



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, November 19, 2018

6:30 PM

Council Chambers

Call to Order and Announce Quorum is Present

Workshop Session - 6:30 P.M.

***Items discussed during Workshop Session may be continued during the Regular Session after Reports if time does not permit holding or completing discussion of the item during Workshop Session.*

- A. [Receive an Update and Provide Direction on Proceeding With Amendments to the Lewisville Code of Ordinances Regarding the Development Code Overhaul](#)
- B. [Report on Denton County's PACE Options \(Property Assessed Clean Energy Programs\)](#)
- C. [Discussion of Regular Agenda Items and Consent Agenda Items](#)

Regular Session - 7:00 P.M.

- A. **Invocation: Deputy Mayor Pro Tem Troyer**
- B. **Pledge to the American and Texas Flags: Mayor Pro Tem Jones**
- C. **Presentation**
 - 1. [Salvation Army to Present the National Red Kettle Kickoff; Mayor Durham to Issue a Challenge to the Town of Flower Mound and City of Highland Village.](#)
- D. **Public Hearings**
 - 1. [Public Hearing: Consideration of an Ordinance Granting a Special Use Permit \(SUP\) for a Shooting Range \(Indoor\) with Two Associated Alternative Standards Regarding Windows and Building Colors, on a](#)

[2.256-Acre Lot, Legally Described as Corporate Square, Block A, Lot 6R-1; Located at 1915 South Stemmons Freeway; Zoned Light Industrial \(LI\) District, as Requested by Chris Neill, of Primax Properties, LLC, on Behalf of Lewisville Bassett One LTD, the Property Owner \(Case No. SUP-2018-11-16\).](#)

ADMINISTRATIVE COMMENTS:

The special use permit (SUP) for Shoot Point Blank was originally approved by City Council on February 20, 2017. The indoor shooting range proposes to occupy the former Cosmic Jump facility, which has been vacant for several years. The original SUP has since expired, and the IH-35E Corridor Overlay District has been approved, creating heightened standards in building materials and landscaping. The applicant has revised the original plans to meet most of these requirements, including providing additional landscaping, masonry materials, and building articulation. In addition, the applicant proposes that the existing pylon sign be replaced with a low-profile monument sign in three years. Two alternative standards are requested for City Council approval: a) to reduce the doors and windows façade requirement on the ground floor from the required 40% to 8.2%, a 79.5% reduction and, b) to allow five (5) colors be used on each elevation in lieu of the required three (3).

RECOMMENDATION:

That the City Council approve the ordinance and two associated alternative standards as set forth in the caption above with a condition that any future change of use will require compliance with the IH-35E Overlay District window requirements.

PRESENTATION:

Richard E. Luedke, Planning Director

AVAILABLE FOR QUESTIONS:

D. Chris Neill, Primax Properties, LLC

Kevin Allee, Shoot Point Blank

2. [Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a Self-Storage/Mini-Warehouse Facility on Approximately 4.400-Acres, Legally Described as Lots 6 & 7, Block A, Peck V.R. Addition and Located at 125 & 175 Valley Ridge Boulevard, Zoned Light Industrial District \(LI\); as Requested by Robert Schneeberg, Gonzalez & Schneeberg,](#)

[Inc., on Behalf of Valley Ridge Properties, LLC, the Property Owner \(Case No. SUP-2018-10-15\).](#)

ADMINISTRATIVE COMMENTS:

The proposed Special Use Permit (SUP) is for a self-storage/mini-warehouse facility called Urban Garages. This facility is not traditional self-storage, but a condominium ownership model with an association to manage the property. To screen the storage buildings, the applicant has added office/warehouse buildings along the Valley Ridge Boulevard frontage. In addition, the applicant has provided increased landscaping, exceeded masonry requirements, and committed to low-profile monument signage to enhance the aesthetics of the site. The Planning and Zoning Commission recommended unanimous (7-0) approval of the SUP on October 16, 2018.

RECOMMENDATION:

That the City Council approve the ordinance as set forth in the caption above.

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director
Robert Schneeberg, Applicant

E. Visitor/Citizens Forum

At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

F. Consent Agenda

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.

3. [APPROVAL OF MINUTES: a\) City Council Minutes of the October 15, 2018, Workshop Session and Regular Session; and b\) City Council Minutes of the November 5, 2018, Workshop Session and Regular Session.](#)
4. [Approval of a Memorandum of Agreement with the United States Department of the Army for Additional Work During Construction of the Lewisville Dam Safety Modifications; and Authorize the City Manager to](#)

[Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

The United States Army Corps of Engineers (USACE) has requested that the City relocate portions of its two raw water pipelines. This work will be completed as part of the USACE's Lewisville Dam and Reservoir construction project. The Memorandum of Agreement sets forth the terms for this work to be performed by the USACE's contractor, the anticipated cost for this additional work, \$3,293,312.00 and means of funding, and obligations and responsibilities of each party. The USACE is scheduled to bid the construction of the project, including the relocation of the raw water lines which should be accomplished at the beginning of the construction. The USACE anticipates the award of the contract in March 2019.

RECOMMENDATION:

That the City Council approve the amendment as set forth in the caption above.

5. [Approval of the Sale of 0.010 Acres of City-owned Property Consisting of a Portion of Lot 2, Block A, Wayne Ferguson Plaza Addition to EnvSer, LLC DBA EnviroServe in the Amount of \\$1,000; and, Authorization for the City Manager to Sign All Documents Related to the Sale.](#)

ADMINISTRATIVE COMMENTS:

EnviroServe is a storm water consulting firm located at 126 W. Church Street across the street from City Hall. They want to purchase an approximately 8-foot-wide strip of land directly behind their lot in order to expand their office and build a second floor onto the existing structure. They have offered to purchase this property from the City for its appraised value of \$1,000.

RECOMMENDATION:

That the City Council approve the sale of the property for the appraised value and authorize the City Manager, or her designee, to sign all documents related to this sale, as set forth in the caption above.

6. [Approval of the Fiscal Year 2018-2019 Fire Protection Services Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to](#)

[Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

The Lewisville Fire Department provides fire protection services to Denton County through an annual interlocal cooperation agreement. By providing fire protection services to designated unincorporated areas of Denton County, revenue is generated for the City in the amount of \$10,000.00 for a readiness fee, plus \$550.00 per fire call. The term of this agreement is for the period of October 1, 2018 through September 30, 2019.

RECOMMENDATION:

That the City Council approve the agreement as set forth in the caption above.

7. [Approval of the Fiscal Year 2018-2019 Ambulance Service Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

The Lewisville Fire Department has provided emergency ambulance service to unincorporated areas of Denton County through an interlocal cooperation agreement for many years and is approved annually for the period of October 1 through September 30. The Ambulance Service Agreement provides for Denton County to pay an estimated fee based on a funding formula as follows: 1) a population-based readiness sum based on per capita; 2) a designated sum per ambulance run; and 3) a fixed sum based on the area covered. In FY 2018-2019, Denton County will pay a fixed provider fee of \$57,425, plus \$255.59 per ambulance run billed by the Lewisville Fire Department. The City will continue to bill the patients and their insurance companies in lieu of Denton County's \$255.59 per run.

RECOMMENDATION:

That the City Council approve the agreement as set forth in the caption above.

G. Regular Hearings

8. [Continued Item: Consideration of a Variance to the Lewisville City Code Section 11-10 \(g\) \(c\)\(2\)\(vii\) Freestanding Signs, to Allow a Freestanding](#)

[Sign to Exceed the Maximum Height of 60 Feet in the I-35E Corridor to 75 Feet, Located at 2512 S Stemmons Freeway, as Requested by Tony Callaway, Representing 'At Home', the Property Owner.](#)

ADMINISTRATIVE COMMENTS:

The subject site is a 10.30-acre lot zoned General Business (GB) within the Lakepointe Crossing Shopping Center. The property owner 'At Home' has an existing 122,000 square foot facility located on the site. Due to the impact of the I-35E widening, the property owner is requesting a variance for a sign to exceed the maximum height of sixty feet (60') to a height of seventy-five feet (75') in the I - 35E corridor.

RECOMMENDATION:

That the City Council continue the item to the December 3, 2018 City Council meeting.

AVAILABLE FOR QUESTIONS:

Wayne K. Snell Jr., Director of Neighborhood & Inspection Services

9. [Consideration of a Variance to the Lewisville City Code Sections 9.5-54\(a\) and 9.5-57 to Allow Submittal of an Old Town Development Plan for 109 W. Main After the Issuance of the Building Permit.](#)

ADMINISTRATIVE COMMENTS:

A building permit was issued without prior approval of the Old Town Development Plan for 109 W. Main Street. This variance would allow for the delayed submittal of the plan.

RECOMMENDATION:

That the City Council approve the variance as set forth in the caption above.

AVAILABLE FOR QUESTIONS:

Wayne Snell, Director of Neighborhood & Inspection Services.

10. [Consideration of a Variance to the Lewisville City Code Sections 9.5-54 \(a\) and 9.5-57 to Allow Submittal of an Old Town Development Plan for 170 W. Main After the Issuance of the Building Permit.](#)

ADMINISTRATIVE COMMENTS:

A building permit was issued without prior approval of the Old Town Development Plan for 170 W. Main Street. This variance would allow for the delayed submittal of the plan.

RECOMMENDATION:

That the City Council approve the variance as set forth in the caption above with the following conditions: (1) that the owner, until approval of the Old Town Development Plan, shall maintain a 12-foot wide, unobstructed public access easement to connect the parking spaces at the rear of 170 W. Main Street to Elm Street; and (2) that the Old Town Development Plan for 170 W. Main shall be submitted no later than six months from the date of this variance and shall be submitted with or as part of the Old Town Development Plan for 151 Elm Street.

AVAILABLE FOR QUESTIONS:

Wayne Snell, Director of Neighborhood & Inspection Services

11. [Consideration of a Final Plat of Castle Hills Phase 10 Lewisville Addition; Containing 264 Single-Family Lots, 94 Townhouse Lots, 9 Common Area Lots \(ETH\) and 13 Common Area Lots \(TH-2\) on 76.96-Acres, With Zoning Designations of Estate Townhouse \(ETH\), Townhouse Two \(TH-2\); Located on the South Side of Windhaven Parkway, North side of FM 544 and West of Josey Lane; Containing Two Associated Variances. as Requested by LandDesign Inc., Representing the Property Owner.](#)

ADMINISTRATIVE COMMENTS:

The subject Final Plat is located within Castle Hills District 1-H in the City of Lewisville Extra Territorial Jurisdiction (ETJ) and is to be developed in accordance with the 1996 Bright Farms Agreement. The following variances are being requested: a) To allow a 34-foot street right-of-way and 27-foot street width with 10-foot sidewalk and utility easements on each side in lieu of the required 50-foot right-of-way and 31-ft street width; b) To allow Blocks L, M, N, O, P, Q, R, and S to have a zoning designation of Townhouse Two (TH-2). City Council approved the Preliminary Plat for Castle Hills Phase 10 on May 1, 2017. The Preliminary Plat included three other variances, a) To allow a 41-foot street right-of-way with 8-foot sidewalk and utility easements on each side in lieu of the required 50-foot right-of-way, b) To waive the alley requirement for lots less than 10,000 square feet in area, and c) To allow Block N to have a zoning designation of Townhouse Two (TH-2).

RECOMMENDATION:

That the City Council approve the variance as set forth in the caption above.

AVAILABLE FOR QUESTIONS:

David Salmon P.E., City Engineer

12. [Consideration of an Ordinance Providing for the Abandonment, Vacation and Closure of Variable Width Portion of the Northern Side of Walters Street East of Leonard Street; Providing for the Terms and Conditions of the Abandonment, Vacation and Closure; and Declaring an Emergency.](#)

ADMINISTRATIVE COMMENTS:

The City of Lewisville currently owns 3.65 acres of property bounded by College Street on the north, Leonard Street on the west, DART property along Railroad Street on the east, and Walters Street right-of-way on the south. More specifically, the parcels are identified by the Denton Appraisal District as R12477, R12478, R12479, R12481, and R84522. The existing Walters Street right-of-way, a 16,000 square foot unpaved area, is located east of Leonard Street and at the southern boundary of parcel R84522, in which approximately 7,400 square feet is not needed for public use as a right-of-way. With efforts pursuant to Chapter 311.007 of the Texas Transportation Code, the City deems it advisable to abandon, vacate and close this portion of right-of-way. Therefore, this ordinance provides for the abandonment, vacation and closure of variable width portion of the northern side of Walters Street east of Leonard Street; providing for the terms and conditions of the abandonment, vacation and closure; and declaring an emergency.

RECOMMENDATION:

That the City Council approve the ordinance as set forth in the caption above.

13. [Consideration of an Ordinance Appointing an Alternate Municipal Judge.](#)

ADMINISTRATIVE COMMENTS:

In October of this year, Judge Robin Ramsay accepted a position with Denton County to serve as the new Criminal Court Magistrate. His position with our city was responsible for magistrations services in the city jail on certain weekends and for assisting with court coverage for the presiding judge during periods of vacation, illness or when administrative duties require Judge Holman's absence. City staff is

recommending Kimberly Lafferty be considered for the alternate position.

RECOMMENDATION:

That the City Council approve the ordinance appointing Kimberly Lafferty as an alternate municipal judge.

14. [Consideration of Acceptance of Resignation of Toya Gant From Place No. 7 on the Lewisville 2025 Advisory Board \(2025\); Declare Vacancy Exists on the 2025; and Consideration of an Appointment to Place No. 7 on the 2025.](#)

ADMINISTRATIVE COMMENTS:

Toya Gant has submitted her resignation from Place No. 7 on the 2025. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy. Data sheets of applicants interested in serving on this Board have been included for City Council review.

RECOMMENDATION:

That the City Council accept the resignation; declare a vacancy; and consider an appointment as set forth in the caption above.

- H. Reports** Reports about items of community interest regarding which no action will be taken.

[Quarterly Investment Report from July 1, 2018 through September 30, 2018](#)

I. Closed Session

In Accordance with Texas Government Code, Subchapter D,

1. *Section 551.072 (Real Estate): Property Acquisition*
2. *Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations.*

- J. Reconvene** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

K. Adjournment

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City will provide appropriate auxiliary aids and services, including sign language interpreters and assisted listening devices, whenever necessary to ensure effective communication with members of the public who have hearing, sight or speech impairments, unless doing so would result in a fundamental alteration of its programs or an undue financial burden. A person who requires an accommodation or auxiliary aid or service to participate in a City program, service or activity, should contact the sponsoring Department, or the Human Resource Department at 972-219-3450 or by Fax at 972-219-5005 as far in advance as possible but no later than 48 hours before the scheduled event.

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

I do hereby certify that the above notice of meeting of the City of Lewisville City Council was posted at City Hall, City of Lewisville, Texas in compliance with Chapter 551, Texas Government Code on _____, 2018 by _____ AM.

City Secretary