

MEMORANDUM

TO: Donna Baron, City Manager

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

VIA: Claire Swann, Assistant City Manager

DATE: October 15, 2018

Subject: **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.**

BACKGROUND

In Old Town, developers are required to submit an Old Town Development Plan rather than an engineering site plan. An Old Town Development Plan provides greater flexibilities for developers as compared with an engineering site plan, but it still requires developers to identify items such as easements, utility locations and necessary public improvements. Section 9.5-54(a) of the Lewisville City Code requires that an Old Town Development Plan be approved for new construction. Section 9.5-57 also states that a building permit shall not be issued prior to the approval of an Old Town Development Plan.

ANALYSIS

Although 109 W. Main was appropriately zoned, platted, and received a letter for design approval from the Old Town Design Review Committee, the Old Town Development Plan had not yet been submitted to the City when the building permit was issued. The error was only discovered after the building was under construction. The Old Town Development Plan has since been submitted to the City and is under review.

Staff recommends granting a variance to allow the Old Town Development Plan for 109 W. Main Street to be submitted after building permit issuance. This would allow construction to continue. A final certificate of occupancy would not be issued, however, until the Old Town Development Plan is submitted and approved by the City.

RECOMMENDATION

It is city staff's recommendation that the City Council approve the variance as set forth in the caption above.