



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

Monday, January 14, 2013 - 7:00 PM

CALL TO ORDER

INVOCATION: Ministerial Alliance

PLEDGE OF ALLEGIANCE: Councilmember LaShonjia Harris

RECOGNITION: Boy Scouts Troop 279

CITIZENS' COMMENTS:

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

CONSENT AGENDA:

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

- C1. Consider approval of minutes from the City Council Regular Meeting held December 10, 2012.
- C2. Consider an ordinance adopting and enacting a new Code of Ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; and providing for the amendment of such Code.
- C3. Consider a resolution approving the terms and conditions of the Memorandum of Understanding (MOA) with the Texas Commission on Environmental Quality (TCEQ) regarding Vehicle Idling Limitations within the City of Lancaster.

ACTION:

- 4. A. Discuss and consider a motion to reconsider a request of the denial of an ordinance at the December 10, 2012 City Council meeting amending Ordinance No. 2006-04-13, the Lancaster Development Code and Zoning Map of the City of Lancaster, as amended, by granting a change in zoning from LI, Light Industrial, to PD, Planned Development, on approximately 59.04 acres of land in the City of Lancaster, Dallas County, Texas, and more generally located on the north side of Daniieldale Road approximately 1,340+ feet west of the intersection of Houston School Road and Daniieldale Road; and, if necessary,

B. Discuss and consider an ordinance amending Ordinance No. 2006-04-13, the Lancaster Development Code and Zoning Map of the City of Lancaster, as amended, by granting a change in zoning from LI, Light Industrial, to PD, Planned Development, on approximately 59.04 acres of land in the City of Lancaster, Dallas County, Texas, and more generally located on the north side of Daniieldale Road approximately 1,340+ feet west of the intersection of Houston School Road and Daniieldale Road.

ADJOURNMENT

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

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

Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on January 11, 2013 @ 11:00 a.m. and copies thereof were hand delivered to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.



Dolle K. Downe, TRMC
City Secretary

LANCASTER CITY COUNCIL

Agenda Communication

January 14, 2013

Item 1

Consider approval of minutes from the City Council Regular Meeting held December 10, 2012.

Background

Attached for your review and consideration are minutes from the:

- City Council Regular Meeting held December 10, 2012

Submitted by:

Dolle K. Downe, City Secretary

MINUTES

LANCASTER CITY COUNCIL MEETING OF DECEMBER 10, 2012

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on December 10, 2012 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Walter Weaver
Stanley Jaglowski
Mayor Pro Tem Marco Mejia
Deputy Mayor Pro Tem James Daniels
LaShonjia Harris
Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Alicia Oyedele, Assistant to the City Manager
Ed Brady, Economic Development Director
Larry Flatt, Police Chief
Thomas Griffith, Fire Chief
Sheree Haynes, Finance Director
Rona Stringfellow Govan, Managing Director Public Works / Development Services
Jim Brewer, Assistant Director Public Works / Development Services
Shwetha Pandurangi, City Engineer
Kevin Moore, Recreation Superintendent
Mark Divita, Airport Manager
Robert E. Hager, City Attorney
Dolle Downe, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on December 10, 2012.

Invocation:

Pastor John Richardson with Zion Chapel gave the invocation.

Pledge of Allegiance:

Deputy Mayor Pro Tem Daniels led the pledge of allegiance.

Citizens Comments:

Spencer Hervey, 1525 Aldridge Drive, wished all a happy holiday season; commented that each councilmember serves the residents of the community and noted that we all go through ups and downs and learn the most when we are in the valleys; thanked Council for their time and efforts in serving the community; stated that as a long time citizen and member of the Parks and 4B board, HOA President and Texas College alumni, he wanted to applaud Council efforts in 2012 and encourage all to continue working hard and to stay in the fight.

David Robison, 420 Redbud Lane, stated that he is a sixteen year resident and thanked Council for their service, commenting that it is particularly appropriate this time of year to say thanks; commented that we all have differences, have our ups and downs, and that we all can make mistakes; stated it takes character to rise above challenges; stated that he appreciates all Council and staff has done for the City and encourages continued hard work.

Mark Gentry, 201 Sixth Street, thanked all for their hours and hard work and said he is proud to be a resident of Lancaster; commented that he is not into politics, but has concerns about the Mayor's DUI; stated he understands we all make mistakes and asked how someone with such a careless act can make decisions for the City; stated that since a car accident in 1995 in which a buddy was killed, he has been committed to holding people accountable for their actions.

Chris Collins, 214 Seventh Street, expressed concerns about the gravity of the situation; noted that a drunk driver had killed his family and it left irreparable damage; stated that those elected are the best of us and should be held to a higher standard; stated that as a concerned citizen, he had no confidence in the Mayor; stated that the good people of Lancaster need to do something about this.

Joe Johnson, President of the Chamber of Commerce, 103 N. Dallas Avenue, read a statement from Chamber Chair Doug Hunt who has businesses in Lancaster saying that he had recently learned about the Mayor and that any of us could face these same circumstances and we should all learn from this; Mr. Johnson commented that he knew the Mayor as a truthful and honest person who would not do anything untoward anyone, that the Mayor works 24 hours a day for the betterment of Lancaster, and that he supports the Mayor.

James Adams, 2003 Hash Road, stated that the Mayor should accept the responsibility of his actions and should never have put himself in such a position; commented that he would pray for the Mayor and his family, saying this kind of irresponsibility reflects negatively on the City.

Bob Borden, 770 Mill Creek Road, stated that he has lived in the City thirty years and knows the responsibility of being an elected official; stated that everyone makes mistakes and one mistake does not ruin a career; stated that the Mayor has represented the City with dignity and class and the matter is up to a court of law, not public opinion; stated that he supports the Mayor 100%.

Stan Kutley, 711 N. Dallas Avenue, stated that he has spent 43 years repairing cars and has seen the damage an impaired driver can do; stated that he can't place confidence in the Mayor and asked that he do the responsible thing and resign.

Margie Waldrop, 921 Sequoia, stated that having occupied the Mayor's seat and observed mayors since that time, she believes Mayor Knight handles the business of the City with dignity and has always represented the City well; stated that she is proud of the Mayor's leadership and proud of the City's accomplishments; stated that he is recognized throughout the region for his strong leadership; cited his strong input to the hospital board and commented that a singular mistake does not lessen his leadership; stated that she is proud to stand with the Mayor.

Roosevelt Nichols, 2318 Montclair, commented that he was glad to hear the support for the Mayor in earlier comments; stated that the man is human and asked him not to resign; commented that he is proud to know him and that this could happen to anyone.

Dr. Charles Waldrop, 921 Sequoia, stated that he has served on Council and the school board; noted that just two glasses of wine can impact a thin, muscular person, saying he is not making excuses, and that people should not pre-judge the situation with the Mayor; commented that the Mayor has done many good things for the City.

Ellen Clark, 954 Nokomis, commented that there is not a person around who wouldn't like a "do over" and stated the Mayor has done many good, positive things for the City; asked for all to have grace and mercy and there should be no room for criticism.

Carolyn Morris, 887 Wintergreen Road, requested an investigation as to whether or not Mayor Pro Tem Mejia resides at 501 Colgate; provided documents from the Dallas Central Appraisal District; commented that she has made and will make additional open records requests regarding the residential address.

Consent Agenda:

City Secretary Downe read the consent agenda.

- C1. Consider approval of minutes from the City Council Regular Meeting held November 12, 2012.**
- C2. Consider a resolution approving the terms and conditions of an Interlocal Agreement by and between the City of Carrollton, Texas, and the City of Lancaster for the cooperative purchase of goods and services.**
- C3. Consider a resolution authorizing the award of Bid 2012-51 for concrete repairs and approving the terms and conditions of the agreements with Admiral Construction Company as the primary and C&M Concrete as the secondary for concrete repairs to miscellaneous streets and roadways.**
- C4. Consider a resolution authorizing the award of Bid 2012-45 to Landmark Structures I L.P., in an amount not to exceed \$3,245,000 for the construction of the new 2.0 MG Elevated Storage Tank generally located approximately 135 linear feet west of Katrina Drive on Wintergreen Road.**
- C5. Consider a resolution approving the terms and conditions of the City owned terminal building commercial lease, Suite 730-202, at the Lancaster Regional Airport.**
- C6. Consider a resolution approving the terms and conditions of the City owned T-Hangar non-commercial lease from building 700 at the Lancaster Regional Airport.**

- C7. Consider resolutions authorizing the Request for Qualifications (RFQ) 2012-38 for Professional Engineering Services for various projects to consulting engineers:**
- A. Birkhoff, Hendricks & Carter (BHC); and**
 - B. Teague Nall & Perkins (TNP); and**
 - C. Bury & Partners**

to serve and support engineering needs for various projects within the City on an as needed basis; and authorizing the City Manager to execute agreements pursuant to approval.

- C8. Consider a resolution authorizing the award of RFQ 2012-41 for Geotechnical Engineering and Materials Testing Services to Alliance Geotechnical Group for various projects.**

MOTION: Deputy Mayor Pro Tem Daniels made a motion, seconded by Mayor Pro Tem Mejia, to approve consent items C1 – C8. The vote was cast 7 for, 0 against.

- 9. Conduct a public hearing and consider an ordinance amending Ordinance No. 2006-04-13, the Lancaster Development Code and Zoning Map of the City of Lancaster, as amended, by granting a change in zoning from LI, Light Industrial, to PD, Planned Development, on approximately 59.04 acres of land in the City of Lancaster, Dallas County, Texas, and more generally located on the north side of Daniieldale Road approximately 1,340+ feet west of the intersection of Houston School Road and Daniieldale Road.**

Public Works / Development Services Managing Director Stringfellow Govan gave an overview of the request for the zoning change as a result of mediation hearings on approximately 59.04 acres of land generally located at 2931 Daniieldale Road, noting that on September 24, 2012, Council voted to approve the terms and conditions of the development and the City Attorney prepared the resulting ordinance. Managing Director Stringfellow Govan stated that following approval of the ordinance, the plaintiff's attorney has agreed to dismissal of the lawsuit. She noted that at their meeting on November 6, 2012, the Planning and Zoning Commission recommended approval and that staff recommends approval.

Mayor Knight opened the public hearing.

Speaking were:

Vic Buchanon 1243 Margaret Court, spoke in opposition stating that Con-way had the opportunity to oppose the zoning in 2002; noted that now they want to sell the property and are requesting this change in zoning; stated that tax revenue from a truck terminal would be very minimal to the City; asked Council to take their chances with the court and not reward Con-way for threat of a lawsuit.

Nancy Moffett, 2105 Houston School Road, expressed concerns about this property becoming a small parking lot full of trailers; commented that she supports Mr. Buchanon's points and this is a major decision for Council.

Frank Mejia, 501 Colgate, stated that Council should not give in when someone sues the City and that the City should stay in the fight for what is right for this piece of property.

Mannix Smith, 1710 Hash Road, commented that we have zoning laws and proper notices were given so the applicant should not be able to bully its way into getting a change in zoning when they did not respond earlier; stated Council has an obligation to fight for the citizens.

David Robison, 420 Redbud Lane, commented that the City should not be bullied and this project may become 60 acres of concrete; stated that the City should call their bluff.

There were no other speakers regarding the request for a change in zoning.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing. The vote was cast 7 for, 0 against.

Mayor Pro Tem Mejia stated that the only reason this matter is before Council again is that after the Planning and Zoning Commission and Council originally denied the request, Con-way challenged the decision in a lawsuit; commented that it concerns him what precedence may be set by giving in now, particularly when Con-way never spoke against the change in zoning from Medium Industrial to Light Industrial when they had the opportunity. Mayor Pro Tem Mejia stated he would not be as concerned if Con-way needed the change in zoning for their own expansion. Mayor Pro Tem Mejia commented that it is not the right use for the property and citizens do not want a truck terminal.

Councilmember Morris asked to hear publicly about the plans for the property.

Mike Knapek, counsel for Con-way, stated that the allowed uses are outlined in the ordinance and that the property is for sale; he stated that they hope the property will be sold and that there is no current plan to develop the property by Con-way; stated that at this time, to his knowledge, there is no prospective buyer for the property.

Councilmember Weaver asked why change the zoning if there is no buyer. Mr. Knapek indicated that it makes the property more marketable. Councilmember Weaver asked for what use. Mr. Knapek stated that he could not speak to what a buyer would want to do with the property, but the limitations are spelled out in the ordinance.

Mayor Pro Tem Mejia asked about the uses. It was noted that the uses are identified in the ordinance.

Councilmember Morris commented that the uses were never an issue and asked about existing businesses in the area. Managing Director Stringfellow Govan stated that there are existing motor freight businesses in the area, such as Swift, Con-way and Dart.

Councilmember Jaglowski asked about work on Danieldale Road. Managing Director Stringfellow Govan stated that reconstruction of Danieldale is in the City's Thoroughfare Plan and several funding sources have been identified. The design and acquisition of rights-of-way is currently underway.

Councilmember Morris commented that she has thought long and hard about this situation and noted there is already trucking in that area, saying that she would fight to the end if this was trucking in the neighborhood, but this is in an area where there is already trucking. Councilmember Morris stated that this company wants to sell their property and she does not feel bullied by the lawsuit, commenting that she hopes the Council makes the right decision.

Deputy Mayor Pro Tem Daniels stated that this is in his district and he does not support this change in zoning, commenting that trucks and cars do not mix.

MOTION: Deputy Mayor Pro Tem Daniels made a motion, seconded by Mayor Pro Tem Mejia to deny the request for a change in zoning. The vote was cast 4 in favor of denying the request [Weaver, Mejia, Daniels, Harris] and 3 against [Knight, Jaglowski, Morris]. The zoning request is denied.

10. Consider a resolution authorizing the award of Bid 2011-13 to Northstar Construction, Inc. for construction of the Lancaster Community Park Amphitheater through the Texas Parks and Wildlife Department (TPWD) Grant Project #50-000413 in an amount not to exceed \$325,351.

Councilmember Morris commented that the amphitheater project came before the Council when things were at a good point for the City and then came back for construction when finances were not so good. Councilmember Morris stated that we made an agreement and a commitment to the amphitheater and that the City should honor that agreement; stated that the City would hold its 4th of July and other events at Community Park and would use the amphitheater. She stated that the amphitheater is a great addition to the City.

Mayor Pro Tem Mejia stated that it is not a question of if we want an amphitheater, but is a question of if the City afford it at this time. Mayor Pro Tem Mejia noted a 21% loss in property values, facing needed purchases for emergency services and greater needs for street repairs and improving City infrastructure; stated that at this time, there are better uses for the funds.

Councilmember Morris stated that the City can afford it at this time and has an obligation to the State; asked City Manager Mauldin Robertson to comment on the obligation. City Manager Mauldin Robertson noted at the request of State Representative Giddings, the Texas Legislature had included a special appropriation for park development in the City of Lancaster as a part of the annual funding of the 2008 Texas Parks and Wildlife Department Grants Program and Council had approved a resolution authorizing matching grant funds to the Texas Parks and Wildlife Department for the amphitheater in Community Park.

Deputy Mayor Pro Tem Daniels stated that as elected officials, sometimes bold decisions need to be made and this matter is a quality of life issue.

Councilmember Jaglowski asked about funds set aside for this project. City Manager Mauldin Robertson stated that funds have been set aside and some expenditures have already been made for design and the outdoor exercise equipment.

Mayor Pro Tem Mejia stated that he agrees it is about quality of life and that quality of life is about citizens on Lancaster Hutchins Road not having brown drinking water and that quality of life starts with good infrastructure.

MOTION: Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Daniels, to approve a resolution authorizing the award of Bid 2011-13 to Northstar Construction, Inc. for construction of the Lancaster Community Park Amphitheater through the Texas Parks and Wildlife Department (TPWD) Grant Project #50-000413 in an amount not to exceed \$325,351.

Councilmember Harris asked what the ramifications are if the City requested to place this on hold again with the State. City Manager Mauldin Robertson indicated that the City would have to begin paying back the money and that the State was told we would have a decision by the end of this calendar year.

Councilmember Jaglowski asked if this was not approved if it would put future grant money in jeopardy. City Manager Mauldin Robertson indicated it could jeopardize future grants from the State to the City.

A roll call vote was cast 4 for [Jaglowski, Knight, Daniels, Morris] and 3 against [Weaver, Mejia, Harris].

MOTION: Deputy Mayor Pro Tem Daniels made a motion, seconded by Mayor Pro Tem Mejia to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 8:10 p.m.

ATTEST:

APPROVED:

Dolle K. Downe, City Secretary

Marcus E. Knight, Mayor

LANCASTER CITY COUNCIL

Agenda Communication

January 14, 2013

Item 2

Consider an ordinance adopting and enacting a new Code of Ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; and providing for the amendment of such Code.

This request supports the City Council 2012-2013 Policy Agenda.

Goal: Financially Sound City Government

Background

Recodification of the City's Code of Ordinances Book is the systemic updating of the City's ordinances into an organized volume providing comprehensive information regarding the laws (ordinances) of the City as adopted by City Council. For this project, it was determined that the City's ordinances would be separated into two volumes – one containing all non-development ordinances and the second to contain the Lancaster Development Code (LDC). This recodification updates all non-development ordinances through September 10, 2012.

Considerations

- **Operational** – Following adoption of the recodification ordinance, the Code of Ordinances will be published online through Franklin Legal Services for reference purposes. In addition, a link to the codes will be on the City website. The codes are searchable and provide ready access for citizens and others interested in the City's ordinances. New ordinances, as well as existing ordinances that are amended, will be added to the online code promptly following adoption. The Lancaster Development Code remains in full force and effect.
- **Legal** – The City contracts with Franklin Legal Services for codification services. Franklin Legal has prepared the draft Code of Ordinances. The City Attorney and City Secretary have reviewed the draft Code of Ordinances in its entirety for errors and omissions. Corrections were forwarded to Franklin Legal for inclusion in the final draft Code of Ordinance Book which is available in the City Secretary's office. Franklin Legal Services prepared the adopting ordinance which was also reviewed and approved as to form by the City Attorney.
- **Financial** – Funds for codification services were budgeted.

- **Public Information** – This item is being considered at a meeting that was posted in accordance with the Texas Open Meetings Act. Once adopted, the ordinance caption must be published in the *Focus Daily News*, the City’s newspaper of record, as required by law.

Options/Alternatives

1. Council may approve the ordinance as presented.
2. Council may reject the ordinance and direct staff.

Recommendation

Staff recommends approval of the ordinance as presented.

Attachments

- Ordinance
-

Submitted by:

Dolle K. Downe, City Secretary

ORDINANCE NO. 2013-01-

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE AMENDMENT OF SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

SECTION 1. That the Code of Ordinances of the City of Lancaster, Texas, dated January 14, 2013, consisting of Chapters 1 through 24, each inclusive, and Appendices, is hereby adopted and enacted which shall supersede all other general and permanent ordinances of the City passed on or before September 10, 2012.

SECTION 2. All ordinances of a general and permanent nature enacted on or before September 10, 2012, and not included in the Code or recognized and continued in force by reference therein, are repealed.

SECTION 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION 4. That whenever in such Code an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision of such Code shall be punished by fine not to exceed the sum of five hundred dollars (\$500.00), except that a fine not to exceed two thousand dollars (\$2,000.00) may be imposed for violating provisions that govern fire safety, zoning or public health and sanitation, including dumping of refuse, as provided in such Code and except that a fine not to exceed two hundred dollars (\$200.00) may be imposed for violating traffic laws and ordinances, as provided in such Code. The penalty imposed for violation of this Code shall not exceed or be less than the penalty prescribed by state law for the same offense under state law.

SECTION 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City Council to make same a part of the Code shall be deemed to be incorporated into the Code, so that reference to the Code includes the additions and amendments.

SECTION 6. Ordinances adopted after September 10, 2012 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

SECTION 7. This ordinance and the Code adopted hereby shall become effective upon final passage of this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Lancaster, Texas, this 14th day of January 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY

LANCASTER CITY COUNCIL

Agenda Communication

January 14, 2013

Item 3

Consider a resolution approving the terms and conditions of the Memorandum of Understanding (MOA) with the Texas Commission on Environmental Quality (TCEQ) regarding Vehicle Idling Limitations within the City of Lancaster.

This request supports the City Council 2012-2013 Policy Agenda.

Goal: Healthy, Safe and Vibrant Neighborhoods

Background

Lancaster was an early leader in prohibiting large vehicle idling, adopting an ordinance in October 2004 that prohibited truck idling within the City limits to help improve air quality. City Council approved a resolution supporting locally enforced motor vehicle idling limitations in North Central Texas and adopted the Texas Commission on Environmental Quality's (TCEQ) idling limitations rule in January 2009. The City's ordinance was also amended to reflect State idling restrictions.

There are now 28 jurisdictions in North Central Texas that have implemented idling restrictions. Locally enforced idling restrictions are used as evidence in the Dallas-Fort Worth 8-Hour Ozone Attainment Demonstration State Implementation Plan and are included in several policies of the North Central Texas Council of Governments (NCTCOG).

The Memorandum of Agreement (MOA) with TCEQ regarding the idling limitations rule expires this month. TCEQ and the North Central Texas Council of Governments (NCTCOG) have requested the City continue its participation in this clean air initiative by renewing the MOA with TCEQ.

Considerations

- **Operational** - Adoption of the MOA allows for enforcement by City police officers of idling restrictions in accordance with the TCEQ idling limitations rule and other State statutes. Under the TCEQ rule, all vehicles with a gross vehicle weight rating of 14,000 pounds or greater may not idle for more than five minutes on private property or parked, and no driver using the vehicle's sleeper berth may idle the vehicle in a residential area, in a school zone, within 1,000 feet of a hospital, or within 1,000 feet of a public school during its hours of operation.

- **Legal** – If approved, the MOA would expire on December 31, 2018. The City may withdraw from the MOA at any time with thirty days written notice. The City Attorney has approved the resolution and MOA as to form.
- **Financial** - There is no direct financial impact to the City in renewing the MOA. Supporting locally enforced idling limitations in the North Central Texas area offers opportunities for officer training on emissions database and facilitates discussion among agencies pertaining to enforcement funding opportunities.
- **Public Information** – The NCTCOG provides educational materials at no charge to the City for truck drivers and the public on the benefits of idling restrictions and to aid in enforcement efforts.

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
 - Memorandum of Understanding (MOA)
-

Submitted by:

Larry Flatt, Chief of Police

RESOLUTION NO. 2013-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE MEMORANDUM OF AGREEMENT (MOA) WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR VEHICLE IDLING LIMITATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID MEMORANDUM OF AGREEMENT; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lancaster desires to renew its Memorandum of Agreement (MOA) with the Texas Commission on Environmental Quality (TCEQ) regarding Vehicle Idling Limitations aimed at the control of air pollution from Motor Vehicles under Subchapter J, Operation Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Section 114.50 – 114.512 and 114.517; and,

WHEREAS, the parties wish to enter into this MOA for the purpose of delegating rule enforcement from TCEQ to the City of Lancaster and for potentially incorporating the emission reductions resulting from the implementation and enforcement of the rules into the State Implementation Plan (SIP);

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

SECTION 1. That the terms and conditions of the Memorandum of Understanding (MOA), attached hereto and incorporated herein by reference as Exhibit “A”, having been reviewed by the City Council of the City of Lancaster and found to be acceptable and in the best interest of the City of Lancaster and its citizens is hereby in all things approved.

SECTION 2. That the City Council of the City of Lancaster, Texas hereby authorizes the City Manager to execute said Memorandum of Agreement.

SECTION 3. That all resolutions of the City of Lancaster heretofore adopted which are in conflict with the provisions of this resolution be, and the same are hereby repealed, and all resolutions of the City of Lancaster not in conflict with the provisions hereof shall remain in full force and effect.

SECTION 4. If any article, paragraph, subdivision, clause or provision of this resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 5. That this Resolution shall take effect immediately from and after its passage, as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 14th day of January 2013.

APPROVED:

Marcus E. Knight, Mayor

ATTEST:

Dolle K. Downe, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

**MEMORANDUM OF AGREEMENT
FOR
VEHICLE IDLING LIMITATIONS**

I. PARTIES

This Memorandum of Agreement (MOA) is entered into between the Texas Commission on Environmental Quality (TCEQ) and the local government signing this agreement (Local Government), collectively the "Parties."

1. The Parties represent that they have the authority to enter into this MOA, including the authority granted in the Texas Government Code Chapter 791 Interlocal Cooperation Contracts.
2. The TCEQ has authority under Section 5.229 of the Texas Water Code and Section 382.033 of the Texas Health and Safety Code to enter into this MOA.
3. The Local Government has authority under Section 382.115 of the Texas Health and Safety Code to enter into this MOA.

II. INTENT AND PURPOSE

The intent of this MOA is to memorialize the agreement between the Parties to implement the following rules aimed at the control of air pollution from motor vehicles: 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operation Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.510 – 114.512 and 114.517.

The parties enter into this MOA for the purpose of delegating rule enforcement from the TCEQ to the Local Government and potentially incorporating the emission reductions resulting from the implementation and enforcement of the above-referenced rules into the State Implementation Plan (SIP).

III. DEFINITIONS

As used in this MOA the following terms have the meanings given below:

1. EPA shall mean the United States Environmental Protection Agency.
2. TCEQ shall mean the Texas Commission on Environmental Quality.
3. Local Government has the meaning assigned by 30 TAC Section 114.510.
4. SIP shall refer to the Texas State Implementation Plan.

IV. BACKGROUND

On November 17, 2004, the TCEQ adopted rules concerning locally enforced motor vehicle idling limitations, which are applicable only within the jurisdiction of a Local Government that has signed an MOA with the TCEQ delegating enforcement of the rules. The EPA approved the rules in the April 11, 2005, *Federal Register* (70 FR 18308). The rules became effective June 10, 2005.

V. OBLIGATIONS OF PARTIES

(A) The Local Government agrees as follows:

1. In accordance with the terms of this MOA the Local Government agrees to implement the following TCEQ Rule:
 - a. 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operation Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.510 - 114.512 and 114.517. Changes to these TCEQ Rules shall be incorporated into this Agreement without requiring amendment of this Agreement.
 2. The Local Government agrees to submit the following information to the TCEQ for the rules listed above not later than forty-five (45) calendar days after the effective date of this MOA:
 - a. detailed description of the plan for implementation of these rules;
 - b. copies of local ordinances or resolutions adopted by each Local Government to implement these rules; and
 - c. copies of agreements entered between any Local Government and other units of Local Government for the purpose of the implementation of these rules.
 3. The Local Government agrees to submit copies of any requisite resolutions under Section 7.352 of the Texas Water Code to the TCEQ forty-five (45) calendar days after the effective date of this MOA or within fourteen (14) calendar days after passage by the local governing body, whichever is later.
- (B) The TCEQ agrees to consider this MOA for submission to the EPA for inclusion in the SIP.

VI. TERM AND TERMINATION

This MOA will become effective upon signature by both Parties and shall expire on December 31, 2018, unless renewed in writing by mutual agreement of the Parties. A Party may withdraw from this MOA at any time upon thirty (30) calendar days written notice to the other Party. This MOA may be terminated at any time by mutual written consent of the Parties.

VII. MISCELLANEOUS

This MOA represents the entire agreement between the TCEQ and the Local Government and supersedes all other agreements, understandings or commitments, written or oral, relative to the intent of this MOA. This MOA may not be amended or modified except pursuant to a mutual written agreement executed by each of the Parties.

This MOA shall be governed by and interpreted in accordance with the laws of the State of Texas.

In Witness Whereof, Texas Commission on Environmental Quality and the Local Government, by their authorized officers, have made and executed this MOA in multiple copies, each of which is deemed an original.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

By: _____
Name: David Brymer Date
Title: Director, Air Quality Division

CITY/TOWN/COUNTY OF Lancaster, Texas

By: _____
Name: Opal Mauldin Robertson Date
Title: City Manager

LANCASTER CITY COUNCIL

Agenda Communication

January 14, 2013

Item 4

-
- A. Discuss and consider a motion to reconsider a request of the denial of an ordinance at the December 10, 2012 City Council meeting amending Ordinance No. 2006-04-13, the Lancaster Development Code and Zoning Map of the City of Lancaster, as amended, by granting a change in zoning from LI, Light Industrial, to PD, Planned Development, on approximately 59.04 acres of land in the City of Lancaster, Dallas County, Texas, and more generally located on the north side of Daniieldale Road approximately 1,340+ feet west of the intersection of Houston School Road and Daniieldale Road; and, if necessary,
- B. Discuss and consider an ordinance amending Ordinance No. 2006-04-13, the Lancaster Development Code and Zoning Map of the City of Lancaster, as amended, by granting a change in zoning from LI, Light Industrial, to PD, Planned Development, on approximately 59.04 acres of land in the City of Lancaster, Dallas County, Texas, and more generally located on the north side of Daniieldale Road approximately 1,340+ feet west of the intersection of Houston School Road and Daniieldale Road.
-

This request supports the City Council 2012-2013 Policy Agenda.

Goal: Quality Development

Background

At the December 10, 2012 regular meeting of the City Council, the above captioned rezoning request was denied by the City Council. At the request of Deputy Mayor Pro Tem James Daniels, this item has been added to the agenda for reconsideration. In order to reconsider the rezoning request, City Council must first make a motion to reconsider the matter (part A of this agenda item). If the vote is affirmative, Council would proceed with reconsideration of the rezoning request (part B of this agenda item).

1. **Location and Size:** The property is generally located at 2931 Daniieldale Road. The property under consideration is approximately 59.041 acres of land.
2. **Current Zoning:** The subject property is currently zoned LI, Light Industrial.
3. **Adjacent Properties:**
North: LCD – South I-20 Warehouse sub-district, Lancaster Campus District - South Interstate 20 Warehouse sub-district (Southpointe Corporate Center)
South: LI, Light Industrial (Swift Transportation Company)

East: LI, Light Industrial (undeveloped)
 West: LI, Light Industrial (Conway Truckload, Inc.)

4. **Comprehensive Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for Motor Freight Terminals/Medium Industrial zoning. This proposal is compatible with the Comprehensive Plan.
5. **Public Notification:** The Public Hearing notice appeared in the Focus Daily Newspaper on October 26, 2012 and property owner notifications were mailed out. Zoning signs were placed on the subject property, satisfying the noticing requirement for this request.
6. **Case/Site History:**

Date	Body	Action
12/9/09	N/A	Request withdrawn
6/15/10	P&Z	Recommended denial; applicant withdrew prior to City Council
10/5/10	P&Z	Applicant requested postponement until November 2, 2010
11/2/10	P&Z	Postponed to notify all property owners surrounding the subject property
12/7/10	P&Z	Recommended denial; applicant withdrew prior to City Council
6/7/11	P&Z	Recommended denial; CC approval would require supermajority
6/27/11	CC	Denied by City Council
08/16/11	Staff	Served with original petition
09/11/11	Staff	Mediation ordered by the Court
08/19/12	Staff	Served with lawsuit and trial set for October
09/12/12	Staff	Staff deposed by opposing Legal Counsel
09/13/12	Staff	Mediation
10/30/12	Staff	Served with Plaintiff's Request for Trial Setting
11/6/12	P&Z	Recommended approval
12/10/12	CC	Denied by City Council

Considerations

This is a request for zoning re-consideration as a result of the recent denial by City Council.

City Staff and the applicant have mutually agreed to the attached ordinance. In summary, the applicant has defined the proposed land uses and outlined special development regulations for the subject property as a result of zoning, which include materials for the masonry screening wall including design and dimensions; defining the use of a warehouse in conjunction with the Code of Federal Regulations; defining commercial motor vehicles; as well as more expansive definitions of retail warehouse, distribution center, truck company/motor freight company, and truck terminals. It will exclude noxious uses from the Medium Industrial district, rendering this PD less restrictive than the LI, Light Industrial zoning district. Furthermore, it provides for certain development standards and regulations and it

provides for future lot development including landscaping standards, landscaping maintenance for existing and future development and platting/site plan submittals.

- **Operational** - This is a request to re-zone property from Light Industrial to a Planned Development District with an underlying zoning of Medium Industrial to allow for a trucking company use. Due to the number and types of uses allowed within Medium Industrial zoning, the applicant is pursuing a Planned Development District to reduce a number of the uses that would be allowed by right. These uses are: Blood plasma donor center; prison/custodial institution; rescue mission or shelter; social service provider, not rescue mission or shelter; night club, discotheque, or dance hall; pawn shop; sexually oriented business; towing and impound yard; truck stop with fuel and accessory services; truck plaza; and salvage or reclamation of products (outdoors). By not allowing these 11 uses, the proposed zoning change would make the subject property more restrictive in allowances than its current zoning.

The subject property consists of two parcels. The western parcel was developed with a trucking company in the 1980's while setting aside the eastern parcel for future expansion of the business. At some time after construction of their existing facility, the City of Lancaster rezoned the area to Light Industrial, making the company a legal non-conforming use. The applicant is attempting to re-establish this use as a conforming business within the City of Lancaster. The subject property and areas surrounding it are the only areas designated on the Future Land Use Plan map as appropriate for Medium Industrial zoning.

- **Legal** – As a result of the June 27, 2011 City Council denial of their rezoning request, Conway Truckload filed a lawsuit against the City of Lancaster. On September 11, 2011, the City and Conway were ordered to mediate the matter. The applicant worked with legal staff and a trial was scheduled for October 16, 2012 should the mediation fail. Staff was summoned to a deposition and attended mediation on September 12th and 13th respectively. As a result of the mediation, the attached ordinance was mutually agreed upon. Had the ordinance passed, the applicant would have dismissed the lawsuit. Since the rezoning request was denied the original trial date is still set for April 9, 2013 at 9:30 am.

At the December 10, 2012 regular meeting, Council again voted to deny the terms and conditions of Planned Development District regulation on 59.04 acres of land owned by Con-Way Truckload to provide for development for Medium Industrial (MI) and Light Industrial (LI) uses. DMPT Daniels moved to deny the motion as presented, seconded by Mayor Pro Tem Mejia. The vote was cast 4 for, 3 against [Mayor Knight, Jaglowski, and Morris].

The City Attorney has advised that in order for this item to be reconsidered, a member who voted for the denial would have to request the reconsideration.

Previously, at the September 24, 2012 regular meeting, Council voted to approve the terms and conditions of Planned Development District regulations on approximately 60± acres of land owned by Con-Way Truckload to provide for development for Medium Industrial (MI) and Light Industrial (LI) uses.

Industrial (MI) and Light Industrial (LI) uses, development regulations and subdivision, site and concept plan approval, providing for excluded uses, providing for minimum building size on Lot 3; and, authorizing the Council to consider as an ordinance. Councilmember Jaglowski moved to approve the motion as read by the City Attorney for item 16 (b), seconded by Councilmember Morris. The vote was cast 5 for, 1 against [Mejia] [Weaver absent].

The City Attorney has provided the prepared ordinance for the development as a result of mediation negotiations and pending litigation as well as part of this reconsideration. Following approval of this ordinance, the plaintiff's attorney has agreed to dismissal of the lawsuit.

- **Financial** - There are no financial considerations for this case.
- **Public Information** – There are no public information requirements other than the standard three day notice as provided in the Texas Open Meetings Act.

Options/Alternatives

1. Approve the zoning request.

Recommendation

Staff recommends approval of the ordinance as presented.

Attachments

- Ordinance
-

Submitted by:

Rona Stringfellow-Govan, Managing Director of Public Works and Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING ORDINANCE NO. 2006-04-13, THE LANCASTER DEVELOPMENT CODE AND ZONING MAP OF THE CITY OF LANCASTER, AS AMENDED, BY GRANTING A CHANGE IN ZONING FROM LI, LIGHT INDUSTRIAL, TO PD, PLANNED DEVELOPMENT, ON APPROXIMATELY 59.04 ACRES OF LAND IN THE CITY OF LANCASTER, DALLAS COUNTY, TEXAS, AND MORE GENERALLY LOCATED ON THE NORTH SIDE OF DAINELDALE ROAD APPROXIMATELY 1,340+ FEET WEST OF THE INTERSECTION OF HOUSTON SCHOOL ROAD AND DAINELDALE ROAD, BEING MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES; PROVIDING FOR DEVELOPMENT CONDITIONS WHICH ARE SET FORTH AND INCORPORATED HEREIN; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lancaster has received a request for a zoning district change; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Lancaster, in compliance with the laws of the State of Texas and the Lancaster Development Code with references to the granting of zoning classification changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council of the City of Lancaster is of the opinion and finds that the Lancaster Development Code and Zoning Map should be amended;

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

SECTION 1. That Ordinance No. 2006-04-13, the Comprehensive Plan and Map of the City of Lancaster, be hereby amended to grant a change in zoning from LI, Light Industrial, to PD, Planned Development, with mixed MI and LI use and to permit a motor freight terminal on approximately 59.04 acres in the City of Lancaster, Dallas County, Texas, generally located on the north side of Daniieldale Road approximately 1,340+ feet

west of the intersection of Houston School Road and Daniieldale Road, being more particularly described in Exhibit "A" (Legal Description) and Exhibit "B" (Concept Plan) attached hereto and made a part hereof for all purposes.

SECTION 2. That the property shall be developed and used only in accordance with the following development conditions set forth:

A. General. Unless otherwise stated, this Planned Development District is subject to the City of Lancaster Development Code, Ordinance #2006-04-13 and as amended except as provided in this Ordinance, and shall consist of Lots 1, 2 and 3 as set forth in Exhibit B.

B. Definitions

1. Masonry Screening Wall: shall mean a masonry fence (including tilt wall, pre-cast or concrete block) which is a minimum of six (6) feet in height. Berms in conjunction with a fence can be utilized to meet this height requirement.
2. Warehouse: shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, exclusive of bulk storage of hazardous waste as defined in Title 40 Part 261 of the Code of Federal Regulations.
3. Commercial Motor Vehicles: Shall mean a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a. Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
 - b. Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
 - c. Is designed to transport 16 or more passengers, including the driver; or
 - d. Is of any size and is used in the transportation of hazardous materials.

4. Warehouse, retail: shall mean an off-price or wholesale retail/warehouse establishment exceeding seventy thousand (70,000) square feet of gross floor area and offering a full range of general merchandise to the public.
5. Distribution Center: shall mean a primary use where goods are received and/or stored for delivery to the ultimate customer.
6. Truck Company/Motor Freight Company: shall include a facility used for the parking of trucks and storage of trucking containers, up to and including overnight storage.
7. Truck Terminal: shall mean a primary use which is designed to accommodate the simultaneous loading or unloading of five or more trucks and in which loading or unloading of trucks is incidental to the primary function of motor freight shipment. .

C. Permitted Uses:

1. In this Planned Development District all of the uses in the MI-Medium and/or LI-Light Industrial zoning districts, as defined by the Lancaster Development Code, as amended, are permitted except the following uses are not permitted within such planned development:
 - a. Blood plasma donor center;
 - b. Prison/custodial institution;
 - c. Rescue mission or shelter for the homeless;
 - d. Social service provider, not rescue mission or shelter;
 - e. Night club, discotheque, or dance hall;
 - f. Pawn shop;
 - g. Sexually oriented business;
 - h. Towing and impound yard;
 - i. Truck stop, with or without fuel and/or accessory services;
 - j. Truck plaza; and,
 - k. Salvage or reclamation of products (outdoors).
2. Notwithstanding any regulation to the contrary, Truck Company/Motor Freight Company, Trucking Transport, Truck Terminal, Warehouse, Warehouse (retail), and Distribution Center are specifically permitted in this Planned Development District.

D. Other Development Standards: This Planned Development District shall be subject to the following development standards:

1. Maximum Density: 1:1 Floor Area Ratio
2. Front Yard Setback: 30 feet from the public right-of-way
3. Rear Yard Setback: None, unless a rear wall contains windows or doors, it shall be 20 feet from residentially zoned property
4. Side Yard Setback: None, unless it is adjacent to a residentially zoned property, in which case shall be 30 feet from the property line.

5. Maximum Building Height: 35 feet

E. Special Development Regulations: The owner/occupant shall incorporate the following special development regulations:

1. Within twelve months of completion of the City's reconstruction of Danieldale Road the owner/occupant shall provide a Masonry Screening Wall along the west boundary, at the southwest corner of the Property in the location shown on the Concept Plan; such length not to exceed 220 feet. .
2. The owner/occupant shall provide landscaping along the Danieldale Road frontage as follows:
 - a. One 5-gallon shrub shall be planted every six (6) feet on center, exclusive of driveways;
 - b. One 6-inch caliper Large Tree or Ornamental Tree shall be planted every forty (40) feet on center, exclusive of driveways;
 - c. Required plantings of shrubs and trees on Lot 1 shall be installed before the later of: a) within twelve (12) months of the date of this ordinance; or b) within six (6) months of the completion of the widening of Danieldale Road.
 - d. Required plantings for Lot 3 shall be installed prior to the issuance of a certificate of occupancy for any use on Lot 3;
 - e. In the event the street frontage for Lot 2 is used as a driveway, then no plantings shall be required for Lot 2. In the event Lot 2 is developed as part of Lot 1 or 3, then no plantings are required on Lot 2.
3. Development of a Truck Terminal on Lot 3 shall include a building containing at least 8,000 square feet in floor area (the "Required Building"). The Required Building shall be located no more than 60 feet from the Danieldale Road northern right-of-way line. Truck parking must be located behind the front façade of the Required Building.
4. There shall be no parking or parking structures within the front yard setback (within thirty feet (30) from the north right of way of Danieldale Road) on Lot 3.
5. Owner/occupant is permitted to provide adequate security by use of barbed or razor wire which may extend above any wall or fencing in order to maintain membership / compliance with Customs-Trade Compliance Against Terrorism (C-TPAT) which is a program led by U.S. Customs and Border Protection (CBP).
6. Perimeter landscaping shall not be required between Lots 2 and 3 and between Lot 1 and Lots 2 and 3, except 100 feet on the shared driveway between Lots 1 and 3.

7. In the event that the owner or occupant of Lot 3 uses metal fabric for a fence, such fence shall be black and/or green coated metal fencing.

F. Existing Development on LOT 1.

1. Any existing development on LOT 1 is hereby deemed conforming in terms of use, structure and development standards.
2. In the event LOT 1 is redeveloped for a use other than a Truck Terminal or Truck Company, then such redevelopment shall conform to the regulations set forth herein and the regulations set forth in the Medium Industrial zoning district of the Lancaster Land Development Code in effect at the time of redevelopment.

G. Landscaping Maintenance. All landscaping shall be irrigated and maintained in a healthy, growing condition subject to weather conditions and other conditions not within the control of the property owner that may affect the healthy, growing condition of landscaping; and as provided in the Lancaster Development Code, as amended.

H. Platting of the Property. The Property may be platted into three lots as identified on the Concept Plan. In the event the Property is platted into three lots as identified on the Concept Plan, a Knox box for emergency cross access shall be provided on the perimeter from Lot 1 to Lot 2 as identified on the Concept Plan, as agreed to by the Fire Chief.

I. Site Plan: Staff approval of a Development Plan and Site Plan package (includes site plan, landscape plan, elevations, preliminary utility and drainage plans and tree survey) is required prior to issuance of a Building Permit for LOTS 2 and 3 and any redevelopment or change of use on LOT 1.”

SECTION 3. Ordinance Number 2006-04-13, the Lancaster Development Code of the City of Lancaster, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. If any article, paragraph, subdivision, clause or provision of this ordinance or the Comprehensive Zoning Ordinance, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, or of the Comprehensive Zoning

Ordinance, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 5. Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, on the _____ day of _____, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

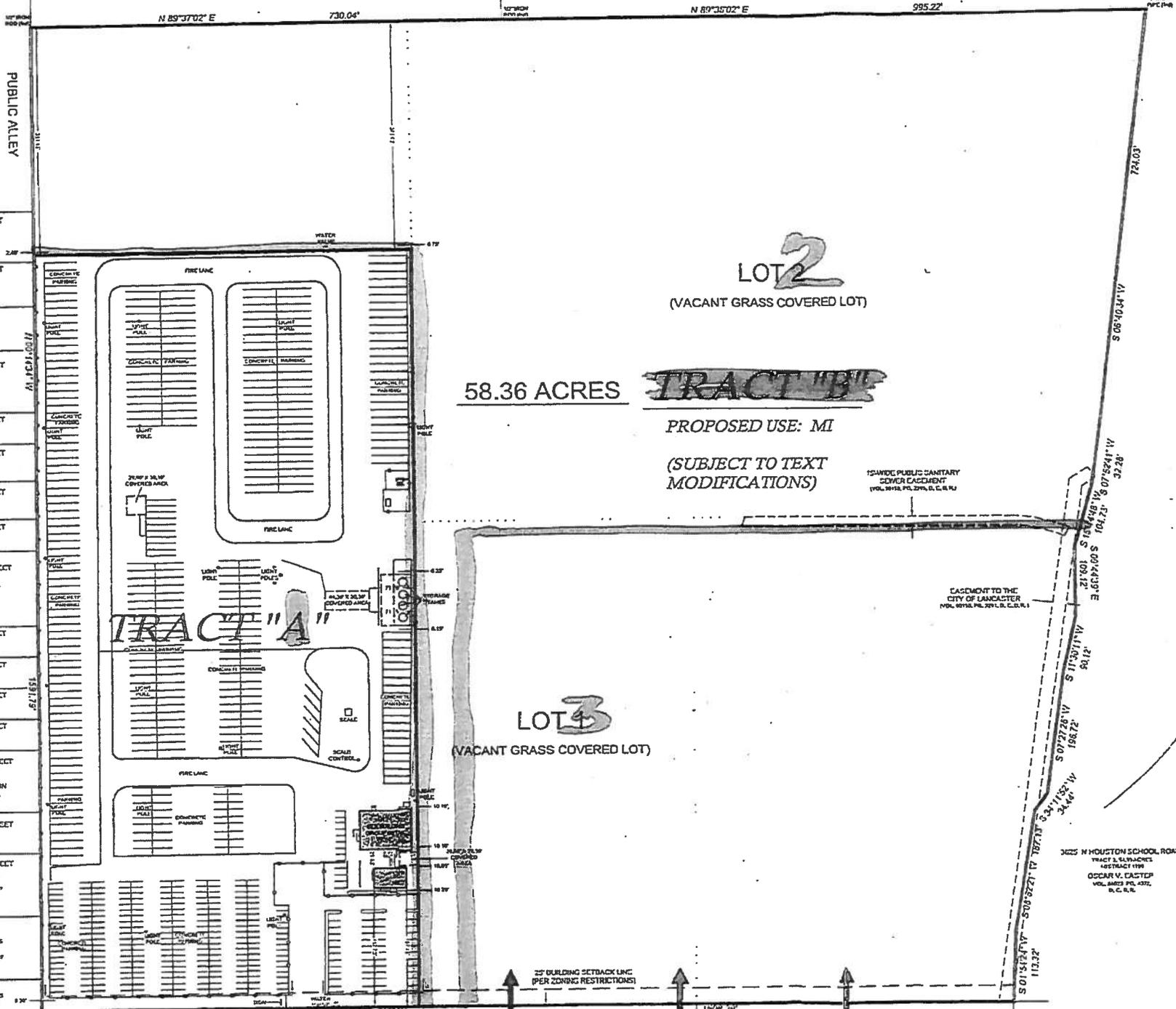
APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH/mpm)

EXHIBIT A
(Legal Description)

59.041 Acres of property located within the S. B. Runyon Survey, Abstract No. 1199,
Recorded in Volume 99155, Page 60, Dallas County, Texas

TRACT H, 43.36 ACRES
ABSTRACT 1199
HIGHLAND PARK LAND CO.
VOL. 288 PLS. 141, 151,
S.C.R.R.



58.36 ACRES

~~TRACT "B"~~

PROPOSED USE: MI

(SUBJECT TO TEXT MODIFICATIONS)

12" DIA. PUBLIC SANITARY
COVER LACEMENT
VOL. 2812 PLS. 279, S.C.R.R.

AGREEMENT TO THE
CITY OF LANCASTER
VOL. 2812 PLS. 291, S.C.R.R.

3625 N HOUSTON SCHOOL ROAD
TRACT A, 43.36 ACRES
ABSTRACT 1199
OCCAR V. CASTEP
VOL. 2823 PLS. 437,
S.C.R.R.

LOT 3
(VACANT GRASS COVERED LOT)

TRACT "A"

LOT 2
(VACANT GRASS COVERED LOT)

25' BUILDING SETBACK LINE
(PER ZONING RESTRICTIONS)