

LEWISVILLE CITY COUNCIL

REGULAR SESSION

SEPTEMBER 12, 2016

Present:

Rudy Durham, Mayor (Absent)

Council Members:

TJ Gilmore, Mayor Pro Tem
Leroy Vaughn, Deputy Mayor Pro Tem (Absent)
R Neil Ferguson
Brent Daniels
Brandon Jones

City Staff:

Donna Barron, City Manager (Absent)
Eric Ferris, Assistant City Manager
Melinda Galler, Assistant City Manager
Claire Swann, Assistant City Manager
Julie Heinze, City Secretary
Lizbeth Plaster, City Attorney (Absent)
Lauren Crawford, Assistant City Attorney

WORKSHOP SESSION – 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Pro Tem Gilmore at 6:00 p.m. on Monday, September 12, 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 Proposed Vacant Buildings Ordinance

(Agenda Item A)

Assistant City Manager Claire Swann and Chief Code Enforcement Officer Jackie Davis conducted the attached PowerPoint for City Council consideration.

Councilman Daniels expressed concern regarding the \$2,000 fine for homeowners that may no longer live in the community due to a relocation and ensuring they are able to receive ample notification. Discussion was held regarding the procedure for notifying homeowners that may no longer be living in Lewisville. Assistant City Manager Eric Ferris advised that the City was not in the business of writing tickets, the preference was to educate the public to ensure compliance.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Proposed Vacant Buildings
Ordinance (cont'd)**

(Agenda Item A)

Councilman Ferguson expressed concern regarding multi-tenant buildings and the 75% benchmark to require the proposed signage. He stated he was concerned this would cause leasing issues for these locations. Chief Code Enforcement Officer Jackie Davis advised that this was really to handle problem locations. Assistant City Manager Claire Swann advised that City staff would look into other options for multi-tenant buildings and the proposed 75% requirement in regard to signage and bring that back to City Council for consideration.

Councilman Jones requested to see what other cities were doing in the area in regard to these type of issues so he could get metrics to compare.

Mayor Pro Tem Gilmore questioned if the 75% was consider by square footage or division. City staff confirm it was based on division. Mayor Pro Tem Gilmore requested that language be included the ordinance to consider the 75% from both square footage and division.

The consensus of the City Council was to proceed forward as presented with consideration given to the items discussed.

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

(Agenda Item B)

Mayor Pro Tem Gilmore reviewed Agenda Item A, Invocation. There was no discussion on this item.

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

Mayor Pro Tem Gilmore reviewed Agenda Item C, Proclamation: Declaring the Month of September, 2016, as “Live United Month”. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Gasoline Service Station; on an Approximately 1.379-Acre Lot Located at the Northeast Corner of FM 544 and Old Denton Road (FM 2281), Legally Described as Lot 1R, Block M, Wyndale Meadows Addition Phase I and Zoned General Business District (GB); as Requested by Karen Mitchell of Mitchell Planning Group, LLC on Behalf of Parker Denton Crossing, L.P., the Property Owner (Case No. SUP-2016-08-07). Assistant City Manager Eric Ferris advised that Planning Manager Richard Luedke had a presentation for this item that he recommended be conducted during Regular Session. There was no further discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Pro Tem Gilmore reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Office District (OD) to Old Town Mixed Use Two District (OTMU2); on a 0.209-Acre Tract of Land out the J. W. Craft Survey, Abstract No. 295, Located on the Northwest Corner of West Main Street and North Edna Avenue, at 449 West Main Street, as Requested by Teresa Arnesen, the Property Owner (Case No. PZ-2016-08-20). There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item D-3, Public Hearing: Consideration of the Proposed FY 2016-2017 Budget, Property Tax Revenue Increase and Proposed Property Tax Rate. At the request of Assistant City Manager Eric Ferris, Director of Budget Gina Thompson reviewed this item for the City Council. There was no further discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item E, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-4, (a) City Council Minutes of the August 15, 2016, Workshop Session and Regular Session; and (b) City Council Minutes of the August 24, 2016, Regular Session. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-5, Approval of a Bid Award for the Official City of Lewisville Newspaper to the Denton Publishing Company; and Adopt the Resolution Designating the Denton Record-Chronicle as the City's Official Newspaper. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-6, Approval of a Contract Award for Custodial Services for Various City-Owned Buildings to Facility Services Group, LLC., Las Vegas, NV, in the Amount of \$273,831.00 Annually; the Terms of the Contract will be for One (1) Year, With an Option to Extend up to Four (4) Additional (12) Months Periods, Subject to Satisfactory Contract Performance Evaluation; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-7, Approval of a Bid Award for an Annual Requirements Contract for Work Order Generated Concrete Repairs to SAZ Infrastructure, Dallas, Texas for an Estimated Amount of \$726,525. There was no discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Pro Tem Gilmore reviewed Agenda Item F-8, Approval of a Supplemental Appropriation in the Amount of \$70,608 to the Community Activities Fund; and Approval of an Award for the Purchase of a 2014 Steinway Model D Concert Grand Piano From the Clavier Group Inc. DBA Steinway Hall - Dallas, Dallas, Texas in the Total Amount of \$107,590. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-9, Approval of a Resolution of the City Council of the City of Lewisville, Texas, Calling a Public Hearing for the Levy of Assessments for Authorized Improvements in the Lewisville Castle Hills Public Improvement District No. 7; Setting a Date for Public Hearing; Authorizing the Publication of Notice; and Enacting Other Provisions Relating Thereto. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item G, Reports. There was no discussion on this item.

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:23 p.m. on Monday, September 12, 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 Pro Tem Gilmore at 7:00 p.m. on Monday, September 12, 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 Pro Tem Gilmore, Councilman Daniels gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

Mayor Pro Tem Gilmore gave the pledge to the American and Texas flags.

**Proclamation: Declaring the Month of
September, 2016, as “Live United Month”**

(Agenda Item C)

Mayor Pro Tem Gilmore read and presented a proclamation declaring the month of September, 2016, as “Live United Month” to the following representatives from United Way: Gary Henderson, Joann Ballantine, Greg Sawko, and Nancie Rodems.

**Continued Public Hearing: Consideration of
Ordinance No. 4307-09-2016 (Z) Granting a
Special Use Permit (SUP) for a Gasoline
Service Station; on an Approximately 1.379-
Acre Lot Located at the Northeast Corner of
FM 544 and Old Denton Road (FM 2281),
Legally Described as Lot 1R, Block M,
Wyndale Meadows Addition Phase I and
Zoned General Business District (GB); as
Requested by Karen Mitchell of Mitchell
Planning Group, LLC on Behalf of Parker
Denton Crossing, L.P., the Property Owner
(Case No. SUP-2016-08-07)**

(Agenda Item D-1)

The public hearing for the proposed SUP is continued from the August 15, 2016 City Council meeting. The Special Use Permit request is for a 7-Eleven brand gasoline service station with six pumps that will also have a neighborhood convenience store. This facility is proposed to operate 24 hours a day, seven days a week. The subject property is part of the Wyndale Meadows neighborhood. The gasoline service station portion of this site requires approval of a Special Use Permit. On August 2, 2016, the Planning and Zoning Commission recommended unanimous approval (6-0) of the SUP with a condition that the required masonry screening wall be increased from six feet (6') to eight feet (8') in height.

The City staff's recommendation was that the City Council approve the Special Use Permit request for a gasoline service station with a condition that the required masonry screening wall be increased in height from six feet (6') to eight feet (8').

Mayor Pro Tem Gilmore opened the public hearing.

Richard E. Luedke, Planning Manager gave a brief presentation regarding this item.

Karen Mitchell, Mitchell Planning Group, LLC, 7823 Nine Mile Bridge Road, Fort Worth, Texas, spoke before the City Council in support of this item utilizing the attached PowerPoint Presentation.

Continued Public Hearing: Consideration of Ordinance No. 4307-09-2016 (Z) Granting a Special Use Permit (SUP) for a Gasoline Service Station; on an Approximately 1.379-Acre Lot Located at the Northeast Corner of FM 544 and Old Denton Road (FM 2281), Legally Described as Lot 1R, Block M, Wyndale Meadows Addition Phase I and Zoned General Business District (GB); as Requested by Karen Mitchell of Mitchell Planning Group, LLC on Behalf of Parker Denton Crossing, L.P., the Property Owner (Case No. SUP-2016-08-07) (cont'd)

(Agenda Item D-1)

Mayor Pro Tem Gilmore advised the following individuals had filled out cards indicating their support of this item:

Gary Fullington, 10755 Sandhill, Dallas, Texas
Smai Roos, 4429 Emerson Avenue, University Park, Texas
Amit Trivesli, 316 Wyndale Drive, Lewisville, Texas

Feroz Lakhani, 314 Wyndale Drive, Lewisville, Texas spoke before the City Council in support of this item.

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

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Granting a Special Use Permit for a Gasoline Service Station on a 1.379-Acre Lot Legally Described as Lot 1R, Block M, Wyndale Meadows Addition Phase I, Located on the Northeast Corner of FM 544 and Old Denton Road (FM 2281) and Zoned General Business District (GB); Providing for a Repealer, Severability, and a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Jones and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4307-09-2016 (Z)**, as previously captioned, with a condition that the required masonry screening wall be increased from six feet (6’) to eight feet (8’) in height. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 4308-09-2016 (Z) Granting a Zone
Change Request From Office District (OD)
to Old Town Mixed Use Two District
(OTMU2); on a 0.209-Acre Tract of Land
out the J. W. Craft Survey, Abstract No. 295,
Located on the Northwest Corner of West
Main Street and North Edna Avenue, at 449
West Main Street, as Requested by Teresa
Arnesen, the Property Owner (Case No. PZ-
2016-08-20)**

(Agenda Item D-2)

The applicant has owned the 0.209-acre property since 2007. Various office businesses have occupied the property over the years. The applicant is proposing to rezone the property to Old Town Mixed Use Two (OTMU2) to allow for greater business opportunities since retail and service uses are allowed in OTMU2 in addition to office uses. The requested zoning of OTMU2 is consistent with the Old Town Master Plan. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request at their meeting of August 16, 2016.

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

Nika Reinecke, Director of Economic Development and Planning, was available to address any questions posed by the City Council.

Mayor Pro Tem Gilmore opened the public hearing.

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

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

"An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Rezoning Approximately 0.209 Acres Out of the J.W. Craft Survey, Abstract No. 295, Located at the Northwest Corner of West Main Street and North Edna Avenue, at 449 West Main Street; From Office District (OD) Zoning to Old Town Mixed Use Two District (OTMU2) Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Determining That the Public Interests and General Welfare Demand This Zoning Change and Amendment Therein Made; Providing for a Repealer, Severability, and a Penalty; and Declaring an Emergency."

Public Hearing: Consideration of Ordinance No. 4308-09-2016 (Z) Granting a Zone Change Request From Office District (OD) to Old Town Mixed Use Two District (OTMU2); on a 0.209-Acre Tract of Land out the J. W. Craft Survey, Abstract No. 295, Located on the Northwest Corner of West Main Street and North Edna Avenue, at 449 West Main Street, as Requested by Teresa Arnesen, the Property Owner (Case No. PZ-2016-08-20) (cont'd)

(Agenda Item D-2)

MOTION: Upon a motion made by Councilman Daniels and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4308-09-2016 (Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of the Proposed FY 2016-2017 Budget, Property Tax Revenue Increase and Proposed Property Tax Rate

(Agenda Item D-3)

In accordance with the City Charter and state law, a public hearing is being held on the proposed FY 2016-17 budget, property tax revenue increase and proposed property tax rate to provide an opportunity for citizen comment. The proposed FY 2016-17 property tax rate is .436086, equal to the current .436086 tax rate. The proposed budget includes changes made by City Council at the budget workshop held on August 13th. The first public hearing was held on August 24th. This will be the second, and final, public hearing. Agenda items to adopt the budget, property tax revenue increase, and property tax rate will be on the September 19, 2016 City Council meeting at 7:00 p.m. in the Council Chambers.

The City staff’s recommendation was that the City Council conduct the Public Hearing.

Mayor Pro Tem Gilmore opened the public hearing.

Brian Kelly, 1104 Willorridge Circle, Lewisville, Texas spoke before the City Council in opposition to the five percent increases for City employees. At the request of Assistant City Manager Eric Ferris, Director of Budget Gina Thompson addressed Mr. Kelly’s concerns and offered to review additional information with him.

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

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

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

4. APPROVAL OF MINUTES: (a) City Council Minutes of the August 15, 2016, Workshop Session and Regular Session; and (b) City Council Minutes of the August 24, 2016, Regular Session.
5. Approval of a Bid Award for the Official City of Lewisville Newspaper to the Denton Publishing Company; and Adopt **Resolution No. 4309-09-2016 (R)** Designating the Denton Record-Chronicle as the City's Official Newspaper.
6. Approval of a Contract Award for Custodial Services for Various City-Owned Buildings to Facility Services Group, LLC., Las Vegas, NV, in the Amount of \$273,831.00 Annually; the Terms of the Contract will be for One (1) Year, With an Option to Extend up to Four (4) Additional (12) Months Periods, Subject to Satisfactory Contract Performance Evaluation; and Authorization for the City Manager to Execute the Contract.
7. Approval of a Bid Award for an Annual Requirements Contract for Work Order Generated Concrete Repairs to SAZ Infrastructure, Dallas, Texas for an Estimated Amount of \$726,525.
8. Approval of a Supplemental Appropriation in the Amount of \$70,608 to the Community Activities Fund; and Approval of an Award for the Purchase of a 2014 Steinway Model D Concert Grand Piano From the Clavier Group Inc. DBA Steinway Hall - Dallas, Dallas, Texas in the Total Amount of \$107,590.
9. Approval of **Resolution No. 4310-09-2016 (R)** of the City Council of the City of Lewisville, Texas, Calling a Public Hearing for the Levy of Assessments for Authorized Improvements in the Lewisville Castle Hills Public Improvement District No. 7; Setting a Date for Public Hearing; Authorizing the Publication of Notice; and Enacting Other Provisions Relating Thereto.

The motion carried.

END OF CONSENT AGENDA

Reports

(Agenda Item G)

- Director of Public Services Keith Marvin advised that the lake was currently 3/10ths below conservation.
- Director of Parks and Leisure Services Robert Monaghan advised that the Lake Park Project was moving along well.
- Assistant City Manager Claire Swann advised of the upcoming public meetings for the design of the Multi-Generational Center.
- Director of Neighborhood Services Cleve Joiner advised of that the demolition of the K&W building and the Sonic would begin this week.
- Councilman Daniels advised of the upcoming Giving Day on September 22nd and encouraged everyone to donate to whatever organization they wished.
- Councilman Jones advised of the 2016 Furr ball being held on November 19th.
- Councilman Ferguson gave an update on upcoming events being held at the Medical Center of Lewisville Grand Theatre.
- Mayor Pro Tem Gilmore thanked the Police Officers for their presence and service to the community.

There were no additional reports at this time.

Mayor Pro Tem Gilmore adjourned the regular session of the Lewisville City Council into Closed Session at 7:47 p.m. Monday, September 12, 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 7:47 p.m. on Monday, September 12, 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 7:47 p.m. on Monday, September 12, 2016.

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

(Agenda Item I)

Mayor Pro Tem Gilmore reconvened the Regular Session of the Lewisville City Council at 8:00 p.m. on Monday, September 12, 2016, in the Council Chambers of the Lewisville City Hall.

Mayor Pro Tem Gilmore 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 Ferguson and seconded by Councilman Jones, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:00 p.m. on Monday, September 12, 2016. The motion carried.

These minutes approved by the Lewisville City Council on the 3rd day of October, 2016.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY

VACANT BUILDING PROGRAM





DEFINITION OF A VACANT BUILDING

- **A VACANT BUILDING IS A COMMERCIAL OR RESIDENTIAL BUILDING THAT IS UNOCCUPIED OR IS OCCUPIED BY A PERSON WITHOUT A LEGAL RIGHT OF OCCUPANCY. A MULTI-TENANT BUILDING WILL BE CONSIDERED VACANT IF 75 % OR MORE OF THE UNITS ARE VACANT.**
 - **EVIDENCE OF VACANCY: TRASH OR DEBRIS; DETERIORATION OF STRUCTURE; DISCONNECTED UTILITIES; OVERGROWN OR DEAD VEGETATION; ETC....**

BASIC REQUIREMENTS IN PROPOSED ORDINANCE

- **REGISTER WITH CITY WITHIN 90 DAYS OF VACATING OR 15 DAYS AFTER RECEIVING NOTICE FROM THE CITY OF NONCOMPLIANCE**
- **MAINTAIN PROPERTY**
- **PROOF OF LIABILITY INSURANCE ON STRUCTURE**
- **CRIMINAL TRESPASS AFFIDAVIT & NO-TRESPASS SIGN**
- **YEARLY INSPECTIONS**
- **PLAN OF ACTION**

THE GOAL OF THIS PROGRAM

- **THE GOAL OF THE VACANT BUILDING PROGRAM IS TO ENSURE THAT VACANT BUILDINGS ARE MAINTAINED IN GOOD CONDITION TO A MINIMUM STANDARD OF CARE TO MINIMIZE THE NEGATIVE IMPACTS THAT THESE BUILDINGS HAVE ON THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC**
- **ALLOWS FOR IMPROVED ENFORCEMENT**

WHY REGISTRATION?

- **VACANT BUILDINGS CAN BECOME HEALTH AND SAFETY HAZARDS, DIMINISHING THE OVERALL QUALITY OF LIFE OF THE COMMUNITY AND NEIGHBORHOODS. THEY HAVE A HIGH INCIDENCE OF CODE VIOLATIONS, ATTRACT VAGRANTS AND CRIMINAL ACTIVITY, DRAW AND HARBOR VERMIN, AND ARE VULNERABLE TO FIRES. IT IS NECESSARY FOR THE CITY TO MAINTAIN BASIC INFORMATION ON THESE PROPERTIES, INCLUDING THE CURRENT CONTACT INFORMATION FOR THE OWNER AND/OR MANAGER. IT ALSO ALLOWS THE CITY TO OBTAIN A CRIMINAL TRESPASS AFFIDAVIT AHEAD OF TIME TO QUICKLY RESOLVE CONCERNS IMPACTING THE HEALTH AND SAFETY OF THE CITIZENS (I.E.: TRESPASS BY UNAUTHORIZED PERSONS)**

EXCEPTIONS FROM REQUIRED REGISTRATION

- **VACANT BUILDING WITH AN ACTIVE BUILDING PERMIT**
- **VACANT BUILDING IN AN ACTIVE STATE OF REPAIR OR REMODEL**
- **VACANT BUILDING THAT IS ACTIVELY MARKETED FOR SALE OR LEASE FOR LESS THAN 12 MONTHS**
- **VACANT BUILDING THAT IS UNDER CONTRACT FOR SALE OR LEASE FOR LESS THAN 12 MONTHS**

INFORMATION REQUIRED TO REGISTER A VACANT BUILDING

- **CONTACT INFORMATION FOR ALL OWNERS AND A DESIGNATED LOCAL AGENT, IF APPLICABLE**
- **PROOF OF LIABILITY INSURANCE FOR THE PROPERTY**
- **FLOOR PLAN**
- **CRIMINAL TRESPASS AFFIDAVIT FILED WITH THE LEWISVILLE POLICE DEPARTMENT (AND WILL BE REQUIRED TO POST NO-TRESPASS SIGN ON PROPERTY)**
- **INFORMATION ABOUT SECURITY SERVICES, IF APPLICABLE**
- **PLAN OF ACTION FOR STRUCTURE**

INSPECTIONS

- **AN INSPECTION BY THE BUILDING INSPECTION DIVISION OR FIRE PREVENTION WILL BE REQUIRED AT THE TIME OF REGISTRATION AND UPON YEARLY RENEWAL OF REGISTRATION TO ENSURE THE STRUCTURE MEETS ALL BUILDING CODE REQUIREMENTS**

PROPOSED REGISTRATION, RENEWAL AND INSPECTION FEE

- **RESIDENTIAL**

- **ONE TIME REGISTRATION FEE: \$75.00**
- **YEARLY INSPECTION FEE: \$25.00**

- **COMMERCIAL**

- **ONE TIME REGISTRATION FEE: \$75.00**
- **INSPECTION FEE: PART OF ANNUAL FIRE INSPECTION FEE, WHICH IS BASED ON THE SQUARE FOOTAGE OF THE BUILDING.**

VIOLATIONS PENALTY FOR FAILURE TO REGISTER

- **ANY PERSON IN VIOLATION, UPON CONVICTION IN MUNICIPAL COURT, SHALL BE SUBJECT TO A FINE NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE, AND EACH AND EVERY DAY SUCH VIOLATION CONTINUES, SHALL CONSTITUTE A SEPARATE OFFENSE.**

QUESTIONS?

SUP Application for 7-Eleven -6
Fuel Pumps at the corner of Old
Denton Rd. and Parker Rd.

Lewisville City Council
September 12, 2016

Presented by:
Karen K. Mitchell, Pres.
Mitchell Planning Group, LLC
Mitchellplanninggroup.com

Our Request



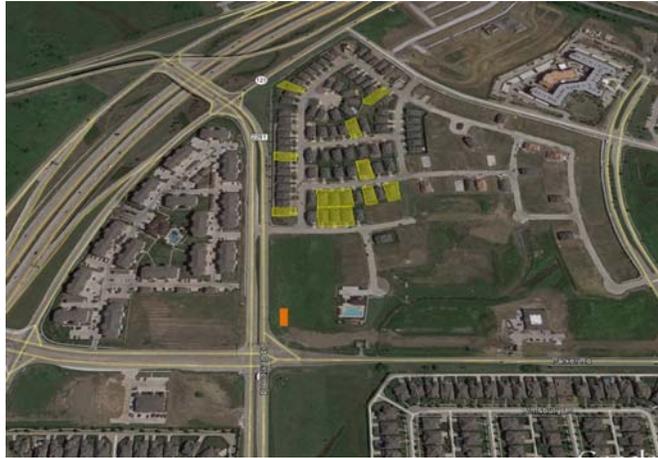
Approved Plat and Zoning 2013



Site Plan



Spatial Relationship



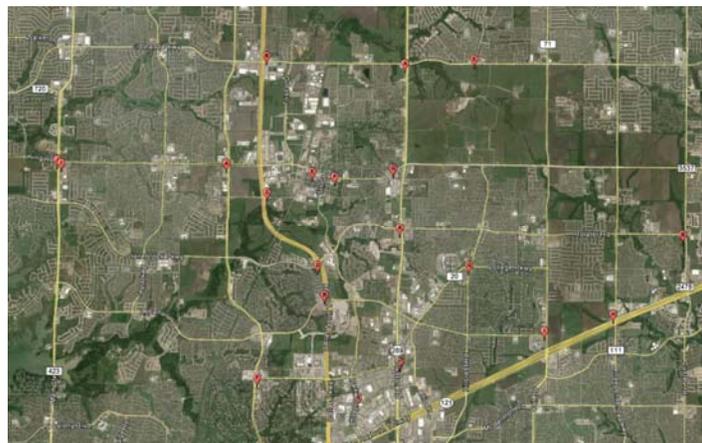
Application

- ▶ The request is for approval of an SUP to allow for six (6) fueling pumps associated with a allowed by right convenience store.
- ▶ The C-Store itself **does not** require an SUP.

What is the Purpose of the SUP?

- ▶ To consider a land use that, with proper design standards, would mitigate any potential negative impact on the surrounding properties.
- ▶ The Convenience Store with fuel sales was designed to be located on the fringe of neighborhoods. According to accepted planning practices, it is considered a "Neighborhood Service" use. The meaning being- it is a land use that supports a neighborhood.
- ▶ Found typically at intersecting major arterials with high volume traffic .

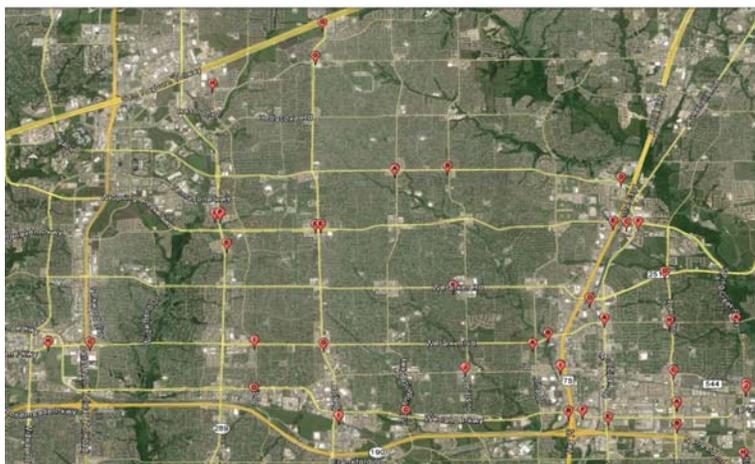
Location of other C-stores with fuels sales in the Motorplex (Frisco)



Location of other C-stores with fuels sales in the Motorplex (Flower Mound)



Location of other C-stores with fuels sales in the Motorplex (Plano)



Neighborhood Concerns

- ▶ Traffic
- ▶ Fumes
- ▶ Tank Explosions
- ▶ Crime
- ▶ Fuel Spills
- ▶ Decrease in Property Values

Traffic Concern

- ▶ Our use will not be generating any new traffic. The people who will be coming to our facility are already driving by.
- ▶ Some have voiced concern with making a left turn lane onto Old Denton Road and are unable to do so. **Our proposed use will not cause any additional traffic regarding this issue.**
- ▶ Some have voiced concern with wanting a traffic signal at Prairie Glen and Old Denton Road. **Our use does not warrant a traffic signal at this location.**
- ▶ Some have voiced concern with wanting a right turn decel lane into the subdivision. **Our use does not warrant a right turn decel lane.**
- ▶ The City of Lewisville's engineering department has stated that our use will not generate the requirement of a traffic signal, a left turn lane, or a right turn decel lane.
- ▶ Again, we will **NOT** be generating any new traffic.

Fumes

- ▶ **Vapor recovery** is the process of recovering the vapors of gasoline or other fuels, so that they do not escape into the atmosphere. It is required by law in developed countries specifically at filling stations in order to eliminate noxious and potentially explosive fumes and pollution.
- ▶ With today's technology, the TCEQ no longer requires a Stage 2 VRS and here is why-
 - ▶ Newer vehicles have a built-in or "on-board" vapor recovery system via a small valve in a tube next to the fuel tank.
 - ▶ While fueling a vehicle, there is a second line in the fueling pump that vacuums in the vapors which are taken to the storage tank location (vent pipes). The fuel trucks then recover the vapors so that 98% of the fumes are now eliminated.

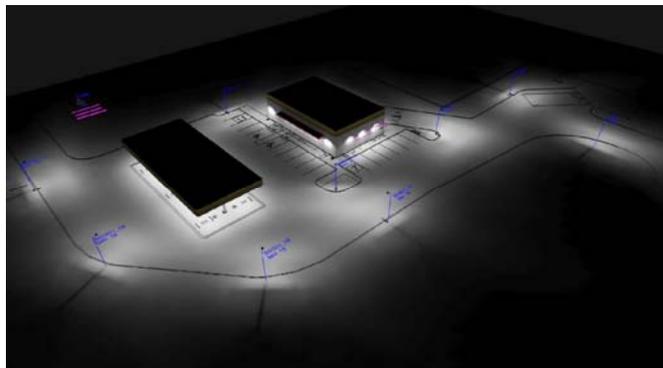
Vent Pipe Location



Increased Crime

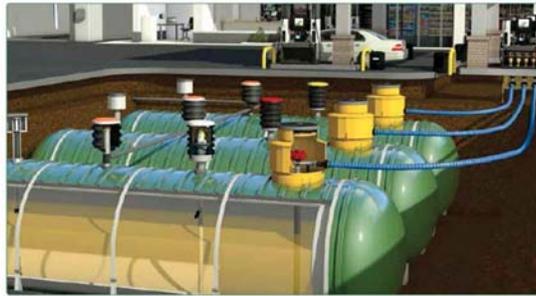
- ▶ 7-Eleven has 8 stores in Lewisville. 5 incidents have been reported within the last 10 years.
- ▶ No incidents have been reported on these 8 stores over the last 3 years.
- ▶ Crime specialist have said a 24/7 operation of a C-store with fuel sales is a better situation than one that closes at dark. These are the places that tend to have a higher crime rate.
- ▶ **The National Crime Prevention Council has recognized 7-Eleven as a leader among retailers in crime deterrence and employee and customer safety.**
- ▶ According to Robin Brizendine, Public Safety Data Technician with the Lewisville Police Department- they do not show crime to be greater at a c-store than other allowed uses.

Lighting

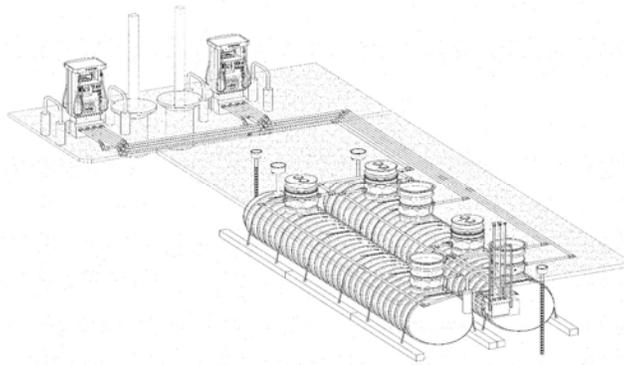


Fuel Spills

Underground Storage Tank Equipment



Underground Storage Tanks



Underground Storage Tanks



Fuel Spills



Similar Projects -Frisco

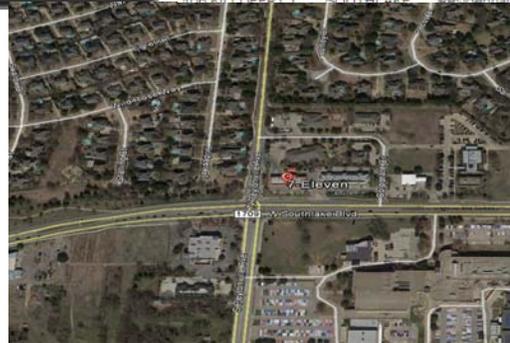


7-Eleven at an intersection in Frisco has conditions similar to the one proposed in Wyndale Meadows Addition – at corner of single family home subdivision; next to pool

Property Values -Southlake



Location #	City	Use	Market Value
102 KILLDEER CT	SOUTHLAKE	Residential SingleFamily	\$445,566
102 KILLDEER CT	SOUTHLAKE	Residential SingleFamily	\$445,566
103 KILLDEER CT	SOUTHLAKE	Residential SingleFamily	\$601,322
103 KILLDEER CT	SOUTHLAKE	Residential SingleFamily	\$601,322
104 KILLDEER CT	SOUTHLAKE	Residential SingleFamily	\$437,359
105 KILLDEER CT	SOUTHLAKE	Residential SingleFamily	\$407,490
105 KILLDEER CT	SOUTHLAKE	Residential SingleFamily	\$407,490
106 KILLDEER CT	SOUTHLAKE	Residential SingleFamily	\$407,490



Property Values- Frisco



3070 Cantrell 188 1.00 AC. 784006	\$456,700
3050 Cantrell 188 1.00 AC. 784006	\$377,500
3021 Cantrell 188 1.00 AC. 784006	\$320,000
3007 Cantrell 188 1.00 AC. 784006	\$241,147
3100 Ashmore Ln Frisco, TX 75035	\$400,034
3100 Ashmore Ln Frisco, TX 75035	\$377,874
3107 Ashmore Ln Frisco, TX 75035	\$518,478
3100 Ashmore Ln Frisco, TX 75035	\$319,174
3100 Ashmore Ln Frisco, TX 75035	\$210,000
3401 Ashmore Ln Frisco, TX 75035	\$407,730
3031 Ashmore Ln Frisco, TX 75035	Convenience Understand
3040 Ashmore Ln Frisco, TX 75035	\$367,845
3007 Ashmore Ln Frisco, TX 75035	\$476,762
3100 Ashmore Ln Frisco, TX 75035	\$350,888
3000 Peach St Frisco, TX 75035	\$468,000
3000 Peach St Frisco, TX 75035	\$187,798
3105 Peach St Frisco, TX 75035	\$480,890
3111 Peach St Frisco, TX 75035	\$454,454
3117 Peach St Frisco, TX 75035	\$378,174
3010 Peach St Frisco, TX 75035	\$403,030

Spatial Relationship



What Uses are Allowed By Right in the GB District?

- ▶ All retail establishments including, but not limited to:
- ▶ Liquor Stores
- ▶ Tattoo Parlors
- ▶ Pawn Shops
- ▶ Convenience Stores

Uses Allowed By Right- NO SUP

- ▶ Other establishments allowed by right-
- ▶ Restaurants (drive thru and sit down)
- ▶ Business and Commercial Schools
- ▶ Medical and Professional Offices (up to 3 stories)
- ▶ Video Arcades
- ▶ Carpentry, painting, plumbing shops
- ▶ Bakery
- ▶ Massage Establishment

Site Plan



Mitigation Measures \$300k

- ▶ We are using brick and stone in order to be compatible with the surrounding neighborhood
- ▶ Designed a gable roof on both store and canopy
- ▶ Added cupolas to the store to blend in and look like it is an integral part of the residential neighborhood
- ▶ Proposing a 6 foot high masonry screening wall adjacent to the HOA lot
- ▶ Added a 25-60 foot wide landscaped buffer yard between the HOA lot and the store

Mitigation Measures (continued)

- ▶ Standing Seam metal roof
- ▶ Dark Sky Lighting so that the lights will not bleed over our lot lines
- ▶ 7' high monument sign vs. 30' high pole sign
- ▶ Designed site to have canopy located adjacent to the intersection of the primary arterials and away from the residential area

Our Design



Standard Elevation



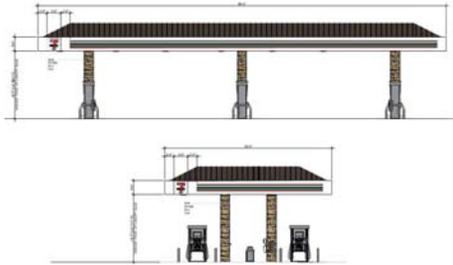
Newest location in Dallas



Standard and Proposed Elevations



Canopy with Standing Seam Metal Roof and Stone Columns



Monument Sign vs Pole Sign



Known vs. Unknown (The Process)

- ▶ The SUP process allows the adjacent properties to know exactly what is going to locate here and exactly how it is going to look. Any changes have to go back through the public hearing process.
- ▶ Without the SUP process- a "by right" use can locate here **without a landscaped buffer yard and trees; without the architectural enhancements** we are proposing. The property owners in the area will have no input in the appearance, landscaping, location of drive thru's, location of dumpsters; location of the building. They get no notice, no say so. They will not know what is a sure thing.
- ▶ Approval of the SUP will allow for a use that is a compatible neighborhood service and allows for an architectural theme consistent with the residential design already established in the neighborhood.

Examples when no bufferyard is present



Example of no landscaping or bufferyard.



Example of "by right use" with no buffer yard, landscaping or matched brick



Not Known



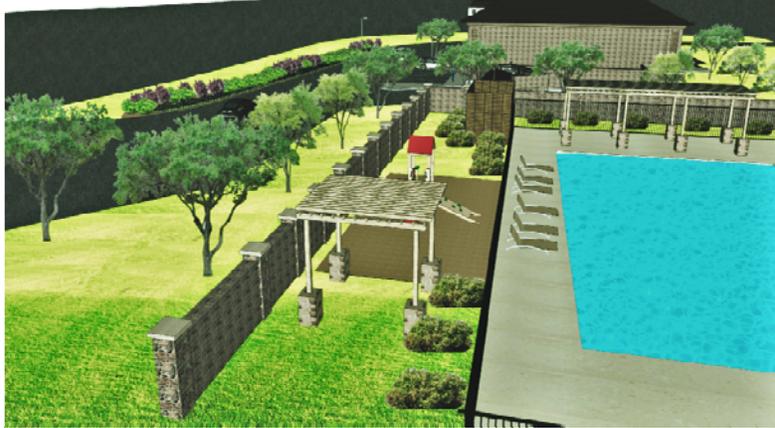
Not Known



Not Known



Known



Known



Known



Area of SUP



Summary

- *Have we met the criteria for approval of an SUP?*
- *Compliment or be compatible with surrounding uses and community facilities- **Yes***
- *Contribute to enhance, or promote the welfare of the area and the adjacent properties- **Yes***
- *Not be detrimental to the public health, safety, or general welfare- **Yes***
- *Conform in all other respects to all zoning regulations – **Yes and then some.***