

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**March 21, 2016**

**Present:**

Rudy Durham, Mayor

**Council Members:**

R Neil Ferguson, Mayor Pro Tem  
Greg Tierney, Deputy Mayor Pro Tem  
Leroy Vaughn  
TJ Gilmore  
Brent Daniels

**City Staff:**

Donna Barron, City Manager  
Steve Bacchus, Assistant City Manager  
Melinda Galler, Assistant City Manager  
Eric Ferris, Assistant City Manager  
Julie Heinze, City Secretary  
Lizbeth Plaster, City Attorney

**WORKSHOP SESSION – 6:15 P.M.**

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Durham at 6:15 p.m. on Monday, March 21, 2016, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Discussion of Tree Mitigation Ordinance**

**(Agenda Item A)**

Assistant City Manager Claire Swann conducted the attached PowerPoint Presentation for City Council consideration. She indicated that following this discussion, an ordinance would be brought back to the City Council for clean-up and any of the other options based upon City Council interest.

Councilman Daniels stated that developers know what the rules are and know there are ordinances regarding trees and he felt there should be a penalty for violations. Discussion was held that there have been several instances of trees cut down without getting prior approval over the last 15 years, but not a large number.

**WORKSHOP SESSION – 6:15 P.M.**

**Discussion of Tree Mitigation Ordinance  
(cont'd)**

**(Agenda Item A)**

Mayor Pro Tem Ferguson advised that he felt the system was put in place for a reason and he wanted to see the loophole regarding penalties closed. He advised he would defer to City of Lewisville Arborist and Parks Manager Larry Apple on which trees should be included on the list of protected trees; however, he could be interested in adding additional trees that may be imported if they were hardwoods and durable. He did state that he did not want the list to become burdensome; however if they were of substantial canopy and not susceptible to diseases, he would be interested in adding them to the list.

Councilman Gilmore advised that he was fine with the list of trees as it currently exists. He stated that in regard to the proposed language, it made sense to make it consistent with current practice. He stated that he did not see much use for landmark trees and was not sure how to make the mitigation penalty happen. Councilman Gilmore stated that he would prefer to see making changes that added carrots instead of sticks, especially if changes were made to add mitigation penalties.

Councilman Daniels stated that he felt there were more trees today than there were years ago and citizens see that as a positive, more visually pleasing. He indicated that whether the list grew by 10 or 15 he just did not want to get crazy. He advised that he felt a developer knew what the cost of doing business was and if they sidestep rules they should pay a penalty.

Mayor Durham stated that he did not want the list to grow any bigger, if anything, he would prefer that it shrunk. In relation to the penalty, he indicated that he felt that if there was an ordinance in place, it needed to be enforced and the rules followed.

Deputy Mayor Pro Tem Tierney advised that he was fine with the list. In regard to the landmark tree he would prefer a program where an owner of the property and would initiate the designation, not by the City, similar to the Texas Landmark Homes. He advised that he was okay with a penalty, as a developer knows what they are doing and if they break the rules then they need to a face penalty.

Councilman Vaughn advised he was in favor of the mitigation penalty. He stated that he was in favor of some type of historical tree designation with simple regulations to protect those trees. In regard to the designation of protected trees, he deferred to someone who knew more about trees than he did; however, if there were some additional hardwood trees that live up to the standards of the native trees he would be in favor of adding them on to the current list.

Due to timing, Mayor Durham moved on to the discussion of regular agenda items at 6:45 p.m.

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

**(Agenda Item B)**

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

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

Mayor Durham reviewed Agenda Item C-1, Continued Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for Minor Automobile Services Consisting of a Free-Standing Goodyear Auto Care Facility; and Consideration of Four Associated Variances on an Approximately 1.212-Acre lot, Legally Described as Lot 1, Block G, Carrington Village Addition Phase II, Located at the Northwest Corner of FM 3040 and SH 121 Business, as Requested by Steve Meier of Hummel Investments, LLC. on Behalf of Drexel Realty Lewisville LP, the Property Owner (Case No. SUP-2016-02-01). Councilman Vaughn stated that what the applicants had done to accommodate the concerns of the residents in the neighborhood, as well as TxDOT and the City of Lewisville, was something to be commended. He advised he did not feel it met with the City's Thoroughfare Plan. Councilman Vaughn indicated that he felt this was a gateway into the City of Lewisville and, therefore; he did not feel allowing another tire shop in this area was in the best interest of the citizens of Lewisville. City Manager Donna Barron clarified that the neighbors in this area, after working with the applicant, had withdrawn their original opposition to this item. There was no further discussion on this item.

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

Mayor Durham reviewed Agenda Item E-2, Approval of City Council Minutes of the March 7, 2016, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-3, Approval of Bid Award for an Annual Requirements Contract for Clamps, Fittings, and Pipe to HD Supply Waterworks, Richland, Texas, in the Estimated Amount of \$123,854.65. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-4, Approval of a Bid Award for an Annual Requirements Contract for the Mowing of City Rights-of-Ways and Medians to Carruthers Landscaping Management, Inc., Dallas, Texas in the Estimated Amount of \$211,890.00. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-5, Approval of a Bid Award for an Annual Requirements Contract for Meter Reading Services to Olameter Corporation, Ann Arbor, Michigan, in the Estimated Amount of \$303,498.00. There was no discussion on this item.

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

**(Agenda Item B)**

Mayor Durham reviewed Agenda Item E-6, Acceptance of the Fiscal Year 2015 Comprehensive Annual Financial Report (CAFR). John DeBurro with Weaver gave a brief presentation to the City Council regarding the report. No further discussion was held on this item.

Mayor Durham reviewed Agenda Item E-7, Approval of a License Agreement Between the City of Lewisville and RO Property, LTD; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-8, Approval of an Interlocal Agreement Between the City of Lewisville and the Lewisville Independent School District for the School Resource Officer Program; and Authorization for the City Manager or her Designee to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-9, Approval of Policy Statement 1.0 Administration, Section VII - Public Art. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-10, Approval of an Amendment to an Existing Professional Services Agreement Between the City of Lewisville and Strategic Community Solutions, LLC, Regarding Implementation of the Lewisville 2025 Plan; and Authorization for the City Manager or Her Designee to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-11, Approval of a Resolution Amending the City's Economic Incentive Policy To Adopt Amended Guidelines and Criteria for Tax Abatement Agreements and to Elect to Participate in Said Agreements. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-12, Consideration of a Variance to the 1996 Castle Hills Agreement Section V(8)(D) Regarding Paving on a Public Water Line Easement Related to Lewisville GDB Located at 5040 SH 121, as Requested by Jonathon Hake, P.E. of Cross Engineering Consultants, Inc., on Behalf of the Owner. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-13, Consideration of a Variance to the Lewisville City Code, Article III of Chapter 5, Section 5-95, Appendix D, Section D105.2, Regarding Minimum Fire Apparatus Road Widths at 2500 Windhaven Parkway, Known as Discovery Stonebridge, as Requested by Kimley-Horn & Associates on Behalf of Discovery Senior Living. There was no discussion on this item.

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

**(Agenda Item B)**

Mayor Durham reviewed Agenda Item F-14, Third and Final Reading: Consideration of an Ordinance Granting a Zone Change Request From Specific Use District-Mining (SU-Mining) to Specific Use District-Landfill Accessory Use (SU-Landfill Accessory Use); on an Approximately 4.237-Acre Tract of Land out of the Hugh Harper Survey, Abstract No. 605; Located at 1600 South Railroad Street; as Requested by Richard Dormier of Freeman-Millican, Inc. on Behalf of Waste Management of Texas, Inc., the Property Owner (Case No. PZ-2016-01-02). There was no discussion on this item.

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

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

Due to additional timing, Mayor Durham returned to Discussion of the Tree Mitigation Ordinance.

Mayor Pro Tem Ferguson advised that he would like to see more in regard to the landmark tree option and how that may impact future owners of properties with this designation. Councilman Daniels stated that he agreed with Deputy Mayor Pro Tem Tierney's position that this designation should come from the property owner. Mayor Durham and Mayor Pro Tem Ferguson both agreed with that position. Discussion was held regarding the development rights that could be affected should a property owner designate a tree with the landmark option.

City Manager Donna Barron advised that Planning Manager Richard Luedke would have a PowerPoint Presentation regarding the Public Hearing C-1 during regular session.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:57 p.m. on Monday, March 21, 2016.

**REGULAR SESSION - 7:00 P.M.**

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Durham at 7:00 p.m. on Monday, March 21, 2016, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

At the request of Mayor Durham, Deputy Mayor Pro Tem Tierney gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

At the request of Mayor Durham, Councilman Vaughn gave the pledge to the American and Texas flags.

**Continued Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for Minor Automobile Services Consisting of a Free-Standing Goodyear Auto Care Facility; and Consideration of Four Associated Variances on an Approximately 1.212-Acre lot, Legally Described as Lot 1, Block G, Carrington Village Addition Phase II, Located at the Northwest Corner of FM 3040 and SH 121 Business, as Requested by Steve Meier of Hummel Investments, LLC. on Behalf of Drexel Realty Lewisville LP, the Property Owner (Case No. SUP-2016-02-01)**

**(Agenda Item C-1)**

This public hearing is continued from the February 15, 2016 and March 7, 2016 City Council meetings. Goodyear currently operates out of the retail center adjacent to this property. They have outgrown the facility and are looking to build a new 7,800 square-foot facility with 12 service bays. Staff recommends the following conditions if this SUP is approved: 1) overnight outside storage of vehicles shall not be allowed; 2) the outside storage of tires or other material shall not be allowed on the site; and 3) the hours of operation shall be limited to 7:30 a.m. to 7:00 p.m. Monday-Friday; 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday, 4) an eight-foot, stained, board-on-board cedar fence with a top rail shall be installed on top of a minimum three-foot berm as shown on the fencing illustrations. This fence shall be kept in good repair for the life of the project. Four variances are requested: a) to waive the deceleration requirement; b) to waive the 250-foot control of access from the intersection of SH 121 Business; c) to waive the 230-foot driveway spacing requirement from an existing driveway on a separate lot; and d) to reduce the required 10-foot setback to 5 feet from the existing water and sanitary sewer easement. The Planning and Zoning Commission recommended approval of the SUP by a vote of 5-1 at their meeting on February 2, 2016.

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

Mayor Durham opened the public hearing.

Richard E. Luedke, Planning Manager, conducted the attached PowerPoint Presentation for City Council consideration.

**Continued Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for Minor Automobile Services Consisting of a Free-Standing Goodyear Auto Care Facility; and Consideration of Four Associated Variances on an Approximately 1.212-Acre lot, Legally Described as Lot 1, Block G, Carrington Village Addition Phase II, Located at the Northwest Corner of FM 3040 and SH 121 Business, as Requested by Steve Meier of Hummel Investments, LLC. on Behalf of Drexel Realty Lewisville LP, the Property Owner (Case No. SUP-2016-02-01) (cont'd)**

(Agenda Item C-1)

Steve Meier, Hummel Investments, LLC., 8117 Preston road, #120, Dallas, Texas, spoke before the City Council in support of this item as the developer of this project.

Jimmy Grisham, 3819 Maple, Dallas, Texas spoke before the City Council in support of this item as the President of Drexel Realty.

Shelly James, 230 Carrington, Lewisville, Texas, spoke before the City Council in support of this item as one of the adjacent homeowners. She requested clarification regarding the storage of outside tires. City Manager Donna Barron advised that a staff member would be happy to clarify the requirements.

Charles O'Bannon, 111 Shady Oaks, Denton, Texas, spoke before the City Council in support of this item and explained that he was currently subleasing this Goodyear location. At the questioning of Councilman Daniels, Mr. O'Bannon advised that the lease on this location was up October 31, 2016 and Goodyear had advised the landowner that they would not be renewing their options.

Robert Neily, Roundgrove Shopping Center, spoke in opposition of this item before the City Council due to the number of similar type businesses already located in this area.

**MOTION:** Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Lizbeth Plaster explained that in order for this item to pass, based upon the letters requesting denial of this item from a majority of property owners, a super majority vote was required. Discussion was held that should the SUP not be approved, there was no need for the variances to be acted upon.

**Continued Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for Minor Automobile Services Consisting of a Free-Standing Goodyear Auto Care Facility; and Consideration of Four Associated Variances on an Approximately 1.212-Acre lot, Legally Described as Lot 1, Block G, Carrington Village Addition Phase II, Located at the Northwest Corner of FM 3040 and SH 121 Business, as Requested by Steve Meier of Hummel Investments, LLC. on Behalf of Drexel Realty Lewisville LP, the Property Owner (Case No. SUP-2016-02-01) (cont'd)**

(Agenda Item C-1)

Councilman Vaughn and Councilman Daniels expressed concern regarding this item and advised they would not be voting in favor of this request.

Deputy Mayor Pro Tem Tierney made a motion to approve the Ordinance granting a Special Use Permit (SUP) for Minor Automobile Services Consisting of a Free-Standing Goodyear Auto Care Facility; and approving the four associated variances on an approximately 1.212-Acre lot, legally described as Lot 1, Block G, Carrington Village Addition Phase II, located at the northwest corner of FM 3040 and SH 121 Business, as requested by Steve Meier of Hummel Investments, LLC. on behalf of Drexel Realty Lewisville LP, the property owner (Case No. SUP-2016-02-01). Councilman Gilmore seconded the motion. Discussion was held among the City Council regarding concerns that Councilman Vaughn and Councilman Daniels had expressed regarding this request and tabling this item to allow additional time for the requestor to address their concerns. Deputy Mayor Pro Tem Tierney rescinded his motion. Councilman Gilmore rescinded his second.

**MOTION:** Upon a motion made by Mayor Pro Tem Ferguson and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) “ayes” and no (0) “nays” to table this item to the April 4, 2016, City Council meeting. The motion carried.

**Visitors/Citizens Forum**

**(Agenda Item D)**

Bethany Brant, 1204 College Parkway, Lewisville, Texas, spoke before the City Council regarding the TEDx Marcus High School event being held on May 20, 2016.

Jon Unger, 565 Hobie Point Drive, Lewisville, Texas 75056, spoke before the City Council regarding his concerns of the screening device located at Hobie Point Drive and the lack of screening that is being provided. City Manager Donna Barron advised that a staff member would get with Mr. Unger regarding his concerns.

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item E)**

**MOTION:** Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

2. APPROVAL OF MINUTES: City Council Minutes of the March 7, 2016, Workshop Session and Regular Session.
3. Approval of Bid Award for an Annual Requirements Contract for Clamps, Fittings, and Pipe to HD Supply Waterworks, Richland, Texas, in the Estimated Amount of \$123,854.65.
4. Approval of a Bid Award for an Annual Requirements Contract for the Mowing of City Rights-of-Ways and Medians to Carruthers Landscaping Management, Inc., Dallas, Texas in the Estimated Amount of \$211,890.00.
5. Approval of a Bid Award for an Annual Requirements Contract for Meter Reading Services to Olameter Corporation, Ann Arbor, Michigan, in the Estimated Amount of \$303,498.00.
6. Acceptance of the Fiscal Year 2015 Comprehensive Annual Financial Report (CAFR).
7. Approval of a License Agreement Between the City of Lewisville and RO Property, LTD; and Authorization for the City Manager to Execute the Agreement.

**CONSENT AGENDA (cont'd)**

**(Agenda Item E)**

8. Approval of an Interlocal Agreement Between the City of Lewisville and the Lewisville Independent School District for the School Resource Officer Program; and Authorization for the City Manager or her Designee to Execute the Agreement.
9. Approval of Policy Statement 1.0 Administration, Section VII - Public Art.
10. Approval of an Amendment to an Existing Professional Services Agreement Between the City of Lewisville and Strategic Community Solutions, LLC, Regarding Implementation of the Lewisville 2025 Plan; and Authorization for the City Manager or Her Designee to Execute the Agreement.
11. Approval of Resolution No. 4253-03-2016 Amending the City's Economic Incentive Policy To Adopt Amended Guidelines and Criteria for Tax Abatement Agreements and to Elect to Participate in Said Agreements.

The motion carried.

**END OF CONSENT AGENDA**

**Consideration of a Variance to the 1996  
Castle Hills Agreement Section V(8)(D)  
Regarding Paving on a Public Water Line  
Easement Related to Lewisville GDB Located  
at 5040 SH 121, as Requested by Jonathon  
Hake, P.E. of Cross Engineering Consultants,  
Inc., on Behalf of the Owner**

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**(Agenda Item F-12)**

The subject property is located within Castle Hills in the City of Lewisville Extra Territorial Jurisdiction (ETJ) and is to be developed in accordance with the 1996 Castle Hills Agreement. The subject property is being developed as a multi-tenant restaurant and retail development and has an existing City of Lewisville water line in an easement along the north side of the lot. The requested variance is to allow pavement within the water line easement. The owner accepts responsibility for any and all pavement repairs required due to maintenance or repair of the City water main performed by City crews or City's contractor.

The City staff's recommendation was that the City Council approves the variance as set forth in the caption above with the condition that in the event of water main maintenance or repair, maintenance and repair of the pavement within the easement is the responsibility of the property owner.

**Consideration of a Variance to the 1996  
Castle Hills Agreement Section V(8)(D)  
Regarding Paving on a Public Water Line  
Easement Related to Lewisville GDB Located  
at 5040 SH 121, as Requested by Jonathon  
Hake, P.E. of Cross Engineering Consultants,  
Inc., on Behalf of the Owner (cont'd)**

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**(Agenda Item F-12)**

**MOTION:** Upon a motion made by Councilman Gilmore and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve variance to the 1996 Castle Hills Agreement Section V(8)(D) Regarding Paving on a Public Water Line Easement Related to Lewisville GDB located at 5040 SH 121, with the condition that in the event of water main maintenance or repair, maintenance and repair of the pavement within the easement is the responsibility of the property owner, as requested by Jonathon Hake, P.E. of Cross Engineering Consultants, Inc., on behalf of the owner. The motion carried.

**Consideration of a Variance to the Lewisville  
City Code, Article III of Chapter 5, Section  
5-95, Appendix D, Section D105.2, Regarding  
Minimum Fire Apparatus Road Widths at  
2500 Windhaven Parkway, Known as  
Discovery Stonebridge, as Requested by  
Kimley-Horn & Associates on Behalf of  
Discovery Senior Living**

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**(Agenda Item F-13)**

The applicant has requested a variance to the City’s Fire Code to allow currently existing fire apparatus roads (fire lane) to remain at twenty-four (24) foot-widths in lieu of the currently required twenty-six (26) foot-widths roads serving buildings in excess of thirty (30) feet in height.

The City staff’s recommendation was that the City Council approves the requested variance as set forth in the caption above and subject to the following criteria: compliance with the site plan submitted to City Council.

Tim Ippolito, Fire Marshal, and Nathan Forney, 12750 Merit Drive, Ste 1000, Dallas, Texas, were both present to respond to any questions posed by the City Council.

**Consideration of a Variance to the Lewisville City Code, Article III of Chapter 5, Section 5-95, Appendix D, Section D105.2, Regarding Minimum Fire Apparatus Road Widths at 2500 Windhaven Parkway, Known as Discovery Stonebridge, as Requested by Kimley-Horn & Associates on Behalf of Discovery Senior Living (cont'd)**

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(Agenda Item F-13)

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Mayor Pro Tem Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve a variance to the Lewisville City Code, Article III of Chapter 5, Section 5-95, Appendix D, Section D105.2, Regarding Minimum Fire Apparatus Road Widths Code to allow currently existing fire apparatus roads (fire lane) to remain at twenty-four (24) foot-widths in lieu of the currently required twenty-six (26) foot-widths roads serving buildings in excess of thirty (30) feet in height, at 2500 Windhaven Parkway, known as Discovery Stonebridge, as requested by Kimley-Horn & Associates on behalf of Discovery Senior Living. The motion carried.

**Third and Final Reading: Consideration of Ordinance No. 4254-03-2016 Granting a Zone Change Request From Specific Use District-Mining (SU-Mining) to Specific Use District-Landfill Accessory Use (SU-Landfill Accessory Use); on an Approximately 4.237-Acre Tract of Land out of the Hugh Harper Survey, Abstract No. 605; Located at 1600 South Railroad Street; as Requested by Richard Dormier of Freeman-Millican, Inc. on Behalf of Waste Management of Texas, Inc., the Property Owner (Case No. PZ-2016-01-02)**

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(Agenda Item F-14)

At the February 15, 2016, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the third and final reading.

The City's staff recommendation was that the City Attorney provide the third and final reading of the ordinance as set forth in the caption above.

**Third and Final Reading: Consideration of Ordinance No. 4254-03-2016 Granting a Zone Change Request From Specific Use District-Mining (SU-Mining) to Specific Use District-Landfill Accessory Use (SU-Landfill Accessory Use); on an Approximately 4.237-Acre Tract of Land out of the Hugh Harper Survey, Abstract No. 605; Located at 1600 South Railroad Street; as Requested by Richard Dormier of Freeman-Millican, Inc. on Behalf of Waste Management of Texas, Inc., the Property Owner (Case No. PZ-2016-01-02) (cont'd)**

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(Agenda Item F-14)

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Zoning Ordinance of the City of Lewisville, Texas by Rezoning an Approximately 4.237-Acre Tract of Land out of the Hugh Harper Survey, Abstract No. 605; Located at 1600 South Railroad Street; From Specific Use District-Mining (SU-Mining) Zoning to Specific Use District-Landfill Accessory Use (SU-Landfill Accessory Use) Zoning; Correcting the Official Zoning map; Preserving all Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand this Zoning Change and Amendment Therein Made; and Providing a Penalty.”

No further action was required.

**Reports**

**(Agenda Item G)**

- Fire Chief Timothy Tittle advised that the Dedicating Into Service of the City of Lewisville's newest Fire Engine – Fire Engine 164, would be held on April 4, 2016 at 5:00 p.m. at the Fire Station located at 1435 Moccasin Trail.
- Director of Public Services Keith Marvin advised that Lake Lewisville was currently 2.5 feet above conservation.
- Councilman Daniels advised that the 30<sup>th</sup> Annual Spring Clean Up for Keep Lewisville Beautiful was being held on April 2, 2016 at the Harmon 9<sup>th</sup> Grade Campus on FM 3040. He advised the event would be held from 8 a.m. to noon with a Hot Dog meal following the Clean Up.
- Councilman Gilmore reviewed upcoming events being held at LLELA and encouraged everyone to go visit the website for additional information.
- Mayor Pro Tem Ferguson reviewed upcoming events at the MCL Grand Theatre.
- Mayor Durham thanked the officers for their attendance and all the work their team does.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 8:15 p.m. Monday, March 21, 2016, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item H)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 8:15 p.m. on Monday, March 21, 2016, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Section 551.087 (Economic Development):

2. Deliberation Regarding Economic Development for Potential Company Relocation.

The Closed Session was adjourned at 8:37 p.m. on Monday, March 21, 2016.

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

**(Agenda Item I)**

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 8:15 p.m. on Monday, March 21, 2016, in the Council Chambers of the Lewisville City Hall.

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

**Adjournment**

**(Agenda Item J)**

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:38 p.m. on Monday, March 21, 2016. The motion carried.

These minutes approved by the Lewisville City Council on the 21<sup>st</sup> day of April, 2016.

APPROVED

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Rudy Durham  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY



# Tree Mitigation

Proposed Ordinance Clarifications & Regulatory Options



## Current Practice:

- **To remove a protected tree for development purposes, you must:**
  - Mitigate in accordance with our regulations.
  - Get approval through plat or engineering site plan approval (which also requires the submission of a tree survey).
  - Exception: If tree is shown to be diseased by an arborist, we allow them to remove without further approval/mitigation.
- **To remove a protected tree for non-development purposes (i.e. aesthetics or safety), you must:**
  - Mitigate in accordance with our regulations.
  - Get approval from City Council.
  - Exception: If trees are shown to be diseased by an arborist, we allow them to remove without further approval/mitigation.



## Current Practice

- We do not restrict the removal of unprotected trees except that clearcutting is prohibited. Clearcutting has been interpreted to mean the removal of all trees from a tract of land.
- We do not enforce mitigation requirements against single family-occupied lots.



## Ordinance Language Creating Interpretation Issues

- The purpose of this section is to establish incentives for the preservation of existing and protected trees, replanting of trees lost due to development and to provide guidelines for minimum landscaping on site as well as within the city rights-of-way. Clear cutting of trees is prohibited within the city. Cutting of trees, grading and land clearing may be done, only for development purposes, in accordance with an approved final plat with construction plans and/or engineering site plan. Cutting of trees and land clearing for other than development purposes shall be considered by the city council. The existing natural landscape character of the city shall be preserved to the extent reasonable and feasible. In an area of the street frontage containing a stand of recommended trees, the developer shall use best good faith effort to preserve such trees.

## Example Property



## Example Before & After Photos





## Proposed Solution

- Define clearcutting.
- Maintain same process for removing protected trees, except clarify staff approval process for removal of protected trees (non-development purposes) so long as owner mitigates in accordance with our ordinance and the natural landscape is preserved to the extent feasible.
- Clarify that mitigation and tree survey/approval process does not apply to unprotected trees less than 6 caliper inches. For removal of more than 10 percent of the unprotected trees on a lot greater than 6 caliper inches, must obtain a tree removal permit from the City, which can be granted after owner shows city arborist/building inspection that trees are not protected.
- Create reasonable exceptions typically implemented by other North Texas Cities
  - Emergency removals
  - Dead or fatally diseased trees
  - Areas acquired or required to be dedicated to the City for easements/ROW
  - Lots with city-approved single family or duplex occupancies



## Option 1: Expand our protected tree list

- Lewisville Protected Tree List (10):

Texas Ash	Fraxenis Texensis
Bur Oak	Quercus Macrocarpa
Live Oak	Quercus Virginiana
Shumard Red Oak (a.k.a. Texas Red Oak)	Quercus Shumardii (a.k.a. Texana)
Chinquapin Oak	Quercus Muhlenbergii
Pecan	Carya Illinoensis
Sawtooth Oak	Quercus Accutissima
Post Oak	Quercus Stellata
Black Jack Oak	Quercus Marilandica
Cedar Elm	Ulmus Crassifolia

## Flower Mound protected tree types (30)

Carolina buckthorn	(Rhamnus caroliniana)
Yaupon holly	(Ilex vomitoria)
Possum haw	(Ilex deciduas)
Redbud	(Cercis species)
Texas buckeye	(Aesculus glabra variety arguta)
Chickasaw plum	(Prunus agustifolia)
Mexican plum	(Prunus mexicana)
Slippery elm	(Ulmus rubra)
Cedar elm	(Ulmus crassifolia)
Winged elm	(Ulmus alata)
Blackjack oak	(Quercus marilandica)
Persimmon species	(Diospyros species)
Chittamwood	(Bumelia languinosa)
Western soapberry	(Sapindus drummondii)
Sweetgum	(Luquidambar styraciflua)
Post oak	(Quercus stellata)
Shumard red oak	(Quercus shumardi)
Texas red oak	(Quercus texana)

## Flower Mound protected tree types continued (30)

Southern live oak	(Quercus virginiana)
Water oak	(Quercus nigra)
Bur oak	(Quercus macrocarpa)
Chinquapin oak	(Quercus muehlenbergii)
American elm	(Ulmus Americana)
Pecans and Hickories	(Cayra species)
Magnolia	(Magnolia grandiflora)
Bald cypress	(Taxodium distichum)
Pine species	(Pinus species)
Ash species	(Fraxinus species)
Sycamore	(Plantanus occidentalis)
Black walnut	(Juglans nigra)

Option 2:  
Create a landmark tree designation process



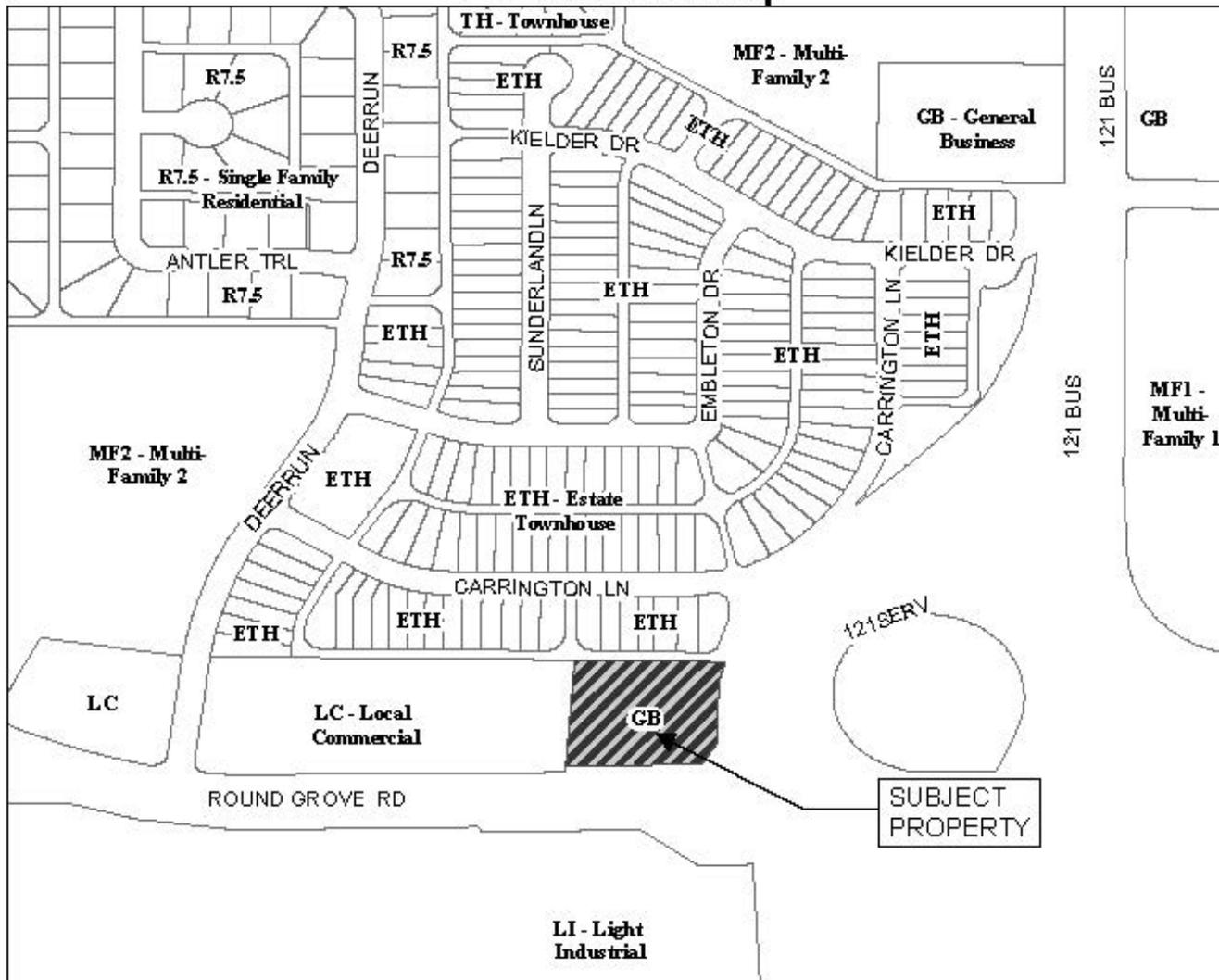
Option 3:  
Adopt a mitigation penalty for prior  
unauthorized removal



Special Use Permit Request  
for  
Goodyear Auto Care

Northwest corner of FM 3040 and SH 121 Business

# Location Map



# Zoning History

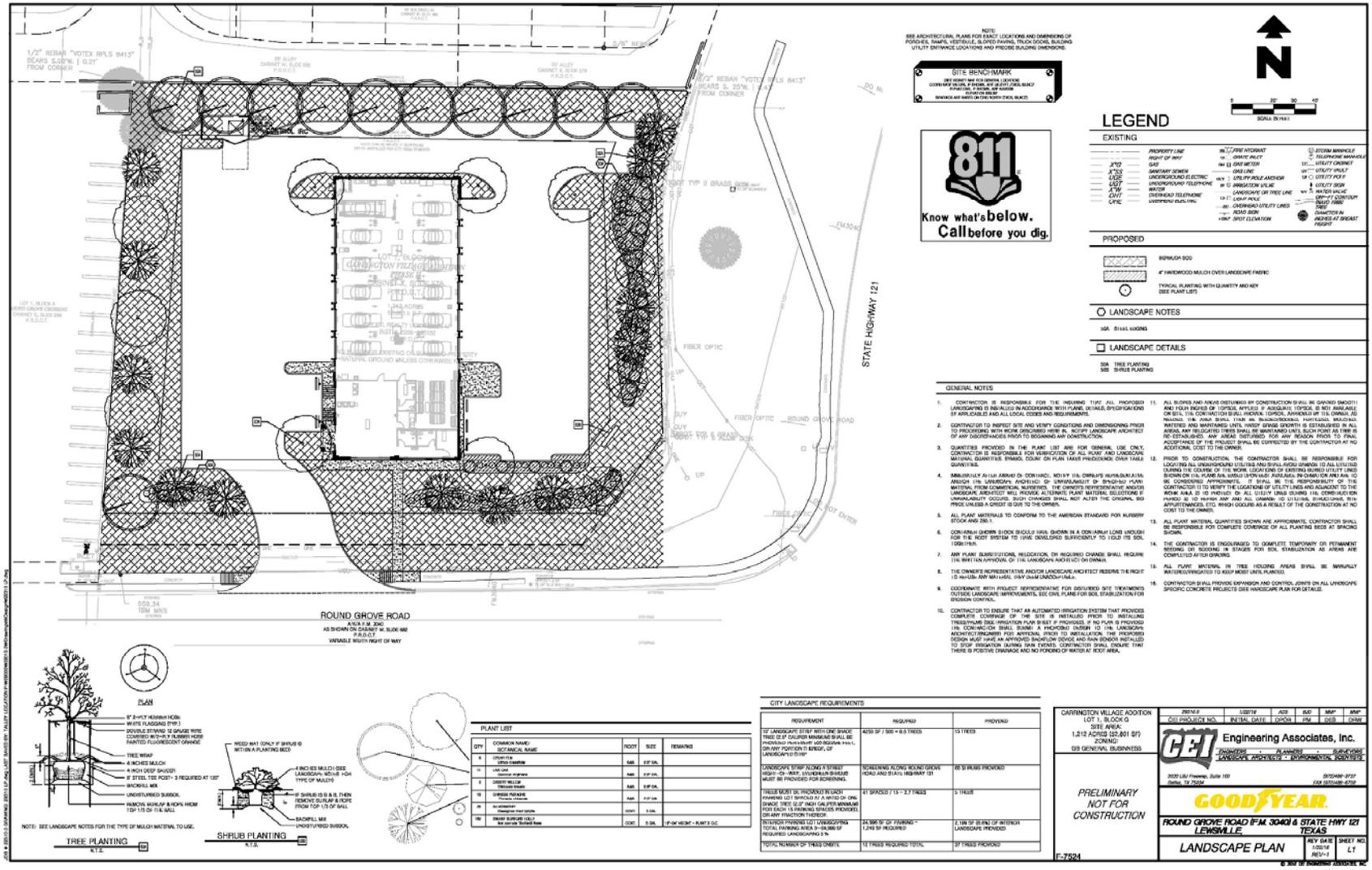
- 1980 – Subject site and area what is now Carrington Village rezoned from AO (Agriculture-Open Space) to GB (General Business)
- 1984 – The site containing the adjacent retail center to the west was rezoned from AO to LC (Local Commercial)
- 1986 – Retail center to the west was constructed
- 2005 – Carrington Village site rezoned from GB to ETH (Estate Townhouse)

# Aerial Map





# Landscape Plan



NOTE:  
SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF  
POUCHES, SHAFTS, VENTILATED, BURIED, TRUCK DOORS, BUILDING  
UTILITY ENTRANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS.

**SITE BENCHMARK**  
CONCRETE MARKER 1.00' DIA. SET 1.00' FROM  
CORNER OF BUILDING  
MARKED AS BENCH ON THE 100'-0" PLAN.



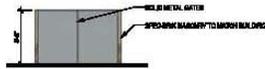
**LEGEND**

EXISTING	
PROPERTY LINE	1/2" DASH
ADJACENT LOT	1/4" DASH
ADJACENT ROAD	1/8" DASH
ADJACENT RAILROAD	1/16" DASH
ADJACENT AIRWAY	1/32" DASH
ADJACENT CANAL	1/64" DASH
ADJACENT WATERWAY	1/128" DASH
ADJACENT POWERLINE	1/256" DASH
ADJACENT TELEPHONE	1/512" DASH
ADJACENT CABLE	1/1024" DASH
ADJACENT FIBER OPTIC	1/2048" DASH
ADJACENT AIRWAY	1/4096" DASH
ADJACENT CANAL	1/8192" DASH
ADJACENT WATERWAY	1/16384" DASH
ADJACENT POWERLINE	1/32768" DASH
ADJACENT TELEPHONE	1/65536" DASH
ADJACENT CABLE	1/131072" DASH
ADJACENT FIBER OPTIC	1/262144" DASH
ADJACENT AIRWAY	1/524288" DASH
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**PRELIMINARY**

This document shall not be used for regulatory approval, permit, or construction.

Released under the authority of Nicholas King Code, TBAE license # 9001.



**05 DUMPSTER ENCLOSURE**  
1/8"=1'-0"



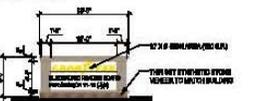
**06 DUMPSTER ENCLOSURE**  
1/8"=1'-0"



**07 DUMPSTER ENCLOSURE**  
1/8"=1'-0"



**08 MONUMENT SIGN**  
1/8"=1'-0"



**09 MONUMENT SIGN**  
1/8"=1'-0"



**01 EAST ELEVATION**  
1/8"=1'-0"



**02 WEST ELEVATION**  
1/8"=1'-0"



**04 NORTH ELEVATION**  
1/8"=1'-0"



**03 SOUTH ELEVATION**  
1/8"=1'-0"

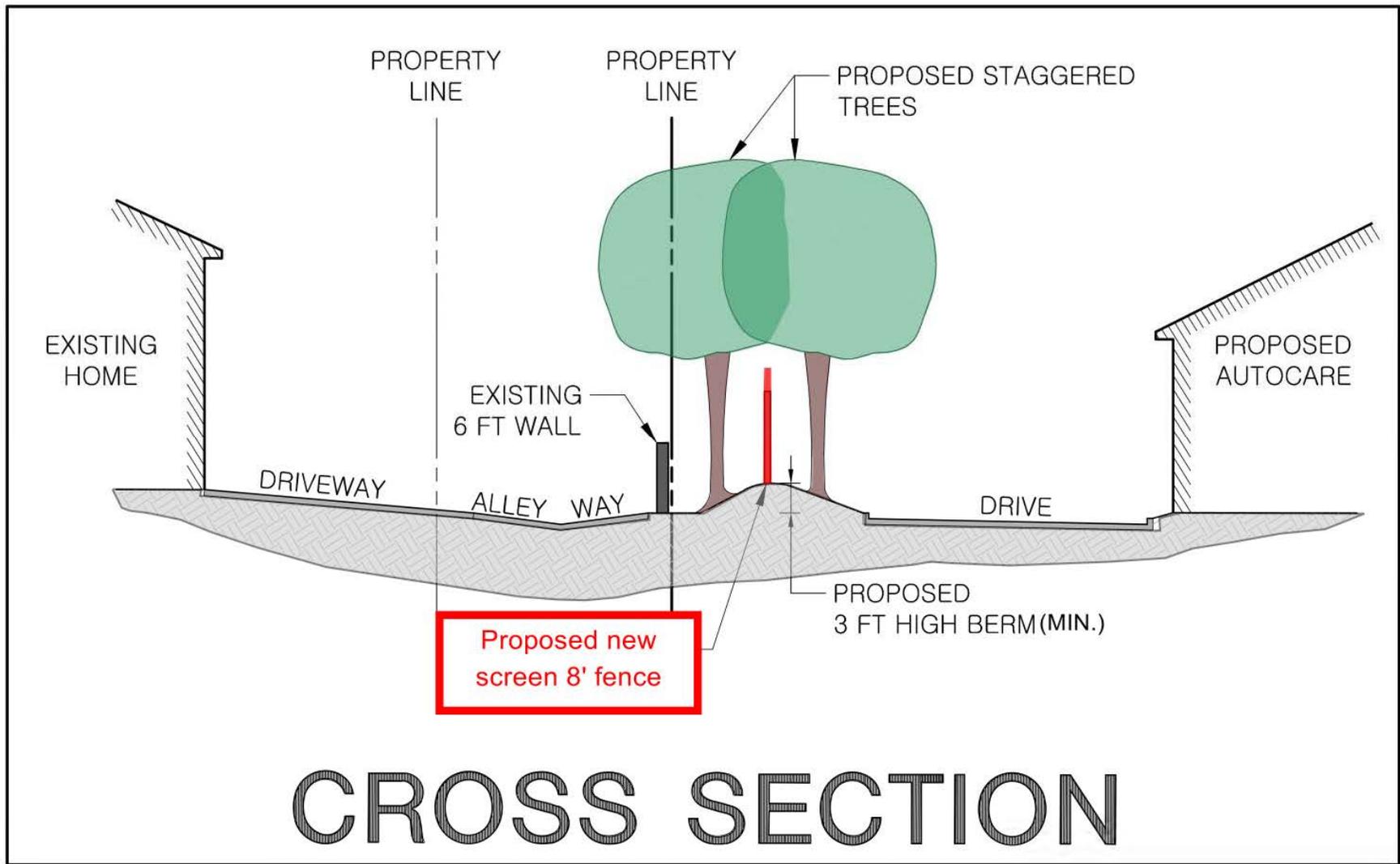


NOTE:  
THIS PROJECT IS ON A GATEWAY AND NO WALL ELEVATION CAN BE LESS THAN 80% BRICK VENEER

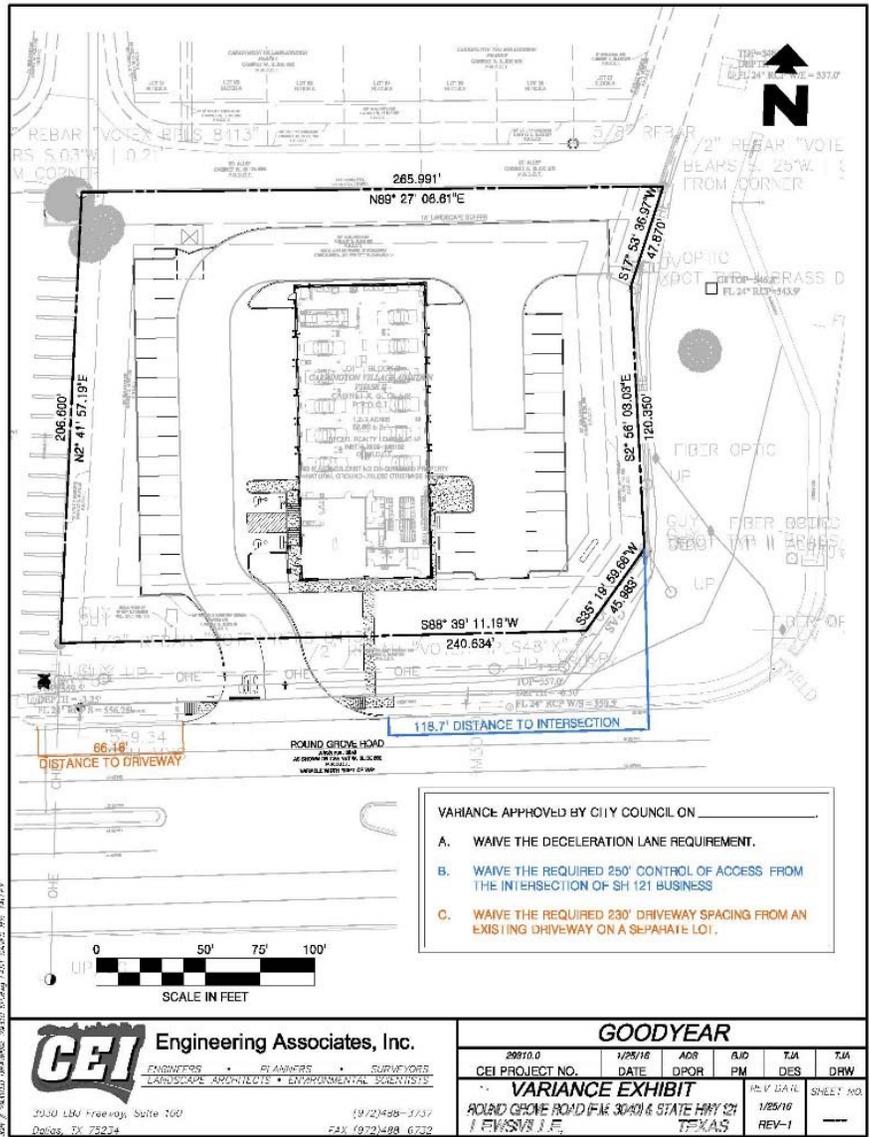
STATE HWY. 121 & ROUND GROVE RD.  
**COLORED ELEVATIONS**  
LEWISVILLE, TX - 28 JAN. 2016







Not to Scale



VARIANCE APPROVED BY CITY COUNCIL ON \_\_\_\_\_

- A. WAIVE THE DECELERATION LANE REQUIREMENT.
- B. WAIVE THE REQUIRED 250' CONTROL OF ACCESS FROM THE INTERSECTION OF SH 121 BUSINESS
- C. WAIVE THE REQUIRED 230' DRIVEWAY SPACING FROM AN EXISTING DRIVEWAY ON A SEPARATE LOT.

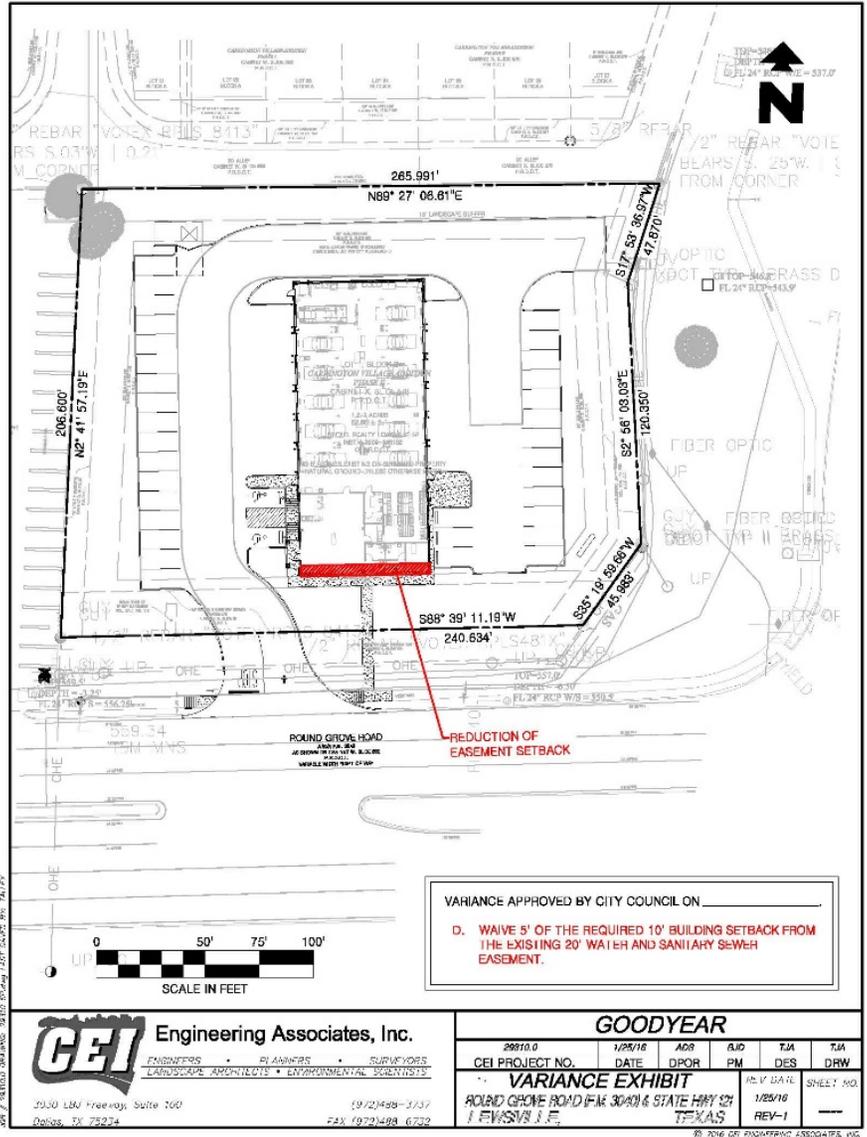
**GEI** Engineering Associates, Inc.

PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3030 LM Freeway, Suite 100  
Dallas, TX 75234

(972)498-5137  
FAX (972)498-6732

29910.0		1/25/16		ADR	BJD	TJA	TJA
CEI PROJECT NO.	DATE	DPOR	PM	DES	DES	DRW	DRW
<b>VARIANCE EXHIBIT</b>				REV DATE	SHEET NO.		
ROUND GROVE ROAD (FM 3040) & STATE HWY 121				1/25/16	---		
J. EVANS JR., TEXAS				REV-1	---		



## **Citizen Concerns**

- Noise associated with automotive repair business
- Reduction of Air Quality
- Breeding of Mosquitos
- Damage to existing masonry screening wall

## **Mitigating Factors Presented by Applicant**

- Limit on hours of operation
- Single land owner will have control over parking on property
- Overnight outside storage of vehicles prohibited
- Low trip generation to site results in lower vehicle emissions
- Outside storage of tires prohibited; reducing breeding of mosquitos
- 15-foot landscape buffer will protect screening wall from damage
- Screening wall repairs should be coordinated between Carrington Village Home Owners Association and owner of retail center

## **Staff Concerns**

- Possibility of another automotive repair business continuing operation in current Goodyear facility without an SUP (within 90 days) if Goodyear relocates to the new site
- This possibility would create a concentration of automotive-related businesses at a high-visibility intersection

**Questions?**