

MINUTES
PLANNING AND ZONING COMMISSION
JANUARY 7, 2025

Item A: Call to Order and Announce that a Quorum is Present

With a quorum present, the Lewisville Planning and Zoning Commission meeting was called to order by Chair Karen Locke at 6:30 p.m. on Tuesday, January 7, 2025, in the Council Chambers, of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Members present: Chair – Karen Locke, Vice-Chair Erum Ali, Jack Tidwell, Rick Lewellen, Ainsley Stelling, Francisca Al-waely

Members absent: Joshua Peterson

Staff members present: Richard E Luedke, Planning Director; Michele Berry, Planning Manager; Jon Beckham, Senior Planner; Grace Martin-Young, Planner I; Lauren Cook, Planner I; Patty Dominguez, Senior Planning Technician.

Item B1: Approval of Minutes

Consider the minutes of the December 17, 2024, Regular Meeting. A motion was made by Francisca Al-waely to approve the minutes as presented, seconded by Ainsley Stelling. The motion passed unanimously (6-0).

Item C: Regular Hearing

2. Regular Hearing: Lewisville Corporate Center, Lot 2R, Block A; on 6.578 Acres; Zoned Planned Development - Mixed Use (PD-MU) District; Located on the West Side of IH-35E Frontage Road Approximately 810 Feet South of FM 407 (Justin Road); Being a Replat of Lewisville Corporate Center, Lot 2, Block A. (Case No. 24-12-11-RP)

Jon Beckham, Senior Planner, gave a brief overview and staff's recommendation. There was no discussion. A motion was made by Francisca Al-waely to disapprove the final plat due to deficiencies and delegate to staff the authority to accept and approve the plat when deficiencies are corrected, seconded by Ainsley Stelling. The motion passed unanimously (6-0).

3. Regular Hearing: Valley Ridge Industrial Park Addition, Lots 1 and 2, Block A; on 26.8417 Acres; Zoned Light Industrial (LI) District; Located on the North Side of Valley Ridge Boulevard, Approximately 920 Feet West of Mill Street; Being a Replat of Valley Ridge Business Park East Addition, Lots 3, 4, and 5, Block B. (Case No. 24-12-12-RP)

Jon Beckham, Senior Planner, gave a brief overview and staff's recommendation. There was no discussion. A motion was made by Jack Tidwell to approve, seconded by Francisca Al-waely. The motion passed unanimously (6-0).

4. Regular Hearing: T.H.D. Stuarts' Addition, Lots 14R1 and 14R2, Block B; on 0.284 Acres; Zoned Single Family Residential (R5) District; Located at 106 Martin Street; Being a Replat of T.H.D. Stuarts' Addition, Lot 14, Block B. (Case No. 24-12-13-RP)

Jon Beckham, Senior Planner, gave a brief overview and staff's recommendation. There was no discussion. A motion was made by Rick Lewellen to disapprove the final plat due to deficiencies and delegate to staff the authority to accept and approve the plat when deficiencies are corrected, seconded by Ainsley Stelling. The motion passed unanimously (6-0).

Item D: Public Hearings

Chair Locke stated that Item 6 would be heard first, and Item 5 would be last.

6. Public Hearing: Consideration of a Special Use Permit for Licensed Massage Therapy; on Approximately 1.1601 Acres, Legally Described as Lot 2, Block A, Lewisville Plaza Phase 2, Located at 1010 Edmonds Lane; Zoned Local Commercial District (LC); as Requested by Yangjuan Zhao, Top Massage, on Behalf of Jay Maharaj LLC, the Property Owner. (Case No. 24-09-16-SUP)

Michele Berry, Planning Manager, stated that this case was heard already but there was miscommunication about the meeting and the applicant missed the meeting so they withdrew the case so they could reapply because they wanted to be before the committee and speak. Michele further stated that staff would like to amend their recommendation to table this item or continue the public hearing to the next meeting on January 21, 2025. The reason for this is that staff is trying to obtain additional information from the Town of Flower Mound which they believe is related to this case. The applicant was present and available for questions. Chair Locke opened the public hearing. With no one indicating a desire to speak, the public hearing was then closed. Staff asked Chair Locke if she meant to close or continue the public hearing. Chair Locke reopened the public hearing. There was no discussion. A motion was made by Jack Tidwell to table this item until next meeting on January 21, 2025, seconded by Francisca Al-waely. The motion passed unanimously (6-0).

5. Public Hearing: Consideration of a Recommendation for Amendments to the Unified Development Code by Amending Article VII, "Uses, Parking Requirements, Supplemental Use Regulations And Certain Distance Requirements of Volume II of the Lewisville City Code, Known as the Unified Development Code, by Amending Chapter VII.3; "Supplemental Use Regulations", Section VII.3.24, Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, Heavy Intensity; and Warehouse Distribution Facility, to Provide Additional Standards, and Amending Exhibit VII.2.3-4, Non-Residential Zoning Districts, to Clarify Applicability of Special Use Permit Requirements for Such Uses in Certain Zoning Districts.

Richard E Luedke, Planning Director, gave an overview and staff's recommendation. Richard stated that the City Council had directed staff to prepare some amendments related to distribution, warehouses and manufacturing in late 2024. On December 9, 2024, the City Council approved the original supplemental standards for these uses. Those standards require a landscape buffer in certain situations of 50ft with particular plantings and berms, and in addition to that, it also addresses the orientation of loading docks and screening of the open sides of truck courts. What is before you tonight is an amendment to that and it does add a new factor to these four uses (light, medium and heavy manufacturing; and warehouse distribution facilities). What is proposed is the requirement of a special use permit if any of those four uses are new uses that fall under one of those four categories are developed within 500ft of lesser intensity uses such as residential, retail, office service uses. That would only apply to either the expansion of an existing or redevelopment of a site, or the development of a brand-new facility. The primary concern is the redevelopment of existing sites that already have the lower intensity uses. So uses that have existing office and retail being torn down and redeveloped with these heavier intensity uses. The special use permit is a very good tool that the city can use to evaluate each proposal on a case by case basis, to determine if there are any negative impacts, to determine if it is an appropriate use at that particular location. Again this is for brand new facilities. It does not impact any existing, especially if there are not any plans to make any changes. Then this ordinance would not impact those properties. Approximately 2500 notices were mailed out to all properties that have any potential impact. Many inquiries, well over 150 emails and phone calls were received. About two thirds of the people that we did speak with are currently operating uses that are in the lower intensity category, the other third currently operate or own distribution warehouses or some type of manufacturing. We did get a lot of concerns expressed about some buildings that have multiple tenants that may switch from distribution warehouse to manufacturing, or from manufacturing to distribution warehouse that would require a new certificate of occupancy, and that is a change of use and that change of use then defaults back to the use chart and it does show that it would require a special use permit, only if they're within 500ft of those lower intensity uses. So that could create some issues with some of these owners. It would be a time impact as far as if it does trigger a special use permit. The fastest that staff could probably process a special use permit because of all of the required state mandated notifications that we have to do is probably about 6 to 8 weeks on a very fast track. Richard further stated that the city council is expecting to hold the second public hearing on January 27, 2025, and in the meantime, over the next couple of weeks, staff will be working internally to create some new language to add to the ordinance that addresses some of these concerns about existing uses and try to avoid the need to or the requirement of a special use permit. Commissioner Ali asked for clarification, that these amendments are coming as a directive from council for what they already approved and asked for more language to deal with the potential if there is going to be a tear down and new use. Staff confirmed. Commissioner Ainsley asked if a tenant changes operations they would need a new certificate of occupancy then would that be a new use and would it trigger a special use permit. Staff confirmed and stated that was never the intent and would work to add some revised language to the ordinance before it goes to city council.

Chair Locke opened the public hearing.

Chair Locke read the following three written comments onto record:

Lance Kent, the property owner of 600 Hembry Street regarding today's Warehouse and Manufacturing hearing. He voiced the opinion that the code change shouldn't impact the smaller properties and should be required by a square-foot threshold to limit the larger and more disruptive warehouse properties.

Michael Coogan, Stonemont Financial Group, Terminus 100, 3280 Peachtree Road NE, Suite 2770, Atlanta, GA 30305. Thanks for that information please see our written message explaining our strong opposition to this proposal. We have serious concerns regarding the proposed amendment to the UDC. Ultimately the proposed amendment will guarantee incremental disinvestment and plunging property values seen in other municipalities where these SUPs are used to effectively ban capital improvement at industrial properties. Owners and operators subject to these SUPs will be forced to continue to operate in inefficient aging facilities under legal nonconforming uses as they will be unable to sell for anything more than tear down land value or modernize their facilities. Investors looking to develop best in class facilities cannot underwrite the risks associated with a subjective and opaque SUP process and will be excluded from the market, further depressing property values. The end result will be to create atrophying blighted industrial districts that expands incrementally as alternative use adjacencies trigger these SUPs in ever larger swaths of Lewisville's industrial districts. High quality businesses motivated to operate within the law and maintain good relationships with neighbors will move to higher quality facilities elsewhere and you will be left with the bottom of the barrel. These lowest cost operations are frequently unable or unwilling to comply with the law and their behavior will exacerbate rather than solve the issues associated with adjacency to industrial operations. While unpopular politically, the industrial facilities that provide last mile distribution and light industrial services to local residents are an ever more critical component of the modern economy. The friction between these uses and other more politically popular ones is a challenge that must be approached with a scalpel rather than a sledgehammer to ensure that these industrial uses are well maintained and efficient as well as a harmonious component of your local economy. The proposed amendment will do the opposite and the ensuing widespread disinvestment and value degradation that will fail to produce the compatibility with other use types the PZ Staff Memo indicates is the intent here.

Murl Richardson, Preferred Real Estate Investments, Inc., 901 Main Street, Suite 4200, Dallas, TX 75202. For purposes of providing input for the public record in regard to the proposed UDC modifications for industrial uses as the managing partner of PREI/CSIM Vista Ridge Property, LLC I would like to provide the following comment: PREI/CSIM Vista Ridge Property, LLC is the current owner of 2777 Vista Ridge Dr. which includes 23 acres and a 240,000 sf office building which is zoned LI. The cumulative effect of the proposed changes to the UDC referred to as Article VII., Chapter 3, Section 24 for such industrial uses will reduce the effective site size, increase the site and building development costs and in most cases require the additional burden of obtaining a specific use permit even if the proposed development complies with the requirements set forth in VII.3.24. This will have a material impact on the value of our property and constitutes a taking of existing property rights.

Specific comments to subsections:

- A. The 500' range is excessive, 250' should be adequate.
- B. The landscape strip of 50' is excessive with 25' being more than adequate and should be limited to adjacency to public streets and any adjacent property uses listed in Section VII.2.4.
- C. The berm requirement is excessive, the landscape strip of 25' and the landscape improvements stipulated in items 2 and 3 are more than adequate to provide screening.
- D. Truck dock orientation as proposed will present material challenges in site planning options. Private streets and open space, other than the reference to public parks should be removed from this requirement.
- E. The open side truck court screening wall should be no greater than 50' in length.

Our request would be that the proposed changes to the UDC not be made at all and at a minimum the suggestions we have made regarding design requirements be considered as well as removing the SUP requirement provided the development requirements are met. I appreciate the opportunity to provide these comments.

Chair Locke read the following names and stated they are in support:

Josh Allun, 2353 Cornell Way, Frisco, TX 75034
Luther Bernstein, 1408 S State Highway 121, Lewisville, TX 75067
Lance Kent, 600 Hembry, Lewisville, TX 75028

Chair Locke read the following names and stated they are in opposition:

Paul Bosco, 4509 Mahogany Lane, Copper Canyon, TX
Lucy Wang, 888 N. Mill St, Lewisville, TX
Patricia Wright, 1109 Lagoon Dr., Dallas, TX 75207
Rama Kadiyaca, 2353 Cornell Way, Frisco, TX
Larry Rose, unknown address
Patti Guzik, 826 Office Park Cir, Lewisville, TX
Deanna Averett, 1805 N Crest, Carrollton, TX
Michael Mahoney, 527 Barfknecht Ln, Lewisville, TX
Jeff Traylor, 650 McMakin Rd, Bartonville, TX
Tommy Mann, 500 Winstead Building, Dallas, TX
Gregg A. Smith, 561 N Cowan, Lewisville, TX
Andrew Bowman, 2401 Windchase Dr, Flower Mound, TX
Robert Allen, 5310 Harvest Hill Rd, Dallas, TX 75230
Allen Meyer, 2700 Old Acton Rd, Denton, TX 76210
Larry Meyer, PO BOX, Argyle, TX 76226
Bucky Gillett, 1100 Dickinson Dr, McKinney, TX 75071

George Wright, 1109 Lagoon Dr, Dallas, TX 75207
Henry Wright, 1403 Seminole Dr., Richardson, TX 75080
Chris Scarborough, 419 S Kealy Ave, Lewisville, TX 75057
Ramon Arroyo, 681 Surf St., Lewisville, TX 75067
Maria Corona, 2019 Sorrento Lane, Lewisville, TX 75077
David Griffin, 2219 Balleybrooke Dr., Lewisville, TX 75077
James Bullington, 6612 Adabe Cir., The Colony, TX 75056
Ahmad Rashid, 1044 E State Highway 121, Lewisville, TX 75057
David Prince, 491 W. Valley Ridge, Lewisville, TX 75057

James Bullington, 855 N Mill Street, spoke in opposition stating he owns a business here in Lewisville and expressed concern about this item stating that if this gets approved it will kill small business.

Chair Locke read another name in opposition: Hugh Bangerter, 810 N. Stemmons, Lewisville, TX 75067

David Prince, 491 W. Valley Ridge, Lewisville, TX, stated he owns the gun range on Valley Ridge and expressed concern and would like to see this item tabled to allow staff to be able to address any concerns and questions.

Tommy Mann, 500 Winstead Building, Dallas, TX, spoke in opposition and requested that no action be taken until staff has provided the revised language that addresses concerns for review before the Planning and Zoning Commission makes recommendation to City Council.

Henry Wright, 1403 Seminole Dr., Richardson, TX 75080 stated he is a developer and is currently doing a project on Valley Ridge Blvd. Spoke in opposition for a special use permit requirement and it will impact businesses and will draw businesses away from the city and also suggested administrative approval for special use permits to address the timing of how long the process takes.

Hugh Bangerter, 810 N Stemmons and 750 Valley Ridge Cir, Lewisville, TX states he owns both properties and spoke in opposition to this amendment and stated that the city has been so anti-business especially towards auto uses and manufacturing.

Jeff Traylor, 650 McMakin Rd, Bartonville, TX spoke in opposition and stated he owns a commercial property in Lewisville and does not agree with the special use permit requirements. He stated he is okay with the requirement of special use permit for new developments but doesn't agree with it for current business owners that would be affected by this.

Rick Steiner, City of Lewisville resident, spoke in opposition stating he's an attorney, outside counsel for Arco building materials handling here in Lewisville. Further stated they've had a plant here in Lewisville since the 1970s and appreciate the comments from the gentleman here about clarifying the effects for existing uses. Stating that is helpful to his client. He went on to say that

he wanted to show something that does cause himself and his client some concern, and it's out of the master plan out update that was published by the City of Lewisville regarding future planning, it's part of the package of a number of materials that have been distributed by the city for future planning, and it shows his client's business gone. He went on to say that on one hand, there is an assertion that it's not going to affect existing uses. If so, someone who made this plan thinks it's going to be gone in the near future, which naturally is quite a concern. and that applies to other buildings in this zone that that a future planning that's being proposed. It would certainly be helpful if there was some clarification on what the real intent is and what the long-term intent is when someone within the City of Lewisville is envisioning these businesses as being gone.

Bucky Gillett, 1100 Dickinson Dr, McKinney, TX 75071 spoke in opposition and expressed concerns about the speed of the approval process, the practicality of proposed zoning changes, and the need for better planning and discussion.

Gregg A. Smith, 561 N Cowan, Lewisville, TX spoke in opposition, is passionate about their business and concerned that the proposed zoning changes could hinder future expansion in their current location, which would lead them to consider relocating elsewhere in the region.

Robert Allen with First Industrial Realty Trust, Regional Director for First Industrial spoke in opposition and is concerned that the proposed zoning changes will make his company's current industrial buildings nonconforming, potentially reducing their value and making them difficult to lease. He requests that the process be reconsidered or delayed to accommodate existing properties.

Michael Mahoney, 527 Barfknecht Ln, Lewisville, TX spoke in opposition and is worried that the proposed zoning changes could devalue his property, making it harder to sell or develop, and he calls for clearer definitions in the language regarding Special Use Permits to avoid unnecessary restrictions on his property.

Chris Scarborough, 419 S Kealy Ave, Lewisville, TX 75057 spoke in opposition and is concerned that the proposed zoning changes could displace businesses, devalue properties, and lead to further residential development at the expense of existing commercial properties. He urged the council to reconsider and take more time to assess the impact of the changes.

Paul Bosco, 4509 Mahogany Lane, Copper Canyon, TX spoke in opposition. He has owned business properties in Lewisville since 1983. He has experience serving on various boards and councils, including traffic control committees and planning and zoning (P&Z) commissions. He acknowledges that the council is in a difficult position and thanks them for listening. He is concerned that the proposed zoning changes are being rushed without full clarity on the language and impact. He requests that the commission delay the approval until the language is finalized, allowing for a more informed decision that considers the specific needs of the community and existing properties.

James Bullington, 855 N Mill Street, came back up and expressed dissatisfaction with the way the city sent out notices regarding the proposed zoning changes. He stated the notice looked like junk mail and was not professionally presented, which caused initial confusion. He warned that using such unprofessional materials could lead to legal issues and urged the city to handle notices more appropriately, like a proper business communication.

With no one else indicating a desire to speak, the public hearing was then closed. There was one more speaker and Chair Locke reopened the public hearing.

Tanaka Powell, 818 Madison Dr., Lewisville, TX 75067 spoke in opposition and stated she has lived in the area for over 50 years, voiced strong concerns about the city's ongoing development, particularly the closure of schools and the impact of zoning changes on local property owners. She expressed frustration over the closure of schools, which they say will force children to be shuffled around, and questioned what will happen to the property left behind. The speaker also raised concerns about the displacement of families due to increased industrial development, with the city offering low compensation for properties that are being taken. She criticized the city's approach to development, stating that it is displacing long-time residents without adequate support or compensation, and she questioned the ethical implications of these actions. Additionally, she highlighted safety concerns related to construction in the area, particularly at an already dangerous intersection. The speaker appealed to the commission to reconsider their approach and take more care in addressing the needs of current residents.

With no one else indicating a desire to speak, the public hearing was closed again by Chair Locke thanking the attendees for coming and sharing their concerns. They acknowledged the importance of hearing from the public, noting that on many nights, there are no members of the public present, making this meeting more meaningful. Commissioner Ainsley expressed that she is not comfortable making a decision on the matter at hand this evening. Ainsley mentioned living in the area and having a husband who works in a small business in the community. Despite understanding the volunteer nature of the position, Stelling requested clarification on grandfathering provisions and the Certificate of Occupancy language. Ainsley also stated a need for more research before feeling comfortable moving forward with the decision. Commissioner Al-waely agreeing with the previous comments, stated that she believes it is important to take more time to thoroughly research the matter before making any decision. Al-waely emphasized the need for careful consideration before proceeding. Commissioner Ali expressed agreement with fellow commissioners, emphasizing the importance of taking more time to understand the issues before making a decision. Ali thanked the attendees for speaking up and highlighted their commitment to the community, mentioning their personal investment in local schools and businesses. Ali also addressed some misunderstandings about their role, clarifying that they support small businesses and are not dismissive of industrial development. However, Ali expressed concerns about the ambiguity in the current proposal and called for more clarification before moving forward with any approval. A motion was made by Francisca Al-waely to table this item to the January 21, 2025 meeting, seconded by Ainsley Stelling. The motion passed unanimously (6-0).

Item E: Adjournment

A motion was made by Francisca Al-waely to adjourn the Planning and Zoning Commission meeting. The motion was seconded by Erum Ali. The motion passed unanimously (6-0). There being no other business to discuss, the Planning and Zoning Commission meeting was adjourned at 7:52 p.m.

These minutes will be approved by the Planning and Zoning Commission at the next scheduled meeting.

Respectfully Submitted,

Approved,

Michele Berry, AICP
Planning Manager

Karen Locke, Chair
Planning and Zoning Commission