



# City of Lewisville, TX

## City Council

### Agenda

151 W Church Street  
Lewisville, Texas 75057

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**Monday, December 3, 2018**

**6:30 PM**

**Council Chambers**

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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. [Overview of Establishment of TIRZ Related to Castle Hills Annexation](#)
- B. [Discussion on Updates to the Economic Development Incentive Policy](#)
- C. [Discussion of Regular Agenda Items and Consent Agenda Items](#)

### **Regular Session - 7:00 P.M.**

- A. **Invocation: Councilman Gilmore**
- B. **Pledge to the American and Texas Flags: Councilman Ferguson**
- C. **Public Hearings**
  - 1. [Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Planned Development - Estate Townhouse District \(PD-ETH\) to Planned Development - Estate Townhouse District \(PD-ETH\) with an Amended Concept Plan, an Amended Landscape and Fence Plan Illustration, Amended Development Standards and Three Associated Variances Regarding Screening and Tree Mitigation; on Approximately 5.371 Acres Legally Described as Lot 1, Block A and Lots 2 and 3, Block B, Boyd Addition, Located on the North And South Sides of McCartt Drive, Approximately 260 Feet West of State Highway 121 Business. The Request is Being Made by Noah Flabiano, Skorburg Company, on Behalf of Charis Partners, Ltd. the Property Owner. \(Case No. PZ-2018-08-09\)](#)

**ADMINISTRATIVE COMMENTS:**

The Park Central Terraces planned development and its two associated variances were originally approved by City Council on September 10, 2018. After the PD was approved, the applicant discovered a private agreement that required a regional detention pond on the PD's subject property. The following three PD amendments are requested to comply with the private drainage agreement: 1) to swap the location of the visitor parking lot and open space lot across McCartt Drive; 2) to expand the open space lot to allow detention by reducing the number of developable lots by one; and 3) to allow detention in the open space buffers on the north and south ends of the development. Three variances are requested: a) to maintain the existing wood fence and vegetation in lieu of the required screening wall on the southern boundary of the development adjacent to the multi-family zoned property, b) to allow a tubular steel fence with masonry columns in lieu of the required screening wall along the western boundary of the development adjacent to the multi-family zoned property, and c) to waive the requirement of tree mitigation in a private drainage easement. The Planning and Zoning Commission recommended unanimous approval (7-0) of the amended planned development at their November 6, 2018 meeting.

**RECOMMENDATION:**

That the City Council approve the ordinance and three associated variances as set forth in the caption above.

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, Planning Director

Noah Flabiano, Applicant

2. [Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Single Family Residential \(R-7.5\) to Old Town Mixed Use Two District \(OTMU-2\); on Approximately 0.304 Acres, out of the J.W. King Survey, Abstract 696 and Located on the Northeast Corner of Elm Street and Milton Street at 235 Elm Street as Requested by Douglas L. Arthur, the Property Owner. \(Case No. PZ-2018-11-14\).](#)

**ADMINISTRATIVE COMMENTS:**

The subject property is one block south of West Main Street and previously contained a single-family residence. Several accessory buildings remain on the

property. The surrounding properties are townhomes, a church, offices, and single family homes. The applicant intends to build an office building, possibly with residential above the office component. The first step to develop the property is zoning it Old Town Mixed Use Two District (OTMU-2) as indicated in the Old Town Master Plan adopted in 2003. The Planning and Zoning Commission recommended unanimous approval (7-0) on November 6, 2018.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, Director of Planning

3. [Public Hearing: Consideration of Designating a Non-Contiguous Geographic Area of Approximately 708 Acres of Land That is Part of the City's Extraterritorial Jurisdiction \(ETJ\) Known as the Castle Hills Development, District 1-G & 1-H, as Tax Increment Reinvestment Zone, Number Three, for Tax Increment Financing Purposes, Pursuant to Chapter 311 of the Texas Tax Code.](#)

**ADMINISTRATIVE COMMENTS:**

A tax increment reinvestment zone (TIRZ) is a financing tool enabled by the Texas Legislature with the adoption of Chapter 311 of the Texas Tax Code to assist cities in developing or redeveloping certain areas. Prior to creation of a TIRZ, the statute requires preparation of a Preliminary Project Plan and Reinvestment Zone Financing Plan and for the City to hold a public hearing and receive comments on the creation of the Zone. The City of Lewisville TIRZ #3 is proposed to finance infrastructure improvements necessary to catalyze residential and commercial development within the Zone as well as provide funds to service outstanding debt of PID5 and PID6, which provided funding for public improvements on the land within the boundaries of the Zone. After annexation, the Plan anticipates the City will participate in the district at 100% of the property tax on the new increment. The City will also contribute 100% of the base property tax until infrastructure improvements are reimbursed fully to the developer. It is anticipated that Denton County will participate in the TIRZ at 80% of the property tax on the new increment beginning their next budget year. The developer is proposing to front the costs of building the infrastructure and receive reimbursement when tax increment revenue is generated by the project.

**RECOMMENDATION:**

That the City Council conduct the public hearing and receive input on the creation of Tax Increment Reinvestment Zone, Number Three, for the City of Lewisville.

**D. 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.*

**E. 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.*

4. [APPROVAL OF MINUTES: City Council Minutes of the November 19, 2018, Workshop Session and Regular Session.](#)

**F. Regular Hearings**

5. [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. City Council held this item under advisement on November 5th and November 19th. The applicant has requested that this item be continued to the January 7, 2019 City Council meeting.

**RECOMMENDATION:**

That the City Council continue the item to the January 7, 2019 City Council meeting.

**AVAILABLE FOR QUESTIONS:**

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

6. [Consideration of a Variance Request to the Lewisville City Code, Chapter 6, Article IX, Section 6-181\(b\), Exterior Finish Requirements, Regarding the Exterior Finish on a Proposed new Single Family Detached Residence Located at 343 West College Street; as Requested by Bill Peck on Behalf of Kent Ellis, Jr., the Property Owner.](#)

**ADMINISTRATIVE COMMENTS:**

The property owner plans to build a craftsman-style home on the north side of West College Street that matches the aesthetics of the existing neighborhood and reflects the design requirements in the Old Town Design District, which applies to the south side of West College Street. A design overlay to support consistent design on the north and south side of West College Street was recommended by the Old Town North Small Area Plan, but has not yet been adopted. The current standards require 80% brick veneer with no single wall elevation consisting of less than 60% brick veneer. The applicant is requesting to allow 100% cementitious fiber siding in lieu of the required 80% brick veneer to compliment the surrounding properties and fully express the craftsman-style.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, Planning Director

7. [Consideration of an Ordinance Designating a Non-Contiguous Geographic Area Within the Extra-Territorial Jurisdiction of the City of Lewisville as Reinvestment Zone Number Three, City of Lewisville, Texas, for Tax Increment Financing Purposes Pursuant to Chapter 311 of the Texas Tax Code; Creating a Board of Directors for Such Zone; Containing Findings and Provisions Related to the Foregoing Subject; Providing For Severability and an Effective Date; and Declaring an Emergency.](#)

**ADMINISTRATIVE COMMENTS:**

A tax increment reinvestment zone (TIRZ) is a financing tool enabled by the Texas Legislature with the adoption of Chapter 311 of the Texas Tax Code to assist cities in developing or redeveloping certain areas. Prior to creation of a TIRZ, the statute requires preparation of a Preliminary Project Plan and Reinvestment Zone Financing Plan and for the City to hold a public hearing and receive comments on the creation of the Zone. A public hearing to receive input was held earlier this evening. The City of Lewisville TIRZ #3 is proposed to finance infrastructure improvements necessary to catalyze residential and commercial development within the Zone as well as provide funds to service outstanding debt of PID 5 & 6, which provided funding for public improvements on the land within the boundaries of the Zone. After annexation, the Plan anticipates the City will participate in the district at 100% of the property tax on the new increment. The City will also contribute 100% of the base property tax until infrastructure improvements are reimbursed fully to the developer. It is anticipated that Denton County will participate in the TIRZ at 80% of the property tax on the new increment beginning their next budget year. The developer is proposing to front the costs of building the infrastructure and receive reimbursement when tax increment revenue is generated by the project.

**RECOMMENDATION:**

That the City Council consider the information received and approve the ordinance as set forth in the caption above.

8. [Consideration of Appointment of the Board of Directors of the Tax Increment Reinvestment Zone, Number Three, and Appointment of a Chairperson.](#)

**ADMINISTRATIVE COMMENTS:**

At this Council meeting, City Council approved an ordinance creating Tax Increment Reinvestment Zone, Number Three, for the City of Lewisville pursuant to Chapter 311 of the Texas Tax Code and created a Board of Directors for this Zone. The Board of Directors will have seven members, with Positions One through Five to be appointed by the City Council and Place 6 and 7 to be appointed by Denton County. The Board will be responsible for approving a final project and financing plan, budget, and other documents that it deems necessary.

**RECOMMENDATION:**

That the City Council appoint Tax Increment Reinvestment Zone, Number Three, Board members to Positions One through Five, and appoint a Chairperson.

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

**H. 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.*

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

**J. 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.

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City Secretary