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PZ:		CC:
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SPECIAL USE PERMIT (SUP) APPLICATION

Owner/s (name): Hawkeye Realty Schreiber, LP	
Company Name:	
Mailing Address: 5500 Preston Road, Suite 5500, Dallas, Texas 75205	
Work #:	Cell #:
E-Mail:	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization):	Date:
Printed Name: See enclosed Letter of Authorization	

Applicant/Agent (name): Andrew Malzer, RaceTrac Petroleum, Inc.	
Company Name: c/o Brad Williams, Winstead PC	
Mailing Address: 200 Galleria Parkway SE, Suite 900, Atlanta, GA 30339	
Work #: 706.288.7672	Cell #: 214.745.5264
E-Mail: amalzer@racetrac.com; bwilliams@winstead.com	
Applicant/Agent Signature	Date: 5/17/2018
Printed Name: Brad Williams	

Current Zoning: AO	Requested Zoning: LI	Acres: 2.026
Legal Description (Lot/ Block/Tract/Abstract): See attached metes and bounds description.		
Address/Location: Northeast corner of 121B & W. Vista Ridge Mall		

Application and Sign Fees:

	Less than 1/2 acre	\$ 150.00
X	1/2 acre up to 4.99 acres	\$ 250.00
	5 acres up to 24.99 acres	\$ 400.00

	25 acres up to 49.99 acres	\$ 750.00
	50 acres up to 99.99 acres	\$1,000.00
	100 acres and more	\$1,500.00

Qty: 1	SUP Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ 35.00
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ 285.00
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Fully describe the plans for the property

See attached Winstead letter.

Items must be staff approved and deemed complete before they will be placed on an agenda.

500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201

bwilliams@winstead.com

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

214.745.5264 DIRECT

June 22, 2018

Richard Luedke
Planning Director
City of Lewisville
151 W. Church Street
Lewisville, Texas 75057

Re: Permanent zoning and SUP request for gasoline service station

Mr. Luedke:

This application ("Application") by RaceTrac Petroleum, Inc. ("Applicant") on behalf of and with authorization from Hawkeye Realty Schreiber LP ("Owner"), is for an SUP for a Gasoline Service Station on approximately 2.026 acres located at the northeast corner of Business 121 and W. Vista Ridge Mall Drive (the "Property"). Because the Property is still zoned Agricultural Open Space (AO), the Application also requests a permanent zoning classification of Light Industrial (LI). Pursuant to the Application, Applicant intends to develop the Property with a gasoline service station consisting of multiple fuel dispensers and an approximately 5,500 square foot, quality convenience store (the "Project").

The Property is an undeveloped, triangular corner lot with 121B frontage. The Property is generally surrounded by undeveloped land. With the exception of the property to the south and across Vista Ridge Mall (which is zoned AO), the Property is surrounded by LI zoning. In accordance with section 17-34(f), City Code, the existing AO zoning of the Property is temporary, and permanent zoning must be obtained prior to the approval of a plat for the Property. The present request for LI zoning will provide continuity of zoning by expanding the surrounding LI district. In addition, LI zoning is consistent with the Lewisville 2025 plan, which locates this Property within the Employment Center land-use category.

The requested SUP satisfies the standard of approval identified in section 17-29.5, City Code. The immediately adjacent properties are either undeveloped or roadway uses, including 121B, which is a major thoroughfare. More broadly, land to the north, west, and east is

industrial and office in nature. Approximately 700 feet to the east are residential uses. As stated above, the proposed zoning and use is consistent with the 2025 plan. The SUP will also promote the convenience and welfare of the area by (1) making efficient and productive use of undeveloped land, and (2) providing a valuable and necessary service to the existing residents, employees, and travelers in the area, as well as future workforce members likely to populate the area as the remaining vacant land is developed. The proposed use is not envisioned to cause any detriment to the public health, safety, or welfare. Finally, Applicant understands this request conforms in all other respects to the existing zoning regulations and standards. As such, the Application satisfies the adopted approval criteria and should be approved.

Please note that, pursuant to Chapter 245, Texas Local Government Code, this Application must be reviewed, considered, and approved based only on the rules, regulations, plans, and ordinances in effect at the time the City received fair notice of the Project. In addition, the acceptance, processing, and consideration of the Application may not be refused or delayed in the absence of strict compliance to the procedural requirements established in Chapter 212, Texas Local Government Code. As a result, the Southwest Lewisville Small Area Plan (the "SAP") does *not* apply to this Application or Project, and this Application may not be delayed in anticipation of the formal adoption of the SAP.

In any event, the Project conforms to the intent and spirit of the February 2018 draft SAP. The SAP locates the Property in the employment mix land use classification, which includes retail uses as a desired land use. SAP at 29, 34. In addition, the SAP acknowledges that vacant parcels along Vista Ridge Mall, such as the Property, "would experience infill with commercial or business development...to support corporate workers and area residents." SAP at 33. As a retail use that would provide an essential service to area workers and residents, the proposed gasoline service station fulfills this expectation of the SAP. Moreover, by creating between 20 and 25 attainable jobs, the Project will "continue to expand the employment opportunities in this area." SAP at 13. By incorporating native species of trees and shrubs that are well-adapted to the area's expansive soils, and at a density that exceeds minimum code standards, the Project's landscape plan enhances existing natural assets of the area. SAP at 17.

Because the "vehicular transportation network is one of the study area's greatest assets...the area is primed for growth as the region continues to attract new residents and businesses." SAP at 20. Located at the hard corner of two major thoroughfares of this valuable transportation network (121B and Vista Ridge Mall), a gasoline service station is a natural and beneficial use for the Property to serve the existing and projected vehicle traffic for the area, which will continue to promote the utility and viability of this transportation network. SAP at 20. In addition, the Project's proposed 6-foot sidewalks along Vista Ridge Mall will bring the

area one step closer to completing what is otherwise an incomplete pedestrian network. SAP at 20-21. Although “the most beloved feature of the [Vista Ridge Mall] corridor is...the dense trees growing along both sides of the corridor,” this Property is essentially bare. SAP at 40. The Project promotes this aspect of the corridor through the planting of at least 9 new trees along Vista Ridge Mall, as well as 6 new trees along 121B. Finally, recognizing that the SAP identifies the intersection of 121B and Vista Ridge Mall as a major gateway, the Applicant is willing to discuss how to assist the City in achieving that vision.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Williams", with a stylized flourish at the end.

Brad R. Williams
Attorney

CC: Tommy Mann, of the Firm

Re: Development of Property Located at NEC of Bus 121 & Vista Ridge, Lewisville, TX (the "Property")

Dear Sir/Madam:

The undersigned ("Owner") is the owner of the Property and has entered into a Real Estate Purchase Contract to sell the Property to Del Lago Ventures, Inc. ("Del Lago") By executing this letter, Owner hereby authorizes Del Lago (and its affiliates, including, without limitation, Andalusia Properties, Inc. and Racetrac Petroleum, Inc. (collectively, "Purchaser")) to execute, on behalf of Owner, such applications, documents and requests desired by Purchaser to pursue all necessary permits, variances, and approvals necessary to develop the Property for Purchaser's intended purpose.

Please do not hesitate to contact the undersigned if you have any questions. Thank you for your assistance in this matter.

Sincerely,

Hawkeye Realty Schreiber, L.P.

By: Dalton Management, L.C., General Partner

By: Robert B. Payne
Robert B. Payne, Member

Payne-Johnston Management, Inc.

By: Robert B. Payne, Jr.
Robert B. Payne, Jr., President

Robert B. Payne, Jr.
Robert B. Payne, Jr.,
Agent and Attorney-in-Fact for
The Payne Family Partnership, Ltd. and
Ghost Pine Limited Partnership

PFW:cap