

ORDINANCE NO. 4153-02-2015 (Z)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS BY REZONING AN APPROXIMATELY 0.959 ACRE TRACT OF LAND LOCATED AT THE NORTH SIDE OF BENNETT LANE, APPROXIMATELY 525 FEET EAST OF YATES STREET FROM AGRICULTURE OPEN SPACE (AO) DISTRICT ZONING TO LIGHT INDUSTRIAL (LI) DISTRICT ZONING; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS AND GENERAL WELFARE DEMAND THIS ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING A PENALTY; 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 Ordinances of the City of Lewisville, Texas, said Planning and Zoning Commission has recommended that rezoning of the approximately 0.959 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: effect on the congestion of the streets; the fire hazards, panics and other dangers possibly present in the securing

of safety from same; the effect on the promotion of health and the general welfare; effect on adequate light and air; the effect on the overcrowding of the land; the effect of the concentration on population; the effect on the transportation, water, sewerage, schools, parks and other public facilities; 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 lessens the congestion in the streets; helps secure safety from fire, panic and other dangers; promotes health and the general welfare; provides adequate light and air; prevents the overcrowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; 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 **LIGHT INDUSTRIAL (LI) DISTRICT ZONING.**

SECTION 2. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this change in zoning.

SECTION 3. That 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. That 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, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewage, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs

and development of the community. They have been made with reasonable consideration, among other things of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

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. That 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 and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. 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 final passage, 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 0, ON THIS THE 2ND DAY OF FEBRUARY, 2015.

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Being a 0.959 acre tract of land situated in the E. Aday Survey, Abstract No. 11 in the City of Lewisville, Denton County, Texas, being all of a tract of land conveyed to Providence Trust Company, Successor Trustee of the Wally L. Morgan Individual Retirement Account, by deed recorded in Volume 3305, Page 557, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point for corner at an interior ell in the North line of Bennett Lane (a variable width right-of-way), being the Southeast corner of said Providence Trust Company, Successor Trustee of the Wally L. Morgan Individual Retirement Account tract;

Thence South 88 degrees 43 minutes 11 seconds West, along the said North line of Bennett Lane, a distance of 82.70 feet to a point for corner in the East line of a tract of land conveyed to John H. Pearson, Jr., and wife, Mildred Pearson, by deed recorded in Volume 409, Page 357, Deed Records, Denton County, Texas;

Thence North 00 degrees 35 minutes 12 seconds East, along the said East line of Pearson tract, passing a 1/2 inch iron rod set at a distance of 17.65 feet, and along the most Southern East line of a tract of land conveyed to Active Organics, Inc. by deed recorded in Document No. 2012-147800, Deed Records, Denton County, Texas, and continuing for a total distance of 505.00 feet to a 1/2 inch iron found for corner at an interior ell in the South line of said Active Organics, Inc. tract;

Thence North 88 degrees 43 minutes 45 seconds East, along the said South line of said Active Organics, Inc. tract, passing a 1/2 inch iron rod found at the most Northern Southeast corner of said Active Organics, Inc. tract at a distance of 56.08 feet, same being the Southwest corner of a tract of land conveyed to WRN Creekside Development, LLC, a Texas limited liability company, by deed recorded in Document No. 2014-93013, Deed Records, Denton County, Texas, and continuing along South line of said WRN Creekside Development, LLC tract, for a total distance of 82.80 feet to a 5/8 inch iron rod found at the Northwest corner of Lot 1, Block A, Tyson Estates, an addition to the City of Lewisville, Denton County, Texas, according to the plat thereof recorded in Cabinet U, Page 31, Plat Records, Denton County, Texas;

Thence South 00 degrees 35 minutes 55 seconds West, along the West line of said Lot 1, a distance of 504.99, passing a 1/2 inch iron rod set at a distance of 489.39 feet, and continuing for a total distance of 504.99 feet to the Point of Beginning and containing 41,765 square feet or 0.959 acres of land.

ACTIVE ORGANICS, INC.
DOC. NO. 2012-147800
D.R.D.C.T.

WRN CREEKSIDE DEVELOPMENT, LLC.
A TEXAS LIMITED LIABILITY COMPANY
DOC. NO. 2014-93013
D.R.D.C.T.

REVISIONS		
DATE	BY	NOTES

475 Bennett Lane

Being a 0.959 acre tract of land situated in the E. Aday Survey, Abstract No. 11 in the City of Lewisville, Denton County, Texas, being all of a tract of land conveyed to Providence Trust Company, Successor Trustee of the Wally L. Morgan Individual Retirement Account, by deed recorded in Volume 3305, Page 557, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point for corner at an interior ell in the North line of Bennett Lane (a variable width right-of-way), being the Southeast corner of said Providence Trust Company, Successor Trustee of the Wally L. Morgan Individual Retirement Account tract;

Thence South 88 degrees 43 minutes 11 seconds West, along the said North line of Bennett Lane, a distance of 82.70 feet to a point for corner in the East line of a tract of land conveyed to John H. Pearson, Jr., and wife, Mildred Pearson, by deed recorded in Volume 409, Page 357, Deed Records, Denton County, Texas;

Thence North 00 degrees 35 minutes 12 seconds East, along the said East line of Pearson tract, passing a 1/2 inch iron rod set at a distance of 17.65 feet, and along the most Southern East line of a tract of land conveyed to Active Organics, Inc. by deed recorded in Document No. 2012-147800, Deed Records, Denton County, Texas, and continuing for a total distance of 505.00 feet to a 1/2 inch iron found for corner at an interior ell in the South line of said Active Organics, Inc. tract;

Thence North 88 degrees 43 minutes 45 seconds East, along the said South line of said Active Organics, Inc. tract, passing a 1/2 inch iron rod found at the most Northern Southeast corner of said Active Organics, Inc. tract at a distance of 56.06 feet, same being the Southwest corner of a tract of land conveyed to WRN Creekside Development, LLC, a Texas limited liability company, by deed recorded in Document No. 2014-93013, Deed Records, Denton County, Texas, and continuing along South line of said WRN Creekside Development, LLC tract, for a total distance of 82.80 feet to a 5/8 inch iron rod found at the Northwest corner of Lot 1, Block A, Tyson Estates, an addition to the City of Lewisville, Denton County, Texas, according to the plat thereof recorded in Cabinet U, Page 31, Plat Records, Denton County, Texas;

Thence South 00 degrees 35 minutes 55 seconds West, along the West line of said Lot 1, a distance of 504.99 feet, passing a 1/2 inch iron rod set at a distance of 489.39 feet, and continuing for a total distance of 504.99 feet to the Point of Beginning and containing 41,765 square feet or 0.959 acres of land.

SURVEYOR'S CERTIFICATE

This survey is made relying on information provided by Republic Title of Texas, Inc. in connection with the transaction described in G.F. 1009-127225-RTT. The undersigned Registered Professional Land Surveyor (Bryan Connolly) hereby certifies to Deborah Rothermel, First American Title Insurance Company and Republic Title of Texas, Inc. that, (a) this plat of survey and the property description set forth hereon were prepared from an actual on-the-ground survey of the real property (the "Property") described in (instrument), and shown hereon; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; (d) except as shown hereon there are no observable protrusions on to the Property or observable protrusions there from, there are no observable discrepancies, conflicts, shortages in area or boundary line conflicts; (e) the size, location and type of improvements, are shown hereon, and all are located within the boundaries of the Property and setback from the Property lines the distances indicated; (f) the distance from the nearest intersection street or road is as shown; (g) the Property has apparent access to and from a public roadway; (h) recorded easements listed hereon have been labeled and plotted hereon; (i) the boundaries, dimensions and other details shown hereon are shown to the appropriate accuracy standards of the State of Texas; (j) the Property is not located in a 100 Year Flood Plain or in an identified "Flood Prone Area" as defined by the U. S. Department of Housing and Urban Development (Flood Insurance Rate Map No. 48121C0565 G) pursuant to the Flood Disaster Protection Act of 1973.

The surveyor expressly understands and agrees that Deborah Rothermel, First American Title Insurance Company, and Republic Title of Texas, Inc. are entitled to rely on this survey as having been performed to the appropriate standards of the current (1999 Edition) Texas Society of Professional Surveyors Standards and Specifications for a Texas Land Title Survey as set forth by the Texas Board of Professional Land Surveying.

Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned.

Executed this 4th day of December, 2014

Bryan Connolly
Bryan Connolly
Registered Professional Land Surveyor No. 5513



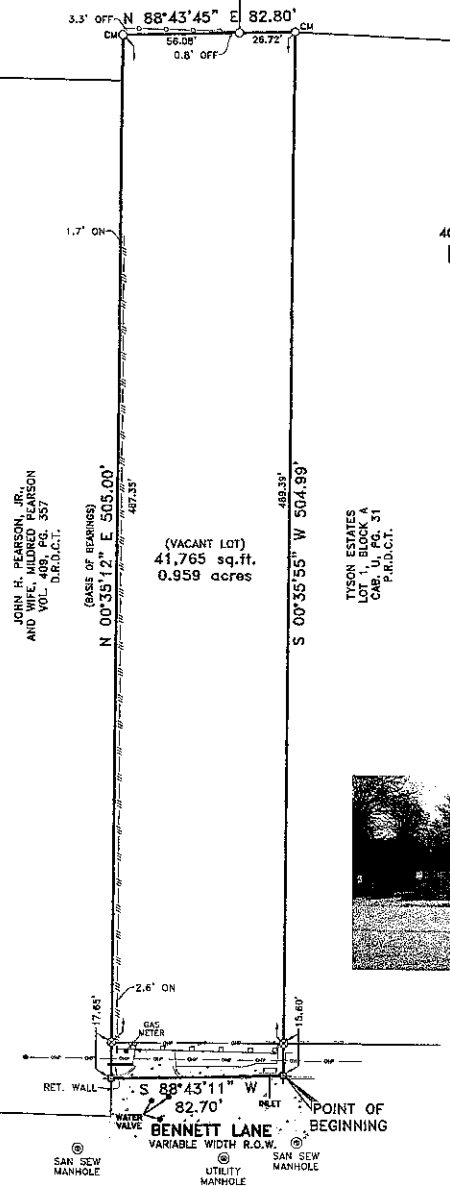
ACCEPTED BY: _____ DATE: _____ SIGNATURE: _____

TEXAS LAND TITLE SURVEY

E. ADAY SURVEY, ABSTRACT NO. 11

CITY OF LEWISVILLE, DENTON COUNTY, TEXAS

475 BENNETT LANE



General notes:

- 1) Bearings are based on the deed recorded in Volume 3305, Page 557, D.R.D.C.T.
- 2) Property is subject to easement to Denton County, Electric Cooperative recorded in Volume 388, Page 322. (blanket in nature)
- 3) Property is subject to terms, provisions and conditions of Boundary Agreement recorded in Volume 1079, Page 337

PROPERTY PICTURES



NOTE: According to the F.I.R.M. in Map No. 48121C0565 G, this property does lie in Zone X, and DOES NOT lie within the 100 year flood zone.

LEGEND	
○ CONTROLLING MONUMENT	PC - POOL COMPARTMENT
○ 1/2" IRON ROD FOUND	BRICK COLUMN
○ 1/2" IRON ROD SET	AC - AIR CONDITIONING
○ 3/8" IRON ROD FOUND	PC - POOL COMPARTMENT
○ POINT FOR CORNER	PC - POOL COMPARTMENT
○ FOUND / SET	PC - POOL COMPARTMENT
△ UNDERGROUND ELECTRIC	△ - UNDERGROUND ELECTRIC
△ OVERHEAD ELECTRIC	△ - OVERHEAD ELECTRIC
△ POWER POLE	△ - POWER POLE
△ SAN SEW MANHOLE	△ - SAN SEW MANHOLE
△ UTILITY MANHOLE	△ - UTILITY MANHOLE
△ RET. WALL	△ - RET. WALL
△ ASPHALT PAVING	△ - ASPHALT PAVING
△ GRAVEL/ROCK ROAD OR DRIVE	△ - GRAVEL/ROCK ROAD OR DRIVE
△ CONCRETE PAVING	△ - CONCRETE PAVING
△ CHAIN LINK FENCE	△ - CHAIN LINK FENCE
△ WOOD FENCE	△ - WOOD FENCE
△ 6" WIRE TYPICAL	△ - 6" WIRE TYPICAL
△ PIPE FENCE	△ - PIPE FENCE
△ IRON FENCE	△ - IRON FENCE
△ COVERED PORCH/DECK OR CARPORT	△ - COVERED PORCH/DECK OR CARPORT
△ OVERHEAD ELECTRIC SERVICE	△ - OVERHEAD ELECTRIC SERVICE
△ OVERHEAD POWER LINE	△ - OVERHEAD POWER LINE

C.B.C. Surveying, Inc.
12025 Shiloh Rd. Suite 230
Dallas, Texas 75228
P 214-349-6455 F 214-349-2216
Firm No. 10168800
www.cbcdllw.com

SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1" = 40'	12/05/14	1412802	1008-12725-RTT	CG