

LEWISVILLE CITY COUNCIL

REGULAR SESSION

FEBRUARY 17, 2020

Present:

Rudy Durham, Mayor

Council Members:

TJ Gilmore

Bob Troyer, Mayor Pro Tem

R Neil Ferguson, Deputy Mayor Pro Tem

Kristin Green

Brandon Jones

City Staff:

Donna Barron, City Manager

Eric Ferris, Deputy City Manager

Claire Powell, Assistant City Manager

Melinda Galler, Assistant City Manager

Julie Worster, City Secretary

Lizbeth Plaster, City Attorney

WORKSHOP SESSION – 5:45 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 5:45 p.m. on Monday, February 17, 2020, 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 Regular Agenda Items and
Consent Agenda Items**

(Agenda Item A)

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.

WORKSHOP SESSION – 5:45 P.M.

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

(Agenda Item A)

Mayor Durham reviewed Agenda Item C-1, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit and two Associated Variance Requests to Section 6-6-98(d)(2) and Section 6-182(b)(1) for a Hotel With Rooms Containing a Cooktop or Oven; on Approximately 2.50 Acres, Legally Described as Lot 10R-1, Block F, Vista Ridge Addition, Zoned Light Industrial District (LI) and Located on the Northeast Corner of Rockbrook Drive and East State Highway 121 Bypass; as Requested by Kiew Kam, Triangle Engineering, on Behalf of Nortex Hotel Group LLC, the Property Owner. (Case No. 19-12-10-SUP). City Manager Barron indicated that was the first request the City Council has reviewed of this nature since changes had been made. 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 February 3, 2020, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-3, Approval of a Revised Interlocal Cooperation Contract Between the City of Lewisville and the Texas Department of Public Safety (DPS) for the Collection of Outstanding Fines and Other Amounts Pursuant to Section 706 of the Texas Transportation Code and for the Continuation of a Failure to Appear (FTA) Program Which Denies the Renewal of a Driver License to Persons Who Fail to Appear in Court or Fail to Pay a Fine and/or Costs; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-4, Approval of a Bid Award for CDBG Program Year 2019 Morningside Sewer Manhole and Sewer Main Line Rehabilitation Project to Canary Construction Company, Lewisville, Texas, in the Amount of \$543,737.25; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-5, Approval of a Professional Service Agreement with Halff Associates, Inc., Richardson, Texas, in the Amount of \$148,500 for Lewisville Lake Park Master Plan; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

WORKSHOP SESSION – 5:45 P.M.

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

(Agenda Item A)

Mayor Durham reviewed Agenda Item F-6, Consideration of a Variance to the Lewisville City Code, Section 6-103 (e), Access Management, Auxiliary Lanes for VFW Post 9168, a 1.3-Acre Parcel Zoned Light Industrial (LI), Located Near the North East Corner of Valley Ridge Boulevard and Mill Street Requested by Robert Schneeberg, Gonzalez & Schneeberg, Engineers & Surveyors, Inc., on Behalf of the Owner. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-7, Consideration of Acceptance of the Resignation of Al DeBerry From Place No. 2 on the Arts Advisory Board; Declare a Vacancy Exists; and Consideration of an Appointment to Fill the Vacancy on the Arts Advisory Board. Discussion held regarding appointing Gene Smith to this position. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item F-8, Approval of a Professional Service Agreement with SAFEbuilt Texas, LLC, a Whole Subsidiary of SAFEbuilt, LLC, Loveland, Colorado, for Ongoing Backup Residential and Commercial Inspection Services, Ongoing Plan Review Services, and Ongoing Pool Inspection Services, in the Amount Not to Exceed \$200,000 per Term and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-9, Consideration of 11 Variances to the 1996 Castle Hills Agreement Related to Various Development Requirements for the Proposed Crown Centre Development, Located in District 1-G at the Southwest Corner of SH 121 Business and the SH 121 Frontage Road (Sam Rayburn Tollway), as Requested by Bright Realty, the Owner. 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 I-Closed Session. There was no discussion on this item.

**Overview of Crown Centre Development
Located in District 1-G at the Southwest
Corner of SH 121 Business and the SH 121
Frontage Road (Sam Rayburn Tollway)**

(Agenda Item B)

At the request of City Manager Barron, Assistant City Manager Claire Swann and Director of Planning and Zoning Richard Leudke conducted the attached PowerPoint Presentation for City Council consideration.

WORKSHOP SESSION – 5:45 P.M.

**Presentation of Arts Advisory Board
Recommendation Related to a Small
Sculpture Series Public Art Project in Old
Town**

(Agenda Item C)

At the request of City Manager Barron, Director of Communications and Tourism James Kunke and MCL Manager Denise Helbing conducted the attached PowerPoint Presentation for City Council consideration.

The consensus of the City Council was they all like what had been presented and for City staff to move forward with the concept.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:33 p.m. on Monday, February 17, 2020.

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, February 17, 2020, 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, Councilmember Gilmore gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Durham, Deputy Mayor Pro Tem Ferguson gave the pledge to the American and Texas flags.

Public Hearing: Consideration of Ordinance No. 0195-20-SUP Granting a Special Use Permit and two Associated Variance Requests to Section 6-6-98(d)(2) and Section 6-182(b)(1) for a Hotel With Rooms Containing a Cooktop or Oven; on Approximately 2.50 Acres, Legally Described as Lot 10R-1, Block F, Vista Ridge Addition, Zoned Light Industrial District (LI) and Located on the Northeast Corner of Rockbrook Drive and East State Highway 121 Bypass; as Requested by Kiew Kam, Triangle Engineering, on Behalf of Nortex Hotel Group LLC, the Property Owner. (Case No. 19-12-10-SUP)

(Agenda Item C-1)

Nortex Hotel Group LLC desires to construct a hotel at the intersection of Rockbrook Drive and State Highway 121 that will include two brands; Avid Hotel and Staybridge Suites. The Staybridge Suites brand is an extended stay hotel and features rooms with kitchenettes. The Special Use Permit (SUP) regulations adopted in 2013 require that all hotels with rooms containing a cooktop or oven require the approval of a SUP. The following two variances are requested in conjunction with this SUP: a) to allow pavement over a grass-only waterline easement; and b) to waive the 325 square-foot floor room minimum requirement for 49 rooms with the condition that the average room size be greater than 325 square feet. The Planning and Zoning Commission recommended unanimous approval (5-0) of the Special Use Permit on January 21, 2020.

The City staff's recommendation was that the City Council approve the ordinance and the two associated variance requests as set forth in the caption above with the conditions that: the owner will be responsible for any and all pavement repairs required due to maintenance or repair of the City water main performed by City crews or by the City's contractor; Flock Safety cameras be installed at every entrance into the property; and an access easement be provided between the subject property and the property to the north.

Richard E. Luedke, Planning Director, was present to respond to any questions posed by the City Council.

Mayor Durham opened the public hearing.

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

Public Hearing: Consideration of Ordinance No. 0195-20-SUP Granting a Special Use Permit and two Associated Variance Requests to Section 6-6-98(d)(2) and Section 6-182(b)(1) for a Hotel With Rooms Containing a Cooktop or Oven; on Approximately 2.50 Acres, Legally Described as Lot 10R-1, Block F, Vista Ridge Addition, Zoned Light Industrial District (LI) and Located on the Northeast Corner of Rockbrook Drive and East State Highway 121 Bypass; as Requested by Kiew Kam, Triangle Engineering, on Behalf of Nortex Hotel Group LLC, the Property Owner. (Case No. 19-12-10-SUP) (cont'd)

(Agenda Item C-1)

City Attorney Lizbeth Plaster 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 Hotel With Rooms Containing a Cooktop or Oven, on Approximately 2.50 Acres, Legally Described as Lot 10R-1, Block F, Vista Ridge Addition, Located on the Northeast Corner of Rockbrook Drive and East State Highway 121 Bypass and Zoned Light Industrial District (LI); Providing for a Repealer, Severability, Penalty, and an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilmember Jones and seconded by Deputy Mayor Pro Tem Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 0195-20-SUP**, as previously captioned; and approve the following two associated variance requests to Section 6-6-98(d)(2) and Section 6-182(b)(1) for a Hotel With Rooms Containing a Cooktop or Oven; on approximately 2.50 acres, legally described as Lot 10R-1, Block F, Vista Ridge Addition, Zoned Light Industrial District (LI) and located on the northeast corner of Rockbrook Drive and East State Highway 121 Bypass: a) to allow pavement over a grass-only waterline easement; and b) to waive the 325 square-foot floor room minimum requirement for 49 rooms, with the condition that the average room size be greater than 325 square feet, with the conditions that the owner will be responsible for any and all pavement repairs required due to maintenance or repair of the City water main performed by City crews or by the City’s contractor; Flock Safety cameras be installed at every entrance into the property; and an access easement be provided between the subject property and the property to the north; as requested by Kiew Kam, Triangle Engineering, on behalf of Nortex Hotel Group LLC, the property owner. The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

Taylor Duncan, 1911 Campfire Court, Lewisville, Texas 75067, spoke before the City Council and advised of her desire to be an astronomer. She respectfully requested that the City Council consider turning all the lights off in Lewisville for one night to allow all Lewisville residents to be able to see the night sky and stars.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ferguson and seconded by Councilmember Jones, 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 February 3, 2020, Workshop Session and Regular Session.
3. Approval of a Revised Interlocal Cooperation Contract Between the City of Lewisville and the Texas Department of Public Safety (DPS) for the Collection of Outstanding Fines and Other Amounts Pursuant to Section 706 of the Texas Transportation Code and for the Continuation of a Failure to Appear (FTA) Program Which Denies the Renewal of a Driver License to Persons Who Fail to Appear in Court or Fail to Pay a Fine and/or Costs; and Authorization for the City Manager to Execute the Contract.
4. Approval of a Bid Award for CDBG Program Year 2019 Morningside Sewer Manhole and Sewer Main Line Rehabilitation Project to Canary Construction Company, Lewisville, Texas, in the Amount of \$543,737.25; and Authorization for the City Manager to Execute the Contract.
5. Approval of a Professional Service Agreement with Halff Associates, Inc., Richardson, Texas, in the Amount of \$148,500 for Lewisville Lake Park Master Plan; and Authorization for the City Manager to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to the Lewisville City Code, Section 6-103 (e), Access Management, Auxiliary Lanes for VFW Post 9168, a 1.3-Acre Parcel Zoned Light Industrial (LI), Located Near the North East Corner of Valley Ridge Boulevard and Mill Street Requested by Robert Schneeberg, Gonzalez & Schneeberg, Engineers & Surveyors, Inc., on Behalf of the Owner

(Agenda Item F-6)

The Veterans of Foreign Wars (VFW) plans to construct a 4,880 square foot building to be used as a community center for VFW members. The VFW will be relocating from their current property along SH 121 behind Caliber Collision. The property will be served by one driveway along Valley Ridge Boulevard. The driveway will be shared with the 1.3-acre undeveloped property to the east. The owner is requesting a variance to waive the required deceleration lane.

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

David Salmon P.E., City Engineer, was present to address any questions posed by the City Council.

MOTION: Upon a motion made by Councilmember Gilmore and seconded by Mayor Pro Tem Troyer, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Section 6-103 (e), Access Management, Auxiliary Lanes for VFW Post 9168, a 1.3-acre parcel zoned Light Industrial (LI), located near the north east corner of Valley Ridge Boulevard and Mill Street to waive the required deceleration lane as requested by Robert Schneeberg, Gonzalez & Schneeberg, Engineers & Surveyors, Inc., on behalf of the owner. The motion carried.

Consideration of Acceptance of the Resignation of Al DeBerry From Place No. 2 on the Arts Advisory Board; Declare a Vacancy Exists; and Consideration of an Appointment to Fill the Vacancy on the Arts Advisory Board

(Agenda Item F-7)

Mr. DeBerry has served in Place No. 2 of the Arts Advisory Board since 2011. This place is required to be filled by someone that is employed by a hotel or other attraction. Due to increasing scheduling conflicts, Mr. DeBerry has advised that he regretfully must resign from this position.

Consideration of Acceptance of the Resignation of Al DeBerry From Place No. 2 on the Arts Advisory Board; Declare a Vacancy Exists; and Consideration of an Appointment to Fill the Vacancy on the Arts Advisory Board (cont'd)

(Agenda Item F-7)

The City staff's recommendation was that the City Council accept the resignation; declare a vacancy; and consider an appointment as set forth in the caption above.

MOTION: Upon a motion made by Councilmember Green and seconded by Deputy Mayor Pro Tem Ferguson, the Council voted five (5) "ayes" and no (0) "nays" to accept the resignation; declare a vacancy; and appoint Gene Smith to Place No. 2 of the Arts Advisory Board as set forth in the caption. The motion carried.

Approval of a Professional Service Agreement with SAFEbuilt Texas, LLC, a Whole Subsidiary of SAFEbuilt, LLC, Loveland, Colorado, for Ongoing Backup Residential and Commercial Inspection Services, Ongoing Plan Review Services, and Ongoing Pool Inspection Services, in the Amount Not to Exceed \$200,000 per Term and Authorization for the City Manager to Execute the Agreement

(Agenda Item F-8)

Two (2) of the four (4) building inspector positions in the Neighborhood & Inspection Service department have been vacant since approximately the beginning of December 2019. In order to complete the daily building inspection requests on time, the City signed a professional service agreement with SAFEBuilt, effective January 2, 2020, to provide up to 20 inspections per day. This agreement limited the compensation to less than \$50,000. Staff anticipates the total compensation to SAFEbuilt will exceed \$50,000, as filling the two (2) vacant positions has been difficult. Therefore, a new agreement is requested to continue these services.

The City staff's recommendation was that the City Council approve the agreement as set forth in the caption above and authorize the City Manager to execute the agreement.

MOTION: Upon a motion made by Councilmember Jones and seconded by Councilmember Green, the Council voted five (5) "ayes" and no (0) "nays" to approve Professional Service Agreement with SAFEbuilt Texas, LLC, a Whole Subsidiary of SAFEbuilt, LLC, Loveland, Colorado, for Ongoing Backup Residential and Commercial Inspection Services, Ongoing Plan Review Services, and Ongoing Pool Inspection Services, in the amount not to exceed \$200,000 per term, and authorize the City Manager to execute the agreement. The motion carried.

**Consideration of 11 Variances to the 1996
Castle Hills Agreement Related to Various
Development Requirements for the Proposed
Crown Centre Development, Located in
District 1-G at the Southwest Corner of SH
121 Business and the SH 121 Frontage Road
(Sam Rayburn Tollway), as Requested by
Bright Realty, the Owner**

(Agenda Item F-9)

Bright Realty, the developer of Castle Hills, proposes to develop Crown Centre, a pedestrian-oriented, mixed use development, on approximately 140 acres located within District 1-G at the southwest corner of SH 121 Business and the SH 121 Frontage Road (Sam Rayburn Tollway). The 11 variance requests coupled with conditions set forth in the staff memorandum and the detailed development standards depicted in Exhibit A, provide the framework necessary to move forward with the first of multiple phases of development. The proposed development will consist of over 3 million square feet of non-residential uses along with a maximum of 2,000 multi-family units to provide a unique live/work/play environment. The 11 variance requests are as follow: a) to allow on-site public waterlines to be located under pavement in access and utility easements; b) to allow additional species of street trees; c) to allow trees to be spaced appropriately according to their growth characteristics and the design intent; d) to allow landscaped areas throughout Crown Centre to meet the interior/parking lot landscaping requirement; e) to allow parking reductions and shared parking; f) to allow loading zones to be calculated on a square-foot basis in lieu of a space per square-foot standard and to allow loading zones to be shared between uses and over lot lines; g) to allow special paving in unique areas but not within public streets; h) to provide street and pedestrian easements in lieu of required right-of-way dedication for deceleration and right turn lanes along the SH 121 Frontage Road (Sam Rayburn Tollway), FM 544, Midway Road and Crown Center Blvd; i) to allow multi-family dwelling units of seven hundred (700) square foot average size with a minimum unit size of no less than (500) square feet within the Crown Centre Project; j) to allow multifamily dwelling units developed as part of the Crown Centre Project not to count towards the total number of allowable units designated for multifamily development in Castle Hills; and k) to allow setbacks from and widths of public utility and drainage easements to be reduced on a case-by-case basis based on type, material, size and depth of the underground public infrastructure.

The City staff's recommendation was that the City Council approve the requested variances with the recommended conditions set forth in Staff's memorandum and adopt the Crown Centre Development Standards as depicted in Exhibit A.

Claire Powell, Assistant City Manager; Richard E. Luedke, Planning Director; and Eric Stanley representing Castle Hills, were all present to respond to any questions posed by the City Council.

**Consideration of 11 Variances to the 1996
Castle Hills Agreement Related to Various
Development Requirements for the Proposed
Crown Centre Development, Located in
District 1-G at the Southwest Corner of SH
121 Business and the SH 121 Frontage Road
(Sam Rayburn Tollway), as Requested by
Bright Realty, the Owner (cont'd)**

(Agenda Item F-9)

MOTION: Upon a motion made by Councilmember Gilmore and seconded by Councilmember Green, the Council voted five (5) “ayes” and no (0) “nays” to approve the 11 requested variances to the 1996 Castle Hills Agreement related to various development requirements for the proposed Crown Centre Development, located in District 1-G at the southwest corner of SH 121 Business and the SH 121 Frontage Road (Sam Rayburn Tollway), with the recommended conditions set forth in attached staff memorandum and adopt the Crown Centre Development Standards as depicted in the attached Exhibit A, with one change to section 4.4(f) to clarify that the multi-family unit size must be an average of 700 square feet and that this average unit size shall be determined with each multi-family development as requested by Bright Realty, the owner. The motion carried.

Reports

(Agenda Item G)

- Fourth Quarter 2019 Boards/Commissions/Committees Attendance Reports
- Quarterly Investment Report from October 1, 2019 to December 31, 2019
- Director of Neighborhood Services Chris McGinn reminded everyone that For the Love of Lewisville had been scheduled for March 7, 2020 from 7 a.m. - Noon. He advised this was a day of community service where the City organizes volunteer groups to complete minor exterior home repairs and community-wide projects. This will be the first year for this event and 5 homes in the Berry Heights neighborhood at the intersection of Mill Street and Jones Street had been chosen. He further stated that two volunteer groups have agreed to participate, Valley Creek Church and North Point Christian Church. He advised that additional information and a calendar invite would be sent out.
- Councilmember Gilmore advised that part of ColorPalooza was reCOLORcycle, an opportunity to build excitement around recycling by turning recycling bins into art. He advised that decorated recycling bins would be displayed at ColorPalooza and that the bins could be picked up beginning March 2 and must be returned by March 31 at the Visitor Information Center (247 W. Main St., Lewisville). He encouraged anyone interested to check out the City’s website for more information.
- Deputy Mayor Pro Tem Ferguson reviewed upcoming events at the MCL Grand.

Reports (cont'd)

(Agenda Item G)

- City Manager Barron reminded everyone that the Annual City Council Retreat was being held February 20 – 22, 2020. She advised that Thursday and Friday would be held at the Hilton Garden Inn and Saturday would be held in the City of Grapevine at their Public Safety Facility.
- Mayor Durham thanked the Police Officers present for this service to the community.

There were no additional reports at this time.

Return to Workshop Session if Necessary

(Agenda Item H)

Due to workshop being completed, there was no need to return to Workshop Session.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:20 p.m. Monday, February 17, 2020, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:20 p.m. on Monday, February 17, 2020, 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 Negotiations.

The Closed Session was adjourned at 7:55 p.m. on Monday, February 17, 2020.

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

(Agenda Item J)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 7:55 p.m. on Monday, February 17, 2020, 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.

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
FEBRUARY 17, 2020**

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Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilmember Jones and seconded by Councilmember Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:55 p.m. on Monday, February 17, 2020. The motion carried.

These minutes approved by the Lewisville City Council on the 2nd day of March, 2020.

APPROVED

Rudy Durham
MAYOR

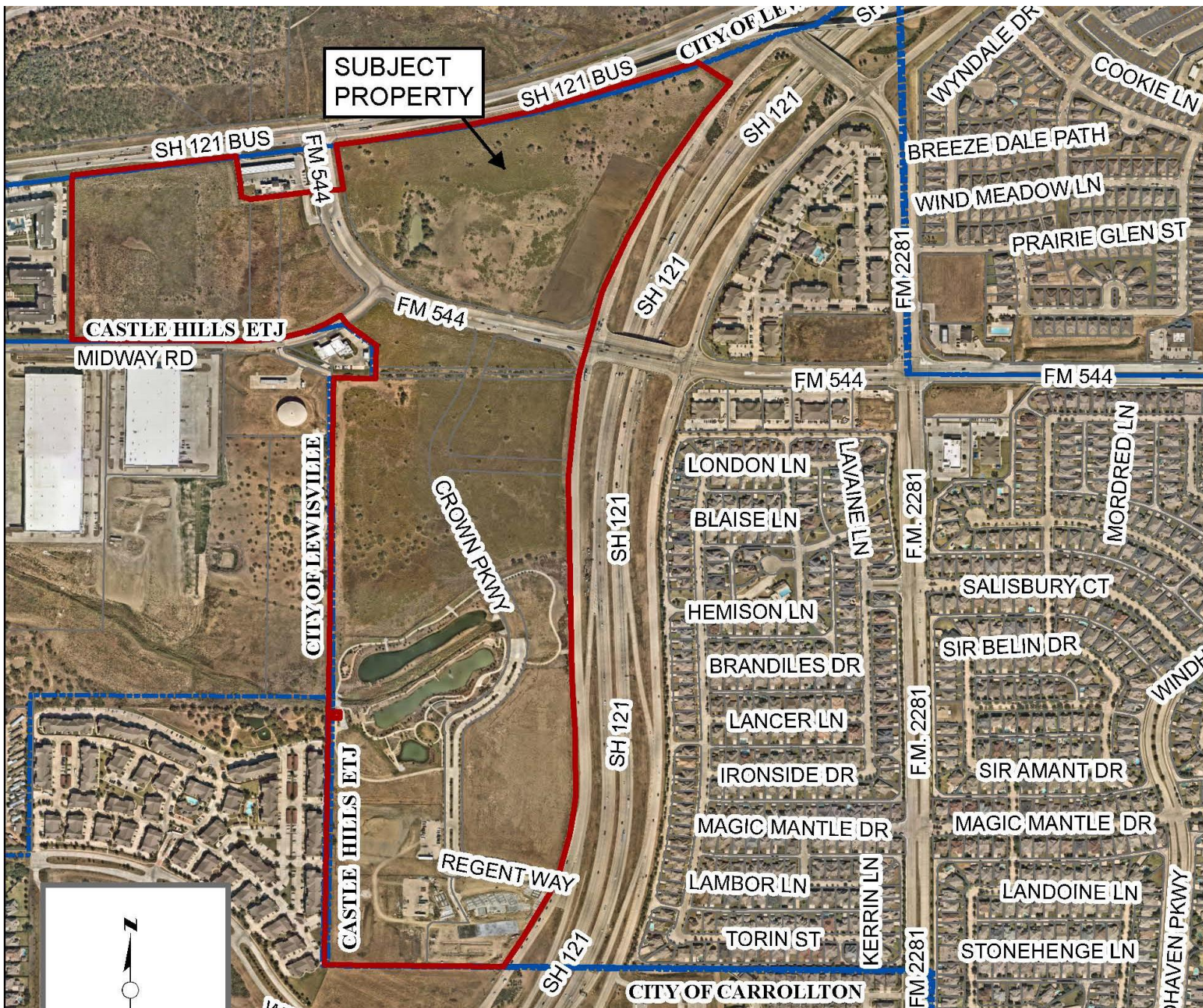
ATTEST:

Julie Worster
CITY SECRETARY



CROWN CENTRE AT CASTLE HILLS

Lewisville City Council
February 17, 2020



The Site

Approximately 140 Acres
Within District 1-G

The Vision



CROWN CENTRE AT CASTLE HILLS - CONCEPT PLAN (APPENDIX B)

The Vision



CROWN CENTRE AT CASTLE HILLS • CONCEPTUAL PLAN (APPENDIX B)

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LandDesign.

Structure of Guiding Regulations

- 1996 Development Agreement locked in the 1996 Development Code for all of Castle Hills.
- Carried over 10 variances from The Realm approved in 2014
- Added 11th variance related to utility easement widths and setbacks, which will match discretion to be provided to City Engineer in future Code Overhaul project.
- Variance conditions and Development Standards as depicted in Exhibit A

Overview of Variance Requests

- a) Water lines under pavement
- b) Additional species of street trees
- c) Alternative tree spacing
- d) Alternative parking lot landscaping
- e) Reduced parking ratios and shared parking
- f) Alternative loading zone requirements
- g) Special paving allowances
- h) Easements instead of right-of-way
- i) Reduced MF dwelling unit size
- j) Allow 2,000 MF units in Crown Centre above 5,000 Castle Hills cap
- k) Reduced utility easement widths and setbacks

Variance a): To allow on-site public waterlines to be located under pavement in access and utility easements. The real property owner shall be responsible for replacement of such pavement should maintenance or repair be required to the waterline.

Code Requirement: Onsite waterlines may only be located within “grass-only” easements (Figure 15 – CHGDO).

Recommendation: Staff is in support of this variance with the proposed conditions:

1. Access easements and sidewalks in the proposed development will be privately owned and maintained.
2. The real property owner shall be exclusively responsible for pavement repair in the event the water mains require maintenance or repair.
3. Compliance with the Crown Centre Development Standards (Exhibit A).

Variance b): To allow additional species of street trees.

Code Requirement: Section VI – 1 of the CHGDO, as amended by the 1996 variances requires trees be selected from the following species:

Bald Cypress	Shumard Red Oak	Lace Bark Elm	Southern Magnolia	Callery Pear
Bradford Pear	Texas Red Oak	Chinese Pistache	Osage Orange	Pond Cypress
Bur Oak	Chinquapin Oak	Japanese Black Pine	Sweet Gum	Texas Persimmon
Live Oak	Cedar Elm	Pecan	Washington Hawthorn	Drake Elm

Recommendation: Staff is in support of this variance with the following conditions:

- 1) Except when authorized by the City of Lewisville's Parks and Recreation Director, the only tree species allowed in Crown Centre shall be those permitted under the City of Lewisville's Code of Ordinances, as amended. The City of Lewisville's Parks and Recreation Director, however, may approve additional tree species if they are native or adaptive and drought tolerant.
- 2) All maintenance shall be the sole responsibility of the Commercial Property Owner Association.
- 3) Compliance with Crown Centre Development Standards (Exhibit A).

Variance c): To allow trees to be spaced appropriately according to their growth characteristics and the design intent.

Code Requirement: Trees shall be placed 45 feet apart in rows and 30 feet in groups (Section VI-4-A-2 – CHGDO).

Recommendation: Staff is in support of this variance with the following conditions:

1. An equal or greater quantity of plant material and trees will be provided.
2. All plant material and trees will be maintained by the Castle Hills Commercial Property Owner's Association.
3. Plantings must be native or adaptive and drought tolerant.
4. Compliance with Crown Centre Development Standards (Exhibit A).

Variance d): To allow landscaped areas throughout Crown Centre to meet interior/parking lot landscaping requirement.

Code Requirement: Section VI-3 of the CHGDO provides that the required landscaping for parking lots is one shade tree (3' caliper minimum) per 15 parking spaces and the landscaped area must be 10% of the parking area. Parking area is calculated by looking at the total square footage of parking spaces, planting islands, curbed area and all interior driveway and aisles, except those with no parking spaces located on either side. Landscaping outside of the parking lot does not count towards this requirement. The CHGDO also does not address how structured parking lots count towards the calculation of interior parking lot landscaping requirements.

Recommendation: Staff is in support of this variance with the following conditions.

1. All plant material and trees will be maintained by the Castle Hills Commercial Property Owner's Association.
2. Plantings must be native or adaptive and drought tolerant.
3. The area of any upper level exposed deck of a parking garage shall count towards the calculation of the parking area.
4. Trees within 10 feet of any mutual access easement shall be more conical than broad in nature.
5. Compliance with Crown Centre Development Standards (Exhibit A).

Variance e): To allow reduced parking ratios as shown in the Crown Centre Development Regulations and to allow shared parking.

Code Requirement: Section VIII of the CHGDO provides parking calculations for each use allowed in Castle Hills. A copy of the off-street parking and loading requirements are attached for reference. Required parking calculations refer only to off-street parking and sets standards for shared parking (Section VIII-4 of CHGDO).

Recommendation: Staff is in support of this variance with the following conditions:

1. Compliance with Crown Centre Development Standards (Exhibit A).
2. Shared parking can be utilized if supported by a shared parking study using the most recently published ULI Shared Parking Manual and as verified by the Director of Planning. A written agreement shall be signed between owners of the affected parcels and shall be filed with the application for a building permit.

Variance f): To allow loading zones to be calculated on a square-foot basis in lieu of a space per square-foot standard and to allow loading zones to be shared between uses and across lot lines.

Code Requirement: Off-Street Loading Space. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles or materials or merchandise, shall provide and maintain on the same premises loading and parking spaces. (CHGDO – Section VIII.6). The number and size of the spaces is determined by use and total square footages.

Recommendation: Staff is in support of this variance with the conditions on the following page.

Conditions for Crown Centre Loading Variance

1. Crown Centre Development Standards (Exhibit A).
2. Every building or part thereof erected or occupied for retail, service and entertainment, or any other use involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain required off-street loading areas within the same Subarea where the building is located.
3. For all retail and service and entertainment developments, a minimum of four hundred (400) square feet of loading space shall be provided for a building between five thousand (5,000) square feet to fifteen thousand (15,000) square feet of gross leasable area, and four hundred (400) square feet of additional loading space for each fifteen thousand (15,000) square feet, or fraction thereof, of gross leasable area in excess of fifteen thousand (15,000) square feet. A loading space is not required for retail and service and entertainment uses under five thousand (5,000) square feet. These loading areas shall have a vertical clearance of fourteen (14) feet.
4. For industrial developments, provide a minimum of one (1) loading space for each ten thousand (10,000) square feet, or fraction thereof, of floor area in a building.
5. For developments that include more than one use on a lot, a minimum of four hundred (400) square feet of loading space shall be provided for each thirty-five thousand (35,000) square feet of gross leasable area, or a fraction thereof. These loading areas shall have a vertical clearance of fourteen (14) feet.
6. Loading spaces that are not in the form of a typical bay will be clearly striped and/or identified.
7. Access and maneuvering areas shall be provided on the same lot as a principle use for which the loading and parking is intended. Maneuvering space shall be in addition to loading/parking space and shall be designed to accommodate the largest vehicles that would be expected to use those particular loading areas.
8. The maintenance of all off-street loading spaces shall be the responsibility of the property owners and shall be depicted on the Engineering Site Plans.
9. Loading spaces shall be dedicated, delineated and free from all fire lanes, parking lanes and drive aisles.

Variance g): To allow special paving in unique areas but not within public streets, including but not limited to the following materials:

- Contained Gravel with a structural member designed to be equal to or greater than the strength standard required concrete for fire lanes. Gravel will be contained with concrete curbs or other methods of similar strength. Gravel will not be used in primary drive aisles, but rather in specialty areas.
- Unit Pavers over an engineered subbase designed to a structural strength equal or greater to the standard required concrete for fire lanes
- Natural Stone over an engineered subbase designed to a structural strength equal or greater to the standard required concrete for fire lanes
- Brick over an engineered subbase designed to a structural strength equal or greater to the standard required concrete for fire lanes
- Similar materials, so long as designed to a structural strength equal or greater to the standard required concrete for fire lanes.

Code Requirement: Requires concrete or asphalt only for paving surfaces related to private parking lots, drive aisles, access driveways, etc. (Section VIII-1, COL 503.02.03)

Recommendation: Staff is in support of this variance with the following conditions:

1. Compliance with the Crown Centre Development Standards (Exhibit A).
2. The developer shall provide documentation prior to approval of any specific alternate pavement that the paving meets all requirements of ADA and PROWAG. Fire lanes shall be clearly marked and all pavement within fire lanes shall be designed to a structural strength equal or greater to the standard required concrete for fire lanes.
3. The variance only applies to privately-owned and maintained pavement.

Variance h): To provide street and pedestrian easements in lieu of required right-of-way dedication for deceleration and right turn lanes along the SH 121 Frontage Road (Sam Rayburn Tollway), FM 544, Midway Road and Crown Centre Blvd.

Code Requirement: The developer shall be responsible for the dedication of all rights-of-way for the construction of all turning lanes (Section V-2-J – 1996 GDO).

Recommendation: Staff is in support of this variance with the following conditions:

1. Compliance with the Crown Centre Development Standards (Exhibit A).

Note: The dedication of “street, drainage, utility and pedestrian” easements in lieu of right-of-way for deceleration lanes will allow for the operation and maintenance of all required public infrastructure in those locations but will not require building line setbacks to jog in and out at driveway locations.

Variance j): To allow multi-family dwelling units of seven hundred (700) square foot average size with a minimum unit size of no less than (500) square feet within the Crown Centre Project.

Code Requirement: Dwelling units must be an average of 750 square feet in size, but no unit shall be less than 500 square feet in size (Section 17-16.5 Zoning Ordinance)

Recommendation: Staff is in support of this variance with the following condition.

1. Compliance with the Crown Centre Development Standards (Exhibit A).

Note. This reduction in unit size reflects the market demand along the corridor. Although the developer is planning to build luxury apartments, this provides the developer with the flexibility to offer smaller units at a lower price point.

Variance j): Multi-family dwelling units developed as part of the Crown Centre Project shall not count towards the total number of allowable units designated for multi-family development in Castle Hills.

Code Requirement: The 1996 Agreement outlines a land use plan in section (6) of the agreement. The language states that “no more than 250 acres of the lands will be developed for multi-family dwellings with a density of no more than 20 units per acre”. This totals 5,000 multi-family units for the Lands of Castle Hills.

Recommendation: Staff is in support of this variance with the following conditions:

1. The maximum number of multi-family units in the Crown Centre Project is 2,000.
2. Compliance with the Crown Centre Development Standards (Exhibit A).

Variance k): To allow setbacks from and widths of public utility and drainage easements to be reduced on a case-by-case basis based on type, material, size and depth of the underground public infrastructure.

Code Requirement: The applicable code sections require minimum 15-foot drainage and utility easement widths and additional widths for utility and drainage lines over a certain size and/or depth of cover. In addition, the same code sections require a 10-foot building setback from easements containing pressurized utilities and a 5-foot setback for non-pressurized lines. (Section V-5-B & C – 1996 GDO)

Recommendation: Staff is in support of this variance subject to the following conditions:

1. Setbacks from and widths of public utilities and drainage easements must be approved by the City Engineer. Such widths and setbacks can be less restrictive but shall not exceed what is currently required by the Lewisville Code of Ordinances, as amended.
2. Compliance with Crown Centre Development Standards (Exhibit A).



RE AT CASTLE HILLS - CONCEPT PLAN (APPENDIX B)

Exhibit A – Crown Center Development Standards

Section 1. Purpose & Intent

Section 2. Application

Section 3 Administration

Section 4 Schedule of Uses and Parking

Section 5 Development Standards

Section 6 Site Design & Development Standards

Section 7 Architectural and Site Design

Section 8 Definitions

Appendix A Framework Plan

Appendix B Concept Plan

Appendix C Circulation Cross Sections

Appendix D Geographic Limits of Crown Centre and Subareas

Applicable Regulations

- 1996 General Development Ordinance as amended,
- Castle Hills Commercial Design Guidelines as amended,
- Variances and conditions,
- Exhibit A (Castle Hills Development Regulations)
 - Lewisville City Code as it relates to street tree selection, hotel development, and Fire Code.
- Addition of City Staff member to Castle Hills Architectural Review Committee.
 - Staff member will serve as ex-officio member with review and veto authority over all development within Crown Centre.
 - Staff member has authority to approve modifications of any numerical standard in Section 6 (setbacks, lot coverage, and front façade build-to percentages) up to 10%.
 - Staff member can approve changes to private vehicular routes if required conditions are met.



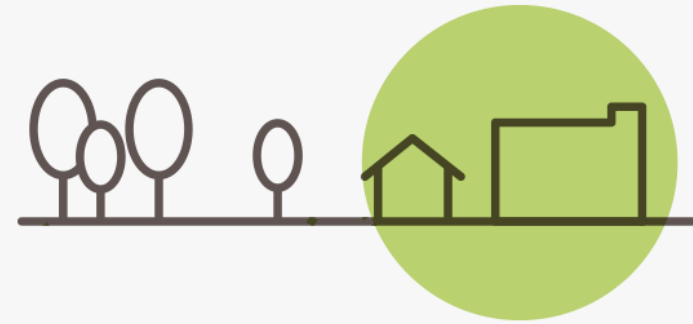
Clarification of City's Maintenance Responsibilities.

- The City of Lewisville shall not be responsible for any maintenance or repairs of any improvements or Open Space in Crown Centre unless otherwise expressly agreed to in writing by the City of Lewisville.



Uses

- Mixed Use – allows office, restaurant, retail, multifamily (with restrictions), entertainment uses, service uses, bars, and industrial (only breweries, wineries, and distilleries). Based off of Code Overhaul mixed use regulations. No screening between these uses to promote walkability.
- Minimum of 3,000,000 square feet of office and minimum of 140,000 square feet of other non-residential uses (including hotels).
- Minimum of 400 hotel rooms provided that have to meet City's current regulations. Extended stay hotels require additional City Council approval.



Multifamily Rules

- Contains use chart of office, retail, restaurant and service uses with parking requirements for each use
 - A maximum of 2,000 MF units in Crown Centre.
 - Maximum 600 MF units shall be allowed in Subarea 1, and a maximum of 600 MF units shall be allowed in Subarea 2.
 - MF units located above the 10th floor of any building shall be considered on a case-by-case basis by Council.
 - 300 MF units shall be available for immediate construction in Subarea 1, and 300 MF units shall be available for immediate construction in Subarea 2.
 - Beyond these initial 600 MF units which are available for immediate construction, additional MF units shall only be allowed in tranches of 300 MF units for each 250,000 square feet of non-residential uses built (and not otherwise counted towards a previous tranche) or which have received a permit to begin construction or are under construction.
 - After the construction of a cumulative total of 1,000,000 square feet of non-residential uses, all remaining unbuilt MF units still available under the Crown Centre MF Cap and the Subarea MF Cap are allowed without limitation.

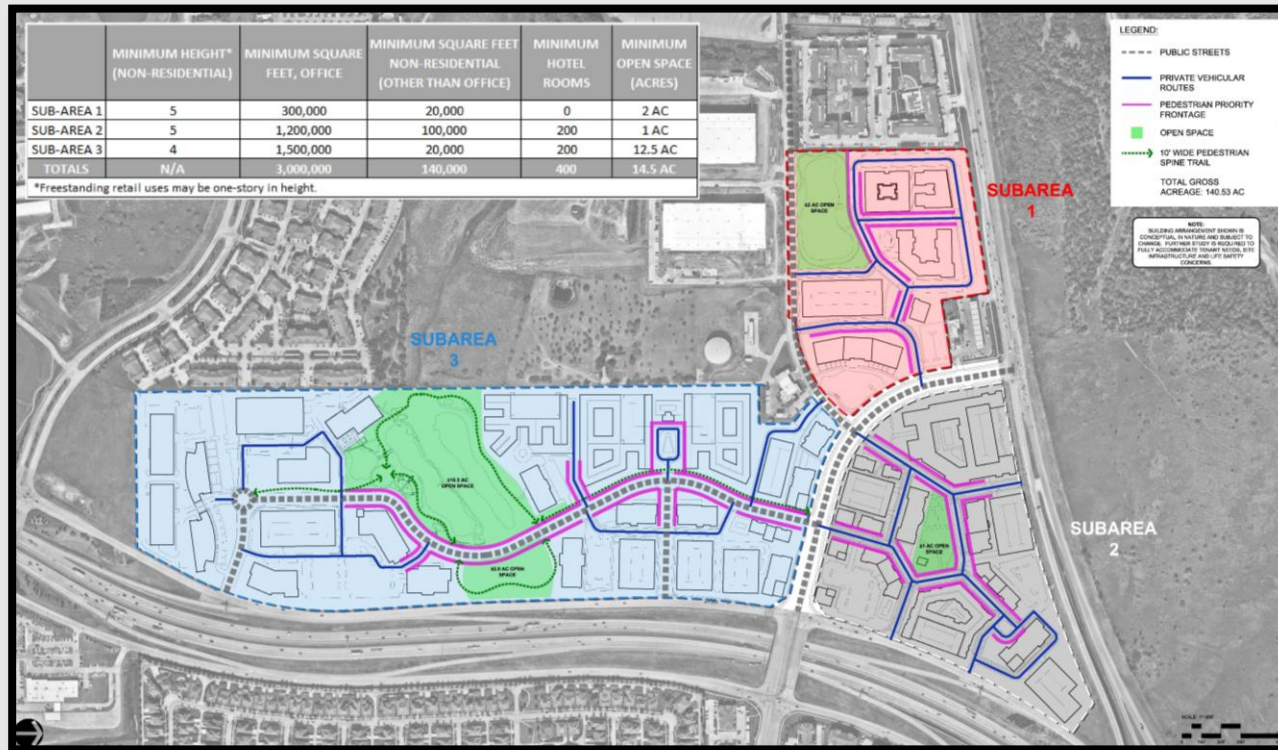


Additional Multifamily Rules

- Parking. A minimum of 80% of the provided parking for all MF units shall be in a Parking Structure.
- Height. All MF buildings shall be a minimum of 5 stories. Podium Parking may count towards the five-story minimum.
- Development Standards. All MF developments shall be part of and governed by the Castle Hills Commercial Association.
- Minimum MF Unit Size. MF units must be an average of 700 square feet in size, but no MF unit shall be less than 500 square feet in size.

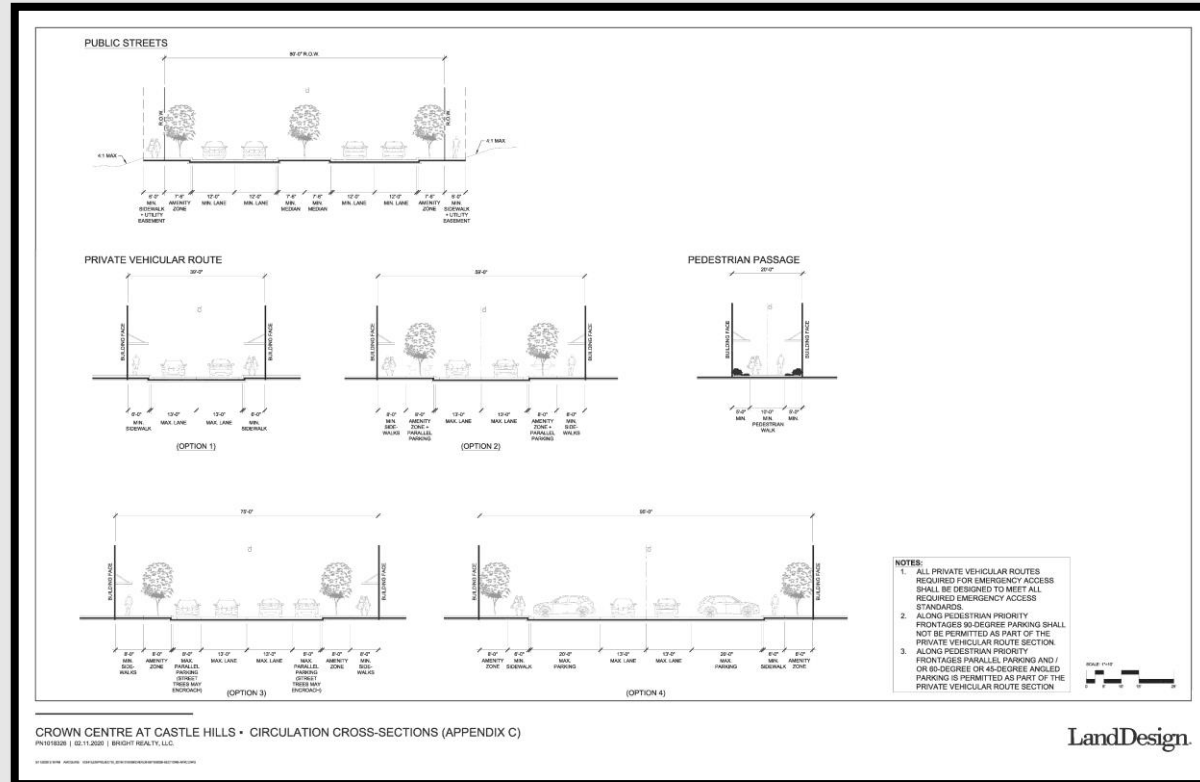


Circulation Network



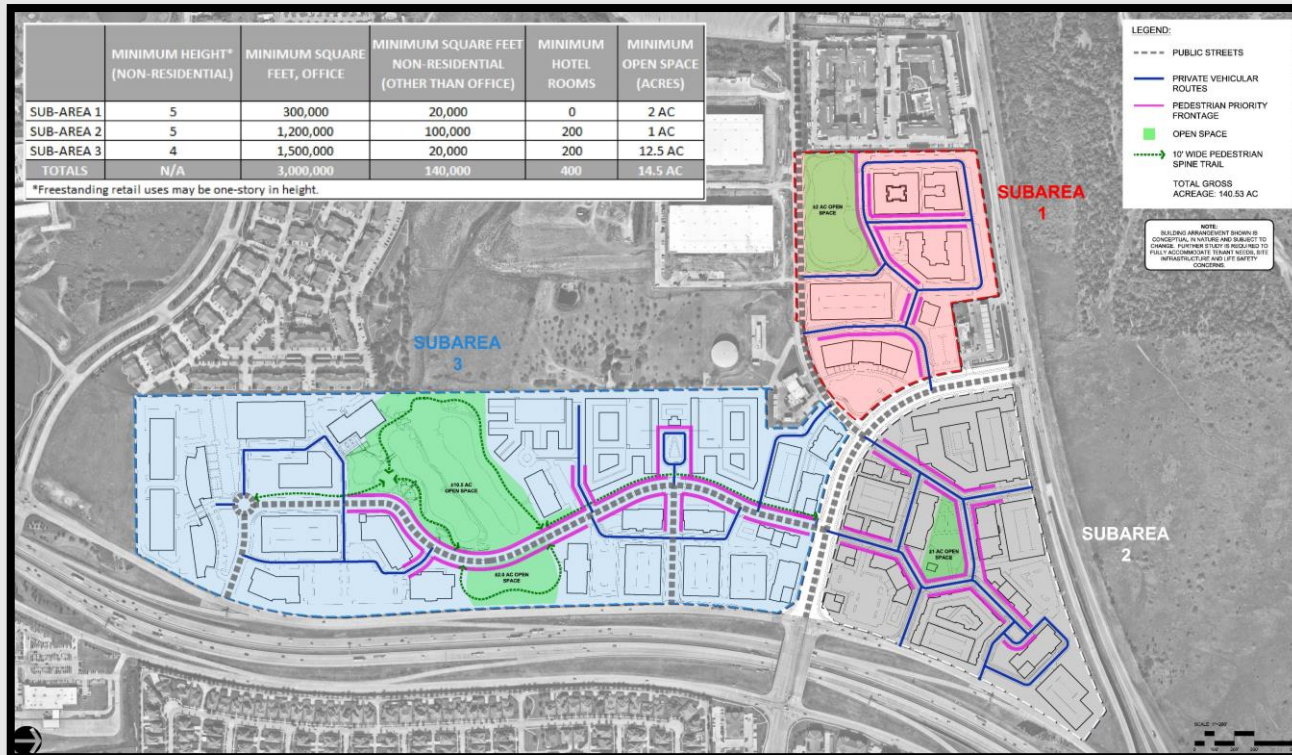
- Public Streets – as shown
- Private Vehicular Routes locations can be modified if:
 - Intent of the concept plan met,
 - Connects to other Public Streets or Private Vehicular Routes,
 - Does not create a Block Perimeter greater than 2,000 feet,
 - Does not create any Block Faces greater than 600 feet, and
 - Does not reduce the linear length of the Pedestrian Priority Frontage
- 10' Wide Pedestrian Spine Trail – as shown.
- TIA required to be submitted to City within 6 months. Will dictate other required circulation improvements.

Circulation Network



- Cross-Sections defined in Appendix
- Significant amenity zones.
- Maximum widths on traffic lanes.
- Allowing on-street parking (but not 90 degree parking)
- Must still meet fire code for pavement width.

Open Space Requirements



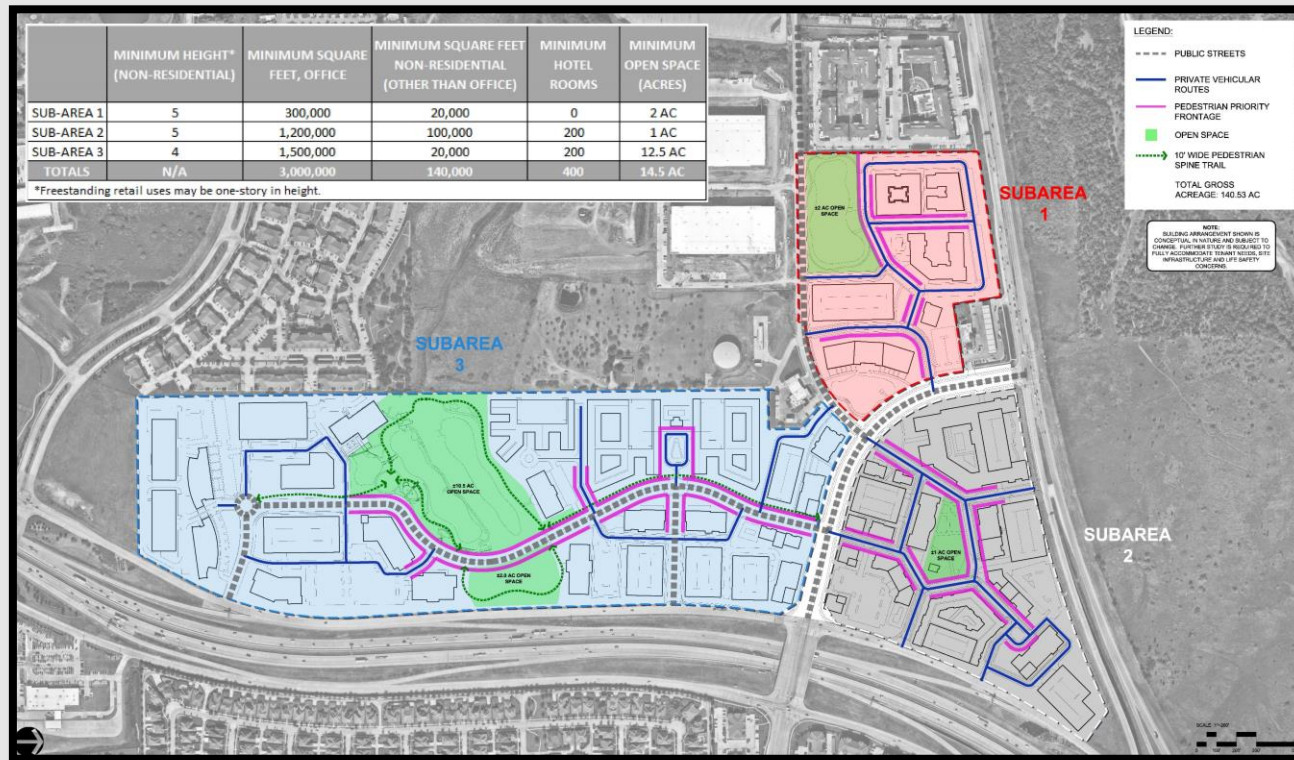
- Subarea 1: Minimum 2 acres. Can be relocated within subarea.
- Subarea 2: Minimum 1 acre. Can be relocated within subarea, but must be centrally located.
- Subarea 3: 12.5 acres as shown.
- All designated open space must be publicly accessible during city park hours and must be designed for outdoor recreation purposes.
- An irrevocable public access easement shall run across all Open Space. For subarea 3 – must provide easement within thirty days. For subarea 1 and 2, must provide at time of final plat.

Form-based & Engaging the Street



- **Pedestrian Priority Frontage** shall be those portions of Public Streets and Private Vehicular Routes identified as the most important pedestrian frontages, where additional design and development criteria are in place to create an interactive pedestrian-friendly environment and where steps should be taken to create an engaging pedestrian environment, as identified on the Framework Plan.

Form-based & Engaging the Street



- Buildings on lots with Pedestrian Priority Frontage shall have a Front Façade facing the Pedestrian Priority Frontage.
- The Front Façade of said buildings shall take up 70 percent of the width of the lot facing the Pedestrian Priority Frontage.
- No ground floor parking or any service areas shall be permitted along a Pedestrian Priority Frontage, but does not include angled or parallel parking on-street parking on Private Vehicular Routes.
- Setbacks along Pedestrian Priority Frontages are minimum 0 feet, maximum 20 feet.
- Any modification to the Private Vehicular Routes cannot reduce the linear length of the Pedestrian Priority Frontage

Parking

- Parking requirements match I-35 Overlay parking requirements. For most uses 1:300 square feet parking ratio.
- Shared parking may be permitted over lot lines and between uses if approved by Director of Planning and supported by a shared parking study using ULI shared parking manual.
- A minimum of 80% of the provided parking for all MF units shall be in a Parking Structure.
- Parking Structures design standards matching I-35 Overlay.
 - Shall have a facade utilizing colors and materials complementary to the building or buildings the Parking Structure services and when possible, shall be located behind buildings.
 - Shall not be located with ground floor frontage along any Pedestrian Priority Frontage.
 - Where a Parking Structure is located adjacent to a Public Street or Private Vehicular Route, which is not a Pedestrian Priority Frontage:
 - Shall be designed with vertical articulation such as changes in planes, columns, pilasters, etc. at least every 40 linear feet.
 - Shall be designed incorporating elements to provide visual interest to the facade(s) closest to and facing the adjacent street. Design elements may include items such as decorative metal panels, murals, landscaping or a combination thereof. Parking Structure ramps shall not be visible from any street. Ramps shall not be located on the perimeter of the Parking Structure.





Additional Regulations

Height:

Non-residential uses shall be a minimum height of 5 stories in Subarea 1 and 2 and 4 stories for Subarea 3. Exception is for stand-alone retail uses (which includes restaurants). No building height maximum.

Bird Protection related to LLELA adjacency:

The north facades of buildings fronting Highway 121 Business that are greater than twenty feet (20') above grade will include avian-deterrent architectural elements related to the exterior glazing.

Questions



A solid orange vertical bar is positioned on the left side of the slide, extending from the top to the bottom.

Small-Scale Sculpture Series Project

Background of the project:

This project is part of the approved Public Art Work plan for FY20.

It was originally brought to City Council at the 2019 Retreat as a possible “Loveable Old Town” project. There were two possibilities presented at that time:

- A series of bronze 8-12 birds which were native or known to migrate through Lewisville.
- A series of 3-4 bronze hitching posts to tie to the horse-and-rider transportation history of Lewisville with a nod to the current wedding services industry companies, aka “getting hitched”, that populates many store fronts in the Old Town core.

This concept is inspired by an art installation in Greenville South Carolina called “Mice on Main”. This installation includes a series of nine bronze mice sculptures interacting with their environment installed throughout their downtown. There is a storybook/scavenger hunt component to this installation in Greenville.

Background of the project:

City Council did not elect to do this project at the retreat but said they were open to the project if it was important to the Arts Advisory Board. They also wanted to see some refinements to the plan. City Council was not overly enthusiastic about the possibility of using all birds.

The Arts Advisory Board included the project in its 2019-20 Public Art Work Plan, with no specific theme identified. It was assigned an estimated budget of \$25,000 for 4-6 individual pieces. City Council reviewed the Public Art Work Plan at its budget workshop in August. The project was included in the adopted 2019-20 budget

The Arts and Advisory Board, through Staff recommendation, decided to engage with the UNT College of Fine arts And Design about partnering on this project.

Details about the project as presented to UNT

Each year, during the spring semester, UNT College of Visual Arts and Design offers a class called “**Multiples and Monuments**”

- This is an Intermediate level studio sculpture class where students work on both large scale and small-scale, multiple related unit projects from design concept through modeling and finally fabrication and casting of bronze (if applicable to the project for that semester.)
- Course description: This course builds upon the fundamental principles of mold-making and casting learned in Beginning Sculpture: Traditional Methods, while exploring more complex concepts, materials, and techniques. (both hot and cold casting)

The head of the sculpture division and professor of this course both felt that the potential Lewisville project was manageable for students to successfully execute as work for this class and would be a great project to use as the project this semester.

The budget limit for the students to work with was set at \$20,000 and will go fully into the casting/fabrication of the small sculptures in the series since all of the design work is being done students as their course work.

- Bolivar Bronze will be the foundry used to cast the bronze elements of this project.
- Bolivar Bronze lead artist David Iles created the Wayne Ferguson Bronze that was installed last September.
- The remaining \$5,000 will be used for signage/plaque elements and installation costs.

The “assignment” given to the class was:



PROPOSE THEMES OR APPROACHES TO TAKE WITH THESE SMALL SCULPTURES THROUGH ANIMALS OR OTHER FIGURES TO TELL A STORY ABOUT LEWISVILLE.



WORKS COULD ONLY BE INSTALLED IN OR ON CITY-OWNED PROPERTY AND ALL SITES SELECTED FOR PIECES WILL HAVE TO MEET REQUIREMENTS OF ENGINEERING AND CODE BEFORE MOVING ON TO FABRICATION



BRING THESE PROPOSALS TO THE ARTS ADVISORY BOARD FOR SELECTING A THEME TO RECOMMEND TO COUNCIL FOR MOVING FORWARD WITH



WHICH IS WHAT WILL BE REVEALED TO COUNCIL SHORTLY.



The class visited Lewisville in mid-January and did a history and site tour with James Kunke and Denise Helbing

The class decided to break into several groups to further research Lewisville and create proposals to present to the Arts Advisory Board.

These options were presented to the Arts Advisory Board on February 4.

The Arts Advisory Board was largely excited by all the projects presented and through their discussion asked that elements from several themes be merged together for this project. This revised theme is what will be presented to City Council tonight.

Next Steps once theme is approved:

Each student in the class will make an individual proposal and maquette consisting of the following:

- full-scale maquettes (in wax or clay or 3d print) that can be cast in bronze by

Bolivar Bronze.

- Identification of proposed site for their sculpture and,
- a supporting narrative

Schedule:

End of March: Student proposals due for exhibition

Early April-End of Semester: Student proposals are exhibited somewhere in Lewisville for review by Arts Advisory Board

Mid-April: Student proposals are ranked/selected; Quote is requested from Bolivar Bronze

for production/installation

May - August: Works are produced by Bolivar Bronze and,

- Staff, in conjunction with UNT contacts, will design plaques and make site installation preparations as needed

Late Summer/Early Fall: Series is installed

Native Anthropomorphic Animals

The series will use a common native animal as the character of each sculpture “scene” to portray historic moments of the City of Lewisville.

The common animal selected is the **rabbit**. The rabbit was selected due to its prolific populations in Lewisville and its quality as an animal that can take on many different type of humanistic characterizations while still being recognizable as a rabbit.

These “scenes”, 5-6 in number, will be scattered throughout Old Town.

Some events considered by the class:



1885: Greater Lewisville Community Theatre building finished construction, being Lewisville's oldest standing structure



1886: Lewisville Feed Mill opens, the longest continuously operating business in Lewisville, until it close in 2011



1895: Fire Destroys North Main Street, forcing a group of Businessmen to form the Lewisville Water Company with a well, standpipe, and tower running water to serve Main Street



1900: First Electrical Line in Lewisville was installed



1909: First bank robbery of Lewisville was staged at the First National Bank. Robbers used dynamite to open safes, stealing around \$6,500



1918: Third fire strikes the Northside of Main Street. It starts at the First National Banks and spreads along Main Street from East to West, burning six brick buildings and several wooden structures.



1927: City Hires first police officer and first Fireman



1942: Cities first traffic light is installed, at the corner of Main Street and Federal Highway 77 (Mill Street). Signal is operated by an employee of Huffines Motor Company from 8AM-8PM.



1946: A man robs Lewisville State Bank on Mill Street and flees on foot past Lewisville High School, where he is pursued by members of the Farmers football team. He is captured minutes later, and the stolen money is recovered.

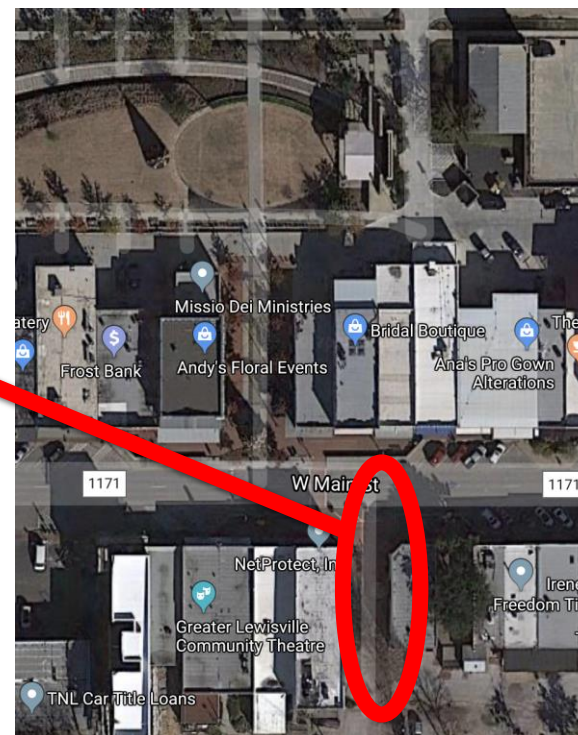
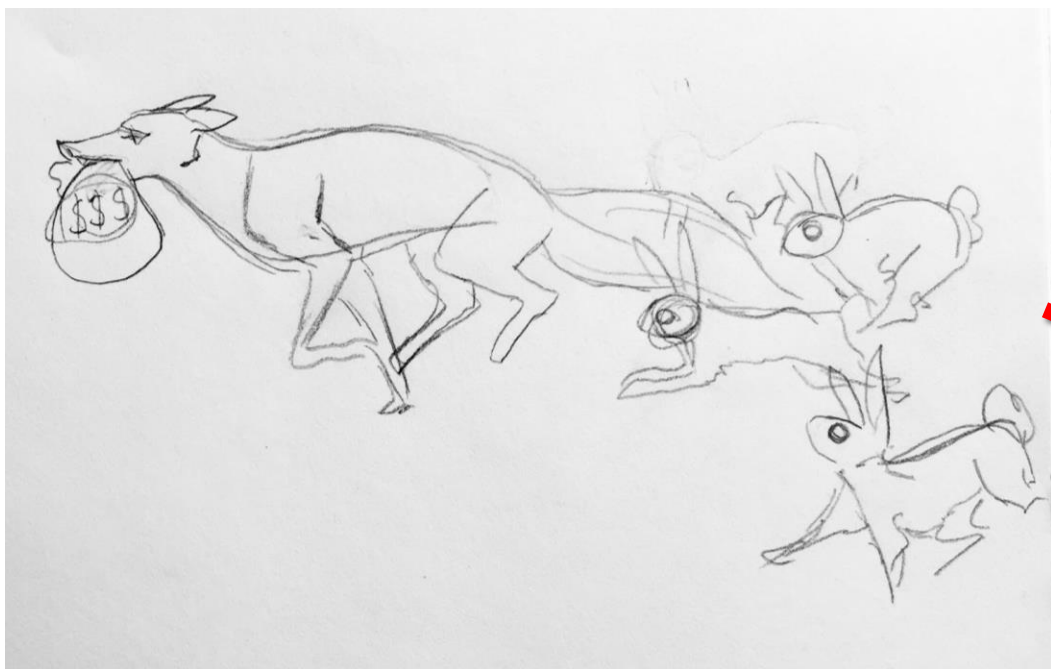


1962: An episode of the “Route 66” television show is filmed in Lewisville, which was renamed “Kilkenny” for the program. The episode aired in April on CBS.

Sample of sketches
and potential
locations:



1946: A man robs Lewisville State Bank on Mill Street and flees on foot past Lewisville High School, where he is pursued by members of the Farmers football team. He is captured minutes later, and the stolen money is recovered.

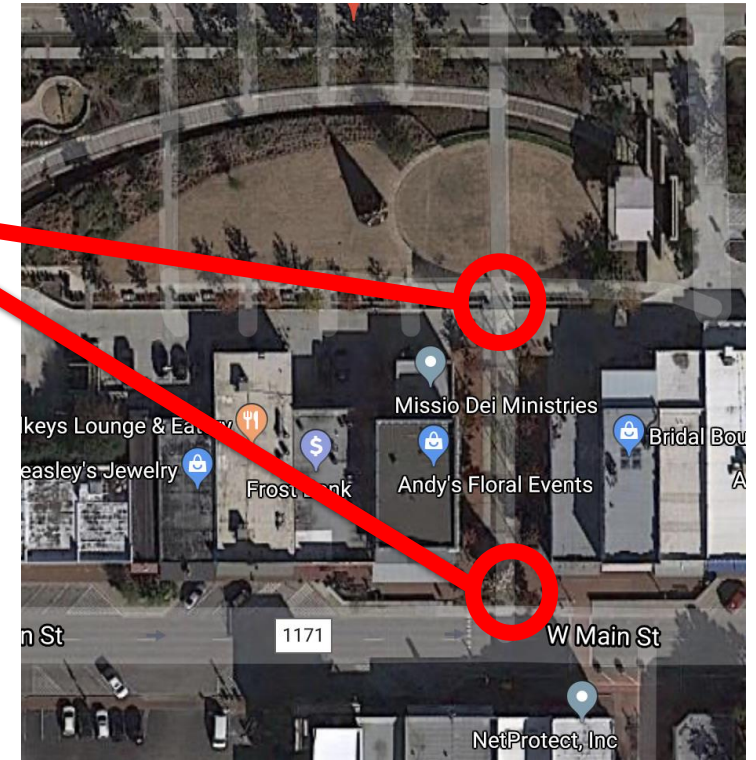
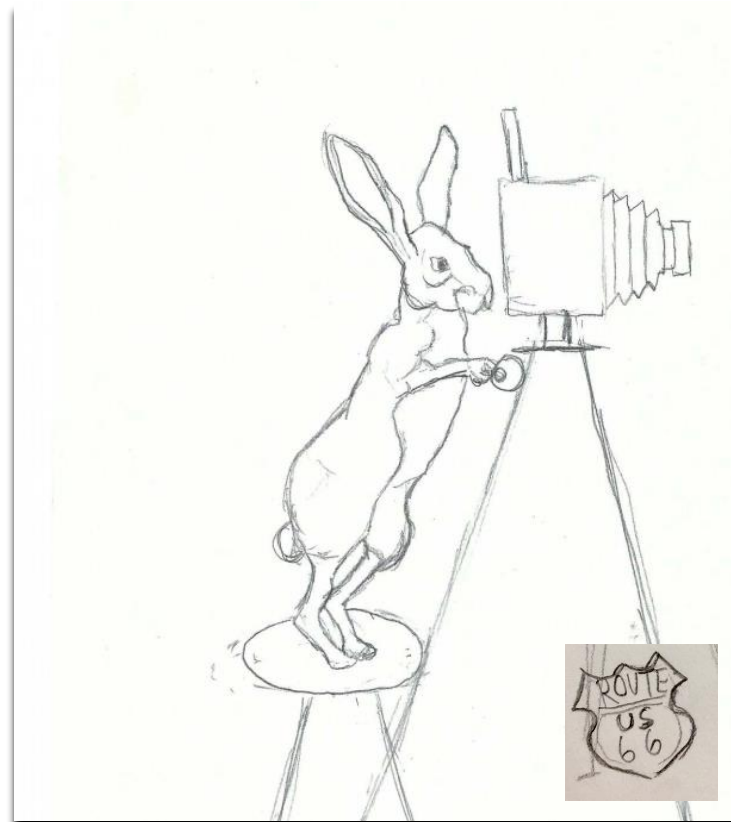


Along an alleyway, the coyote can lead ahead, trailed behind in pursuit by the rabbits.



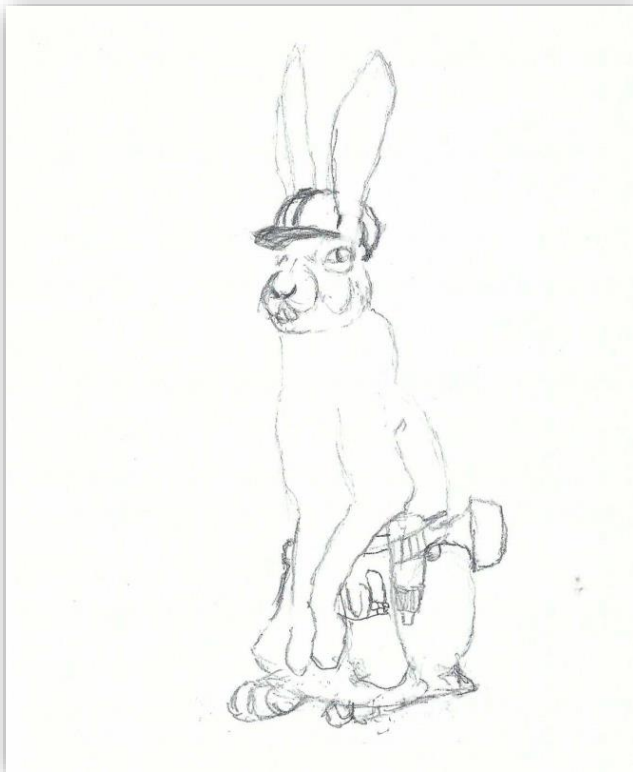
1962: An episode of the “Route 66” television show is filmed in Lewisville, which was renamed “Kilkenny” for the program. The episode aired in April on CBS.

Camera could have a cut out so that “scavengers” can actually look through and see a photographic composition.



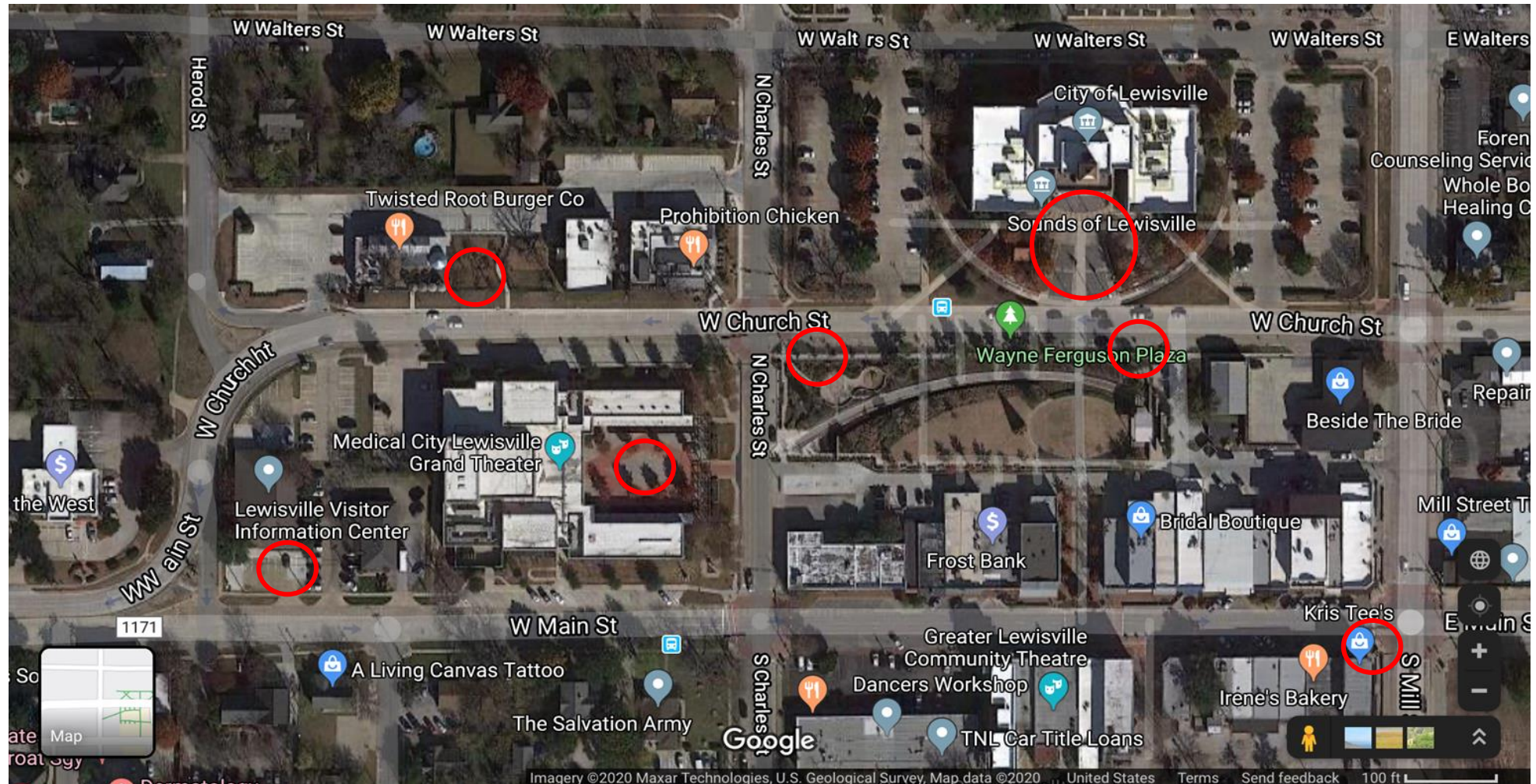


2003: City Hall returns to Old Town in a newly constructed building on the site of the City's original City Hall location.



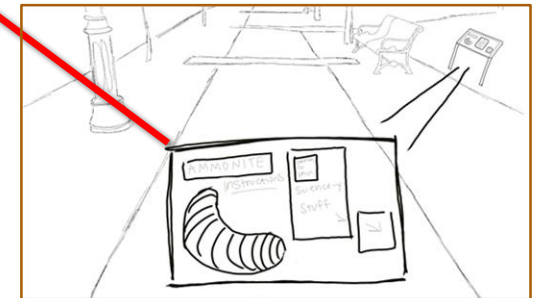
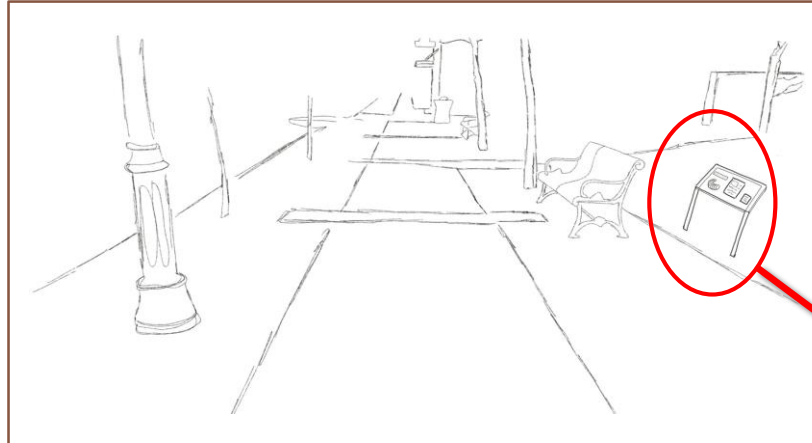


Additional possible sculpture locations:



Enhanced signage with interactive element:

The Arts Advisory Board recommends that in addition to a brief explanation of the history event being portrayed by each sculpture, there is a rubbing element included on the plaque. This will encourage visitors to seek out all the sculptures in the series and complete a booklet – to be created by staff or local author/illustrator – that will be available at the Visitor Information Center, MCL Grand, Library, and downloadable online.



MEMORANDUM

TO: Donna Barron, City Manager

FROM: Claire Powell, Assistant City Manager

DATE: February 17, 2020

SUBJECT: **Consideration of 11 Variances to the 1996 Castle Hills Agreement Related to Various Development Requirements for the Proposed Crown Centre Development, Located in District 1-G at the Southwest Corner of SH 121 Business and the SH 121 Frontage Road (Sam Rayburn Tollway), as Requested by Bright Realty, the Owner.**

BACKGROUND

Castle Hills consists of over 2,400 acres of land located within the City's extraterritorial jurisdiction. It is referred to as the "Lands" in the 1996 Castle Hills Development Agreement, which was executed by the City, Denton County Fresh Water Supply Districts Nos. 1A and 1B, and Bright Farm Partnership on April 1, 1996 (the "1996 Agreement"). The 1996 Agreement allowed for the creation and operation of a fresh water supply district in Lewisville's extraterritorial jurisdiction, anticipated funding for public infrastructure, and established development regulations. Because Castle Hills is currently outside of the City limits, the City does not have zoning authority. Development rights, however, were voluntarily limited by all parties in the 1996 agreement, giving the City a degree of control. Therefore, to change the development rights established by the 1996 Agreement, the City would have to grant variances. Variances have been granted in the past to accommodate unique designs that further the City's long-range goals and benefit the area.

The proposed "Crown Centre Project" is located within Castle Hills. It consists of approximately 140 acres located at the southwest corner of SH 121 Business and the SH 121 Frontage Road (Sam Rayburn Tollway) and is currently bisected by FM 544. The Crown Centre Project has three subareas as shown in the attachment hereto. The Crown Centre Project will provide a pedestrian-oriented, mixed-use urban development environment, with convenient access to regional highways, shopping, employment, housing, and regional retail services.

The Crown Centre Project proposes a mix of high-intensity uses with a minimum of 3,000,000 square feet of office and commercial uses, a maximum of 2,000 multi-family units, greater than 10 percent of the land dedicated to open space, and a commitment to install significant pedestrian amenities. Subarea 3 (South of FM544) will focus on the development of corporate campus office space and will serve as a future employment center. Subarea 1 (north of Midway Road and west of FM 544) and 2 (east and north of FM 544) focus more on hotel, retail, entertainment, restaurant and office development.

Multi-family residential uses are restricted but proposed throughout the Crown Centre Project to promote a live-work-play environment and provide the night-time density to support the retail, restaurant, and entertainment uses. Multi-family residential uses will not be “garden-style” apartments. The design will be urban-styled buildings, where approximately 70% of building frontage will be built up close to primary pedestrian street/mutual access easements. This will promote pedestrian activities and provide an urban appearance. All multi-family residential uses will be a minimum of five floors and 80 percent of their parking must be provided in a structured garage. All multi-family development will also be required to be part of the Castle Hills Commercial Association, which provides strict oversight related to operations and maintenance of the multi-family components. The development will also meet the city’s current fire code (which is significantly more rigorous than the International Fire Code). They will also meet current City of Lewisville hotel regulations. Otherwise, they will be governed by the 1996 Development Code (“CHGDO”), which was made part of the 1996 Agreement.

It is staff’s understanding that the Crown Centre Project will be phased over time, resulting in an approximate build-out timeframe of up to 20 years from the start of the project. To ensure that the Crown Centre Project will maintain the right balance of office, commercial, and residential uses throughout the phasing, developers will not be entitled to the majority of the multi-family rights until a significant amount of office and commercial is built or under construction. Specifically, 600 units are proposed in Subareas 1 and 2 immediately, but after that, the developers can only build 300 additional units for every 250,000 square feet of nonresidential uses that is built or under construction. The maximum number of multi-family units allowed in the Crown Centre Project is 2,000.

Finally, although the City currently has no zoning authority and only performs courtesy reviews of Castle Hills site plans, Bright Realty has agreed to allow the City to appoint a representative to the Castle Hills Architectural Review Committee for all projects in Crown Centre. This City appointee will be able to ensure that future development in the Crown Centre Project meets the Castle Hills architectural guidelines, the 1996 Agreement, the CHGDO and all variances with conditions approved for the Crown Centre Project (the “regulatory documents”). This City appointee will have full veto authority over all projects within Crown Centre. If a project does not comply with the regulatory documents, the City’s representative can force a redesign.

ANALYSIS

Due to the unique mixed use and urban design of the Crown Centre Project, 11 variances are being requested. These variances resemble the variances previously granted by City Council in 2014 for the Realm and the Bridges area of Castle Hills. Staff’s recommended conditions and the attached Exhibit A (the “Crown Centre Development Standards”) are meant to tailor these variances to the proposed Crown Centre Project.

The requested variances are as follows:

Variance a): **To allow on-site public waterlines to be located under pavement in access and utility easements. The real property owner shall be responsible for replacement of such pavement should maintenance or repair be required to the waterline.**

Code Requirement: Onsite waterlines may only be located within “grass-only” easements (Figure 15 – CHGDO).

Recommendation: Staff is in support of this variance with the proposed conditions:

1. Access easements and sidewalks in the proposed development will be privately owned and maintained.
2. The real property owner shall be exclusively responsible for pavement repair in the event the water mains require maintenance or repair.
3. Compliance with the Crown Centre Development Standards (Exhibit A).

Variance b): To allow additional species of street trees.

Code Requirement: Section VI – 1 of the CHGDO, as amended by the 1996 variances requires trees be selected from the following species:

Bald Cypress
Bradford Pear
Bur Oak Quercus
Live Oak
Shumard Red Oak
Texas Red Oak
Chinquapin Oak
Cedar Elm
Lace Bark Elm
Chinese Pistache
Japanese Black Pine
Pecan
Southern Magnolia
Osage Orange
Sweet Gum
Washington Hawthorn
Callery Pear
Pond Cypress
Texas Persimmon
Drake Elm

Recommendation: Staff is in support of this variance with the following conditions:

1. Except when authorized by the City of Lewisville’s Parks and Recreation Director, the only tree species allowed in Crown Centre shall be those permitted under the City of Lewisville’s Code of

Ordinances, as amended. The City of Lewisville's Parks and Recreation Director, however, may approve additional tree species if they are native or adaptive and drought tolerant.

2. All maintenance shall be the sole responsibility of the Commercial Property Owner Association.
3. Compliance with Crown Centre Development Standards (Exhibit A).

Variance c): **To allow trees to be spaced appropriately according to their growth characteristics and the design intent.**

Code Requirement: Trees shall be placed 45 feet apart in rows and 30 feet in groups (Section VI-4-A-2 – CHGDO).

Recommendation: Staff is in support of this variance with the following conditions:

1. An equal or greater quantity of plant material and trees will be provided.
2. All plant material and trees will be maintained by the Castle Hills Commercial Property Owner's Association.
3. Plantings must be native or adaptive and drought tolerant.
4. Compliance with Crown Centre Development Standards (Exhibit A).

Variance d): **To allow landscaped areas throughout Crown Centre to meet the interior/parking lot landscaping requirement.**

Code Requirement: Section VI-3 of the CHGDO provides that the required landscaping for parking lots is one shade tree (3' caliper minimum) per 15 parking spaces and the landscaped area must be 10% of the parking area. Parking area is calculated by looking at the total square footage of parking spaces, planting islands, curbed area and all interior driveway and aisles, except those with no parking spaces located on either side. Landscaping outside of the parking lot does not count towards this requirement. The CHGDO also does not address how structured parking lots count towards the calculation of interior parking lot landscaping requirements.

Recommendation: Staff is in support of this variance with the following conditions.

1. All plant material and trees will be maintained by the Castle Hills Commercial Property Owner's Association.
2. Plantings must be native or adaptive and drought tolerant.
3. The area of any upper level exposed deck of a parking garage shall count towards the calculation of the parking area.
4. Trees within 10 feet of any mutual access easement shall be more conical than broad in nature.

5. Compliance with Crown Centre Development Standards (Exhibit A).

Variance e): **To allow reduced parking ratios as shown in the Crown Centre Development Regulations and to allow shared parking.**

Code Requirement: Section VIII of the CHGDO provides parking calculations for each use allowed in Castle Hills. A copy of the off-street parking and loading requirements are attached for reference. Required parking calculations refer only to off-street parking and sets standards for shared parking (Section VIII-4 of CHGDO).

Recommendation: Staff is in support of this variance with the following conditions:

1. Compliance with Crown Centre Development Standards (Exhibit A).
2. Shared parking can be utilized if supported by a shared parking study using the most recently published ULI Shared Parking Manual and as verified by the Director of Planning. A written agreement shall be signed between owners of the affected parcels and shall be filed with the application for a building permit.

Variance f): **To allow loading zones to be calculated on a square-foot basis in lieu of a space per square-foot standard and to allow loading zones to be shared between uses and across lot lines.**

Code Requirement: Off-Street Loading Space. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles or materials or merchandise, shall provide and maintain on the same premises loading and parking spaces. (CHGDO – Section VIII.6). The number and size of the spaces is determined by use and total square footages.

Recommendation: Staff is in support of this variance with the following conditions:

1. Crown Centre Development Standards (Exhibit A).
2. Every building or part thereof erected or occupied with a use involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain required off-street loading areas within the same Subarea where the building is located.
3. For all retail and service and entertainment developments, a minimum of four hundred (400) square feet of loading space shall be provided for a building between five thousand (5,000) square feet to fifteen thousand (15,000) square feet of gross leasable area, and four hundred (400) square feet of additional loading space for each fifteen thousand

(15,000) square feet, or fraction thereof, of gross leasable area in excess of fifteen thousand (15,000) square feet. A loading space is not required for retail and service and entertainment uses under five thousand (5,000) square feet. These loading areas shall have a vertical clearance of fourteen (14) feet.

4. For industrial developments, a minimum of one (1) loading space for each ten thousand (10,000) square feet, or fraction thereof, of floor area in a building shall be provided.
5. For developments that include more than one use on a lot, a minimum of four hundred (400) square feet of loading space shall be provided for each thirty-five thousand (35,000) square feet of gross leasable area, or a fraction thereof. These loading areas shall have a vertical clearance of fourteen (14) feet.
6. Loading spaces that are not in the form of a typical bay will be clearly striped and/or identified.
7. Access and maneuvering areas shall be provided on the same lot as a principal use for which the loading and parking is intended. Maneuvering space shall be in addition to loading/parking space and shall be designed to accommodate the largest vehicles that would be expected to use those particular loading areas.
8. The maintenance of all off-street loading spaces shall be the responsibility of the property owners and shall be depicted on the Engineering Site Plans.
9. Loading spaces shall be dedicated, delineated and free from all fire lanes, parking lanes and drive aisles.

Note. The criteria above will provide the same total square footage dedicated to loading zones but will allow the developer to place the loading areas off-site and allow adjacent uses to share the loading zones so long as they are in the same Subarea. This is a proven method that has been used successfully in other dense urban developments such as Southlake Town Square, Market Street at the Woodlands, Watters Creek at Montgomery Farms (Allen), and The Domain (Austin).

Variance g):

To allow special paving in unique areas but not within public streets, including but not limited to the following materials:

- Contained Gravel with a structural member designed to be equal to or greater than the strength standard required concrete for fire lanes. Gravel will be contained with concrete curbs or other methods of similar strength. Gravel will not be used in primary drive aisles, but rather in specialty areas.
- Unit Pavers over an engineered subbase designed to a structural strength equal or greater to the standard required concrete for fire lanes.

- Natural Stone over an engineered subbase designed to a structural strength equal or greater to the standard required concrete for fire lanes.
- Brick over an engineered subbase designed to a structural strength equal or greater to the standard required concrete for fire lanes.
- Similar materials, so long as designed to a structural strength equal or greater to the standard required concrete for fire lanes.

Code Requirement: Requires concrete or asphalt only for paving surfaces related to private parking lots, drive aisles, access driveways, etc. (Section VIII-1, COL 503.02.03)

Recommendation: Staff is in support of this variance with the following conditions:

1. Compliance with the Crown Centre Development Standards (Exhibit A).
2. The developer shall provide documentation prior to approval of any specific alternate pavement that the paving meets all requirements of ADA and PROWAG. Fire lanes shall be clearly marked and all pavement within fire lanes shall be designed to a structural strength equal or greater to the standard required concrete for fire lanes.
3. The variance only applies to privately-owned and maintained pavement.

Variance h): **To provide street and pedestrian easements in lieu of required right-of-way dedication for deceleration and right turn lanes along the SH 121 Frontage Road (Sam Rayburn Tollway), FM 544, Midway Road and Crown Center Blvd.**

Code Requirement: The developer shall be responsible for the dedication of all rights-of-way for the construction of all turning lanes (Section V-2-J – 1996 GDO).

Recommendation: Staff is in support of this variance with the following conditions:

1. Compliance with the Crown Centre Development Standards (Exhibit A).

Note: The dedication of “street, drainage, utility and pedestrian” easements in lieu of right-of-way for deceleration lanes will allow for the operation and maintenance of all required public infrastructure in those locations but

will not require building line setbacks to jog in and out at driveway locations.

Variance i): **To allow multi-family dwelling units of seven hundred (700) square foot average size with a minimum unit size of no less than (500) square feet within the Crown Centre Project.**

Code Requirement: Dwelling units must be an average of 750 square feet in size, but no unit shall be less than 500 square feet in size (Section 17-16.5 Zoning Ordinance)

Recommendation: Staff is in support of this variance with the following condition.

1. Compliance with the Crown Centre Development Standards (Exhibit A).

Note. This reduction in unit size reflects the market demand along the corridor. Although the developer is planning to build luxury apartments, this provides the developer with the flexibility to offer smaller units at a lower price point.

Variance j): **Multi-family dwelling units developed as part of the Crown Centre Project shall not count towards the total number of allowable units designated for multi-family development in Castle Hills.**

Code Requirement: The 1996 Agreement outlines a land use plan in section (6) of the agreement. The language states that “no more than 250 acres of the lands will be developed for multi-family dwellings with a density of no more than 20 units per acre.” This totals 5,000 multi-family units for the Lands of Castle Hills.

Recommendation: Staff is in support of this variance with the following conditions:

1. The maximum number of multi-family units in the Crown Centre Project is 2,000.
2. Compliance with the Crown Centre Development Standards (Exhibit A).

Variance k): **To allow setbacks from and widths of public utility and drainage easements to be reduced on a case-by-case basis based on type, material, size and depth of the underground public infrastructure.**

Code Requirement: The applicable code sections require minimum 15-foot drainage and utility easement widths and additional widths for utility and drainage lines over a certain size and/or depth of cover. In addition, the same code sections require a 10-foot building setback from easements containing pressurized utilities

and a 5-foot setback for non-pressurized lines. (Section V-5-B & C – 1996 GDO)

Recommendation: Staff is in support of this variance subject to the following conditions:

1. Setbacks from and widths of public utilities and drainage easements must be approved by the City Engineer. Such widths and setbacks can be less restrictive but shall not exceed what is currently required by the Lewisville Code of Ordinances, as amended.
2. Compliance with Crown Centre Development Standards (Exhibit A).

Note: The code requirements are designed to allow convenient and safe access to utility and drainage lines in the event a repair or replacement is necessary. The established standards are generally acceptable in suburban style developments with surface parking and large building setbacks. The code requirements are difficult to meet for urban style developments with structured parking and minimal street setbacks given the lack of open space adjacent to buildings and parking structures. The variance would allow the developer to dedicate lesser easement widths and setback requirements when approved by staff on a case by case basis in specific circumstances. Such circumstances may include infrastructure that is shallow, has been constructed in a manner that reduces the potential for repair or allows alternate repair methods or the site layout has been designed to allow alternative access methods acceptable to City staff. A similar variance was granted for the Awesome Center on Mill Street in Old Town.

SUMMARY

City staff and Bright Realty have been working diligently on this project to design appropriate regulations that will accommodate the vision of the Crown Centre Project as a walkable mixed-use environment while allowing a reasonable amount of flexibility. Due to the unique nature and urban design of this development, staff has no objections to the proposed variances should Council wish to approve the variance package. These (11) variances would apply only to the Crown Centre Project along with the development standards depicted in the Crown Centre Development Standards (Exhibit A).

RECOMMENDATION

It is City Staff's recommendation that the City Council approve the requested variances with the recommended conditions set forth in Staff's memorandum and adopt the Crown Centre Development Standards as depicted in Exhibit A.

