ORDINANCE NO. <u>0620-23-ZON</u>

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY REZONING APPROXIMATELY 17.5827-ACRES OF LAND, LEGALLY DESCRIBED AS LOTS 2A AND 2B, BLOCK A; LOCATED AT 701 EAST MAIN STREET; FROM HEAVY INDUSTRIAL (HI) DISTRICT ZONING TO PLANNED DEVELOPMENT MIXED USE (PD-MU) DISTRICT ZONING; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; DETERMINING THAT THE ZONING AMENDMENT HEREIN MADE PROMOTES THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITY; PROVIDING FOR A REPEALER, SEVERABILITY, A PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made to amend the Official Zoning Map of Lewisville, Texas by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by state statutes and the Zoning Ordinance of the City of Lewisville, Texas, said Planning and Zoning Commission has recommended that the rezoning of the approximately 17.5827-acre property described in the attached Exhibit "A" (the "Property"), be approved, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Lewisville, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and,

WHEREAS, the City Council of the City of Lewisville, Texas, at a public hearing called by the City Council of the City of Lewisville, Texas, did consider the following factors in making a determination as to whether this requested change should be granted or denied: the sufficiency of space provided in appropriate areas for a variety of uses and open space; securing safety from fire, flood, panic and other natural and numan-initiated disasters; promotes health and the general welfare;

provision of adequate light, air and open spaces; promotion of a desirable visual environment; the establishment of appropriate population densities and concentrations; the appropriate sensible and effective expenditure of public funds; the conservation of open space and valuable natural resources and prevention of urban sprawl and degradation of the environment through improper use of land; the promotion of free flow of traffic and prevention of congestion or blight; the efficiency of the land development process; and the protection and preservation of areas of environmental, historical, cultural, and architectural significance within the city and,

WHEREAS, the City Council further considered among other things the character of the district and its peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this City; and,

WHEREAS, the City Council of the City of Lewisville, Texas, does find that there is a public necessity for the zoning change, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of adjacent property owners; and,

WHEREAS, the City Council of the City of Lewisville, Texas, does find that the change in zoning promotes the health, safety, morals and general welfare of the City by providing sufficient space in appropriate areas; securing safety from fire, flood, panic and other natural and human-initiated dangers; providing adequate light, air and open spaces; promoting a desirable visual environment; promoting the establishment of appropriate population densities and concentrations; encouraging the appropriate and efficient expenditure of public funds; promoting the conservation of open space and valuable natural resources and preventing urban sprawl and degradation of the environment; encouraging the location and design of transportation to promote the free flow of traffic

and prevent congestion and blight; encouraging more effective land development; and protecting and preserving areas of environmental, historical, cultural and architectural significance within the City; and,

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that there is a necessity and need for this change in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the Property since it was originally classified and, therefore, feels that a change in zoning classification for the Property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Lewisville, Texas, and helps promote the general health, safety, and welfare of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. The Zoning Ordinance of the City of Lewisville, Texas, be, and the same is hereby amended and changed in that the zoning of the Property is hereby changed to PLANNED DEVELOPMENT MIXED USE (PD-MU) DISTRICT ZONING and in compliance with the Planned Development Standards and Zoning Plan attached hereto as Exhibit "B" and subject to the following conditions:

 All units within the planned development shall be under one ownership and must be managed by on-site staff available during regular business hours and within one hour after hours;

- 2. All units within the planned development shall have access to all amenities within the planned development, including but not limited to all swimming pools, clubhouses, dog parks, and open spaces for each respective phase; and
- 3. The cottage units shall consist of varying architectural details and colors.

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SECTION 2. The Planning Director, or designee, is hereby directed to correct the Official Zoning Map of the City of Lewisville, Texas, to reflect this change in zoning.

SECTION 3. In all other respects the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Lewisville Zoning Ordinance and all other applicable and pertinent ordinances of the City of Lewisville, Texas.

SECTION 4. The zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future in order to provide sufficient space in appropriate areas; to secure safety from fire, panic, flood and other natural and human-initiated dangers; to provide adequate light, air and open spaces; to promote a desirable visual environment; to promote the establishment of appropriate population densities and concentrations; to encourage the appropriate and efficient expenditure of public funds; to encourage the location and design of transportation to promote the free flow of traffic and discourage congestion and blight; to encourage more effective land development, and to protect and preserve areas of environmental, historical, cultural, and architectural significance within the City.

SECTION 5. This Ordinance shall be cumulative of all other ordinances of the City of Lewisville, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances, except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this Ordinance.

SECTION 6. The terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the Property shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

SECTION 7. Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each day a violation continues shall constitute a separate offense.

SECTION 8. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 9. The fact that the present Zoning Ordinance and regulations of the City of Lewisville, Texas are inadequate to properly safeguard the health, safety, peace and general welfare of the inhabitants of the City of Lewisville, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this Ordinance shall become effective from and after the date of its passage and approval and publication, as the law in such cases provides, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 6, ON THIS THE 20TH DAY OF NOVEMBER, 2023.

OF LEWISON

APPROVED:

TJ Gilmore, MAYOR

ATTEST

Thomas Harris III, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Attachment to Ordinance No. 0620-23-ZON Exhibit "A" 1 of 1

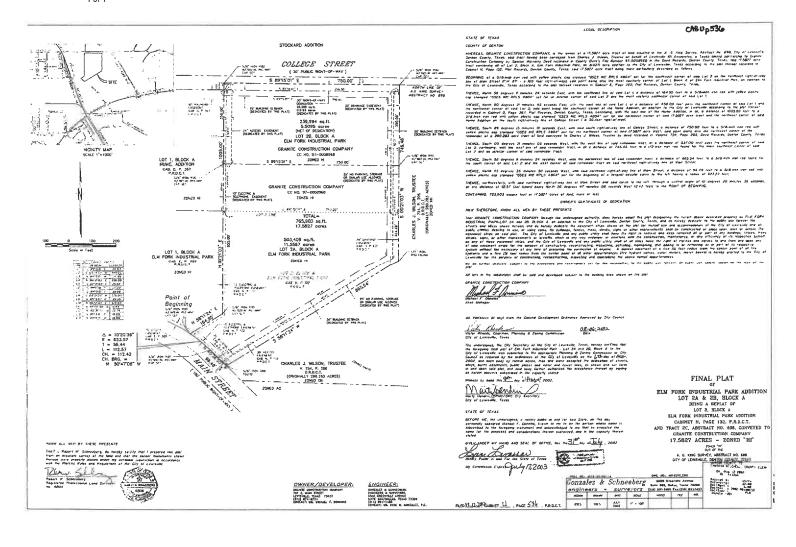


Exhibit B
Planned Development Standards
Zoning Plan

Narrative

CURRENT ZONING: The site is current zoned "HI- Heavy Industrial".

BASED ZONING DISTRICT REQUESTED: We are requesting a "PD- Planned Development" with a "MU- Mixed Use" base district.

VARIANCES:

After several productive meeting with City Staff over the past several months, the site plan attached was developed. We are requesting the following variances.

	Required	Requested
Carport	Not Allowed	Allowed
Dwelling, Two-Family (Duplex)	Not Allowed	Allowed
Definition of Multifamily use	The floor area of any multifamily dwelling unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of 650 square feet of livable floor space.	The floor area of any multifamily dwelling unit shall contain a minimum of 500 square feet of livable floor space.
Parking Section VII.3.7	Off-street parking not allowed between principal building and public or private street.	Off-street parking is allowed between principal building and public or private street.
Parking Section VIII.1.2 C	Parking surface in front yard of duplex shall be limited to 27 feet in width	Parking shall not be limited in front of duplex
Parking Requirements	Meet Unified Development Code Per Site Plan	
Parking Requirements	45 degree stall depth (19'-1")	45 degree stall depth (16'-0")
Landscaping Requirements	Meet Unified Development Code	Per site Plan

PHASING:

There will be two phases. Phase I will includes Area A and Area B. There will be a total of 257 units Phase I and a total of 348 units in Phase II.

Attachment to Ordinance No. 0620-23-ZON Exhibit "B" 2 of 20

STATEMENT OF PURPOSE:

Ojala Partners, in partnership with the City of Lewisville Public Facilities Corporation (LPFC), is excited to bring a vibrant new development to the eastern portion of Old Town Lewisville. This development will feature a variety of product types that are geared to residents at all stages of life including single-family cottages, townhomes with attached garages, townhomes with surface parking, and traditional multifamily dwelling units in both 3 and 4-story buildings. This will be a transit-oriented development in a walkable urban grid form, with easy access to the DCTA Old Town Station and the main strip of Old Town. This development will be a catalyst for a massive wave of redevelopment that is ready to occur in the Eastern Old Town area.

THE STANDARD AT OLD TOWN DEVELOPMENT STANDARDS

I. PROJECT LOCATION

The Standard at Old Town project consists of 17.58 acres of land located on Main Street in Lewisville, TX, and more generally described in Exhibit A.

II. PURPOSE AND INTENT

- A. <u>Purpose:</u> The purpose of the district is to create a Planned Development District compromised of, but not limited to, cottages, townhomes, and traditional multi-family dwelling units.
 - 1. The purpose of this district is:
 - a. To provide development and land use flexibility within the framework of a Planned Development District.
 - 2. The intent of this district is:
 - a. To create a rental community with a variety of rental unit types and price points and a walkable urban street design that provides a connection to Old Town Station and is compatible with the Old Town Transit Oriented Development Master Plan and Updates.
 - 3. The Development and Design Standards herein shall apply to the entire Standard at Old Town development unless indicated otherwise.
 - 4. The Standard at Old Town may be developed in two phases.
 - 5. The total number of dwelling units shall not exceed six-hundred and fifty (650) units.
 - 6. The percentage of Low-Density units shall not be required to exceed 30% of the total units on the site.
- **B.** <u>Applicability:</u> These standards shall apply to all development within the Standard at Old Town boundaries as defined in Exhibit A.
- C. <u>Zoning Ordinance</u>: All references herein to the City of Lewisville Zoning Ordinance shall be to the City of Lewisville Zoning Ordinance in effect on September 15, 2023.

Attachment to Ordinance No. 0620-23-ZON Exhibit "B" 4 of 20

III. DEFINITIONS

The definitions as listed in the "MU" Mixed-Use District regulations shall apply to the Standard at Old Town development in addition to the definitions provided below:

- A. Low-Density units- A Low-Density unit is defined as single-story cottage or townhome. In Area B, a townhome may have another unit above it and still be considered a low-density unit
- B. Single-story cottage- a residential unit that is one story and similar to a single-family home with a fenced back yard design to be rented and not on its own platted lot.
- C. Townhomes- The townhomes shall consist of a unit that compromises the first and second floors

IV. DEVELOPMENT REGULATIONS

The Standard at Old Town development will include three districts as shown in Exhibit C. The base zoning for this PD shall be "MU" Mixed-Use.

A. AREA A- Cottage and Townhome Requirements:

1. <u>Purpose:</u> The purpose of this area is to provide a missing rental type, more similar to a single-family home, to this area. Both the Cottages and Townhomes in this area will have ground floor entry and a fenced in front or back yard.

2. Permitted Uses:

- a. This area shall allow for a minimum of 70 multifamily units (single-family detached or attached townhomes).
- b. Cottage style detached dwelling units
- c. Townhomes
- d. Amenity Center- There shall be a detached amenity center that will be a minimum of 5,000 gross square feet and a minimum 500 square feet of commercial space. The commercial component can be attached to the amenity center.
- e. Commercial space- May be any non-residential use allowed in the MU district, as amended, subject to the same requirements for Special Use Permits or Use Specific Standards, and open to the public.
- 3. <u>Height Regulations:</u> No building shall exceed 25-feet in height and one story for cottages and 35-feet in height and two stories for townhomes

Attachment to Ordinance No. 0620-23-ZON Exhibit "B" 5 of 20

4. <u>Area Regulations:</u> The following minimum standards shall be required as measured from the property line.

Minimum Dwelling Unit: The minimum dwelling unit size shall be 700

square feet.

Lot Coverage: None

Front Yard:

0', except along a public street minimum 5'
Garage Setback:

Garages are not permitted to face a public street. Along a private street they must be

setback 4'

Rear Yard: 0' except along a public street minimum 5' Side Yard: 0' except along a public street minimum 5'

5. Parking Requirements

- a. The off-street parking ratio for the Cottage and Townhome Area use shall be minimum 1.4 parking stalls per unit
- b. No off-street parking is required for the amenity space.
- c. Townhomes shall have a minimum of 1 garage space each, except that townhomes on the ends of the building row shall have a minimum of 2 garage spaces each.
- 6. Architectural Requirements: All building shall comply with the elevations provided in Exhibits F, G, and J Elevations.
 - a. Townhomes units will require a minimum of 20% of outward facing façade consisting of brick or stone. The remainder may be wood, cement board or stucco.
 - b. Cottages may be 100 percent cement board siding.

B. AREA B- Three Story Requirements:

1. <u>Purpose:</u> The purpose of this area is to provide a missing rental type in this area.

2. Permitted Uses:

a. Multi-family dwelling unit- This area shall allow for a minimum of 180 multifamily units (single-level dwelling units or townhomes) Townhomes in this area will have ground floor entry and may have a fenced in front yard

Attachment to Ordinance No. 0620-23-ZON Exhibit "B" 6 of 20

3. <u>Height Regulations:</u> No building shall exceed 50-feet in height and three stories.

4. <u>Area Regulations:</u> The following minimum standards shall be required as measured from the property line.

Minimum Dwelling Unit: The minimum dwelling unit size shall be 600

square feet for single-level dwelling units and

700 square feet for townhomes.

Lot Coverage: None

Front Yard: 0' except along a public street minimum 5' Garage Setback: Garages are not permitted to face a public

street. Along a private street they must be

setback 4'

Rear Yard: 0' except along a public street minimum 5' Side Yard: 0' except along public streets minimum 5'

5. Parking Requirements

- a. The off-street parking ratio for the Three-Story Area use shall be 1 parking stalls per unit.
- b. Detached parking garages shall be allowed, but cannot face public streets.
- 6. Architectural Requirements: All building shall comply with the elevations provide in Exhibit K Elevations. In addition, all buildings within the Three Story Area-B shall comply with the following standards:
 - a. A minimum of 20% of outward facing façade shall consist of brick or stone. The remainder may be cement-board, stucco or wood.

C. AREA C- Four/ Five Story Requirements:

1. <u>Purpose:</u> This area is to provide a high-density residential option.

2. Permitted Uses:

- a. Multi-family dwelling unit- this area shall allow for a maximum of 360 multi-family dwelling units.
- 3. <u>Height Regulations:</u> No building shall exceed 80-feet in height or 5 stories in height.

Attachment to Ordinance No. 0620-23-ZON Exhibit "B" 7 of 20

4. <u>Area Regulations:</u> The following minimum standards shall be required as measured from the property line.

Minimum Dwelling Unit: The minimum dwelling unit size shall be 600

square feet.

Lot Coverage: None Front Yard: 5' Garage Setback: 0'

Rear Yard: 0' except along a public street minimum 5' Side Yard: 0' except along a public street minimum 5'

5. Parking Requirements

- a. The off-street parking ratio for the Four or Five-Story Area use shall be 1.5 parking stalls per unit.
- b. All off-street private parking will be located in a parking garage.
- 6. Architectural Requirements: All building shall comply with the elevations provide in Exhibit L Elevations. In addition all buildings withing the Four Story Area-C shall comply with the following standards:
 - a. A minimum of 20% of outward facing façade shall consist of brick or stone.
 - b. Any exposed portion of parking garage shall have a mural or other architectural buffer (screening) along the College Street elevation.

V. <u>DEVELOPMENT AND DESIGN STANDARDS</u>

A. Streets:

1. The development shall be served by six street types that have been designed to best serve the development. The cross sections shall be as shown in Exhibit E. The alignment of streets will follow the zoning plan.

The City Engineer shall have the discretionary authority to consider and approve exceptions to the Street Design Standards, limited to grade and centerline curvature, based on compelling evidence of hardship on a case-by-case basis. All other exceptions to the Street Design Standards shall be approved by the City Council.

Attachment to Ordinance No. 0620-23-ZON Exhibit "B" 8 of 20

- 2. All public streets will be owned and maintained by the City of Lewisville.
- 3. All public streets, excluding College Street and Main Street, will contain either parallel, angled or reverse angled on-street parking as shown in the zoning plan.
- 4. All private streets will be owned and maintained by the Property Owner.
- 5. Street lighting shall comply with the standards used in Old Town and be publicly maintained.
- B. <u>Screening, Gates and Fences:</u> All fencing within the Standard at Old Town shall comply with Chapter 4, Article X of the City of Lewisville Code of Ordinances and the standards below:
 - 1. Screening shall be required as shown in Exhibit D.
 - a. Area A
 - i. Cottage units may have a 6-foot-tall wooden fence around each backyard as shown in Exhibit B.
 - ii. The townhomes may have a 4-foot-tall decorative front-yard fence.

b. Area B

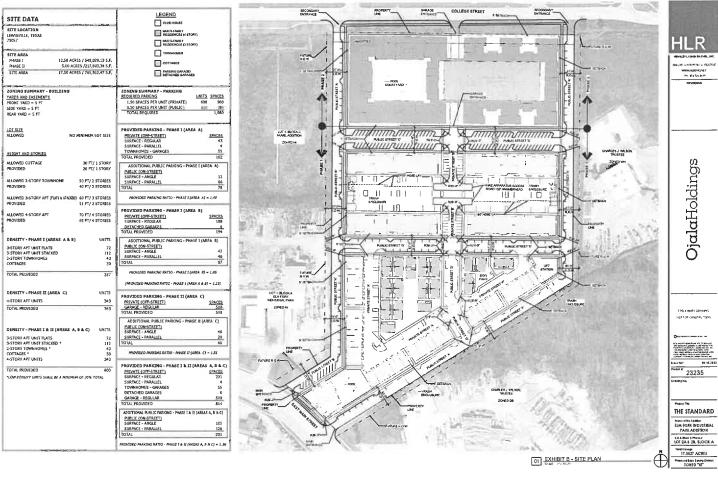
- i. There may be a 4-foot-tall decorative front-yard fence at all townhomes.
- ii. There may be a 6-foot tall fence installed between public streets and private property to screen parking lots. The shrubs required in Section C below shall be planted between the fence and the street.
- iii. There may be a gate that separates public from private parking in Area B.
- 2. The Property Owner (HOA) shall be responsible for the maintenance of all required screening devices and fencing on privately owned property (not within the ROW).
- C. <u>Landscape and Open Space Standards</u>: All development within the Standard at Old Town shall comply with the City of Lewisville's Landscaping Ordinance and shall comply with Exhibit D with the following requirements:
 - 1. There shall be a minimum of one 2.5" shade tree planted every 40-feet along a public ROW.
 - 2. The amenity center, public amenity spaces, and pocket parks shall be provided and include landscaping and trees as shown in Exhibit D.

- a. Provide (1) 2.5" caliper canopy tree per 600sf of public open space. The public open spaces include: amenity center, (3) pocket parks and a dog park. Additionally, (2) ornamental trees can be substituted for (1) 2.5" canopy tree to encourage tree diversity
- 3. There shall be screening of the detached garage, receptacles and parking lot located in Area B by a row of evergreen shrubs that shall be a minimum of 4' high at planting.
- 4. All landscaping within the dedicated public ROW will be maintained by the adjacent property owner.

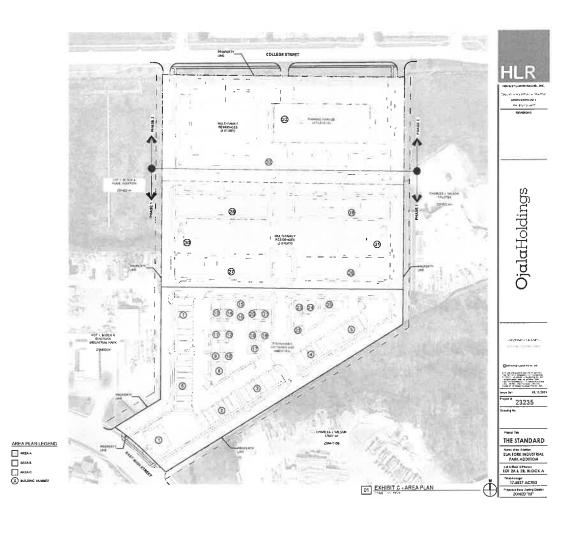
VI. AMENITIES

- A. <u>Community Amenities:</u> The Standard at Old Town will provide community amenities. All amenities will for the use of the residents and not open to the public. Community amenities may include the following:
 - 1. Dog park- One dog park that is a minimum of 1,000 sf.
 - 2. Sports Court- One sports court that is a minimum of 800 sf
 - 3. Pocket park- One pocket park located in Area A that is a minimum of 3,000 sf. It will contain two benches, landscaped areas, and a multi-functional lawn.
 - 4. Swimming pool- resort style swimming pool with outdoor grilling areas.

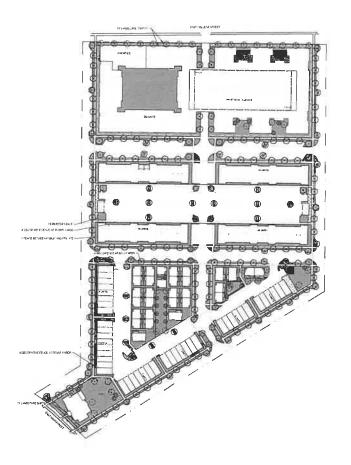
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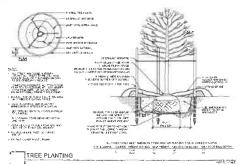


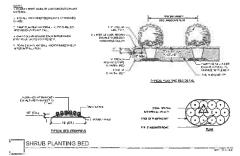
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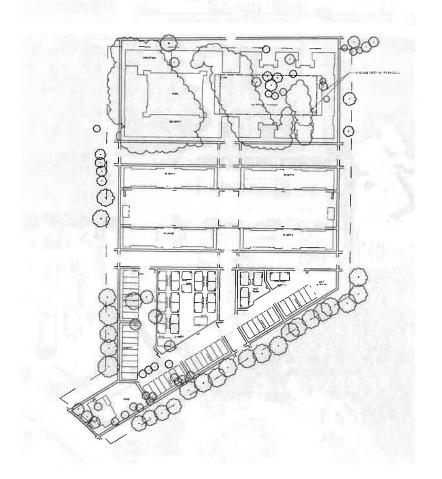
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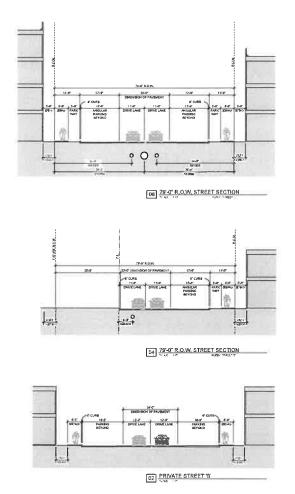
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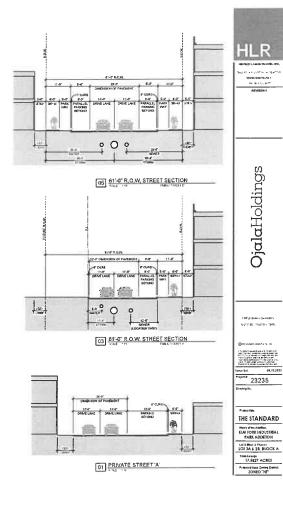


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