

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 170 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 170 W. Main has been appropriately zoned, platted, and received a letter for design approval from the Old Town Design Review Committee, the Old Town Development Plan was never submitted to the City. Unfortunately, staff missed this fact and a building permit was issued. The error was only discovered after the building was under construction. Although an Old Town Development Plan will still be required, it is better for the continued construction of 170 W. Main and the development of the adjacent 151 Elm Street to allow the Old Town Development Plan for both lots to be submitted simultaneously. The proposed variance would provide that flexibility.

Staff recommends granting a variance to allow the Old Town Development Plan for 170 W. Main to be submitted simultaneously with the Old Town Development Plan for 151 Elm Street, an adjacent lot that the developer plans to develop as parking to serve the tenants at 170 W. Main Street. Because many of the off-site easements will likely have to cross the property at 151 Elm Street and because the two properties will serve one another, it makes sense to have the developer submit the plans together so that infrastructure and access is coordinated between the two parcels. Specifically, access to the parking spaces on 170 W. Main will be addressed in the Old Town Development Plan for both properties, but in the interim, we can address the required access by placing condition on the proposed variance.

Staff recommends approval of this variance be conditioned on: (1) the owner, until approval of the Old Town Development Plan, maintaining 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) the Old Town Development Plan for 170 W. Main be submitted no later than six months from the date of this variance with or as part of the Old Town Development Plan for 151 Elm Street.

RECOMMENDATION

That the City Council approve the variance as set forth in the caption above with the following conditions: (1) the owner, until approval of their 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 with or as part of the Old Town Development Plan for 151 Elm Street.