



**NOTICE OF MEETING AGENDA
PLANNING & ZONING COMMISSION
CITY OF LANCASTER, TEXAS
MUNICIPAL CENTER
CITY COUNCIL CHAMBERS
211 N. HENRY STREET, LANCASTER, TEXAS
TUESDAY, JULY 10, 2012 – 7:00 P.M.**



**Chair, Mary Jane Colton
Vice Chair, Quinnie Wright**

**Commissioner Marian Elkins
Commissioner James Mitchell
Commissioner Lawrence Prothro**

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Lancaster reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

7:00 P.M.

AGENDA

CALL TO ORDER

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

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 Commission member may request one or more items to be removed from the consent agenda for separate discussion and action.

1. Consideration of the June 26, 2012 Regular Meeting Minutes.

PUBLIC HEARING

2. **M12-06** Conduct a Public Hearing and consider a Proposed Recovery Overlay Special District for Storm Damaged Communities.

ADJOURNMENT

ACCESSIBILITY STATEMENT

The Municipal Building is wheelchair accessible. If you plan to attend the meeting and have a physical impairment, which requires special arrangements or require sign interpretive services, please contact the City Secretary's Office 72 hours prior to the meeting at (972) 218-1310 or TDD 1-800-735-2988. Reasonable accommodations will be made to assist your needs.

CERTIFICATE

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall,

July 6 2012 @ 6:30 am/pm.

Nathaniel Barnett
Nathaniel Barnett, Senior Planner

PLANNING & ZONING COMMISSION
Agenda Communication for
July 10, 2012

#1

CONSIDERATION OF THE JUNE 26, 2012 MEETING MINUTES

Prepared by:

Nathaniel Barnett, Senior Planner



**REGULAR MEETING MINUTES
PLANNING & ZONING COMMISSION
AND ACTING AS THE
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE
CITY OF LANCASTER, TEXAS
TUESDAY, JUNE 26, 2012**



CALL TO ORDER:

Chair Colton called the meeting to order at 7:02 p.m. on June 26, 2012.

COMMISSIONERS

**MARY JANE COLTON, CHAIR
QUINNIE WRIGHT, VICE CHAIR
MARIAN ELKINS
JAMES MITCHELL
LAWRENCE PROTHRO**

CITY STAFF

RONA STRINGFELLOW-GOVAN

**DIRECTOR OF PUBLIC WORKS/DEVELOPMENT
SERVICES**

**NATHANIEL BARNETT
JULIE PANDYA**

**SENIOR PLANNER
CITY ATTORNEY**

**A CLASS FROM THE UNIVERSITY OF TEXAS AT ARLINGTON SCHOOL OF URBAN AND
PUBLIC AFFAIRS GRADUATE SCHOOL ATTENDED THE MEETING**

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

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 Commission member may
request one or more items to be removed from the consent agenda for separate discussion
and action.

1. Consideration of the April 24, 2012 Regular Meeting Minutes.

Chair Colton entertained a motion for the consent agenda.

**VICE CHAIR WRIGHT MADE THE MOTION TO APPROVE THE MINUTES FROM APRIL
24TH, SECONDED BY COMMISSIONER PROTHRO.**

**AYES: COLTON, MITCHELL, PROTHRO, WRIGHT
NAYES: NONE**

THE MOTION CARRIED 4-0.

Commissioner Elkins arrived at approximately 7:05pm



**REGULAR MEETING MINUTES
PLANNING & ZONING COMMISSION
AND ACTING AS THE
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE
CITY OF LANCASTER, TEXAS
TUESDAY, JUNE 26, 2012**



ACTION

2. **M12-04** Consider a request for a Sign Exception for the width and total height of a pole sign located approximately 2500' north of the intersection of Beltline Road and Interstate 35E on Lot 4R, Block 1, Magnahomes Addition and doing business as Chicken Express.

Senior Planner Nathaniel Barnett gave a presentation stating that the applicant was requesting a pole sign above the maximum height of 30 feet allowed by the Lancaster Development Code (LDC). The applicant would like a sign of approximately 50 feet tall. Senior Planner Barnett explained that other land uses in the area had requested and received approval for signs ranging from 42' to 80' in height. Therefore, this request was in line with other nearby pole signs.

Commissioner Prothro asked why the restaurant was seeking a taller pole sign than is allowed by the LDC. Senior Planner Barnett stated that due to its location along the elevated section of Interstate 35E, they have a need for greater visibility. Commissioner Mitchell asked where the proposed restaurant is located, what is next to the restaurant. Senior Planner Barnett explained it is north of the In N Out Burger and south of Taco Cabana.

Chair Colton entertained a motion for the action item.

**COMMISSIONER PROTHRO MADE THE MOTION TO APPROVE THE SIGN EXCEPTION,
SECONDED BY COMMISSIONER ELKINS.**

**AYES: COLTON, ELKINS, MITCHELL, PROTHRO, WRIGHT
NAYES: NONE**

THE MOTION CARRIED 5-0.

PUBLIC HEARING

3. **M12-05** Conduct a Public Hearing and consider the Proposed Roadway and Water/Wastewater Impact Fee Reports.

Senior Planner Nathaniel Barnett presented information regarding the study of impact fees for Roadway and Water/Wastewater. He acknowledged the presence of representatives from the consulting firms of Kimley-Horn & Associates (Roadway) and Freese & Nichols, Inc. (Water/Wastewater). Senior Planner Barnett briefed the commission on the sessions that had taken place and the documents that had been supplied to them regarding the studies. He mentioned that impact fees were allowed to be charged by municipalities in accordance with Chapter 395 of the Local Government Code. The purpose of this meeting was for the commission to ask any further questions with regards to the draft studies that had been presented and make a recommendation to the City Council in regards to the information. The primary information that the commission was to look at were the population projections



**REGULAR MEETING MINUTES
PLANNING & ZONING COMMISSION
AND ACTING AS THE
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE
CITY OF LANCASTER, TEXAS
TUESDAY, JUNE 26, 2012**



and the land use assumptions. This information would be utilized in the calculations for projected growth and usage of the infrastructure when determining the impact this growth would have and the cost associated with it. Based on those calculations, the impact fees could thus be determined. Senior Planner Barnett stated that a recommendation from Staff would not be made at this time but that the recommendation obtained from the commission along with their written comments, if any, would be used when making a recommendation to the City Council.

Chair Colton asked if the answer had been provided with regards to whether or not Red Oak charged impact fees for Water/Wastewater. Senior Planner Barnett stated that the consultants had informed him that they do not. Chair Colton asked if Red Oak was totally built out. It was stated that they are not. Chair Colton then asked whether impact fees had driven away any potential development. Senior Planner Barnett stated that he had not experienced a situation where impact fees had derailed any development project in the city. He also explained that impact fees are typically a nominal cost of development but not the major factor as developers usually have other measures to determine where to locate their projects.

Chair Colton opened the public hearing.

There were no speakers in favor of or opposed to the impact fee draft report.

James Fairchild, 1338 Cedar Oaks Blvd, Dallas, Texas, a student of at the University of Texas at Arlington, asked if a semi-annual report for the impact fees was available to the public. Senior Planner Barnett stated that the information for the report would be provided soon.

Chair Colton entertained a motion to close the public hearing.

**VICE CHAIR WRIGHT MADE THE MOTION TO CLOSE THE PUBLIC HEARING,
SECONDED BY COMMISSIONER MITCHELL.**

**AYES: COLTON, ELKINS, MITCHELL, PROTHRO, WRIGHT
NAYES: NONE**

THE MOTION CARRIED 5-0.

Discussion of the Item:

The Commissioners expressed concerned that developers should pay their fare-share of the infrastructure growth of the city. Senior Planner Barnett stated that the maximum assessed fees that could be collected had decreased from the 2006/2007 Impact Fee Reports and that the Water/Wastewater impact fee would definitely have to decrease since the maximum assessable fee is lower than what is charged today.

Chair Colton asked the commissioners their thoughts on what their action should be. Everyone believed that an impact fee should be charged. It was determined that fees should not be



**REGULAR MEETING MINUTES
PLANNING & ZONING COMMISSION
AND ACTING AS THE
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE
CITY OF LANCASTER, TEXAS
TUESDAY, JUNE 26, 2012**



raised and that the maximum for water/wastewater should be charged since it would be lower than what is being charged currently. The commissioners stated that they agreed with the report by the consultants and their findings and believed it should be adopted.

Chair Colton entertained a motion for the public hearing item.

A MOTION WAS MADE BY COMMISSIONER PROTHRO TO RECOMMEND APPROVAL OF THE REPORT AS PRESENTED BY THE CONSULTANTS AND ASSESS THE MAXIMUM ASSESSABLE FEE BUT NOT INCREASE ANY IMPACT FEE, AND SECONDED BY VICE CHAIR WRIGHT.

**AYES: COLTON, ELKINS, MITCHELL, PROTHRO, WRIGHT
NAYES: NONE**

THE MOTION CARRIED 5-0.

Chair Colton entertained a motion to adjourn.

A MOTION WAS MADE BY COMMISSIONER PROTHRO AND SECONDED BY COMMISSIONER MITCHELL TO ADJOURN.

**AYES: COLTON, ELKINS, MITCHELL, PROTHRO, WRIGHT
NAYES: NONE**

THE MOTION CARRIED 5-0.

Meeting was adjourned at 7:38 p.m.

Mary Jane Colton, Chair

ATTEST

Nathaniel Barnett, Senior Planner

**LANCASTER CAPITAL IMPROVEMENTS
ADVISORY COMMITTEE
Agenda Communication for
July 10, 2012**

#2

**M12-06 Conduct a Public Hearing and consider a Proposed
Recovery Overlay Special District for Storm Damaged Communities.**

Background

The Lancaster Development Code (LDC) requires new homes built to be constructed at a minimum square footage of 1,750 square feet and have side yard setbacks of five (5) feet in the SF-6 (single family-6) zoning district and 10 feet in the SF-4 and SF-5 (single family 4 and 5) zoning districts. This is required of any new construction of a single family home on vacant land or as a result of demolition or destruction of a home, intentional or not. On April 3, 2012, the City of Lancaster experienced a devastating tornado which physically impacted over 300 homes and generally affected five (5) communities. The result of the tornado was the complete destruction of several homes and partial destruction of many more. Because of the storm, some homes have had to be demolished after the unintentional destruction of long-standing residential structures.

Many of the homes that have been destroyed were smaller than the required minimum size for single family homes per the LDC. Some of the property owners are experiencing hardships because of the LDC requirements to build homes of at least 1,750 square feet and have 10 feet side yard setbacks as some homes were built closer to the side yard property line. Most of the insurance companies will only fund costs to re-construct the size of the home that existed on the property prior to its destruction by the storm forcing the home owner to fund any additional cost which becomes impractical for many residents. In other cases, the side yard setback of the original home would violate the provisions of today's requirements if it were built back on the same footprint.

Considerations

To alleviate these issues, the Recovery Overlay Special District is being proposed for the affected communities to allow property owners to rebuild their homes in the manner which they stood prior to being impacted by the tornado. The five (5) communities affected would be identified and any property which sustained damages that cause new construction to be warranted would be allowed to build a home smaller than the minimum square footage required by the LDC but at least as large as the home that sat on the lot originally. Any home being constructed that was smaller than the original home would not be permitted to be built. Also, homes that encroached into the side yard setback as established by the LDC's current requirements would be allowed to be constructed as long as it could be shown that it was the original side yard setback for the

home. However, any portion of the home that extended beyond the limits of the original footprint would not be allowed to encroach into the required side yard setback.

The creation of this special district would allow property owners to rebuild their homes as they were prior to the damaging storm of April 3, 2012 and return to their prior status. It would also remove any increased hindrances from the home owners returning to their properties as soon as possible such as the procedure of appearing before the Zoning Board of Adjustments for variances.

- Public Information

On Friday, June 29, 2012 a Public Hearing notice appeared in the Focus Daily News, the City of Lancaster's newspaper of record. This is the first of the two public hearings; the second being at City Council on July 23, 2012.

Options/Alternatives

- 1) Recommend approval, as requested.
- 2) Recommend approval in accordance with modifications and said modifications shall be stipulations of approval.
- 3) Postpone consideration.
- 4) Recommend denial of the request.

Recommendation

Staff recommends **approval** of the Recovery Overlay Special District (option 1).

Approval Process

Upon recommendation by the Planning and Zoning Commission, the City Council will conduct a public hearing and render a final decision for this item at their July 23, 2012, regular meeting.

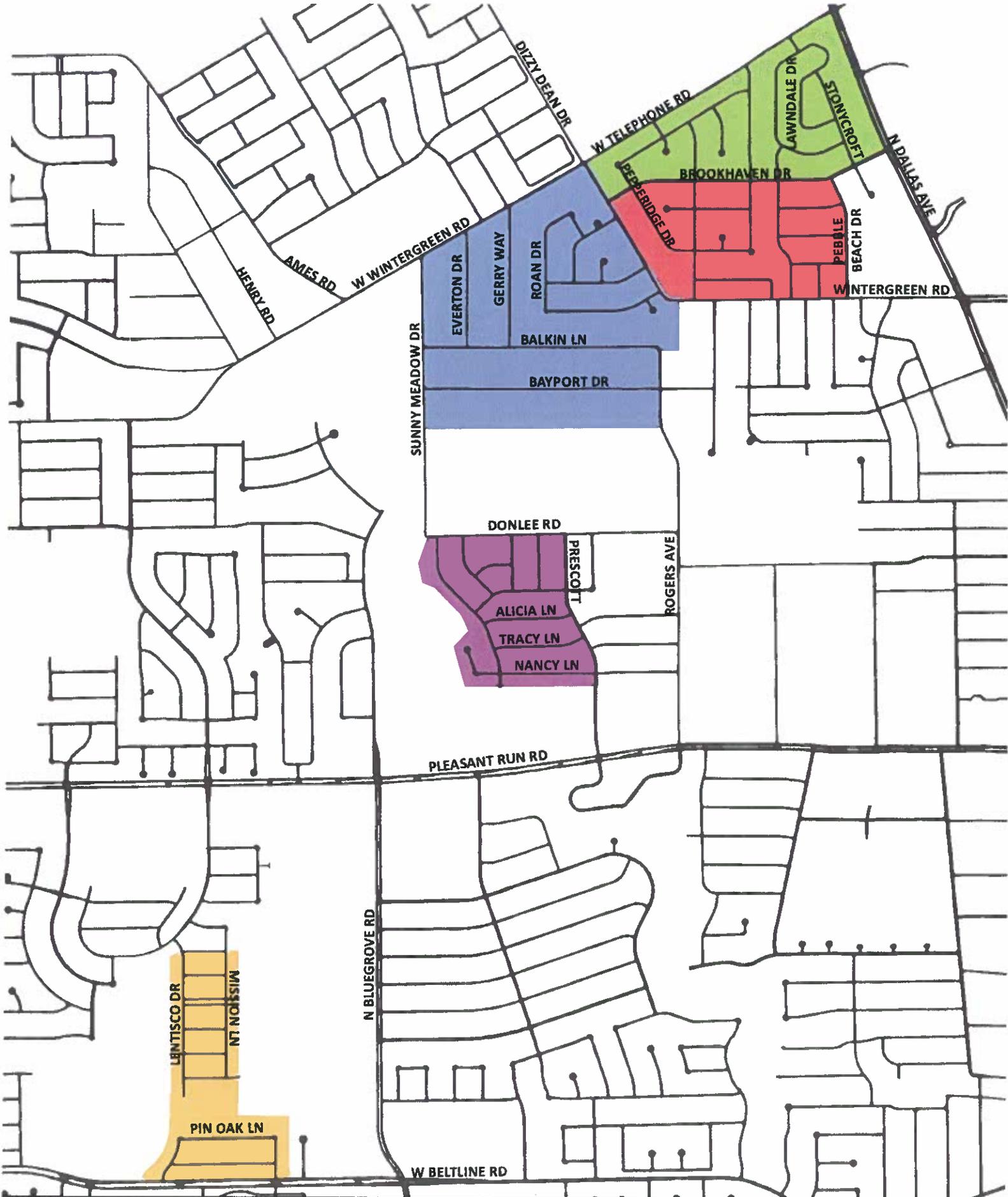
Attachments

- Map of the five 2012 Tornado Response Zones
- Aerial map of the 2012 Tornado Response Zones (5 pages)

Submitted By:

Nathaniel Barnett, Senior Planner

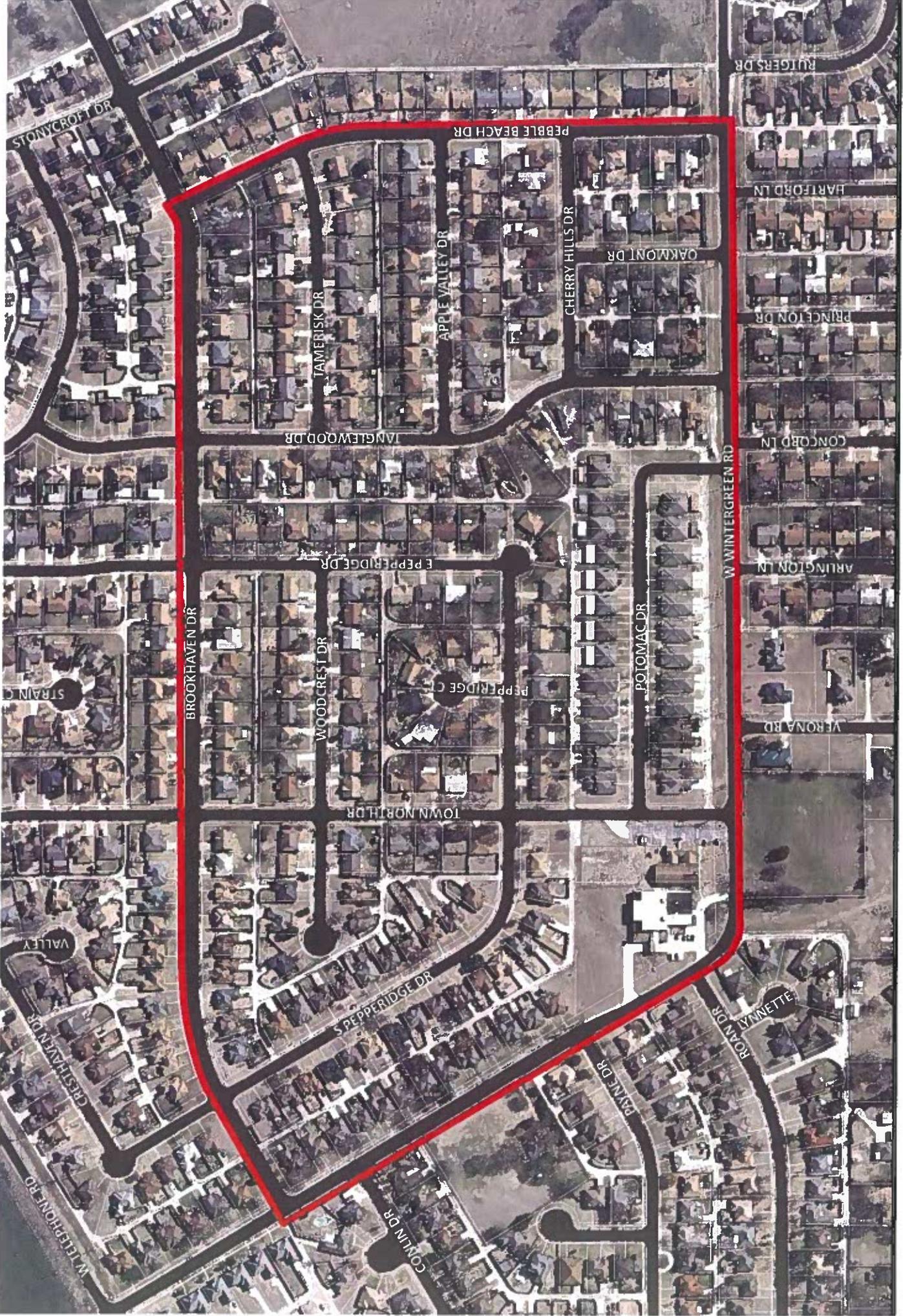
Date: July 6, 2012



- Zone #1
- Zone #2
- Zone #5
- Zone #3
- Zone #4



City of Lancaster
2012 Tornado Response Zones



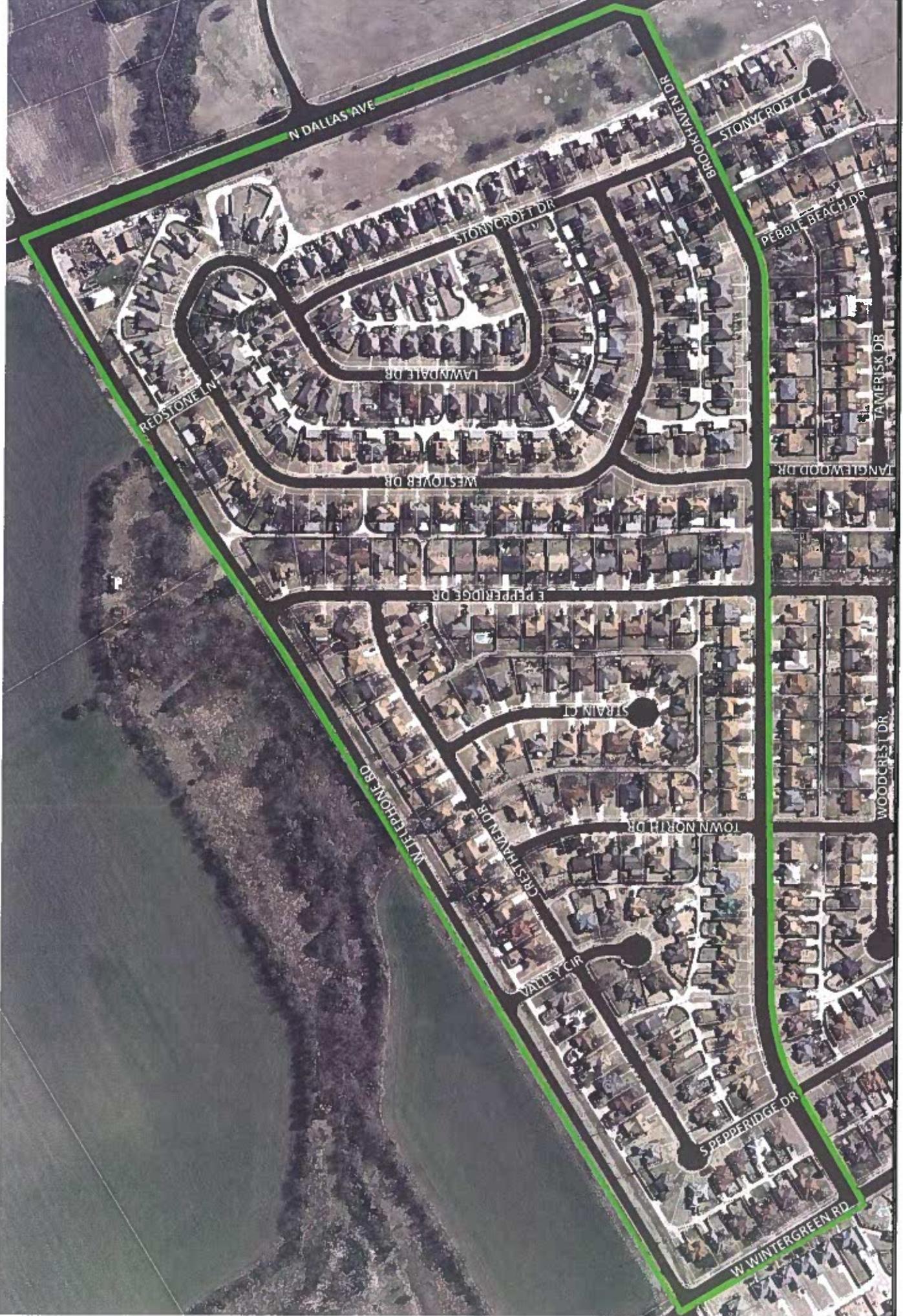
City of Lancaster
2012 Tornado Response Zone #1



 Response Zone #1
 Parcels







City of Lancaster
2012 Tornado Response Zone #2



Response Zone #2
Parcels

0 130 260 520 Feet

N



 Response Zone #3
 Parcels



City of Lancaster
2012 Tornado Response Zone #3

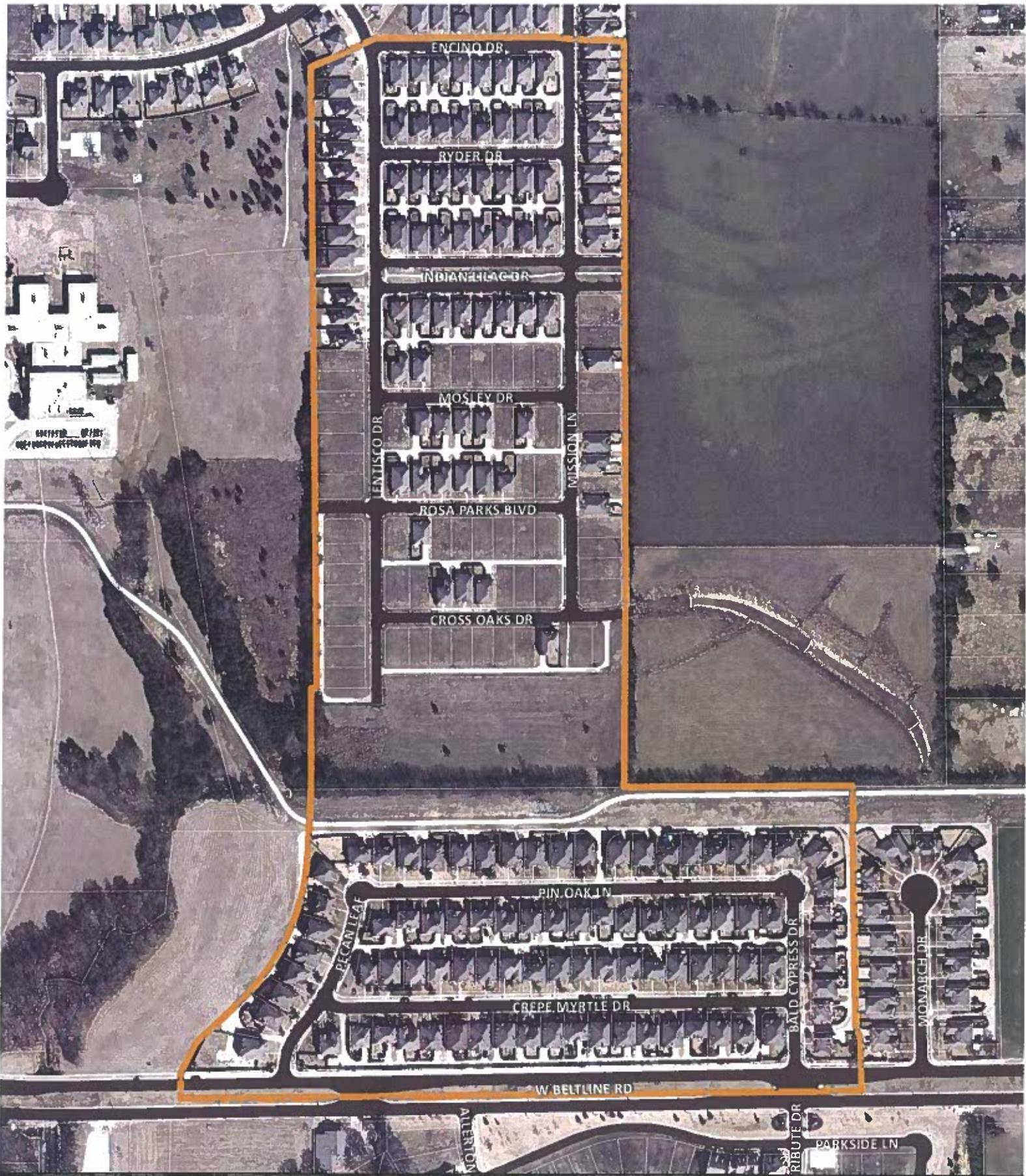


 Response Zone #4

 Parcels



City of Lancaster 2012 Tornado Response Zone #4



Response Zone #5
 Parcels



City of Lancaster
2012 Tornado Response Zone #5