



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



**Monday, November 14, 2022 - 7:00 PM**

**While one or more City Council Members may be present via video or audio link, a quorum of the City Council will be at the Municipal Center-City Council Chambers, as required by the Texas Open Meetings Act.**

**Please click the link below for forms:**

<https://www.lancaster-tx.com/1413/Notice-Regarding-Public-Participation>

**Please click the link below to join the webinar:**

<https://us02web.zoom.us/meeting/register/tZUpccuuuqD0iE9UAsZgReZ0EWG8lfbPHYtOf>

**The meeting will be broadcast live via video at the following address:**

<http://www.lancaster-tx.com/324/Watch-Meetings>

**7:00 P.M. SPECIAL WORK SESSION:**

**CALL TO ORDER**

**CALL TO ORDER**

- 1 Receive an update from the Crisis Assessment & Resource Engagement (CARE) Team.

**INVOCATION: Lancaster Interdenominational Ministerial Alliance (LIMA)**

- 2 Discuss and receive an update on the fourth quarter of Fiscal Year (FY) 2021/2022 on the operations and management of Country View Golf Course.

**PLEDGE OF ALLEGIANCE: Councilmember Keithsha Wheaton**

- 3 Discuss and receive a presentation regarding the Quarterly Financial Report for the fourth quarter of Fiscal Year (FY) 2021/2022 for the period beginning July 1, 2022, and ending September 30, 2022.

**PROCLAMATION: Small Business Saturday, Municipal Court Week**

**ACKNOWLEDGEMENTS: Civic Leadership Class Graduation**

**ADJOURN SPECIAL WORK SESSION**

**PUBLIC TESTIMONY/CITIZENS COMMENTS:**

At this time, citizens who have pre-registered before the call to order will be allowed to speak on any matter 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. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

## **7:15 P.M. REGULAR MEETING:**

- 3 Consider approval of minutes from the City Council Regular Meeting held on October 10, 2022 and October 24, 2022.

## **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.

- 2 Consider a resolution approving the terms and conditions of a Professional Service Agreement with Touchstone Golf LLC. (Touchstone) for the management of the Country View Golf Course.
- 3 Consider a resolution approving the terms and conditions of the 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds Sharing and Fiscal Agency Agreement between the City of Lancaster and the County of Dallas, Texas to provide funds to prevent and control crime and to improve the criminal justice system.
- 4 Consider a resolution canceling the City Council Regular Meeting of November 28, 2022; Work Session of December 19, 2022; Regular Meeting of December 26, 2022; and Work Session of January 16, 2023.

## **ACTION:**

- 5 Discuss and consider an amendment to Ordinance 2021-09-46 by increasing the Fiscal Year 2021/2022 Budget for the State Seized Property Fund.
- 6 Discuss and consider an amendment to Ordinance 2021-09-45 amending the Fiscal Year 2021/2022 Budgets for the Lancaster Economic Development Corporation Fund (LEDC), Golf Course Fund, and Water & Sewer Fund.
- 7 Discuss and consider a resolution authorizing the City Manager to execute a letter agreement authorizing repayment to the Texas Comptroller in an amount not to exceed three million fourteen thousand, nine hundred seventeen dollars and ten cents (\$3,014,917.10) plus a 2% fee for a taxpayer claim of over accrual of sales and use taxes.
- 8 M22-36 Discuss and consider a resolution granting a non-exclusive easement (0.010-acre) to Oncor Electric Delivery Company, LLC from the City of Lancaster, Texas for a power line upgrade located along Belt Line Road in the James McMillan Survey, Abstract No. 987 Section 25, Lancaster, Texas; establishing conditions, providing for the furnishing of a certified copy of this resolution for recording in the property records of Dallas County, Texas as a deed.
- 9 M22-32 Discuss and consider a resolution authorizing the City Manager to execute a development agreement with Schlacter Realty, LTD., relating to building materials for the development of the property located approximately 2,034 feet south of the intersection of Sunrise Road and Belt Line Road. It is further described as tracts of land situated in Tracts I and II ( David A. Schlachter) and Tract III (Schlachter Realty, LTD), of the John Little Survey, Abstract No. 768, the M.H. Lavender Survey, Abstract No. 766, the E. Little Survey, Abstract No. 787, and the D. Garner Survey, Abstract No. 530, City of Lancaster, Dallas County, Texas.

## **PUBLIC HEARING:**

- 10 Z22-09 Conduct a public hearing and consider a rezoning request from Agricultural Open (AO) Lanport Overlay to Planned Development- Light Industrial (LI). The property is located approximately 2,034 feet south of the intersection of Sunrise Road and Belt Line Road. It is further described as tracts of land situated in Tracts I and II ( David A. Schlachter) and Tract III (Schlachter Realty, LTD), of the John Little Survey, Abstract No. 768, the M.H. Lavender Survey, Abstract No. 766, the E. Little Survey, Abstract No. 787, and the D. Garner Survey, Abstract No. 530, City of Lancaster, Dallas County, Texas.
- 11 M22-18 Conduct a public hearing and consider several requests to amend the 2020 Master Thoroughfare Plan of the City of Lancaster's Comprehensive Plan. 1) Delete the segment of Pinto Road from the Sunrise Road Connector to Sunrise Road. 2) Delete the segment of Van Road between its intersection with the existing Sunrise Road and the realigned proposed Sunrise Road. 3) Delete the segment of Ferris Road between the existing Sunrise Road and the realigned proposed Sunrise Road.
- 12 M22-28 Conduct a public hearing and consider a parking exception request on the property addressed as 3005 Wintergreen Road for a research and development facility. The property is known as Lot 1, Block A, of the Mars Addition, City of Lancaster, Dallas County, Texas.
- 13 Z22-17 Conduct a public hearing and consider a Specific Use Permit (SUP) to allow for a Minor Auto Repair facility on property zoned Commercial Highway (CH) Medical District Overlay with a Specific Use Permit (SUP) for Outside Display and Storage, addressed as 1452 North I-35E located north of the intersection of North I-35 and Pleasant Run Road known as Lots 8, 9 & PT LT 10, Block A, out of the Beckley City Lots Addition.

## EXECUTIVE SESSION:

- 14 In accordance with Chapter 551 of the Texas Government Code (the Texas Open Meetings Act), the City Council may meet in executive session to discuss the following:
  1. Section 551.071 (2 legal advice) of the Texas Government Code, the City Council shall convene in executive session to confer with the City's attorney to discuss the proposed special purpose Local Government Corporation (LGC).
  2. Section 551.071 of the Texas Government Code, the City Council shall convene in executive session to confer with the City's attorney to discuss pending, threatened, contemplated or potential related litigation in regard to Real Property located at 632 Reindeer Road.
- 15 Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.

## ADJOURNMENT

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EXECUTIVE SESSION: The City 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.

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ACCESSIBILITY STATEMENT: Meetings of the City Council are held in municipal facilities that are 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.

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PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCION 30.06 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO CON LICENCIA) PERSONAS CON LICENCIA BAJO

DEL SUB-CAPITULO 411, CODIGO DEL GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO OCULTADA.

PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCION 30.07 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO AL AIRE LIBRE CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO AL AIRE LIBRE.

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### **Certificate**

**I hereby certify the above Notice of Meeting was posted at Lancaster City Hall on November 10, 2022, @ 11:45 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.**



Carey D. Neal, Jr.

Assistant City Manager

# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Healthy, Safe & Engaged Community  
Professional and Committed City Workforce

**Submitted by:** Opal Mauldin-Jones, City Manager  
Sam Urbanski, Police Chief

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### **Agenda Caption:**

Receive an update from the Crisis Assessment & Resource Engagement (CARE) Team.

### **Background:**

In July 2020, Dallas County Judge Clay Jenkins requested that I, along with our Police Chief, serve on the Dallas County New Directions for Public Safety and Positive Community Change Working Group. The work group was comprised of city managers from Balch Springs, Dallas, DeSoto, Irving, Lancaster and Mesquite as well as the Dallas County District Attorney; and community members from various social justice and faith-based organizations, including individuals such as Dr. Frederick D. Haynes of Friendship West Baptist Church. The working group met for six weeks beginning in July 2020. Major areas of discussion were: Overcriminalization / Alternatives to Incarceration and Arrest / Barriers to Re-Entry for Mental Health as Crisis Point / Non-Police Intervention Investments in Health Care, Mental Health Services, Community Health for Homelessness as a Crisis Point / Non-Police Intervention Investments and Policies to Create Housing Affordable to Low-Wage Individuals and Households.

Responsively, the Dallas County Commissioners Court allocated a total of \$3,000,000 for grant proposals towards the New Direction Public Safety Grant. The goal of this grant is to provide funds to help cities and groups of cities address the crisis of criminalization, mental health, poverty and homelessness and utilize alternatives to police response and incarceration to Dallas County residents. The proposals funded by this grant will in turn provide information and data for the University of Texas at Dallas Institute of Urban Policy Research on their development of an evaluation tool to monitor the effectiveness of the programs developed by the cities.

The City of DeSoto was awarded the Dallas County New Directions Public Safety Grant for the implementation of a regional system with Best Southwest Cities. The City of DeSoto had already implemented their Crisis Assessment and Resource Engagement (CARE) Team. The CARE team provides prevention and follow-up activities in response to individuals and their families/support systems experiencing behavioral health needs, in order to lessen the frequency of crisis interventions that require Police Patrol or Fire Rescue Response, Emergency Hospitalization, or Arrest/Incarceration. The grant allowed DeSoto to extend the program to the Best Southwest Cities and Glenn Heights. Participation in the grant requires the City to enter into an Interlocal Agreement.

City Council received a presentation on the program during the March 21, 2022, Work Session Meeting. At the March 28, 2022, Regular Meeting, City Council approved a resolution authorizing the terms and conditions of an interlocal agreement with the City of Desoto for the provision of Mental Health Services through the Crisis Assessment and Resources Engagement (CARE) Team.

City Council will receive a presentation from DeSoto representatives to share program updates.

# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government  
Healthy, Safe & Engaged Community

**Submitted by:** Ray Silva-Reyes, Assistant City Manager

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### **Agenda Caption:**

Discuss and receive an update on the fourth quarter of Fiscal Year (FY) 2021/2022 on the operations and management of Country View Golf Course.

### **Background:**

On January 29, 2018, the City Council approved a management agreement with Touchstone Golf, LLC. An amendment to the agreement will be considered at the November 14, 2022 Regular Meeting of the City Council for the golf course operations.

City Council requested a quarterly update on the operations of Country View Golf Course for the fourth quarter of FY 2021/2022 for the period of July 1, 2022, through September 30, 2022. This is the quarterly update.

### **Attachments**

Quarterly Update

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government

**Submitted by:** Mike Delmore, Director of Finance

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### **Agenda Caption:**

Discuss and receive a presentation regarding the Quarterly Financial Report for the fourth quarter of Fiscal Year (FY) 2021/2022 for the period beginning July 1, 2022, and ending September 30, 2022.

### **Background:**

The broad purpose of the City's Financial and Investment policy statements is to enable the City to achieve and maintain a long-term stable and positive financial position, and provide guidelines for the day-to day planning and operations of the City's financial affairs. The following information is representative of the fourth quarter of fiscal year 2021/2022; July 1, 2022, through September 30, 2022. All figures are preliminary/unaudited and may change as the Comprehensive Annual Financial Report is finalized.

### **Attachments**

4th Quarter Financial Statements

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 3.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government  
Healthy, Safe & Engaged Community  
Sound Infrastructure  
Quality Development  
Professional and Committed City Workforce

**Submitted by:** Jennifer Avila, Deputy City Secretary

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### **Agenda Caption:**

Consider approval of minutes from the City Council Regular Meeting held on October 10, 2022 and October 24, 2022.

### **Background:**

Attached for your review and consideration are minutes from the City Council Regular Meeting held on October 10, 2022 and October 24, 2022.

### **Attachments**

Oct. 10, 2022 Draft Minutes

Oct. 24, 2022 Draft Minutes

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 4.2.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government  
Healthy, Safe & Engaged Community

**Submitted by:** Ray Silva-Reyes, Assistant City Manager

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### **Agenda Caption:**

Consider a resolution approving the terms and conditions of a Professional Service Agreement with Touchstone Golf LLC. (Touchstone) for the management of the Country View Golf Course.

### **Background:**

At the October 17, 2022, Work Session Meeting, City Council received a presentation outlining the operations of the Country View Golf Course under the oversight of Touchstone. The contract is set to expire on January 31, 2023. This item is to approve a three-year agreement with Touchstone to continue management of the course for a fee of \$4,500 per month for the terms of the agreement. This is an increase of \$500 per month of the current agreement.

Under Touchstone's management, the Country View Golf Course has steadily improved the financial health of the golf course, as well as making the golf course a true community asset. As a result of the Touchstone management, staff secured national accounts to stock the golf pro shop, obtain the necessary equipment for maintenance and operations, as well as working through re-branding and improving the image and operation of the course.

### **Operational Considerations:**

This is a request to approve a 3-year management agreement extension with Touchstone.

Highlights of the agreement include:

- Continued management from January 2023 through January 2026;
- Employment of appropriate staff;
- Continuance of the license for the beverage cart and concessionaire's agreement;
- Operational and financial reports for point of sale (POS) and account maintenance.

### **Legal Considerations:**

The City Attorney has reviewed and approved the resolution and agreement as to form.

### **Public Information Considerations:**

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

### **Fiscal Impact:**

The monthly base management fee is four thousand, five hundred dollars and zero cents (\$4,500.00). The City will be responsible for all costs and expenses of maintaining, operating, and supervising the operation of the Golf Course facility.

### **Options/Alternatives:**

1. City Council may approve the resolution, as presented.
2. City Council may deny the resolution, as presented.

**Recommendation:**

Staff recommends approval of the resolution, as presented.

**Attachments**

Resolution

Exhibit A

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 4.3.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government  
Healthy, Safe & Engaged Community

**Submitted by:** Sam Urbanski, Police Chief

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### **Agenda Caption:**

Consider a resolution approving the terms and conditions of the 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds Sharing and Fiscal Agency Agreement between the City of Lancaster and the County of Dallas, Texas to provide funds to prevent and control crime and to improve the criminal justice system.

### **Background:**

Annually, City Council considers the terms and conditions for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This agreement will allow the Lancaster Police Department to be eligible to receive a grant in the amount of \$13,897.00 through the Dallas County Justice Assistance Grant ("JAG").

### **Operational Considerations:**

Approval of this agreement will provide grant funding from Dallas County JAG for the purchase of Tasers, in an amount of \$9,046.95 after administration and fiscal agent fees.

### **Legal Considerations:**

The resolution and agreement has been reviewed and approved as to form by the City Attorney.

### **Public Information Considerations:**

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

### **Fiscal Impact:**

Pursuant to the Sharing Funds Agreement, the City of Lancaster shall transfer the grant administration fee of \$4,169.10 to Dallas County. An additional amount of \$680.95 must also be transferred to the fiscal agent, the City of Dallas.

### **Options/Alternatives:**

1. City Council may approve the resolution, as presented.
2. City Council may deny the resolution.

### **Recommendation:**

Staff recommends approval of the resolution, as presented.

### **Attachments**

Resolution

JAG Agreement Exhibit A

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 4.4.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government  
Healthy, Safe & Engaged Community  
Sound Infrastructure  
Quality Development  
Professional and Committed City Workforce

**Submitted by:** Sorangel O. Arenas, City Secretary

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### **Agenda Caption:**

Consider a resolution canceling the City Council Regular Meeting of November 28, 2022; Work Session of December 19, 2022; Regular Meeting of December 26, 2022; and Work Session of January 16, 2023.

### **Background:**

The City Council generally meets on the second and fourth Monday of each month. The City Charter requires the City Council to meet at least once a month. Setting the meeting schedule for the remainder of the year allows sufficient time for public notice of the revised meeting schedule and is helpful to staff for planning purposes. Typically, City Council cancels meeting conflicts to accommodate the holiday season.

In November the Regular Meeting falls on November 28, 2022, the Monday before Thanksgiving Day. The Special Work Session and Regular Meeting of November 7, 2022, and the Regular Meeting and Special Work Session on November 14, 2022, provides sufficient opportunity for city business in November.

In December the Work Session falls on December 19, 2022, the Monday before Christmas Day. The December Regular Meeting is December 26, 2022, the Monday before the New Year holiday. The Regular Meeting of December 12, 2022, provides sufficient opportunity for city business in December.

In January the Work Session falls on January 16, 2023, the Monday recognized as Dr. Martin Luther King, Jr. Day. The Regular Meeting of January 9, 2023, and, if needed, the Regular Meeting on January 23, 2023, provides sufficient opportunity for city business in January.

### **Operational Considerations:**

Essential City business will be completed at the Regular Meeting on November 14th and essential City business may be completed at the Regular meetings on December 12th and January 23rd. At any time, City Council may call a properly noticed Special Meeting if an unforeseen matter requires prompt action by the City Council.

### **Public Information Considerations:**

This item is being considered at a Regular Meeting of the City Council, in accordance with the Texas Open Meetings Act.

### **Options/Alternatives:**

1. City Council may approve the resolution canceling the November 28, 2022, Regular Meeting, December 19, 2022, Work Session, and December 26, 2022, Regular Meeting; and January 16, 2023, Work Session, as presented.
2. City Council may amend the resolution to cancel and/or reschedule certain meeting(s).
3. City Council may deny the resolution and conduct meetings as scheduled.

**Recommendation:**

Staff recommends approval of the resolution, as presented.

**Attachments**

Resolution

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 5.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government

**Submitted by:** Samuel Urbanski, Police Chief

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### **Agenda Caption:**

Discuss and consider an amendment to Ordinance 2021-09-46 by increasing the Fiscal Year 2021/2022 Budget for the State Seized Property Fund.

### **Background:**

The purpose is to consider an amendment to the fiscal year 2021/2022 State Seized Property Fund.

Requesting amendment to the FY 2021/2022 approved budget:

<b>Fund</b>	<b>Adopted Budget</b>	<b>Budget Changes</b>	<b>Amended Budget</b>
State Seized Property Fund	\$10,000	\$10,665	\$20,665

### **Operational Considerations:**

The budget will be adjusted for an increase of \$10,665 to the Police State Seizure Fund.

### **Legal Considerations:**

The ordinance has been reviewed and approved as to form by the City Attorney.

### **Public Information Considerations:**

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

### **Fiscal Impact:**

The budget amendment will increase the State Seized Property Fund Budget to \$20,665.00.

### **Options/Alternatives:**

1. City Council may approve the ordinance, as presented.
2. City Council may deny the ordinance.

### **Recommendation:**

Staff recommends approval of the ordinance, as presented.

### **Attachments**

Ordinance

Exhibit A

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 6.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government

**Submitted by:** Opal Mauldin-Jones, City Manager

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### **Agenda Caption:**

Discuss and consider an amendment to Ordinance 2021-09-45 amending the Fiscal Year 2021/2022 Budgets for the Lancaster Economic Development Corporation Fund (LEDC), Golf Course Fund, and Water & Sewer Fund.

### **Background:**

The purpose is to consider an amendment to the fiscal year 2021/2022 budget for:

- LEDC
- Golf Course Fund
- Water & Sewer Fund

Requesting amendments to the FY 2021/2022 approved budgets:

<b>Fund</b>	<b>Adopted Budget</b>	<b>Budget Changes</b>	<b>Amended Budget</b>
LEDC	\$1,171,868	\$504,167	\$1,676,035
Golf Course	\$1,053,991	\$175,542	\$1,229,553
Water & Sewer	\$16,552,639	\$3,134,446	\$19,687,085

### **Operational Considerations:**

Below are the justifications for the requested transfer:

- In the LEDC Fund, the expenditure budget will be adjusted to cover the cost of purchasing property and incentive requests approved during the year.
- In the Golf Course Fund, customer activity levels increased as did operational hours. In addition, unplanned maintenance expenditures were experienced during the fiscal year.
- In the Water & Sewer Fund, higher levels of water consumption were experienced and this resulted in additional costs.

### **Legal Considerations:**

The ordinance has been reviewed and approved as to form by the City Attorney.

### **Public Information Considerations:**

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

### **Fiscal Impact:**

The budget amendment will increase the City Wide Fund budget by \$3,814,155.00.

**Options/Alternatives:**

1. City Council may approve the ordinance, as presented.
2. City Council may deny the ordinance.

**Recommendation:**

Staff recommends approval of the ordinance, as presented.

**Attachments**

Ordinance

Exhibit A

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 7.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government

**Submitted by:** Opal Mauldin-Jones, City Manager  
Michael Delmore, Director of Finance

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### **Agenda Caption:**

Discuss and consider a resolution authorizing the City Manager to execute a letter agreement authorizing repayment to the Texas Comptroller in an amount not to exceed three million fourteen thousand, nine hundred seventeen dollars and ten cents (\$3,014,917.10) plus a 2% fee for a taxpayer claim of over accrual of sales and use taxes.

### **Background:**

The purpose of this item is to address a notice received from Texas Comptroller Glenn Hegar's office for an overpayment of three million fourteen thousand, nine hundred seventeen dollars, and ten cents (\$3,014,917.10) plus 2% fee amount. The overpayment was the result of a taxpayer that filed a refund claim for the over accrual of use taxes. This claim has been verified by the State Comptroller's office as a valid refund based on exemptions allowed under local sales tax statutes and documentation provided by the taxpayer to the State. Since this amount has been refunded to the taxpayer by the Comptroller, it must now be repaid to the State by the City.

The City has verified the claim presented in the Comptroller's request. Texas Tax Code Sec. 111.006 (f) prohibits the governing body from disclosing confidential taxpayer's information. Therefore, we are prohibited from disclosing the taxpayer's identity.

Sales and use tax is 8.25%; 6.25% goes to the State, 1% allocated to the General Fund, 1/4% allocated to Property Tax Reduction (General Fund), 1/2 % to the Lancaster Recreational Development Corporation (LRDC), and 1/4% to Lancaster Economic Development Corporation (LEDC).

The payment is the result of the State of Texas Comptrollers Sales Tax Audit for the period January 2010 - June 2013.

### **Operational Considerations:**

The Comptroller has provided the following options to make the repayment:

1. Full reimbursement by one-time check with a 2 % service fee discount for a total of \$3,014,917.10,
2. Apply all monthly collections to the overpaid amount until the amount has been repaid, or
3. Enter into a 42-month payback agreement where a monthly deduction of seventy three thousand, two hundred forty-eight dollars (\$73,248.00) will be deducted for 41 months, with a final deduction of seventy three thousand, two hundred seventy eight dollars and two cents (\$73,278.02) for a total of \$3,076,446.02. This deduction would start the month after the State Comptroller receives a response from the City, or two months after the date of their letter (attached as "Agreement-Exhibit A"), if they do not receive a response. Additionally, future significant audit or one-time payments may be applied toward the repayment amount to reduce the length of the payback, and notifications of those applications will be sent.

No fees of any type will be assessed on the payback amount, with a one-time payment.

**Fiscal Impact:**

Repayment will be from:

1. General Fund \$1,507,458.54
2. Property Tax Reduction (General Fund) \$376,864.64
3. Lancaster Economic Development Corporation (LEDC) \$376,864.64
4. Lancaster Recreational Development Corporation (LRDC) \$753,729.28

**Options/Alternatives:**

1. City Council may approve the resolution, as presented.
2. City Council may deny the resolution.

**Recommendation:**

Staff recommends full reimbursement by one-time check of three million fourteen thousand, nine hundred seventeen dollars, and ten cents (\$3,014,917.10), which is a 2% saving of the total amount due.

**Attachments**

Resolution

Texas Comptroller Letter

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 8.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Sound Infrastructure

**Submitted by:** Vicki D. Coleman, Director of Development Services

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### **Agenda Caption:**

M22-36 Discuss and consider a resolution granting a non-exclusive easement (0.010-acre) to Oncor Electric Delivery Company, LLC from the City of Lancaster, Texas for a power line upgrade located along Belt Line Road in the James McMillan Survey, Abstract No. 987 Section 25, Lancaster, Texas; establishing conditions, providing for the furnishing of a certified copy of this resolution for recording in the property records of Dallas County, Texas as a deed.

### **Background:**

Oncor Electric Delivery Company, LLC (Oncor) is preparing to upgrade an existing line along Belt Line Road to service the Niagara project's increased electrical demand. Based on the location of their existing poles and nature of the service upgrade, Oncor will also add another pole along Belt Line Road. The easement will generally be located adjacent to the north side of Belt Line Road near the City water tower.

### **Operational Considerations:**

Oncor is a company regulated by the Public Utility Commission of Texas to provide the infrastructure that serves electrical needs within the City. The requested easement near the City's water tower property along East Belt Line Road will allow for increased electrical capacity based on growing demand from Niagara and other similar projects in the area. Additionally, the upgraded power lines within the easement will also serve an existing lift station on the City of Lancaster's property.

### **Legal Considerations:**

The resolution has been reviewed and approved as to form by the City Attorney.

### **Public Information Considerations:**

This item is being considered at a Regular Meeting of the City council noticed in accordance with the Texas Open Meetings Act.

### **Options/Alternatives:**

1. City Council may approve the resolution, as presented.
2. City Council may deny the resolution.

### **Recommendation:**

Staff recommends approval of the resolution granting one non-exclusive easement to Oncor Electrical Delivery Company, LLC.

### **Attachments**

Resolution

Site Location Map

Letter of Intent

Easement



# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 9.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Sound Infrastructure  
Quality Development

**Submitted by:** Vicki D. Coleman, Director of Development Services

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### **Agenda Caption:**

M22-32 Discuss and consider a resolution authorizing the City Manager to execute a development agreement with Schlachter Realty, LTD., relating to building materials for the development of the property located approximately 2,034 feet south of the intersection of Sunrise Road and Belt Line Road. It is further described as tracts of land situated in Tracts I and II ( David A. Schlachter) and Tract III (Schlachter Realty, LTD), of the John Little Survey, Abstract No. 768, the M.H. Lavender Survey, Abstract No. 766, the E. Little Survey, Abstract No. 787, and the D. Garner Survey, Abstract No. 530, City of Lancaster, Dallas County, Texas.

### **Background:**

#### **1. Location and Size:**

The property is located south of Belt Line Road and is approximately 2,034 feet south of the intersection of Sunrise Road and Belt Line Road. The property is approximately 301.8 acres in size.

#### **2. Current Zoning:** The subject property is currently zoned Agricultural Open (AO) - Lanport District Overlay Subdistrict Commerce

#### **3. Adjacent Properties:**

North: Planned Development-Logistics Port Walmart E-commerce

South: Lanport Overlay District - Vacant

East: City of Wilmer ETJ

West: Lancaster Regional Airport

#### **4. Comprehensive Plan Compatibility:**

The Future Land Use Plan of the Comprehensive Plan identifies this site as suitable for Aviation uses. The proposed uses identified within the planned development request are consistent with the Comprehensive Plan.

#### **5. Case History:**

Date	Body	Action
01/02/2008	CC	Lanport Overlay Adopted by CC
06/07/2022	P&Z	Z22-09 Tabled to 08/02/2022 P&Z
08/02/2022	P&Z	Z22-09 Tabled to 09/06/2022 P&Z
09/06/2022	P&Z	Z22-

**Operational Considerations:**

This is a companion item to zoning case Z22-09, a zoning change request from Agricultural Open (AO) Lanport Overlay to Planned Development- Light Industrial (LI). The purpose of this development agreement is to ensure the planned development to be known as Texas Trimodal develops utilizing the building materials for proposed buildings as identified in the development Agreement. On September 1, 2019, the Texas Legislature passed House Bill 2439 which prohibits local governments from enforcing local codes concerning building materials on commercial and residential properties. House Bill 2439 "prohibits a governmental entity from enforcing a rule, charter provision, ordinance, order, building code or other regulation that prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building..." The development agreement illustrates the City and the Developer agree to the use of proposed building materials for the development depicted in Exhibit C of the Development Agreement.

**Public Information Considerations:**

This item is being considered at a Regular Meeting of the City Council in accordance with the Texas Open Meetings Act.

**Options/Alternatives:**

1. City Council may approve the development agreement as presented.
2. City Council may approve the development agreement with changes and state those changes.
3. City Council may deny the development agreement.

**Recommendation:**

Staff recommends approval of the development agreement as presented.

**Attachments**

Resolution

Executed Development Agreement

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 10.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Sound Infrastructure  
Quality Development

**Submitted by:** Vicki D. Coleman, Director of Development Services

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### **Agenda Caption:**

Z22-09 Conduct a public hearing and consider a rezoning request from Agricultural Open (AO) Lanport Overlay to Planned Development- Light Industrial (LI). The property is located approximately 2,034 feet south of the intersection of Sunrise Road and Belt Line Road. It is further described as tracts of land situated in Tracts I and II ( David A. Schlachter) and Tract III (Schlachter Realty, LTD), of the John Little Survey, Abstract No. 768, the M.H. Lavender Survey, Abstract No. 766, the E. Little Survey, Abstract No. 787, and the D. Garner Survey, Abstract No. 530, City of Lancaster, Dallas County, Texas.

### **Background:**

1. **Location and Size:** The property is located south of Belt Line Road and is approximately 2,034 feet south of the intersection of Sunrise Road and Belt Line Road. The property is approximately 301.8 acres in size.
2. **Current Zoning:** The subject property is currently zoned Agricultural Open (AO) - Lanport District Overlay Subdistrict Commerce
3. **Adjacent Properties:**  
North: Planned Development-Logistics Port Walmart E-commerce  
South: Lanport Overlay District - Vacant  
East: City of Wilmer ETJ  
West: Lancaster Regional Airport
4. **Comprehensive Plan Compatibility:**  
The Future Land Use Plan of the Comprehensive Plan identifies this site as suitable for Aviation uses. The proposed uses identified within the planned development request are consistent with the Comprehensive Plan.
5. **Case History:**

Date	Body	Action
01/02/2008	CC	Lanport Overlay Adopted by CC
06/07/2022	P&Z	Z22-09 Tabled to 08/02/2022 P&Z
08/02/2022	P&Z	Z22-09 Tabled to 09/06/2022 P&Z
09/06/2022	P&Z	Z22-09 Reccomended approval with 20% open space

### **Operational Considerations:**

Texas Trimodal is a proposed master planned development to be designed with the intent of supporting light industrial uses. The site will have frontage off the Sunrise Road Connector, Sunrise Road and Van Road, and will contain approximately 301.8 acres. The site is intended to be split into four tracts to attract a world-class business community. Each tract could potentially have multiple users and buildings with intended uses such as data centers, e-commerce, and other related logistics uses.

Pursuant to Section 14.1101 of the Lancaster Development Code (LDC), when reviewing a zoning change request, there are nine (9) considerations that must be made when deciding on a zoning change application. The following is an analysis of these considerations based upon the presented PD Concept Plan:

### **Consistency with the City's Comprehensive Plan**

The City's Future Land Use Plan of the Comprehensive Plan identifies this site as suitable for Aviation uses. Primary land use considerations for the Aviation land use designation are primary flex industrial/office space. The intended industrial uses are consistent with the uses outlined in the Lanport Overlay Commerce Subdistrict.

### **Configuration of Uses are Compatible with Existing and Planned Adjoining Uses**

The subject property is adjacent to undeveloped land and directly abuts the Lancaster Regional Airport. The surrounding area where the subject site is located is planned for industrial use. The Planned Development request is compatible with future uses that could potentially develop by right within the Lanport Overlay.

### **Conform to the City's Thoroughfare Plan**

The request does not conform to the City's Thoroughfare Plan. As such, Case M22-18 is a companion item requesting to: 1) delete portions of Pinto Road from the Sunrise Road Connector to Sunrise Road; 2) delete portions of Van Road between its intersection with the existing Sunrise Road and the realigned proposed Sunrise Road; and 3) delete portions of Ferris Road between the existing Sunrise Road and the realigned proposed Sunrise Road.

### **Proposed Open Space**

The development proposes approximately 37 acres of open space. Per section 14.101(b)(2)(A) of the Lancaster Development Code, "a minimum of twenty percent (20%) of the gross land area within the entire PD District shall be devoted to open space". The PD is providing 20% open space for each tract. The requirement has been met.

### **Publicly Accessible Open Space**

Open space has been provided; however, it will not be accessible to the public. There will be a 10-12' wide off-street trail to follow the proposed Sunrise Road realignment. This development will provide one pedestrian connection to public rights-of-way per development lot to provide employees access to the off-street trail.

### **Amenities**

Amenities such as open space and an off-street trail are part of the proposed PD. Employees will have access to the trail system.

### **Development Furthers The Public Health, Safety and General Welfare of The Community**

The proposed PD does not negatively impact the health, safety, and wellness of the community. The request is compatible with what is currently allowed by right on surrounding properties, should they be developed.

### **Traffic Impact Analysis (TIA) Demonstrates The Capacity of The Proposed Roadways Support The Development**

At this time a TIA has not been conducted. If approved, the Planned Development would allow for the



TIA to be deferred to the site plan submittal process. This would allow flexibility to the overall site layout and phasing of this development. Property owner's will still be responsible for roadway improvements at the time of platting.

PD Comparison Chart

<b>Standard</b>	<b>LanPort Commerce Sub-District</b>	<b>Proposed PD</b>
<b>Maximum Lot Coverage</b>	50% Building coverage. 80% Lot coverage	80% Building footprint 50%. Building coverage on a single lot
<b>Minimum Lot Width</b>	None	50 Feet
<b>Maximum Height</b>	4-Stories, 64 Feet (FAA Restrictions)	110 Feet (FAA Restrictions)
<b>Setbacks</b>	Front 25 feet. 100 feet from arterials. Side 20 feet. Rear 20 feet. *Additional setbacks if adjacent to single-family and based on height*	25 feet from all platted lines adjacent to ROW. 15 feet from all other platted lines
<b>Open Space</b>	None	20% open space per tract
<b>Landscaping, Screening, Tree Protection</b>	Defers to LDC. Landscaping, screening and tree survey required	Defers to LDC. Landscaping, screening and tree survey required
<b>Detention Screening</b>	Detention screening required	Preserved trees in the detention facilities count towards the requirement of 1 tree per 5,000 sf dry land
<b>Building Materials</b>	100% of facade visible from ROW shall be masonry	Facades 20% visible from ROW shall be masonry
<b>Articulation</b>	Defers to LanPort Commerce Sub-district standards	Horizontal and vertical articulation required

Overall, the proposed planned development resembles the existing LanPort Overlay requirements with minor reductions to setbacks, changes to the building material requirements, landscaping, and allowed uses. Based upon an analysis of the nine (9) considerations that must be taken into account when reviewing a Planned Development application, the proposed zoning change request to a Planned Development is appropriate.

**Public Information Considerations:**

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act. On May 22, 2022, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed 3 notifications of this public hearing to property owners within 200 feet of the subject site. Staff has received one letter of support and no opposition.

**Options/Alternatives:**

1. City Council may approve the zoning change request, as presented.
2. City Council may approve with changes and state those changes.
3. City Council may deny the request.

**Recommendation:**

On September 6, 2022, the Planning and Zoning Commission recommended approval of the request with the condition that the required open space be 20% per each development tract. Staff concurs.

**Attachments**

Ordinance  
Location Map  
Letter of Intent  
Conceptual PD Exhibit C  
Detailed Plan  
PD Document Exhibit B  
Land Use Comparison Chart  
Letter of Support  
P&Z Staff Report  
September 6, 2022 P&Z Draft Minutes

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 11.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Sound Infrastructure  
Quality Development

**Submitted by:** Vicki D. Coleman, Director of Development Services

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### **Agenda Caption:**

M22-18 Conduct a public hearing and consider several requests to amend the 2020 Master Thoroughfare Plan of the City of Lancaster's Comprehensive Plan. 1) Delete the segment of Pinto Road from the Sunrise Road Connector to Sunrise Road. 2) Delete the segment of Van Road between its intersection with the existing Sunrise Road and the realigned proposed Sunrise Road. 3) Delete the segment of Ferris Road between the existing Sunrise Road and the realigned proposed Sunrise Road.

### **Background:**

Texas Trimodal is a proposed master planned development to be designed with the intent of supporting light industrial uses such as data centers and e-commerce facilities. The proposed development would contain approximately 301.8 acres east of the Lancaster Regional Airport and lies along the City of Lancaster's municipal boundary.

The Master Thoroughfare Plan (MTP) provides guidance on the number of travel lanes for a roadway, based upon a classification system. Each classification outlines the design features of the roadway. The MTP designates Pinto Road as Major Arterial Type B and requires rights-of-way of 100-feet. Sunrise Road is designated as a Major Arterial Type B and requires rights-of-way of 100-feet. Van Road is designated as a Rural Minor Arterial and requires rights-of-way of 86 feet. Ferris Road is designated as a Major Arterial Type B and requires rights-of-way of 100 feet. The Sunrise Road Connector is designated as a Collector and requires rights-of-way of 60-feet.

On October 11, 2021, City Council approved a resolution supporting the Sunrise Road Phase II Feasibility Study's final report, recommending Alignment #2 for Sunrise Road. The realignment of Sunrise Road includes all associated pedestrian trail facilities to be installed in the rights-of-way. The study aligns with the applicants request.

### **Case History:**

Date	Body	Action
01/2/2008	CC	Adopted Lanport Overlay
6/7/2022	P&Z	M22-18 Tabled to 8/2/2022 P&Z
8/2/2022	P&Z	M22-18 Tabled to 9/6/2022 P&Z
9/6/2022	P&Z	M22-18 Approved with staff recommendation

### **Operational Considerations:**

The applicant is requesting removal of the following roadway segments within the Planned Development's boundaries:

- Pinto Road from the Sunrise Road Connector to Sunrise Road
- Van Road between its intersection with the existing Sunrise Road and the realigned proposed Sunrise Road
- Ferris Road between the existing Sunrise Road and the realigned proposed Sunrise Road

Deletion of the thoroughfare segments provide greater site planning flexibility for the developer. The proposed changes will still incorporate north-south connectivity overall from Ferris Road and Sunrise Road, ultimately connecting to Loop 9 in the future. The proposed Sunrise Road realignment, approved by City Council on October 11, 2021 (Resolution 2021-10-88), will impact many of the proposed thoroughfares as originally adopted in the 2020 MTP. As a result, the planned thoroughfares no longer have the planned connectivity as originally adopted and will need to adjust as development occurs.

**Public Information Considerations:**

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act. On May 22, 2022, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed 3 notifications of this public hearing to property owners within 200 feet of the subject site. One letter of support and no opposition received.

**Options/Alternatives:**

1. City Council may approve the proposed ordinance, as presented.
2. City Council may deny the ordinance.

**Recommendation:**

On September 6, 2022 the Planning and Zoning Commission recommended approval of the request to amend the Master Thoroughfare Plan with staff's recommendation of the following: 1) delete portions of Pinto Road from the Sunrise Road Connector to Sunrise Road; 2) delete portions of Van Road between its intersection with the existing Sunrise Road and the realigned proposed Sunrise Road; and 3) delete portions of Ferris Road between the existing Sunrise Road and the realigned proposed Sunrise Road.

**Attachments**

Ordinance  
MTP Exhibit 2  
2020 MTP  
Letter of Intent  
Location Map  
Letter of Support

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 12.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Quality Development

**Submitted by:** Vicki D. Coleman, Director of Development Services

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### **Agenda Caption:**

M22-28 Conduct a public hearing and consider a parking exception request on the property addressed as 3005 Wintergreen Road for a research and development facility. The property is known as Lot 1, Block A, of the Mars Addition, City of Lancaster, Dallas County, Texas.

### **Background:**

1. **Location and Size:** The property is located north of the intersection of Wintergreen Road and Longhorn Drive, addressed as 3005 Wintergreen Road. It is approximately 8.666 acres in size.
2. **Current Zoning:** The subject property is currently zoned Light Industrial (LI).
3. **Adjacent Properties:**
  - North: LI - Lancaster ISD Fleet Facility
  - South: LI - Undevelopd land and Warehouses
  - East: LI - Lancaster ISD Fleet Facility
  - West: CH - Commercial Businesses
4. **Comprehensive Plan Compatibility:** The Future Land Use Plan of the Comprehensive Plan designates this site as Suburban Mixed Use. The proposed research and development facility is an office type use, which is consistent with the Comprehensive Plan.
5. **Case history:**

Date	Body	Action
10/10/2022	CC	M22-28 tabled to 10/24/2022 City Council

### **Operational Considerations:**

This is a request to exceed the maximum allowed parking for a facility designated as a Research and Technology use. Section 14.605 *Off-Street Parking Requirements* Figure 3 of the Lancaster Development Code (LDC) requires research and technology facilities to provide one (1) space for each 500 s.f. or 1 for each employee, whichever is greater. This section also states that, "the maximum allowed parking on a non-single-family or duplex lot may not exceed the minimum parking requirement plus an additional 10%, without approval of an Exception. "

The property is currently occupied by Waymo, a business geared towards fully automating commercial trucks. As part of the business operations, each human driver drives their car to the facility, parks and then gets into a truck to test drive. When the driver returns from their test drive, they park the truck in

the lot and take their personal vehicle home. At the facility, Waymo has three shifts of drivers operating at any given time, but due to overlap during shift change times (6x/day), the applicant would like to accommodate four shifts (approx. 15 employees/shift x 4 = 60) to expand their operations in Texas and across the Southwest U.S. region. It should be noted the long term goal is to eventually transition the additional parking spaces being considered as part of this special exception request, to trailer parking.

The code currently requires 45 parking spaces. There are 49 existing spaces. The applicant is requesting to expand their parking lot to accommodate 138 additional spaces. Should the request be approved, this would result in 187 spaces on the property total, not including the parking for the trucks used for testing. In addition, there are 35 existing 55'x12' trailer spaces, and an existing 14-75'x12' pull-thru truck spaces. It should be noted that Waymo intends to use the additional parking as temporary parking for employee and contractor parking. The parking lot will then transition by July 2023 to truck parking.

The applicant has provided additional landscaping around the perimeter of the site.

Staff recommends approval of the parking exception request based on the parking lot addition not being visible from the rights-of-way, and all required landscaping being maintained. Additionally, there is no negative impact on the drainage. This exception ensures a smooth transition of changes between shifts, and addresses the future expansion to house more employees.

**Legal Considerations:**

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

**Public Information Considerations:**

On September 30, 2022, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff mailed notifications of this public hearing to all property owners that are within 200-feet of the subject site, in addition to a sign being posted on the property. Staff has not received letters of support or opposition.

**Options/Alternatives:**

1. City Council may approve the exception request, as presented.
2. City Council may approve the exception request with conditions, and state those conditions.
3. City Council may deny the request.

**Recommendation:**

Staff recommends approval as presented.

**Attachments**

Ordinance

Location

Letter of Intent

Site Plan

Landscape Plan

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# CITY OF LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 13.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Quality Development

**Submitted by:** Vicki D. Coleman, Director of Development Services

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### **Agenda Caption:**

Z22-17 Conduct a public hearing and consider a Specific Use Permit (SUP) to allow for a Minor Auto Repair facility on property zoned Commercial Highway (CH) Medical District Overlay with a Specific Use Permit (SUP) for Outside Display and Storage, addressed as 1452 North I-35E located north of the intersection of North I-35 and Pleasant Run Road known as Lots 8, 9 & PT LT 10, Block A, out of the Beckley City Lots Addition.

### **Background:**

1. **Location and Size:** The property is addressed as 1452 North I-35E located north of the intersection of North I-35 and Pleasant Run Road. It is 1.35 acres in size.
2. **Current Zoning:** The subject property is currently zoned Commercial Highway (CH) in the Medical District Overlay - Highway Commercial District (sub-district) with a Specific Use Permit for Outside Display and Storage.
3. **Adjacent Properties:**
  - North: Commercial Highway (CH) - Vacant Lot
  - South: Commercial Highway (CH) - Commercial Uses
  - East: Planned Development (PD) - Undeveloped Lots, Residence, Commercial
  - West: Interstate 35
4. **Comprehensive Plan Compatibility:** The Future Land Use Plan of the Comprehensive Plan designates the subject property as Suburban Mixed Use. The Suburban Mixed-Use is meant to create regional destinations, including entertainment venues, regional-oriented retail, and lifestyle centers. The proposed Minor Auto Repair is not consistent with the Comprehensive Plan.
5. **Case History:**

Date	Body	Action
05/24/1999	Council	Approved SUP 18-99 allowing outside storage and display
06/11/2007	Council	Approved Medical District Overlay
10/04/2022	P&Z	Recommended approval with conditions

**Operational Considerations:**

The request to consider a SUP for the subject property is the result of a notice of violation issued to the property owner by the City's Building Official on August 11, 2021 for building without a permit and the expanded outside storage. In 1999, City Council approved a SUP to allow for outside storage and display on the property (not related to Tire King); however, the SUP did not allow for expansion of the building, or any additional auto-related uses, otherwise not allowed. Auto service center uses that are minor repair are defined as Minor Auto Repair in the LDC. Minor Auto Repair requires a SUP. Due to the permit being issued in error, the use is considered nonconforming and does not allow expansion of the structure. Per LDC Section 14.408 (C)(3) Non-Conforming Uses, Structures and Sites states, "No existing building or premises devoted to a use that is not permitted by this Ordinance in the district in which such building or premises is located shall be enlarged or altered in a way which increases its nonconformity". From 2015 to 2019 there have been several expansions/additions done to the property without permits. As the applicant intends to bring the property into compliance and address the violation to continue to operate a minor auto repair shop, a SUP is required in the CH base zoning district.

The applicant is proposing to use the property as a single tenant for minor auto repair uses. The facility proposes 6,600 s.f. of existing indoor repair space, 5,380 s.f. outdoor repair space under the oversized canopy, 1,600 s.f. of additional future building space, and approximately 4,000 s.f. outside storage for tires.

Properties zoned Commercial Highway are located in a corridor that serves as the gateway into the City of Lancaster. This area is meant to provide everyday goods and services for residents, including entertainment venues, regional-oriented retail, and lifestyle centers. Intense uses are not appropriate along this corridor and should be considered on a SUP basis to ensure compatibility, and enhanced developments are provided, and meet City Council's vision for the Commercial Highway corridor. The subject property is located in a highly traveled corridor where residents of the City and visitors drive through; therefore, it is important to promote businesses that attract quality commercial development. Auto repair uses detract from the overall aesthetic of the area, and could negatively impact the corridor. Staff recommends the building be reduced to the original building footprint, with no outside storage, based on the City Council's vision for the area.

Since the Planning and Zoning Commission meeting, the applicant has provided a landscape plan to provide additional landscaping at the front of the property.

**Legal Considerations:**

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

**Public Information Considerations:**

On September 23, 2022, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed notices to all property owners within 200-feet and posted a sign on the subject site. Staff has received one letter in support, and no opposition.

**Options/Alternatives:**

1. City Council may approve the SUP, as presented.
2. City Council may approve the SUP with changes and state those changes.
3. City Council may deny the SUP.



**Recommendation:**

on October 4, 2022, the Planning and Zoning Commission recommended approval of the SUP with the following conditions: 1) No outside storage shall be allowed; 2) The SUP shall be tied to Tire King and will not transfer to another property owner/tenant. If the owner/tenant changes, a new SUP will be required; and 3) Outside repair is allowed. Staff does not concur and has the following conditions for improvement should the request be approved: 1) No outside storage shall be allowed; 2) The use shall not be expanded beyond the original footprint of the building; 3) Outside repair is not allowed; and 4) The SUP shall be tied to Tire King and will not transfer to another property owner/tenant. If the owner/tenant changes, a new SUP will be required.

**Attachments**

Ordinance

Location Map

Letter of Intent

Comprehensive Plan Excerpt

Site Plan

Landscape Plan

Letter of Support

P&Z Staff Report

October 4, 2022 P&Z Draft Minutes

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## CITY OF LANCASTER CITY COUNCIL

### City Council Special Work Session and Regular Meeting

Item 13.14.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government  
Healthy, Safe & Engaged Community  
Sound Infrastructure  
Quality Development  
Professional and Committed City Workforce

**Submitted by:** Opal Mauldin-Jones, City Manager

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### **Agenda Caption:**

In accordance with Chapter 551 of the Texas Government Code (the Texas Open Meetings Act), the City Council may meet in executive session to discuss the following:

1. Section 551.071 (2 legal advice) of the Texas Government Code, the City Council shall convene in executive session to confer with the City's attorney to discuss the proposed special purpose Local Government Corporation (LGC).
2. Section 551.071 of the Texas Government Code, the City Council shall convene in executive session to confer with the City's attorney to discuss pending, threatened, contemplated or potential related litigation in regard to Real Property located at 632 Reindeer Road.

# LANCASTER CITY COUNCIL

## City Council Special Work Session and Regular Meeting

Item 13.15.

**Meeting Date:** 11/14/2022

**Policy Statement:** This request supports the City Council 2022-2023 Policy Agenda

**Goal(s):** Financially Sound Government  
Healthy, Safe & Engaged Community  
Sound Infrastructure  
Quality Development  
Professional and Committed City Workforce

**Submitted by:** Opal Mauldin-Jones, City Manager

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### **Agenda Caption:**

Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.

### **Background:**

This agenda item allows City Council to take action necessary, if any, on item(s) discussed in Executive Session.