

LEWISVILLE CITY COUNCIL
SPECIAL CITY COUNCIL MEETING

December 9, 2024

7:00 P.M.

Present:

TJ Gilmore, Mayor

Council Members:

Patrick Kelly, Mayor Pro Tem
Ronni Cade, Deputy Mayor Pro Tem
Bob Troyer
William Meridith
Brandon Jones
Kristin Green

City Staff:

Claire Powell, City Manager
Jim Proce, Assistant City Manager
Lizbeth Plaster, City Attorney
Lauren Crawford, Assistant City Attorney
Thomas Harris III, City Secretary

REGULAR SESSION

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Gilmore at 7:00 p.m. on Monday, December 9, 2024.

Invocation

(Agenda Item A)

At the request of Mayor Gilmore, Deputy Mayor Pro Tem Ronni Cade gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

Mayor Gilmore gave the pledge to the United States and Texas flags.

Public Hearing: Consideration of Ordinance No. 0717-24-ORD an Ordinance Adopting Amendments to the Unified Development Code by Amending Article II, "Definitions", Article VII, "Uses, Parking Requirements,

Supplemental Use Regulations and Certain Distance Requirements”, and Article VIII, Chapter 3, “Landscaping Standards” of Volume II of the Lewisville City Code, Known as the Unified Development Code, by Adding New Defined Terms to Section II.2.1 as Required by the Regulations set Forth Herein, by Adding a New Section VII.3.24, Establishing Supplemental Use Regulations for Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, Heavy Intensity; and Warehouse Distribution Facility Uses, Amending Exhibit VII.2.3-4, Non-Residential Zoning Districts, to add References to the New Supplemental Use Regulations, and Amending Exhibit VIII.3.3-3, Approved Understory Trees, to Identify Certain Understory Trees Listed Therein as Evergreen.

(Agenda Item C-1)

In the 1970’s the City of Lewisville was aggressive in zoning for industrial development due to airport proximity. The prevalence of industrial zoning coupled with the cumulative zoning at the time resulted in many office, retail, and service uses developed within the Light Industrial (LI), Warehouse (WH), and Heavy Industrial (HI) Zoning Districts in several areas of the City. The market has evolved to the point where even developed properties are being considered for demolition and construction of new warehouse distribution facilities. This creates compatibility issues between these new developments and existing surrounding uses. To facilitate improved compatibility between existing low intensity development and potential high intensity redevelopment in the LI, WH, and HI Districts, new supplemental standards to enhance setbacks, landscaping, and screening are proposed. The Planning and Zoning Commission recommended unanimous approval (7-0) on December 3, 2024.

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

Planning Director Richard Luedke was available for questions posed by the City Council.

Mayor Gilmore opened the public hearing at 7:03 p.m.

Planning Director Richard Luedke presented information to the City Council.

MOTION: Upon a motion made by Council Member Jones and seconded by Deputy Mayor Pro Tem Cade, the Council voted six (6) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

Mayor Gilmore closed the public hearing at 7:09 p.m.

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

“An Ordinance Of The Lewisville City Council Amending Article II, “Definitions”, Article VII, “Uses, Parking Requirements, Supplemental Use Regulations And Certain Distance Requirements”, And Article VIII, Chapter 3, “Landscaping Standards” Of Volume II Of The Lewisville City Code, Known As The Unified Development Code, By Adding New Defined Terms To Section II.2.1 As Required By The Regulations Set Forth Herein, By Adding A New Section VII.3.24, Establishing Supplemental Use Regulations For Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, Heavy Intensity; And Warehouse Distribution Facility Uses, Amending Exhibit VII.2.3-4, Non-Residential Zoning Districts, To Add References To The New Supplemental Use Regulations, And Amending Exhibit VIII.3.3-3, Approved Understory Trees, To Identify Certain Understory Trees Listed Therein As Evergreen; Providing For A Repealer, Severability, A Penalty, And An Effective Date; And Declaring An Emergency.”

MOTION: Upon a motion made by Council Member Green and seconded by Deputy Mayor Pro Tem Cade, the Council voted six (6) “ayes” and no (0) “nays” to approve **Ordinance No. 0717-24-ORD** with the following language “I move to approve an amended ordinance with the following amendments to the text amendment recommended for approval by the Planning and Zoning Commission: (1) to expand the adjacent uses which will require Warehouse Distribution Center and Light, Medium, and Heavy Intensity Manufacturing uses to provide a landscape strip along the property line; (2) to expand and clarify which existing landscaping and screening regulations will not be superseded by these supplemental use regulations; (3) to outline how the height of the required landscape berm in the required landscape strip will be measured; (4) to add a requirement for a screening wall in the required landscape strip adjacent to residential uses and zoning districts; and (5) to state that the new supplemental use regulations will supersede the IH-35E Corridor Overlay District regulations in case of conflict. The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

There were no speakers for Visitors/Citizens Forum.

Consideration of Resolution No. 0718-24-RES, a Resolution Authorizing Participation with the State of Texas, Through the Office of the Attorney General, in the Kroger Texas State Wide Opioid Settlement and Approving the Texas Settlement Subdivision Participation and Release Form Regarding the Same and Authorizing the City Manager or Her Designee to Execute All Necessary Documents in Connection with the Above on Behalf of the City; and Providing an Effective Date.

(Agenda Item E-2)

The State of Texas, through the Office of the Attorney General, has entered into a settlement agreement with nationwide grocery and pharmacy chain The Kroger Co. regarding that company's manufacturing, distribution, and provision of opioids in the state. As a participant in the settlement agreement, the City would receive up to \$28,777.64 over 10 years for uses related to opioid abatement, as well as funds which will be made available through regional grants in accordance with the Texas Term Sheet adopted by the City Council on November 15, 2021. In order to participate in this settlement agreement, the City must authorize the City Manager or her designee to execute the Texas Settlement Subdivision Participation and Release Form associated with the settlement agreement, releasing certain claims the City might have against The Kroger Co. for past opioid related actions or failures to act.

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

Mayor Gilmore RECESSED into Closed Session at 7:14 p.m.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Patrick Kelly and seconded by Council Member Troyer, the Council voted six (6) "ayes" and no (0) "nays" to approve Resolution No. 0718-24-RES, as set forth in the caption. The motion carried.

Mayor Gilmore RECESSED into Closed Session at 7:18 p.m.

Closed Session

(Agenda Item F)

In Accordance with Texas Government Code, Subchapter D,

1. *Section 551.071 (Consultation with Attorney): Legal issues related to the amendment of land use regulations, including but not limited to Special Use Permits and other*

- zoning text amendments, for Manufacturing, Light Intensity, Manufacturing, Medium Intensity, Manufacturing, Heavy Intensity, and Warehouse Distribution Facility uses.2. Section 551.072 (Real Estate): Property Acquisition*
3. *Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations.*

Mayor Gilmore RECESSED into Closed Session at 7:14 p.m.

1. *Section 551.071 (Consultation with Attorney) regarding Agenda Item E-2*

Mayor Gilmore RECESSED into Closed Session at 7:18 p.m.

1. *Section 551.071 (Consultation with Attorney): Legal issues related to the amendment of land use regulations, including but not limited to Special Use Permits and other zoning text amendments, for Manufacturing, Light Intensity, Manufacturing, Medium Intensity, Manufacturing, Heavy Intensity, and Warehouse Distribution Facility uses.2. Section 551.072 (Real Estate): Property Acquisition*

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

(Agenda Item G)

Mayor Gilmore RECONVENED into Regular Session at 7:16 p.m.

Mayor Gilmore RECONVENED into Regular Session at 7:33 p.m.

Adjournment

(Agenda Item H)

There being no further business to come before the Council, Mayor Gilmore adjourned the meeting of the Lewisville City Council at 7:33 p.m. on Monday, December 9, 2024.

These minutes approved by the Lewisville City Council on the 6th of January, 2025.

APPROVED

TJ Gilmore
MAYOR

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
December 9, 2024**

ATTEST:

Thomas Harris III,
CITY SECRETARY

DRAFT MINUTES