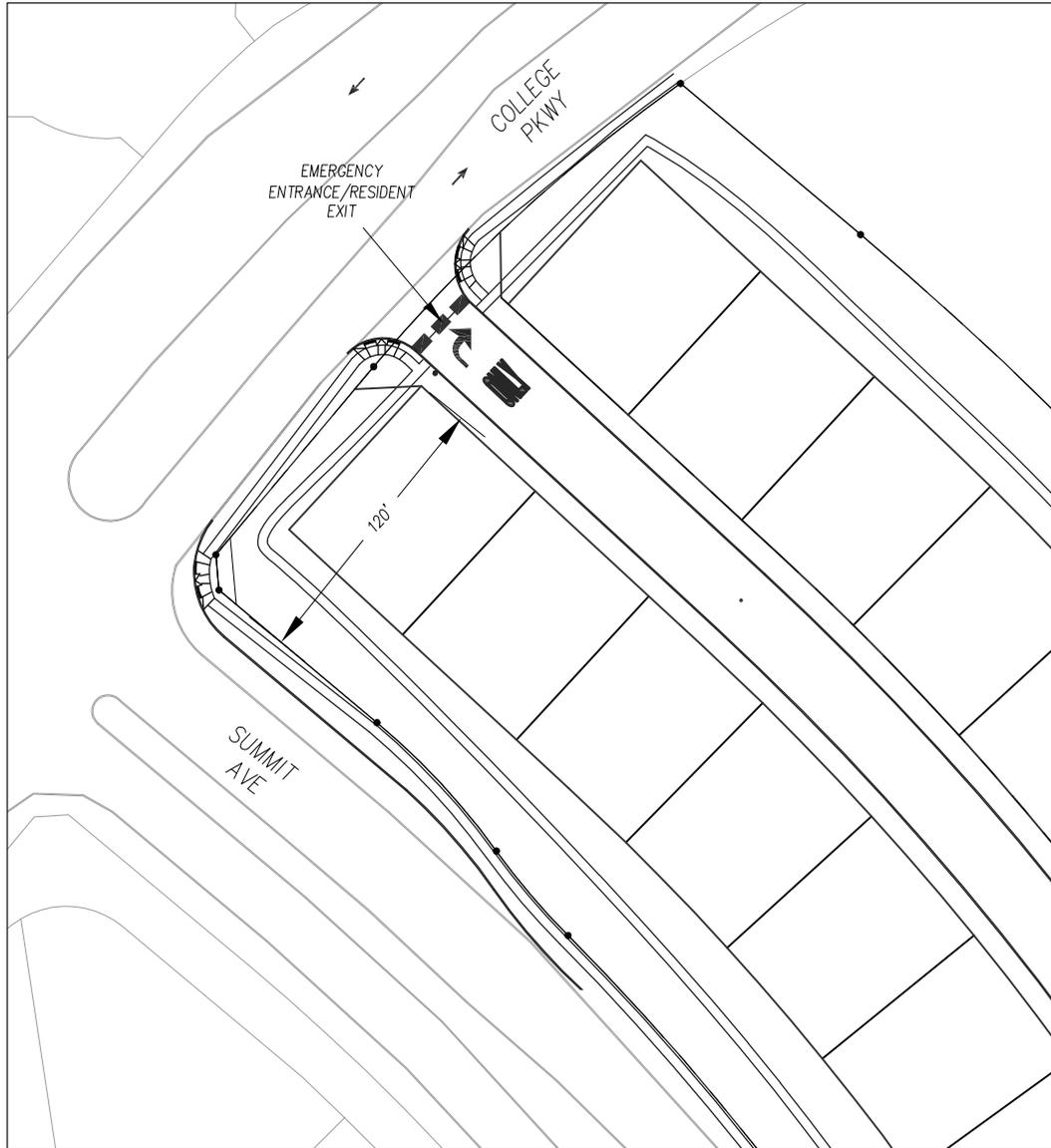
Lenart Development Company, LLC on behalf of Megatel Homes III as applicant.  
We are respectfully requesting five variances that were approved for the previous development with one modification. The variances we are requesting are:

- a) to waive the alley requirement and allow front entry;
- b) to allow a gated community and private streets that are maintain by the HOA;
- c) to allow public utilities under private street pavement, HOA is responsible for the cost of the street and sidewalk repairs due to maintenance of the public utilities; and
- d) to reduce the street intersection spacing from 350' to 120' between the proposed Fireside Lane & College Parkway intersection and the existing College Parkway & Summit Avenue Intersection.
- e) to allow for an ornamental tubular steel fence in lieu of the required masonry screening wall along the east boundary of the site.

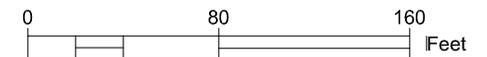
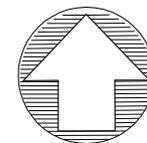
Sincerely,

Steve Lenart

e) Reduce the street intersection spacing from 350' to 120' between the proposed Fireside Lane & College Parkway intersection and the existing College Parkway & Summit Avenue intersection.



This variance was requested for Fireside Village and the street was constructed.



1" = 80'

## INTERSECTION EXHIBIT



Engineering Corporation  
 2570 FM 407, Suite 209  
 Highland Village, Texas 75077  
 Ph: 972.691.6633  
 Fax: 972.691.6628  
 TBPE FIRM #605

REVISIONS

DESIGN:	CCM
DRAWN:	CCM
DATE:	06/20/2014
SCALE:	
NOTES:	

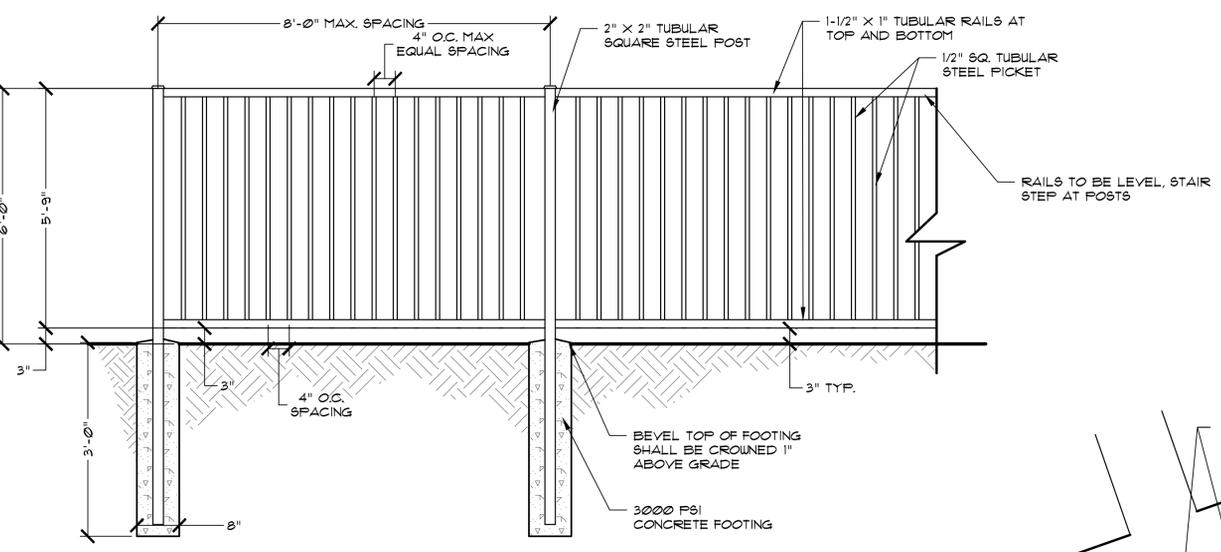
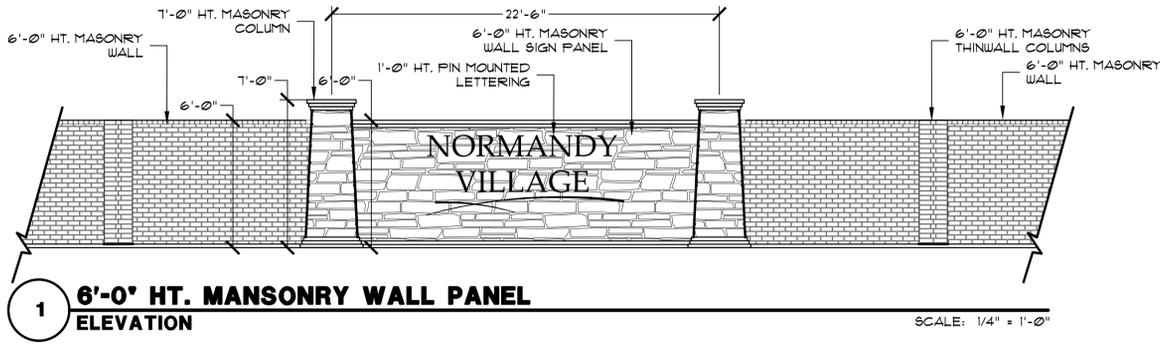
# FIRESIDE VILLAGE

**FOR PRELIMINARY REVIEW ONLY**  
 THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF  
 CODY D. CRANNELL, PE#105947  
 ON 06/20/14  
 IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

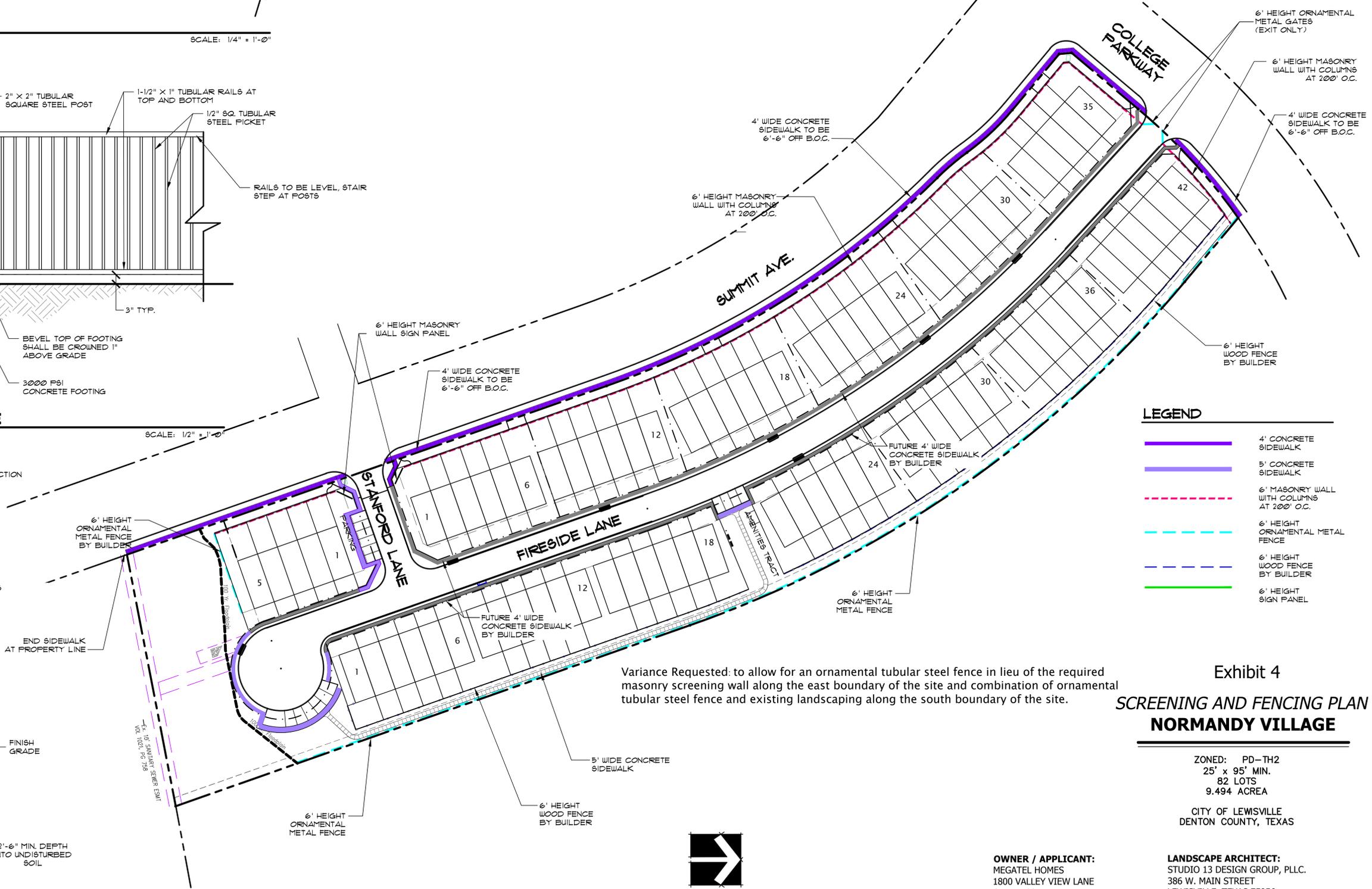
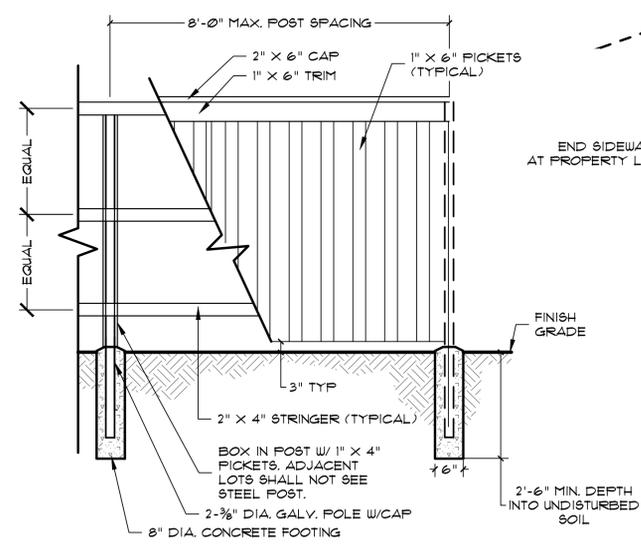
City of Lewisville  
 Denton County, Texas

Sheet  
 of  
**C13**

Drawing: S:\Projects\LD0070 - Fireside\DWG\LD0070-Screening and Fencing.dwg Saved By: Station6 Save Time: 5/25/2018 11:50 AM Plotted by: ##### Plot Date: 5/30/2018 1:13 PM



NOTES:  
 1. ORNAMENTAL METAL FENCE TO BE PRIMED AND PAINTED BLACK.  
 2. ALL FIELD WELDS TO BE GRINDED, PRIMED AND PAINTED BLACK.  
 3. MANUFACTURER TO PROVIDE SHOP DRAWINGS PRIOR TO CONSTRUCTION.



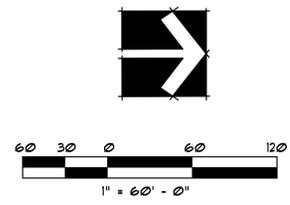
Variance Requested: to allow for an ornamental tubular steel fence in lieu of the required masonry screening wall along the east boundary of the site and combination of ornamental tubular steel fence and existing landscaping along the south boundary of the site.

**Exhibit 4  
 SCREENING AND FENCING PLAN  
 NORMANDY VILLAGE**

ZONED: PD-TH2  
 25' x 95' MIN.  
 82 LOTS  
 9.494 ACREA  
 CITY OF LEWISVILLE  
 DENTON COUNTY, TEXAS

**OWNER / APPLICANT:**  
 MEGATEL HOMES  
 1800 VALLEY VIEW LANE  
 SUITE 400  
 FARMERS BRANCH, TEXAS 75234

**LANDSCAPE ARCHITECT:**  
 STUDIO 13 DESIGN GROUP, PLLC.  
 386 W. MAIN STREET  
 LEWISVILLE, TEXAS 75056  
 (469) 635-1900  
 CONTACT: LEONARD W. REEVES, ASLA, RLA  
 lreeves@studio13.biz



Final Submittal 05/25/18

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

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY REZONING APPROXIMATELY 9.49-ACRES OUT OF THE JOEL SUMMERS SURVEY, ABSTRACT NO. 1323, LEGALLY DESCRIBED AS LOTS 1-14, 15X, BLOCK A; LOTS 1-17, 18X, BLOCK B; LOTS 1 & 2, 3X, BLOCK C; LOT 1-X, BLOCK D, FIRESIDE VILLAGE ADDITION, LOCATED AT THE SOUTHEAST CORNER OF COLLEGE PARKWAY AND SUMMIT AVENUE, FROM TOWNHOUSE TWO DISTRICT (TH-2) ZONING TO PLANNED DEVELOPMENT – TOWNHOUSE TWO DISTRICT (PD-TH-2) ZONING; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; DETERMINING THAT THE PUBLIC INTERESTS AND GENERAL WELFARE DEMAND THIS ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING FOR A REPEALER, SEVERABILITY, A PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, applications were made to amend the Official Zoning Map of Lewisville, Texas by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by State statutes and the Zoning Ordinances of the City of Lewisville, Texas, said Planning and Zoning Commission has recommended that rezoning of the approximately 9.49-acre property described in the attached Exhibit “A” (the “Property”) be **approved**, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Lewisville, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and,

**WHEREAS**, the City Council of the City of Lewisville, Texas, at a public hearing called by the City Council of the City of Lewisville, Texas, did consider the following factors in making a determination as to whether this requested change should be granted or denied: effect on the

congestion of the streets; the fire hazards, panics and other dangers possibly present in the securing of safety from same; the effect on the promotion of health and the general welfare; effect on adequate light and air; the effect on the overcrowding of the land; the effect of the concentration on population; the effect on the transportation, water, sewerage, schools, parks and other public facilities; and,

**WHEREAS**, the City Council further considered among other things the character of the district and its peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this City; and,

**WHEREAS**, the City Council of the City of Lewisville, Texas, does find that there is a public necessity for the zoning change, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of adjacent property owners; and,

**WHEREAS**, the City Council of the City of Lewisville, Texas, does find that the change in zoning lessens the congestion in the streets; helps secure safety from fire, panic and other dangers; promotes health and the general welfare; provides adequate light and air; prevents the overcrowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and,

**WHEREAS**, the City Council of the City of Lewisville, Texas, has determined that there is a necessity and need for this change in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the Property since it was originally classified and, therefore, feels that a change in zoning classification for the Property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Lewisville, Texas, and helps promote the general health, safety, and welfare of this community.

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

**SECTION 1.** The Zoning Ordinance of the City of Lewisville, Texas, be, and the same is hereby amended and changed in that the zoning of the Property is hereby changed to **PLANNED DEVELOPMENT – TOWNHOUSE TWO DISTRICT (PD-TH-2) ZONING** and in compliance with the proposed narrative, concept plan, landscape plan, screening and fencing plan, conceptual elevations, and entryway illustrations, attached hereto as Exhibit “B”; and

**SECTION 2.** The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this change in zoning.

**SECTION 3.** That in all other respects the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Lewisville Zoning Ordinance and all other applicable and pertinent ordinances of the City of Lewisville, Texas.

**SECTION 4.** That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewage, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things of the character of the

district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

**SECTION 5.** This Ordinance shall be cumulative of all other ordinances of the City of Lewisville, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances, except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this Ordinance.

**SECTION 6.** That the terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the Property shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

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

**SECTION 8.** 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 9.** The fact that the present Zoning Ordinance and regulations of the City of Lewisville, Texas are inadequate to properly safeguard the health, safety, peace and general welfare of the inhabitants of the City of Lewisville, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which

requires that this Ordinance shall become effective from and after the date of its passage and approval and publication, as the law in such cases provides, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE 18TH DAY OF JUNE, 2018.**

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

Exhibit A  
Property Description

Exhibit B  
Proposed Narrative  
Concept Plan  
Landscape Plan  
Screening and Fencing Plan  
Conceptual Elevations  
Entryway Illustrations

## Exhibit 1

### Legal Description and Survey

WHEREAS FCH LEWISVILLE SENIOR HOMES, LLC is the owner of all that certain lot, tract or parcel of land situated in Joel Summers Survey, Abstract Number 1189 and the Jesse Watkins Survey, Abstract Number 1323, Denton County, Texas and being Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15X, Block A, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18X, Block B, and Lots 1, 2, and 3X, Block C, and Lot 1X, Block D, Fireside Village Addition, an Addition to the City of Lewisville, Denton County, Texas according to the plat thereof recorded in Clerk's File No. 2015-343, Plat Records of Denton County, Texas, the subject tract being more particularly described as follows;

BEGINNING at a capped iron rod found stamped "Carter & Burgess" on the Northeast right-of-way line of Summit Avenue, being the Northwest corner of Lot 3-R1-A in Block C of Valley Ridge Business Park West, an addition to the City of Lewisville, according to the replat thereof recorded in Document Number 2012-280 of said Plat Records;

THENCE North 19 degrees 18 minutes 35 seconds West with the Northeast line of said Avenue, a distance of 603.77 feet to a capped iron rod found stamped "Carter & Burgess" at the beginning of a curve to the left having a radius of 1050.00 feet and a chord bearing and distance of North 32 degrees 02 minutes 31 seconds West, 463.81 feet;

THENCE Northwesterly with the arc of said curve, the Northeast line of said Avenue, an arc distance of 467.67 feet to a capped iron rod found stamped "KAZ" and being at the beginning of a curve to the right having a radius of 300.00 feet and a chord bearing and distance of North 40 degrees 21 minutes 54 Seconds West, 46.52 feet;

THENCE Northwesterly with the arc of said curve, the Northeast line of said Avenue, an arc distance of 46.57 feet to a capped iron rod found stamped "KAZ" at the beginning of a curve to the left having a radius of 300.00 feet and a chord bearing and distance of North 42 degrees 57 minutes 21 seconds West, 73.56 feet;

THENCE Northwesterly with the arc of said curve, the Northeast line of said Avenue, an arc distance of 73.74 feet to a capped iron rod found stamped "KAZ";

THENCE North 50 degrees 00 minutes 00 seconds West with the Northeast line of said Avenue, a distance of 86.64 feet to a capped iron rod found stamped "KAZ" for an angle point in said line;

THENCE North 05 degrees 00 minutes 00 seconds West, with the Northeast line of said Avenue, a distance of 14.85 feet to a capped iron rod found stamped "KAZ" in the Southeast line of College Parkway;

THENCE North 40 degrees 01 minutes 06 seconds East with the Northwest line thereof and the Southeast line of said Parkway, a distance of 103.27 feet to a capped iron rod found stamped "Carter & Burgess" at the beginning of a curve to the right having a radius of 687.50 and a chord bearing and distance of North 47 degrees 20 minutes 05 seconds East, 175.14 feet;

THENCE Northeasterly with the arc of said curve, the Southeast line of said Parkway, an arc distance of 175.62 feet to a capped iron rod found being the most Westerly corner of Lot 1 in Block A of Parkway Estates Addition, an addition to said City according to the plat thereof recorded in Cabinet P, Page 52 of said Plat Records;

THENCE South 50 degrees 04 minutes 01 seconds East with the Southwest line thereof a distance of 98.42 feet to a 1/2" iron rod found at the beginning of a curve to the right having a radius of 1350.00 feet and a chord bearing and distance of South 34 degrees 37 minutes 09 seconds East, 715.00 feet;

THENCE Southeasterly with the arc of said curve, the Southwest line of said Lot 1, an arc distance of 723.63 feet to a capped iron rod found stamped "PRISM";

THENCE South 19 degrees 19 minutes 29 seconds East with the Southwest line of said Lot 1 a distance of 647.27 feet to a capped iron rod found stamped "Carter & Burgess" for the Southeast corner thereof, the Southwest corner of said Lot 1 and being in the North line of said Lot 3-R1-A;

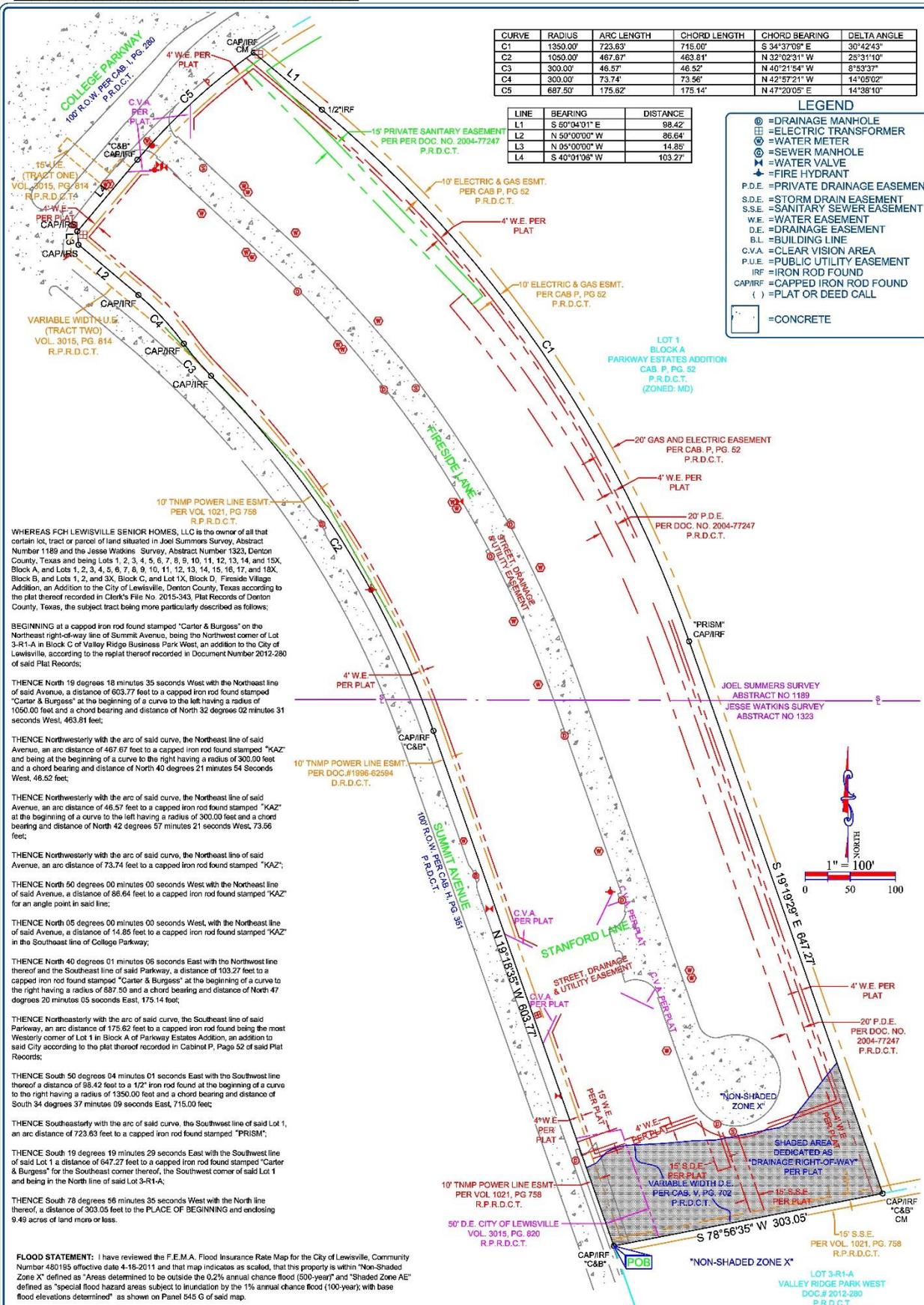
THENCE South 78 degrees 56 minutes 35 seconds West with the North line thereof, a distance of 303.05 feet to the PLACE OF BEGINNING and enclosing 9.49 acres of land more or less.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1350.00'	723.63'	715.00'	S 34°37'09" E	30°42'43"
C2	1050.00'	467.67'	463.81'	N 32°02'31" W	25°31'10"
C3	300.00'	46.57'	46.52'	N 40°21'54" W	8°53'37"
C4	300.00'	73.74'	73.56'	N 42°57'21" W	14°05'02"
C5	687.50'	175.82'	175.14'	N 47°20'05" E	14°38'10"

LINE	BEARING	DISTANCE
L1	S 60°04'01" E	98.42'
L2	N 50°00'00" W	86.64'
L3	N 05°00'00" W	14.85'
L4	S 40°01'08" W	103.27'

**LEGEND**

- ⊙ = DRAINAGE MANHOLE
- ⊞ = ELECTRIC TRANSFORMER
- ⊕ = WATER METER
- ⊙ = SEWER MANHOLE
- ⊕ = WATER VALVE
- ⊕ = FIRE HYDRANT
- P.D.E. = PRIVATE DRAINAGE EASEMENT
- S.D.E. = STORM DRAIN EASEMENT
- S.S.E. = SANITARY SEWER EASEMENT
- W.E. = WATER EASEMENT
- D.E. = DRAINAGE EASEMENT
- B.L. = BUILDING LINE
- C.V.A. = CLEAR VISION AREA
- P.U.E. = PUBLIC UTILITY EASEMENT
- IRF = IRON ROD FOUND
- CAP/IRF = CAPPED IRON ROD FOUND
- ( ) = PLAT OR DEED CALL
- ▭ = CONCRETE



WHEREAS FCH LEWISVILLE SENIOR HOMES, LLC is the owner of all that certain lot, tract or parcel of land situated in Joel Summers Survey, Abstract Number 1189 and the Jesse Watkins Survey, Abstract Number 1323, Denton County, Texas and being Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15X, Block A, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18X, Block B, and Lots 1, 2, and 3X, Block C, and Lot 1X, Block D, Fireside Village Addition, an Addition to the City of Lewisville, Denton County, Texas according to the plat thereof recorded in Clerk's File No. 2015-343, Plat Records of Denton County, Texas, the subject tract being more particularly described as follows:

BEGINNING at a capped iron rod found stamped "Carter & Burgess" on the Northeast right-of-way line of Summit Avenue, being the Northwest corner of Lot 3-R1-A in Block C of Valley Ridge Business Park West, an addition to the City of Lewisville, according to the plat thereof recorded in Document Number 2012-280 of said Plat Records;

THENCE North 19 degrees 18 minutes 35 seconds West with the Northeast line of said Avenue, a distance of 603.77 feet to a capped iron rod found stamped "Carter & Burgess" at the beginning of a curve to the left having a radius of 1050.00 feet and a chord bearing and distance of North 32 degrees 02 minutes 31 seconds West, 463.81 feet;

THENCE Northwestly with the arc of said curve, the Northeast line of said Avenue, an arc distance of 467.67 feet to a capped iron rod found stamped "KAZ" at the beginning of a curve to the right having a radius of 300.00 feet and a chord bearing and distance of North 40 degrees 21 minutes 54 seconds West, 46.52 feet;

THENCE Northwestly with the arc of said curve, the Northeast line of said Avenue, an arc distance of 46.57 feet to a capped iron rod found stamped "KAZ" at the beginning of a curve to the left having a radius of 300.00 feet and a chord bearing and distance of North 42 degrees 57 minutes 21 seconds West, 73.56 feet;

THENCE Northwestly with the arc of said curve, the Northeast line of said Avenue, an arc distance of 73.74 feet to a capped iron rod found stamped "KAZ";

THENCE North 50 degrees 00 minutes 00 seconds West with the Northeast line of said Avenue, a distance of 86.64 feet to a capped iron rod found stamped "KAZ" for an angle point in said line;

THENCE North 05 degrees 00 minutes 00 seconds West, with the Northeast line of said Avenue, a distance of 14.85 feet to a capped iron rod found stamped "KAZ" in the Southeast line of College Parkway;

THENCE North 40 degrees 01 minutes 06 seconds East with the Northwest line thereof and the Southeast line of said Parkway, a distance of 103.27 feet to a capped iron rod found stamped "Carter & Burgess" at the beginning of a curve to the right having a radius of 687.50 feet and a chord bearing and distance of North 47 degrees 20 minutes 05 seconds East, 175.14 feet;

THENCE Northeastly with the arc of said curve, the Southeast line of said Parkway, an arc distance of 175.62 feet to a capped iron rod found being the most Westerly corner of Lot 1 in Block A of Parkway Estates Addition, an addition to said City according to the plat thereof recorded in Cabinet P, Page 52 of said Plat Records;

THENCE South 50 degrees 04 minutes 01 seconds East with the Southwest line thereof a distance of 98.42 feet to a 1/2" iron rod found at the beginning of a curve to the right having a radius of 1350.00 feet and a chord bearing and distance of South 34 degrees 37 minutes 09 seconds East, 715.00 feet;

THENCE Southeastly with the arc of said curve, the Southwest line of said Lot 1, an arc distance of 723.63 feet to a capped iron rod found stamped "PRISM";

THENCE South 19 degrees 19 minutes 29 seconds East with the Southwest line of said Lot 1 a distance of 647.27 feet to a capped iron rod found stamped "Carter & Burgess" for the Southeast corner thereof, the Southwest corner of said Lot 1 and being in the North line of said Lot 3-R1-A;

THENCE South 78 degrees 56 minutes 35 seconds West with the North line thereof, a distance of 303.05 feet to the PLACE OF BEGINNING and enclosing 9.49 acres of land more or less.

**FLOOD STATEMENT:** I have reviewed the F.E.M.A. Flood Insurance Rate Map for the City of Lewisville, Community Number 480195 effective date 4-18-2011 and that map indicates as scaled, that this property is within "Non-Shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood (500-year)" and "Shaded Zone AE" defined as "special flood hazard areas subject to inundation by the 1% annual chance flood (100-year); with base flood elevations determined" as shown on Panel 545 G of said map.

**NOTE:** This survey is certified to Megatall Homes III, LLC, FCH Lewisville Senior Homes, LLC, and Chicago Title (GF&CTMH83-8056631700774-EL). This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 12-27-2017. There are no visible or apparent intrusions or protrusions except as shown hereon.

**NOTE:** All capped iron rods found are stamped "KAZ" unless otherwise noted.

**NOTE:** Only the following easements supplied to me by Chicago Title (GF&CTMH83-8056631700774-EL) have been reviewed and addressed as follows:  
 f. Volume 1019, Page 261 Easement to City of Lewisville; does not affect  
 g. Volume 1021, Page 758 Easement to City of Lewisville; does affect as shown and by Ingress-Egress  
 h. Volume 3015, Page 814 Easement to City of Lewisville; does not affect as shown  
 i. Volume 3015, Page 820 Easement to City of Lewisville; does affect as shown  
 j. Document Number 98-R0682594 Easement to Texas-New Mexico Power Company; does affect as shown and by Ingress-Egress



1720 WESTMINSTER  
DENTON, TX 76205  
(940)382-3446

JOB NUMBER: 140352-03  
DRAWN BY: MBC  
DATE: 4-17-2018  
R.P.L.S.  
KENNETH A. ZOLLINGER

## **NORMANDY VILLAGE DEVELOPMENT STANDARDS**

### **I. PROJECT LOCATION**

Normandy Village consists of approximately 9.5 acres of land situated in the City of Lewisville at the southeast corner of the intersection of Summit and College Parkway and as generally described in Exhibit "1".

### **II. PURPOSE AND INTENT**

**A. Purpose:** The purpose of the district is to create a residential community featuring townhomes and open space areas as shown in Exhibit "2".

1. The purpose of this district is:

a. To provide development and land use flexibility within the framework of a Planned Development zoning district.

2. The intent of this district is:

a. To design streets and townhomes which will contribute to creating safe neighborhoods.

b. To provide an attractive environment for pedestrians, to include such things as trail amenities and open space.

c. To provide a high quality development, with great access, serving market segments of young professionals, families and empty nesters.

**B. Applicability:** These standards shall apply to all development within Normandy Village boundaries, unless indicated otherwise.

**C. Zoning Ordinance:** All references herein to the City of Lewisville Zoning Ordinance shall be to the City of Lewisville Zoning Ordinance in effect on February 20, 2018.

### **III. DEFINITIONS**

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

Shall: A term requiring compliance.

Should: A term encouraging compliance.

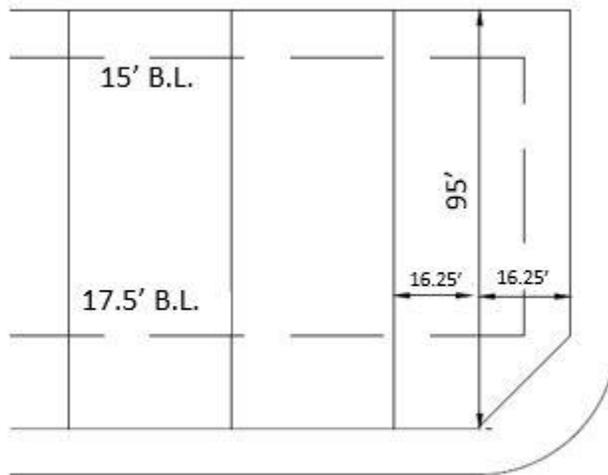
**IV. LOT REGULATIONS**

Normandy Village will include lots based on the TH-2 – Townhouse Two residential district. The maximum number of dwelling units permitted within Normandy Village development shall not exceed 82. The lot requirements shall be as follows:

1. Purpose: This lot type is designed to allow single family attached dwellings on lots of not less than two thousand three hundred and seventy five (2,375) square feet, together with the allowed incidental and accessory uses.
2. Permitted Uses: Land use shall comply with uses permitted for the TH-2 - Town House Two District of the City of Lewisville Zoning Ordinance.
3. Height Regulations: No building shall exceed thirty nine feet (39') or 2 ½ stories
4. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size:	2,375 square feet minimum
Lot Coverage:	The combined area covered by all main buildings and accessory structures shall not exceed seventy percent (70%) of the total lot area.
Minimum Floor Area:	The minimum square footage of a dwelling unit shall be 1,600 square feet, exclusive of garages, breezeways, and porches.
Front Yard:	17.5 feet minimum.
Rear Yard:	15 feet minimum
Side Yard:	There shall be a side yard on each side of a continuous row or group of dwellings not less than 5 feet. A side yard adjacent to a street shall not be less than 6.5 feet.

Typical Lot Layout:



Lot Width: 25 feet minimum, measured at the front building line. The width of the lot shall not be less than 25 feet at any point.

Lot Depth: 95 feet minimum, measured at the center point of the lot.

Garage: A 20 foot setback for the front entry garage is required.

Maximum Number of Lots: Maximum of 82 residential lots upon full build out of Normandy Village development.

Maximum Density: The maximum density shall be 9 units per acre.

5. Attached Townhomes: All townhomes within Normandy Village shall be attached in rows of at least four units and up to six units. The lot layout shall match what is shown on the Zoning Concept Plan (Exhibit “2”).

**V. DEVELOPMENT AND DESIGN STANDARDS**

**A. Streets:** The development shall be a front-entry product.

Street Types: The following street types shall establish the criteria for streets allowed within Normandy Village development.

1. Local Street (Local Street, 50' Private Street Easement)

Classification:	Designed to provide access to residential areas.
Private Street Easement Width:	50'
Pavement Width:	33' B/B
Pavement Section:	concrete
Curb Radii:	25'
Minimum Centerline Radius for Curves:	200'
Minimum Tangent between Reverse Curves:	0'
Minimum Sidewalk Width:	4'
Parkway Width:	8.5'
Parking:	As designated on the Concept Plan

The City Engineer shall have the discretionary authority to consider and approve exceptions to the Street Design Standards, limited to grade and centerline curvature, based on compelling evidence of hardship on a case-by-case basis. All other exceptions to the Street Design Standards shall be approved by the City Council.

2. All streets will be privately owned and maintained by Normandy Village's Homeowner's Association. The HOA shall be responsible to repair street/concrete damaged by the City of Lewisville or the City of Lewisville's contractor due to maintenance or repairs to the City-maintained storm sewer, sanitary sewer, or water lines.

3. All parking shall be maintained by the HOA.

**B. Screening and Fences:** All development within Normandy Village shall comply with Chapter 4, Article X of the City of Lewisville Code of Ordinances, with the following modification:

1. Fencing around lots may be wrought iron (or tubular steel) or wood.

2. External surface of retaining walls shall be constructed of masonry, stonework, or brick.

3. A 6 foot high masonry wall shall be constructed along Summit Ave and College Pkwy.

4. A 6 foot wrought iron (or tubular steel) fence shall be constructed along the eastern boundary of property as shown on Exhibit "4".
5. Screening Wall Fee Options: The screening wall as shown on Exhibit "4", is defined as a 6' masonry wall including primary columns spaced approximately every 200' on center and 6' thinwall minor columns spaced +/- approximately every 10' on center.
  - a. The screening wall fee shall be waived if the HOA of Normandy Village owns and maintains the screening wall. The screening wall shall be in a private wall easement.

**Or Alternatively**

- b. If the City owns and maintains the screening wall, the screening wall fee of 20% of the total cost to construct the wall shall be paid to the City.
6. The developer retains the right to make this development a gated community. If so desired to be gated, the development shall adhere to the City of Lewisville's requirements for gated communities. The main entrance shall be from Summit Avenue and shall include an entry and exit gate. A secondary gate shall be located on College Parkway and shall be an exit only.

**C. Landscape Standards:** All development within Normandy Village shall comply with the City of Lewisville's Landscaping Ordinance. As shown in Exhibit "3"

1. One minimum 3" caliper tree shall be planted on each lot, in the front or rear yards. Trees may be shade or ornamental varieties. Lots will be fully landscaped and irrigated.

**D. Residential Architectural Standards:** All development within Normandy Village shall comply with the City of Lewisville's Architectural Standards with the following requirements:

1. The townhome units constructed on the property shall be developed in general conformance with the materials and architectural style set forth in the Building Elevations attached hereto as Exhibit "5".
2. Garage doors shall have the appearance of a wood-like finish/pattern, similar to the Conceptual Elevations provided herein.
3. Each of the three elevation types shall be used on at least four out of the 14 buildings in the development.
4. The driveways shall be treated with a decorative concrete aggregate, with one of the following finishes:

- a. Exposed Aggregate
  - b. Stained Concrete
  - c. Salt Finished Concrete
5. All units shall have four parking spaces. A two car garage and a 2 car driveway.

**E. UTILITIES:**

1. The developer may have the option to address the existing utility issues in descending order as follows:
  - a. Abandon the existing sanitary sewer line and services in place and install a new sanitary sewer line with services. The new main line shall be placed behind the curb in the ROW and new long services may be installed by bore.
  - b. Utilize the existing sanitary sewer line and services. Add new additional single taps as needed.
  - c. Utilize the existing sanitary sewer line and services and install additional "alternative bullhead" services. "Alternative bullhead" service shall be maintained by the HOA.
2. Whichever option is utilized for the sewer, the developer shall comply with all inspection, testing, and regulations of the City and State regarding wastewater collection systems. The developer shall provide documentation demonstrating compliance with all regulations, including test reports, video inspection, and other such documentation per the City acceptance requirements.

**VI. PARK AND OPEN SPACE REQUIREMENTS**

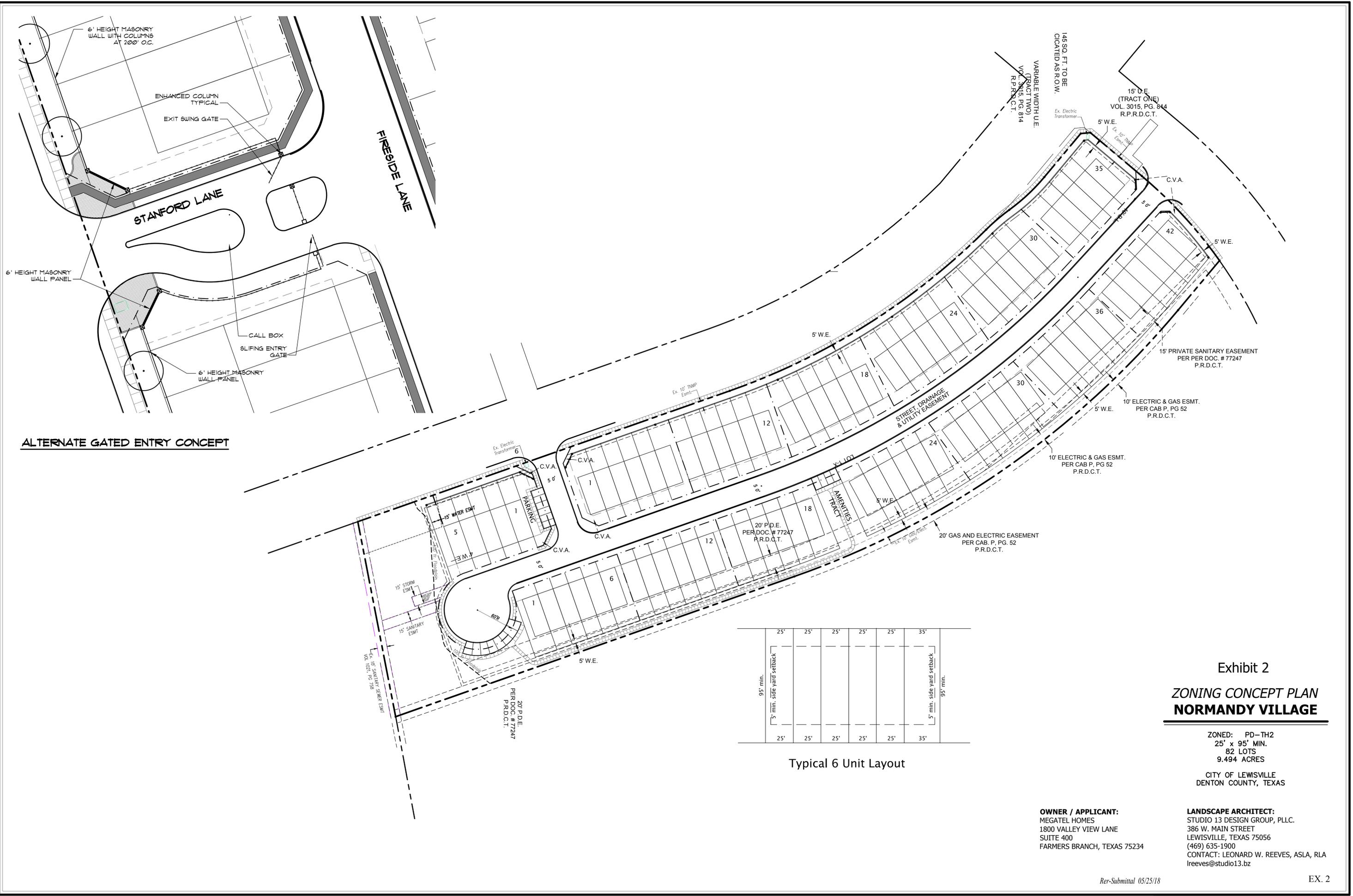
- A. Parks and Open Space:** Parks and Open Space shall be provided for as shown on the Concept Plan.
1. HOA. Normandy Village's Homeowner's Association (the "HOA") shall maintain the open spaces, private streets, common areas, irrigation systems, landscaping, sidewalks, curb ramps, traffic signs, and, street lights within the subdivision, notwithstanding the provisions below. The City shall maintain and operate the water, wastewater, and storm water infrastructure. The HOA is responsible to repair concrete damaged by the City of Lewisville or the City of Lewisville's contractor due to maintenance or repairs to the City-maintained storm sewer, sanitary sewer, or water line.

**VII. AMENITIES**

1. Entry areas shall feature enhanced landscaping, as shown on the landscape plan in Exhibit "3".
2. There shall be a minimum of 19% of the area of open space, or approximately 1.88 acres.
3. There shall be a minimum of 1,750 linear feet of 5' trails, in addition to the 4' sidewalk along the private streets.
4. The developer shall provide the following amenities in the open space areas, as shown in Exhibit "4":
  - a. Two Benches
  - b. One Pet Waste Station
  - c. Mail Box Cluster
5. All homes shall be protected with automatic fire sprinklers.

**VIII. REQUESTED DEVIATIONS FROM THE EXISTING TH-2 ZONING DISTRICT**

	<b>Required: TH-2</b>	<b>Requested: PD with TH-2</b>
<b>Maximum Height:</b>	2.5 stories or 35 feet	2.5 stories or 39 feet
<b>Minimum Side Yard:</b>	6.5' on each side of a continuous row, 10' adj. to street	5' on each side of a continuous row, 6.5' adj. to street
<b>Minimum Lot Area:</b>	1,700 SF	2,375 SF
<b>Minimum Lot Width:</b>	20 feet	25 feet at building line, not less than 25 feet at any point
<b>Minimum Dwelling Size:</b>	1,200 SF	1,600 SF
<b>Minimum Front Yard:</b>	17.5 feet	17.5 feet
<b>Minimum Rear Yard:</b>	5 feet	15 feet
<b>Minimum Lot Depth:</b>	75 feet	95 feet

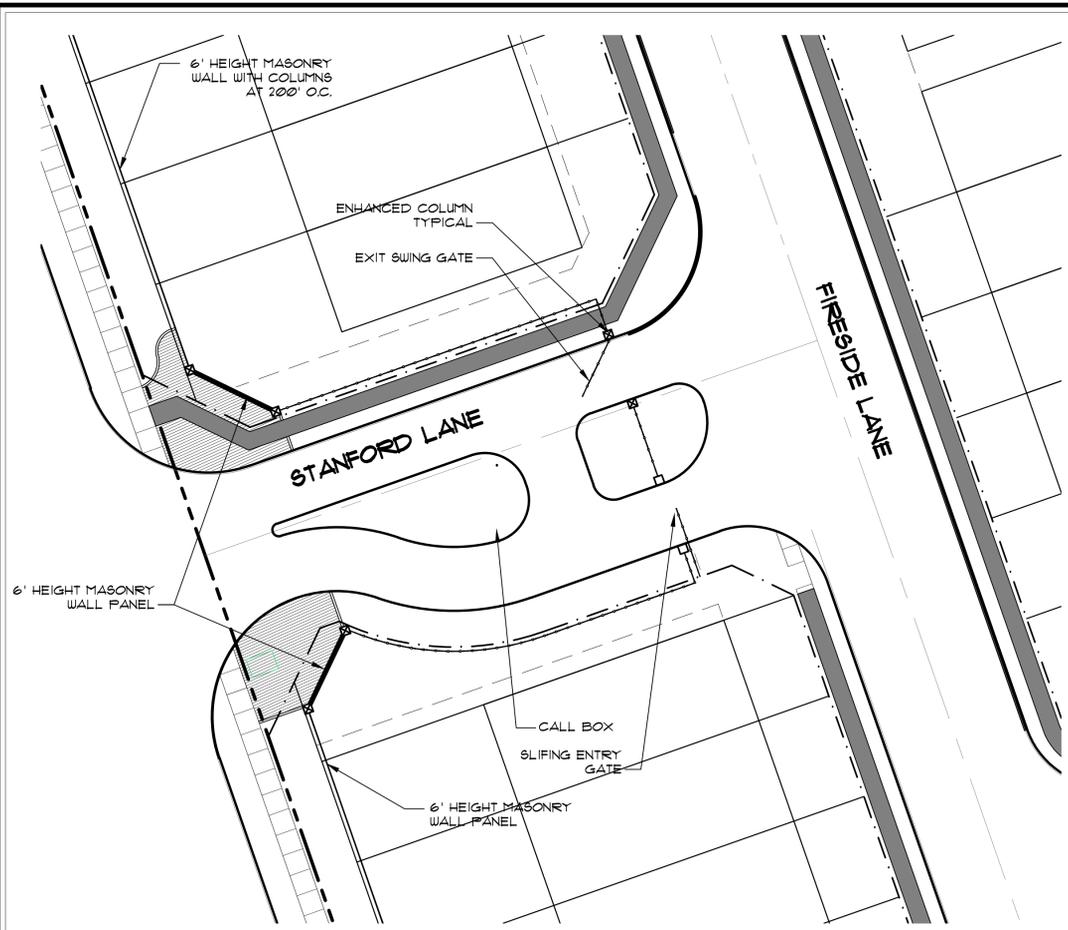


**Exhibit 2**  
**ZONING CONCEPT PLAN**  
**NORMANDY VILLAGE**

ZONED: PD-TH2  
25' x 95' MIN.  
82 LOTS  
9.494 ACRES  
CITY OF LEWISVILLE  
DENTON COUNTY, TEXAS

**OWNER / APPLICANT:**  
MEGATEL HOMES  
1800 VALLEY VIEW LANE  
SUITE 400  
FARMERS BRANCH, TEXAS 75234

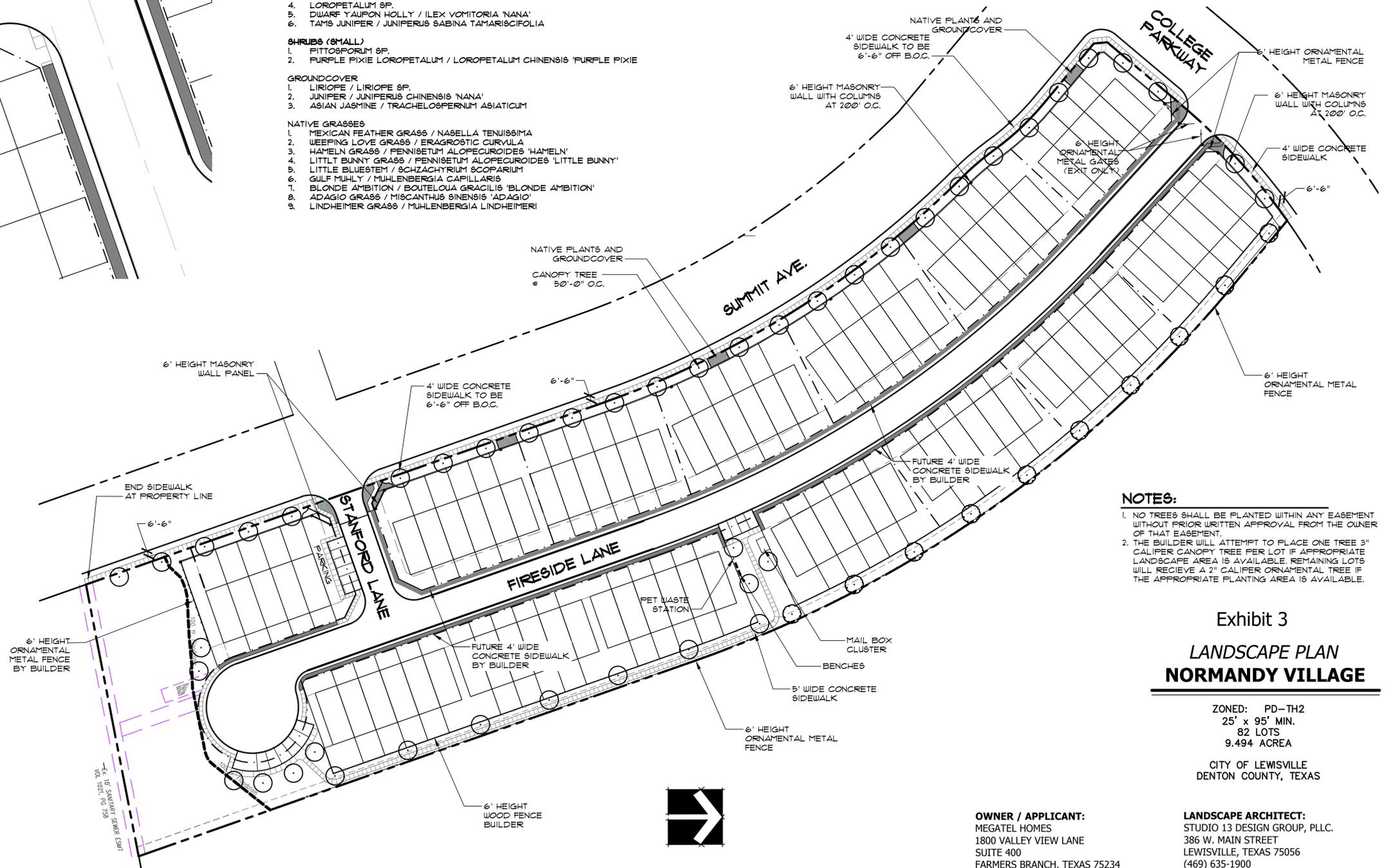
**LANDSCAPE ARCHITECT:**  
STUDIO 13 DESIGN GROUP, PLLC.  
386 W. MAIN STREET  
LEWISVILLE, TEXAS 75056  
(469) 635-1900  
CONTACT: LEONARD W. REEVES, ASLA, RLA  
lreeves@studio13.bz



**ALTERNATE GATED ENTRY CONCEPT**

**PROPOSED PLANT SPECIES**

- CANOPY TREES**
1. LIVE OAK / QUERCUS VIRGINIANA
  2. RED OAK / QUERCUS SHUMARDII
  3. CEDAR ELM / ULMUS CRASSIFOLIA
  4. LACEBARK ELM / ULMUS PARVIFOLIA
  5. TEXAS ASH / FRAXINUS TEXENSIS
- ORNAMENTAL TREES**
1. CRAPE MYRTLE / LAURUSTROEMIA INDICA
  2. RED BUD / CERCIIS CANADENSIS
  3. VITEX / VITEX AGNUS CASTUS
  4. YAUPON HOLLY / ILEX VOMITORIA
  5. DESERT WILLOW / CHILOPSIS LINEARIS
  6. MEXICAN PLUM / PRUNUS MEXICANA
  7. LIL GEM MAGNOLIA / MAGNOLIA GRANDIFLORA 'LIL GEM'
- SHRUBS (LARGE)**
1. DW BURFORD HOLLY / ILEX CORNUTA 'BURFORDII'
  2. TEXAS SAGE / LEUCOPHYLLUM FRUTESCENS
  3. LOROPETALUM / LOROPETALUM CHINENSIS
  4. INDIAN HAWTHORNE / RAPHIOLEPIS INDICA
  5. CLEYERA / TERNSTROEMIA SP.
  6. HOLLYWOOD JUNIPER / JUNIPERUS CHINENSIS 'TORULOSA'
  7. NELLIE R STEVENS HOLLY / ILEX X NELLIE R STEVENS
- SHRUBS (MEDIUM)**
1. INDIAN HAWTHORNE / RAPHIOLEPIS INDICA
  2. CARISSA HOLLY / ILEX CORNUTA 'CARISSA'
  3. MOONBAY NANDINA / NANDINA DOMESTICA 'MOONBAY'
  4. LOROPETALUM SP.
  5. DWARF YAUPON HOLLY / ILEX VOMITORIA 'NANA'
  6. TAM'S JUNIPER / JUNIPERUS SABINA TAMARISCIFOLIA
- SHRUBS (SMALL)**
1. FITTOSFORUM SP.
  2. PURPLE PIXIE LOROPETALUM / LOROPETALUM CHINENSIS 'PURPLE PIXIE'
- GROUND COVER**
1. LIRIOPE / LIRIOPE SP.
  2. JUNIPER / JUNIPERUS CHINENSIS 'NANA'
  3. ASIAN JASMINE / TRACHELOSPERNUM ASIATICUM
- NATIVE GRASSES**
1. MEXICAN FEATHER GRASS / NAPELLA TENUISSIMA
  2. WEEPING LOVE GRASS / ERAGROSTIS CURVULA
  3. HAMELN GRASS / PENNISETUM ALOPECUROIDES 'HAMELN'
  4. LITTLE BUNNY GRASS / PENNISETUM ALOPECUROIDES 'LITTLE BUNNY'
  5. LITTLE BLUESTEM / SCHIZACHYRIUM SCOPARIUM
  6. GULF MUHLY / MUHLENBERGIA CAPILLARIS
  7. BLONDE AMBITION / BOUTELOUA GRACILIS 'BLONDE AMBITION'
  8. ADAGIO GRASS / MISCANTHUS SINENSIS 'ADAGIO'
  9. LINDHEIMER GRASS / MUHLENBERGIA LINDHEIMERI



- NOTES:**
1. NO TREES SHALL BE PLANTED WITHIN ANY EASEMENT WITHOUT PRIOR WRITTEN APPROVAL FROM THE OWNER OF THAT EASEMENT.
  2. THE BUILDER WILL ATTEMPT TO PLACE ONE TREE 3" CALIFOR CANOPY TREE PER LOT IF APPROPRIATE LANDSCAPE AREA IS AVAILABLE. REMAINING LOTS WILL RECEIVE A 2" CALIFOR ORNAMENTAL TREE IF THE APPROPRIATE PLANTING AREA IS AVAILABLE.

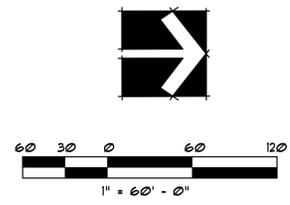
**Exhibit 3  
LANDSCAPE PLAN  
NORMANDY VILLAGE**

ZONED: PD-TH2  
25' x 95' MIN.  
82 LOTS  
9.494 ACREA  
CITY OF LEWISVILLE  
DENTON COUNTY, TEXAS

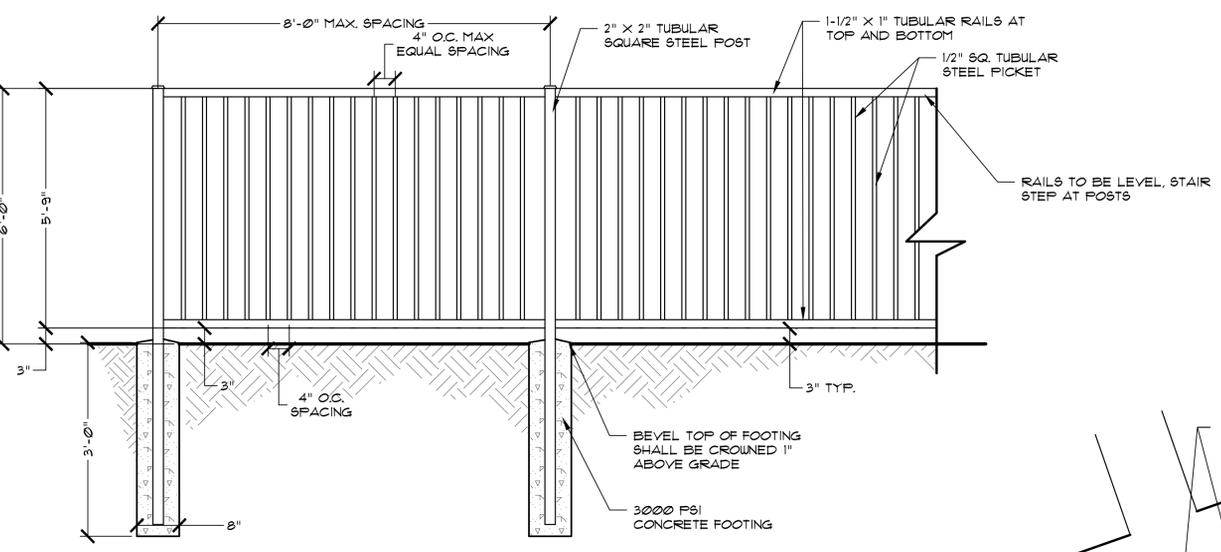
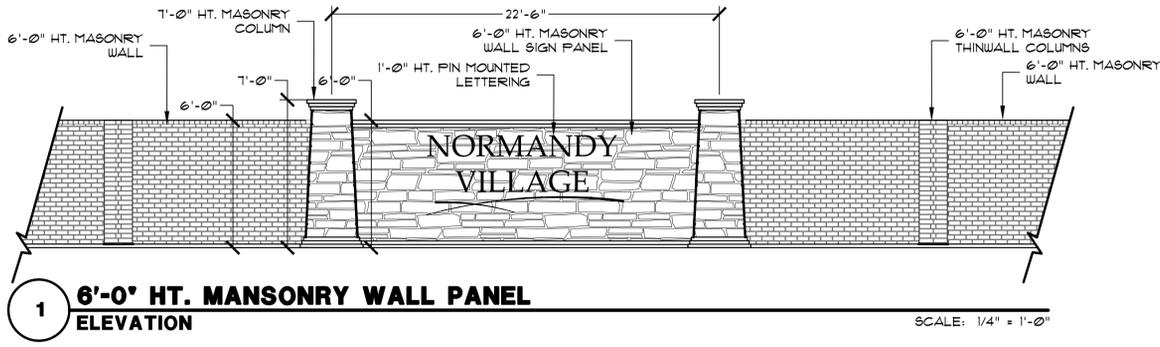
**OWNER / APPLICANT:**  
MEGATEL HOMES  
1800 VALLEY VIEW LANE  
SUITE 400  
FARMERS BRANCH, TEXAS 75234

**LANDSCAPE ARCHITECT:**  
STUDIO 13 DESIGN GROUP, PLLC.  
386 W. MAIN STREET  
LEWISVILLE, TEXAS 75056  
(469) 635-1900  
CONTACT: LEONARD W. REEVES, ASLA, RLA  
lreeves@studio13.biz

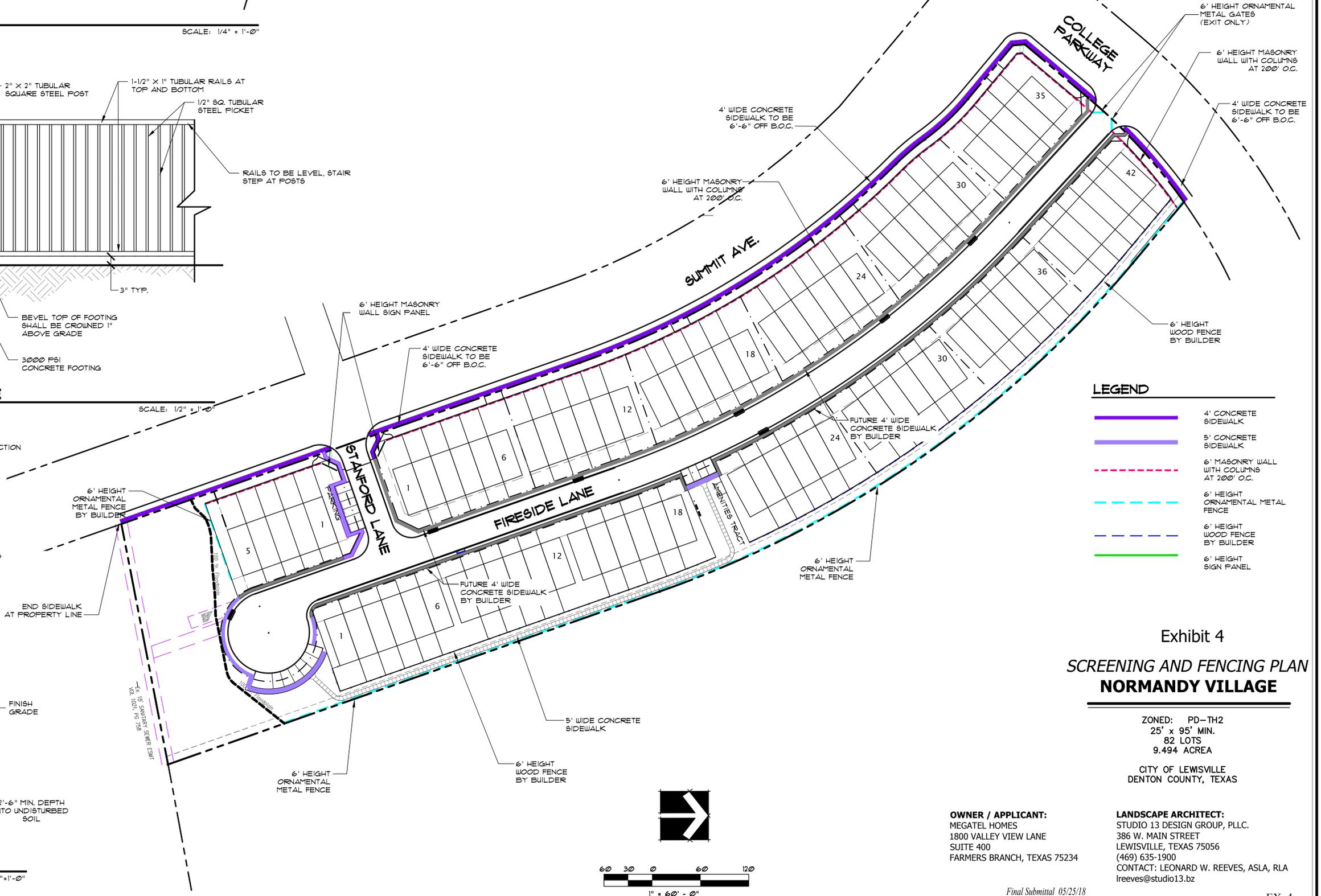
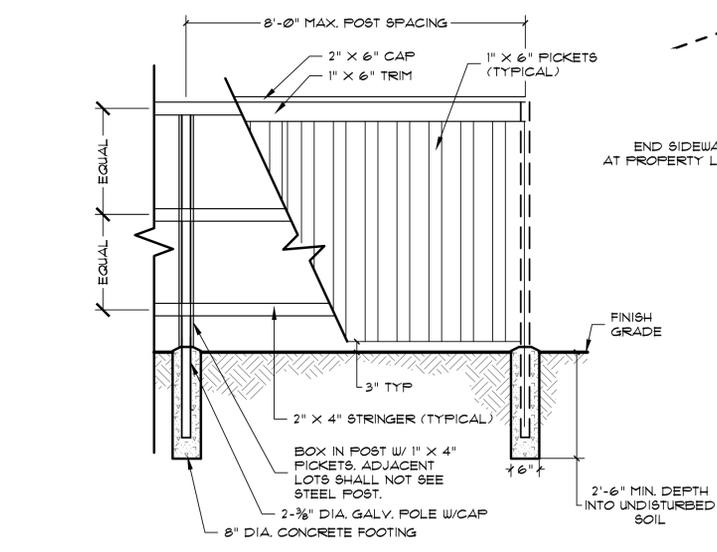
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Drawing: S:\Projects\LD0070 - Fireside\DWG\LD0070-Screening and Fencing.dwg Saved By: Station6 Save Time: 5/25/2018 11:50 AM Plotted by: ##### Plot Date: 5/30/2018 1:13 PM



NOTES:  
 1. ORNAMENTAL METAL FENCE TO BE PRIMED AND PAINTED BLACK.  
 2. ALL FIELD WELDS TO BE GRINDED, PRIMED AND PAINTED BLACK.  
 3. MANUFACTURER TO PROVIDE SHOP DRAWINGS PRIOR TO CONSTRUCTION.



**LEGEND**

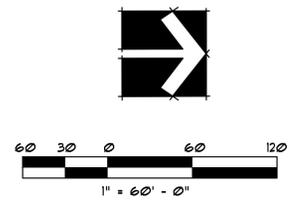
	4' CONCRETE SIDEWALK
	5' CONCRETE SIDEWALK
	6' MASONRY WALL WITH COLUMNS AT 200' O.C.
	6' HEIGHT ORNAMENTAL METAL FENCE
	6' HEIGHT WOOD FENCE BY BUILDER
	6' HEIGHT SIGN PANEL

**Exhibit 4**  
**SCREENING AND FENCING PLAN**  
**NORMANDY VILLAGE**

ZONED: PD-TH2  
 25' x 95' MIN.  
 82 LOTS  
 9.494 ACREA  
 CITY OF LEWISVILLE  
 DENTON COUNTY, TEXAS

**OWNER / APPLICANT:**  
 MEGATEL HOMES  
 1800 VALLEY VIEW LANE  
 SUITE 400  
 FARMERS BRANCH, TEXAS 75234

**LANDSCAPE ARCHITECT:**  
 STUDIO 13 DESIGN GROUP, PLLC.  
 386 W. MAIN STREET  
 LEWISVILLE, TEXAS 75056  
 (469) 635-1900  
 CONTACT: LEONARD W. REEVES, ASLA, RLA  
 lreeves@studio13.biz



Final Submittal 05/25/18

MASONRY TABLE - ELEV. A				
	MASRY.	NON MASRY.	TOTAL WALL	MASRY. %
FRONT ELEV.	1022	109	1131	90
LEFT ELEV.	813	150	963	84
RIGHT ELEV.	813	150	963	84
REAR ELEV.	1544	155	1699	91
<b>TOTALS</b>	<b>4192</b>	<b>564</b>	<b>4756</b>	<b>88</b>



## ELEVATION A

THIS RENDERING IS CONCEPTUAL ONLY AND SUBJECT TO CHANGE



SHELDON

MACKENZIE

HOLBROOK

MACKENZIE

SHELDON

MASONRY TABLE - ELEV. B				
	MASRY.	NON MASRY.	TOTAL WALL	MASRY. %
FRONT ELEV.	1124	109	1233	91
LEFT ELEV.	813	150	963	84
RIGHT ELEV.	813	150	963	84
REAR ELEV.	1544	155	1699	91
<b>TOTALS</b>	<b>4294</b>	<b>564</b>	<b>4858</b>	<b>88</b>



## ELEVATION B

THIS RENDERING IS CONCEPTUAL ONLY AND SUBJECT TO CHANGE



SHELDON

MACKENZIE

HOLBROOK

MACKENZIE

SHELDON

MASONRY TABLE - ELEV. C				
	MASRY.	NON MASRY.	TOTAL WALL	MASRY. %
FRONT ELEV.	1153	109	1262	91
LEFT ELEV.	813	150	963	84
RIGHT ELEV.	813	150	963	84
REAR ELEV.	1544	155	1699	91
<b>TOTALS</b>	<b>4323</b>	<b>564</b>	<b>4887</b>	<b>88</b>



## ELEVATION C

THIS RENDERING IS CONCEPTUAL ONLY AND SUBJECT TO CHANGE



SHELDON

MACKENZIE

HOLBROOK

MACKENZIE

SHELDON

### Exhibit 6

### Perspective Entry Rendering





## MEMORANDUM

**TO:** Donna Barron, City Manager  
**FROM:** Richard Luedke, Planning Director  
**DATE:** June 18, 2018  
**SUBJECT:** **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Single Family Residential District (R-7.5) to General Business District (GB); on Approximately 4.038 Acres out of the J.W. King Survey, Abstract Number 696, Located at 715 North Mill Street; as Requested by Patricia A. Guzik Koulogeorgiou, Trustee of the Koulogeorgiou Family Trust, the Property Owner (Case No. PZ-2018-05-03).**

### **BACKGROUND**

The 4.038-acre property is located off North Mill Street, north of College Street. A residential home has been on the lot since 1970. The applicant is proposing to rezone the lot to the General Business zoning district (GB). An existing business is looking to consolidate their retail, office and showroom operations at this location. The proposed building would feature a masonry exterior. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request at their meeting on May 15, 2018

### **ANALYSIS**

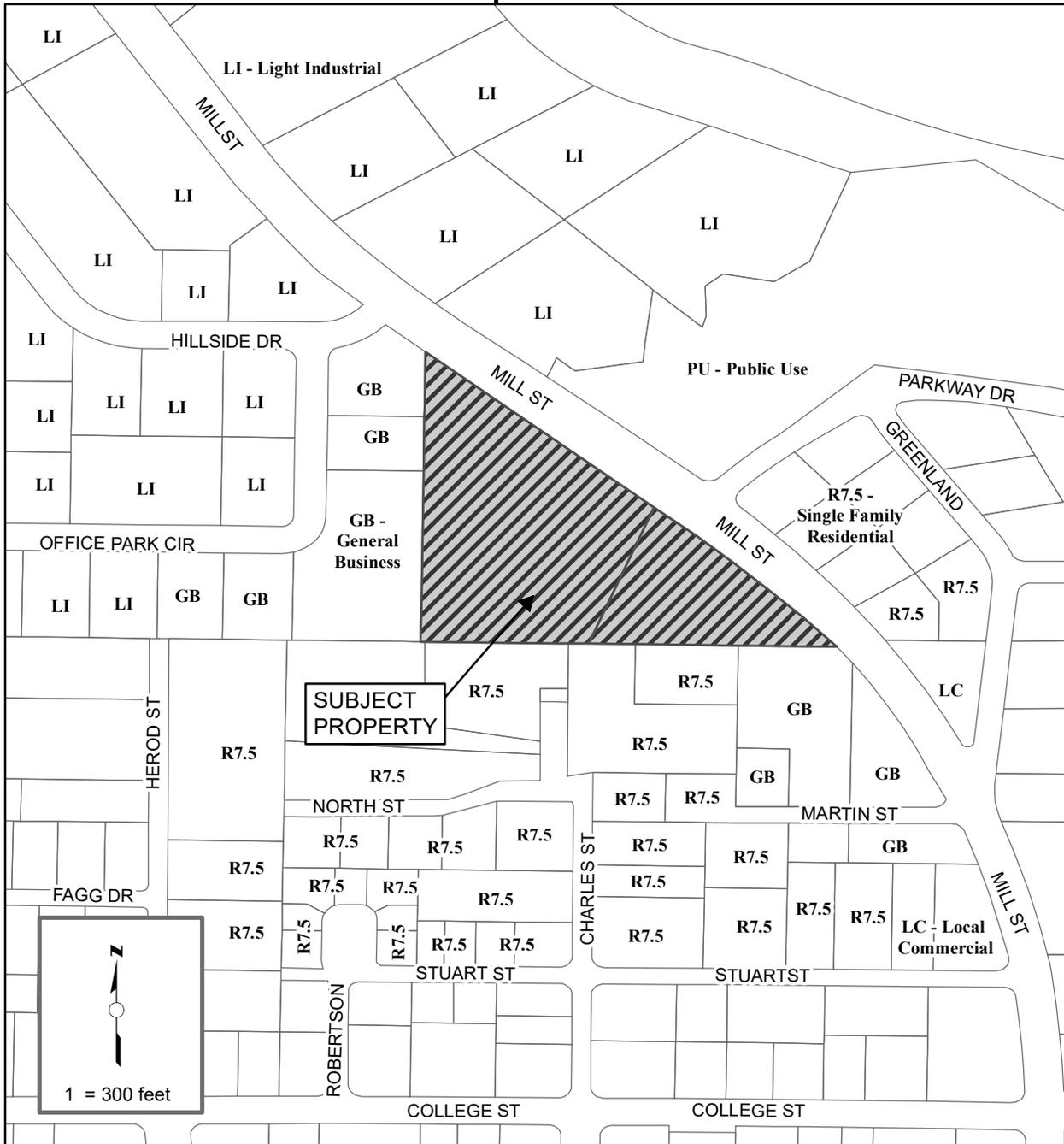
The properties to the south and northwest of the subject property, along North Mill Street, are also zoned General Business district. North Mill Street is a commercial corridor and the rezoning of the subject property will not conflict with the character of the area.

An existing business is considering consolidating their retail, office and showroom operations at this site. The business is consistent with the “creative mix” development desired by the Old Town North Small Area Plan, as well as Lewisville 2025 Vision: Big Move #3, which calls for new investment along Mill Street. The General Business district allows for uses that conform with the Old Town North’s Small Area Plan creative mix and allows for neighborhood services also desired in the Small Area Plan.

### **RECOMMENDATION**

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

# Location Map - 715 N. Mill St.



**CASE NO. PZ-2018-05-03**

**PROPERTY OWNER:** PATRICIA A. GUZIK KOULOGEORGIU, TRUSTEE OF THE KOULOGEORGIU FAMILY TRUST

**APPLICANT NAME:** PATRICIA A. GUZIK KOULOGEORGIU, TRUSTEE OF THE KOULOGEORGIU FAMILY TRUST

**PROPERTY LOCATION:** 715 NORTH MILL STREET (4.038-ACRES)

**CURRENT ZONING:** SINGLE FAMILY RESIDENTIAL DISTRICT (R-7.5)

**REQUESTED ZONING:** GENERAL BUSINESS DISTRICT (GB)

# Aerial Map - 715 N. Mill St.



**MINUTES  
PLANNING AND ZONING COMMISSION  
MAY 15, 2018**

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**Item 1:**

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

Staff members present: Michele Berry Planning Manager; June Sin, 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 Zone Change Request From Single Family Residential District (R-7.5) to General Business (GB); on Approximately 4.038 Acres, Being Tracts 18, 19 and 19 A out of the J.W. King Survey, Abstract Number 696A, Located at 715 North Mill Street; as Requested by Patricia A. Guzik Koulogeorgiou, Tustee of the Koulogeorgiou Family Trust, the Property Owner. (Case No. PZ-2018-05-03).

Staff gave a brief overview of the proposed zone change request and recommended approval. The applicant was present and available to answer questions. Vice-Chairman John Lyng then opened the public hearing. Wymberly Steele, 614 West Charles Street, voiced opposition to the zone change request with concerns about her quality of life. The applicant responded to Mrs. Steele's concerns and elaborated on the history of her property in Lewisville and the proposed ballet shoe company that is interested in the site for a retail use. Vice-Chairman John Lyng asked what the hours of operation would be for the business, and the applicant answered 8 AM to 5 PM. Member MaryEllen Miksa asked if noise might be a concern with a commercial zoning. The applicant replied that noise was unlikely to be an issue. Member Karen Locke asked if delivery trucks would affect traffic. The applicant clarified that the proposed business would have three delivery trucks per month in addition to employees and customers coming to the business. Chairman John Lyng asked for clarification on whether the business would be classified as a manufacturing use. Staff explained that the small scale of the business would be permitted. The applicant elaborated that the shoes are handcrafted and don't require large machinery. Member James Davis asked if the commercial zoning would be compatible with neighboring properties, and staff affirmed. With no one else coming forward to speak, the public hearing was then closed. *A motion was made by Alvin Turner to recommend approval of the proposed zone change request. The motion was seconded by Karen Locke. The motion passed unanimously (5-0).* 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 17-10. - "R-7.5" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS**

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
  - (2) Church worship facilities.
  - (3) Buildings and uses owned or operated by public governmental agencies.
  - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
  - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
  - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
  - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
  - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
  - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
  - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
  - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
  - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
  - (13) Gas and oil drilling accessory uses (SUP required).
  - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
    - a. *Front yard.* There shall be a front yard having a depth of not less than thirty (30) feet, except where entrance to the garage is provided from an alley in the rear of the house, in which case the minimum front yard may be twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
    - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than six and one-half (6.5) feet.
    - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
  - (2) *Size of lot.*
    - a. *Lot area.* No building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet.
    - b. *Lot width.* The minimum width of the lot shall not be less than sixty-five (65) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.

- c. [Exception] Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

## **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.



**LEWISVILLE**  
 Deep Roots. Broad Wings. Bright Future.

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

**ZONE CHANGE APPLICATION**

Owner/s (name): Patricia Anne Guzik Koulogeorgiou, Trustee of the	
<del>Koulogeorgiou Family Trust Agreement, under Agreement dated Aug 8, 1988</del>	
Company Name: Patricia Guzik	
Mailing Address: 826 Office Park Circle, Suite 101 Lewisville TX 75057	
Work #: 972-436-0072	Cell #: 972-333-6671
E-Mail: alepoohinc@aol.com Kuklama@aol.com	
Owner Signature: <i>Patricia Guzik</i> <small>(Owner/s Must Sign or Submit Letter of Authorization):</small>	Date: 4-24-18
Printed Name: Patricia Guzik	

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

Current Zoning: R7.5 Residential	Requested Zoning: General Business	Acres: 4.038
Legal Description (Lot/ Block/Tract/Abstract): see attached		
J.W. King Survey, A-696		
Address/Location: 715 N. Mill Street		

Application and Sign Fees:

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

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

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

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



Jonathan:

To expand on the building plan in our request for a zoning change at [715 N. Mill Street](#), please see the following:

The Guzik family has been part of the business community in Lewisville for the past 25 years. As part of this ongoing enterprise, we constructed the 2-story building at [190 Civic Circle](#) and two 1-story buildings at [401 North Valley](#), which contribute to jobs and the commercial strength of Lewisville.

The building currently planned to be added at [715 N. Mill Street](#) would be primary retail space built of masonry exterior with roll-up doors at the back. The size of the building would be determined by the parking spaces required. Although there are not yet photos or drawings for the proposed building, the city's master plan and development objectives would be used as guidelines for the appearance and site plans.

We hope to break ground as early as December 2018 and complete the building as early as August 2019, if the zoning change is approved in time to obtain appropriate plans and bids for the project.

Thank you. Please let us know when and where to pick up the sign.

Patti Guzik

**ALEPOOH PROPERTY MANAGEMENT, INC.**

[826 Office Park Cir., Suite 101](#)

Lewisville, TX 75057-3100

972-436-0072

972-436-9137 Fax

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

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY REZONING AN APPROXIMATELY 4.038-ACRE TRACT OF LAND OUT OF THE J.W. KING SURVEY, ABSTRACT NO. 696; LOCATED AT 715 NORTH MILL STREET, FROM SINGLE FAMILY RESIDENTIAL DISTRICT (R-7.5) ZONING TO GENERAL BUSINESS DISTRICT (GB) ZONING; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; DETERMINING THAT THE PUBLIC INTERESTS AND GENERAL WELFARE DEMAND THIS ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING FOR A REPEALER, SEVERABILITY, A PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, applications were made to amend the Official Zoning Map of Lewisville, Texas by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by State statutes and the Zoning Ordinances of the City of Lewisville, Texas, said Planning and Zoning Commission has recommended that rezoning of the approximately 4.038-acre property described in the attached Exhibit “A” (the “Property”) be **approved**, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Lewisville, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and,

**WHEREAS**, the City Council of the City of Lewisville, Texas, at a public hearing called by the City Council of the City of Lewisville, Texas, did consider the following factors in making a determination as to whether this requested change should be granted or denied: effect on the congestion of the streets; the fire hazards, panics and other dangers possibly present in the securing of safety from same; the effect on the promotion of health and the general welfare; effect on adequate

light and air; the effect on the overcrowding of the land; the effect of the concentration on population; the effect on the transportation, water, sewerage, schools, parks and other public facilities; and,

**WHEREAS**, the City Council further considered among other things the character of the district and its peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this City; and,

**WHEREAS**, the City Council of the City of Lewisville, Texas, does find that there is a public necessity for the zoning change, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of adjacent property owners; and,

**WHEREAS**, the City Council of the City of Lewisville, Texas, does find that the change in zoning lessens the congestion in the streets; helps secure safety from fire, panic and other dangers; promotes health and the general welfare; provides adequate light and air; prevents the overcrowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and,

**WHEREAS**, the City Council of the City of Lewisville, Texas, has determined that there is a necessity and need for this change in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the Property since it was originally classified and, therefore, feels that a change in zoning classification for the Property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Lewisville, Texas, and helps promote the general health, safety, and welfare of this community.

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

**SECTION 1.** The Zoning Ordinance of the City of Lewisville, Texas, be, and the same is hereby amended and changed in that the zoning of the Property is hereby changed to **GENERAL BUSINESS DISTRICT (GB) ZONING.**

**SECTION 2.** The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this change in zoning.

**SECTION 3.** That in all other respects the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Lewisville Zoning Ordinance and all other applicable and pertinent ordinances of the City of Lewisville, Texas.

**SECTION 4.** That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewage, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

**SECTION 5.** This Ordinance shall be cumulative of all other ordinances of the City of Lewisville, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances,

except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this Ordinance.

**SECTION 6.** That the terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the Property shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

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

**SECTION 8.** 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 9.** The fact that the present Zoning Ordinance and regulations of the City of Lewisville, Texas are inadequate to properly safeguard the health, safety, peace and general welfare of the inhabitants of the City of Lewisville, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this Ordinance shall become effective from and after the date of its passage and approval and publication, as the law in such cases provides, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE 18TH DAY OF JUNE, 2018.**

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

**Page 5**

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

Exhibit A  
Property Description

## EXHIBIT A PROPERTY DESCRIPTION

### LEGAL DESCRIPTION

4.038 Acres

Being all that certain lot, tract or parcel of land situated in the J. W. King Survey, Abstract Number 696, City of Lewisville, Denton County, Texas, being all of that certain called 3 acre tract of land described in deed to D. T. and D. E. Nowlin recorded in Volume 350, Page 416 of the Deed Records of Denton County, Texas and part of that certain tract of land described in deed to D. T. Nowlin recorded in Volume 353, Page 25 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a ½" rebar found at the most northerly corner of said Nowlin tract being the northeast corner of Lot 1, Block C, Hillside Office Park, an addition to the City of Lewisville according to the plot thereof recorded in Cabinet E, Page 25 of the Plot Records of Denton County, Texas, and being on the southwest right-of-way line of Mill Street according to deed to the State of Texas recorded in Volume 227, Page 27 of the Deed Records of Denton County, Texas;

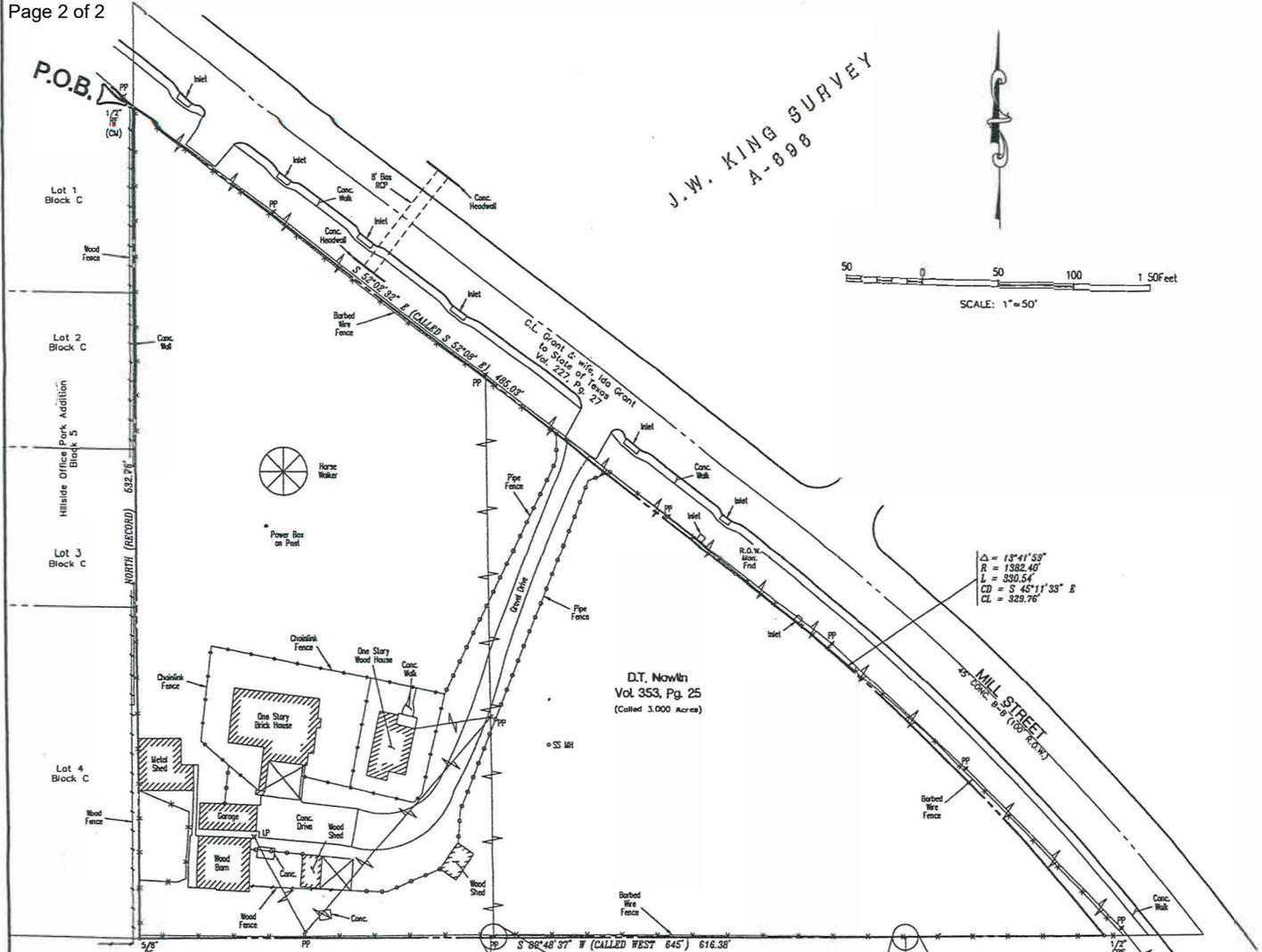
THENCE S 52°02'32" E, 485.03 feet, along the northeast line of said Nowlin tract and the southwest right-of-way line of Mill Street, to a right-of-way monument found at the point of curvature of a curve to the right;

THENCE Southeasterly, continuing along said line and with the arc of said curve having a radius of 1382.40 feet, a central angle of 13°41'59", whose chord bears S 45°11'33" E, 329.76 feet, on arc length of 330.54 feet, to a ½" capped rebar (G & A) set at the southeast corner of said Nowlin tract, being on the north line of T.H.D. Stewart's Addition according to the plot thereof recorded in Volume 2, Page 119 of the Plot Records of Denton County, Texas;

THENCE S 89°48'37" W, 618.38 feet, along the north line of said Stewart's Addition and the south line of said Nowlin tract, to a 5/8" rebar found at the southwest corner thereof, being the southeast corner of Lot 4, Block C, Hillside Office Park

THENCE North (Record), along the west line of said Nowlin tract and the east line of Lots 4, 3, 2 and 1, Block C, Hillside Office Park, a total distance of 532.76 feet, to the POINT OF BEGINNING and containing approximately 4.038 acres of land.

Commonly known as 715 North Mill Street.



LEGAL DESCRIPTION  
4.038 Acres

Being all that certain lot, tract or parcel of land situated in the J. W. King Survey, Abstract Number 696, City of Lewisville, Denton County, Texas, being all of that certain called 3 acre tract of land described in deed to D. T. and D. E. Nowlin recorded in Volume 350, Page 416 of the Deed Records of Denton County, Texas and part of that certain tract of land described in deed to D. T. Nowlin recorded in Volume 353, Page 25 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the most northerly corner of said Nowlin tract being the northeast corner of Lot 1, Block C, Hillside Office Park, an addition to the City of Lewisville according to the plot thereof recorded in Cabinet E, Page 25 of the Plot Records of Denton County, Texas, and being on the southwest right-of-way line of Mill Street according to deed to the State of Texas recorded in Volume 227, Page 27 of the Deed Records of Denton County, Texas;

THENCE S 52°02'32" E, 485.03 feet, along the northeast line of said Nowlin tract and the southwest right-of-way line of Mill Street, to a right-of-way monument found at the point of curvature of a curve to the right;

THENCE Southeastery, continuing along said line and with the arc of said curve having a radius of 1382.40 feet, a central angle of 13°41'59", whose chord bears S 45°11'33" E, 329.76 feet, on arc length of 330.54 feet, to a 1/2" capped rebar (G & A) set at the southeast corner of said Nowlin tract, being on the north line of T.H.D. Stewart's Addition according to the plot thereof recorded in Volume 2, Page 119 of the Plot Records of Denton County, Texas;

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Commonly known as 715 North Mill Street.

SURVEYOR'S STATEMENT

TO THE LIDNHOLDERS AND/OR THE OWNERS AND/OR PURCHASERS OF THE PREMISES SURVEYED:

This plot was prepared from a survey made on the ground in June 2007, and substantially conforms to the minimum standard requirements promulgated by the Texas Board of Professional Land Surveying General Rules of Procedures and Practices dated 2005 (revised June 2006), and shows the size, location and type of substantial visible improvements on the subject property. This plot shows the location of all visible evidence of easements and rights-of-way and other matters of record of which I have been advised by virtue of Freedom Title GP No. 070033800N Commitment dated May 24, 2007, whether or not of record affecting the subject property. Except as shown on the survey, there are no apparent conflicts or protrusions.

FLOOD STATEMENT

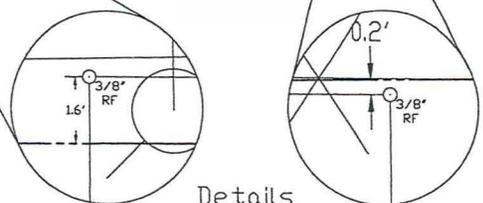
According to Community/Panel No. 48121C0565 F, Dated August 23, 2001, of the FLOOD INSURANCE RATE MAP for Denton County, Texas & incorporated Areas, this property appears to be within Flood Zone(s) "X" (areas of minimal flooding), if site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.



*Kent L. Mobley*

$\Delta = 13^{\circ}41'59"$   
 $R = 1382.40'$   
 $L = 330.54'$   
 $CD = S 45^{\circ}11'33" E$   
 $CL = 329.76'$

THD Stewart's Addition  
Vol. 2, Pg. 119



- NOTES:
- 1.) Bearings based on west line of property recorded in Vol 353, Pg. 25, as shown.
  - 2.) Survey valid only with original seal and signature.
  - 3.) Declaration is made to original purchaser of the survey it is not transferable to additional institutions or subsequent owners.
  - 4.) The word "STATEMENT" as shown and used hereon means an expression of professional opinion regarding the facts of the survey.

LEGEND

RF	=	REBAR FOUND
CRS	=	CAPPED REBAR SET G&A
B.L.	=	BUILDING LINE
U.E.	=	UTILITY EASEMENT
CRF	=	CAPPED REBAR FOUND
P.O.B.	=	POINT OF BEGINNING
CM	=	CONTROLLING MONUMENT
PP	=	POWER POLE
WV	=	WATER VALVE
FH	=	FIRE HYDRANT

SURVEY PLAT

4.038 Acres  
in the  
J. W. KING SURVEY, ABSTRACT NO. 696  
CITY OF LEWISVILLE  
DENTON COUNTY, TEXAS

G & A Consultants, Inc.

SITE PLANNING • PLATTING  
CIVIL ENGINEERING  
LAND SURVEYING  
LANDSCAPE ARCHITECTURE  
P.O. Box 1328 • Lewisville, Texas 75067  
Phone (972) 686-9712 • Fax (972) 686-9716

REV: 07/06/07  
DRAWN BY: B.S. DATE: 06/15/07 SCALE: 1"=50' JOB NO. 06021

## MEMORANDUM

**TO:** Melinda Galler, Assistant City Manager

**FROM:** Russ Kerbow, Police Chief

**DATE:** June 18, 2018

**SUBJECT:** **Public Hearing: Consideration of Lewisville Juvenile Curfew Ordinance; and Consideration of a Resolution to Continue the Current 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 2012.

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 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
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	17	22
2016	2	18	20
2017	0	19	18

The City Attorney recommended holding two public hearings. The first public hearing was held June 4<sup>th</sup>. Tonight’s hearing will be the second and final hearing.

**RECOMMENDATION**

It is City staff’s recommendation that the City Council conduct the public hearing and approve a resolution to continue the current City Juvenile Curfew Ordinance.

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

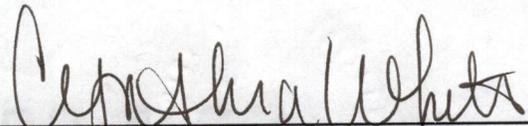
If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect.

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.

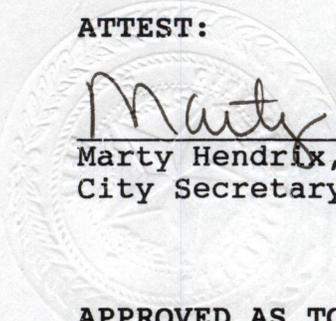


CYNTHIA WHITE, MAYOR PRO TEM  
CITY OF LEWISVILLE, TEXAS

ORDINANCE NO. 1970-9-94

PAGE 6

ATTEST:

  
Marty Hendrix

Marty Hendrix, CMC/AE  
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>

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, APPROVING THE CONTINUATION OF THE JUVENILE CURFEW ORDINANCE, WHICH WAS ORIGINALLY ADOPTED ON SEPTEMBER 12, 1994, AND IS CURRENTLY SET FORTH IN CHAPTER 8, ARTICLE II, OF THE LEWISVILLE CITY CODE.**

**WHEREAS**, the City Council of the City of Lewisville held two public hearings in accordance with provisions of the Local Government Code, Section 370.002, pertaining to a curfew ordinance; and,

**WHEREAS**, the City Council of the City of Lewisville is of the opinion that the continuation of the curfew ordinance, which was originally adopted on September 12, 1994, and is currently set forth in Chapter 8, Article II, of the City of Lewisville Code of Ordinances, will be beneficial to the welfare and safety of its citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT** the City Council hereby approves the continuation of the curfew ordinance, originally adopted on September 12, 1994, as set forth in Chapter 8, Article II, of the City of Lewisville Code of Ordinances.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 18TH DAY OF JUNE, 2018.**

**APPROVED:**

---

Rudy Durham, MAYOR

**RESOLUTION NO.** \_\_\_\_\_

**Page 2**

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **MEMORANDUM**

**TO:** Donna Barron, City Manager

**FROM:** Melinda Galler, Assistant City Manager

**DATE:** June 13, 2018

**SUBJECT: APPROVAL OF REVISIONS TO HUMAN RESOURCES 2.0 SECTION XV – INCLEMENT WEATHER LEAVE**

### **BACKGROUND**

During severe weather conditions, City offices and facilities normally remain open and operating during regular business hours. Currently, there is an Administrative Directive that states employees are expected to report to work in accordance with their normal work schedules during inclement weather. However, if the conditions prevent employees from reporting to work in a timely manner, they may notify their supervisor and request accrued leave for time missed. Employees may use their accrued vacation, holiday or compensatory time, but supervisors have the discretion to grant or deny the use of leave time depending on the severity of conditions, the employee's commuting circumstances and the nature of the employee's job assignment.

The Administrative Directive also states that if facilities are officially closed by the City Manager, supervisors will be advised by Human Resources on timekeeping procedures for all employees. However, a policy has never been established providing direction on what those timekeeping procedures would be in those circumstances.

During our recent rollout of The Lewisville Way, numerous employees expressed a desire for a policy that would provide paid leave in the event of severe weather conditions that would cause the City Manager to delay opening, close early, or even close for the entire day. The Values Committee researched the policies of our other survey cities and numerous other governmental entities regarding their inclement weather policies. The policies and procedures of the entities surveyed varied greatly in how they treat situations where city facilities were closed and what type of paid leave was provided employees.

### **ANALYSIS**

The Emergency Administration Manager has created a Standard Operating Procedure (Attachment A) to provide guidance to the City Manager regarding the decision to delay the opening of City facilities, to close City facilities for the day, or to close City facilities early due to inclement weather that could present an unreasonable safety risk to nonessential employees

Subject: ADMINISTRATIVE POLICY 2.0  
June 13, 2018  
Page 2

traveling to and from work. If the City Manager makes a decision to alter operating hours, the proposed Inclement Weather Policy provides non-essential employees up to 16 hours annually of paid leave to cover any scheduled work time missed when facilities were closed. The Inclement Weather paid leave will be deducted from the employees' Personal and Dependent Care Leave (PDL) accruals.

The City does not provide employees with short term disability insurance; however, employees accrue fifteen PDL days a year which can be used for time missed due to their own illness or injury, for their spouse or children's illnesses or injuries or for any approved FMLA leave. PDL accruals can also be used as Funeral Leave for the death of immediate family members. Employees begin accruing PDL time immediately upon hire accruing 4.62 hours every pay period; therefore, all employees should have accruals available for use during an inclement weather day.

Inclement weather days are very rare in north Texas, so staff anticipates that this benefit will rarely be needed; however, it does provide an avenue to compensate employees for any time missed in the unlikely event of delays or closures of city facilities due to extreme weather conditions without the addition of any paid leave time.

### **RECOMMENDATION**

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

**LEWISVILLE EMERGENCY MANAGEMENT  
STANDARD OPERATING PROCEDURES**

**SECTION: OPERATIONS**  
**TOPIC: RECOMMENDING CLOSURE OF CITY  
FACILITIES DUE TO INCLEMENT WEATHER**  
**REFERENCE: 5**

**I. PURPOSE**

The purpose of this SOP is to provide guidance to the City Manager regarding the decision to delay the opening of City facilities, close City facilities for the day, or close City facilities early due to inclement weather for employees who have non-essential service positions.

Inclement weather is defined as severe or harsh environmental conditions that can include: snowstorms, ice storms, flooding or any unforeseen act of nature.

**II. RECOMMENDING CLOSURE OF CITY FACILITIES DUE TO INCLEMENT WEATHER**

- A.** The Emergency Administration Manager shall monitor weather forecasts and provide situational briefings to the City Manager, or designee, of forecasted weather conditions before an anticipated inclement weather event.
- B.** The Emergency Administration Manager shall contact the City Manager, or designee, before 10 p.m. and make a recommendation to either open or delay opening of City facilities due to inclement weather.
- C.** The Emergency Administration Manager shall reassess weather conditions at 6 a.m. and contact the City Manager, or designee, to make a recommendation to continue with delayed opening or to close City facilities for the day if weather conditions worsen.
- D.** The Emergency Administration Manager shall contact the City Manager, or designee, to make a recommendation to close early to give employees, who have non-essential service positions, enough time to get home safely if it is anticipated that inclement weather conditions will worsen as the workday progresses.

**III. COORDINATION AND STATUS FROM PARTER AGENCIES**

The Emergency Administration Manager's recommendation shall be based on coordination and operational status information gathered from:

- A.** National Weather Service
- B.** Texas Department of Transportation (TXDOT)
- C.** North Texas Toll Way Authority (NTTA)
- D.** City of Lewisville Public Services Street Department
- E.** City of Lewisville Dispatch

- F.** Lewisville Independent School District (LISD)
- G.** Other Contributing Factors

#### **IV. EMPLOYEE NOTIFICATIONS**

The Emergency Administration Manager shall send notifications to all City employees through Everbridge after a decision has been made by the City Manager, or designee. In addition, any deviation in normal operating hours will be posted on the City of Lewisville website.

**Effective Date:** June 18, 2018

**Approval:** \_\_\_\_\_

**CITY OF LEWISVILLE  
POLICY STATEMENTS**

**TOPIC: 2.0 – HUMAN RESOURCES**

**REFERENCE: SECTION XV – PAID LEAVE – INCLEMENT WEATHER LEAVE**

**I. INCLEMENT WEATHER LEAVE**

During severe weather conditions, City offices and facilities will normally remain open and operating during regular business hours. City employees shall be expected to report to work in accordance with their normal work schedules. Should conditions be such that employees are unable to report to work in a timely manner, an employee shall notify his supervisor and request leave for time missed. Supervisors shall have the discretion to grant or deny the use of leave time depending on the severity of conditions, the employee's commuting circumstances and the nature of the employee's job assignment.

In the event of extreme weather conditions that present an unreasonable safety risk to non-essential employees traveling to and from work, the City Manager may officially close City facilities based on recommendations from the Office of Emergency Management.

**II. DEFINITIONS**

- A. **Essential Service Positions:** Police, fire, public services, parks, and other job functions as designated by the Department Directors required to accomplish service delivery to our citizens.
- B. **Non-Essential Service Positions:** All job functions not classified by the Department Director as Essential Service positions.
- C. **Paid Inclement Weather Time:** Up to 16 hours per year of Employee and Dependent Sick Leave time that can be used in the event the City Manager delays opening, closes early or closes for the day during an Inclement Weather Day.
- D. **Inclement Weather Days:** Severe weather days when the City remains open during regular business hours.

### III. POLICY

1. City Closure During Inclement Weather Days
  1. If the City Manager declares that City offices will close, all affected non-essential employees who were scheduled to work during the time of closure will receive Paid Inclement Weather Time.
  2. For both early and late "official" closures, only those employees who were both scheduled to work and who are at work at the time of closure will receive Paid Inclement Weather Time.
    - a. An early official closure occurs with the City Manager delays the opening of City offices.
    - b. A late official closure occurs when the city offices are closed early (Prior to 5:30 pm or 11:30 am on Fridays).
2. Designated Inclement Weather Days When City Offices Remain Open
  1. All employees shall make responsible efforts to report to their work stations on deemed to be Inclement Weather Days.
  2. Employees who are unable to report to work on Inclement Weather Days may use accrued vacation, compensatory leave or holiday leave balances as approved by their supervisor. If the employee does not have available vacation, compensatory or holiday balances, the employee will be docked pay for the time missed. If use of leave is not approved or if the employee fails to notify his supervisor, pay will be docked for time missed.
  3. No sick leave will be granted to an employee on days with inclement weather unless the employee is on approved FMLA leave or has a doctor's note. An employee who is unable to report to work due to inclement weather must contact his supervisor in accordance with departmental directive.
  4. An employee who fails to report to his supervisor will be subject to disciplinary action up to and including dismissal

**IV. GENERAL PROVISIONS**

The City of Lewisville reserves the right to change, modify, amend, revoke, or rescind all or part of this policy in the future.

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Eric Ferris, Deputy City Manager

**DATE:** May 31, 2018

**SUBJECT:** **Approval of a Resolution of the City of Lewisville Suspending the July 5, 2018 Effective Date of Texas-New Mexico Power Company's (TNMP'S) Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation with Other TNMP Cities; Hiring Lloyd Gosselink Attorneys and Consulting Services to Negotiate with the Company and Direct Any Necessary Litigation and Appeals; Finding that the Meeting at Which this Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel.**

### **BACKGROUND**

The City of Lewisville is a member of a coalition of cities known alternatively as the Cities Served by TNMP and the Gulf Coast Coalition of Cities (TNMP Cities). The Coalition has been in existence since the early 1990s. TNMP Cities have been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for over 20 years.

Texas-New Mexico Power Company (TNMP or the Company) filed an application on May 30, 2018 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$33.3 million. The Company asks the City to approve a 23.4% increase in residential rates and an 11.8% increase in street lighting rates. Monthly rates would increase by approximately \$12.21 for an average residential customer.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, TNMP's rate request is deemed approved.

### **ANALYSIS**

The proposed resolution suspends the July 5, 2018 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with other cities served by TNMP, to evaluate the filing, determine whether the filing complies with law, and

if lawful, to determine what further strategy, including settlement, to pursue. The following is a summary of the proposed resolution by section:

- Section 1. The city is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as “the maximum period allowed by law” rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on TNMP’s request to raise rates by October 3, 2018.
- Section 2. This provision authorizes the City to participate in a coalition of cities served by TNMP in order to more efficiently represent the interests of the City and their citizens.
- Section 3. This provision authorizes the hiring of Lloyd Gosselink and consultants to represent the City in this matter. It also provides authority for the attorneys and consultants to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperation in a common review and common purpose. Additionally, rate case expenses are minimized when cities hire one set of attorneys and experts who work under the guidance and control of the cities.
- Section 4. The Company will reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by the TNMP Cities will submit monthly invoices that will be forwarded to TNMP for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.
- Section 5. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.
- Section 6. This section provides that both TNMP’s counsel and counsel for the cities will be notified of the City’s action by sending a copy of the approved and signed resolution to certain designated individuals.

### **RECOMMENDATION**

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

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY OF LEWISVILLE SUSPENDING THE JULY 5, 2018 EFFECTIVE DATE OF TEXAS-NEW MEXICO POWER COMPANY'S (TNMP'S) REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER TNMP CITIES; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

**WHEREAS**, on or about May 30, 2018, Texas-New Mexico Power Company (TNMP), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Lewisville a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area effective July 5, 2018; and

**WHEREAS**, the City of Lewisville is a member of the coalition of TNMP Cities and will cooperate with the other similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

**WHEREAS**, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

**WHEREAS**, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS:**

1. That the July 5, 2018 effective date of the rate request submitted by TNMP on or about May 30, 2018, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.
2. That the City is authorized to cooperate with other cities served by TNMP to coordinate efforts to protect the interests of the City and protect the interests of TNMP's end-use customers residing and conducting business within municipal limits.

3. Subject to the right to terminate employment at any time, the City of Lewisville hereby authorizes the hiring of Thomas Brocato and Christopher Brewster of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

4. That the City's reasonable rate case expenses shall be reimbursed by TNMP.

5. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

6. A copy of this Resolution shall be sent to TNMP, care of Scott Seamster, Corporate Counsel, 225 E. John Carpenter Freeway, Suite 1500, Irving, Texas 75062-2282 and to Thomas Brocato, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 18<sup>TH</sup> DAY OF JUNE, 2018.**

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## MEMORANDUM

**TO:** Donna Barron, City Manager

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

**VIA:** Eric Ferris, Deputy City Manager

**DATE:** June 1, 2018

**SUBJECT:** **Consideration of a Variance to the Lewisville, City Code, Section 6-103 (E), Access Management, Auxiliary Lanes for First Baptist Church Lewisville, a 19.9-Acre Parcel Zoned Single-Family Residential (R-6), Located at the North West corner of Valley Ridge Boulevard and McGee Lane Requested by Jerry Fang, RLG Consulting Engineers, Inc., on Behalf of the Owner.**

### **BACKGROUND**

The First Baptist Church will be expanding its current building by over 20,000 square feet and will be removing the portable buildings. The proposed building will include classrooms and offices. The First Baptist Church Lewisville has had a long history with the City dating back to the late 19<sup>th</sup> Century. The current location was built in the mid-90s with additions made a few years later.

### **ANALYSIS**

a. To waive the deceleration lane requirement

#### **Section 6-103(E) – Access Management, Auxiliary Lanes**

The First Baptist Church has seven driveways along the frontage of McGee Lane and Valley Ridge Boulevard. None of the existing driveways have deceleration lanes which would be required under the General Development Ordinance Section 6-103 Access Management Policy based on the size lot. However, the owner hired a consultant to provide a Traffic Impact Analysis (TIA) for City Staff to review. The TIA showed during peak traffic times the church does not have a negative impact along the abutting roadways as the church's peak times are on Sunday mornings and Wednesday evenings which are typically not heavy traffic times for the general public.

### **RECOMMENDATION**

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



June 1, 2018

Mr. David Russell, PE  
Engineering Division  
City of Lewisville  
151 W. Church Street  
Lewisville, TX 75057

Re: Variance Request for FBC Lewisville  
1251 Valley Ridge Boulevard  
Lewisville, TX  
RLG No. 1713.018.001

Dear Mr. Russell:

The proposed building addition and renovation of the First Baptist Church Lewisville is requesting one (1) variance from the City of Lewisville General Development Ordinance Article V. Public Improvement, Section 6-103 Access Management Policy Standards.

The variance request is as follows:

**REQUIRED VARIANCE A:**

To waive the deceleration lane requirement to the site.

**JUSTIFICATION:**

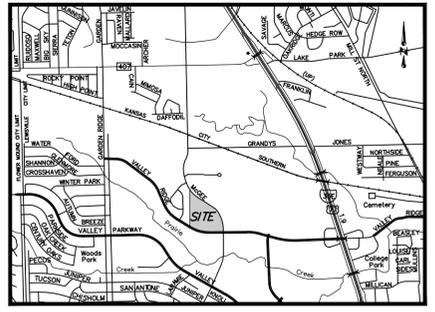
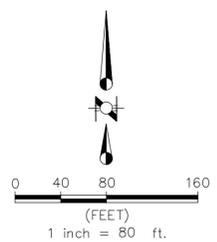
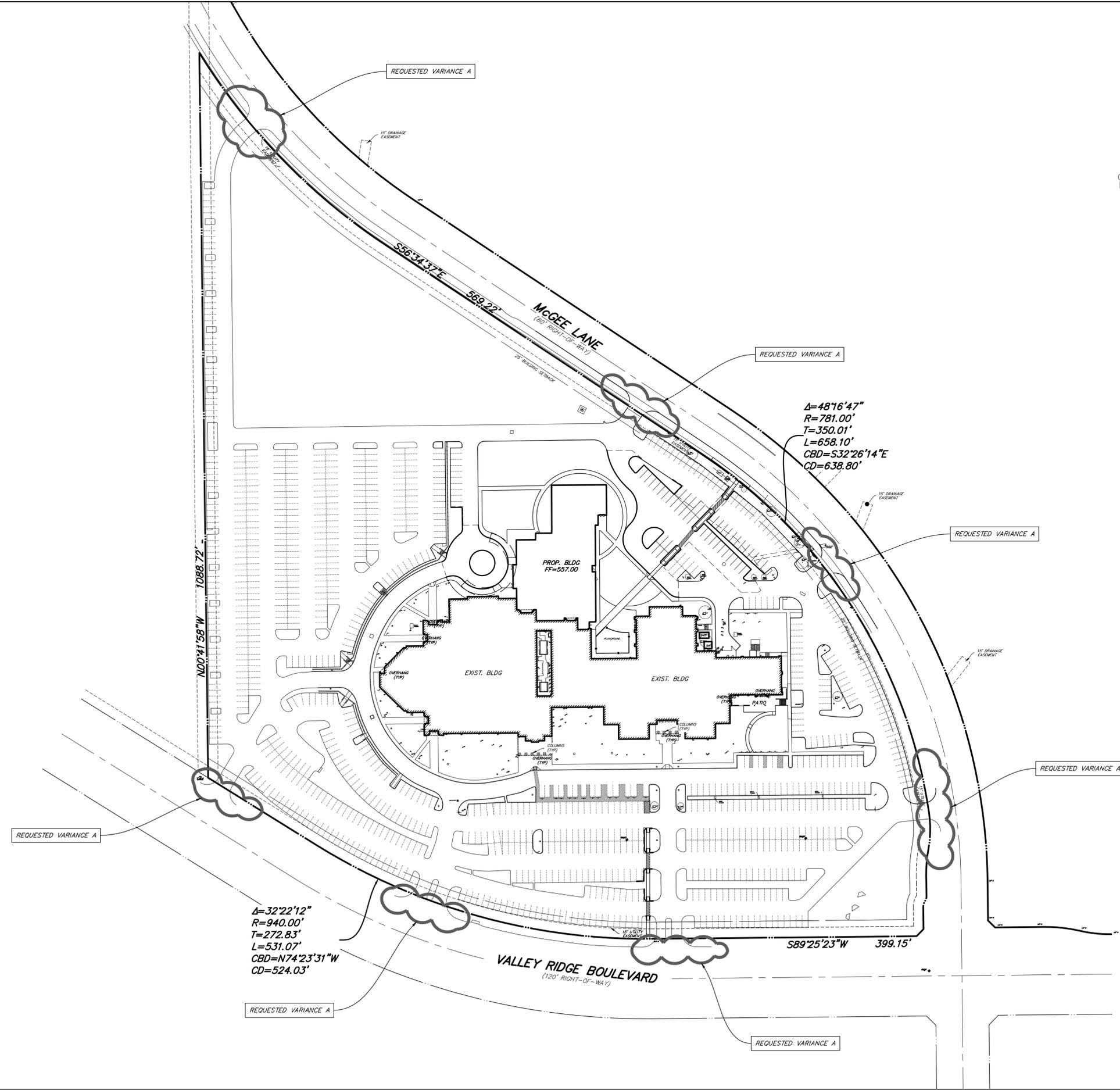
An existing traffic volume operational analysis and right turn lane analysis has been performed by Kimley-Horn and Associates, Inc. The memorandum prepared by Kimley-Horn and Associates, Inc., dated May 15, 2018, concludes a right turn deceleration lane to the site is not warranted. The City staff supports the finding of the traffic analysis.

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

Sincerely,

  
Jerry Fang, PE  
Civil Project Manager

FILE LOCATION: P:\Cadd\2017\1713.018 First Baptist Church Lewisville (DMS) Variance Request Exhibit.dwg; PLOT DATE/TIME: 6/1/2018 8:45:26 AM; BPL: Bplink; wpl



Vicinity Map  
NTS

VARIANCE A:  
TO WAIVE THE DECELERATION LANE REQUIREMENT TO THE SITE.

**RLG**  
RAYMOND L. GOODSON JR., INC.  
CONSULTING ENGINEERS  
12001 N. CENTRAL EXPRESSWAY, SUITE 300  
DALLAS, TEXAS 75243 214/739-8100  
E-MAIL: rlg@rlginc.com

SHEET NO.  
**C8.00**

ENGINEERING SITE PLAN FOR  
VARIANCE REQUEST EXHIBIT  
FIRST BAPTIST CHURCH LEWISVILLE  
ORCHARD VALLEY ESTATES  
LOT 1, BLOCK 0, 19.94 ACRES, ZONED R-6  
CITY OF LEWISVILLE, TEXAS

DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
RLG	RLG	5/31/18	1"=80'		1713	018
JOB NO.	1713.018 SUBMITTAL: VARIANCE REQUEST					



SUBJECT  
PROPERTY



Scale : 1" = 300'

LOCATION MAP  
FOR  
FIRST BAPTIST CHURCH OF LEWISVILLE

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Stacie Anaya, Director

**DATE:** June 12, 2018

**SUBJECT:** **Considering an Ordinance of the Lewisville City Council Amending Chapter 6, Article II, Division I of the Lewisville City Code by Making Provisions for a Park Fee Consisting of a Parkland Dedication Requirement and Park Development Fee on Residential Development and Other Related Requirements; Amending Chapter 2, Article VIII, Section 2-201 by Amending the Park Development Fee Rate; Providing a Repealer, Severability and an Effective Date; and Declaring an Emergency.**

### BACKGROUND

Park fees are collected from developers and used by the city to purchase and/or make improvements to new or existing parkland, trails or facilities. These parks, trails, and facilities serve the residents moving into those new developments and ensure that our residents have adequate places to play, exercise, meet neighbors, and enjoy the outdoors.

The City of Lewisville's current parkland dedication ordinance was adopted in March 2007. That ordinance requires developers/builders to pay \$750 per dwelling unit (home or apartment) when filing a building permit. The ordinance, however, also eliminated the City's then-existing requirement that developers dedicate 3 acres per 100 dwelling units. These changes made Lewisville's park fees one of the lowest in the North Texas region. It also has hindered our ability to provide adequate parkland for our residents.

In 2013, the City adopted a Parks, Recreation and Open Space Master Plan ("Park Master Plan"), which identified a deficiency in parkland and called for the addition of 755 acres of parkland to meet the needs of a community the size and density of Lewisville. Despite these identified deficiencies and the consultant's recommendation that the City amend our park fee ordinance to increase our fees, the park fee ordinance was not amended.

The 2018 update to the Park Master Plan not only confirms a continued deficiency in parkland but also a deficiency in the disbursement of parkland throughout the community. One of the action steps established in the plan is an update to the current parkland dedication ordinance to effectively address the deficiency in parkland and keep pace with our population growth. The plan identifies approximately \$44,510,500 in parkland acquisition and development projects over the next 5-10 years.

Based on this recommendation, staff has researched various options and methodologies for collecting park fees. In September 2017, the Parks and Recreation Advisory Board ("Board") was briefed on alternate methods for the calculation and collection of parkland dedication requirements utilized throughout the State. The Board recommended moving forward with an update to the

ordinance to include mechanisms for acquiring and developing parkland to meet the recreation needs of the community.

The City Council was briefed on staff recommendations for updating the ordinance during the February 2018 retreat. The proposed ordinance reflects the discussions with the Board, the advice of legal counsel and direction from City Council during the retreat.

## ANALYSIS

As a municipality grows with the addition of new housing development, the demand for parks and recreation amenities grows as well. In many Texas municipalities, parkland development ordinances have two elements for the acquisition and development of parkland:

1. parkland dedication requirement (or cash-in-lieu of land alternative)
2. park development/improvement requirement.

The first element provides a mechanism for acquiring parks, trails and open space; it is the horizontal element. The second element provides the fund for developing parks, trails and open space; it is the vertical element. The two separate requirements are beneficial because they provide an opportunity for the city to collect the true amount of funds needed to provide adequate public park and trail facilities to support the new residential development without placing the entire burden of parkland development on existing tax payers.

To keep pace with our current level of service for park and recreation amenities as our population grows, staff recommends updates to the parkland dedication ordinance to include both parkland dedication requirements and park development/improvement fees. Specifically, staff is recommending ordinance amendments to:

- Include a parkland dedication requirement of 3 acres per 100 proposed dwelling units; but offer a cash-in-lieu of land option
- Increase the park development fee from \$750 to \$1,000.

In addition, staff recommends that fees be collected at the time of filing of the final plat rather than at the time of issuing a building permit.

### Parkland Dedication or Cash-in-Lieu of Land (horizontal)

The current ordinance does not provide a realistic mechanism for acquiring or developing parkland. Without a mechanism for parkland dedication, the city must identify property on the open market that may be purchased for a park or open space. The current single element rate of \$750 per dwelling unit does not provide adequate funding for the purchase of nor the development of the property. Adding a mechanism for a developer to dedicate parkland within their development, is the ideal way to serve the new community members who will place an additional demand on the current park system.

To maintain the current level of service for parkland at Lewisville's projected growth rate, staff recommends establishing a parkland dedication rate of **3 acres per 100 dwelling units** to determine the parkland dedication requirement for the developers. Attachment A – Part A

demonstrates how this ratio was developed. This rate will help us meet the parkland deficiencies identified in the master plan.

A cash-in-lieu of land fee option should also be established for situations where parkland is not necessary in a development or the opportunity to increase the size of an existing park or trail system exists nearby. This amount should be based on the cost of an average acre of land in the park planning area (as defined in the park master plan) multiplied by the number of acres required for parkland dedication. Property that is deemed wetlands or in the flood plain can accommodate up to ½ of the parkland dedication requirement, if the Director accepts the proposal.

*Example of how to calculate cash-in-lieu fee:*

A developer submits a plat for a subdivision for 100 dwelling units translating to a parkland dedication requirement of 3 acres. Assumptions: No flood plain or wetlands are involved. The average cost of an acre in the area is \$50,000.

The developer's cash-in-lieu fee will be \$150,000 as shown below:

$$\begin{array}{r} 3 \text{ acres} \\ \times \$50,000 \text{ cost per acres} = \\ \$150,000 \end{array}$$

#### Park Development Fee (vertical)

A parkland development requirement provides municipalities with a mechanism for improving new or existing parkland, trails or open space. This fee should reflect the cost of improving parkland to accommodate the recreation needs of the persons in the new development.

The average cost to develop an acre of land per dwelling unit in Lewisville is \$1,016 (Attachment A – Part B demonstrates how this unit cost was determined). Staff recommends increasing the fee to \$1,000 from \$750 and comparing the fee to development costs each year.

#### Impact of Proposed Update to Ordinance

If the recommended changes to the ordinance are adopted the example below is what a developer will be required to dedicate and/or pay when the updated ordinance becomes effective:

*Example 1:* Developer XYZ files a plat for the development of the Alpha Omega Subdivision with 150 planned dwelling units. Assumptions: No flood plain or wetlands are involved. This development falls in park planning area 1 where the average value of an acre is \$50,000

$$\begin{array}{l} \text{Developer will owe:} \\ \text{Parkland Dedication Requirement} = 4.5 \text{ acres (150 units} \times 3 \text{ acres} = 450 / 100) \\ \text{Parkland Development Requirement} = \$150,000 (150 \times \$1,000) \end{array}$$

If parkland were not accepted and the cash in lieu of land option were required, the total fee would be:

$$\begin{array}{l} \$225,000 \text{ Cash in Lieu (4.5 acres} \times \$50,000) \\ + \$150,000 \text{ Development Fee} = \end{array}$$

\$375,000.

In comparison, under the current ordinance the total parkland dedication fee for the sample development would be:

$$\begin{array}{r} 150 \text{ Dwelling Units} \\ \times 750 \text{ Development Fee} = \\ \$112,500. \end{array}$$

Example 2: If the recommended changes to the ordinance were in place for the Lakewood Hills development (260 dwelling units) the developer would have been responsible for the following requirements:

$$\begin{array}{l} \text{Parkland Dedication Requirement} = 7.8 \text{ acres } (260 \times 3 = 780 / 100) \text{ and} \\ \text{Parkland Development Requirement} = \$260,000 (260 \times \$1,000). \end{array}$$

If parkland was not accepted and the cash in lieu of land option were required, the total fee would be:

$$\begin{array}{r} \$390,000 (7.8 \times \$50,000) \text{ Cash in Lieu} \\ +\$260,000 (260 \times \$1,000) \text{ Development Fee} = \\ \$650,000. \end{array}$$

In comparison, under the current ordinance the total parkland dedication fee for the sample development would be:

$$\begin{array}{r} 260 \text{ Dwelling Units} \\ \times \$750 \text{ Development Fee} = \\ \$195,000. \end{array}$$

### **Comparison Cities**

Though the information below indicates how the current and proposed ordinances compare to other cities in the region, the methodology supported by best practices and upheld by the Texas Court system is based on equations that are tailored for each community's current level of service to determine that community's future park and open space needs. This means that each city's land dedication requirements and fees will differ. The proposed ordinance will provide the open space and development funds to provide new resident a similar number of, proximity to and quality of parks, current Lewisville residents enjoy today.

The establishment of other city fees normally starts with a market review to make sure the proposed fee is in line with what the other cities in our 17-city survey group are charging. However, based on case law, this fee must be looked at differently and must be based on the current level of service and the cost to develop and improve parks. This type of analysis is similar to the process for developing impact fees.

Below is a table listing our twelve survey cities that require both parkland dedication and parkland development fees. Mesquite, Garland and Grand Prairie do not currently have any parkland requirements. Each city has a requirement that reflects their own need for parkland dedication and development. Four cities (Coppell, Denton, Flower Mound, and McKinney), use a similar

methodology for calculating these requirements for developments being proposed for adoption in Lewisville.

City	Parkland Dedication Requirement	Parkland Adjusted Requirement for 100 DU	Cash in Lieu of Fee	Park Development Fee
Allen	1/100 DU	1	\$ 645/DU	\$0
Arlington	1/250 DU	.25		\$1,143/DU
Carrollton	Dedication required in designated areas per Master Plan		\$300/DU	\$0
Coppell*	1/100 DU	1	Market Value	\$1285/DU
Dallas	1/100 DU	1	\$762/DU	\$403/DU
Denton*	.7/100 DU	.7	Market Value	\$ 291/DU
Flower Mound*	1/25 DU	4	Market Value	\$790/DU
Fort Worth*	2.5/1000 DU	.25	Market Value	\$30,000/acre
Frisco	1/50 DU	2	\$1,561/DU	\$0
Grapevine	1/145 DU	.69	\$1,416/DU	\$0
Lewisville (old)				\$ 750/DU
McKinney*	1/50 DU	2	Market Value	\$2,000/DU
Plano	Dedication required in designated areas per Master Plan			\$ 468/DU
Lewisville (proposed)	3/100 DU	3	Market Value	\$1,000/DU

### **RECOMMENDATION**

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

**Lewisville Parks and Recreation Department  
Proposed Parkland Dedication Ordinance Methodology  
February 2018**

**Part A - Parkland Dedication**

Burden to Maintain Current Level of Service (CLOS)

<b>Park Type</b>	<b>Current Acres</b>	<b>People Per Acre*</b>	<b>Acres to Maintain CLOS**</b>	<b>Additional Acres Needed</b>
<b>Neighborhood</b>	106.4	974.1	112.9	6.5
<b>Community Park</b>	732.9	141.4	777.9	45
<b>Other Parks</b>	628.9	164.8	667.5	38.6
				<b>90.1</b>

\*Based on 2017 population estimate of 103,460 (provided by North Central Texas Council of Government)

\*\*Based on 2020 population projection of 110,002 (provided by Economic Development)

The current average number of people per dwelling unit is 2.44 (based on the estimated population and dwelling units in Lewisville). In order to maintain the current level of service (as defined by park acreage) for projected future growth of Lewisville by 2020, the City will need to acquire an acre of property for every 70.59 people or 28.93 dwelling units added to the city's residential inventory. See the calculations below.

The city will need to add one acre of parkland per 70.59 people to keep pace with projected growth.

$$6,362 \text{ (project population growth to 2020)} / 90.1 \text{ acres} = 70.59$$

The city will need to add one acre for every 28.93 dwelling units built to keep pace with projected growth.

$$70.59 \text{ people per acre} / 2.44 \text{ per dwelling unit} = 28.93 \text{ dwelling units}$$

Most cities use intervals of 100 dwelling units to establish a parkland dedication requirement for developers. Utilizing the methodology above 3.46 acres per 100 dwelling units would be equivalent requirement. In effort to simplify the equations and burden rates, staff recommends establishing a rate of **3 acres per 100 dwelling units** to determine the parkland dedication requirement for the City of Lewisville.

A parkland dedication requirement is not included in the current ordinance, though prior to 2004 the proposed rate of 3 acres per dwelling unit was part of the ordinance.

In the event a parkland dedication in a proposed development does not meet the goals established in the park master plan, a cash-in-lieu of land fee should be charged the developer. This amount should be based on the cost of an average acre of land in the park planning area (as defined in the park master plan) multiplied by the number of acres required for parkland dedication. An example is provided below.

A developer submits a plat for a subdivision for 100 dwelling units translating to a parkland dedication requirement of 3 acres. The average cost of an acre in the area is \$50,000.

$$3 \text{ acres} \times \$50,000 = \$150,000.$$

The developers cash-in-lieu fee will be \$150,000.

Every three years, the Parks & Recreation Department will contract with an independent land appraiser to provide an average cost of an acre for each park planning area.

### Parkland Development – Part B

Type of Park	Avg Acres	Total Development Estimate	Cost Per Acre	Person Per Acre*	Cost per Person	Cost per DU**
Pocket Park	2	\$ 147,785	\$ 73,893	974.06	\$185.10	\$183.58
Neighborhood Park	10	\$1,064,867	\$ 106,487	974.06	\$266.75	\$264.56
Community Park	50	\$4,239,014	\$ 84,780	141.41	\$1,462.86	\$1,450.87
Regional Park	250	\$8,395,040	\$ 33,580	141.41	\$579.42	\$574.67
Sports Park	50	\$7,286,446	\$ 145,729	164.79	\$2,157.77	\$2,140.08
General Park	1	\$ 83,922	\$ 83,922	141.41	\$1,448.06	\$1,436.19
				<b>Avg Cost per DU</b>		<b>\$ 1,016.66</b>

\* Based on 2017 population estimate of 103,640 (provided by Planning Department)

\*\*Based on 2017 2.44 person per dwelling unit estimate

This represents the funds that will be needed to develop new parkland or existing parkland to accommodate projected growth. The development costs for each type of park listed are developed from best practices within the parks and recreation industry adjusted for Dallas-Fort Worth construction prices. The current parkland development fee is \$750 per dwelling unit. Staff recommends stepping the fee to meet average development costs per unit over the next 4-5 years. The initial increase should be to \$900 or \$1,000 per dwelling with subsequent increases to keep pace with cost escalation.

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

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL AMENDING CHAPTER 6, ARTICLE II, DIVISION II OF THE LEWISVILLE CITY CODE BY MAKING PROVISIONS FOR A PARK FEE CONSISTING OF A PARKLAND DEDICATION REQUIREMENT AND A PARK DEVELOPMENT FEE ON RESIDENTIAL DEVELOPMENT AND OTHER RELATED REQUIREMENTS; AMENDING CHAPTER 2, ARTICLE VIII, SECTION 2-201 BY AMENDING THE PARK DEVELOPMENT FEE RATE; PROVIDING A REPEALER, SEVERABILITY 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 Chapters 2 and 6 of the Lewisville City Code are necessary; and

**WHEREAS**, the Lewisville City Council has adopted the Park Master Plan and Trails Master Plan, which provide planning policy and guidance for the municipal park and recreation system for the City of Lewisville; and

**WHEREAS**, said plans have assessed the need for parkland and park improvements, including trails, to serve the citizens of Lewisville; and

**WHEREAS**, the City of Lewisville has carefully assessed the impact on the park and recreation system created by each new development and has established dedication and development cost requirements based upon individual dwelling units; and

**WHEREAS**, the requirements constitute an individualized fact-based determination of the impact of new living units on the park and recreation system and ensure that new living units bear their proportional share of the cost of providing park and recreation related services; and

WHEREAS, parkland dedication requirements and park development fees are based upon the formulas and allocations set forth herein.

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

**SECTION 1.** The statements made in the preamble hereinabove are hereby adopted and incorporated herein.

**SECTION II.** Chapter 6, article 2, division 2, sections 6-32 through 6-43 of the Lewisville City Code are hereby amended by deleting the current language and inserting the following new language:

**ARTICLE II – GENERAL PROVISIONS**

**DIVISION 2 – PARK FEE**

**Sec. 6-32. Purpose and imposition.**

(a) A park fee is hereby imposed on residential development to assure that park facilities, including trails, are available and adequate to meet the needs created by such development while maintaining current and proposed park and recreation standards pursuant to the Park Master Plan and Trails Master Plan. The park fee consists of a parkland dedication requirement and a park development fee. The park fee shall be imposed by the city on all residential development, and all funds collected shall be used solely and exclusively for the purpose of acquisition and development of park facilities necessitated by and serving such development.

(b) If a park fee (including parkland dedication or cash-in-lieu of parkland dedication) has been paid prior to the adoption of this division, that park fee (including parkland dedication or cash-in-lieu of parkland dedication) shall be controlled by the provisions of the ordinance in effect at the time such obligation arose.

**Sec. 6-33. Definitions.**

For purposes of this division only, the terms that follow shall have the meanings set forth herein. Terms not herein defined shall have those meanings given them by other provisions of the Lewisville City Code.

*Applicant* shall mean the property owner or duly designated agent of the property owner of land for which approval of a final plat for residential development has been requested.

*Building* shall mean any enclosed residential structure designed or intended for the support, enclosure, shelter or protection of persons.

*Director* shall mean the director of the Parks & Recreation Department or her authorized representative.

*Dwelling* shall mean any building, or portion thereof, designed exclusively for residential occupancy and containing one (1) or more dwelling units.

*Dwelling unit* shall mean one (1) or more rooms arranged, designed or used as separate living quarters for an individual family, which contains kitchen facilities (only one (1) per dwelling unit permitted), including at least a stove or cooking device and permanently installed sink, plus bathroom facilities.

*Park facilities* shall mean land and/or improvements used or to be used as a park, including trails, regardless of location, including both the acquisition of such land, the construction of improvements thereon and the expenditure of funds incidental thereto, including but not necessarily limited to planning, engineering and design of the park, including trails, and improvements, utility relocation, provision of improvements, provision of pedestrian and vehicular access thereto and purchase of equipment, the need for which are attributable to new residential development.

*Park Master Plan* shall mean the adopted plan, as may be amended from time to time, which identifies those park facilities for a period of at least five (5) years, which are to be financed in whole or in part through the imposition of park fees pursuant to this division.

*Property* shall mean the legally described parcel of land capable of development pursuant to applicable city ordinances and regulations.

*Property owner(s)* shall mean any person, group of persons, firm or firms, corporation or corporations, or any other entity having a proprietary interest in the

land on which approval of a final plat for residential development has been requested.

*Residential development* shall mean the development of any property for a dwelling or dwellings, other than motels, hotels, shelter used temporarily for transients or other similar uses.

*Trails Master Plan* shall mean the adopted plan, as may be amended from time to time, which identifies trails, which are to be financed in whole or in part through the imposition of park fees pursuant to this division.

**Sec. 6-34. Applicability.**

(a) This division shall be uniformly applicable to residential development of property in the city which is or will be served by park facilities. This division does not apply to activities involving the replacement, reconstruction, remodeling, rehabilitation or other improvements to an existing building, or to the rebuilding of a damaged building, or to permits required for accessory uses, unless such activity results in an additional dwelling unit.

(b) For purposes of this division, property is “served by” park facilities when funds collected for such facilities have been spent for facilities identified in the Park Master Plan or Trails Master Plan within ten (10) years from the date of collection.

**Sec. 6-35. Authority.**

(a) This division is enacted pursuant to the city’s police powers existing under the city’s charter and consistent with the Texas Constitution, article XI, section 5, and applies to all property within the city’s boundaries.

(b) The city shall adopt a Park Master Plan and a Trails Master Plan for the entire city, which identifies the park facilities which are to be acquired through parkland dedication requirements or financed in whole or in part through the imposition of park fees. Park fees may only be spent for park facilities identified in such plans. The plans shall be reviewed and updated at least every five (5) years by the City Council.

(c) Imposition of a park fee does not alter, negate, supersede or otherwise affect any other requirements of city, county, state or federal legislation or regulations that may be applicable to a development, including city zoning and/or subdivision regulations.

(d) The provisions of this division shall not be construed to limit the power of the city to utilize other methods authorized under state law or pursuant to other city powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this division. Guidelines may be developed by resolution or ordinance to implement and administer this division.

**Sec. 6-36. Park fee.**

(a) Parkland dedication requirement

- (1) For developments where all lots are for residential development, the parkland dedication requirement shall be determined by a ratio of three (3) acres for each 100 dwelling units. For calculation of developments with less than 100 dwelling units, each dwelling unit shall equal .03 acres. (Example: 25 dwelling unit development will require .75 acres).
  - i. Jurisdictional wetlands and property in established flood plains may be used to satisfy up to one-half of the parkland dedication requirement.
  - ii. A preliminary plat shall show the area proposed to be dedicated under this section. The property must be reviewed and accepted by the Director. If the area proposed for dedication is not consistent with the goals established in the Parks Master Plan or the Trails Master Plan, the city may require a cash-in-lieu of parkland dedication.
- (2) Cash-in-lieu of parkland dedication
  - i. The city may require cash-in-lieu of parkland dedication. Such payment in lieu of land shall be made prior to final plat approval. The payment shall be proportional to the amount of land required to be dedicated and shall use the fair market value of the land at the time of construction of the development.
  - ii. The amount of the cash-in-lieu of parkland dedication shall be based on the following formula:  $(A \times V) = M$ 
    - A = the area of land required for dedication as determined in section 6-36(a).
    - V = the fair market value (per acre) of the property as established by a land appraisal conducted by a third party.
    - M = the number of dollars to be paid in lieu of the parkland dedication requirement.
  - iii. The Director shall be responsible for verifying the amount due.

iv. A combination of parkland dedication and cash-in-lieu of parkland dedication can be utilized to meet the parkland dedication requirement.

(b) Park development fee

The amount of the park development fee shall be based on the following formula:  $(R \times DU) = F$

R = the park development fee rate found in section 2-201, Fee schedule, of the Lewisville City Code.

DU = the total number of dwelling units in the residential development.

F = the number of dollars to be paid.

**Sec. 6-37. Processing and collection.**

Applicants for a residential development must submit a plat for review and approval pursuant to the land development regulations.

(a) The parkland dedication requirement (or cash-in-lieu of parkland dedication) and park development fee shall be imposed on all residential development in the city at the time of filing a final plat pursuant to the land development regulations, and all amounts due shall be paid prior to final plat approval.

(b) The parkland dedication requirement for each residential development shall contain a clear, fee simple dedication of an area of land within the development to the city for park facilities.

(c) Upon receipt of a preliminary plat or initial submission, the city shall calculate the amount of the park development fee and the amount of cash-in-lieu of parkland dedication (when applicable) due pursuant to section 6-36.

(d) If fewer dwelling units are constructed than planned by the final plat, the property owner may apply for a refund for the difference in the number of dwelling units pursuant to section 6-39.

**Sec. 6-38. Use of funds.**

(a) Cash-in-lieu of parkland dedication and park development fees collected pursuant to this division must be used solely for one (1) of the following purposes:

- (1) To acquire and develop park facilities, in accordance with the Park Master Plan and Trails Master Plan, subject to the provisions herein;
- (2) To reimburse the city for prior acquisition and development of such park facilities, which will benefit the new residential development inhabitants; or
- (3) To make refunds pursuant to section 6-39.

(b) Cash-in-lieu of parkland dedication and park development fees collected shall not be used to maintain or operate the existing park system or to finance park and recreational activities other than park facilities.

(c) Nothing in this division shall prevent the city from issuing and utilizing general obligation bonds, revenue bonds, revenue certificates or other certificates of indebtedness as are within the authority of the city in such manner and subject to such limitations as may be provided by law in furtherance of the financing and provision of park facilities as set forth in the Park Master Plan. Cash-in-lieu of parkland dedication and park development fees paid pursuant to this division, however, shall be used for park facilities acquisition and development.

(d) Interest earned on cash-in-lieu of parkland dedication and park development fees shall be used solely for the purposes specified herein.

(e) The city shall establish adequate financial and accounting controls to ensure that cash-in-lieu of parkland dedication and park development fees disbursed are utilized solely for the purposes and intent of this division; provided, however, that such funds shall be expended within a reasonable period of time, not to exceed ten (10) years from the date the funds are collected.

(f) The city shall maintain and keep financial records for the cash-in-lieu of parkland dedication and park development fees which shall show the source and disbursement of all funds collected.

**Sec. 6-39. Refunds.**

(a) The current owner of property on which a cash-in-lieu of parkland dedication payment and park development fee has been paid may apply for a refund of such funds if:

- (1) The property on which the funds have been paid has not been served by park facilities, as provided in section 6-34; or
- (2) Fewer dwelling units are constructed than planned by the final plat.

(b) Only the current owner of the property may petition for a refund. A petition for refund shall be filed within one (1) year of the event giving rise to the right to claim a refund, or the refund will not be granted.

(c) The petition for refund must be submitted to the Director on a form provided by the city for such purpose. The petition must contain the following: a certified copy of the latest recorded deed for the property; a current legal description; and a statement of the reasons for which a refund is sought.

(d) A refund shall be due under subsection 6-39(a)(1) only if the Director determines that the total funds collected for which a refund is being sought exceeds the total expenditures for park facility purposes allowed by this division for the same period (“excess amount”). The refund amount shall be the development’s pro rata share of the excess of funds collected over expenditures, together with interest earned on such amount for the period. The city may periodically compute the difference between expenditures and funds collected for purposes of reviewing refund requests under this subsection. The city council may, after notice by publication in the section of a local newspaper reserved for legal notices, and after a public hearing, vote to apply any unclaimed excess amounts to the remaining park facilities. When the city council votes to apply the excess amounts, the right to refund of the applied excess amounts shall be extinguished.

(e) Within one (1) month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request. The decision must include the reasons for the decision. If a refund is due to the petitioner, the Director shall notify the city’s finance department and request that a refund payment be made to petitioner.

(f) The petitioner may appeal the determination of the Director to the city council, and its decision shall be final.

**Sec. 6-40. Procedures for updating the park fee.**

(a) At least every five (5) years, the Director shall prepare a report to the city council on the park fee. In the preparation of such report, the following information shall be reviewed:

- (1) A statement summarizing the parkland dedication requirements and the cash-in-lieu of parkland dedication requirements and park development fees collected and disbursed since the previous report;

- (2) A statement summarizing park facilities acquisition and development and the status thereof since the previous report;
- (3) A statement summarizing the administration and enforcement of park fees; and
- (4) A statement and recommendation from the Park Board on all aspects of the park fee and city park needs.

(b) The report shall make recommendations, if appropriate, on amendments to this division, changes in the administration or enforcement of this division, changes in the parkland dedication requirements, cash-in-lieu of parkland dedication and park development fee rates, and changes in the Park Master Plan and the Trails Master Plan.

(c) Based upon the report and such other factors as the city council deems relevant and applicable, the city council may amend the park fee. If the city council fails to take action, the park fee then in effect shall remain in effect. Nothing herein precludes the city council or limits its discretion to amend the park fee at such other times as may be deemed necessary.

**Sec. 6-41. Appeals and variances.**

(a) The property owner or applicant may appeal the following decisions of the Director to the city council:

- (1) The applicability of the park fee;
- (2) The amount of the park fee due; or
- (3) The amount of refund due, if any.

The burden of proof is on the property owner or applicant to demonstrate that the amount or applicability of the fee or refund, was not calculated according to the applicable schedule of fees or the guidelines established for determining such amounts. The property owner or applicant must file a notice of appeal with the city secretary within thirty (30) days following the determination by the Director. The filing of an appeal shall stay the matter until final determination by the city council.

(b) The city council may grant a variance from any requirements of this division, upon written request by a property owner or applicant, only upon a finding that a strict application of such requirement would result in a substantial hardship which is not common to similarly situated property owners.

**Sec. 6-42. Park fee as additional and supplemental requirement.**

The park fee is additional and supplemental to and not in substitution of any other requirements imposed by the city on the development of the land. It is intended to be consistent with and to further the objectives and policies of the Park Master Plan, the Trails Master Plan and the comprehensive plan and to be coordinated with other city policies, ordinances and resolutions by which the city seeks to ensure the provision of adequate park facilities in conjunction with the development of land. In no event shall a property owner be obligated to dedicate land or pay for park facilities in an amount in excess of the amount calculated pursuant to this division; but provided that a property owner may be required, pursuant to city zoning and subdivision regulations, to provide open lands, setbacks, buffers and other nonbuildable area on-site in addition to meeting the park fee requirements.

**SECTION III.** Chapter 2, article VIII, section 2-201 of the Lewisville City Code is hereby amended by deleting the current park development fee and in its place inserting the following new park development fee rate:

Fee	Amount
<b>Parks and Recreation Department</b>	
Park development fee rate	\$1,000 for each new dwelling unit

**SECTION IV.** Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION V.** 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 VI.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**SECTION VII.** 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 18TH DAY OF JUNE, 2018.**

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



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**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:** June 7, 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. At the June 4, 2018 City Council meeting, the following interview teams were set up: Mayor Pro Tem Daniels and Councilman Ferguson; Deputy Mayor Pro Tem Jones and Councilman Gilmore; Mayor Durham and Councilman Troyer.

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



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Bookmark 8:	Community Development Block Grant Committee
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.

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Claire Swann, Assistant City Manager

**DATE:** June 13, 2018

**SUBJECT:** **Consideration of Appointment to the Denton County Homelessness Leadership Team.**

### BACKGROUND

Denton County United Way joined the City of Denton to launch a county-wide leadership team (the Denton County Homelessness Leadership Team or “DCHLT”) focused on the growing homelessness issues impacting all communities in Denton County. The main focus of DCHLT includes creating stronger community collaboration around community goals to end homelessness, better data collection and sharing, and an effort to help educate and inform the community about solutions to homelessness and the community impact. The DCHLT is made up of representatives from Denton County, City of Denton, City of Lewisville, City of Sanger, board members from homelessness and housing providers, healthcare providers and members of the United Way of Denton County Board.

### ANALYSIS

The City of Lewisville appoints two members of DCHLT (one council member and a city staff member/member of the community). Council Member Gilmore continues to serve on the DCHLT, but a vacancy now exists in the City’s other appointed position after resignation by Chasz Parker, the former Executive Director of CCA. Neighborhood Services Coordinator Prit Patel has expressed an interest in serving on the DCHLT.

### RECOMMENDATION

That the City Council consider appointment of Neighborhood Services Coordinator Prit Patel to the Denton County Homelessness Leadership Team.