



**SUPPLEMENTAL AGENDA TO THE
NOTICE OF REGULAR MEETING AND
WORK SESSION AGENDA
LANCASTER CITY COUNCIL
MUNICIPAL CENTER CITY COUNCIL CHAMBERS
211 N. HENRY STREET, LANCASTER, TEXAS**



October 26, 2015 - 7:00 PM

7:00 P.M. REGULAR MEETING:

CALL TO ORDER

PLEDGE OF ALLEGIANCE: Councilmember Nina Morris

CITIZENS' COMMENTS:

At this time citizens who have pre-registered before the call to order will be allowed to speak on any matter other than personnel matters or matters under litigation, for a length of time not to exceed three minutes. No Council action or discussion may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.

CONSENT AGENDA:

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Council Member may request one or more items to be removed from the consent agenda for separate discussion and action.

C1. Consider approval of minutes from the City Council Regular Meeting held on September 14, 2015.

PUBLIC HEARING:

2. Conduct a Public Hearing and consider an application rezoning request from (LI) Light Industrial and (AO) Agricultural Open Space to a (PD) Planned Development on approximately 59 acres on the NW Corner of Daniieldale Road and N. Houston School Road further described as Abstract Silas B Runyon 1199.

Adjourn regular meeting

7:15 P.M. WORK SESSION:

1. Receive and discuss a presentation from Linebarger Goggan Blair & Sampson, LLP regarding delinquent property tax collections.

2. Receive a presentation to discuss Lancaster City Code of Ordinances "Parks and Recreation Code" Chapter 16: Article 16.100.

ADJOURNMENT

EXECUTIVE SESSION: The Council reserves the right to convene into executive session on any posted agenda item pursuant to Section 551.071(2) of the TEXAS GOVERNMENT CODE to seek legal advice concerning such subject.

ACCESSIBILITY STATEMENT: The Municipal Center is wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on October 23, 2015 @ 6:50 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.



Sorangel O. Arenas
City Secretary

LANCASTER CITY COUNCIL

Agenda Communication

October 26, 2015

Consider approval of minutes from the City Council Regular Meeting held on September 14, 2015.

Background

Attached for your review and consideration are minutes from the:

- City Council Regular Meeting held September 14, 2015

Submitted by:

Sorangel O. Arenas, City Secretary

MINUTES

LANCASTER CITY COUNCIL MEETING OF SEPTEMBER 14, 2015

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on September 14, 2015 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Carol Strain-Burk
Deputy Mayor Pro Tem Stanley Jaglowski
LaShonjia Harris
Mayor Pro Tem James Daniels
Nina Morris

Councilmembers Absent:

Marco Mejia

City Staff Present:

Opal Mauldin-Robertson, City Manager
Rona Stringfellow, Assistant City Manager
Fabrice Kabona, Assistant to the City Manager
Jim Brewer, Public Works Director
Cheryl Wilson, Police Chief
Pat Adamcik, Assistant Fire Chief
Jermaine Sapp, Fleet Superintendent
Cynthia Pearson, Finance Director
Ed Brady, Director of Economic Development
Dori Lee, Human Resources Director
Robert E. Hager, City Attorney
Angie Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on August 10, 2015.

Invocation:

Deacon Jones with Ministerial Alliance gave the invocation.

Pledge of Allegiance:

Councilmember LaShonjia Harris led the pledge of allegiance.

Proclamation:

Mayor Knight read a proclamation proclaiming September 17, through September 23, 2015 as Constitution Week and ask our citizens to reaffirm the ideals The Framers of the Constitution had in 1787.

Consent Agenda:

City Secretary Arenas read the consent agenda.

- C1. Consider approval of minutes from the City Council Regular Meeting held on August 24, 2015 and the City Council Special Meeting held on August 31, 2015.**
- C2. Discuss and consider a resolution approving the terms and conditions of an interlocal agreement by and between the City of Lancaster and Dallas County Department of Health and Human Services to provide certain health services.**
- C3. Discuss and consider a resolution approving the City Council rules and procedures pursuant to Section 3.14 of the Home Rule Charter.**

- C4. Consider a resolution canceling the City Council Work Session of September 21, 2015 and the regular City Council meeting of September 28, 2015, regular City Council meetings of November 23, 2015 and December 28, 2015.
- C5. Consider a resolution providing for the adoption of the Master Fee Schedule for all fees and charges assessed and collected by the City.
- C6. Discuss and consider a resolution approving the terms and conditions of an interlocal agreement by and between the City of Lancaster, Texas, and Dallas County Department of Health and Human Services to provide certain food establishment inspections and environmental services.
- C7. Discuss and consider a resolution adopting the City of Lancaster Financial Policy providing for prudent financial management of all funds to enable the city to maintain a long term stable and positive financial condition and provide guidelines for the day-to-day planning and operation of the city's financial matters.
- C8. Discuss and consider a resolution adopting the City of Lancaster Investment Policy providing that all funds of the city be managed and invested for safety, liquidity, diversification and yield and that investments be chosen in a manner which promotes diversity by market sector, credit and maturity; providing that this policy serve to satisfy the requirements of Chapter 2256 of the Local Government Code, "Public Funds Investment Act".
- C9. Discuss and consider a resolution adopting the City of Lancaster Debt Management Policy establishing guidelines for debt financing to provide for needed land, long-term capital additions, and infrastructure improvements while minimizing the impact of debt payments on current and future revenues.
- C10. Discuss and consider a resolution approving the terms and conditions of the Grant Agreement for the Routine Airport Maintenance Program (RAMP) by and between the City of Lancaster, as Airport Sponsor, and the Texas Department of Transportation, on behalf of the State of Texas; authorizing matching funds in the amount of \$50,000 at the Lancaster Regional Airport.

MOTION: Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve consent items. The vote was cast 6 for, 0 against [Mejia absent].

Mayor Knight spoke on consent item C3 and shared that during Strategic Planning meeting inquiries from councilmembers were extended to ten days.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to amend and approve consent items with the amendments to item C3. The vote was cast 6 for, 0 against [Mejia absent].

- 11. Conduct a public hearing and consider an amendment to the City of Lancaster's Comprehensive Plan's Future Land Use Map from Public/Semi Public uses for uses suitable under Office zoning to a land use designation of Retail for uses suitable under R-Retail zoning. The property is approximately .6 acres of land that is located on the north side of Pleasant Run Road just east of the intersection of Lancaster Park Drive and Pleasant Run Road. The legal description of the property is Part of Lot 6, Block B, Bellaire Acres addition, Lancaster, Dallas County, Texas.

Assistant City Manager Stringfellow stated that planning and zoning has recommended approval.

Mayor Knight opened the public hearing.

Pedro Rodriguez, new owner, shared that he was introduced to this property in September 2014. Mr. Rodriguez shared that he plans is seeking to sell the subject property for use as a real estate office.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk, to close the public hearing. The vote was cast 6 for, 0 against [Mejia absent].

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Daniels, to approve item 11. The vote was cast 6 for, 0 against [Mejia absent].

12. Conduct a public hearing and consider an amendment the City of Lancaster's Comprehensive Plan's Future Land use map from Low Density Residential uses to high Density Residential uses and a re-zoning request (Z15-02) from SF4-Single Family Residential to TH-16 Townhomes. The approximately 2 acre property is located on the south side of W. Main Street just east of the intersection of Briarwood Ln. and W. Main St., further described as H Lot 5 of the Enchanted Forest Unit 2 addition, Lancaster, Dallas County, Texas.

Assistant City Manager Stringfellow stated that the property is a 2 acre site of previously subdivided land. The applicant is seeking to construct a single family attached town home product. The Comprehensive Plan identifies this site as a low density residential use. Ms. Stringfellow advised that for this item will require all members of the body votes to approve item 12.

Mayor Knight opened the public hearing.

Melissa Felts, 1840 Riverway, shared that she opposes having this item approved because when a multifamily home is built, it will become an unsafe environment.

Irene Mejia, 1500 W. Main, did not speak but opposes item 12.

Bettina Brown, 1641 Main Street, shared that she is favor for item 12. She stated that the plan is to have eight detached townhomes that will be in a gated community. Ms. Brown added the town homes would be about 2,000 to 2,500 square feet.

Ms. Brown informed Council that there will be fun club house which will include private conference rooms and kitchen areas for private use.

Frank Mejia, 1500 W. Main Street, opposes item 12 and shared this will be a bad location for this project.

Richard Norsworthy, 5015 Bluegrove Road, shared that Lancaster is a great place to grow and build homes. He stated that Lancaster is the only city in Dallas County that has the room and area to grow. Mr. Norsworthy opposes item 12 and stated that this will negatively affect the neighborhood.

Rick Eilers, 1414 S. Bluegrove, opposes item 12. Mr. Eilers shared the increase in traffic could make it unsafe for the community. Mr. Eilers expressed concern that drainage would be a problem and flooding will be an issue. Also, TH-16 means that at least 16 homes could be built if they choose to do so, increasing noise and promoting crime.

Lisa Stephani, 1675 W. Main, shared that if item 12 is built, it will cause more flooding for the surrounding homes. Ms. Stephani stated that they have quiet and narrow streets and if the population is increased that will cause more traffic. Also, she shared the property values and the quality of life will decrease.

Jim Baily, 1831 Riverway Lane, opposes on item 12. He shared that he lives directly behind the property on item 12. His concern is that this will cause an increase of flooding because the amount of concrete that will be placed. Also, he stated that the townhomes do not coincide with the surrounding properties.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to close the public hearing. The vote was cast 4 for, 2 against [Daniels and Morris] [Mejia absent].

Councilmember Morris inquired of City Attorney Hager issues about flooding. City Attorney advised that if council would like to change usage then the developer would have to submit drainage plans and plats to have an engineer approve of the change.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Daniels, to deny item 12. The vote was cast 6 for, 0 against [Mejia absent].

- 13. Conduct a public hearing and consider a Specific Use Permit (SUP) for a telecommunications tower on property known as 653 N. Bluegrove Road further described as William Rawlins Survey, Abstract 1200, Tract 40 in City of Lancaster, Dallas County, Texas.**

Assistant City Manager Stringfellow stated there was a need to recommend approval of the SUP as it would add a tower enabling more antennas for cell phone service which would benefit the City.

Mayor Knight opened the public hearing.

Kathy Zibilich, 8150 N. Central Expressway, Dallas, Texas, gave a presentation discussing the request for an eighty-five (85) foot tower, that would be away from the single family development already in existence. Ms. Zibilich advised that Verizon was already a carrier that would be on the tower but that there was room for another carrier. She further advised the request is for gravel drive as opposed to concrete because there are unusual circumstances. The site, she added, does not get much traffic at all and the concrete is more expensive.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to close the public hearing. The vote was cast 6 for, 0 against [Mejia absent].

MOTION: Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve action item 13. The vote was cast 6 for, 0 against [Mejia absent].

- 14. Conduct a public hearing and consider an amendment to the City of Lancaster's Comprehensive Plan's Future Land Use Map from Retail uses to Light Industrial uses and a rezoning request from Planned Development Mixed Use (PD-MU) to Planned Development Light Industrial (PD-LI). The subject property is described as being a 3.845 acre tract and a 0.992 acre tract in the Smith Elkins Survey, Abstract No. 430, in the City of Lancaster, Dallas County, Texas.**

Assistant City Manager Stringfellow stated a request was submitted to amend the City of Lancaster's Comprehensive Plan's Future Land Use Map from Retail uses to Light Industrial uses and a rezoning request from Planned Development Mixed Use (PD-MU) to Planned Development Light Industrial (PD-LI) with an associated Concept Plan at the northwest corner of Telephone Road and Dallas Avenue.

P&Z Commission recommended approval with the condition that the Conceptual Site Plan be amended to clarify "Park Detention Acreage".

Mayor Knight opened the public hearing.

There were no speakers.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to close the public hearing. The vote was cast 6 for, 0 against [Mejia absent].

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve action item 14. The vote was cast 6 for, 0 against [Mejia absent].

15. Discuss and consider an ordinance establishing Civil Service classifications within the Police and Fire Departments; prescribing the number of positions in each classification.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve action item 15. The vote was cast 6 for, 0 against [Mejia absent].

16. Consider confirmation of Civil Service Commission appointments as designated by the City Manager.

Mayor Knight shared the City Manager has designated Keith Whitley's to serve a term that expires in 2018.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve action item 16. The vote was cast 6 for, 0 against [Mejia absent].

17. Discuss and consider a resolution approving the City of Lancaster Public Improvement District (PID) Advisory Board Appointments.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to approve action item 17. The vote was cast 6 for, 0 against [Mejia absent].

18. Discuss and consider a resolution amending the rate for certain fees and charges assessed and collected by the City for water service; providing a repealing clause; and providing an effective date.

The proposed 2015-2016 base water bill is proposed to remain as they currently exists. The senior citizen discount that is proposed will increase from \$1.74 to \$1.94 on water and from \$.76 to \$1.76 per month on sewer.

Councilmember Harris commended staff for bring the item forward and her peers considering the senior discount and challenged staff to continue finding discount for seniors regarding water

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to close the public hearing. The vote was cast 6 for, 0 against [Mejia absent].

19. Discuss and consider a resolution amending Section 10.700 of the Master Fee Schedule for fees and charges assessed for water and wastewater rates.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Daniels, to approve action item 20. The vote was cast 5 for, 1 against [Harris] [Mejia absent].

- 20. Discuss and consider a resolution approving a Facilities Agreement by and between the City of Lancaster and the Pauls Corporation, relating to infrastructure and improvements for the development of property described as “Southpointe Business Park”, generally located in the city rights-of-way located at 3901 and 3951 Corporate Drive, Lancaster, Texas.**

Assistant City Manager Stringfellow confirmed that based upon discussions and advice of consultants, a ten inch line would support the property to build out.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Strain-Burk, to approve action item 20. The vote was cast 6 for, 0 against [Mejia absent].

- 21. Discuss and consider a resolution granting a request for a Special Exception pursuant to Section 14.209 (d), of the Lancaster Development Code; to provide a Special Exception for increased height on the proposed fleet maintenance facility to be located on the east side of the intersection of the BNSF railway and Third Street and more commonly known as 629 E. Third.**

Assistant City Manager Stringfellow recommended the Council to approve the resolution.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Daniels, to approve action item 21. The vote was cast 6 for, 0 against [Mejia absent].

- 22. Discuss and consider a resolution granting a request for Special Exceptions pursuant to Section 14.209 (d), of the Lancaster Development Code; to provide a Special Exception to a Masonry Requirement on the building; a reduction in the articulation requirements and increased height of the building to be located on the north side of Daniieldale Road approximately 1,866 feet west of the intersection of Houston School Road and Daniieldale Road, more commonly known as 2935 Daniieldale Road.**

Applicant advised he plans to substantially comply with the color scheme as discussed by City Attorney Robert Hager.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to approve action item 16 including the revisions as advised by the City Attorney. The vote was cast 6 for, 0 against [Mejia absent].

- 23. Discuss and consider a resolution approving the terms and conditions of an Interlocal Agreement by and between the City of Dallas and the City of Lancaster for the Telephone Road Project.**

City Attorney Robert Hager advised section 3 of the resolution, which contains standard repealing language for any resolution in conflict, should be revised so as to not repeal Resolution 2015-04643, passed on June 8, 2015.

MOTION: Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve action item 23 subject to the revisions advised by the City Attorney. The vote was cast 6 for, 0 against [Mejia absent].

- 24. Discuss and consider an ordinance regarding the proposed revenue increase from levying ad valorem taxes for fiscal year 2015/2016 at \$0.8675 per one hundred dollars assessed valuation of all taxable property within the corporate limits to provide revenues for current maintenance and operation expenses and interest and sinking fund requirements; providing due and delinquent dates; penalties and interest; providing a homestead exemption and disability exemption.**

Deputy Mayor Pro Tem Jaglowski formally commended the staff on their preparation of the budget.

MOTION: Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve action item 24. The vote was cast 6 for, 0 against [Mejia absent].

- 25. Discuss and consider an ordinance regarding the proposed budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016; providing that expenditures for said fiscal year shall be in accordance with said budget.**

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to approve action item 16. The vote was cast 6 for, 0 against [Mejia absent].

- 26. Discuss and consider a resolution ratifying the budget for the fiscal year 2015/2016 that results in an increase of revenues by 8.72% from property taxes than the previous year.**

MOTION: Deputy Mayor Pro Tem Jaglowski made a motion, seconded by Councilmember Strain-Burk, to approve action item 26. The vote was cast 6 for, 0 against [Mejia absent].

City Manager Opal Mauldin-Robertson expressed gratitude to her staff and their hard work. The Mayor commended the staff and Council for their hard work in preparing and passing the budget.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to adjourn. The vote was cast 6 for, 0 against [Mejia absent].

The meeting was adjourned at 8:59 p.m.

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Marcus E. Knight, Mayor

LANCASTER CITY COUNCIL

Agenda Communication

October 26, 2015

Conduct a Public Hearing and consider an application rezoning request from LI Light Industrial and AO Agricultural Open Space to a PD Planned Development on approximately 59 acres on the NW corner of Daniieldale Road and North Houston School Road further described as Abstract Silas B Runyon 1199.

This request supports the City Council 2015-2016 Policy Agenda.

Goal: Quality Development

Background

1. **Location and Size:** The 59 acre property is generally located on the northwest corner of Daniieldale Road and North Houston School Road.
2. **Current Zoning:** The subject property is currently zoned primarily Agricultural Open space (A-O) with a small portion in the North West section of the parcel zoned Light Industrial (LI).
3. **Adjacent Properties:**
North: PD-070 – Partially developed (Campus District)
South: LI – Partially developed
East: PD-066 – Partially developed (ProLogis)
West: LI – Partially developed
4. **Comprehensive and Long Range Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for commercial highway and medium industrial uses. The warehouse sub-district envisions warehouse and distribution uses. The uses are generally compatible with either plan. But the proposed design is an issue for both plans, as the concept plan shows the Truck Court adjacent to the thoroughfare on North Houston School Road. The applicant has proposed landscaping as a means of making the activity and site design compatible.
5. **Public Notification:** Zoning signs were placed on the subject property. Property owner notices were sent to properties within 200 feet of the subject site. Newspaper notice was published in the Focus Daily News.
6. **Case/Site History:** n/a

Considerations

Operational - This is a rezoning request from Light Industrial (LI) and Agricultural Open Space (A-O) to Planned Development (PD) An “Office and Logistics Park” development is proposed. Office/Warehouse Distribution uses are permitted in LI and consistent with the comprehensive plan for the area and would be of a similar use and intensity. However the design of the site may be an issue.

There are three design issues that necessitate a need for a PD and concept plan, rather than what is allowed under straight LI zoning:

1) Maximum height of the building – The applicant is proposing a 50’ maximum height. The Light Industrial (LI) zoning district’s maximum height is 35’.

2) Truck court oriented along thoroughfare – The LI zoning district does not allow a truck court to face the street. The applicant is proposing to screen the truck court by landscaping with a 5’ berm, decorative metal fencing, and additional trees and shrubbery. It is of note that generally truck courts have not been allowed by City ordinance or in recent PD design guidelines to be viewable and/or oriented to a thoroughfare.

3) Articulation both horizontal and vertical – The LI zoning district requires that: *No horizontal wall shall extend for a distance greater than 3 times the height of the wall without changing height by a minimum of 25% of the wall’s height.* The applicant is proposing to meet this requirement by the use of materials, eaves, and roof lines. With regard to the horizontal articulation requirement, the LI zoning district requires: *No building wall shall extend for a distance equal to 3 times the wall’s height without having an off-set of 25% of the wall’s height, and that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane.* The applicant is proposing to meet this requirement by materials and color.

The articulations that are proposed in the elevations on South Point and Daniieldale are of a similar quality as the ProLogis PD. However, the proposed articulations along North Houston School Road are not of a similar quality as the sides are a Truck Court. If the Truck Court is screened, then most of the articulations would not be viewable.

If the request is approved as proposed, the site could have facades of similar quality as ProLogis along South Point and Daniieldale Roads (the least visible), but not along North Houston School Road (the most visible) as it would be a Truck Court eventually screened by landscaping, please note it will take years for the landscaping to mature to a viable level of screening.

Another consideration is if the commission desires a uniform visual appearance along the corridors, or if they desire a less uniform visual appearance, which could be accomplished in this instance with landscaping as opposed to building facades.

Staff does not have an issue with the maximum height of 50’. The articulation issue is tied to the Truck Court as the Truck Court is proposed to be screened, which would result in screening most of the articulations from view. Staff’s recommendation is the articulation standards in the LDC should be generally met when viewable. Please note that there are not specific articulation standards in the proposed PD.

Consistency with the Comprehensive Plan: The Comprehensive Plan identifies this site for Commercial Highway and Motor Freight/Medium Industrial uses. The existing LI zoning is in compliance with this designation, the A-O zoning is not except for the floodplain.

Potential Impact on Adjacent Development: The subject property is currently undeveloped. Property immediately adjacent to the north and west are partially developed. The property to the east, across N. Houston School Road, is partially developed. Staff does not foresee any potential major negative impacts upon adjacent properties or developments.

Availability of utilities and access: The subject property is served by City of Lancaster water and sanitary sewer. The applicant is not proposing any changes to the water and sewer master plan.

There are flag lots on the North Side of the property that pose an ingress/egress challenge for the applicant to resolve at the platting and site plan stages of development.

Site conditions such as vegetation, topography and flood plain: The subject property is currently undeveloped. There is a floodplain on the running North South on the West side of the property. This constrains how much buildable land is available on the lot and how buildings can be oriented. Issues such as vegetation, topography and flood plain will be further explored at the platting and site planning stages.

Timing of Development as it relates to Lancaster's Capital Improvement Plan: This is not applicable to this site.

- **Legal** – The City Attorney has drafted an Ordinance for the proposed zoning change.
- **Financial** - There are no financial considerations for this item.
- **Public Information** - On Thursday, October 1, 2015 a Public Hearing notice appeared in the Focus Daily News, the City of Lancaster's newspaper of record and mailed property owner notifications.

Options/Alternatives

1. Approve the rezoning request, as submitted.
2. Approve the rezoning request in accordance with staff recommended conditions.
3. Deny the SUP.

Recommendation

On October 20, 2015, the P&Z Commission recommended approval of the rezoning request with the following conditions:

- 1) Add sidewalks along Houston School Road and Southpointe Drive;
- 2) Revise the berm to create line of site above the truck doors from the southbound lane along Houston School Road; and

3) Developer shall appropriate acceleration and deceleration lanes as approved by the City Engineer.

Staff concurs with the P&Z.

Attachments

- Ordinance
- P&Z Agenda Communication w/attachments
- P&Z Minutes (draft)

Submitted By:

Fabrice Kabona, Acting Director of Development Services

PLANNING & ZONING COMMISSION
Agenda Communication for
October 20, 2015

#2

Z15-05 Conduct a public hearing and consider an application rezoning request from LI Light Industrial and AO Agricultural Open Space to a PD Planned Development on approximately 59 acres on the NW Corner of Danieldale Rd. and N. Houston School Rd. further described as Abstract Silas B Runyon 1199.

Background

A rezoning request from Light Industrial (LI) and Agricultural Open Space (A-O) to Planned Development (PD) with an associated Concept Plan, was submitted on September 3, 2015. An “Office and Logistics Park” development is proposed. Office/Warehouse Distribution uses are permitted in LI and consistent with the comprehensive plan for the area and would be of a similar use and intensity. However the design of the site may be an issue.

There are three design issues that necessitate a need for a PD and concept plan, rather than what is allowed under straight LI zoning:

- 1) Maximum height of the building;
- 2) Truck court oriented along thoroughfare; and
- 3) Articulation both horizontal and vertical.

1. **Location and Size:** The 59 acre property is generally located on the northwest corner of Danieldale Road and North Houston School Road.
2. **Current Zoning:** The subject property is currently zoned primarily Agricultural Open space (A-O) with a small portion in the North West section of the parcel zoned Light Industrial (LI).
3. **Adjacent Properties:**
North: PD-070 – Partially developed (Campus District)
South: LI – Partially developed
East: PD-066 – Partially developed (ProLogis)
West: LI – Partially developed
4. **Comprehensive and Long Range Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for commercial highway and medium industrial uses. There is also a 2006 Campus District Plan (not the Campus District PD) with a

Warehouse Sub-District that is partially shown as extending over part of the North West portion of the parcel. This is also generally the same area that is currently zoned LI. The warehouse sub-district envisions warehouse and distribution uses. The uses are generally compatible with either plan. But the proposed design is an issue for both plans, as the concept plan shows the Truck Court adjacent to the thoroughfare on North Houston School Road. The applicant has proposed landscaping as a means of making the activity and site design compatible.

Consistency with the Comprehensive Plan: The Comprehensive Plan identifies this site for Commercial Highway and Motor Freight/Medium Industrial uses. The existing LI zoning is in compliance with this designation, the A-O zoning is not except for the floodplain.

The uses of the proposed zoning designation are generally consistent with the Comprehensive plan. The Truck Court if viewable from the thoroughfare would not be consistent with providing high quality design standards.

Potential Impact on Adjacent Development: The subject property is currently undeveloped. Property immediately adjacent to the north and west are partially developed. The property to the east, across N. Houston School Road, is partially developed. Staff does not foresee any potential major negative impacts upon adjacent properties or developments.

Availability of utilities and access: The subject property is served by City of Lancaster water and sanitary sewer. The applicant is not proposing any changes to the water and sewer master plan.

Site conditions such as vegetation, topography and flood plain: The subject property is currently undeveloped. Issues such as vegetation, topography and flood plain will be further explored at the platting and site planning stages.

Nearby Logistics/Warehouse Development:

Address	Business	Square Feet	Year Open
1901 Daniieldale Road	Prologis	650,000	2013
2100 Daniieldale Road	UNFI	589,870	2013
2200 Daniieldale Road	Johnstone Supply, Romark Logistics	155,873	2013
2401 Daniieldale Road	BMW	282,000	2013
2101 Daniieldale Road	Quaker Oats/Pepsico	1,224,658	2014

- 5. Public Notification:** Zoning change signs were placed on the property. Property owner notices were sent to properties within 200 feet of the subject site. Newspaper notice was published in the Focus Daily News.

- 6. Case/Site History:** There is a floodplain on the running North South on the West side of the property. This constrains how much buildable land is available on the lot and how buildings can be oriented. There are flag lots on the North Side of the property that pose an ingress/egress challenge for the applicant to resolve at the platting and site plan stages of development.

Considerations

The applicant was provided a copy of the ProLogis PD by staff, which the ProLogis PD is also similar to the Lancaster Business Park PD design guidelines. Staff worked with the applicant to clarify his PD request and to encourage a dialogue of ideas, but the proposed PD should NOT be interpreted as a staff recommendation.

The proposed PD is generally designed to allow development of the subject site in conjunction with adjacent, similarly zoned property, but there are three design issues noted below.

The applicant is proposing to address the issues in the following ways as presented below. LI is referenced for comparison, but most of the property is zoned A-O.

The applicant's PD and concept plan propose to address the three in the following ways:

1. Height
 - a. LI maximum is 35'
 - b. PROPOSED is 50'

Staff Note: 45' Special Exceptions have been recently approved for warehouses.

2. Truck Court
 - a. LI does not allow a Truck court to face the street
 - b. PROPOSED is to screen the Truck court by landscaping, and
 - i. A 5' berm
 - ii. Fencing (jail bar or wrought iron)
 - iii. Trees and shrubs

Staff Note: Generally Truck Courts have not been allowed by City ordinance or in recent PD design guidelines to be viewable and/or oriented to a thoroughfare.

3. Articulation:
 - a. Vertical
 - LI requires: *No horizontal wall shall extend for a distance greater than 3 times the height of the wall without changing height by a minimum of 25% of the wall's height.*

- Proposed General statement regarding articulation by use of materials, eaves, roof lines.
- a. Horizontal
- LI requires: *No building wall shall extend for a distance equal to 3 times the wall's height without having an off-set of 25% of the wall's height, and that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane.*
 - Proposed General statement regarding articulation by use of materials and color.

Staff Note: The articulations that are proposed in the elevations on South Point and Danieldale are of a similar quality as the ProLogis PD. However, the proposed articulations along North Houston School Road are not of a similar quality as the sides are a Truck Court. If the Truck Court is screened, then most of the articulations would not be viewable.

If the request is approved as proposed, the site could have facades of similar quality as ProLogis along South Point and Danieldale Roads (the least visible), but not along North Houston School Road (the most visible) as it would be a Truck Court eventually screened by landscaping, please note it will take years for the landscaping to mature to a viable level of screening.

Another consideration is if the commission desires a uniform visual appearance along the corridors, or if they desire a less uniform visual appearance, which could be accomplished in this instance with landscaping as opposed to building facades.

Staff Notes: Staff does not have an issue with the maximum height of 50'. The articulation issue is tied to the Truck Court as the Truck Court is proposed to be screened, which would result in screening most of the articulations from view. Staff's recommendation is the articulation standards in the LDC should be generally met when viewable. Please note that there are not specific articulation standards in the proposed PD.

Options/Alternatives

1. Approve the PD as submitted.
2. Approve the PD with conditions and state those conditions in the motion.
3. Deny the PD.

Staff Note: The site will require platting, a site plan, and a traffic impact analysis before construction can begin. The site plan will come back to the commission for approval and will be considered an amendment to the proposed PD.

Attachments

- Narrative from the Applicant
- Zoning Map
- Zoning Map (with Campus District shown)
- Aerial Map (same as Zoning Map scale)
- Aerial Map (zoomed in)
- Aerial Map (zoomed out)
- Proposed Conceptual Site Plans
- Proposed Planned Development Regulations

Prepared By and Submitted By:

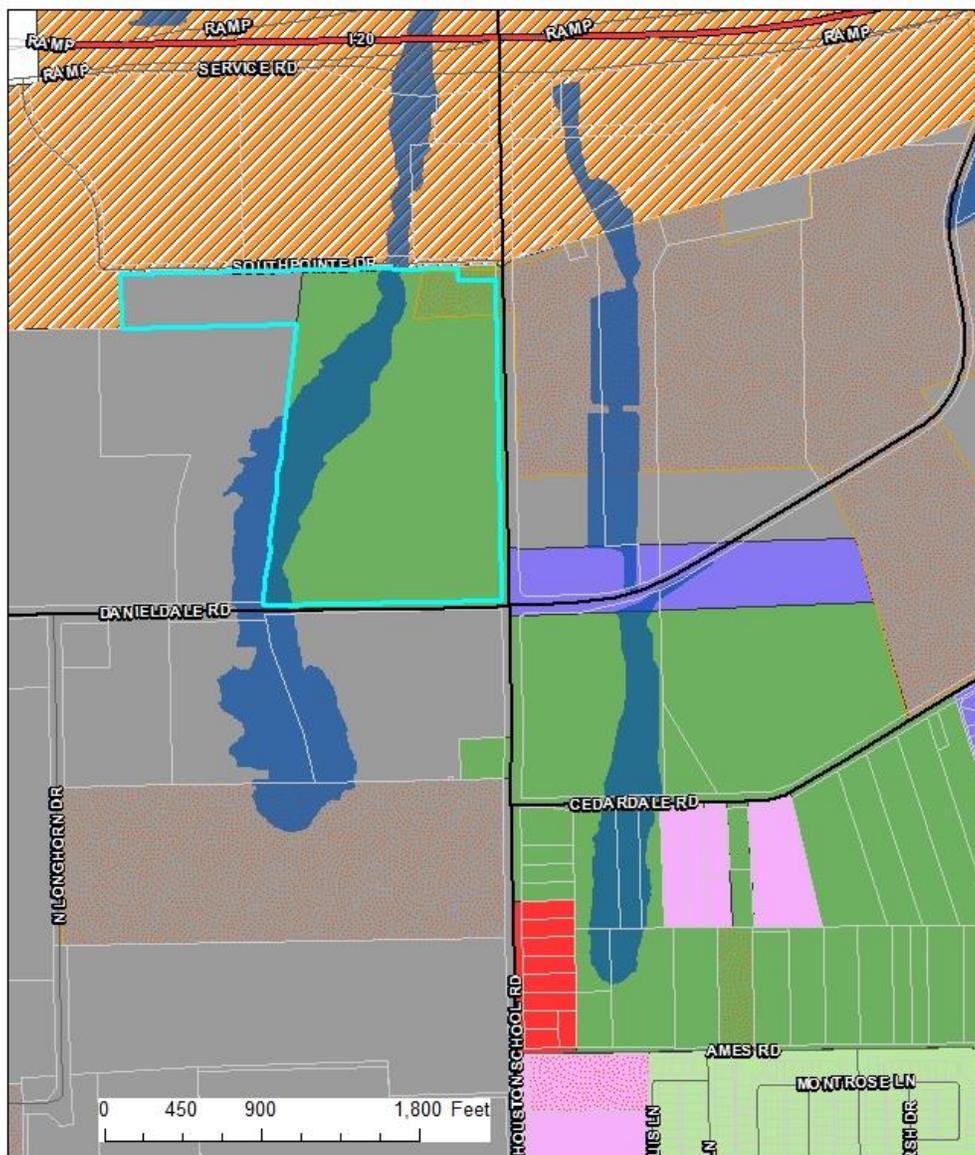
Brian Guenzel
Planning Consultant for City of Lancaster

Narrative from the Applicant

Copeland Commercial is seeking the rezoning of a 59.4 acre tract of land at the SW corner of South Pointe Drive and N. Houston School Road for the development of a Class A Office and Logistics Park. At the recommendation of city staff, Copeland Commercial has chosen a PD application to provide a collaborative effort with the city of Lancaster for the development. It is Copeland Commercial's goal to provide a win/win scenario with the city by significantly enhancing the aesthetics along N. Houston School Road while targeting local, regional and Fortune 100 companies, thus providing new jobs and significantly increased taxable value for the city of Lancaster. Lancaster is fortunate to be located at the juxtaposition of the two most important logistical arteries in the country; I-35 (the NAFTA Freeway) runs N/S from Mexico to Canada and I-20 runs E/W from coast to coast.

The site's dimensions make it uniquely suited to meet two separate niche's in the market. The land along South Point Dr. is shallow in depth and is ideally suited for a multi-tenant 140,000 SF rear load facility which can accommodate local and regional companies. Currently Lancaster has no Class A product with a rear load configuration that can accommodate users down to 10-20,000 SF. The land along N. Houston School Dr. is very deep and provides the area necessary to develop a state of the art, 900,000 SF, cross-dock logistics facility that today's Fortune 100 companies are looking for. The width of the site allows a for a 600' deep building and 180' concrete aprons on two sides, which provides the functionality and efficiency being demanded by multinational companies in their supply chain. Among other features, the facility will feature a 32' clear height on the interior of the facility to provide more cubic space for the latest racking and picking systems which necessitates a building height in excess of that provided in the city's existing industrial zoning.

Zoning Map



Legend

Railroads	SUPs	MH (Mobil Home Park)	SF-4 (Residential Low Density)
Streets	Zoning	MZ (Multi-Zoned)	SF-6 (Residential High Density)
<all other values>	ZONING	NS (Neighborhood Services)	SF-5 (Residential Medium Density)
CLASS	A-O (Agricultural Open)	ORT (Office Space)	MF-16 (Residential Multi-Family)
INTERSTATE	CH (Commercial Highway)	PD (Planned Development)	TH-16 (Residential Town Homes)
MAJOR ARTERIAL	CS (Commercial Services)	2F-6 (Residential 2-Family)	ZL-7 (Residential Zero Lot Line)
Parcels	LI (Light Industrial)	SF-E (Residential Estates)	R (Retail)
FEMA 100yr Floodplain			

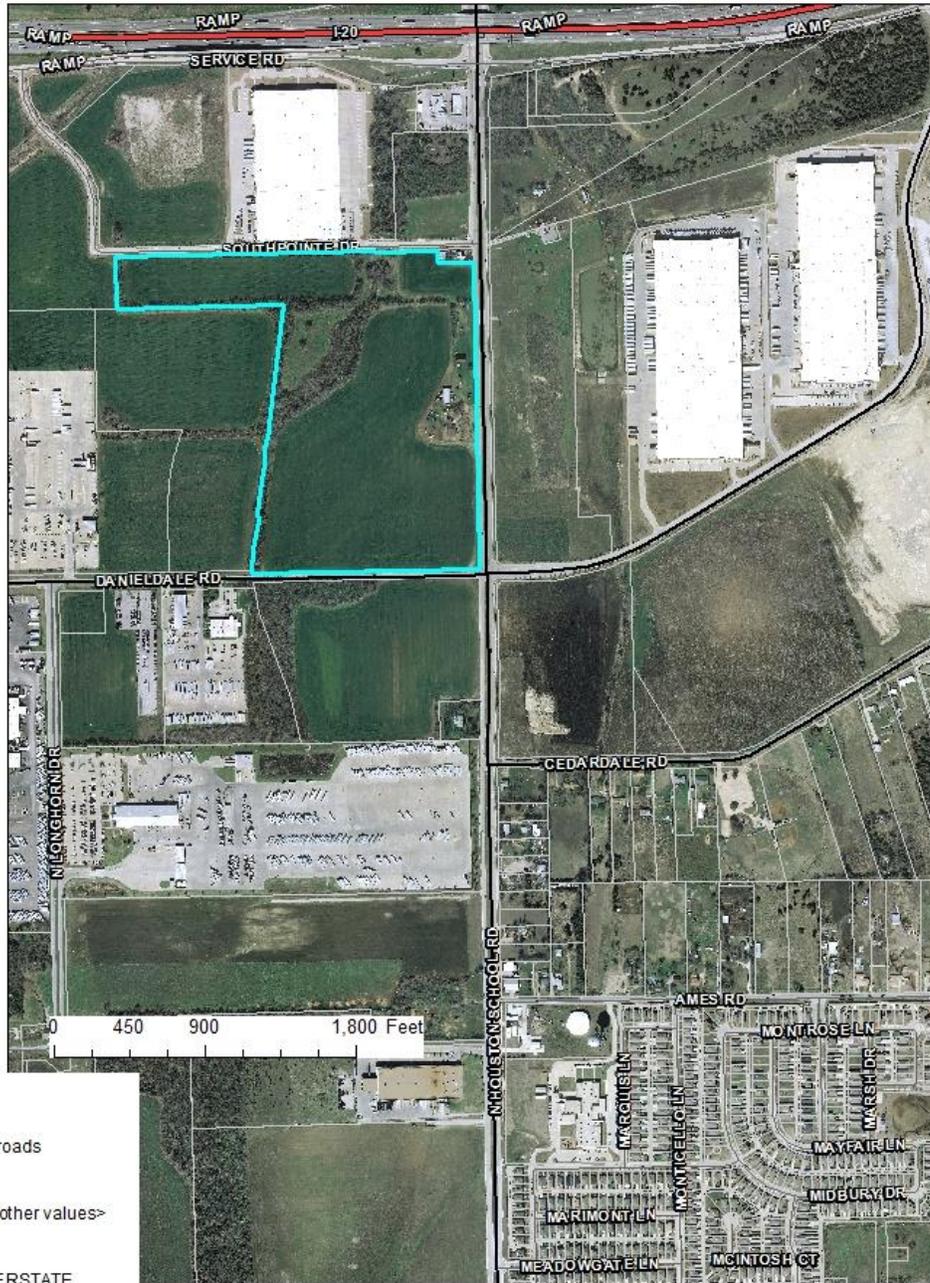
Zoning Map (with Campus District shown)



Legend

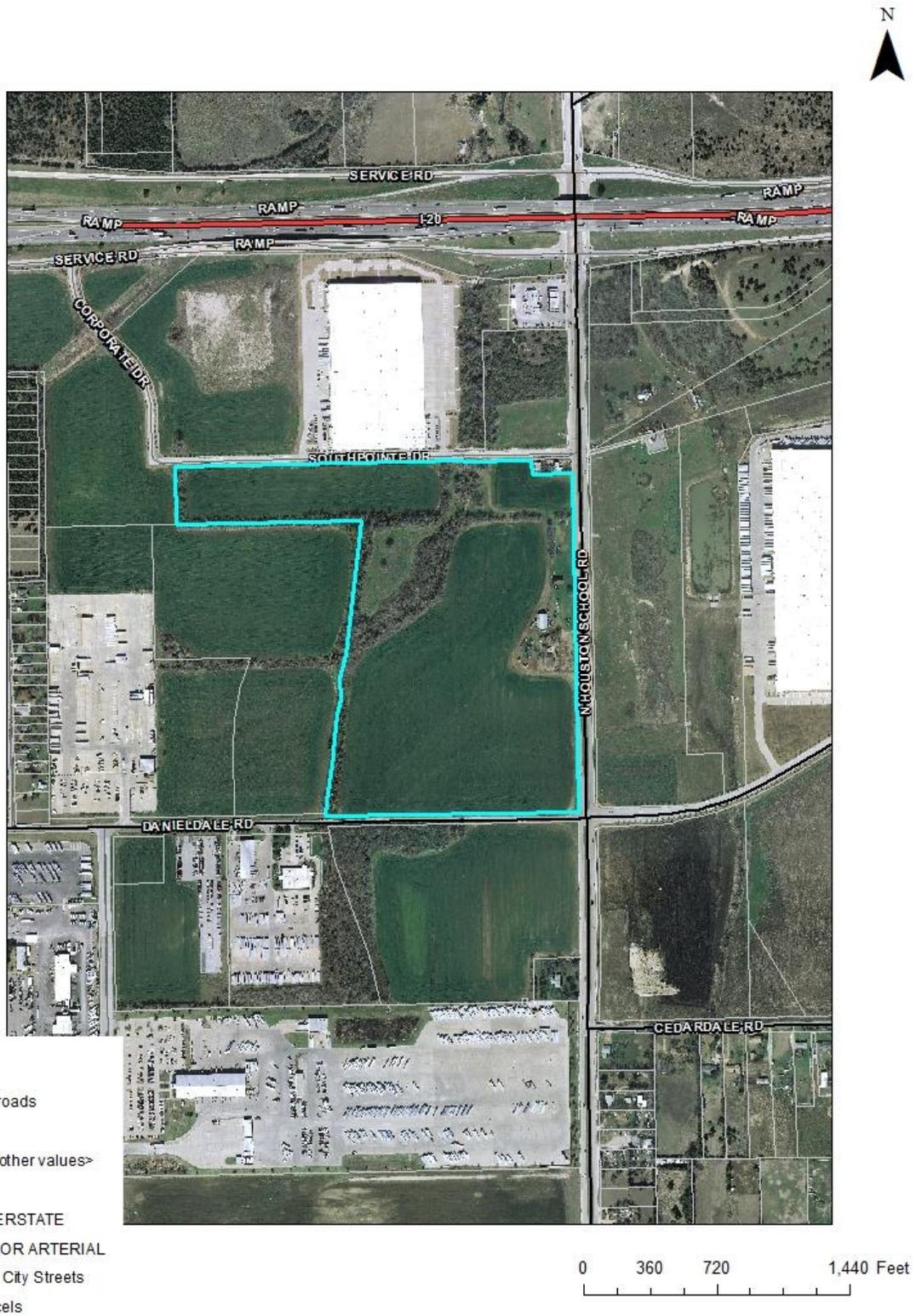
Railroads	FEMA 100yr Floodplain	LI (Light Industrial)	SF-4 (Residential Low Density)
Streets	Campus District	MH (Mobil Home Park)	SF-6 (Residential High Density)
<all other values>	Zoning	MZ (Multi-Zoned)	SF-5 (Residential Medium Density)
CLASS	ZONING	NS (Neighborhood Services)	MF-16 (Residential Multi-Family)
INTERSTATE	A-O (Agricultural Open)	ORT (Office Space)	TH-16 (Residential Town Homes)
MAJOR ARTERIAL	CH (Commercial Highway)	PD (Planned Development)	ZL-7 (Residential Zero Lot Line)
Non City Streets	CS (Commercial Services)	2F-6 (Residential 2-Family)	R (Retail)
Parcels	SF-E (Residential Estates)		

Aerial Map (same as Zoning Map scale)

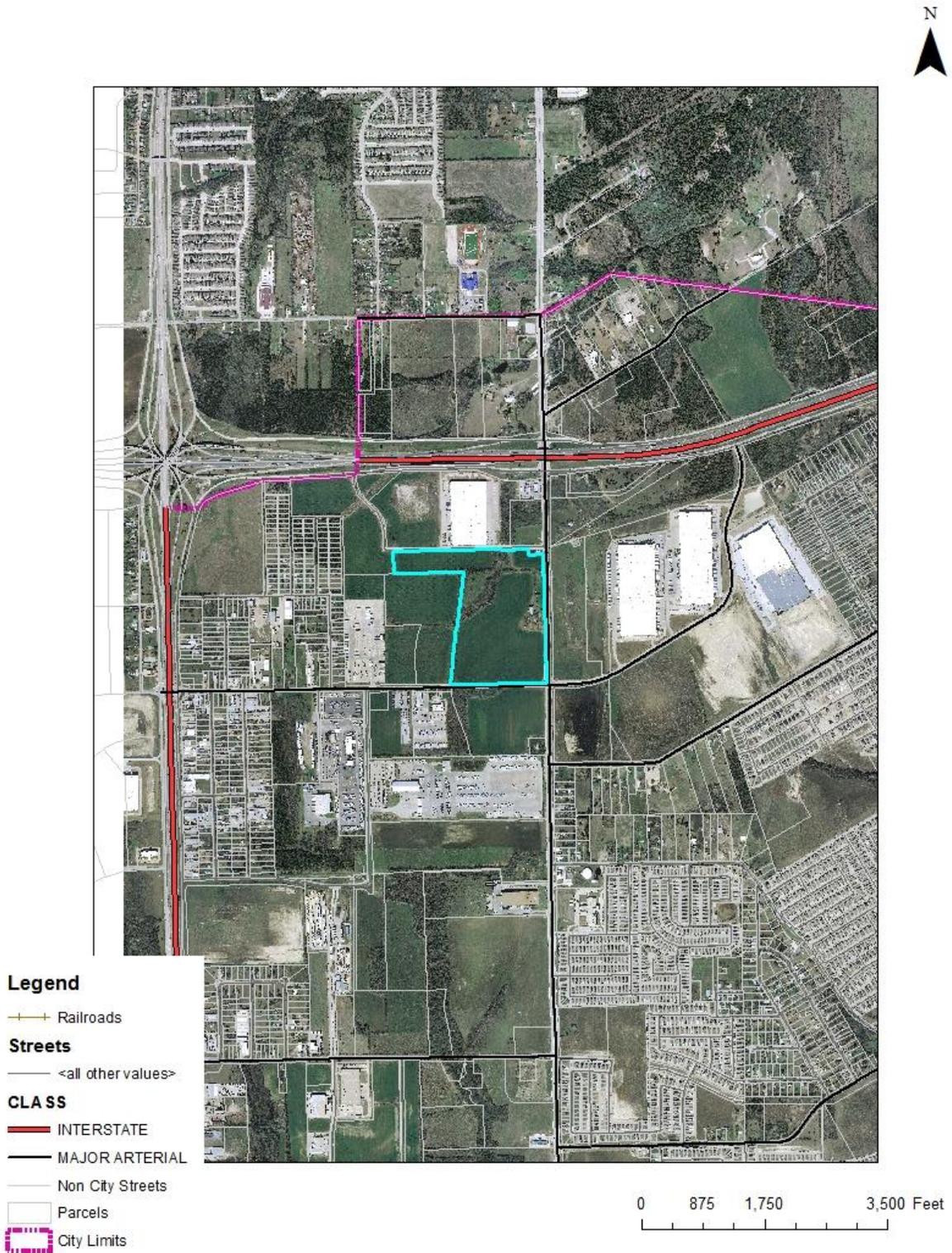


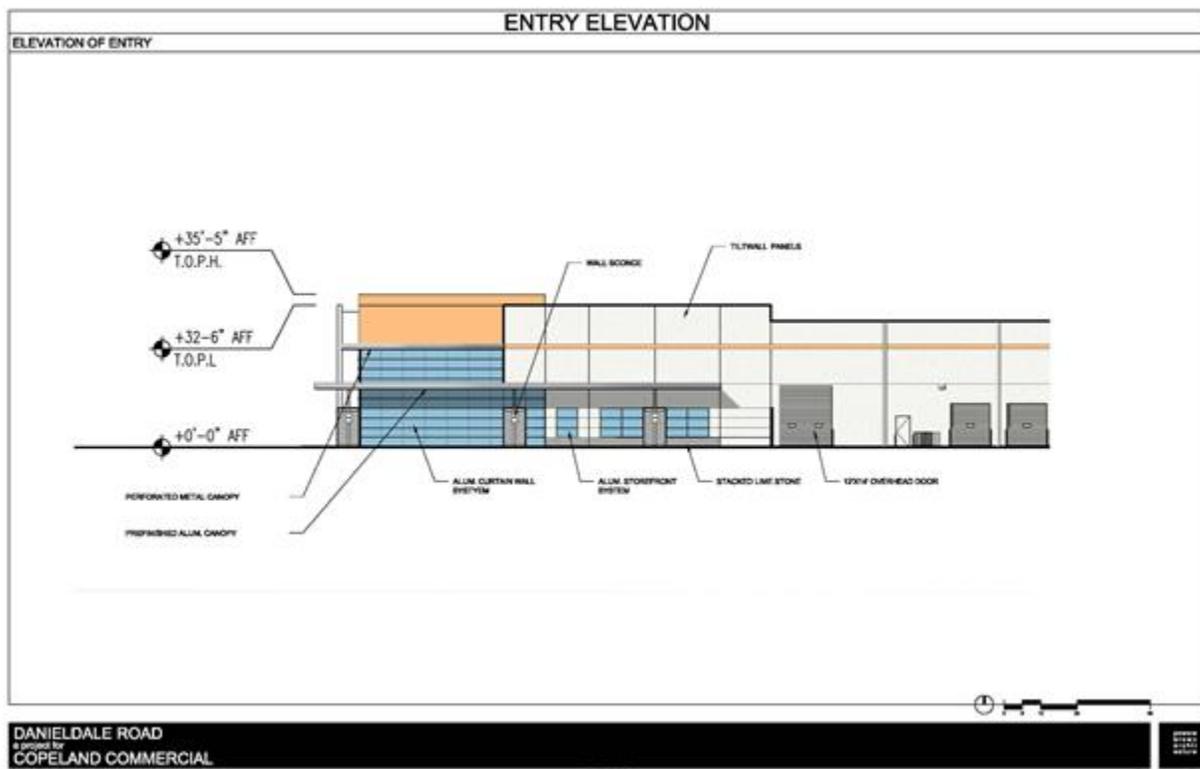
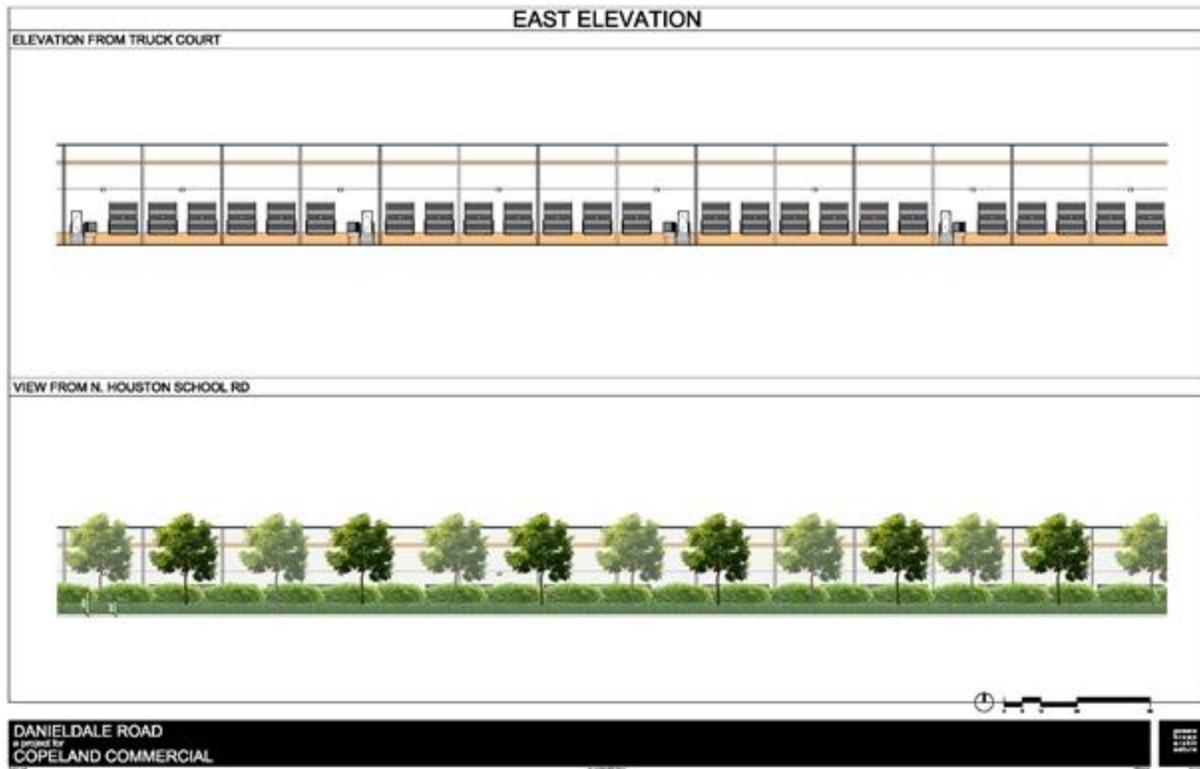
- Legend**
- Railroads
 - Streets**
 - <all other values>
 - CLASS**
 - INTERSTATE
 - MAJOR ARTERIAL
 - Non City Streets
 - Parcels

Aerial Map (zoomed in)

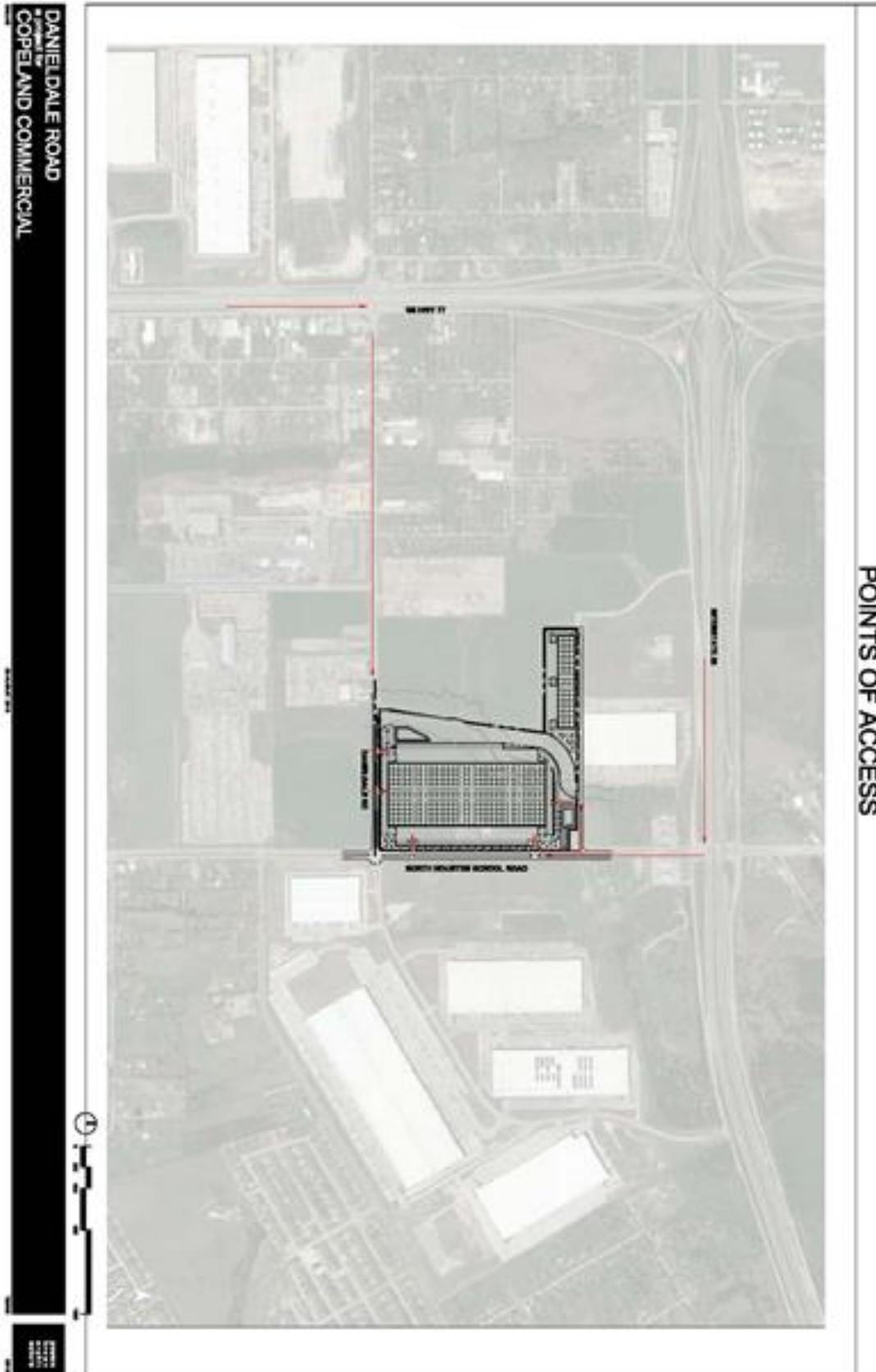


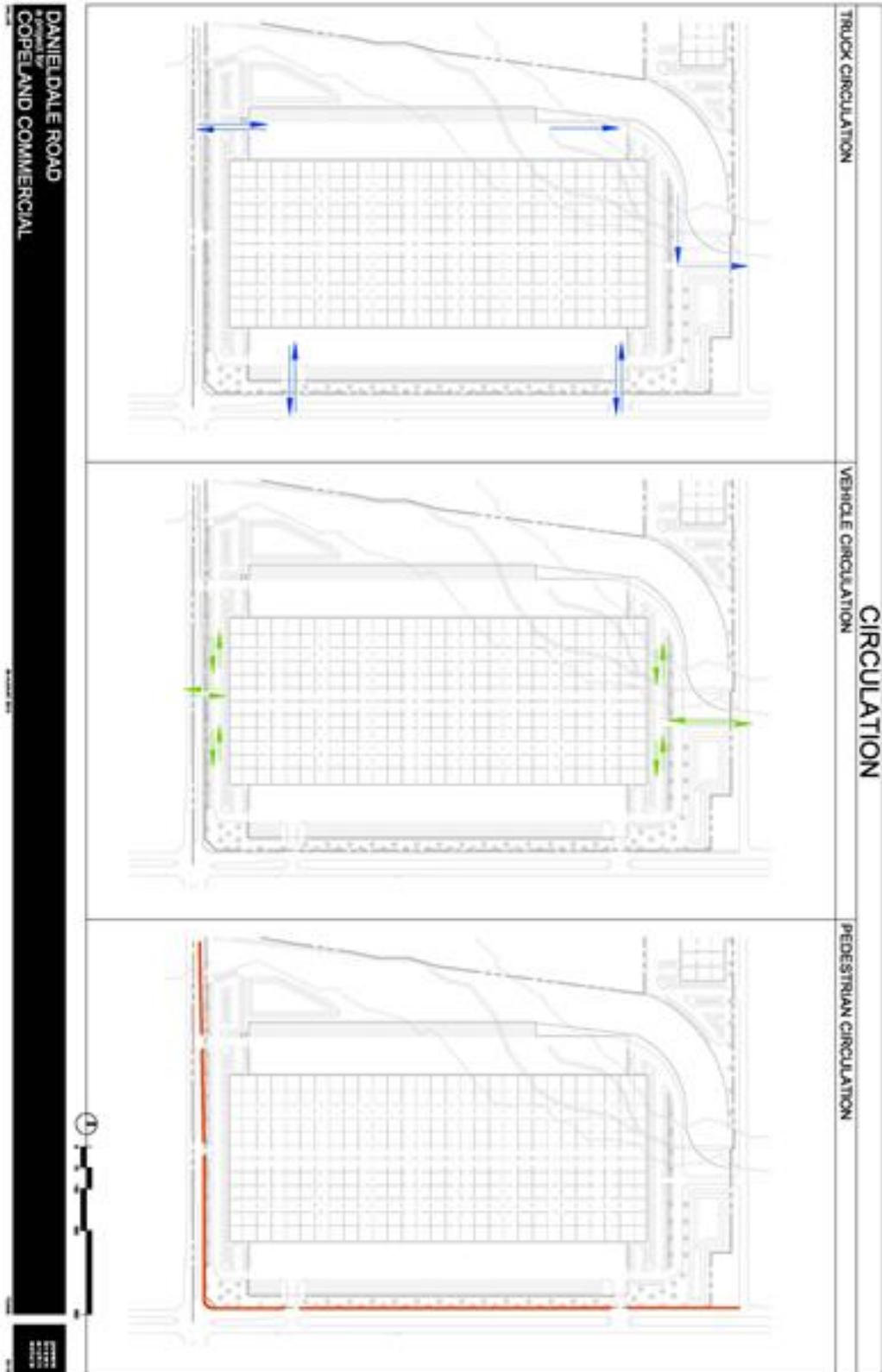
Aerial Map (zoomed out)











Proposed Planned Development Regulations

Interstate Commerce Center I-35 PD

THAT THE MASTER THOROUGHFARE PLAN, THE COMPREHENSIVE ZONING ORDINANCE, THE COMPREHENSIVE PLAN AND MAP OF THE CITY OF LANCASTER, AS HERETOFORE AMENDED, BE, AND THE SAME IS HEREBY AMENDED TO GRANT A CHANGE IN ZONING CLASSIFICATION FROM LI (LIGHT INDUSTRIAL) AND A- 0 (AGRICULTURAL OPEN) TO PLANNED DEVELOPMENT PD **XX**, TO ALLOW FOR OFFICE, COMMERCIAL, AND INDUSTRIAL USES FOR APPROXIMATELY 59.4 ACRES, GENERALLY LOCATED NORTH OF DANIELDALE ROAD, WEST OF NORTH HOUSTON SCHOOL ROAD, SOUTH OF SOUTH POINTE DRIVE. MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change was filed on September 3, 2015, under Case Number Z15-05; and

WHEREAS, the City of Lancaster has complied with the notification requirements of the Texas Local Government Code and the Lancaster Zoning Ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission have held a public hearing and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Lancaster.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

Section 1 Zoning Map

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Lancaster, Texas, as shown in Exhibit A.

Section 2 Definitions & Interpretations

Unless otherwise stated herein, the definitions in the City of Lancaster Zoning Ordinance shall apply.

1. College, University, Trade school - shall mean an educational institution, including Universities, offering advanced instruction in any academic field, beyond secondary level, including trade schools and business colleges.

Section 3 Development Plan and Schedule

The attached Concept Plan as shown in Exhibit B is the first stage of the development process. All other steps as required by the City of Lancaster Code of Ordinances shall apply including a Traffic Impact Analysis in accordance with the City of Lancaster Code of Ordinances.

Section 4 Applicability

The standards within this article shall apply to all properties as designated in this planned development zoning district. In event of a conflict between the standards described herein and elsewhere in the City of Lancaster Code of Ordinances, the standards in this Article shall apply. These design standards shall be applicable to both main and accessory uses for all new construction.

Section 5 Administrative Procedures

All administrative procedures shall follow the City of Lancaster Code of Ordinances.

Section 6 Permitted Uses

Permitted Uses

- The uses, including, but not limited to the following shall be allowed anywhere in the PD:
 - Office/Showroom
 - Warehouse and Distribution
 - College, University, Trade school
 - Apparel and other products assembled from finished textiles
 - Bottling works.
 - Call Centers and Telemarketing Services.
 - Contractors yard . (Allowed only as an Accessory Use)
 - Cosmetic manufacturer.

- Data processing services.
- Drugs and pharmaceutical products manufacturing.
- Electronic products manufacturing.
- Facilities for the manufacturing, fabrication, processing or assembly of products; provided that such facilities are completely enclosed and provided that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.
- Fur goods manufacture,
- General offices uses.
- General warehousing activities (including convenience storage or "mini" warehouse)
- Glass products from previously manufactured glass.
- Household appliance products assembly and manufactured from prefabricated parts.
- Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that dust, odor, gas, smoke or noise is emitted and not more than twenty percent (20%) of the lot or tract is used for the open storage of products, materials, or equipment.
- Musical instruments assembly and manufacture.
- Office showroom .
- Package Delivery and Distribution Centers.
- Pest Control Services.
- Plastic product manufacture, but not including the processing of raw materials.
- Sporting and athletic equipment manufacture .
- Testing and research laboratories.
- All other facilities for the manufacturing, fabrication, processing or assembly of products, provided that such facilities are not detrimental to the public health, safety or general welfare and provided that the following performance standards are met:
 - a. Smoke. No operation shall be conducted unless it conforms to the standards established by state health rules and regulations pertaining to smoke emission
 - b. Particulate matter. No operation shall be conducted unless it conforms to the standards established by state health rules and regulations pertaining to emission of particulate matter
 - c. Dust, odor, gas, fumes, glare or vibration. No emission of these matters shall result in a concentration at or beyond the property line which is detrimental the public health, safety or general welfare or which causes injury or damage to property; or as said emissions conform to the standards established by state health rules and regulations pertaining to said emissions.
 - d. Radiation hazards and electrical disturbances. No operation shall be conducted unless it conforms to the standards established by state health rules and regulations pertaining to radiation control.
 - e. Noise. No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise at the property line shall not exceed seventy-five (75) dB(A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; or as said operation conforms to the standards established by state health rules and regulations or other city ordinances pertaining to noise

- f. Water pollution. No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate state health and environmental protection agencies.
- The following uses shall only be allowed along Houston School Road and northern 300' of the site
 - Restaurant Florist
 - Barber/Beauty shop Drug Store/Pharmacy Fraternal Club Lodge Food sales
 - Personal services Pet services
 - General Retail Sales Meat Market
 - Auto Parts Sales
 - Gasoline Service Stations Museum
 - Hotel/Motel
 - Amusement (indoor & outdoor) Entertainment
 - Hospital/emergency care clinic or care center and medical offices
 - Church or Rectory

Vehicular Sales and Service that do not require exterior inventory storage

Non-Permitted Uses

- Ambulance Service
- Bed & Breakfast
- Boat Sales and Service
- Cleaning and Laundry
- Expanded Full Service Travel Plaza
- Feed Store (Wholesale)
- Fence Company - Sales & Storage
- Full Service Travel Plaza
- Gas and/or Electric Public Utility Regulating Stations
- Golf course
- Open Storage
- Paint Shop (Paint booths and incidental painting are allowed as part of user's overall operation)
- Pawn Shop
- Schools – All
- Single-Family) and multi-family) dwellings
- Truck Sales and Leasing
- Truck Terminals
- Trailer Sales and Leasing
- Welding Shop (welding stations and/or incidental welding are allowed as part of user's overall operation)

Section 7 Development Regulations

PURPOSE: The character, image and identification of the City of Lancaster and the Interstate Commerce Center is based, in large part, upon the architecture of its buildings; and how well those buildings are located and oriented on the site to relate to one another and the surrounding elements. The following guidelines are intended for use with site plan submittals to encourage excellence in the design of buildings proposed for this development.
Height requirements:

- (a) Building Maximum Height above finished floor elevation - 50' (fifty feet)
- (b) Maximum number of stories – 3 (three) stories

Area regulations: For the purposes of these regulations: “front” shall refer to all site boundaries along a public right- of- way: “Side” shall refer to all site boundaries which intersect with a public right- of- way: and ”Rear” shall refer to all other site boundaries.

- (a) Building Size- A minimum building size of 40,000 square feet shall be required.
- (b) Minimum Building Setback
 - a. Front Building Line 25' (adjacent to all street rights-of-way)
 - b. Side Building Line 15'
 - c. Rear Building Line 15' (except the Side or Rear Building Line shall be equal to the height of the structure measured from the finished floor to the top of the Wall..)
- (c) Maximum Lot Coverage by Building 50%
- (d) Minimum Paving (Landscape) Setback
 - a. Front 25' (adjacent to all street rights-of-way)
 - b. Side and Rear 5' (adjacent to side and rear property lines. except where a rear or side property line is located within a common Truck Court, parking area and/or internal drive which is shared with the adjacent property. In such case there shall be no rear and/or side paving setback line.)

Section 8 Site Design

General Layout and Street Configuration

1. There are two proposed drive approaches into the Planned Development along North Houston School Road. Three drives from S Pointe Drive and two from Daniieldale road.

Sidewalks

1. Due to the nature of this Development, the requirement for sidewalks along internal public rights-of-way shall be waived for South Point Dr and Daniieldale Rd.

Section 9 Building Design

Building Form/Scale/Bulk/ Height/Rhythm

1. Architectural design shall be encouraged throughout the development with the design reflecting a general continuity and harmony consistent with the general style and character of the community, while at the same time providing new, creative, forward-looking and dynamic approaches to design.
2. Buildings along North Houston School Road should be image making and designed to reflect their significance as primary entry and focal point.
3. Structures immediately adjacent to residential areas or adjacent thoroughfares identified on the City's Thoroughfare Plan should be designed to create transitions to surrounding developments through the use of structural enhancement, landscaping or building placement.[we are not adjacent to residential so is this applicable?]
4. Building design shall consider solar orientation and existing topography.
5. Monotonous look-alike structures and over-zealous repetition shall be discouraged. This shall not preclude the use of unifying design themes to the extent that a "structural rhythm" is established.

6. Stylized buildings and "trademark" architecture that are used as a form of advertising shall be discouraged.

Building Facades

1. Building facades shall reflect the design intent of the structure, while at the same time provide an architectural face that relates to surrounding land uses and streetscapes; and contributes to the neighborhood and community character.
2. Exterior building design, as well as architectural details related to color, type and application of materials and building form shall be coordinated for all elevations of a building to achieve continuity of design .
3. The rear and sides of buildings shall be of an architectural character comparable with the front of the building.
4. Buildings with multiple entrances and/or that face onto more than one street shall have a coordinated and unifying facade design for all such entrances to achieve harmony and continuity of design.
5. Architectural design features, techniques, patterns, materials and colors shall be used with sufficient variety to create visual interest in the facade of buildings, provided that such elements are incorporated into an overall site design or unifying theme.
6. Reveals, vertical offsets and changes in color or materials, landscaping shall be uses to enhance the interior wall sections not facing toward a street.

Roof Architecture

1. Flat roofs shall be used in conjunction with other roof styles consistent with a particular style of architecture and shall incorporate decorative parapet forms (on the short sides of the building and at the office entries).
2. Roof-top plumbing, vents, ducts air conditioning equipment, antennae and any other mechanical or electrical equipment mounted on a roof (excluding fire protection devices) shall be screened in an architecturally integral fashion to the building and screened in a manner so as not to be visible from five (5) feet above the street pavement surface of North Houston School Road, Daniieldale Road, South Pointe Drive from the adjacent property lines.
3. Chimneys roof flashing rain gutters, downspouts and other roof protrusions should be painted and finished to match the color of the adjacent surface, unless such protrusions are being used as an accent element or decorative feature.

Permitted Use Exterior Material Building Requirements

1. All building facades shall be 100% masonry. Masonry is defined as brick, stone, standard concrete block (painted), split-faced concrete block, fluted concrete block, burnished concrete block, stucco, pre-cast concrete panels, cast-in-place concrete (painted), tilt-up concrete panels which will have any one or combination of the following finishes: painted, exposed aggregate, sandblasted, bush- hammered and/or stained. The area of doors and window openings shall not be included in the calculation of this requirement.

Special Conditions – North Houston School Road, Daniieldale Road and S Pointe Drive

1. Building facades along roads mentioned above should be used in a manner consistent with a Class A institutional office and industrial development, similar to the existing buildings in Prologis business park and as provided on applicant's site plan and elevations.
2. Building materials, roof design, horizontal and vertical articulation at the office entries, the use of eaves and overhangs, window and doorway treatments should be enhanced along these corridors to enhance the visual appeal of the development and to minimize potential negative impact to adjacent and nearby properties.

Window and Door Placement

1. Windows and doors should be aligned and sized to bring order to the building facade.
2. Windows and doors at the office entries should be sufficiently recessed, and/or placed or varied to create facade patterns that add variety and visual interest to the building design .
3. Along North Houston School Road and Daniieldale Road, office entry window and door placement shall be sufficiently recessed and/or placed or varied to create shadows and provide noticeable breaks in facades
4. Doors and entryways should be designed and located to provide immediate identification of the buildings entryways.

Colors and Materials

1. The use of accent colors shall be encouraged to provide a dignified and lively streetscape .
2. Colors that are compatible with the general environment of the community and that reduce reflected heat and glare are encouraged.
3. The use of bright or intense primary colors should be used sparingly.
4. More subtle, less intense colors should be used for facades facing adjacent properties.
5. Color should be used to accent entryways and special architectural features.
6. A change in the use of a building material on a structure should reflect a change in the plane of the structure.
7. Materials applied to a building elevation should wrap around onto adjoining walls and provide design continuity to the building.
8. Building materials shall not be composed of such a large variety that a visually cluttered effect is created.

Section 10 Landscaping

Landscaping and Open Space

1. All non-paved areas within the developed sites shall be fully irrigated and landscaped, as follows:
 - a. Required Landscape Areas and Trees:
 - i. Open space within the front parking setback: There shall be one (1) Large Tree (as defined in Section 34. LANDSCAPE REQUIREMENTS of the City) of Lancaster Zoning Ordinance) planted in the front paving setback area for every thirty (30') linear feet of open space along the street frontage. Such open space shall be fully irrigated and landscaped with trees, shrubs, groundcover, grass and/or other materials chosen from Table 34A , RECOMMENDED PLANT LIST, in the City of Lancaster Zoning Ordinance. Parking, loading or other paved areas located forward of the building shall be screened from the street, within the

landscaped area, through the use of grass berms and/or shrubbery, to an average height of three (3 ') feet.

- ii. Open space within side or rear paving setback areas: Such areas shall be landscaped and irrigated with plant material chosen from Table 34A.
- b. Parking areas within truck loading and maneuvering areas: There shall be no required landscaped islands or trees.
- c. All other open space areas: All other non-paved open areas within a developed site (e.g. areas adjacent to buildings) shall be fully landscaped. However, areas designated as creek area, natural water drainage, flood plain and/or detention shall be excluded from landscaped areas. Future development sites shall be periodically mowed and kept neat and orderly.

Section 11 Lighting

Lighting shall meet the requirements of the City of Lancaster Code of Ordinances.

Section 12 Parking & Loading

Parking Requirements

- 1. Off-street parking shall comply with the provisions set forth in the Comprehensive Zoning Ordinance, as amended, except where otherwise provided in this subsection.
- 2. No on-street parking will be permitted
- 3. Automobile parking stalls shall be a minimum of 9' wide x 18' long.
- 4. Warehouse and Distribution: 1 parking space per 2,500 s.f. of warehouse space for buildings comprising less than 100,000 s.f or 1 parking space per 5,000 s.f of warehouse space for buildings equal to or greater than 100,000 s.f. Parking for the office portion shall be 1 parking space per 300 s.f. of office area. Truck court areas may be striped to meet this requirement if necessary.

Section 13 Public View, Storage, Fencing & Screening

Screening

- 1. Truck courts, where adjacent to the building's loading docks, shall be screened from view (at the ends) by a "wing wall", extending perpendicular from the face a minimum of fifty feet (50').
 - a. Such wing wall shall extend above finished floor height a minimum of ten feet (10').
 - b. Truck courts, where adjacent to the building's loading docks and parallel and facing N Houston Road, shall be screened from view by an expanded 50' landscaped setback and a berm and vegetation forming a natural living screen that inhibits the truck doors from visibility when facing the building from N. Houston School Road (excluding park entry points where incidental viewing of dock doors may be noticed)..
- 2. Screening wing walls shall be required at the ends of all buildings composed of matching materials, blocking the view of parked trucks. Chain link, wire or metal panel fencing for screening purposes shall be strictly prohibited.

Service and Storage

1. Utility boxes, transformers, generators, chillers, mailboxes, trash and refuse receptacles, air conditioners, compressors, outside storage areas and other mechanical/electrical/support features should be integrated into the overall design of the building and development such as through a combination of building design and/or layout, masonry walls, grade separations and/or dense landscaping.
2. Ground level devices described above should be accessible for servicing and screened from view of vehicular entrances, streets and pedestrian areas.
3. Outdoor Storage
 - a. Outdoor storage of raw materials, finished goods, commodities or other such items shall be permitted provided the storage is incidental to the principal use of the property. Such outdoor storage shall be subject to the following regulations:
 - i. The area used for outdoor storage:
 1. shall not be located in any setback areas and,
 2. shall not exceed 30% of the lot area; and,
 3. shall be screened from view from all sides, public and private, b) a minimum 6-foot high opaque screen consisting of any one or a combination of the following:
 4. fence
 5. masonry wall
 6. vegetation
 7. berm
 8. At all times the stored materials must be one foot (1') below the opaque screen.
4. Shipping containers shall not be allowed to be stored on the site except when attached to trailer assemblies.
5. Other Details:
 - a. Barb wire, concertina wire or razor wire along North Houston School Road or Daniieldale Road shall be strictly prohibited.

Section 14 Signs

1. Pole signs shall be prohibited.
2. Up to a maximum of 3 flagpoles may be allowed per building with a maximum pole height of 35' for detached poles and 10' above the roof line for attached poles. Each flag shall be a maximum of 48 square feet in area. All flags shall be maintained such that there shall be no rips, holes, or tears or frayed edges.

Section 15 Telecommunications & Technology

1. Antennas (a) All telecommunications equipment and ancillary equipment shall be screened from view when placed atop the roof of a building. Such equipment shall only be allowed on the roof of buildings over 24' in height, and only when the equipment is screened from view and from any point of elevation within 100'. If proposed wireless and/or cellular

telecommunications antennas, facilities, and ancillary equipment are of a stealth design, then an SUP shall be requested.

SECTION 16 CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Lancaster, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Lancaster's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

SECTION 17 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable., and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 18 PENALTY CLAUSE

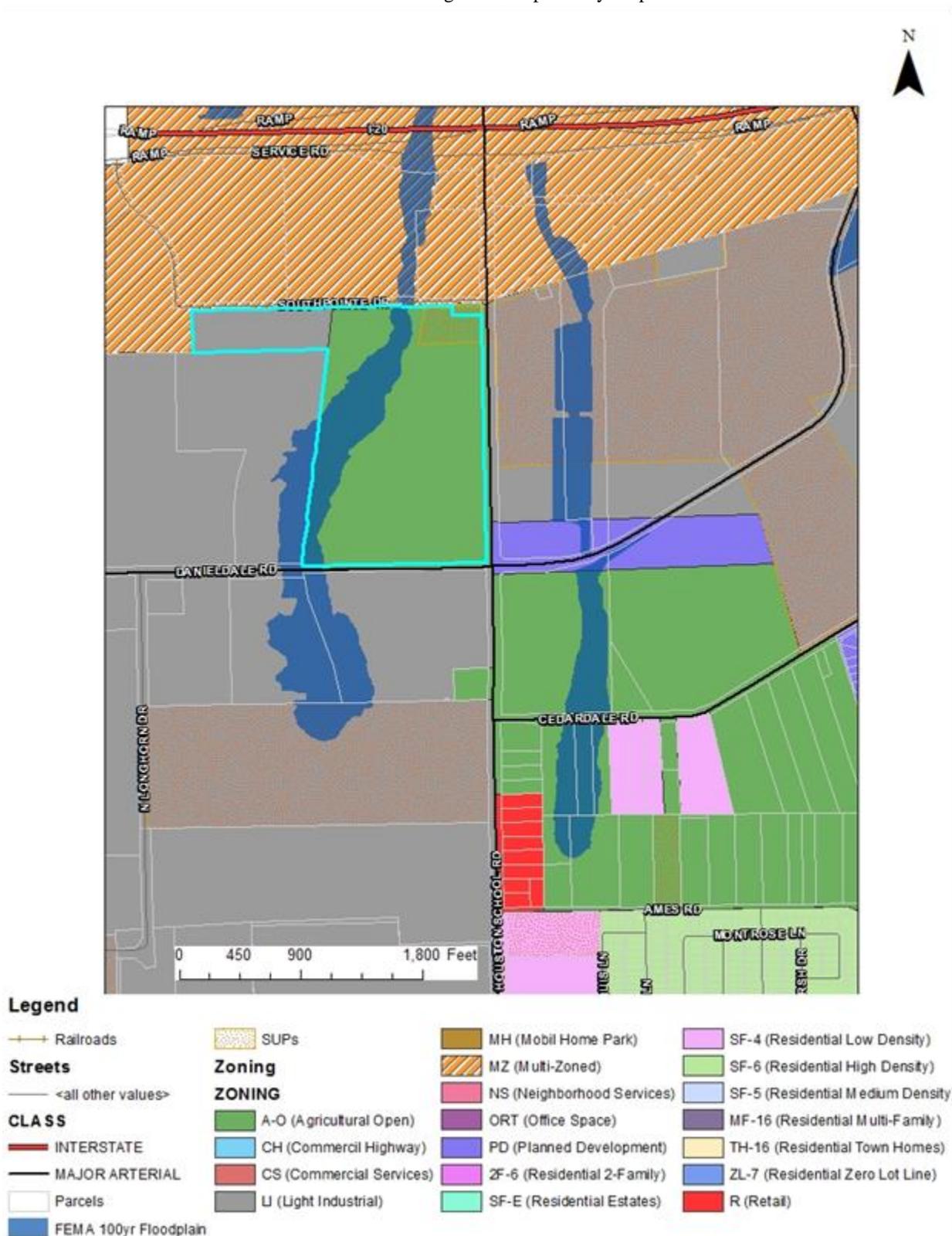
Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

SECTION 19 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

<<Need signature info here from CSO>>

Exhibit A. Zoning and Compatibility Maps

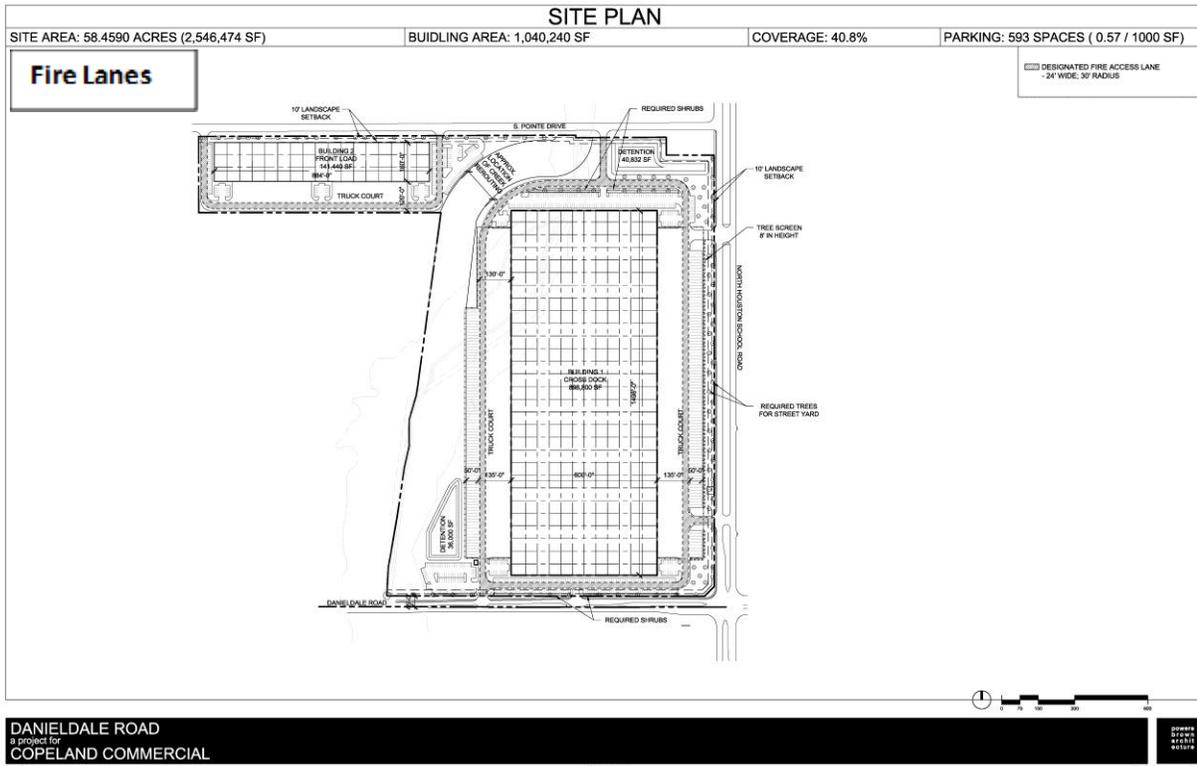
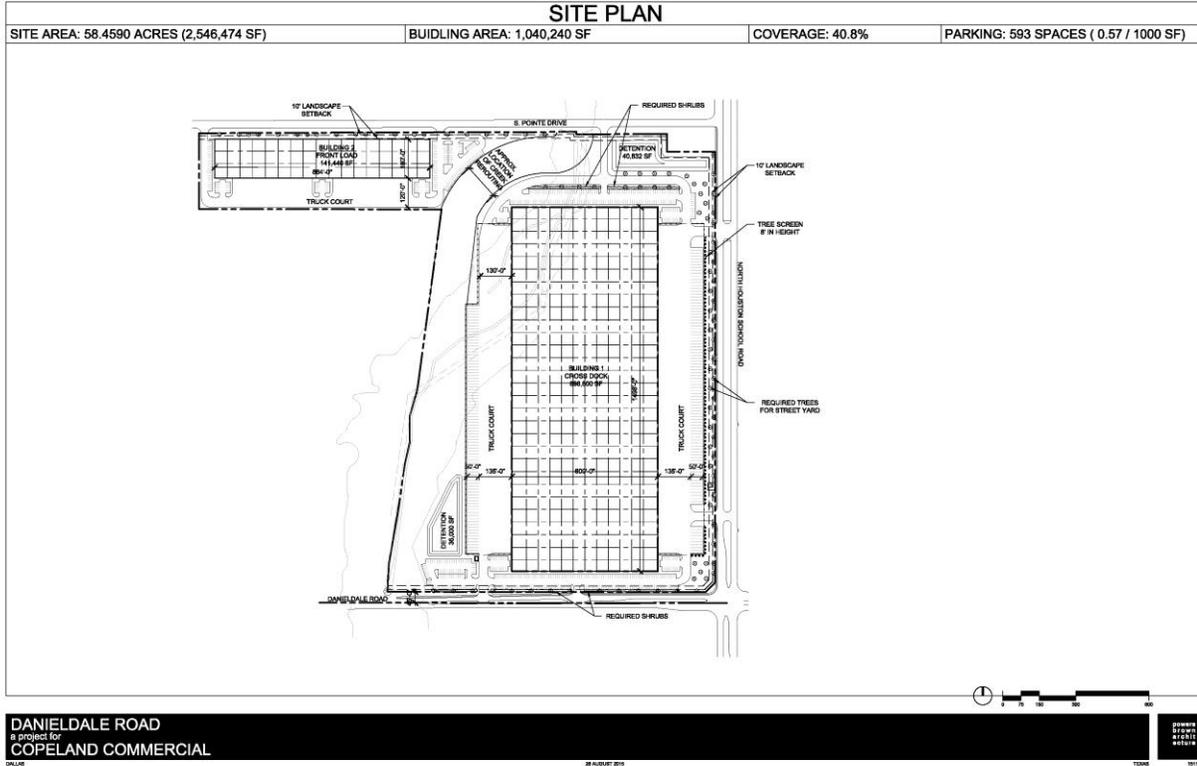


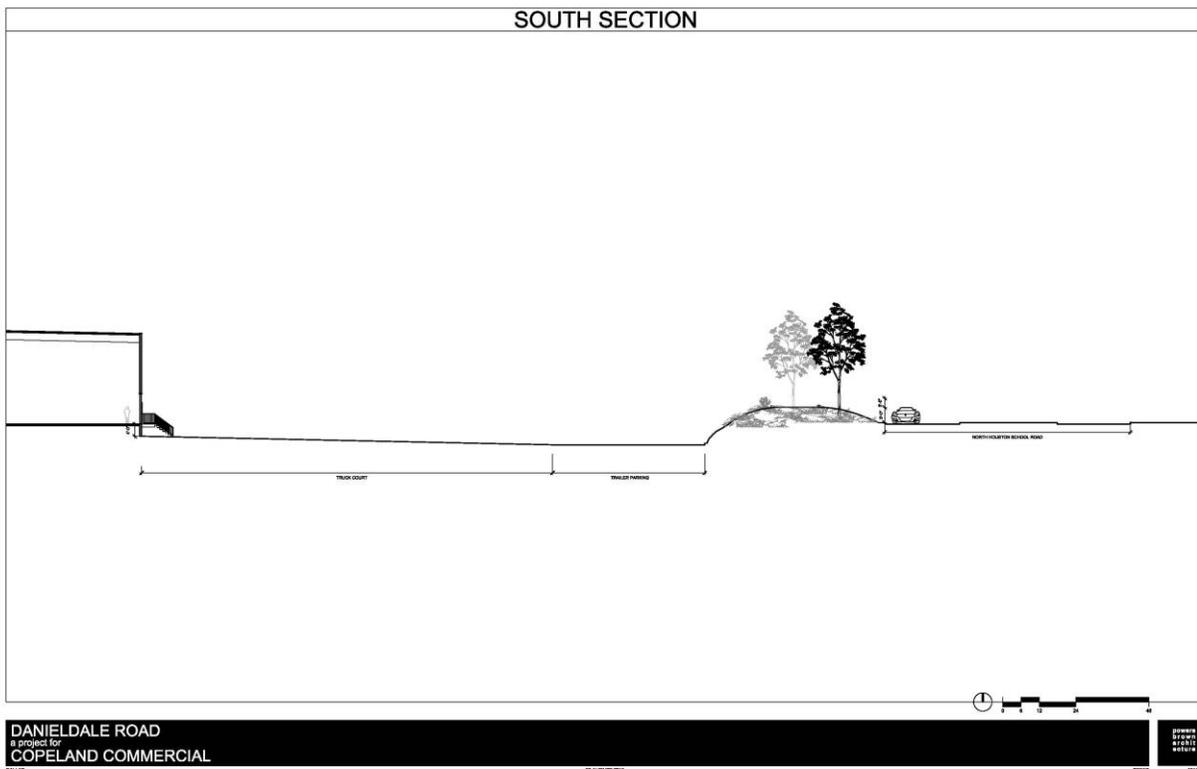


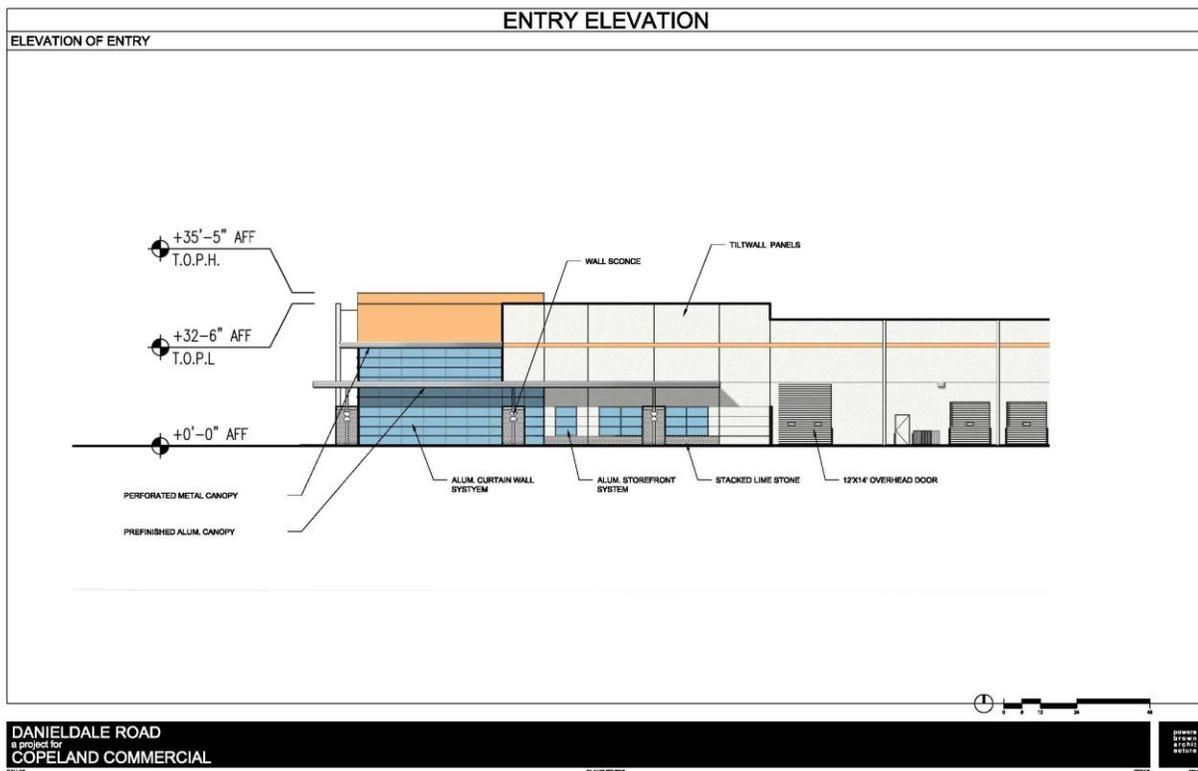
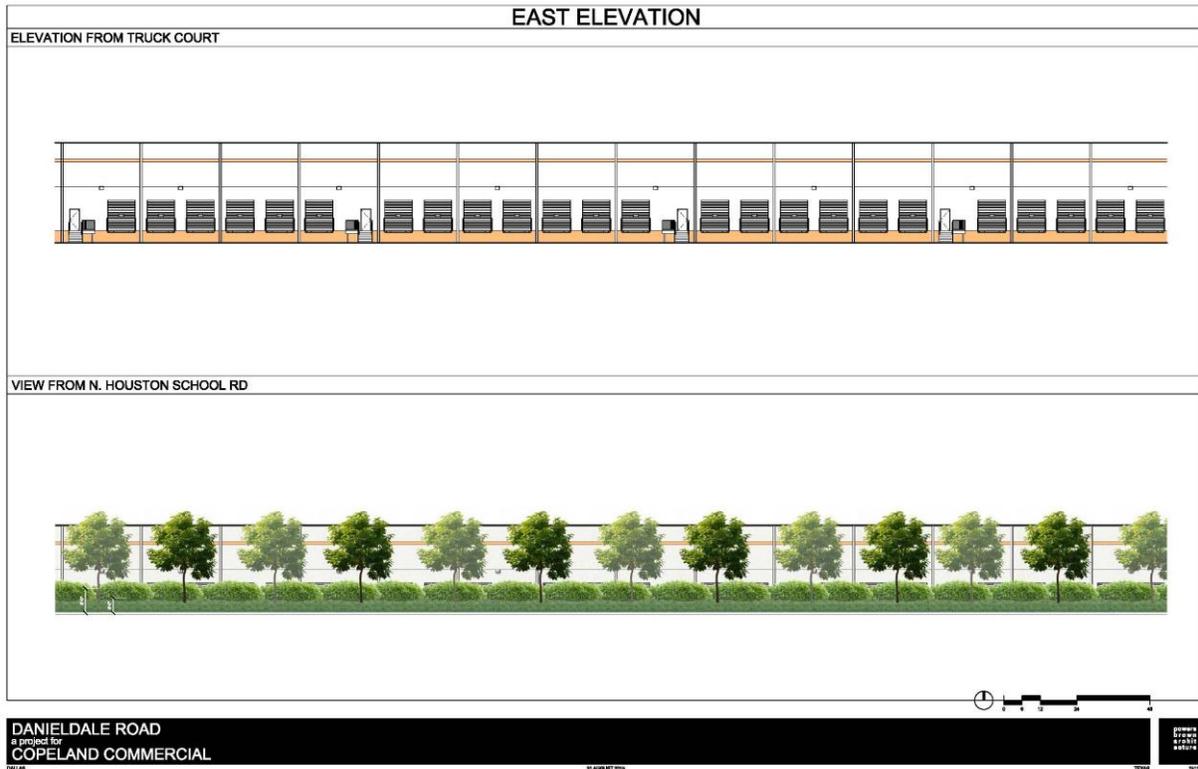
Legend

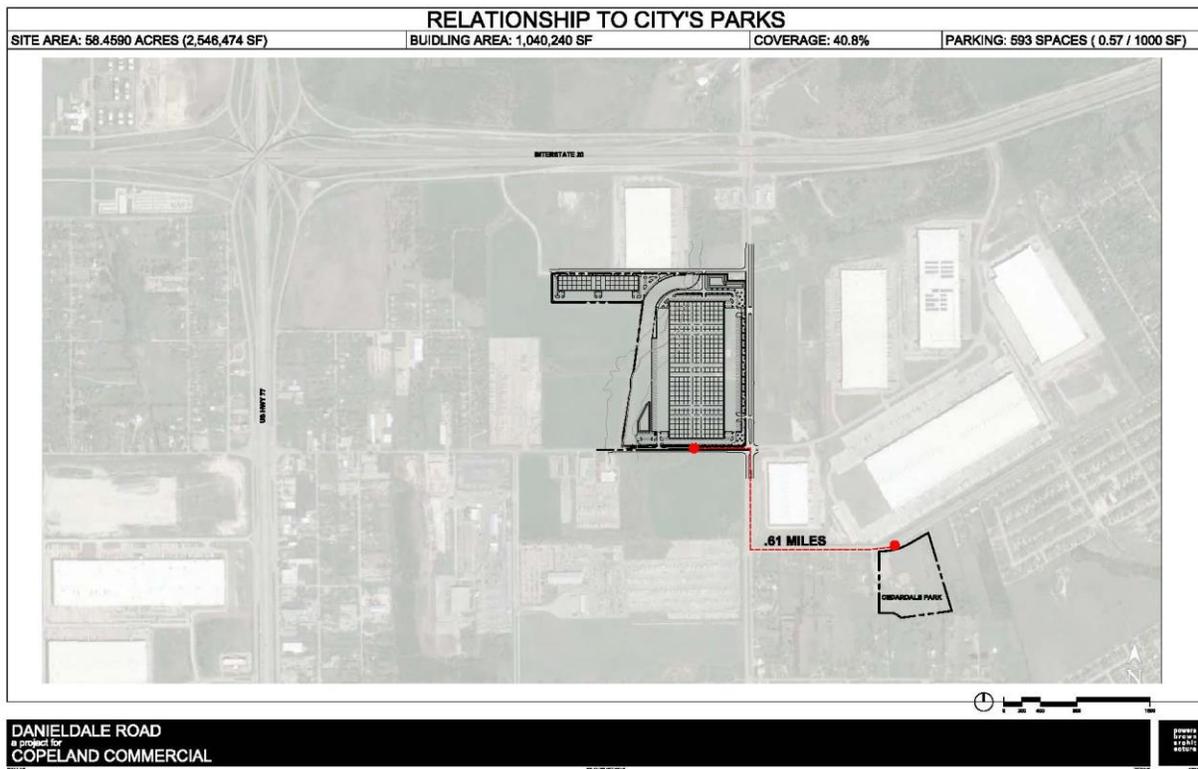
—+— Railroads	FEMA 100yr Floodplain	U (Light Industrial)	SF-4 (Residential Low Density)
Streets	Campus District	MH (Mobil Home Park)	SF-6 (Residential High Density)
— <all other values>	Zoning	MZ (Multi-Zoned)	SF-5 (Residential Medium Density)
CLASS	ZONING	NS (Neighborhood Services)	MF-16 (Residential Multi-Family)
INTERSTATE	A-O (Agricultural Open)	ORT (Office Space)	TH-16 (Residential Town Homes)
MAJOR ARTERIAL	CH (Commercial Highway)	PD (Planned Development)	ZL-7 (Residential Zero Lot Line)
Non City Streets	CS (Commercial Services)	2F-6 (Residential 2-Family)	R (Retail)
Parcels	SF-E (Residential Estates)		

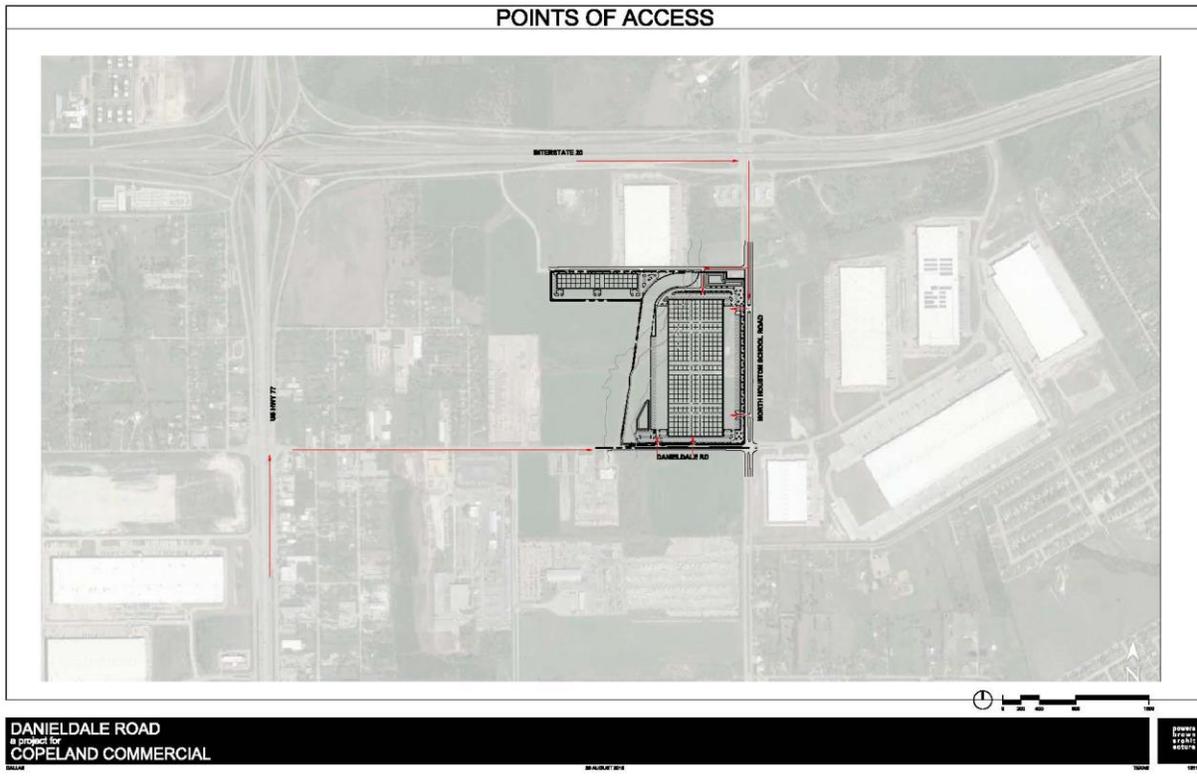
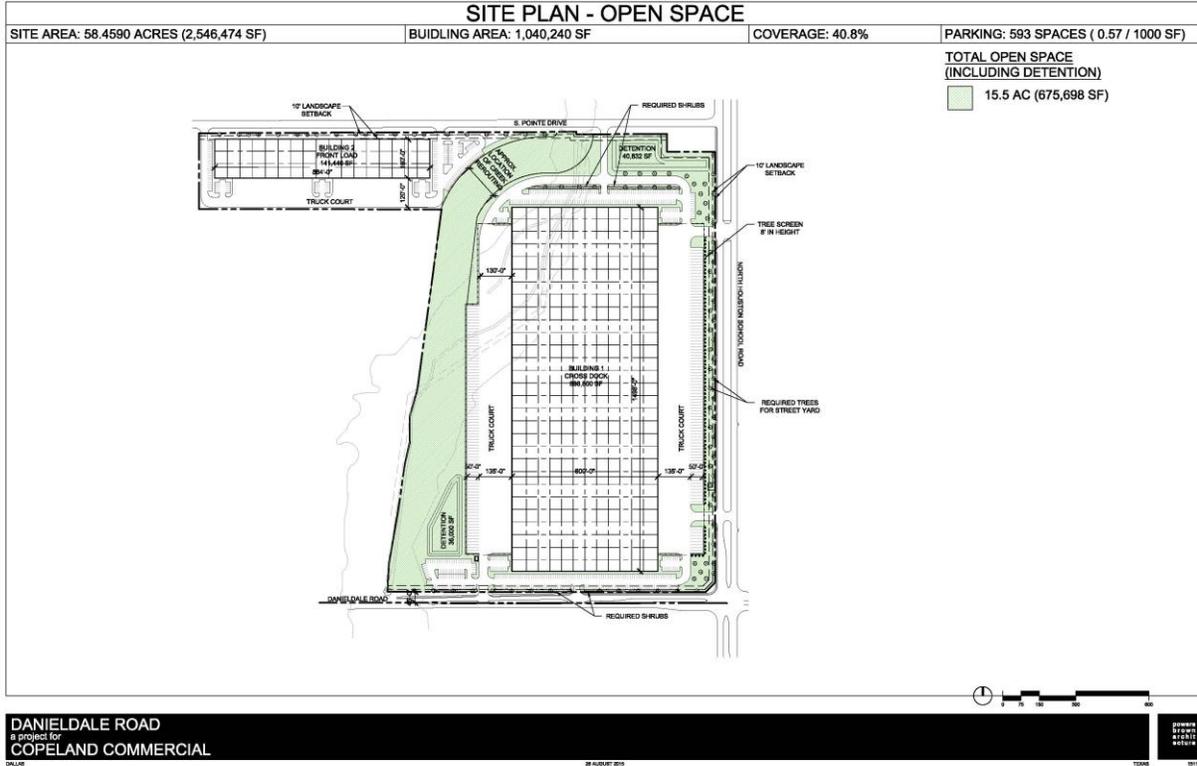
Exhibit B. Concept Plan and Elevations











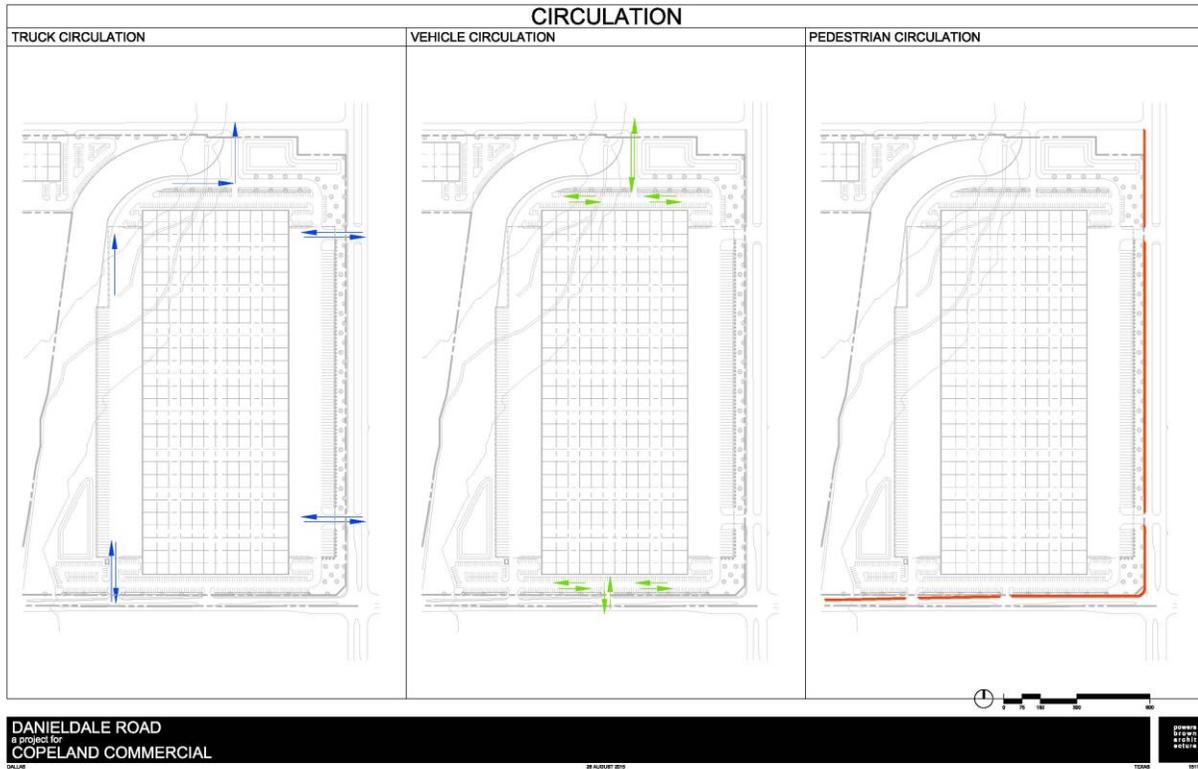


Exhibit C. Narrative Request from Applicant
ICC- 35 PD Application

Copeland Commercial is seeking the rezoning of a 59.4 acre tract of land at the SW corner of South Pointe Drive and N. Houston School Road for the development of a Class A Office and Logistics Park. At the recommendation of city staff, Copeland Commercial has chosen a PD application to provide a collaborative effort with the city of Lancaster for the development. It is Copeland Commercial's goal to provide a win/win scenario with the city by significantly enhancing the aesthetics along N. Houston School Road while targeting local, regional and Fortune 100 companies, thus providing new jobs and significantly increased taxable value for the city of Lancaster. Lancaster is fortunate to be located at the juxtaposition of the two most important logistical arteries in the country; I-35 (the NAFTA Freeway) runs N/S from Mexico to Canada and I-20 runs E/W from coast to coast.

The site's dimensions make it uniquely suited to meet two separate niche's in the market. The land along South Point Dr. is shallow in depth and is ideally suited for a multi-tenant 140,000 SF rear load facility which can accommodate local and regional companies. Currently Lancaster has no Class A product with a rear load configuration that can accommodate users down to 10-20,000 SF. The land along N. Houston School Dr. is very deep and provides the area necessary to develop a state of the art, 900,000 SF, cross-dock logistics facility that today's Fortune 100 companies are looking for. The width of the site allows for a 600' deep building and 180' concrete aprons on two sides, which provides the functionality and efficiency being demanded by multinational companies in their supply chain. Among other features, the facility will feature a 32' clear height on the interior of the facility to provide more cubic space for the latest racking and picking systems which necessitates a building height in excess of that provided in the city's existing industrial zoning.

Exhibit A

BEING a tract of land situated in the Silas B. Runyon Survey, Abstract No. 1199, in the City of Lancaster, Dallas County, Texas, being part of a called 60.959 acre tract described in an Executor's Deed to Randy Justiss and Virginia A. Justiss, recorded in Instrument No. 200900077417, in the Deed Records of Dallas County, Texas (D.R.D.C.T.), said tract being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with cap stamped "BURY" found at the northwest corner of said Justiss tract, being an interior ell corner of a 25.334 acre tract described as "Tract Two", recorded in Instrument No. 201400276100, D.R.D.C.T.;

THENCE North 88 degrees 41 minutes 37 seconds East, with the north line of said Justiss tract and the most easterly south line of said "Tract Two", a distance of 1,549.85 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the most easterly northeast corner of said "Tract Two", same being the northwest of a 0.50 acre tract, recorded in Volume 2003174, Page 2320 (D.R.D.C.T.);

THENCE South 01 degree 06 minutes 23 seconds East, continuing with the north line of said Justiss tract and with the west line of said 0.50 acre tract, a distance of 10.00 feet to a 1/2-inch iron rod with cap set at the southwest corner of said 0.50 acre tract;

THENCE North 88 degrees 41 minutes 37 seconds East, continuing with the north line of said Justiss tract and with the south line of said 0.50 acre tract, a distance of 371.95 feet to a 1/2-inch iron rod found;

THENCE South 01 degree 06 minutes 23 seconds East, continuing with said north and south lines, a distance of 73.00 feet to a 1/2-inch iron rod found;

THENCE North 88 degrees 57 minutes 37 seconds East, continuing with said north and south lines, a distance of 196.69 feet to a 1/2-inch iron rod with cap set in the west line of Houston School Road (variable width right-of-way);

THENCE South 01 degree 08 minutes 04 seconds West, with the west line of said Houston School Road, a distance of 1,771.09 feet to a 1/2-inch iron rod with cap found in the proposed north line of Daniieldale Road (variable width right-of-way);

THENCE South 43 degrees 46 minutes 59 seconds West, departing said the west line of said Houston School Road and with said proposed north line of Daniieldale Road, a distance of 56.57 feet to a 1/2-inch iron rod with cap found;

THENCE South 88 degrees 57 minutes 56 seconds West, continuing with said proposed north line, a distance of 1,305.98 feet to the west line of said Justiss tract and the east line of the Amended Plat of Contract Freighters, Inc. Addition, an addition to the City of Lancaster, recorded in Volume 99155, Page 60 (D.R.D.C.T.);

THENCE North 01 degree 47 minutes 23 seconds East, departing said proposed north line and with the west line of said Justiss tract, same being the east line of said Contract Freighters Addition, a distance of 113.92 feet (not set creek);

THENCE North 08 degrees 45 minutes 20 seconds East, continuing with said west and east lines, a distance of 187.13 feet (not set creek);

THENCE North 08 degrees 23 minutes 26 seconds East, continuing with said west and east lines, a distance of 34.45 feet (not set creek);

THENCE North 07 degrees 18 minutes 11 seconds East, continuing with said west and east lines, a distance of 196.72 feet (not set creek);

THENCE North 11 degrees 20 minutes 56 seconds East, continuing with said west and east line, a distance

BY:

SEP 9 2015

of 90.12 feet (not set creek);

THENCE North 00 degrees 53 minutes 54 seconds West, continuing with said west and east lines, a distance of 109.12 feet (not set creek);

THENCE North 15 degrees 05 minutes 35 seconds East, continuing with said west and east lines, a distance of 104.79 feet (not set creek);

THENCE North 07 degrees 43 minutes 26 seconds East, continuing with said west and east lines, a distance of 33.28 feet (not set creek);

THENCE North 06 degrees 31 minutes 20 seconds East, continuing with said west and east line, a distance of 721.93 feet to a one inch iron pipe found at the northeast corner of said Contract Freighters Addition, being an interior ell corner of said Justiss tract;

THENCE South 88 degrees 55 minutes 15 seconds West, with the north line of said Contract Freighters Addition and the most westerly south line of said Justiss tract, a distance of 995.58 feet to a 5/8-inch iron rod found at the most westerly southwest corner of said Justiss tract, being a southeast corner of the aforementioned "Tract Two";

THENCE North 01 degrees 07 minutes 54 seconds West, with a west line of said Justiss tract and an east line of said "Tract Two", a distance of 312.69 feet to the POINT OF BEGINNING and containing 59.545 acres of land.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.



Chicago Title Insurance Company

Form T-7 Commitment for Title Insurance (Rev 01/01/2014)



**REGULAR MEETING MINUTES
PLANNING & ZONING COMMISSION
CITY OF LANCASTER, TEXAS
TUESDAY, OCTOBER 20, 2015, 7:00 P.M.**



CALL TO ORDER:

Chair Prothro called the meeting to order at 7:00 p.m. on Tuesday, October 20, 2015.

COMMISSIONERS

**LAWRENCE PROTHRO, CHAIR
TOM BARNETT, JR., COMMISSIONER
RACHEAL HILL, COMMISSIONER**

CITY STAFF

**BRIAN GUENZEL
FABRICE KABONA
JULIE DOSHER**

**PLANNING CONSULTANT
ACTING DIRECTOR
CITY ATTORNEY**

CITIZENS COMMENTS: (At this time citizens will be allowed to speak only on matters contained on the Planning and Zoning Commission agenda)

Chair Prothro invited anyone wishing to speak to come forward state their name and address. He informed that citizens will be allowed to speak on matters included on the agenda. Each speaker will be allowed to speak for three (3) minutes.

There were no citizen comments.

ACTION

1. Consider approval of minutes from the Planning & Zoning Commission meeting held September 1st and June 30, 2015; October 21, August 19th, and January 14, 2014; November 5th, September 24th, September 3rd, October 1st, August 8th, August 6th and July 2, 2013.

Chair Prothro entertained a motion.

A MOTION WAS MADE BY CHAIR PROTHRO AND SECONDED BY COMMISSIONER BARNETT TO APPROVE THE MEETING MINUTES.

**AYES: PROTHRO, BARNETT, HILL
NAYES: NONE**

THE MOTION CARRIED 3-0.

PUBLIC HEARING

2. Discuss and Consider an application rezoning request from LI Light Industrial and AO Agricultural Open Space to a PD Planned Development on approximately 59 acres on the NW Corner of Daniieldale Rd. and N. Houston School Rd. further described as Abstract Silas B Runyon 1199.



**REGULAR MEETING MINUTES
PLANNING & ZONING COMMISSION
CITY OF LANCASTER, TEXAS
TUESDAY, OCTOBER 20, 2015, 7:00 P.M.**



Commissioners received the staff report presentation from Brian Guenzel, Planning Consultant and addressed questions brought forward by the Commissioners. During his presentation, Mr. Guenzel identified three design issues:

- 1) Maximum height of the building;
- 2) Truck court oriented along thoroughfare; and
- 3) Articulation both horizontal and vertical.

Commissioners received a presentation from the applicant, Brad Copeland, and addressed questions brought forward by the Commissioners.

Chair Prothro requested that sidewalks be added along the Danieldale, Houston School Road, and Southpointe sides of the building.

Chair Prothro opened the public hearing and asked if anyone wished to speak either in favor or in opposition of item #2.

Two Lancaster residents spoke in favor of the item. No one spoke against it.

Attorney Doshier summarized the conditions upon which the board would approve the application as follows:

- Add sidewalks along Danieldale, Houston School Rd., and Southpointe
- Revise the burm to create line of sight above the truck doors from the southbound lanes of along Houston School Rd.
- Developers and the City shall come to a mutually acceptable agreement regarding acceleration and deceleration turn lanes at property entry points along Houston School Rd.

There being no questions, Chair Prothro entertained a motion to close the public hearing.

A MOTION WAS MADE BY COMMISSIONER BARNETT AND SECONDED BY COMMISSIONER HILL.

**AYES: PROTHRO, BARNETT, HILL
NAYES: NONE**

THE MOTION CARRIED 3-0.

Chair Prothro invited the opportunity for discussion. There being no further discussion, Chair Prothro entertained a motion to provide a recommendation.

A MOTION WAS MADE BY COMMISSIONER HILL TO APPROVE Z15-05 WITH STATED CONDITIONS AND SECONDED BY COMMISSIONER BARNETT.



**REGULAR MEETING MINUTES
PLANNING & ZONING COMMISSION
CITY OF LANCASTER, TEXAS
TUESDAY, OCTOBER 20, 2015, 7:00 P.M.**



**AYES: PROTHRO, BARNETT, HILL,
NAYES: NONE**

THE MOTION CARRIED 3-0.

With no further questions, Chair Prothro entertained a motion to adjourn.

**A MOTION WAS MADE BY COMMISSIONER BARNETT AND SECONDED BY
COMMISSIONER HILL.**

**AYES: PROTHRO, BARNETT, HILL
NAYES: NONE**

THE MOTION CARRIED 3-0.

Meeting was adjourned at 8:15 p.m.

Lawrence Prothro, Chair

ATTEST

Fabrice Kabona, Acting Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE COMPREHENSIVE LAND USE PLAN, MAP THEREOF AND THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LANCASTER, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM AGRICULTURE OPEN SPACE ("AO") AND LIGHT INDUSTRIAL ("LI") TO PLANNED DEVELOPMENT ("PD") TO ALLOW FOR COMMERCIAL DEVELOPMENT AS SET FORTH IN THE DEVELOPMENT ON APPROXIMATELY 59.40± ACRES OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF DANIELDALE ROAD AND HOUSTON SCHOOL ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES; PROVIDING FOR THE PROPERTY TO BE DEVELOPED IN ACCORDANCE WITH THE DEVELOPMENT REGULATIONS, PLANNED DEVELOPMENT REGULATIONS, CONCEPT PLAN, AND DEVELOPMENT STANDARDS, AND GENERAL DESIGN GUIDELINES, WHICH ARE ATTACHED HERETO AS EXHIBITS "B" AND "C", RESPECTIVELY, AS HEREIN AMENDED, AND PROVIDING FOR THE APPROVAL OF THE SAME; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Lancaster, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Land Use Plan and Comprehensive Zoning Ordinance of the City of Lancaster, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Application No. Z15-05 should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance, the Comprehensive Land Use Plan and the Maps thereof, respectively, of the City of Lancaster, Texas, duly passed by the governing body of the City of Lancaster, Texas, as heretofore amended, be and the same is hereby amended to grant a change in zoning from Agriculture Open Space ("AO") and Light Industrial ("LI") to Planned Development ("PD") for the Planned Development District to allow for office, commercial and industrial uses as set forth in the Development Regulations on approximately 59.40± acres of property located on the northwest corner of Danieldale Road and Houston School Road, Lancaster, Texas, and being more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes, subject to the development and use regulations of said Planned Development District except as amended herein.

SECTION 2. This Planned Development shall be developed and used only in accordance with the Development Regulations, which are set forth in Exhibit “B” which are attached hereto and incorporated herein:

- (A) Except as amended herein and as provided in this Ordinance, the property shall be developed and used as set forth in the Comprehensive Zoning Ordinance and Lancaster Development Code.

SECTION 3. The property shall be developed and used as provided by Section 2 hereof and in accordance with the attached Site Plan, Elevation Plan and Calculation Plan, which are attached hereto as Exhibits “C”, “D” and “E”, respectively, and made a part hereof for all purposes which shall constitute additional development regulations, which are hereby approved.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of Lancaster Development Code, as heretofore amended and as amended herein.

SECTION 5. That all conflict with the Lancaster Development Code, as amended provisions of the Ordinances of the City of Lancaster, Texas, in the provisions of this ordinance shall apply.

SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lancaster, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, on the _____ day
of _____ 2015.

APPROVED:

MARCUS E. KNIGHT, Mayor

ATTEST:

SORANGEL O. ARENAS, City Secretary

APPROVED AS TO FORM:

ROBERT E. HAGER, City Attorney
(TM 73882, 10-23-15)

Exhibit A

BEING a tract of land situated in the Silas B. Runyon Survey, Abstract No. 1199, in the City of Lancaster, Dallas County, Texas, being part of a called 60.959 acre tract described in an Executor's Deed to Randy Justiss and Virginia A. Justiss, recorded in Instrument No. 200900077417, in the Deed Records of Dallas County, Texas (D.R.D.C.T.), said tract being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with cap stamped "BURY" found at the northwest corner of said Justiss tract, being an interior ell corner of a 25.334 acre tract described as "Tract Two", recorded in Instrument No. 201400276100, D.R.D.C.T.;

THENCE North 88 degrees 41 minutes 37 seconds East, with the north line of said Justiss tract and the most easterly south line of said "Tract Two", a distance of 1,549.85 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the most easterly northeast corner of said "Tract Two", same being the northwest of a 0.50 acre tract, recorded in Volume 2003174, Page 2320 (D.R.D.C.T.);

THENCE South 01 degree 06 minutes 23 seconds East, continuing with the north line of said Justiss tract and with the west line of said 0.50 acre tract, a distance of 10.00 feet to a 1/2-inch iron rod with cap set at the southwest corner of said 0.50 acre tract;

THENCE North 88 degrees 41 minutes 37 seconds East, continuing with the north line of said Justiss tract and with the south line of said 0.50 acre tract, a distance of 371.95 feet to a 1/2-inch iron rod found;

THENCE South 01 degree 06 minutes 23 seconds East, continuing with said north and south lines, a distance of 73.00 feet to a 1/2-inch iron rod found;

THENCE North 88 degrees 57 minutes 37 seconds East, continuing with said north and south lines, a distance of 196.69 feet to a 1/2-inch iron rod with cap set in the west line of Houston School Road (variable width right-of-way);

THENCE South 01 degree 08 minutes 04 seconds West, with the west line of said Houston School Road, a distance of 1,771.09 feet to a 1/2-inch iron rod with cap found in the proposed north line of Daniieldale Road (variable width right-of-way);

THENCE South 43 degrees 46 minutes 59 seconds West, departing said the west line of said Houston School Road and with said proposed north line of Daniieldale Road, a distance of 56.57 feet to a 1/2-inch iron rod with cap found;

THENCE South 88 degrees 57 minutes 56 seconds West, continuing with said proposed north line, a distance of 1,305.98 feet to the west line of said Justiss tract and the east line of the Amended Plat of Contract Freighters, Inc. Addition, an addition to the City of Lancaster, recorded in Volume 99155, Page 60 (D.R.D.C.T.);

THENCE North 01 degree 47 minutes 23 seconds East, departing said proposed north line and with the west line of said Justiss tract, same being the east line of said Contract Freighters Addition, a distance of 113.92 feet (not set creek);

THENCE North 08 degrees 45 minutes 20 seconds East, continuing with said west and east lines, a distance of 187.13 feet (not set creek);

THENCE North 08 degrees 23 minutes 26 seconds East, continuing with said west and east lines, a distance of 34.45 feet (not set creek);

THENCE North 07 degrees 18 minutes 11 seconds East, continuing with said west and east lines, a distance of 196.72 feet (not set creek);

THENCE North 11 degrees 20 minutes 56 seconds East, continuing with said west and east line, a distance
Chicago Title Insurance Company

Form T-7 Commitment for Title Insurance (Rev 01/01/2014)

BY:

SEP 3 2015

of 90.12 feet (not set creek);

THENCE North 00 degrees 53 minutes 54 seconds West, continuing with said west and east lines, a distance of 109.12 feet (not set creek);

THENCE North 15 degrees 05 minutes 35 seconds East, continuing with said west and east lines, a distance of 104.79 feet (not set creek);

THENCE North 07 degrees 43 minutes 26 seconds East, continuing with said west and east lines, a distance of 33.28 feet (not set creek);

THENCE North 06 degrees 31 minutes 20 seconds East, continuing with said west and east line, a distance of 721.93 feet to a one inch iron pipe found at the northeast corner of said Contract Freighters Addition, being an interior ell corner of said Justiss tract;

THENCE South 88 degrees 55 minutes 15 seconds West, with the north line of said Contract Freighters Addition and the most westerly south line of said Justiss tract, a distance of 995.58 feet to a 5/8-inch iron rod found at the most westerly southwest corner of said Justiss tract, being a southeast corner of the aforementioned "Tract Two";

THENCE North 01 degrees 07 minutes 54 seconds West, with a west line of said Justiss tract and an east line of said "Tract Two", a distance of 312.69 feet to the POINT OF BEGINNING and containing 59.545 acres of land.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.



Chicago Title Insurance Company

Form T-7 Commitment for Title Insurance (Rev 01/01/2014)

EXHIBIT "B"
Planned Development Regulations

Section 1 Definitions & Interpretations

Unless otherwise stated herein, the definitions in the City of Lancaster Zoning Ordinance shall apply.

1. College, University, Trade school - shall mean an educational institution, including Universities, offering advanced instruction in any academic field, beyond secondary level, including trade schools and business colleges.

Section 2 Development Plan and Schedule

The attached Concept Plan as shown in Exhibit B is the first stage of the development process. All other steps as required by the City of Lancaster Code of Ordinances shall apply including a Traffic Impact Analysis in accordance with the City of Lancaster Code of Ordinances.

Section 3 Applicability

The standards within this article shall apply to all properties as designated in this planned development zoning district. In event of a conflict between the standards described herein and elsewhere in the City of Lancaster Code of Ordinances, the standards in this Article shall apply. These design standards shall be applicable to both main and accessory uses for all new construction.

Section 4 Permitted Uses

Permitted Uses

• The uses, including, but not limited to the following shall be allowed anywhere in the PD:

- Office/Showroom
- Warehouse and Distribution
- College, University, Trade school
- Apparel and other products assembled from finished textiles
- Bottling works.
- Call Centers and Telemarketing Services.
- Contractor's yard. (Allowed only as an Accessory Use)
- Cosmetic manufacturer.
- Data processing services.
- Drugs and pharmaceutical products manufacturing.
- Electronic products manufacturing.
- Facilities for the manufacturing, fabrication, processing or assembly of products; provided that such facilities are completely enclosed and provided that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.
- Fur goods manufacture,
- General offices uses.

- General warehousing activities (including convenience storage or "mini" warehouse)
- Glass products from previously manufactured glass.
- Household appliance products assembly and manufactured from prefabricated parts.
- Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that dust, odor, gas, smoke or noise is emitted and not more than twenty percent (20%) of the lot or tract is used for the open storage of products, materials, or equipment.
- Musical instruments assembly and manufacture.
- Office showroom .
- Package Delivery and Distribution Centers.
- Pest Control Services.
- Plastic product manufacture, but not including the processing of raw materials.
- Sporting and athletic equipment manufacture.
- Testing and research laboratories.
- All other facilities for the manufacturing, fabrication, processing or assembly of products, provided that such facilities are not detrimental to the public health, safety or general welfare and provided that the following performance standards are met:
 - a. Smoke. No operation shall be conducted unless it conforms to the standards established by state health rules and regulations pertaining to smoke emission
 - b. Particulate matter. No operation shall be conducted unless it conforms to the standards established by state health rules and regulations pertaining to emission of particulate matter
 - c. Dust, odor, gas, fumes, glare or vibration. No emission of these matters shall result in a concentration at or beyond the property line which is detrimental the public health, safety or general welfare or which causes injury or damage to property; or as said emissions conform to the standards established by state health rules and regulations pertaining to said emissions.
 - d. Radiation hazards and electrical disturbances. No operation shall be conducted unless it conforms to the standards established by state health rules and regulations pertaining to radiation control.
 - e. Noise. No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise at the property line shall not exceed seventy-five (75) dB(A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; or as said operation conforms to the standards established by state health rules and regulations or other city ordinances pertaining to noise

f. Water pollution. No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate state health and environmental protection agencies.

- The following uses shall only be allowed along Houston School Road and northern 300' of the site
 - Restaurant Florist
 - Barber/Beauty shop Drug Store/Pharmacy Fraternal Club Lodge Food sales
 - Personal services Pet services
 - General Retail Sales Meat Market
 - Auto Parts Sales
 - Gasoline Service Stations Museum
 - Hotel/Motel
 - Amusement (indoor & outdoor) Entertainment
 - Hospital/emergency care clinic or care center and medical offices
 - Church or Rectory

Vehicular Sales and Service that do not require exterior inventory storage

Non-Permitted Uses

- Ambulance Service
- Bed & Breakfast
- Boat Sales and Service
- Cleaning and Laundry
- Expanded Full Service Travel Plaza
- Feed Store (Wholesale)
- Fence Company - Sales & Storage
- Full Service Travel Plaza
- Gas and/or Electric Public Utility Regulating Stations
- Golf course
- Open Storage
- Paint Shop (Paint booths and incidental painting are allowed as part of user's overall operation)
- Pawn Shop
- Schools – All
- Single-Family) and multi-family) dwellings
- Truck Sales and Leasing
- Truck Terminals
- Trailer Sales and Leasing
- Welding Shop (welding stations and/or incidental welding are allowed as part of user's overall operation)

Section 5 Development Regulations

PURPOSE: The character, image and identification of the City of Lancaster and the Interstate Commerce Center is based, in large part, upon the architecture of its

buildings; and how well those buildings are located and oriented on the site to relate to one another and the surrounding elements. The following guidelines are intended for use with site plan submittals to encourage excellence in the design of buildings proposed for this development.

Height requirements:

- (a) Building Maximum Height above finished floor elevation - 50' (fifty feet)
- (b) Maximum number of stories – 3 (three) stories

Area regulations: For the purposes of these regulations: “front” shall refer to all site boundaries along a public right-of- way; “Side” shall refer to all site boundaries which intersect with a public right-of- way; and “Rear” shall refer to all other site boundaries.

- (a) Building Size- A minimum building size of 40,000 square feet shall be required.
- (b) Minimum Building Setback
 - a. Front Building Line 25' (adjacent to all street rights-of-way)
 - b. Side Building Line 15'
 - c. Rear Building Line 15' (except the Side or Rear Building Line shall be equal to the height of the structure measured from the finished floor to the top of the Wall..)
- (c) Maximum Lot Coverage by Building 50%
- (d) Minimum Paving (Landscape) Setback
 - a. Front 25' (adjacent to all street rights-of-way)
 - b. Side and Rear 5' (adjacent to side and rear property lines. except where a rear or side property line is located within a common Truck Court, parking area and/or internal drive which is shared with the adjacent property. In such case there shall be no rear and/or side paving setback line.)

Section 6 Site Design

General Layout and Street Configuration

1. There are two proposed drive approaches into the Planned Development along North Houston School Road. Three drives from S Pointe Drive and two from Daniieldale road.

Sidewalks

1. Due to the nature of this Development, the requirement for sidewalks along internal public rights-of-way shall be waived for Southpointe Drive and Daniieldale Rd.

Section 7 Building Design

Building Form/Scale/Bulk/ Height/Rhythm

1. Architectural design shall be encouraged throughout the development with the design reflecting a general continuity and harmony consistent with the general style and character of the community, while at the same time providing new, creative, forward-looking and dynamic approaches to design.
2. Buildings along North Houston School Road should be image making and designed to reflect their significance as primary entry and focal point.

3. Structures immediately adjacent to residential areas or adjacent thoroughfares identified on the City's Thoroughfare Plan should be designed to create transitions to surrounding developments through the use of structural enhancement, landscaping or building placement.[we are not adjacent to residential so is this applicable?]
4. Building design shall consider solar orientation and existing topography.
5. Monotonous look-alike structures and over-zealous repetition shall be discouraged. This shall not preclude the use of unifying design themes to the extent that a "structural rhythm" is established.
6. Stylized buildings and "trademark" architecture that are used as a form of advertising shall be discouraged.

Building Facades

1. Building facades shall reflect the design intent of the structure, while at the same time provide an architectural face that relates to surrounding land uses and streetscapes; and contributes to the neighborhood and community character.
2. Exterior building design, as well as architectural details related to color, type and application of materials and building form shall be coordinated for all elevations of a building to achieve continuity of design .
3. The rear and sides of buildings shall be of an architectural character comparable with the front of the building.
4. Buildings with multiple entrances and/or that face onto more than one street shall have a coordinated and unifying facade design for all such entrances to achieve harmony and continuity of design.
5. Architectural design features, techniques, patterns, materials and colors shall be used with sufficient variety to create visual interest in the facade of buildings, provided that such elements are incorporated into an overall site design or unifying theme.
6. Reveals, vertical offsets and changes in color or materials, landscaping shall be uses to enhance the interior wall sections not facing toward a street.

Roof Architecture

1. Flat roofs shall be used in conjunction with other roof styles consistent with a particular style of architecture and shall incorporate decorative parapet forms (on the short sides of the building and at the office entries).
2. Roof-top plumbing, vents, ducts air conditioning equipment, antennae and any other mechanical or electrical equipment mounted on a roof (excluding fire protection devices) shall be screened in an architecturally integral fashion to the building and screened in a manner so as not to be visible from five (5) feet above the street pavement surface of North Houston School Road, Daniieldale Road, South Pointe Drive from the adjacent property lines.

3. Chimneys roof flashing rain gutters, downspouts and other roof protrusions should be painted and finished to match the color of the adjacent surface, unless such protrusions are being used as an accent element or decorative feature.

Permitted Use Exterior Material Building Requirements

1. All building facades shall be 100% masonry. Masonry is defined as brick, stone, standard concrete block (painted), split-faced concrete block, fluted concrete block, burnished concrete block, stucco, pre-cast concrete panels, cast-in-place concrete (painted), tilt-up concrete panels which will have any one or combination of the following finishes: painted, exposed aggregate, sandblasted, bush- hammered and/or stained. The area of doors and window openings shall not be included in the calculation of this requirement.

Special Conditions – North Houston School Road, Daniieldale Road and S Pointe Drive

1. Building facades along roads mentioned above should be used in a manner consistent with a Class A institutional office and industrial development, similar to the existing buildings in Prologis business park and as provided on applicant's site plan and elevations.
2. Building materials, roof design, horizontal and vertical articulation at the office entries, the use of eaves and overhangs, window and doorway treatments should be enhanced along these corridors to enhance the visual appeal of the development and to minimize potential negative impact to adjacent and nearby properties.

Window and Door Placement

1. Windows and doors should be aligned and sized to bring order to the building facade.
2. Windows and doors at the office entries should be sufficiently recessed, and/or placed or varied to create facade patterns that add variety and visual interest to the building design .
3. Along North Houston School Road and Daniieldale Road, office entry window and door placement shall be sufficiently recessed and/or placed or varied to create shadows and provide noticeable breaks in facades
4. Doors and entryways should be designed and located to provide immediate identification of the buildings entryways.

Colors and Materials

1. The use of accent colors shall be encouraged to provide a dignified and lively streetscape .
2. Colors that are compatible with the general environment of the community and that reduce reflected heat and glare are encouraged.
3. The use of bright or intense primary colors should be used sparingly.
4. More subtle, less intense colors should be used for facades facing adjacent properties.
5. Color should be used to accent entryways and special architectural features.
6. A change in the use of a building material on a structure should reflect a change in the plane of the structure.

7. Materials applied to a building elevation should wrap around onto adjoining walls and provide design continuity to the building.
8. Building materials shall not be composed of such a large variety that a visually cluttered effect is created.

Section 8 Landscaping

Landscaping and Open Space

1. All non-paved areas within the developed sites shall be fully irrigated and landscaped, as follows:
 - a. Required Landscape Areas and Trees:
 - i. Open space within the front parking setback: There shall be one (1) Large Tree (as defined in Section 34. LANDSCAPE REQUIREMENTS of the City) of Lancaster Zoning Ordinance) planted in the front paving setback area for every thirty (30') linear feet of open space along the street frontage. Such open space shall be fully irrigated and landscaped with trees, shrubs, groundcover, grass and/or other materials chosen from Table 34A, RECOMMENDED PLANT LIST, in the City of Lancaster Zoning Ordinance. Parking, loading or other paved areas located forward of the building shall be screened from the street, within the landscaped area, through the use of grass berms and/or shrubbery, to an average height of three (3 ') feet.
 - ii. Open space within side or rear paving setback areas: Such areas shall be landscaped and irrigated with plant material chosen from Table 34A.
 - b. Parking areas within truck loading and maneuvering areas: There shall be no required landscaped islands or trees.
 - c. All other open space areas: All other non-paved open areas within a developed site (e.g. areas adjacent to buildings) shall be fully landscaped. However, areas designated as creek area, natural water drainage, flood plain and/or detention shall be excluded from landscaped areas. Future development sites shall be periodically mowed and kept neat and orderly.

Section 9 Lighting

Lighting shall meet the requirements of the City of Lancaster Code of Ordinances.

Section 10 Parking & Loading

Parking Requirements

1. Off-street parking shall comply with the provisions set forth in the Comprehensive Zoning Ordinance, as amended, except where otherwise provided in this subsection.
2. No on-street parking will be permitted
3. Automobile parking stalls shall be a minimum of 9' wide x 18' long.

4. Warehouse and Distribution: 1 parking space per 2,500 sq. ft. of warehouse space for buildings comprising less than 100,000 sq. ft. or 1 parking space per 5,000 sq. ft. of warehouse space for buildings equal to or greater than 100,000 sq. ft. Parking for the office portion shall be 1 parking space per 300 sq. ft. of office area. Truck court areas may be striped to meet this requirement if necessary.

Section 11 Public View, Storage, Fencing & Screening

Screening

1. Truck courts, where adjacent to the building's loading docks, shall be screened from view (at the ends) by a "wing wall", extending perpendicular from the face a minimum of fifty feet (50').
 - a. Such wing wall shall extend above finished floor height a minimum of ten feet (10').
 - b. Truck courts, where adjacent to the building's loading docks and parallel and facing N Houston Road, shall be screened from view by an expanded 50' landscaped setback and a berm and vegetation forming a natural living screen that inhibits the truck doors from visibility when facing the building from N. Houston School Road (excluding park entry points where incidental viewing of dock doors may be noticed).
2. Screening wing walls shall be required at the ends of all buildings composed of matching materials, blocking the view of parked trucks. Chain link, wire or metal panel fencing for screening purposes shall be strictly prohibited.

Service and Storage

1. Utility boxes, transformers, generators, chillers, mailboxes, trash and refuse receptacles, air conditioners, compressors, outside storage areas and other mechanical/electrical/support features should be integrated into the overall design of the building and development such as through a combination of building design and/or layout, masonry walls, grade separations and/or dense landscaping.
2. Ground level devices described above should be accessible for servicing and screened from view of vehicular entrances, streets and pedestrian areas.
3. Outdoor Storage
 - a. Outdoor storage of raw materials, finished goods, commodities or other such items shall be permitted provided the storage is incidental to the principal use of the property. Such outdoor storage shall be subject to the following regulations:
 - i. The area used for outdoor storage:
 1. shall not be located in any setback areas and,
 2. shall not exceed 30% of the lot area; and.

3. shall be screened from view from all sides, public and private, b) a minimum 6-foot high opaque screen consisting of any one or a combination of the following:
 4. fence
 5. masonry wall
 6. vegetation
 7. berm
 8. At all times the stored materials must be one foot (1') below the opaque screen.
4. Shipping containers shall not be allowed to be stored on the site except when attached to trailer assemblies.
5. Other Details:
 - a. Barb wire, concertina wire or razor wire along North Houston School Road or Daniieldale Road shall be strictly prohibited.

Section 12 Signs

1. Pole signs shall be prohibited.
2. Up to a maximum of 3 flagpoles may be allowed per building with a maximum pole height of 35' for detached poles and 10' above the roof line for attached poles. Each flag shall be a maximum of 48 square feet in area. All flags shall be maintained such that there shall be no rips, holes, or tears or frayed edges.

Section 13 Telecommunications & Technology

1. Antennas (a) All telecommunications equipment and ancillary equipment shall be screened from view when placed atop the roof of a building. Such equipment shall only be allowed on the roof of buildings over 24' in height, and only when the equipment is screened from view and from any point of elevation within 100'. If proposed wireless and/or cellular telecommunications antennas, facilities, and ancillary equipment are of a stealth design, then an SUP shall be requested.

EXHIBIT C

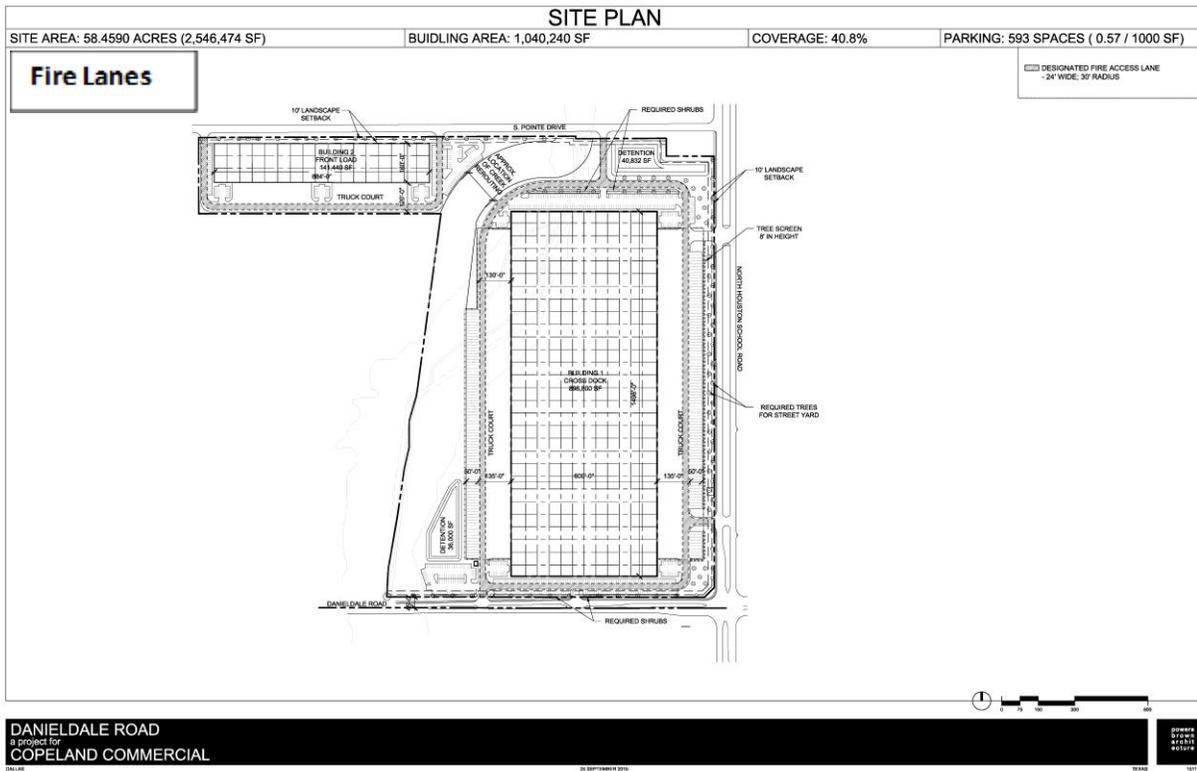
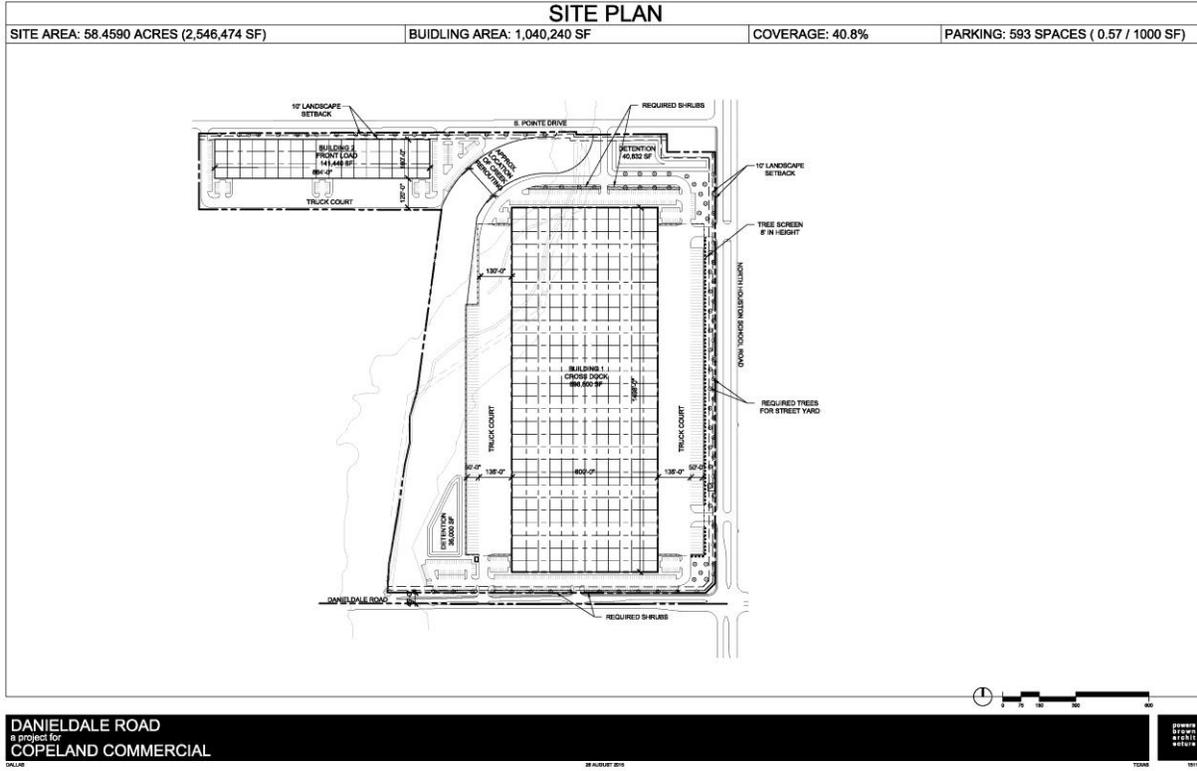


EXHIBIT D

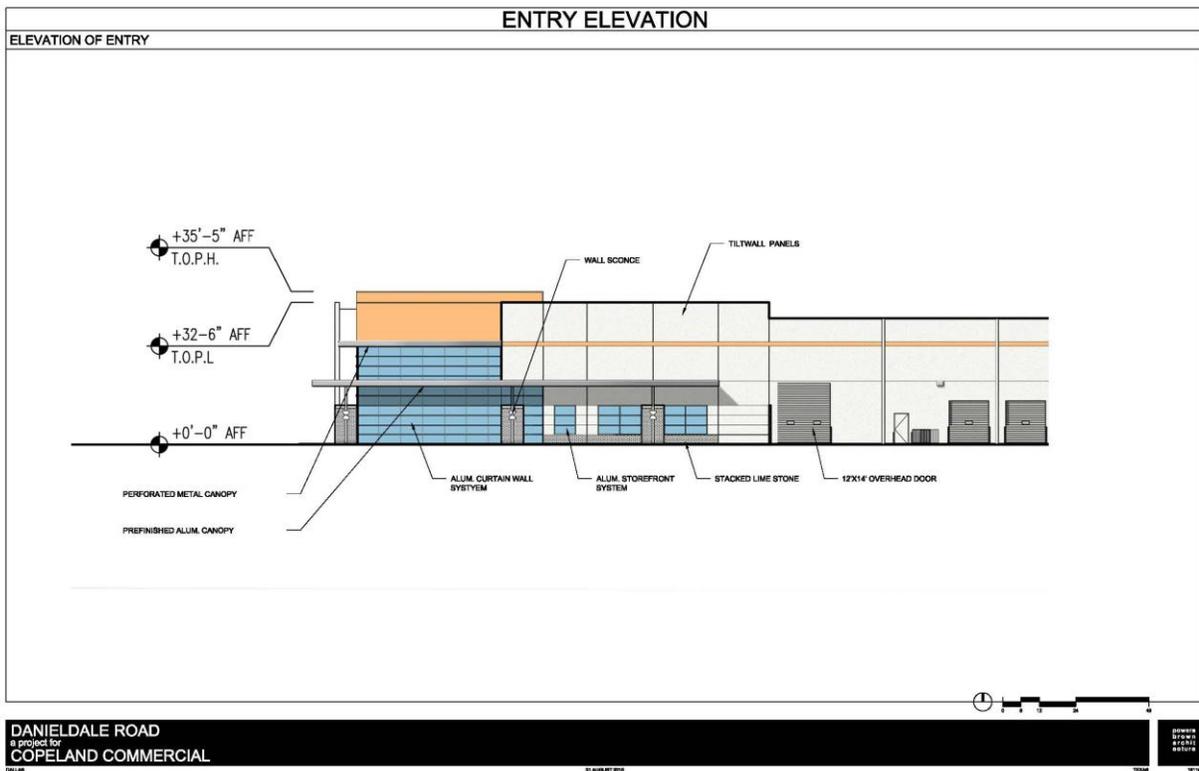
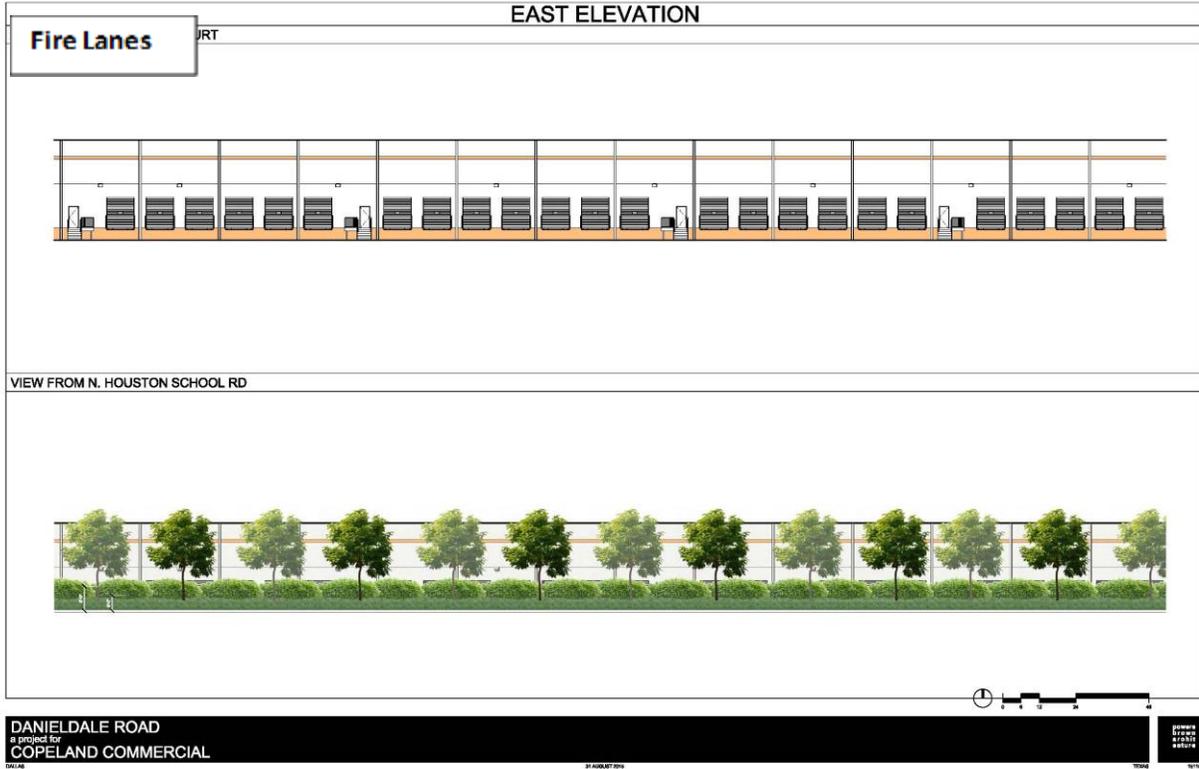
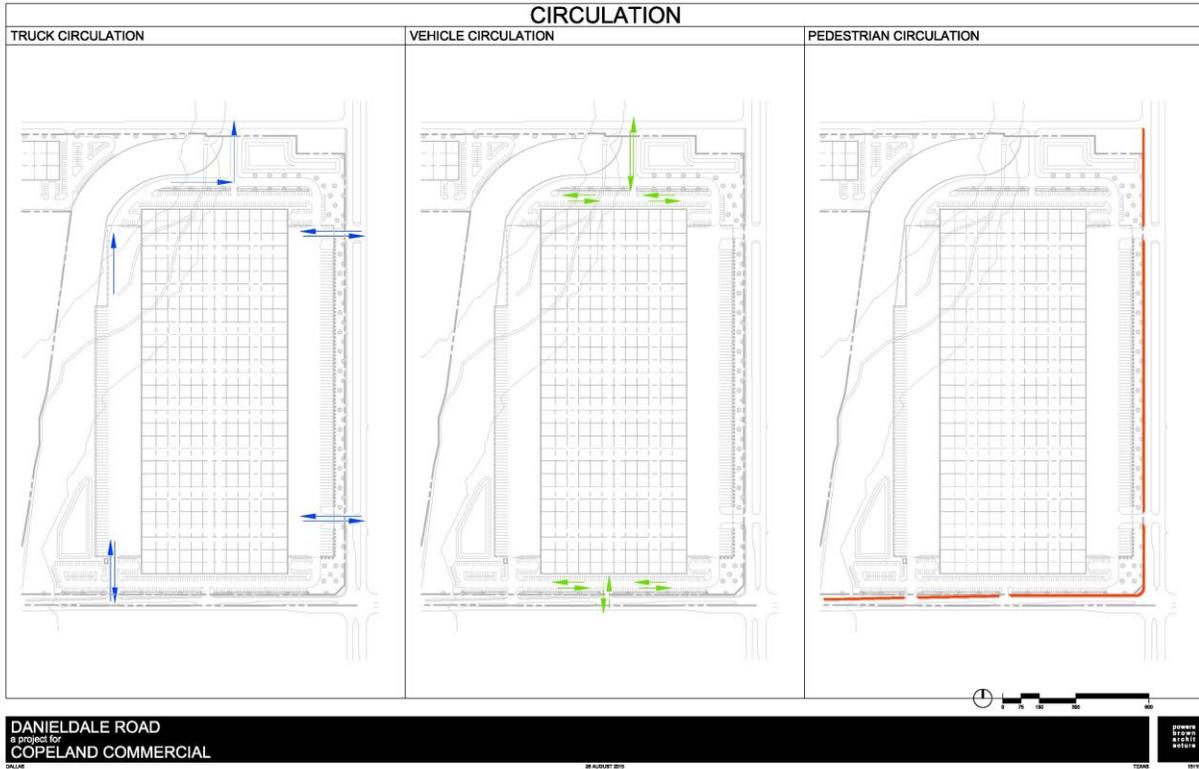


EXHIBIT E



LANCASTER CITY COUNCIL

Work Session Agenda Communication

October 26, 2015

Receive and discuss a presentation from Linebarger Goggan Blair & Sampson, LLP regarding delinquent property tax collections.

This request supports the City Council 2015-2016 Policy Agenda.

Goal: Financially Sound City Government
Civic Engagement
Healthy, Safe & Vibrant Community
Professional & Committed City Workforce
Quality Development
Sound Infrastructure

Background

Linebarger Goggan Blair & Sampson, LLP is the law firm responsible for delinquent property tax collections for both the City of Lancaster and the Lancaster Independent School District.

Linebarger will make a presentation followed by a question and answer session regarding property tax collections containing pertinent information for the City.

Submitted by:
Rona Stringfellow, Assistant City Manager

LANCASTER CITY COUNCIL

Work Session Agenda Communication

October 26, 2015

Receive a presentation to discuss Lancaster City Code of Ordinances “Parks and Recreation Code” Chapter 16: Article 16.100.

This request supports the City Council 2015-2016 Policy Agenda.

**Goal: Healthy, Safe & Vibrant Community
Civic Engagement**

Background

As prescribed in the City Council Rules and Procedures as amended July 2013, Section 1D. City Council Agenda Process, Councilmember LaShonjia Harris requested an item be included on the agenda for the purpose of reviewing the Lancaster Code of Ordinances, Chapter 16, Parks and Recreation Code.

On February 11, 2008 the Lancaster City Council passed Ordinance No. 2008-02-07 amending the Lancaster City Code of Ordinances by adding Chapter 16, Article 16.100 known as the “Parks and Recreation Code.” The purpose of the Park and Recreation Code is to provide for general regulations and special rules for specific park facilities.

It is the purpose of this ordinance to achieve the following broader objectives providing for:

- Parks and Recreation Advisory Board, Tree Board, Lancaster Recreational Development Corporation
- Parks and Recreation Master Plan Adoption by reference
- Mandatory Parkland Dedication
- Park Enforcement; Penalties
- Damage to park property
- Facility Scheduling; Fees
- Park Pavilions; Athletic Facilities
- Acts requiring permits
- Alcoholic Beverages
- Mass Gatherings

Council will receive a brief presentation regarding the ordinance.

Attachments

- Lancaster Park and Recreation Code
-

Submitted by:
Sean Johnson, Managing Director of the Quality of Life & Cultural Services Department

ORDINANCE NO. 2008-02-07

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE LANCASTER CITY CODE OF ORDINANCES BY ADDING THERETO A NEW CHAPTER 16, ARTICLE 16.100, WHICH SHALL BE KNOWN AS THE "PARKS AND RECREATION CODE"; PROVIDING DEFINITIONS; PROVIDING GENERAL REGULATIONS; PROVIDING SPECIAL RULES FOR SPECIFIC PARK FACILITIES; PROVIDING VEHICULAR REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR DAMAGE TO PARK PROPERTY; PROVIDING FOR FEES; PROVIDING FOR FACILITY SCHEDULING; PROVIDING FOR THE PARK PAVILIONS; PROVIDING FOR ATHLETIC FACILITIES; PROVIDING FOR ACTS REQUIRING PERMITS; PROVIDING FOR AMPLIFICATION SYSTEMS; PROVIDING FOR ROLLER SKATES, SKATEBOARDS/BICYCLES; PROVIDING FOR MASS GATHERINGS; PROVIDING FOR THE PARKS AND RECREATION MASTER PLAN ADOPTION BY REFERENCE; PROVIDING FOR THE LANCASTER PARKS AND RECREATION ADVISORY BOARD, TREE BOARD AND LANCASTER RECREATIONAL DEVELOPMENT CORPORATION; PROVIDING FOR MANDATORY PARK LAND DEDICATION; PROVIDING FOR GOLFING IN PUBLIC PARKS; PROVIDING FOR ADVERTISEMENTS; PROVIDING FOR TRAIL USE; PROVIDING FOR ALCOHOLIC BEVERAGES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That the Lancaster City Code of Ordinances be and the same is hereby amended by adding thereto a new Chapter 16, Article 16.100, "Parks and Recreation Code", which shall read as follows:

"ARTICLE 16.100 PARKS AND RECREATION CODE

Sec. 16.100. Name of Code.

This article shall be commonly known and cited as the "Parks and Recreation Code."

Sec. 16.101. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future and words in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

Minor child shall mean individuals ages 10 and under.

Sec. 16.102. General Regulations.

Within the limits of any park, it shall be unlawful for any person or persons, by omission or commission, to do any of the acts hereinafter specified, except as may be otherwise provided:

- (a) It shall be unlawful for the parent, guardian or person in custody of such minor child to allow, suffer or permit such child to go into any park, or recreational facility owned or operated by the City, unless such child is accompanied by a person not less than fourteen (14) years of age who is capable of supervising and caring for such child, and who has agreed with such parent, guardian or person in custody of such child to be responsible for the safety of such child.
- (b) To hitch, fasten, lead, drive, or let loose any animal, reptile, fish, or fowl of any kind, provided that this shall not apply to horses, dogs or cats when led by a chain, cord, or leash.
- (c) The Director of Parks and Recreation shall be authorized to establish hours of operation for all parks and recreation facilities based upon usage, funding, and need.
- (d) No group or individual will be allowed to charge an admission fee for activities held at Parks and Recreation facilities or the surrounding grounds without prior approval of the Director of Parks and Recreation.
- (e) Any alterations to the appearance of Parks and Recreation facilities to include, but not limited to, the hanging of plants, additional lighting, attached video screens, etc., must have prior approval by the Director of Parks and Recreation as to the manner in which said alterations are to be accomplished. These must be removed without damage to the facility by the reserving group during the rental period. Any damage which may result from the installation or removal of any fixtures or materials will result in the assessment of damage/security deposit.

- (f) Groups having reservations at Parks and Recreation facilities shall be permitted to use only the area(s) which were designated for them at the time the reservation was confirmed.
- (g) The Director of Parks and Recreation reserves the right to refuse any group the privilege of using Parks and Recreation facilities if past usage resulted in violation of facility policies. Any group charged with a second occurrence will be barred from making any future reservations. In addition, any first occurrence deemed flagrant by the Director of Parks and Recreation may cause a group to be precluded from any future usage.
- (h) No gambling or loitering shall be permitted on all Parks and Recreation facility premises. All patrons must vacate the premises upon the conclusion of their rental period.
- (i) To ride or drive any horse or other animal, except in areas specifically designated for such purpose.
- (j) To carry or discharge any firearm, firecrackers, torpedoes, or any other fireworks, air guns, BB guns, bow and arrow, or slingshots. This prohibition shall not apply to individuals licensed to carry concealed handguns.
- (k) To operate any motorized model airplane, boat or rocket, except in such areas as may be specifically designated for such purposes by the Parks and Recreation Director or designee.
- (l) To damage, cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, sign, fence, bench, or other structure, apparatus, or property; or to mark or write upon, paint, or deface any building, monument, sign, fence, bench, or other structure.
- (m) To swim, bathe, wade in or pollute the water of any fountain, pond, lake, stream or any other body of water.
- (n) To make or kindle a fire, except in picnic stoves or fire pits in areas designated for that purpose.
- (o) To wash dishes or to empty salt water or other waste liquids in areas other than those specifically designated for such purposes.
- (p) No person shall use any portion of any park facility for toilet purposes, except the public restrooms or temporary portable units provided.
- (q) No person over the age of six (6) years to use the restrooms and washrooms designated for the opposite sex.

- (r) No person shall conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the department, or which conflicts with a scheduled activity or event authorized by the department.
- (s) No person shall interfere with, disobey or ignore any lawful order of an employee while in the performance of his/her duties in any park area or facility.
- (t) To leave garbage, cans, bottles, papers, or other refuse elsewhere than in refuse containers provided for such purpose.
- (u) To participate or engage in any activity on any public park area when such activity will create a danger to the public or may be considered a public nuisance. The Parks and Recreation Director or designee may designate particular locations within park areas for specific activities.
- (v) Overnight camping on any park property, except by special permit issued by the Parks and Recreation Director or designee.
- (w) To disrupt or disturb in any manner any picnic, meeting, service, concert, exercise, or exhibition.
- (x) No cremation remains shall be disposed of on park land.
- (y) To distribute, post, place, or erect any advertising handbill, circular, bill, notice, paper, or other advertising device without special permit issued by the Parks and Recreation Director or designee.
- (z) To sell or offer for sale any food, drinks, confections, merchandise, or services without special permit issued by the Parks and Recreation Director or designee.
- (aa) To practice, carry on, conduct, or solicit for any trade, occupation, business, or profession.
- (bb) To go into or remain in any city park at a time when the park is officially closed to the public without a special permit issued by the Parks and Recreation Director or designee. All city parks shall be closed to the public during the times indicated, and signs indicating such shall be posted at conspicuous places to give notice thereof.
- (cc) Glass containers are prohibited in all parks and recreation facilities.
- (dd) Registered sex offenders and individuals that have been convicted of possession and/or distribution of controlled substances are prohibited from

use, access or participation in any and all activities, facilities or participation in municipal parks and recreation facilities, owned, leased, contracted or sponsored by the City of Lancaster.

- (ee) Smoking and the use of all tobacco products shall be prohibited within the confines of any city park, athletic facility or any enclosed park facility.
- (ff) No pets shall be permitted within any playground area or where any organized activity is being conducted. This prohibition shall not apply to service animals used for persons with disabilities or law enforcement.
- (gg) The use of metal detectors in City parks, and recreational facilities is prohibited.

Sec. 16.103. Special Rules for Specific Park Facilities.

Each park facility may develop rules and regulations that address problems specific to that facility, which shall be in writing and approved by the Director. Patrons shall comply with all rules and regulations posted at individual facilities or for special events.

Sec. 16.104. Vehicular Regulations.

Within the limits of any park, it shall be unlawful for any person or persons to do any of the acts hereinafter specified, except as may be otherwise provided:

- (a) To drive a vehicle at a rate of speed faster than fifteen (15) miles per hour upon any drive or street in any park of the City unless otherwise posted on standard traffic signs.
- (b) To exhibit any unnecessary acceleration of a vehicle such as to cause gravel to be thrown, tires to squeal, or the vehicle to spin in an unsafe or hazardous manner.
- (c) To drive a vehicle over or across the curbs, sidewalks, grass, or lawn within any park area unless authorized by Parks and Recreation Director or designee.
- (d) For any vehicle used for the purpose of transporting freight and merchandise, or brick, stone, or gravel, and all those commonly known as express or delivery vans to enter upon or drive through any public park, except by special permit issued by the Parks and Recreation Director or designee.

- (e) To park in areas other than those set aside for this purpose. In areas having no parking areas marked, all parking will take place outside of the boundary or curb-line, where existing.
- (f) Where parking stalls have been designated, all vehicles shall be parked within and between the lines designating a single vehicle parking space and not otherwise.
- (g) Where parking lots or areas within parks have been designated for head-in parking to front on a visible parking line without delineated single vehicle spaces, the front of the vehicle shall be placed on the parking line.
- (h) No vehicle shall be parked or left behind any other vehicle in the parking line or back of such parking line in any manner so as to obstruct, block, or hinder ingress or egress from the line. Where a vehicle is parked or left in violation of this section in such a manner as to obstruct or block traffic and the owner or operator of the vehicle cannot be found or refuses to remove such vehicle, police officers or other authorized representative of the City may move the vehicle so that traffic will not be impeded. No variation to the requirements of this paragraph shall be allowed, except by special permit issued by the Parks and Recreation Director or designee.

Sec. 16.105. Enforcement.

(a) Officials

The Parks and Recreation Director or designee, and any member of the Police Department shall, in conjunction with their duties imposed by law, diligently enforce the provisions of this Ordinance.

(b) Ejection

The Parks and Recreation Director or designee, and any member of the Police Department shall have the authority to demand that any person acting in violation of this Ordinance leave the park or city recreational facility leased or owned. "Demand" as that term is used in this subsection, shall mean the giving of an order to the person in violation of this Ordinance, instructing that such person leave and depart from the premises of the park or city recreational facility leased or owned. It shall be unlawful for any person to remain within the park premises after receiving such an order. Such failure shall constitute criminal trespass.

Sec. 16.106. Damage to Park Property.

If any person damages or defaces any real or personal property under the control or responsibility of the Parks and Recreation Department, such violators shall be

held responsible for the actual costs to repair or replace such damaged item or items.

Sec. 16.107. Fees.

All fees for rentals and memberships are approved by City Council and outlined in the Master Fee Schedule.

Sec. 16.108. Facility Scheduling.

- (a) Requests for reservations for any of the facilities in any of the parks must be made through the Parks and Recreation Department. Such reservations must be requested in person no later than two (2) weeks (14 days) prior to the date for which the reservation is requested.
- (b) Parties and activities involving minors ages 11-17 require the following:
 - 1. Reservations will not exceed 50 minors per event.
 - 2. One City of Lancaster police officer in uniform for every 25 minors.
 - 3. Guest list must be provided. No individuals will be permitted to enter the reservation unless named on the list.
 - 4. Participants are not allowed to leave the reservation once checked in.
 - 5. No reservations will be allowed to exceed the City's Curfew Hours for Minors. Ordinance No. 2007-02-06 adopted February 26, 2007.
 - 6. One chaperone (age 25 or older) for every 25 minors.
 - 7. City sponsored events shall be exempt.
- (c) The Parks and Recreation Director is authorized to refuse or deny any request for reservations for reasonable cause. The Parks and Recreation Director further has the right and obligation to cancel or suspend any such reservation previously issued if, in the opinion of the Parks and Recreation Director, such cancellation or suspension is in the best interests of the citizens of Lancaster and/or is necessary for the maintenance and control of facilities under the responsibility of the Parks and Recreation Department.
- (d) At the conclusion of the reservation of any facility, the facility must be left in a clean and orderly condition. All applicants agree, by signing of the reservation contract, to pay the cost of repairing any damage to park property incurred by the group using the facility as determined by the Parks and Recreation Department.

- (e) All facilities that are not reserved are available for use by the general public on a first come, first served basis. A listing of reserved facilities, including the time of reservation and the party holding such reservation, will be maintained by the Parks and Recreation Department and will be available for inspection during regular working hours.

Sec. 16.109. Park Pavilions.

- (a) All park picnic pavilions can be reserved. Reservations must be made in person by the individual responsible for the reservation. Reservations will be granted for a pavilion between the hours of 8:00 a.m. and 12:00 Noon and 1:00 p.m. and 5:00 p.m.
- (b) All facilities that are not reserved are available for use by the general public on a first come, first served basis. A listing of reserved facilities, including the time of reservation and the party holding such reservation, will be maintained by the Parks and Recreation Department and will be available for inspection during regular working hours.

Sec. 16.110. Athletic Facilities.

Reservations for a playing facility will be granted for a reasonable period of time between the hours of 8:00 a.m. and sunset for unlighted facilities and between 8:00 a.m. and 11:00 p.m. for lighted facilities, as available.

Sec. 16.111. Acts Requiring Permits.

In addition to any other provision of this Article that requires the obtaining of a permit prior to engaging in a given activity, it shall be unlawful for any person in a park to conduct, operate, present, manage or take part in any of the following activities unless a permit is obtained from the Parks and Recreation Director prior to the start of such activity.

- (a) Any organized team or league sports activity.
- (b) Give any theatrical entertainment, moving picture show, parade, procession or public gathering, festival, concert, recreational program, event, or other outdoor presentation, whether or not an admission fee is charged.
- (c) Special permits for activities not identified or required by this Ordinance must be applied for in person no later than 14 days prior to the date for which the permit is requested.
- (d) The person or persons utilizing such permit must have the permit in their possession or, if possible, posted in a conspicuous location, and available

for inspection by the Parks and Recreation Director or designee or any member of the Police Department.

- (e) The Parks and Recreation Director has the right to refuse or deny any request for special permit for reasonable cause. The Parks and Recreation Director further has the right and obligation to cancel or suspend any such special permit previously issued if, in the opinion of the Parks and Recreation Director, such cancellation or suspension is in the best interests of the citizens of Lancaster and/or is necessary for the maintenance and control of facilities under the responsibility of the Parks and Recreation Department.
- (f) Any person making a request for a reservation may appeal the refusal of such request to the City Manager.

Sec. 16.112. Amplification System.

- (a) Except when approved by the Parks and Recreation Director or designee, no person shall operate any device so that the sound could be heard to the annoyance or inconvenience of persons in a public place or in neighboring premises.
- (b) No permit shall be issued for the use of amplified sound beyond 10 p.m. unless approved by the Parks and Recreation Director.

Sec. 16.113. Roller Skates, Skateboards/Bicycles.

Roller skates, skateboards and bicycles are permitted on designated trails within city parks. Roller skating, skateboarding and bicycle riding are prohibited on playgrounds, sidewalks, tennis courts, in picnic pavilions or monument-type structures or in any other park area except as designated by the Parks and Recreation Director or designee.

Sec. 16.114. Mass Gathering.

- (a) It shall be unlawful to hold any meeting or gathering within the parks and recreation department facilities which will attract more than 50 persons without first obtaining a special permit and/or reservation contract from the Parks and Recreation Director or designee for such purpose.
- (b) The Parks and Recreation Director may require adequate public safety personnel and portable sanitary facilities to ensure the safety and well-being of participants.

Sec. 16.115. Parks and Recreation Master Plan Adoption by Reference.

- (a) The City of Lancaster City Council has adopted a Parks, Recreation, and Open Space Master Plan hereinafter called the “approved plan,” which is on file in the Office of the City Secretary.
- (b) The approved plan shall be filed for record in the official City records and the approved plan shall be available to the public and to all landowners and used as an officially approved Parks, Recreation, and Open Space Master Plan by the City Administration, City Parks and Recreation Advisory Board, Tree Board, and City Council.

Sec. 16.116. Lancaster Parks and Recreation Advisory Board, Tree Board, and Lancaster Recreational Development Corporation.

- (a) ***Creation***
The City Council shall provide for the appointment of a Parks and Recreation Advisory Board, Tree Board, 4B Board consisting of seven (7) do we specifically mention the alternate members. Board members shall be residents of the City.
- (b) ***Terms of Board Members***
Each board member shall be appointed for two-year terms. Appointments shall be made at a regularly scheduled City Council meeting each July.
- (c) ***Removal from Board; Vacancies Filled***
The members of the Parks and Recreation Advisory Board, Tree Board, and 4B Board shall be subject to removal from office by the City Council for any cause deemed sufficient by a majority vote of City Council members at a regularly scheduled Council meeting. Any vacancy in the Board shall be filled by the City Council for the unexpired term of the member whose place has become vacant.
- (d) ***Meetings***
The Parks and Recreation Advisory Board, Tree Board, and 4B Board shall hold at least one (1) monthly meeting. Such meeting shall be held on a day of the month approved by the board, special meetings may be called by the Chairman, Director of Parks and Recreation, or if requested by at least four (4) board members.
- (e) ***Election of Officers***
A Chairman and Vice-Chairman shall be selected each year at the regular meeting in October.

(f) ***Duties of Officers***

1. ***Chairman.*** It shall be the duty of the Chairman to preside at all meetings of the Board, to appoint internal committee and study group members and to call special meetings.
2. ***Vice-Chairman.*** It shall be the duty of the Vice-Chairman to perform the duties of the Chairman during any absence.

(g) ***Duties of Board***

1. The Board shall serve in advisory capacity to the City Council in all matters relating to the Parks and Recreation Department of the City.
2. The Board shall acquaint with and make a continuous study and inspection of the complete parks and recreational programs and shall advise the City Council from time to time as to present and future planning, acquisition, development, enlargement and use policy of the parks and recreation system.
3. The master plan shall be reviewed at least annually and shall make recommendations as appropriate to the City Council.
4. The Board shall review, study and make recommendations to the Parks and Recreation Director for priorities of projects or activities to be included in future parks and recreation programs.
5. The Board shall study and make recommendations to the City Council on any other matters as requested by the City Council.

(h) ***Responsibility of Parks and Recreation Department***

1. All parks and recreational activities shall be administered by the Parks and Recreation Director and staff. The Parks and Recreation Director shall be responsible to the City Manager for the general operating procedures of the Department.
2. The Parks and Recreation Director shall prepare meeting Agendas for each board meeting.
3. The Parks and Recreation Director or designee will act as ex officio member of the Board and all committees.

4. The Parks and Recreation Director will be responsible for recording and preparation of the minutes which shall be approved by the Board at the next meeting.
5. The Parks and Recreation Director will provide technical assistance and all support data and information requested by the Board.

Sec. 16.117. Mandatory Park Land Dedication.

Ordinance No. 2006-10-41 adopted October 24, 2006

Sec. 16.118. Golfing in Public Parks.

It shall be unlawful for any person to drive or hit a golf ball in, into, upon or over any public park owned, leased, operated or maintained by the City, except in those areas designated and posted for such activities.

No golfing will be permitted on any and all athletic fields.

Sec. 16.119. Advertisements.

Advertising by the use of billboards, signs, markers, audio devices, or any other means whatsoever, including handbills, circulars, flyers, and posters is prohibited without written permission of the Parks and Recreation Director, a copy of which written permission shall be available on site at all times.

Any and all distribution of such materials shall follow all rules and regulations of Article 4.800 of the City Code.

Sec. 16.120. Trail Use.

- (a) No person shall operate or use a motor vehicle, including a motorcycle, motorbike, minibike, ATV, or bicycle on a trail or path not designated for the use with such vehicles.
- (b) On the Hike and Bike Trails, bicyclists shall yield to walkers and joggers.
- (c) Trail users on the Hike and Bike Trails should not be more than two abreast when this action will impede other traffic on the trail. Trail users should leave ample room on the trail for other users to pass safely.
- (d) Bicyclists should maintain bicycles in good condition and should operate them in a safe manner. All bicycles shall be equipped with properly functioning brakes.

Sec. 16.121. Alcoholic Beverages.

- (a) No person shall sell, store, possess or consume an alcoholic beverage in any city park. The term "*alcoholic beverage*," as that term is used in this Article, shall be defined as used in the Texas Alcoholic Beverage Code.
- (b) At a special civic event sponsored by the city, the city manager may grant a special event permit, for a period not to exceed two consecutive days, for consumption, possession and/or sale of beer and wine by a person who has obtained a permit under state law. In issuing such permit the city manager may designate all or part of such park or facilities located thereon for such permit; and may establish such hours of operation as deemed appropriate.
- (c) Requests to serve alcoholic beverages during reservations using the Grand Hall in the Lancaster Recreation Center, Lancaster Senior Center and Community House must be made through the Parks and Recreation Department.
 - 1. Such reservations must be requested in writing at the time of the initial reservation.
 - 2. Such written request must state the purpose of the reservation, the specific areas of the facility for which the reservation is requested, the time or times and date or dates for which the reservation is requested, person or persons who intend to utilize such facilities.
 - 3. Such reservations are required to have a licensed City of Lancaster Police Department officer in uniform on duty at all times during the reservation.
 - 4. A \$200 deposit will be collected when making the reservation.
 - 5. Alcoholic beverages may only be served at events such as wedding receptions, anniversary parties, and city sponsored events.
 - 6. Alcoholic beverages may only be served at closed events not open to the general public.
 - 7. Beer, wine, and champagne are the only alcoholic beverages that are permitted. No liquor will be permitted.
 - 8. It is the renter's responsibility to ensure that no minors or visibly intoxicated are served alcoholic beverages.

SECTION 2. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

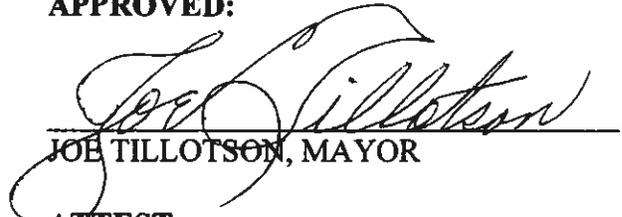
SECTION 3. If any Article, paragraph or subdivision, clause or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 4. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 5. This Ordinance shall take effect immediately from and after the publication of its caption, as the law in such cases provides.

DULY PASSED by the City Council of the City of Lancaster, Texas, on the 11th day of February 2008.

APPROVED:



JOE TILLOTSON, MAYOR

ATTEST:



DOLLE K. SHANE, CITY SECRETARY

APPROVED AS TO FORM:



ROBERT E. HAGER, CITY ATTORNEY
(REH/cdb 12/20/07)