

MINUTES

LANCASTER CITY COUNCIL MEETING OF JUNE 27, 2016

The City Council of the City of Lancaster, Texas, met in a called Regular session in the Council Chambers of City Hall on June 27, 2016 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Deputy Mayor Pro Tem Stanley Jaglowski
Mayor Pro Tem Carol Strain-Burk
Marco Mejia
Clyde C. Hairston
Nina Morris

City Staff Present:

Opal Mauldin-Robertson, City Manager
Rona Stringfellow, Assistant City Manager
Dori Lee, Human Resources Director
Ed Brady, Director of Economic Development
Baron Sauls, Finance Director
Jim Brewer, Director of Public Works
Jermaine Sapp, Equipment and Facilities Director
Sam Urbanski, Interim Police Chief
Robert Franklin, Fire Chief
Fabrice Kabona, Assistant to the City Manager
Kay Brown, Community Relations Coordinator
Robert E. Hager, City Attorney
Mayra A. Ortiz, Assistant City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on June 27, 2016.

Invocation:

Pastor Jones gave the invocation.

Pledge of Allegiance:

Councilmember Mejia led the pledge of allegiance.

Citizens' Comments:

Carolyn Sauls, 2915 Town North Drive, shared her concerns regarding the cleanliness of the Community House and the Recreation Center.

Mayor Knight shared that Assistant City Manager Stringfellow will assist her with the concerns she shared.

- 1. Conduct a Public Hearing and consider an amendment to the City of Lancaster Comprehensive Plan and Future Land Use Map and a change in zoning classification from R-Retail, to LI – Light Industrial, for a 4.66 acre tract of land generally located on the northwest corner of Houston School Road and Wintergreen Road.**

Assistant City Manager Stringfellow advised this was a request to rezone 4.66 acres smaller portion of a 63 acre site zoned LI. Staff has reviewed and analyzed and reviewed on 5 factors and consistency with the comprehensive plan. Assistant City Manager Stringfellow advised rezoning must be in conformance with comprehensive plan and staff is requesting the comprehensive plan be amended as part of the granting of the rezoning request. North and west properties are undeveloped. A new residential subdivision is to the east

and it is on the opposite side of Houston School road. There are utilities in the area. The site is developable. Wintergreen Road is scheduled to be improved. One notification of support was returned prior to the Planning and Zoning meeting on June 7th. At the June 7th, Planning and Zoning meeting the Committee recommended granting the rezoning request.

Councilmember Hairston confirmed the 4.66 acres were zoned retail and whatever is behind it is zoned LI. Assistant City Manager Stringfellow confirmed.

Mayor Pro Tem Strain-Burk asked if this rezoning request would make the whole quadrant LI. Assistant City Manager Stringfellow confirmed. Mayor Pro Tem Strain-Burk asked what the landscaping requirement would be if the area was zoned LI. Assistant City Manager Stringfellow informed the Council that the landscaping requirement is 20%, non-residential use must be screened from residential use, trees are required every 30 linear feet and identify with applicant drought-resistant plants and that the applicant would be required to follow the Lancaster Development Code. Mayor Pro Tem Strain-Burk inquired of Assistant City Manager Stringfellow what the requirements would be on articulation and architectural features on the façade of the building if it was just straight zoning. Assistant City Manager Stringfellow informed the Council that the applicant is asking for an exception to the vertical articulation as it relates to a street.

Councilmember Hairston sought confirmation that the change in the comprehensive plan is only as it relates to this request. Assistant City Manager Stringfellow confirmed that the comprehensive plan is the vision for how the City will be developed.

The applicant, Clyde Hargrove, 1350 Marlin Road, Red Oak, Texas, began by offering a history of the zoning of the property that is the subject of the rezoning request. The applicant expressed his support of minimums including a berm, a screening wall, and shorter tree-planting increments in order to relieve the concern of Council. Mayor Knight informed the Council that as this is a straight zoning case, the Council has less say in the particular requirements than if this was being offered as a Planned Development. As such, it is appropriate to look at what is spelled out in the Lancaster Development Code. The Applicant stressed that with the area zoned retail, there is a greater likelihood of the area suffering from traffic congestion.

Councilmember Morris expressed her desire of increased traffic in Lancaster and how that can increase traffic for retail. She expressed her view that this was a temporary fix for a quick increase in tax base. The Applicant expressed that if he thought there was a chance for increased retail, he would not be requesting this change as retail brings a higher value upon sale. He further expressed that there is simply no demand for retail.

Councilmember Mejia inquired as to the property's history of being marketed for retail. The Applicant stated that he has not previously marketed the property as retail. Councilmember Mejia expressed his view of how the Council has actively attempted to increase jobs in Lancaster and the distribution warehouses, logistical centers have been working well in creating a solid tax base for a long period of time and increases the daytime population and, in effect, makes Lancaster a "destination city."

Mayor Pro Tem Strain-Burk inquired of City Attorney Hager whether the Council could amend the comprehensive plan but ask the Applicant to bring his rezoning request to the Council as a planned development in order for the Council to have a greater say as to the landscaping requirements, remove offensive uses since this was a major corner. City Attorney Hager confirmed the Council can do this and added that since this is a straight zoning case, the only requirements are those contained in the Lancaster Development Code, but if this was a planned development, you could tailor the regulations for this particular site. The Council can deny or approve the rezoning request or deny it and request he refile it as a planned

development. He advised that the area is currently zoned retail and since zoning changes must be consistent with the comprehensive plan, the Council can amend the comprehensive plan and make the area light industrial.

Mayor Knight reminded the Council that the proposed comprehensive plan has the whole area proposed to be zoned light industrial.

Councilmember Morris spoke regarding the necessity of making decisions that conform with the City's comprehensive plan, whether that plan is amended or not.

City Attorney Hager spoke on the intertwining of this rezoning request and a potential amendment to the comprehensive plan and how amending the plan would affect this request.

Councilmember Hairston expressed his desire to see this item tabled until after such time as the Council meets regarding the potential amending of the comprehensive plan.

Deputy Mayor Pro Tem Jaglowski inquired of staff what the differences are between straight zoning and a planned development. Stringfellow advised Council that the main differences are that with a planned development you can make things unique for that zoning request. She gave the example that in a straight zoning request, the limitations that are in the Lancaster Development Code would be the only ones permitted while in a planned development, an applicant, upon approval, could use any material they want for the masonry, while in the planned development, the Council has more ability to require specific things.

Councilmember Mejia inquired of Director Brady the reasons as why the City is lacking retail. Director Brady advised the Council on the history of previous City Council's view on retail and how it implemented this view. He advised the Council that the City is in a very good position to attract jobs and that the approach of increasing the jobs to attract daytime traffic is working. Mauldin-Robertson advised Council that there is recent data showing that some developers have retail interest in the City.

Councilmember Hairston inquired of the applicant whether developers need the corner to develop the other acreage. The Applicant advised there is a way but it would be a waste. Councilmember Hairston inquired as to how many daytime jobs this request might generate. The Applicant advised he could not answer this question.

Deputy Mayor Pro Tem Jaglowski inquired of staff what would typically go on the 4.66 acres in terms of a retail site. Stringfellow advised that the things that could go there are a restaurant, convenience store or a pad site restaurant.

Mayor Knight opened the public hearing.

There were no speakers.

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

Mayor Pro Tem Strain-Burk confirmed with City Attorney Hager as to what the Council could and could not decide regarding this request as it related to amending the comprehensive plan.

Mayor Pro Tem Strain-Burk made a motion to amend the comprehensive plan so that the whole corner would be LI and to have the Applicant come back with a planned development. Mayor Knight inquired of City Attorney Hager as to whether the Council had authority to do this at the current meeting. City Attorney Hager

advised the Council there are two components to the agenda item. The first is to change the comprehensive plan. The second is whether the land use for that 4.66 acres is going to be changed from retail to LI. What Mayor Pro Tem Strain-Burk is requesting is to amend the comprehensive plan, going from retail to LI and deny the rezoning request. If you change the comprehensive plan, but don't change the zoning, then the zoning and comprehensive plan are inconsistent.

Mayor Knight inquired of the Applicant as to whether he was interested in submitting a planned development. The Applicant advised he could not because he is not the developer.

Mayor Knight advised that since there was no second to the motion it has died. Councilmember Morris made a motion to table this agenda item until after the Council votes on the comprehensive plan. Mayor Knight then inquired of City Attorney Hager that, if the comprehensive plan is amended and the whole tract is zoned LI, a planned development application would have to be presented in order for the Council to consider a planned development for that tract. City Attorney Hager confirmed same.

MOTION: Councilmember Morris amended the motion, seconded by Councilmember Hairston, to postpone item until the second regular meeting, August 22, 2016. The vote was cast 2 for, 4 against [Strain-Burk, Jaglowski, Mejia and Mayor against]. The motion fails.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve item 1. The vote was cast 3 for, 3 against [Strain-Burk, Hairston, and Morris against]. The motion fails.

Mayor Knight suggested for a five minute recess. The meeting was reconvened back at 8:44 p.m.

Mayor Knight advised there were technical issues and that live votes, by voice will be used.

Assistant City Secretary Ortiz individually polled each councilmember as to their vote on the item.

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Councilmember Mejia to reconsider item 1. The vote was cast 5 for, 1 against [Morris].

Assistant City Secretary Ortiz individually polled each councilmember as to their vote on the item.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve item 1. The vote was cast 4 for, 2 against [Hairston and Morris against].

2. **Discuss and consider a resolution granting a request for Special Exceptions pursuant to Sections 14.505 (a) 2 and 3, height and articulations; to provide a Special Exception for increased height and reduced vertical articulation on the proposed industrial site located on the northwest corner of Houston School Road and Wintergreen Road.**

Assistant City Manager Stringfellow shared that item 2 is a companion item to item 1 include all of 68.108 acres for request height exception to allow up to fifty feet. Also, the applicant is requesting vertical articulation that no horizontal wall shall extend for a distance greater than 4 times the height of the wall without changing height by a minimum of 25% of the wall's height. The purpose of the request, is to seek an exception to the maximum building height in the Light Industrial (LI) zoning district, and articulation through the use of materials and color.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve item 2. The vote was cast 6 for, 0 against.

3. **Discuss and consider a resolution granting a request for Special Exceptions pursuant to Sections 14.505 (a) 2 and 3, height and articulations; to provide a Special Exception for**

increased height and reduced vertical articulation on the proposed industrial site located on the southwest corner of Houston School Road and Danieldale Road.

Assistant City Manager Stringfellow shared that the request is for a Special Exceptions to the height and articulations. She stated that the applicant is proposing a "cross-dock" building design, which provides for loading on both sides of the building, to avoid having loading facing at least one street. Additionally, they are requesting to have a loading dock facing Danieldale Road without articulation. They are stating that the tractor trailer traffic accessing the loading door, causes significant conflicts with any protrusion or bump out along the building wall. The purpose of the request is to seek an exception to the maximum building height in the Light Industrial (LI) zoning district and an exception to building articulation to allow for a loading dock facing Danieldale without articulation.

Applicants, Chad Parish, 10169 Holley Springs Road, Houston, Texas, and Frank Richardson, 5310 Harvest Hill Road, Suite 180, Dallas, Texas, stated the proposed site is located on the southwest corner of Houston School Road and Danieldale Road. Mr. Parish shared that the site is approximately 420,000 square feet. The request is to allow an exception to the building height to forty-nine feet and also articulations to horizontal and vertical articulations.

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Councilmember Mejia to approve item 3. The vote was cast 6 for, 0 against.

4. Consider a resolution accepting a dedication of a 0.706 acre tract of land from Mills Branch Village Center LTD. on Village Drive.

Assistant City Manager Stringfellow stated the dedication of a 0.706 acre tract of land from Mills Branch Village Center LTD. on Village Drive. The owners of the property located within The Woodlands development of the Mills Branch Overlay District, dedicated Village Drive. The parcel is necessary to complete the Village Drive roadway within the Woodlands development of the Mills Branch Overlay District. The tract of land is needed for future construction of Village Drive. The City is acquiring right-of-way for that purpose. At such time the roadway is constructed, by the developer or property owner, it will be property of the City of Lancaster and maintained by the city.

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Councilmember Hairston to approve item 4. The vote was cast 6 for, 0 against.

5. Consider a Resolution approving the terms and conditions of a License Agreement by and between the City of Lancaster and Quik Trip Corporation for the installation and maintenance of a monument entry feature and landscaping improvements within the Pleasant Run Road right-of-way for the Quik Trip development.

Mayor Knight shared a representative from Quik Trip was unable to attend and item 5 tabled.

6. Discuss and consider a resolution authorizing the City Manager to execute an economic development agreement pursuant to Chapter 380, Texas Local Government Code, by and between the City of Lancaster and White Tract, LLC.

Director Brady stated that White Tract, LLC (Panattoni Development Company), has purchased 100 acres on North Dallas Avenue, to construct one warehouse distribution facility, totaling approximately, one million six hundred thousand (1,600,000), square feet to lease to future tenants. The company estimates approximately \$75,000,000, in value added capital investment. The City will remit sixty five percent (65%), of the payment to the company for a period of ten (10) years. The company has applied for a real property tax incentive grant, in compliance with the City's Incentive Policy.

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

7. Discuss and consider a resolution ratifying the terms and conditions of an incentive grant by and between the Lancaster Economic Development Corporation and White Tract, LLC.

The board of directors of the Lancaster Economic Development Corporation, convened on Tuesday, June 7, 2016, to consider a grant applied for by White Tract, LLC, in an amount equal to \$150,000, to assist with permit and infrastructure costs.

MOTION: Councilmember Mejia made a motion, seconded by Mayor Pro Tem Strain-Burk, to approve item 7. The vote was cast 6 for 0 against.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Hairston, to adjourn. The vote was cast 6 for, 0 against.

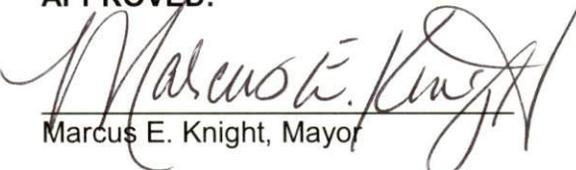
The meeting was adjourned at 9:11 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor