

**ORDINANCE NO. 0145-19-ZON**

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY REZONING APPROXIMATELY 60+/- ACRES OF LAND, CONTAINING 192 PROPERTIES, WITHIN AN AREA GENERALLY BOUNDED ON THE NORTH SIDE BY COLLEGE STREET, ON THE EAST SIDE BY RAILROAD STREET AND THE DALLAS AREA RAPID TRANSIT RIGHT-OF-WAY, ON THE SOUTH SIDE BY ELM STREET AND THE PROPERTIES FRONTING THE SOUTH SIDE OF EAST MAIN STREET, AND ON THE WEST SIDE BY NORTH CHARLES STREET, CHURCH STREET AND MILL STREET AND MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT A, FROM LIGHT INDUSTRIAL (LI) DISTRICT, GENERAL BUSINESS (GB) DISTRICT, OLD TOWN CENTER BUSINESS (OTC) DISTRICT, OLD TOWN MIXED USE 2 (OTMU2) DISTRICT, MULTI-FAMILY 1 (MF1) DISTRICT, PARKING (PK) DISTRICT, PUBLIC USE (PU) DISTRICT AND AGRICULTURAL OPEN SPACE (AO) DISTRICT TO OTC, OTMU2, LI, AND PU DISTRICTS, AS MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT A; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; DETERMINING THAT THE PUBLIC INTERESTS AND GENERAL WELFARE DEMAND THIS ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING FOR A REPEALER, SEVERABILITY, A PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, at the Lewisville City Council Retreat held on February 24, 2018, the City Council discussed amending the Official Zoning Map of Lewisville to rezone certain properties within the 60+/-acres of land, containing 192 properties, as more specifically described in the attached Exhibit "A" (the "Properties"), in accordance with the Old Town Master Plan, the Old Town Transit Oriented Development Plan, the Old Town Transit Oriented Development Plan Update and the Lewisville 2025 Plan; and

**WHEREAS**, pursuant to said discussion, a public hearing was held 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 Properties as more specifically described in Exhibit “A”, 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 subject and 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 Properties since it was originally classified and, therefore, feels that a change in zoning classification for the Properties 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 Properties is hereby changed to **OLD TOWN CENTER BUSINESS DISTRICT (OTC) ZONING, OLD TOWN MIXED USE 2 DISTRICT (OTMU2) ZONING, LIGHT INDUSTRIAL DISTRICT (LI) ZONING AND PUBLIC USE DISTRICT (PU) ZONING**, as more specifically shown in Exhibit “A”.

**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 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 Properties shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the 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.** 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   4   TO   0  , ON THIS THE 9TH DAY OF SEPTEMBER, 2019.**

**APPROVED:**

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Rudy Durham, MAYOR

**ATTEST:**

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Julie Worster, CITY SECRETARY

**APPROVED AS TO FORM:**

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Lizbeth Plaster, CITY ATTORNEY

Exhibit A  
Description of Properties

Consider a zone change from Light Industrial (LI) District, General Business (GB) District, Old Town Center Business (OTC) District, Old Town Mixed Use 2 (OTMU2) District, Multi-Family 1 (MF1) District, Parking (PK) District, Public Use (PU) District and Agricultural Open Space (AO) District to OTC, OTMU2, LI, and PU Districts on approximately 60+/- acres, containing 192 properties, within an area generally bounded on the north side by College Street; on the east side by Railroad Street and the Dallas Area Rapid Transit right-of-way; on the south side by Elm Street and the properties fronting the south side of East Main Street; and on the west side by North Charles Street, Church Street and Mill Street. This zone change area being more specifically describe in three sub-areas as follows:

#### **Sub-area 1 - OTC**

Rezoning from Light Industrial (LI) District, General Business (GB) District, Old Town Center Business District (OTC), and Public Use (PU) District to the OTC District all the land located within the area bounded by the following:

- Beginning at the southeast corner of the intersection of North Charles Street and West Church Street;
- Then easterly along the south right-of-way line of West Church Street to a point at the southwest corner of East Church Street and North Kealy Avenue;
- Then southerly along the west right-of-way line of North Kealy Avenue to the northeast corner of Lot 1A, Block A, Christian Community Action Addition;
- Then southerly and westerly along the northern and western property line of said Lot 1A, Block A, Christian Community Action Addition to a point in the east right-of-way of South Mill Street;
- Then crossing South Mill Street in a northwesterly direction to the northwest corner of the intersection of South Mill Street and Elm Street;
- Then westerly along the north right-of-way line of Elm Street to the northeast corner of the intersection of Elm Street and South Charles Street,
- Then northerly along the east right-of-way line of South Charles Street to the point of beginning;

Save and except:

1. 150 West Church Street; a 1.247-acre lot legally described as Lot 1, Block A of the Wayne Ferguson Plaza Addition, which will remain zoned Public Use (PU).

#### **Sub-area 2 – OTMU2**

Rezoning from General Business (GB) District, Old Town Mixed Use 2 District (OTMU2), Parking (PK) District, Multi-Family 1 (MF1) District and Light Industrial (LI) District to the OTMU2 District all the land located within the area bounded by the following:

- Beginning at the northeast corner of the intersection of East Church Street and North Mill Street;
- Then northerly along the east right-of-way line of North Mill street to the southeast corner of the intersection of North Mill Street and East College Street;



- Then easterly along the south right-of-way line of East College Street to the southwest corner of the intersection of East College Street and the Dallas Area Rapid Transit right-of-way;
- The southerly along the west right-of-way line of the Dallas Area Rapid Transit right-of-way and continuing southerly along the west right-of-way line of Railroad Street to the northwest corner of the intersection of Railroad Street and East Main Street;
- Then crossing the East Main Street right-of-way in a southwesterly direction to the northwest corner of Lot 1, Block A, Castro Addition;
- Then southeasterly along the western property line of said Lot 1, Block A Castro Addition and continuing southeasterly along the western property line of Lot 2, Block A, Castro Addition approximately 44.76 feet to the northwest corner of Lot 38X, Block F, of The Main Street Village Addition;
- Then westerly, northerly and westerly following the northern boundary of The Main Street Village Addition to a point on the east right-of-way line of Henrietta Street;
- Then crossing the Henrietta Street right-of-way in a northwesterly direction to the southeast corner of Lot 21, Block B, The Main Street Village Addition;
- Then westerly along the southern boundary of Lots 21-25, Block B, The Main Street Village Addition to point on the eastern property boundary of Lot 1, Block A, Old Town Main Place I Addition;
- Then southerly along the eastern boundary of said Lot 1, Block A Old Town Main Place I Addition to the to the southeast corner of said lot also being the northeast corner of a 0.5848-acre tract of land being all of Lots 1 and 8, Block 12 of the Kealy Addition, the eastern 16 feet of Lot 2, Block 12, Kealy Addition and the eastern 22 feet of the abandoned Harris Street right-of-way, deeded to Glenda Dianne Christy Life Estate and Lisa Lee Christ Ramsey as recorded by Deed Number 2019-21197 in Denton County Records;
- Then southerly and westerly along the eastern and southern boundaries of said 0.5848-acre tract of land;
- Then continuing westerly across the abandoned Harris Street right-of-way to the southeast corner of Lot 7, Block 5, of the Kealy Addition;
- Then westerly along the southern boundary of Lots 7 and 8, Block 5, of the Kealy Addition to a point in the east right-of-way of South Kealy Avenue;
- Then northerly along the east right-of-way line of South Kealy Avenue to the northeast corner of the intersection of North Kealy Avenue and East Church Street;
- Then westerly along the north right-of-way line of East Church Street to the point of beginning.

Save and except the following parcels, which will remain zoned Light Industrial District (LI):

1. 226 East College Street; a 0.3218-acre tract of land, being the northern 6 feet of Lots 3-6, Block 8, Kealy Addition plus a 100-foot strip north of said lots, with a conversion deed dated January 9, 1986 to BOBO Properties, per Denton County Records.
2. 565 East Church Street; a 0.4819-acre tract of land out of the A.G. King Survey, Abstract 698, deeded to Samuel M. LeComte by Deed Number 2017-95744, per Denton County Records.
3. 523 East Church Street; a 0.2478-acre tract of land, being Lot 5, Block 18 Kealy Addition, the eastern 10 feet of Lot 6, Block 18, Kealy Addition and a piece north of Lot 5, Block 18, Kealy Addition with a conversion deed dated May 10, 1988 to Alan McGee, per Denton County Records.

4. 521 East Church Street; a 0.2478-acre tract of land, being Lot 7 and the western 37 feet of Lot 6, Block 18, Kealy Addition, deeded to Dwight Walker by Deed Number 05-108150, per Denton County Records.
5. 431 East Church Street; a 0.303-acre tract of land, being Lots 7 and 8, Block 15, Kealy Addition, deeded to Harry Horton, Trustee of the 2009 Horton Family Trust by Deed Number 2015-11960, per Denton County Records.
6. 410 East Church Street; a 0.2303-acre tract of land, being the northern 126 feet of Lot 1 and the western 30 feet of the northern 126 feet of Lot 2, Block 14, Kealy Addition, deeded to Landmark Foundation Inc by Deed Number 2014-65916, per Denton County records.
7. 424 East Church Street; a 0.1212-acre tract of land, being the western 40 feet of Lot 3, Block 14, Kealy Addition, deeded to Landmark Foundation Inc by Deed Number 2014-65916, per Denton County Records.
8. 430 East Church Street; a 0.4848 tract of land, being the eastern 10 feet of Lot 3, and all of Lots 4, 5, and 6, Block 14, Kealy Addition, deeded to Linda M Purcell by Deed Numbers 00-121212 and 00-121213, per Denton County records.
9. 510 East Church Street; a 0.6061-acre tract of land, being Lots 1, 2, 3, and 4, Block 19, Kealy Addition, deeded to Ideal Ambient Real Estate LLC by Deed Number 2019-35638, per Denton County Records.
10. 112 Henriette Street; a 0.1877-acre tract of land, being the southern 6 feet of Lots 1 and 2 and the northern 72 feet of Lots 11 and 12, Block 14, Kealy Addition, deeded to Leslie G. Moore by Deed Number 2019-11193, per Denton County Records.
11. 415 East Main Street; a 0.2443-acre tract of land, being Lot 10A, Block 14, Kealy Addition, with a special warranty deed dated January 20, 1993 to Bedros Yerganian, per Denton County Records.
12. 424 East Main Street; a 0.6818-acre tract of land, being Lots 4, 5, 6, and 7, Block 13, Kealy Addition, deeded to RMS Kisco LP by Deed Number 2008-72789, per Denton County Records.

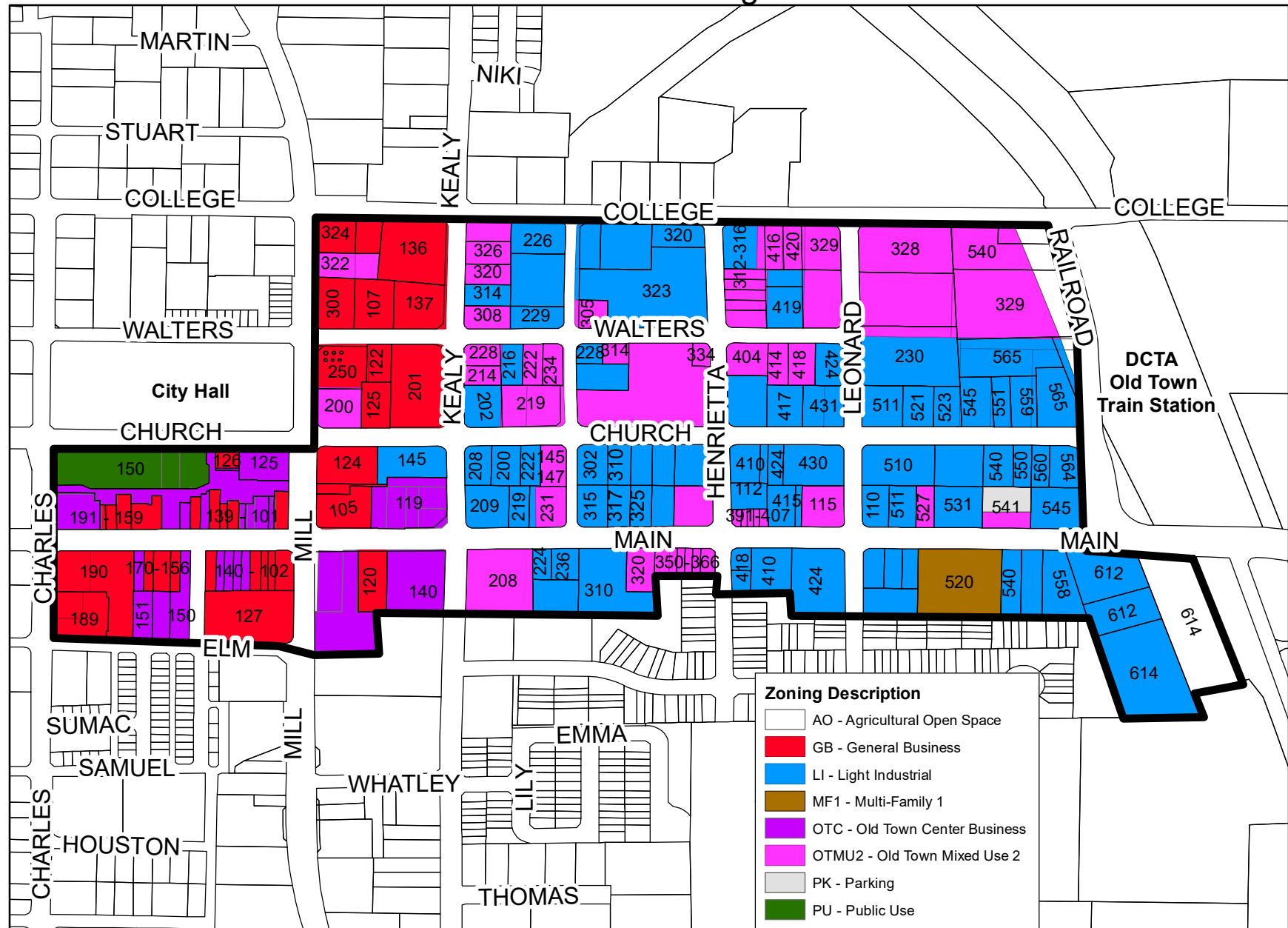
### **Sub-area 3 – LI**

Rezoning from Light Industrial (LI) District and Agricultural Open Space (AO) District to the Light Industrial (LI) District all the land located within the area bounded by the following:

- Beginning at a point at the southwest corner of the intersection of the Dallas Area Rapid Transit right-of-way and East Main Street;
- Then southeasterly along the west Dallas Area Rapid Transit right-of-way line to the southeast corner of a 1.383-acre tract of land out of the A. G. King Survey, Abstract 698, with a conversion deed dated May 6, 1992 to Clements Nut Company, per Denton County records;
- Then southwesterly along the southern boundary of said 1.383-acre tract to the eastern property line of a 1.378-acre tract of land out of the A. G. King Survey, Abstract 698, with a warranty deed dated October 10, 1991 to Clements Nut Company, per Denton County records;
- Then southeasterly, westerly and northwesterly along the eastern, southern and western boundaries of said 1.383-acre tract to a point being the southwest corner of Lot 2, Block A, Castro Addition;

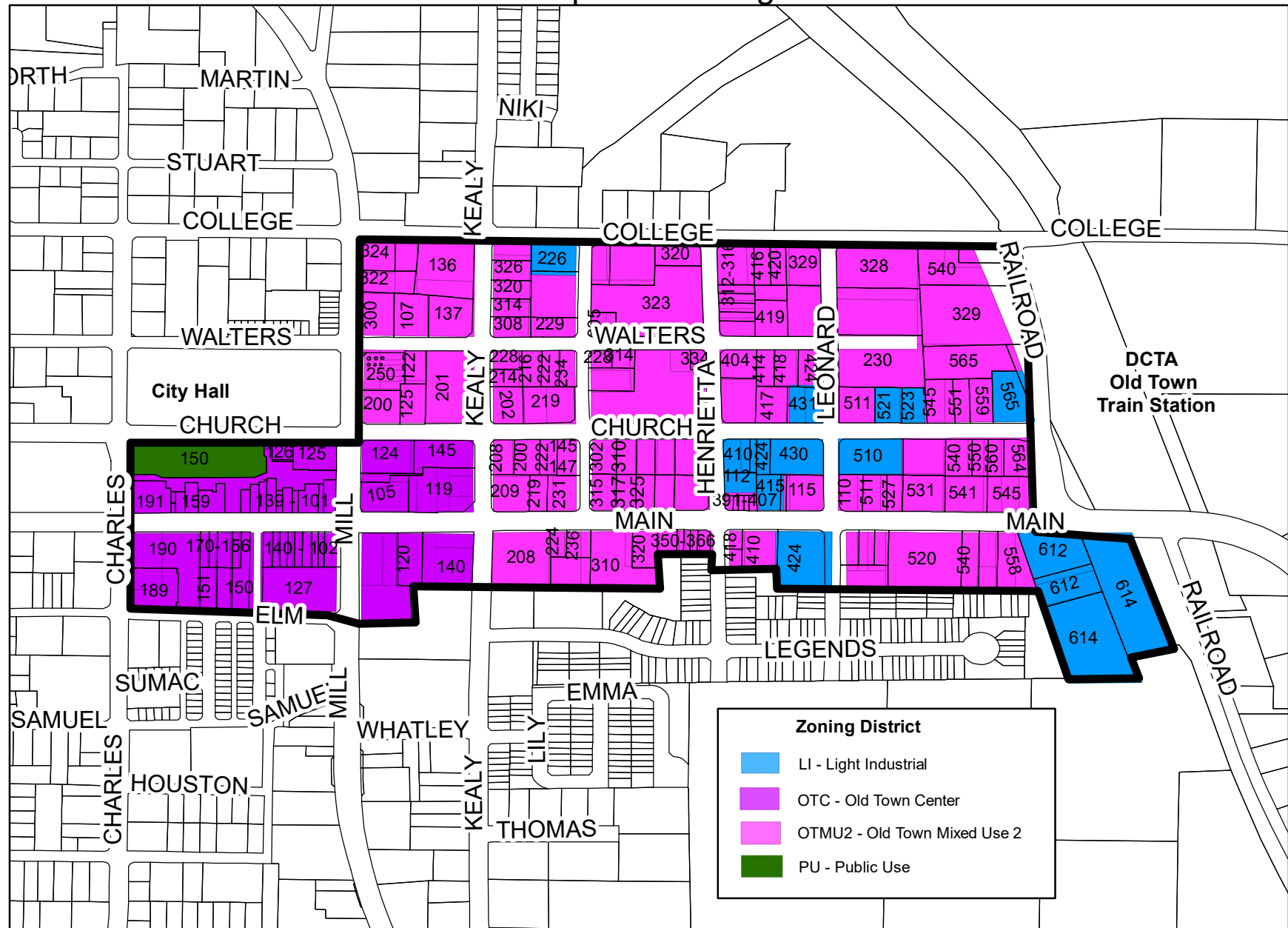
- Then northwesterly along the western boundary of said Lot 2, Block A, Castro Addition, and continuing northwesterly along the western boundary of Lot 1, Block A, Castro Addition to a point in the south right-of-way line of East Main Street;
- Then easterly along the southright-of-way line of East Main Street to the point of beginning.

## Current Zoning



0 125 250 500  
Feet

## Proposed Zoning



0 140 280 560  
Feet

### Old Town Properties Being Rezoned

From General Business District (GB) to Old Town Center Business District (OTC):

1. 126 W. Church Street.
2. 189 Elm Street, being 0.4583 acres out of the J.W. King Survey, Abstract 696. Deed Number 2018-120142 to Old Town Suites LLC.
3. 105 E. Main Street.
4. 120 E. Main Street.
5. 101 W. Main Street.
6. 102 W. Main Street.
7. 112 W. Main Street.
8. 116 W. Main Street.
9. 120-122 W. Main Street.
10. 123 W. Main Street.
11. 127 W. Main street.
12. 131 W. Main Street.
13. 139 W. Main Street.
14. 140 W. Main Street.
15. 156 W. Main Street.
16. 159 W. Main Street.
17. 160 W. Main Street.
18. 162 W. Main Street.
19. 165 W. Main Street.
20. 177 W. Main Street.
21. 179 W. Main Street.
22. 190 W. Main Street.
23. 124 N. Mill Street.
24. 127 S. Mill Street.
25. 0.10 acres, being the southern six feet of Lots 1, 2, and 3 Kealy Addition and the northern portion of Lots 9 and 10, Block 3, Kealy Addition. Deed Number 98-0118086 to S&B Corporation.

From Light Industrial District (LI) to Old Town Center Business District (OTC):

1. 145 N. Kealy Avenue.

From General Business District (GB) to Old Town Mixed Use 2 District (OTMU2):

1. 125 E Church Street.
2. 136 E. College Street.
3. 201 N. Kealy Avenue.
4. 250 N. Mill Street.
5. 300 N. Mill Street.
6. 324 N. Mill Street.
7. 107 E. Walters Street.
8. 122 E. Walters Street.
9. 137 E. Walters Street.

10. 0.293 acres being Lot 1, Block A, Cross Ventures Addition. Deed number 2015-143579 to Cross ventures LLC.

From Light Industrial District (LI) to Old Town Mixed Use 2 District (OTMU2):

1. 200 E. Church Street.
2. 208 E. Church Street.
3. 222 E. Church Street.
4. 302 E. Church Street.
5. 310 E. Church Street.
6. 328 E. Church Street.
7. 334 E. Church Street.
8. 340 E. Church Street.
9. 417 E. Church Street.
10. 511 E. Church Street.
11. 540 E. Church Street.
12. 545 E. Church Street.
13. 550 E. Church Street.
14. 551 E. Church Street.
15. 559 E. Church Street.
16. 560 E. Church Street.
17. 565 E. Church Street, being 0.768 acres out of the A. G. King Survey, Abstract No 698. Deed Number 2017-95744 to Samuel LeComte.
18. 220 Harris Street.
19. 228 Harris Street.
20. 316 Henrietta Street.
21. 320 Henrietta Street.
22. 202 N. Kealy Avenue.
23. 314 N. Kealy Avenue.
24. 110 Leonard Street.
25. 230 Leonard Street.
26. 209 E. Main Street.
27. 219 E. Main Street.
28. 224 E. Main Street.
29. 236 E. Main Street.
30. 310 E. Main Street.
31. 315 E. Main Street.
32. 317 E. Main Street.
33. 325 E. Main Street.
34. 331 E. Main Street.
35. 410 E. Main Street.
36. 418 E. Main Street.
37. 511 E. Main Street.
38. 514 E. Main Street, being Lots 1, 2, 3, and 8 Block 20, Kealy Addition.
39. 531 E. Main Street.

40. 540 E. Main Street.
41. 545 E. Main Street.
42. 558 E. Main Street.
43. 564 N. Railroad Street.
44. 216 E. Walters Street.
45. 229 E. Walters Street.
46. 323 E. Walters Street.
47. 419 E. Walters Street.
48. 424 E. Walters Street.
49. 0.2727 acres being the east 20 feet of Lot 3, the west 36.5 feet of Lot 4 and the western 60 feet of the eastern 113 feet of Lot 6, Block 21, Kealy Addition. Deed Number 04-148814 to Bio Synthesis Inc.
50. 0.4033 acres being Lots 5 and 6, Block 19, Kealy Addition and the adjacent 33 feet of the original railroad Street Right-of-Way. Deed Number 06-4123 to Brown & McMullen Investment with a Name Change dated March 7, 2017 to CHM Commercial Real Estate Investments LLC.
51. 0.303 acres being Lots 9 and 10, Block 16, Kealy Addition. Deed Number 2007-106381 to Edmund H Gibson Trust.
52. 0.4974 acres being Lots 2, 3, and 4, Block 9, Kealy Addition. Deed Number 2015-121700 to GJW Holdings LLC.
53. 0.1599 acres being Lot 1, Block 9, Kealy Addition. Deed Number 2015-121700 to GJW Holdings LLC.
54. 0.2296 acres being the southern 34 feet of the eastern 25 Feet of Lot 4, Block 5, and the southern 34 feet of Lots 5 and 6, and the eastern 100 feet of lot 7, Block 5, Kealy Addition. Deeded March 30, 2009 to Glenda Dianne Christy.
55. 0.6 acres being portions of Lots 3-10, Block B, Kealy Addition. Deed Number 2009-129087 to Pedro Corona, Inc.
56. 0.0769 acres being the southern 67 feet of Lot 1, Block 13, Kealy Addition. Deed Number 2018-71793 to Valerie Leverett.

From Parking District (PK) and Old Town Mixed Use 2 District (OTMU2) to OTMU2:

1. 541 E. Main Street.

From Multi-Family 1 District (MF1) to Old Town Mixed Use 2 District (OTMU2):

1. 520 E. Main Street.

From Agricultural Open Space District (AO) to Light Industrial District (LI):

1. 614 E. Main Street.