

MINUTES

LANCASTER CITY COUNCIL SPECIAL MEETING OF DECEMBER 15, 2020

The City Council of the City of Lancaster, Texas, met in a called Special Meeting in the Council Chambers of City Hall on December 15, 2020, at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present (City Hall & Zoom):

Mayor Clyde C. Hairston
Carol Strain-Burk
Deputy Mayor Pro Tem Stanley M. Jaglowski
Marco Mejia
Keithsha C. Wheaton
Mayor Pro Tem Racheal Hill
Betty Gooden-Davis

City Staff Present (City Hall & Zoom):

Opal Mauldin-Jones, City Manager
Fabrice Kabona, Deputy City Manager
Carey Neal, Assistant to the City Manager
Keturah Barnett, ICMA Fellow
David T. Ritter, City Attorney
Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Hairston called the meeting to order at 7:00 p.m. on December 15, 2020.

Public Testimony:

There were no speakers.

Action:

- M21-04 Discuss and consider an ordinance granting a request for an exception to the Lancaster Development Code (LDC) Article 14.400 Permissible Uses to allow for the placement of one (1) Portable On Demand (POD) and two (2) tents for COVID-19 drive through testing at 1450 W. Pleasant Run Road located at the southwest corner of Pleasant Run and N. Bluegrove Road.**

City Manager Mauldin-Jones share the applicant is proposing a COVID-19 drive-through testing program which consists of one (1) temporary Portable On Demand (POD) and two (2) tents in the parking lot on 1450 W. Pleasant Run Road.

The site will be open Monday through Friday from 9:00 a.m. – 5:00 p.m. for a duration that will extend through mid-2021. The temporary POD and tents will be utilizing the parking spaces without blocking access to traffic in and out of the strip shopping center. The set-up will be three (3) stations including registration/holding area for non-registered customers, check-in, and testing stations. Signage and traffic cones will be used to direct and block traffic to and from certain drive aisles. The entrance and exit to and from this testing site will be from W. Pleasant Run Road.

The applicant states that there will be no more than five (5) cars in the line and that they will use cones to delineate the ingress and egress of the parking lot with a capacity of 20 cars in line at once. The process itself (registration and swabbing) takes approximately five (5) minutes per vehicle with most vehicles already pre-registered using WellHealth website. The applicant contends that their proprietary software, GoGetTested.com allows them to put a cap on how many appointments are made in 10-minute time slots. So, if there is ever an issue of traffic control, they can immediately limit the number of patients for given time slots. In addition, the applicant plans to have a Team Lead on site that will help direct traffic flow at all times to ensure that patients will not interfere with the main roads or businesses nearby

COVID-19 testing is a critical public service during this pandemic. However, staff recommends that the following measures be taken:

1. Structures shall be allowed for a period of six (6) months after which an extension of the said time shall be reassessed and City Council approval required;
2. Testing tents shall be limited to two (2) tents and one (1) POD for storage as shown on the site traffic plan;
3. The days and hours of operation shall be limited to Monday through Friday from 9:00 a.m. – 5:00 p.m.; and
4. An approved traffic mitigation plan that ensures no traffic impacts on the adjacent streets and intersections. The mitigation shall include, but is not limited to, scheduled appointment testing times and hiring police officers to direct traffic both on and off-site.

Mayor Pro Tem Hill shared her support with the item.

MOTION: Deputy Mayor Pro Tem Jaglowski made a motion, seconded by Councilmember Mejia to approve items 1. The vote was 7 for, 0 against.

- 2. Discuss and consider a resolution authorizing the assignment and assumption of an Economic Development Agreement between the City of Lancaster and Artemis HIP Park 20 LLC to Lex Lancaster L.P.**

City Manager Mauldin-Jones shared On September 12, 2016, City Council approved an Economic Development Agreement with Artemis HIP Park 20, LLC (Park Twenty) to provide an annual grant in an amount equivalent to forty-five percent (45%) of real property taxes assessed against the property for a given tax year for a period of five (5) years. The grant was a contributing factor for Park Twenty to undertake the project and build a 468,300 square foot warehouse-distribution building. The grant will begin the calendar year immediately following March 1, 2020. This building was occupied in 2020 by Petmate. Lex Lancaster, L.P. (Lexington) is under contract to purchase the two properties in Lancaster currently owned by Park Twenty. Lexington has requested the Economic Development Agreement be assigned from Artemis HIP Park 20 to Lex Lancaster, L.P. Per Section 6.11 in the Agreement, Park Twenty may not assign the Agreement to a non-subsidiary without the City's prior written consent. The City Attorney has reviewed and approved as to form the resolution and agreement. Staff recommends approval of resolution, as presented.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve items 2. The vote was 7 for, 0 against.

3. **M21-03 Discuss and consider an ordinance granting an exception to the Code of Ordinances Chapter 6 Fence Regulations Sec 6.07.008 to allow the use of a vinyl coated chain link fence on the properties addressed as 1720 & 2300 East Belt Line Road and 900 South Sunrise Road; four (4) tracts of land totaling approximately 292 acres of land in the City of Lancaster Dallas County Texas.**

City Manager Mauldin-Jones shared this is a request granting an exception to the Code of Ordinances, Chapter 6 Fence Regulations, Sec 6.07.008 to allow the use of a vinyl coated chain link fence on the properties addressed as 1720 & 2300 East Belt Line Road and 900 South Sunrise Road; four (4) tracts of land totaling approximately 292 acres of land. The applicant contends that the fencing will not be visible from rights-of-way (ROW) as it will be screened with a living screen of dense evergreen trees, as shown on the attached plans. The fencing only abuts portions of the rights-of-way and is a minimum of 50-feet from the rights-of-way. Staff recommends approval of the exception request as presented with the installation of dense evergreen plantings to provide screening.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve items 3. The vote was 7 for, 0 against.

4. **M21- 01 Discuss and consider an ordinance granting an exception to the Logistics Port Planned Development regulations for: (1) maximum building height (2) rooftop screening (3) dumpster and compactor screening and (4) an exception to the City's Code of Ordinances Chapter 6 Fence Regulations Sec 6.07.008 to allow the use of a vinyl coated chain link fence on the property addressed as 901 Greene Road and described as being a 161.967-acre tract of land situated in the Samuel Keller Survey Abstract No. 720 City of Lancaster Dallas County.**

City Manager Mauldin-Jones shared This is a request for three (3) exceptions to the Logistics Port Planned Development (LP PD) regarding (1) maximum building height, (2) rooftop screening (3) dumpster and compactor screening and an exception to the Code of Ordinances, Chapter 6 Fence Regulations, Sec 6.07.008 to allow a vinyl coated chain link on the property addressed as 901 Greene Road.

(1) Maximum Building Height, LP PD limits the building height to 75 feet as measured from average elevation of the finished grade along the front of the building to the highest point of the roof of the building if it is a flat, mansard, or shed roof; or the midpoint of the roof if it is a gable, hip or gambrel roof. The applicant states that the cold storage requires a maximum height of 115 feet to support the high demand and future growth of the market via a high throughput distribution center with automation and technology building design. Maximizing the efficiency of the building and automation systems require the interior clear height of the building to be 75 feet. The penthouses and rooftop mounted equipment take portions of the building up to the requested 115 feet above the average grade at the docks. Additionally, the automation within the building increases efficiency and reliability in servicing customers but also allows for the greater throughput required by the market served.

(2) Roof top screening, LP PD states that "For Buildings within the Logistics Port A (LPA), Logistics Port B (LPB), and Port Industrial (PI) Subdistrict, all rooftop-mounted mechanical, air conditioning, electrical and satellite dish equipment shall be completely screened from ground and street-level view with parapets or other architectural design features constructed of the same materials used on the exterior walls". The applicant is seeking for exception from the screening requirements contending that screening ammonia based refrigeration mechanical systems is not recommended. The applicant states that Occupational Safety and Health Administration (OSHA), ammonia exposure in close proximity and in appropriate concentrations can be considered a high health hazard because it is corrosive to the skin, eyes and lungs. Adding screens around ammonia based equipment reduces workers ability to safely assess equipment from a safe distance in the unlikely event of equipment failure. Additionally, screens reduce 360° access around the equipment should the wind be blowing the gas in the direction or work space areas, potentially increasing response times to repair events. The applicant's rooftop refrigeration equipment will be screened by several 15 ft. high rooftop penthouses and a 4 ft. high earth berm and enhanced vegetative buffer zone along the property perimeter to obscure the open air rooftop (ammonia based) refrigeration equipment. The rooftop refrigeration equipment is a minimum of 1,000 ft. from the public rights-of-way and a minimum of 690 ft. from the residential property line.

(3) Dumpster and Compactor Screening

The LP PD states that "All dumpsters and compactors visible from public rights-of-way and/or abutting residential, commercial, public, or civic property shall be screened with a consistent six (6) foot opaque screening wall with a solid metal gate. Chain link fences or wooden fences are not acceptable. Dumpsters shall be set back a minimum of twenty-five (25) feet from adjacent residential uses". The applicant is requesting an exception to the required 6 ft. opaque screen wall to screen the dumpster/compactor area located along the north elevation noting that the proposed perimeter 4' earth berm, densely populated vegetative buffer zone ('living plant material'), proposed outbuildings and trailers parking area will all serve to screen the dumpster/compactor areas from public rights-of-way view. Additionally, the dumpster/compactor area is located approximately 1,080 ft. from the public rights-of-way making rendering any detail or view of this area non-existent. Furthermore, there is additional vegetation added to the vegetative buffer zone to block the view of dumpsters and compactors from the public rights-of-way view.

(4) Vinyl Coated Chain Link Fence

Section 6.07.008 Fence Construction, Materials, and Setback of the fence ordinance states that (a) "All fences, unless prohibited elsewhere in this Article, shall be constructed or maintained with wood, brick, stone, concrete, vinyl, ornamental iron or other materials as approved by the City Manager or his/her designee. Fence posts shall be constructed or made of metal, brick, stone, concrete, fiberglass, or other material as approved by the City Manager or his/her designee. All fence posts must be placed at a depth of at least twenty-four (24) inches into the ground filled and anchored with concrete footers or encasement". The applicant contends that the vinyl coated chain link fence will be used for security purposes on site. That the fencing will not be visible from rights-of-way as it will be screened with landscaped berm and living screen or existing plant material along both Pleasant Run Road, Cornell Road, and Green Road. The fencing is set back well into the site to provide security for the facility.

Staff recommends approval of the 115' maximum building height, roof top screening, and dumpster & compactor exceptions as presented. Staff recommends approval of the exception

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request to allow a vinyl coated chain link fence on the condition that evergreen plantings are installed and maintained to screen the entire fencing.

Councilmember Mejia shared his support for this item and welcome this development.

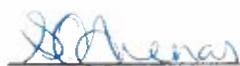
MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hill to approve items 4. The vote was 7 for, 0 against.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Mejia to adjourn. The vote was 7 for, 0 against.

The meeting was adjourned at 7:23 p.m.

ATTEST:

APPROVED:



Sorangel O. Arenas, City Secretary



Clyde C. Hairston, Mayor