

MINUTES

LANCASTER CITY COUNCIL REGULAR MEETING OF JANUARY 25, 2021

The City Council of the City of Lancaster, Texas, met in a called Regular Meeting in the Council Chambers of City Hall on January 25, 2021, at 8:30 p.m. with a quorum present to-wit:

Councilmembers Present (City Hall & Zoom):

Mayor Clyde C. Hairston
Carol Strain-Burk
Deputy Mayor Pro Tem Stanley M. Jaglowski
Marco Mejia
Keithsha C. Wheaton
Mayor Pro Tem Racheal Hill
Betty Gooden-Davis

City Staff Present (City Hall & Zoom):

Opal Mauldin-Jones, City Manager
Fabrice Kabona, Deputy City Manager
Carey Neal, Assistant City Manager
Keturah Barnett, ICMA Fellow
Andrew Waits, Director of Public Works
Dori Lee, Director of Human Resources
Kenneth Johnson, Fire Chief
Sam Urbanski, Police Chief
Shane Shepard, Director of Economic Development
Vicki Coleman, Director of Development Services
David T. Ritter, City Attorney
Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Hairston called the meeting to order at 8:53 p.m. on January 25, 2021.

Invocation:

Bishop Clyde C. Hairston of Miracle Temple Fellowship Church gave the invocation.

Pledge of Allegiance:

Councilmember Mejia led the pledge of allegiance.

Public Testimony:

There were no speakers.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. Consider approval of minutes from the City Council Special Meeting held on November 16, 2020, Special Meeting November 19, 2020, Special Meeting December 7, 2020, and Regular Meeting December 14, 2020.
2. Consider an amendment to the Code of Ordinances Chapter 4 Animal Article 4.04 Impoundment Section 4.04.006 Disposition of an Impounded Animal, for the purpose of providing clarity related to the disposition of an impounded animal.

MOTION: Mayor Pro Tem Hill made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve consent items 1 through 2. The vote was 7 for, 0 against.

Public Hearing:

- 3. Z21-02 Conduct a public hearing and consider a Specific Use Permit (SUP) request for aircraft hangars on the property addressed as 1338 Ferris Road. The property is approximately 13.3 acres in size and is described as a tract of land situated in the Edwin L. Patton Survey, Abstract No. 1116, in the City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared this is a request to consider a Specific Use Permit (SUP) for aircraft hangars at the subject site. This property is located in the Lanport Overlay District: Commerce Sub-District and requires that an airport, heliport, or landing field uses obtain a SUP prior to operating. According to the applicant, approximately six (6) acres of the property will be used by Airborne Imaging for maintenance and operation hangars with the potential for other future facilities. Approximately seven (7) acres will be developed into large hangars that would be used for maintenance, aircraft, aircraft storage facilities and other aircraft commercial operations. Furthermore, the applicant seeks to apply to the Texas Department of Transportation (TxDOT) for a Through-the-Fence (TTF) agreement which provides a private landowner with direct access to a public airport facility and an approval by the City is required to demonstrate support of the applicant's concept to TxDOT.

The applicant appeared before the Airport Advisory Board on January 12, 2021, to discuss the development plan and the consideration of a TTF agreement. The Airport Advisory Board recommends City Council approve the development plan, as presented and consider terms of a TTF agreement. On January 19, 2021, the Planning and Zoning Commission conducted a public hearing and considered a Specific Use Permit (SUP) request for this project, and recommends City Council approve the SUP as requested.

On January 3, 2021, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed four (4) notifications of this public hearing to property owners within 200 feet of the subject site and zoning signs were placed on the property. There were no letters received in support and two (2) letters received in opposition of this request. The two (2) letters received in opposition is 50% of the four (4) notifications that were mailed out; the 50% triggers the requirement for three-fourth (3/4) favorable vote of all the members of the City Council according to Lancaster Development Code (LDC) Section 14.208 City Council, Subsection (e) which states that, "Whenever such written protest is signed by the owners of twenty (20) percent or more of the area of the lots or land included in such zoning change, or of the lots or land immediately adjoining the same and within the above mentioned two hundred (200) feet radius, such change in zoning shall require a favorable vote of three-fourths (3/4) of all the members of the Council." 50% of property owners within 200 feet of the site have submitted a letter in opposition to this request. Therefore, a favorable vote of three-fourths (3/4) of all the members of the Council (Super Majority) would be required for approval of this request.

City Manager Mauldin-Jones shared she received several inquiries from Council on how to assure that the SUP could be immediately revoked if there was a violation. She shared that the City Attorney did provide language to add to the ordinance, the developer must use the property for airport or aviation business.

Councilmember Gooden-Davis shared she would like to see the language from the City Attorney included in the ordinance.

Councilmember Strain-Burk ask for clarification, will the language the City Attorney will draft allow Council to regulate the ordinance?

City Attorney Ritter confirmed the language drafted would only allow for airport or aviation business.

Councilmember Strain-Burk asked if they would be competition to our hanger?

City Manager Mauldin shared that FFA has requirements that they would have to at least match our hanger fee.

Councilmember Mejia shared he is in favor with this item, however would like to make sure this development is only used for airport or aviation for the entire site.

City Attorney shared that the language will apply for the hanger use only.

Mayor Hairston opened the public hearing.

There were no speakers.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Wheaton to close the public hearing. The vote was cast 7 for, 0 against.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Wheaton to approve item 3 with the alternate language drafted by City Attorney Ritter. The vote was cast 6 for, 1 against. [Stain-Burk]

Action:

- 4. M21-08 Discuss and consider an ordinance granting a special exception allowing temporary mobile offices on property located on the northwest side of S. Dallas Avenue and Bear Creek Road more commonly addressed as 2471 S. Dallas Avenue, Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared the applicant is requesting an exception to allow for temporary office space the property is addressed as 2471 S. Dallas Avenue and is approximately 109 acres in size. During the COVID-19 declared disaster to allow for adequate social distancing for essential employees. The applicant is proposing twelve (12) temporary mobile office structures on their property. The offices will be 9 feet by 30 feet intended to house essential employees during the COVID-19 pandemic.

The Land Use chart only allows for temporary on-site construction offices. As stated above, the LDC allows temporary structures with an expiration period requiring removal not later than 10 days after the expiration of the period for which the use was approved. Other than temporary on-site construction offices and other temporary structures such as temporary education building and real estate sales office with expiration period, mobile office structures and use are not permitted. The applicant contends that the mobile offices are necessary to house essential Oncor employees during the pandemic duration; pandemic duration leaves the door open for unlimited time period.

The proposed mobile offices are entirely within the Oncor property, serving only employees, and their location does not negatively impact parking, internal circulation, or off-site traffic. While social distancing and housing essential employees is critical at this time, staff supports the request for the mobile offices with stipulation that mobile offices be allowed for one (1) year time period or when COVID-19 pandemic local disaster declaration has expired or been lifted.

Deputy Mayor Pro Tem Jaglowski asked for clarification on section 3 of the ordinance.

City Manager Mauldin-Jones shared the section gives Council the ability to revisit this ordinance in one year, or when COVID-19 local disaster declaration has expired, or been lifted.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hill to approve item 4. The vote was 7 for, 0 against.

- 5. M21-10 Discuss and consider an ordinance granting an exception to the Code of Ordinances, Chapter 6 Fence Regulations, Sec 6.07.008 to allow the use of a vinyl coated chain link fence on property addressed as 2435 Verona Road, City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared this is a request for an exception to the Code of Ordinances, Chapter 6 Fence Regulations, Sec 6.07.008 to allow the use of a vinyl coated chain link fence on property addressed as 2435 Verona Road. In October, 2020, the applicant received a stop work order on installation of vinyl coated chain link fence without a permit. The applicant applied for the permit in November and received a permit for the installation of a 6-foot vinyl fence with metal posts. However, the applicant's contractor proceeded with the installation of a vinyl coated chain link fence and the fence is currently 95% completed with the exception of the wrought iron front gates. The applicant is requesting that the City accept the installed vinyl coated chain link fence.

Section 6.07.008 Fence Construction, Materials, and Setback of the fence ordinance states that (a) "All fences, unless prohibited elsewhere in this Article, shall be constructed or maintained with wood, brick, stone, concrete, vinyl, ornamental iron or other materials as approved by the City Manager or his/her designee. Fence posts shall be constructed or made of metal, brick, stone, concrete, fiberglass, or other material as approved by the City Manager or his/her designee. All fence posts must be placed at a depth of at least twenty-four (24) inches into the ground filled and anchored with concrete footers or encasement"

Vinyl coated chain link fence is not allowed fencing material and the applicant has other fence options as noted in Section 6.07.008 of the fence ordinance. Vinyl coated chain link fence is not appropriate in a residential district. As previously noted, the applicant began work without a permit; once permit was obtained, the applicant allowed the contractor to proceed with installation of a fence in violation of the approved permit. In addition, homes along Verona Road have no fence or have wooden fence except for one older home with a chain link fence. As such, the installed chain link fence is out of character with the properties along the same road. Therefore, staff does not support the applicant's exception request for the installed vinyl chain link fence.

Councilmember Mejia asked how long has the city not allowed for chain link fence, asked for the reason why Council did not want chain link fence, and asked was the applicant made aware that they were not allowed to have a chain link fence?

City Manager Mauldin-Jones shared that she will have to bring back information on the first two questions, and shared that the applicant was made aware that they were not allowed to have a chain link fence.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Mejia to approve item 5. The vote was 3 for, 4 against [Mayor, Strain-Burk, Jaglowski, Gooden-Davis].

- 6. M21-11 Discuss and consider an ordinance granting two (2) exceptions to Lancaster Development Code Article V. (District Development Standards) regarding building height and Section 14.804 (Mandatory Provisions) Subsection (c) Landscaping for Non-residential Land Use and (5) Screening of Trash Dumpsters relating to dumpster location of the Lancaster Development Code (LDC) on property located at the southeast corner of Oak Farms Boulevard and I-20 Frontage Road in the S.B. Runyon Survey, Abstract 1199, City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared this is a request for an exception to Article V. (Development District Standards) of the Lancaster Development Code (LDC) which requires buildings in Light Industrial (LI) zoning districts to have a maximum building height of 35 feet above grade. The applicant is proposing a cold storage facility that is approximately 308,000 square feet. The applicant is requesting a height variance of up to 65 feet; the property is zoned LI and the LDC allows for a maximum height of 35 feet.

The applicant contends that operationally, they require an inside minimum clear height of 50 feet to allow for the roof structure and screening of mechanical equipment, they are requesting a height variance of up to 65 feet; a 30 feet difference from what the zoning district allows. A "truck turnaround" at the northeast corner of the building is provided to eliminate truck access to the south side of the building. Only employee parking will be permitted on the south side of the building. Furthermore, a 6' masonry screening wall is proposed with additional green space as shown on the attached site and landscape plans. The cold storage portion of the building is also insulated to provide an excellent sound barrier from the operational activities and I-20 traffic noise that originates from north of the proposed building.

The applicant is also requesting an exception to Section 14.804 (Mandatory Provisions) Subsection (c), Landscaping for Non-residential Land Use (5), Screening of Trash Dumpsters relating to dumpster location on the subject property. The applicant notes that for operational purposes the building tenants must have their trash collection containers and compactors located either within the building or in the truck dock areas on the north side of the building. The LDC states that "All refuse storage areas for trash dumpsters shall be visually screened by a solid masonry fence not less than 6 feet in height. Six-inch concrete filled steel protective poles shall be placed at possible impact areas. The access area shall not face a public street unless otherwise approved during site plan approval. Dumpster storage should be located to the rear of building with proper access. Trash dumpsters shall not be located in any required parking space and shall allow proper access by service trucks. Dumpster pad sites shall be designed to City standards specified in the Subdivision Standards of Design."

Staff supports the applicant's request for a higher building height for functional reasons as stated above. In addition, the applicant is providing additional and adequate noise attenuation to mitigate noise from the residential properties to the south. Staff also supports the applicant's request to place the dumpster and compactor to the front of the building to reduce dumpster truck noise disturbances to the existing residences to the south. Additionally, the Lancaster Development Code seeks to locate a dumpster in the least visible place such as away from the residential uses and public view. The attached site plan notates that the dumpsters will be screened should they be located within the loading dock area. With the dumpsters located either within the building or loading dock area, in addition to having no public street in front of this proposed building, the location of the dumpster will not have any negative impacts to the surrounding area.

At the request of Council, City Attorney Ritter drafted language that the landscaping always be maintained and the dumpsters always be outside of public view. Staff recommends approval of the 65' maximum building height and dumpster location as requested with the amended language.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Strain-Burk to approve item 6 and include the amended language. The vote was 7 for, 0 against.

Mayor Hairston wished Deputy Mayor Pro Tem Jaglowski a happy early birthday.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Mejia to adjourn. The vote was 7 for, 0 against.

The meeting was adjourned at 9:48 p.m.

ATTEST:


Sorangel O. Arenas, City Secretary

APPROVED:


Clyde C. Hairston, Mayor