

PUBLIC NOTICE

AGENDA

LOCKHART CITY COUNCIL

December 14, 2021

**CLARK LIBRARY ANNEX-COUNCIL CHAMBERS
217 SOUTH MAIN STREET - 3RD FLOOR
LOCKHART, TEXAS**

6:30 P.M. SPECIAL MEETING

1. CALL TO ORDER

Mayor Lew White

2. PUBLIC HEARING/COUNCIL ACTION

- A. Hold a PUBLIC HEARING on application ZC-21-20 by Jim Meredith on behalf of Terry Kelley, and discussion and/or action to consider Ordinance 2021-40 for a **Zoning Change** from *RMD Residential Medium Density District* and *AO Agriculture--Open Space District* to *PDD Planned Development District* on 16.17 acres in the Cornelius Crenshaw Survey, Abstract No. 68, and located at 1712 West San Antonio Street (SH 142), including by-reference adoption of a **PDD Development Plan** for *Kelley Villas*. 2-19
- B. Receive public comment, discussion, and/or action to terminate parklets program or to adopt Ordinance No. 2021-41 to implement revised parklets program. 20-29

3. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071 - PRIVATE CONSULTATION WITH ITS ATTORNEY TO SEEK ADVICE ABOUT PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT OFFER; OR LEGAL MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE.

- A. Consultation with City Attorney to seek legal advice on matters subject to the attorney-client privilege.

4. OPEN SESSION

- A. Discussion and/or action regarding matters discussed in Executive Session.

5. ADJOURNMENT

City Council shall have the right at anytime to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 9th day of December, 2021 at 5:00 p.m.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 14, 2021

AGENDA ITEM CAPTION: Hold a PUBLIC HEARING on application ZC-21-20 by Jim Meredith on behalf of Terry Kelley, and discussion and/or action to consider Ordinance 2021-40 for a **Zoning Change** from *RMD Residential Medium Density District* and *AO Agriculture--Open Space District* to *PDD Planned Development District* on 16.17 acres in the Cornelius Crenshaw Survey, Abstract No. 68, and located at 1712 West San Antonio Street (SH 142), including by-reference adoption of a **PDD Development Plan** for *Kelley Villas*.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - Dan Gibson

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: The applicant proposes a development consisting of 160 dwelling units in the form of 80 duplex condominiums whereby the owner/residents will own their individual structures, while all of the land area will be owned and maintained in common by a property owners' association. The duplexes will not be on individual lots, though, so the entire development is one large lot and, therefore, comparable to a multifamily development. The primary difference is that, in an apartment complex, four or more dwelling units are typically grouped into one or more buildings, whereas in this development there are only two units per building. The internal street will be private, similar to the internal circulation in a large apartment complex. The RHD Residential High Density zoning classification could be used for this development, but it would deviate too much from the future land use designation on the Land Use Plan map, and would not provide any guarantee to residents of nearby homes as to the specific characteristics of the proposed development. The proposed density of ten units per acre is relatively high, so the best option for accommodating the condominium style of duplexes subject to a specific layout and density is the PDD classification, which is useful for developments that have unusual characteristics and may require deviations from the normal zoning and/or subdivision standards. In return for such flexibility, the PDD requires more of a commitment on the part of the developer in terms of the site layout, land uses, and amenities. Unlike conventional zoning classifications, which cannot have conditions attached, the PDD classification is subject to the conditions represented by the development plan. The development plan is adopted with the zoning change, and thereafter cannot be changed except through the normal rezoning process. The PDD development plan (PDD-21-03) and preliminary plat (PP-21-08) have been approved by the Planning and Zoning Commission. ***Additional information is provided in the attached staff report.***

PROJECT SCHEDULE (if applicable): Not applicable.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: None.

COMMITTEE/BOARD/COMMISSION ACTION: At their December 8th meeting, the Planning and Zoning Commission voted unanimously to recommend APPROVAL.

STAFF RECOMMENDATION/REQUESTED MOTION: APPROVE Ordinance 2021 subject to PDD Development Plan PDD-21-03 for Kelley Villas.

LIST OF SUPPORTING DOCUMENTS: zc2120 ordinance, ZC2120 Exhibit A, ZC2120 case map, ZC2120 zoning, ZC2120 future landuse, ZC2120 aerial, zc2120 staff report, ZC2120 application and owner's letter of authorization, PDD-21-03 Staff Report, Kelley Villas-PDD Dev. Plan (11-24-21), PDD2103 application

ORDINANCE 2021-40

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 16.17 ACRES IN THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, LOCATED AT 1712 WEST SAN ANTONIO STREET (SH 142), FROM RMD RESIDENTIAL MEDIUM DENSITY DISTRICT AND AO AGRICULTURAL–OPEN SPACE DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT, INCLUDING BY-REFERENCE ADOPTION OF A PDD DEVELOPMENT PLAN FOR KELLEY VILLAS.

WHEREAS, on December 8, 2021, the Planning and Zoning Commission held a public hearing and voted to recommend approval of said change; and,

WHEREAS, the City Council desires to amend the zoning map as provided in Section 64-128 of the Code of Ordinances; and,

WHEREAS, a public hearing was held in conformance with applicable law;

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

- I. The foregoing recitals are approved and adopted herein for all purposes.
- II. The above-referenced property described in Zoning Change request ZC-21-20 and PDD Development Plan PDD-21-03 as 16.17 acres in the Cornelius Crenshaw Survey, Abstract No. 68, more particularly described in Exhibit "A" and located at 1712 West San Antonio Street (SH 142), will be reclassified from RMD Residential Medium Density District and AO Agricultural–Open Space District to PDD Planned Development District, including by-reference adoption of a PDD Development Plan for Kelley Villas.
- III. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or unenforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.
- IV. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.
- V. Publication: That the City Secretary is directed to cause this ordinance caption to be published in a newspaper of general circulation according to law.
- VI. Effective Date: That this ordinance shall become effective and be in full force immediately upon and from the date of its passage.

PASSED, APPROVED, AND ADOPTED AT A REGULAR MEETING OF THE LOCKHART CITY COUNCIL ON THIS THE 14th DAY OF DECEMBER, 2021.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Monte Akers, City Attorney

EXHIBIT "A"

METES & BOUNDS DESCRIPTION FOR A 16.17 ACRE TRACT OF LAND IN THE CORNELIUS CRENSHAW SURVEY, CALDWELL COUNTY

BEGINNING at a ½" iron rod found with a plastic cap stamped "Hinkle" in the eastern boundary line of the subject tract, also being the northwest corner of a 2.502 ac tract described in a deed dated March 27, 2014 as conveyed to Domingo Sanchez and found in the deed records of Caldwell County document number 141218, and also being the southwest corner of a 1 ac tract described in a deed dated January 23, 2017 to Paul Ybarra, Jr. as referenced in Caldwell County document number 2017-000346,

THENCE a distance of 698.71' at a bearing of S 31°32'50"E to a point with a found ½" iron pipe, being the southwest corner of the aforementioned 2.502 ac tract, and also being a point along the northern boundary of a called 31.87 acre "Tract Four", as described in a deed dated November 26, 1996 to the Lockhart Independent School District and recorded in Volume 155, Page 870 of the records of Caldwell County, and further being the southeast corner of this 16.17 acre tract;

THENCE along the common property line to the aforementioned Lockhart Independent School District tract at a bearing of S 58°33'27"W for a distance of 405.53 to a ½" iron rod set with plastic cap stamped "Byrn Survey" for the southwest corner of this tract;

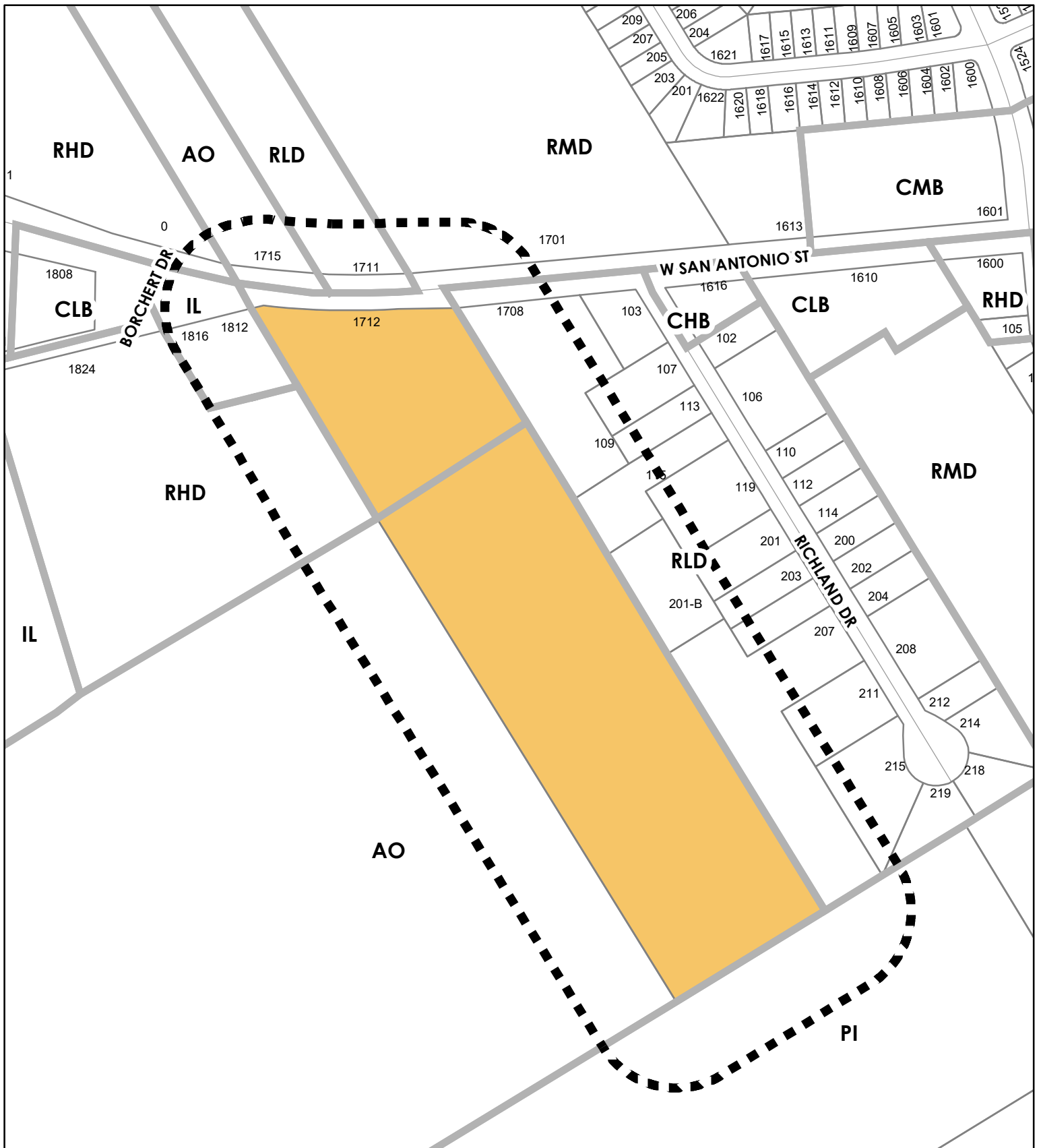
THENCE turning a bearing of N 31°15'32"W for a distance of 1,878.73' (called 1877.6') to a point at the southerly right-of-way of State Highway No. 142, also being the northeast corner of a 1 acre tract conveyed to Lucy Serrato on February 11, 1975, as found in Volume 367, Page 27 of the Deed Records of Caldwell County;

THENCE along the southerly right-of-way line of State Highway 142 in an arc 385.09' in length, scribed at a radius of 2904.79' and delta 7°35'45", with a chord bearing S 89°58'35"E and the length of the chord being 384.81', to a ½" iron rod set with plastic cap stamped "Byrn Survey";

THENCE along the southerly right-of-way line of State Highway 142 a distance of 79.61' at a bearing of N 86°17'51" E to a ½" iron rod set with plastic cap stamped "Byrn Survey", also being the northwestern corner of Lot 1, Masur Addition, as found in Volume B, Page 139 of the Plat Records of Caldwell County, for the northeast corner of this 16.17 acre tract;

THENCE turning along a bearing of S 31°24'54"E for a distance of 942.09' to the Point of Beginning, containing 16.17 acres, more or less.

This description is made from available records and is provided for the purposes of accompanying a zoning application to the City of Lockhart. This document will not take the place of an on-the-ground survey that will be performed for the final plat.



ZC-21-20 & PDD-21-03

KELLEY VILLAS

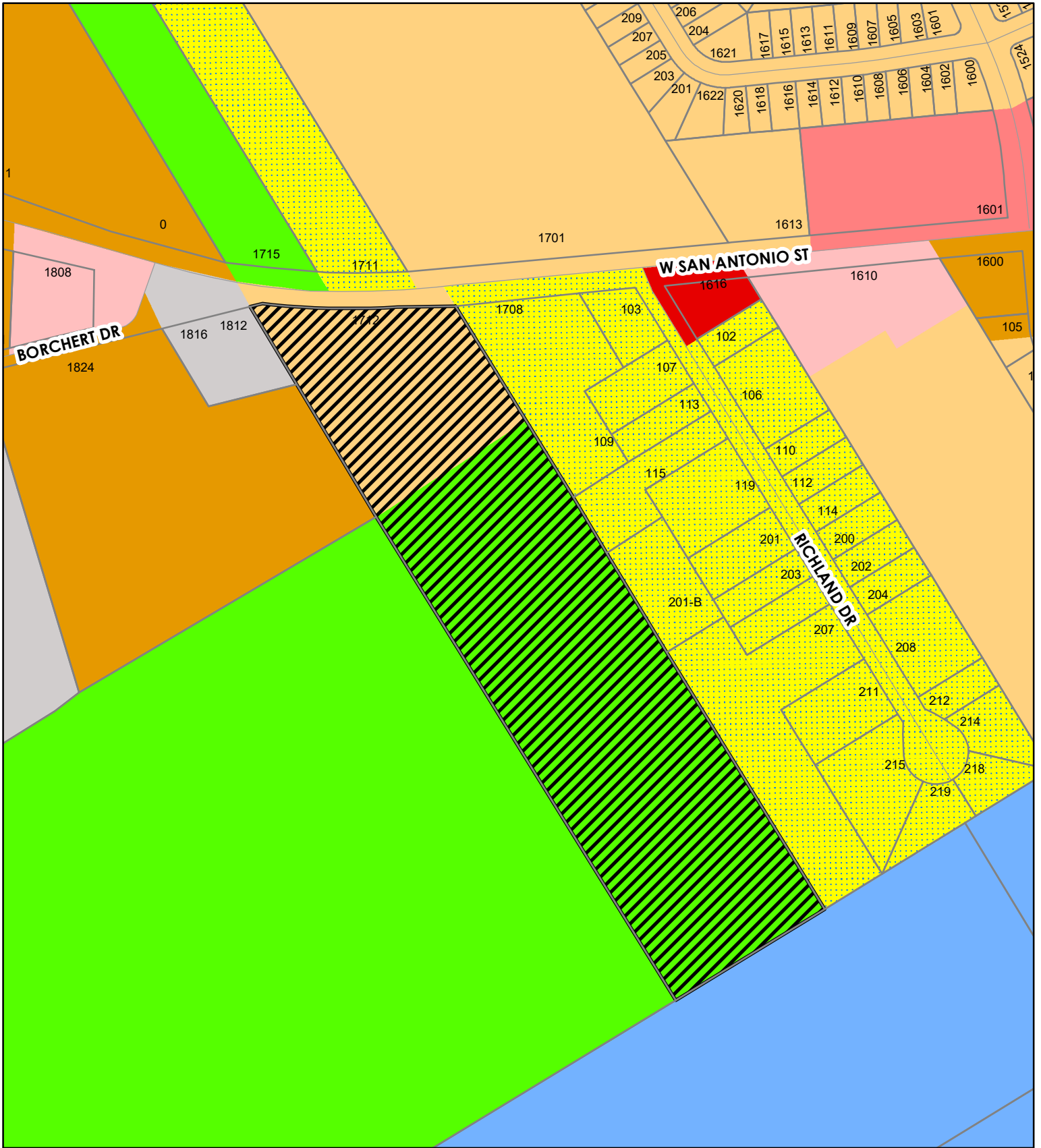
RMD & AO TO PDD

1712 W SAN ANTONIO ST (SH 142)



scale 1" = 300'

- SUBJECT PROPERTY
- ZONING BOUNDARY
- 200 FT BUFFER



ZC-21-20 & PDD-21-03

KELLEY VILLAS

RMD & AO TO PDD

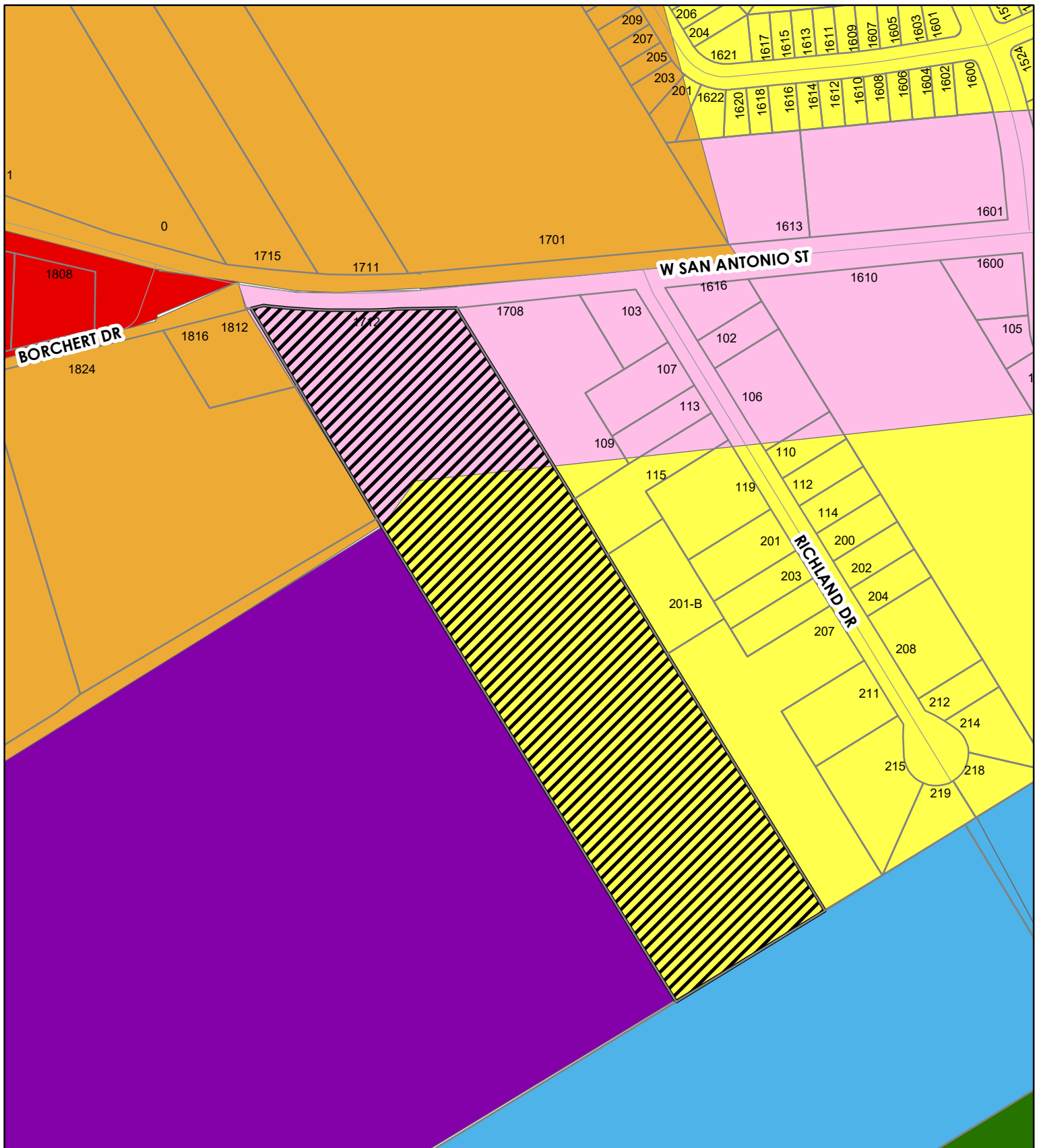
1712 W SAN ANTONIO ST (SH 142)



scale 1" = 300'

ZONING DISTRICTS

- AGRICULTURAL-OPEN SPACE
- COMMERCIAL HEAVY BUSINESS
- COMMERCIAL LIGHT BUSINESS
- COMMERCIAL MEDIUM BUSINESS
- INDUSTRIAL LIGHT
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL HIGH DENSITY
- RESIDENTIAL LOW DENSITY
- RESIDENTIAL MEDIUM DENSITY



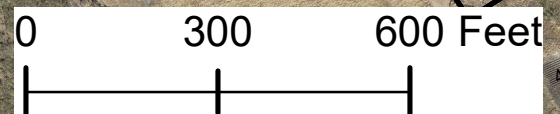
FUTURE LANDUSE

KELLEY VILLAS
 RMD & AO TO PDD
 1712 W SAN ANTONIO ST (SH 142)



scale 1" = 300'

- GENERAL-HEAVY COMMERCIAL
- LIGHT-MEDIUM COMMERCIAL
- MIXED RETAIL, OFFICE, RESIDENTIAL
- PARKS AND OPEN SPACE
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-21-20

REPORT DATE: December 4, 2021 [Updated 12-9-21]

PLANNING AND ZONING COMMISSION HEARING DATE: December 8, 2021

CITY COUNCIL HEARING DATE: December 14, 2021

REQUESTED CHANGE: RMD and AO to PDD

STAFF RECOMMENDATION: **Approval**PLANNING AND ZONING COMMISSION RECOMMENDATION: **Approval****BACKGROUND DATA**

APPLICANT: Jim Meredith

OWNER: Terry Kelley

SITE LOCATION: 1712 West San Antonio St. (SH 142)

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 16.17 acres

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Light-Medium Commercial, Low Density Residential***ANALYSIS OF ISSUES**

REASON FOR REQUESTED ZONING CHANGE: The applicant proposes a development consisting of 160 dwelling units in the form of 80 duplex condominiums whereby the owner/residents will own their individual structures, while all of the land area will be owned and maintained in common by a property owners' association. The duplexes will not be on individual lots, though, so the entire development is one large lot and, therefore, comparable to a multifamily development. The primary difference is that in an apartment complex four or more dwelling units are typically grouped into one or more buildings, whereas in this development there are only two units per building. The internal street will be private, similar to the internal circulation in a large apartment complex. The RHD Residential High Density zoning classification could be used for this development, but it would deviate too much from the future land use designation on the Land Use Plan map, and would not provide any guarantee to residents of nearby homes as to the specific characteristics of the proposed development. The proposed density of ten units per acre is relatively high, so the best option for accommodating the condominium style of duplexes subject to a specific layout and density is the PDD classification, which is useful for developments that have unusual characteristics and may require deviations from the normal zoning and/or subdivision standards. In return for such flexibility, the PDD requires more of an advance commitment on the part of the developer in terms of the site layout, land uses, and amenities. Unlike conventional zoning classifications, which cannot have conditions attached, the PDD classification is subject to the conditions represented by the development plan. The zoning change is adopted subject to the approved PDD development plan, and the development plan thereafter cannot be changed except through the normal rezoning process. The PDD development plan (PDD-21-03) and preliminary plat (PP-21-08) have been approved by the Planning and Zoning Commission.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Single-family dwellings, vacant lane	AO, RLD, RMD, RHD	<i>Medium Density Residential</i>
East	Single-family residential	RLD	<i>Light-Medium Commercial, Low Density Residential</i>
South	Soccer fields	PI	<i>Public and Institutional</i>
West	Vacant land	IL, RHD, AO	<i>Medium Density Residential, Mixed Use</i>

TRANSITION OF ZONING DISTRICTS: Because PDD is not a conventional zoning classification, the basis for comparison to other zoning districts would be the development plan, which in this case shows 80 duplex dwellings that could be roughly compared to either a duplex subdivision or a multi-family complex. It’s residential, which is compatible with much of the surrounding conventional zoning districts, with the higher density being more like the proposed apartment complexes that will be constructed in the RHD-zoned areas adjacent to the west and across West San Antonio Street to the northwest. The total of 160 units on roughly 16 acres results in a gross density of ten units per acre, which is considered to be in the medium to high density range. With six different zoning classifications currently in the area around the subject property, there isn’t any zoning classification, either PDD or conventional district, that would make a perfect transition on all sides.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be provided with a divided entrance from West San Antonio Street. Adequate City utility service is available, although an off-site wastewater line extension may be required from south of the property.

POTENTIAL NEIGHBORHOOD IMPACT: The proposed use and density is a good compromise between the existing low density single-family subdivision east of the subject property and the high density apartments proposed along a portion of the west side of the property. Adverse impacts will be negligible since the proposed development will not be connected in any way to adjacent properties, and will have a perimeter privacy fence at least six feet high. Extra turn lanes in West San Antonio Street, as shown on the PDD development plan, will be constructed by the developer at the developer’s expense to mitigate the traffic impact of the development.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed PDD zoning is not consistent with either the *Light-Medium Commercial* designation at the north end of the property along West San Antonio Street, or the *Low Density Residential* designation for the remainder of the property on the Land Use Plan map. In general, the PDD will be less intense than the commercial designation, but more intense than the low density residential designation. Overall, the proposed development represents a relatively minor deviation in terms of land use intensity.

ALTERNATIVE CLASSIFICATIONS: None more appropriate.

RESPONSE TO NOTIFICATION: None as of the date of this report.

STAFF RECOMMENDATION: Approval.

ZONING CHANGE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Jim Meredith
DAY-TIME TELEPHONE 512-306-8300
E-MAIL jim@masonwoodtx.com

ADDRESS 4301 Westbank Dr
Bldg. A, Ste. 110
Austin, TX 78746

OWNER NAME Terry Kelley
DAY-TIME TELEPHONE 817-946-5845
E-MAIL _____

ADDRESS P.O. Box 428
Hubbard, TX 76648

PROPERTY

ADDRESS OR GENERAL LOCATION 1712 West San Antonio St.

LEGAL DESCRIPTION (IF PLATTED) Metes & Bounds

SIZE 16.17 ACRE(S) LAND USE PLAN DESIGNATION Light - Medium Commercial
Low Density Residential

EXISTING USE OF LAND AND/OR BUILDING(S) open field

PROPOSED NEW USE, IF ANY residential, condo arrangement of duplexes

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Residential Medium Density/Ag-Open Space

TO PROPOSED ZONING CLASSIFICATION PDD

REASON FOR REQUEST Private condo development, residential density meets
current zoning, but lot sizes could not be met due to configuration of property

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 473.40 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE [Handwritten Signature]

DATE 10/14/2021

OFFICE USE ONLY

ACCEPTED BY Dan Gibson

RECEIPT NUMBER 1035620

DATE SUBMITTED 10-14-21

CASE NUMBER ZC - 21 - 20

DATE NOTICES MAILED 11-22-2021

DATE NOTICE PUBLISHED 11-25-2021

PLANNING AND ZONING COMMISSION MEETING DATE 12-8-2021

PLANNING AND ZONING COMMISSION RECOMMENDATION Approval

CITY COUNCIL MEETING DATE 12-14-2021

DECISION _____

Terry Kelley
P. O. Box 428
Hubbard, TX 76648
817-946-5845

September 29, 2021

Mr. Dan Gibson
City of Lockhart, Developmental Services
308 W. San Antonio Street
Lockhart, TX 78644

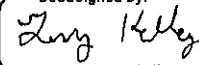
RE: Property known as 1712 W. San Antonio St.; 16.17 acres SH 142, Lockhart, TX

Dear Mr. Gibson,

I authorize Mr. Jim Meredith/Moody Engineering to apply with the City of Lockhart for purposes of changing the zoning, submitting and processing a final plat, construction plans, site plans, and any other required plan/documents to include corrections and revisions needed to proceed with their development of the subject property. The processes will all be at the applicant's expense.

You may reach me at the above phone number if there are any questions.

Sincerely,

DocuSigned by:

7874A08E9C584E1...
Terry Kelley

cc Amy Anton

CASE SUMMARY

STAFF CONTACT: Dan Gibson, City Planner

CASE NUMBER: PDD-21-03

REPORT DATE: December 3, 2021 [Updated 12-9-21]

PLANNING & ZONING COMMISSION DATE: December 8, 2021

CITY COUNCIL DATE: December 21, 2021

STAFF RECOMMENDATION: **Approval**

SUGGESTED CONDITIONS: None

PLANNING & ZONING COMMISSION ACTION: **Approval**

BACKGROUND DATA

ENGINEER: Moody Engineering, Inc.

SURVEYOR: McGray & McGray Land Surveyors, Inc.

OWNER: Terry Kelly

SITE LOCATION: 1712 West San Antonio Street (FM 142)

SUBDIVISION NAME: Kelley Villas

SIZE OF PROPERTY: 16.17 acres

NUMBER OF LOTS: One

EXISTING USE OF PROPERTY: Vacant

ZONING CLASSIFICATIONS: RMD and AO (proposed to be rezoned to PDD)

ANALYSIS OF ISSUES

PROPOSED DEVELOPMENT: This development plan accompanies the Zoning Change request (ZC-21-20) from RLD and AO to PDD, as well as the Preliminary Plat (PP-21-08), for the same property. Unlike conventional zoning classifications, which cannot have conditions attached, the Planned Development District (PDD) classification is subject to the conditions represented by the development plan. The development plan is adopted with the zoning change, and thereafter cannot be changed except through the normal rezoning process. The PDD zoning classification is intended to accommodate developments that have unusual characteristics that might require deviations from the normal zoning and/or subdivision standards. In return for such flexibility, the PDD requires more of an advance commitment on the part of the developer in terms of the site layout, land uses, and amenities. The zoning change and PDD development plan must be considered concurrently, since the zoning is conditional upon the project being developed as depicted on the plan. The proposal is for a total of 160 dwelling units in the form of 80 duplex condominium buildings. The units will each have three bedrooms, two and one-half bathrooms, and a two-car garage within one of three different floor plans ranging from 1,500 to 1,575 square feet. There are multiple open space areas in the planned development that will include one or more playscapes, picnic facilities, and sports courts. Sidewalks will be provided on both sides of all internal streets, as well as along West San Antonio Street. All facilities other than the individual dwelling units, will be privately owned and maintained by a property owner's association.

NEIGHBORHOOD COMPATIBILITY: The proposed use and density of ten units per acre is a reasonable compromise between the existing low density single-family subdivision east of the subject property and the high density apartments proposed along a portion of the west side of the property. Adverse impacts will be negligible since the proposed development will not be connected in any way to adjacent properties, and will have a perimeter privacy fence at least six feet high. Extra turn lanes in West San Antonio Street, as shown on the PDD development plan, will be constructed by the developer at the developer's expense to mitigate the traffic impact of the development.

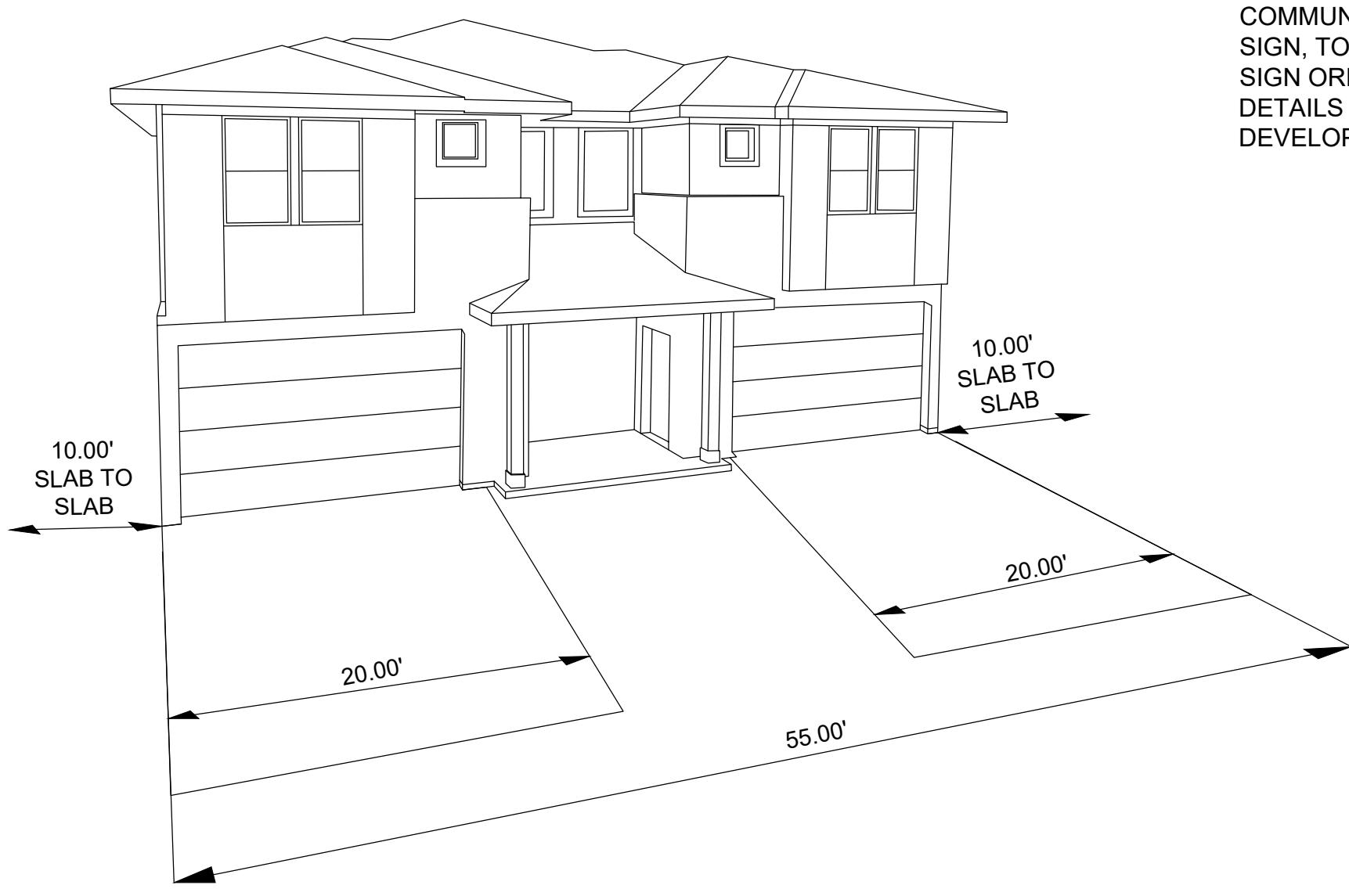
FORM AND CONTENT: The PDD Development Plan conforms to all minimum requirements for form and content.

COMPLIANCE WITH STANDARDS: The proposed development will comply with all applicable subdivision standards, including sidewalks, utilities, stormwater drainage, and parkland.

ADDITIONAL REQUIREMENTS: None.

STAFF RECOMMENDATION: Staff believes that the project will add to the diversity of housing types in Lockhart.

TYPICAL SITE LAYOUT



LOT AND BUILDING DATA

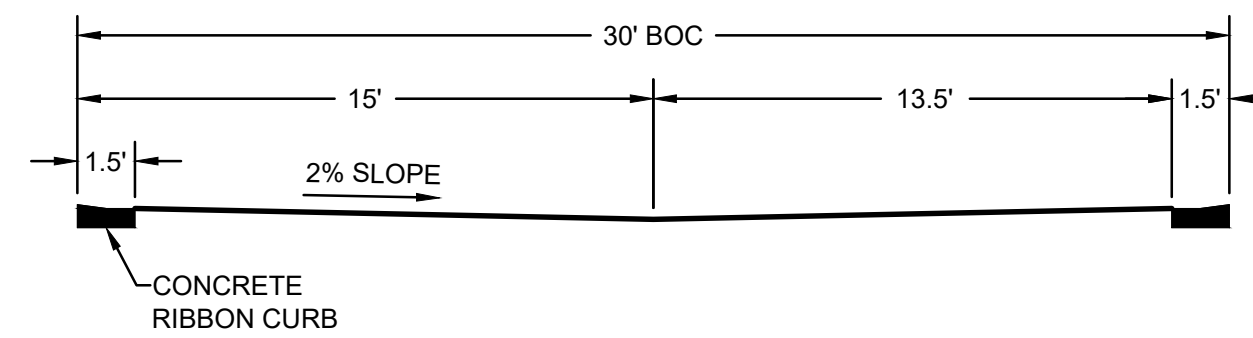
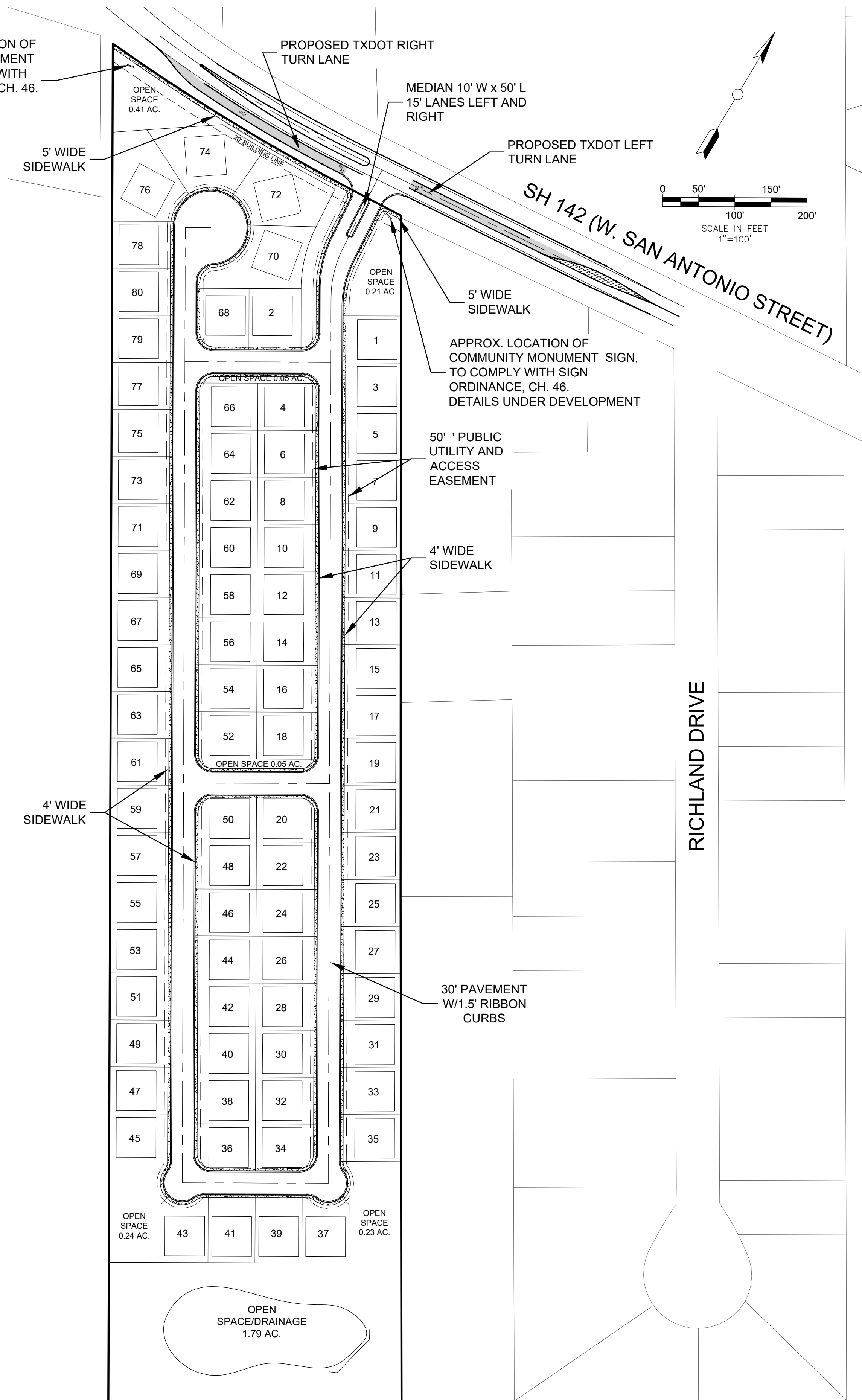
MAX HOME PAD: 55' W x 55' D
 TYPICAL HOME SITE: 65' W x 85' D
 DENSITY: 10 UNITS/AC.
 UNIT LAYOUT: 3 BEDROOM / 2.5 BATH / 2 CAR GARAGE
 UNIT VARIATION: 3 FLOOR PLANS RANGING FROM 1,500 - 1,575 SF

PARKING DATA

REQUIRED OFF-STREET PARKING (2 PER DWELLING UNIT) = 320 SPACES
 OFF-STREET PARKING PROVIDED = 320 SPACES

NOTES:

- OPEN SPACES TO INCLUDE LANDSCAPING AND COMMUNITY AMENITIES. AMENITIES TO INCLUDE A COMBINATION OF PLAYSAPES, PICNIC BENCHES / BBQ GRILLS, SPORTS COURT AND/OR SIDEWALKS.
- PROPOSED STREETS, RECREATIONAL/OPEN SPACE, STORM WATER FACILITIES, AND WATER AND WASTEWATER UTILITIES, TO BE OWNED AND MAINTAINED BY HOME OWNERS ASSOCIATION.
- A FIVE-FOOT PUBLIC SIDEWALK SHALL BE CONSTRUCTED ALONG THE PROPERTY'S WEST SAN ANTONIO STREET FRONTAGE BY THE LANDOWNER AS A SUBDIVISION IMPROVEMENT, PRIOR TO RECORDATION OF THE FINAL PLAT. FOUR-FOOT WIDE PRIVATE SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF ALL INTERNAL, PRIVATE STREETS BY THE LAND OWNER, AT THE TIME THOSE STREETS ARE CONSTRUCTED.
- THE LANDOWNER SHALL GRANT THE CITY OF LOCKHART AND ALL OTHER UTILITY PROVIDERS A RIGHT-OF-ACCESS ALONG ALL PRIVATE STREETS WITHIN THE DEVELOPMENT UPON THE RECORDING OF THE FINAL PLAT.
- PERIMETER SCREENING FENCING TO BE PROVIDED. MINIMUM OF 6 FOOT TALL AND AT LEAST 90 PERCENT OPAQUE.



TYPICAL ROAD SECTION



MOODY ENGINEERING, INC.
 9225 BEE CAVES ROAD
 BLDG A, SUITE 200
 AUSTIN, TEXAS 78733
 (512) 502-8333
 TBPE FIRM REG. NO. F-18320

KELLEY VILLAS
PLANNED DEVELOPMENT DISTRICT DEVELOPMENT PLAN
 1712 WEST SAN ANTONIO STREET
 LOCKHART TEXAS, 78644

11/02/2021

2021-517

PDD DEVELOPMENT PLAN APPLICATION

CITY OF

Lockhart

TEXAS

APPLICANT/OWNER

APPLICANT NAME Jim Meredith

AD

*(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street*

DAY-TIME TELEPHONE 512-306-8300

4301 Westbank Dr, Bldg. A, Ste. 110

E-MAIL jim@masonwoodtx.com

Austin, TX 78746

OWNER NAME Terry Kelly

ADDRESS

P.O. Box 428

DAY-TIME TELEPHONE 817-946-5845

Hubbard, TX 76648

E-MAIL _____

PROPERTY

ADDRESS OR GENERAL LOCATION 1712 West San Antonio St

LEGAL DESCRIPTION (IF PLATTED) Meets & Bounds

PROPOSED SUBDIVISION NAME, IF NOT PLATTED Kelley Villas Planned Development District

SIZE 16.17 ACRE(S) ZONING CLASSIFICATION Med. Density/Agricultural

↑ RMD & A0 ↑

EXISTING USE OF LAND AND BUILDINGS Open Field

PROPOSED DEVELOPMENT

PROPOSED USE OF LAND AND BUILDINGS condominium arrangement of 80 duplex (two-family) plots (residential)

NUMBER OF LOTS 1 TOTAL NUMBER OF DWELLING UNITS, IF ANY 160

RESIDENTIAL DENSITY 10 UNITS/ACRE

TOTAL LAND AREA ALLOCATED TO RESIDENTIAL USE, IF ANY 16.17 ACRE(S)

TOTAL LAND AREA ALLOCATED TO NON-RESIDENTIAL USE, IF ANY 0 ACRE(S)

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

PROPOSED DECLARATION OF COVENANTS AND RESTRICTIONS ESTABLISHING AND GOVERNING ANY LEGAL ENTITY THAT MAY BE REQUIRED TO OWN, OPERATE, AND/OR MAINTAIN PRIVATE STREETS, UTILITIES, OR OTHER FACILITIES PROVIDED FOR THE COMMON USE OF ALL PROPERTY OWNERS.

PROPOSED WRITTEN AGREEMENT BETWEEN THE CITY AND THE LEGAL ENTITY TO BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF PRIVATE STREETS AND ALLEYS, PERMITTING ACCESS AND USE WITHOUT LIABILITY BY CITY VEHICLES AND PERSONNEL ON OFFICIAL BUSINESS.

PDD DEVELOPMENT PLAN, AS FOLLOWS, INDICATING THE SCALE AND NORTH ARROW, PROPOSED USE(S) OF ALL PARTS OF THE DEVELOPMENT, BOUNDARIES OF PROPOSED PHASES, IF ANY, AND CONTAINING THE INFORMATION REQUIRED IN SECTION 64-166(b).

Four copies for initial staff review.

Ten copies after initial staff review.

One mylar reproducible (two if applicant wants to keep one), plus two copies, of approved PDD Development Plan.

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE

[Handwritten Signature]

DATE

10/14/2021

OFFICE USE ONLY

ACCEPTED BY

Dan Gibson

DATE SUBMITTED

10-14-21

ZONING CASE NUMBER ZC - 21 - 20

PLAN CASE NUMBER PDD - 21 - 03

PLANNING AND ZONING COMMISSION MEETING DATE

10/8/21

DECISION

Approval.

CONDITIONS

None.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 14, 2021

AGENDA ITEM CAPTION: Receive public comment, discussion, and/or action to terminate parklets program or to adopt Ordinance No. 2021-41 to implement revised parklets program.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Steven Lewis, Monte Akers

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION:

On October 19, 2021, City Council directed staff to explore an ongoing Parklet Program. Since then, City staff and the City Attorney have researched cities' approach are addressing the possible conversion of the temporary parklets into a more routine practice. With that said, a number of themes are found that need to be addressed. These can be summarized in the following policy considerations:

- Administrative
- Enforcement
- Duration/Location/Concentration
- Design Review and Maintenance
- Future Paving, Drainage/Utility Construction
- Fees/Cost

Administrative

At this time, there is one parklet licensed. However, should this program be expanded, additional staff time will be required to process applications for presentation to the Council and to communicate with applicants through a permit application, review, approval, and inspection process. All licenses will be issued by the Council unless it delegates authority to the City Manager or staff to do so.

Enforcement

If the parklet program continues, mechanisms for enforcement and a specific process to address violations will be required which may entail regular inspections and a compliance process.

Duration/Location/Concentration

The impacts, restrictions, and structure of an ongoing program needs to be addressed. These considerations include:

- How long will the program last? The draft ordinance proposes one-year licenses that may be renewed for one additional year.
- What types of businesses qualify? The draft ordinance does not currently specify.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

- How many licenses can/should be issued? The draft ordinance proposes no more than two per block face, each covering no more than two parking spaces except in the case of business owners' agreement..
- Where can parklets be located? The draft ordinance allows parklets only in the Commercial Central Business District, which covers the courthouse square plus from one-half of one full block all the way around the square.

Design Review and Maintenance

Parklets should be safe, functional, and aesthetically pleasing. Applicants will be required to provide a specific site plan for installation.

Future Paving, Drainage, and Utility Construction

Extending the program would require planning on how to treat parklets when the time is needed to install necessary drainage, roadwork/utility improvements. This is a relatively immediate issue given the City's planned downtown revitalization projects.

Fees/Cost

If an on-going program is desired, the private commercial use of publicly funded spaces needs to be addressed. The draft ordinance proposes \$1,000 per parklet per year.

Conclusion

During the pandemic, Council granted staff the ability to issue property license agreements for parklets. In order to increase capacity when indoor seating was limited for bars and restaurants, parklets were allowed. Now with the expiration of certain pandemic requirements, code amendments are required to allow parklets to continue to operate. The attached draft ordinance would allow an expanded use of parklets within city-owned right-of-way.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: On October 19, 2021, Council directed staff to explore an ongoing Parklet Program.

COMMITTEE/BOARD/COMMISSION ACTION: N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

STAFF RECOMMENDATION/REQUESTED MOTION: Council direction requested.

LIST OF SUPPORTING DOCUMENTS: Draft Ordinance, Chart summarizing draft ordinance

ORDINANCE NO. 2021-41

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS AMENDING CHAPTER 50 OF THE LOCKHART CITY CODE BY ADDING NEW SECTION 50-142 TO ARTICLE V THAT ESTABLISHES PROCEDURES AND CRITERIA FOR THE GRANTING OF REVOCABLE LICENSES FOR PARKLETS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Lockhart implemented a temporary parklets program in response to the Covid 19 pandemic; and

WHEREAS, the City has received requests from members of the public for the continuance of a parklets program in the City; and

WHEREAS, it is the opinion of the City Council of the City of Lockhart that the establishment of parklets within certain public rights-of-way and pursuant to appropriate regulations will promote business development in the City;

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

SECTION 1. Chapter 50, “Streets, Sidewalks, and Other Public Places,” of the Lockhart City Code is hereby amended by adding a new Section 50-142 to Article V to read as follows:

Section 50-142. Parklets Program

(a) Definitions. In this section:

Parklet means a small area of land within a public right-of-way temporarily dedicated for use by the public for activities and purposes associated with an established business adjacent to or within close proximity to that area, together with improvements, such as lighting, signage, paving, benches, sculpture, landscaping, barricades and fencing, in furtherance of such purposes.

Public right of way means a strip of land over which the city has authority used or intended to be used, wholly or in part by the city, as a public street, alley, sidewalk, or for utility purposes.

Sidewalk means that portion of a public right-of-way, not including the street, that is paved for pedestrian traffic.

Street means that portion of a public right of way that provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or other similar designation, including areas designated for on-street parking.

(b) Authorized Parklet Licenses.

- (1) Parklets may be licensed by the City only within a district zoned Commercial Central Business District, and only when the applicant for the license is an established business located adjacent to or within close proximity of the proposed parklet.
- (2) The City Council or the City Council’s designee may grant a license for a parklet.
- (3) A parklet license may be granted only to the business or property owner.
- (4) All other improvements in or uses of a public right-of-way not specified in this article may be approved as specifically provided by other ordinances or by the city council, subject to applicable laws.
- (5) A parklet license granted under this article is a revocable grant of a privilege and is not a property right or a conveyance of an interest in real property.

(c) Requirements for a Parklet License.

- (1) *Application.* An application for a parklet license under this article must be filed with the department designated by the city manager on a form approved by the city manager or the city manager’s designee.
- (2) *Uses and improvements not allowed.* No parklet license may be granted under this article for:
 - (A) any building, improvement, or structure requiring a building permit;
 - (B) any improvement, facility or use, the installation or allowance of which would:
 - i. result in a violation of the Americans with Disabilities Act or any other applicable local, state or federal health or safety law or regulation;
 - ii. unduly interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk;
 - iii. create a traffic hazard;
 - iv. unduly interfere with the safe and efficient operation of a utility facility;
 - v. create undue adverse impacts on adjacent property owners and businesses;
 - vi. block the sight visibility at an intersection; or.
 - vii. require the relocation of any utility or utility facility.

(3) *Parklet dimensions and location.*

- (A) the maximum size of a parklet shall be two parking spaces, including the sidewalk adjacent to such parking spaces. No more than two parklets shall be allowed per block face unless all business owners on the same block face agree to allow a different combination, such as a single parklet occupying four parking spaces, or one parklet occupying three parking spaces and one parklet occupying only one parking space, which may be allowed as long as the total number of parking spaces occupied by all parklets along a block-face do not exceed four.

(B) the parklet must be adjacent to the business that is the Licensee, or within twenty (20) feet thereof.

(4) Parklets shall be allowed on streets with a grade of five percent or less, and a maximum speed of thirty (30) miles per hour.

(5) *General requirements for all parklet licenses.* A license applicable to permitted uses and improvements allowed under this article, shall include, as applicable:

(A) requirements or applicable technical standards and specifications with which the Licensee must comply;

(B) the purposes and uses allowed within the parklet, which shall be associated with and consistent with the purposes and uses, including zoning, of the established business that is the licensee;

(C) terms and restrictions necessary to protect public use of the public right-of-way or the facilities and access needs of a public or private utility provider;

(D) a provision ensuring public access to the parklet at all times when the corresponding business is open;

(E) a requirement for a site-plan that indicates all elements of the parklet, including all applicable dimensions;

(F) specifications for maintenance, minimum standards of appearance, upkeep, permissible boundaries, a trash receptacle that is emptied daily, and any required buffers, designated by tape, plants, temporary railing, or other designations approved by the city;

(G) provisions that limit what is allowed within the parklet, such as plants, tables, chairs, benches, art, and decorations; and what is not allowed in the parklet such as cooking appurtenances, children's play equipment, a stage, or an outdoor bar;

(H) provisions providing for what is prohibited including violation the American with Disabilities Act, violation of other local, state and federal health and safety law or regulation, blocking line of sight, obstructing the street or sidewalk, interference with city when utilities/infrastructure, the building or improvement of a structure that would require a building permit, relocation of any utility, utility facility, or traffic signage, creation of undue, adverse impacts on adjacent property owners and businesses, and denial of public access. The City may prohibit any action by the Licensee that would be adverse to the health, safety, or welfare of the citizens of Lockhart;

(I) specifications for required clearances between the improvements and utility facilities, if any, whether above ground, underground or overhead, as prescribed by applicable building and health and safety codes, franchise agreements, or state or federal laws;

(J) authorization for the City or a utility provider to remove, without liability, all or part of the facilities placed in the parklet if necessary for improvement projects or to obtain access to an affected utility facility;

(K) provisions that require the licensee to indemnify, defend, hold harmless and release the city, its officers, agents, and employees from any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of or in connection with licensee's use of public right-of-way;

- (L) a provision specifying the term or expiration date of the license, which shall not exceed one year from the date of issuance, with an option for one extension of not more than one year upon approval of the extension by the city manager or his/her designee. The extension must be requested in writing no less than 30 days prior to expiration of the first term;
- (M) a provision for revocation of the license for violation of its terms, following written notice of the violation and an opportunity to cure the violation within five calendar days after receipt of the notice, except that violation of the expiration date shall be addressed immediately;
- (N) a provision providing for specific grounds for revocation, including failure to maintain the parklet, failure to maintain insurance, receipt of recurring complaints from the public or other businesses, violation of prohibited activities, violation of license terms or technical standards, if required based on the City or a State agency's need for termination, or the Licensee business goes out of business;
- (O) a provision for revocation of the license by the City without recourse before the end of the license term when necessary to implement a capital improvements or utility project, to address threats to public health or safety, or to mitigate adverse impacts to adjacent property owners and businesses caused by the improvement or use for which the license is granted;
- (P) a provision providing for the prompt removal of all facilities or improvements and/or cessation of uses upon termination of the license or during an emergency event, or for a capital improvement project, at the Licensee's expense, including the right of the city to remove facilities or improvements upon failure of the Licensee to do so and to recover the city's cost for such removal; and
- (Q) a provision to allow annual inspections and field inspections as required by the City to ensure compliance with license requirements.

(d) Parklet License Fee.

Pursuant to Art. III, Sec. 52, Tex. Constitution, use of public property for private or commercial use requires appropriate compensation of the City for such use, which shall be a license fee of \$1000.00 per year for a two parking space parklet, payable with each application for a parklet and upon renewal of a parklet license each year thereafter. The amount of such fee shall be pro-rated in the event the initial application or renewal is approved for less than one year, or for less or more than two parking spaces.

(e) Smoking and alcohol restrictions applicable to Parklets.

- (1) Smoking shall not be allowed in Parklets approved under this article.
- (2) Parklets in which alcohol will be served must receive permission from the Texas Alcoholic Beverage Commission ("TABC"). Compliance with all TABC regulations is required.
- (3) In addition to any other remedies and penalties that may be pursued for a violation of this section, the City Council or the City Council's designee may revoke a license issued under this article to a licensee that commits a violation under this section.

(f) Insurance

(1) No parklet license shall be granted unless the licensee files with the City Manager or City Manager’s designee a certificate of liability insurance or other proof of insurance in a form acceptable to the city manager confirming that the applicant has procured the insurance required by this section. If the policy is not kept in full force and effect throughout the term of the license, the special use license shall automatically become void and the facilities and improvements must be removed from the public right-of-way at that time.

(2) The insurance policy shall be issued by an insurance company authorized to do business in the state. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents or employees. The insurance shall provide coverage in an amount of not less than \$1,000,000.00 for each single occurrence. The minimum amounts of insurance coverage may be increased by the City when it is in the best interest of the public. The policy of insurance shall name both the licensee and the City as insured parties to the full amount of the policy limits.

(g) Review of parklets program

On or after the one-year anniversary of the adoption of this ordinance, and thereafter as desired by the City Council, the City Council shall review and consider the provisions of this ordinance to determine the effectiveness of its provisions and whether to continue, amend, or repeal such provisions.

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the Lockhart City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed to the extent of such conflict.

SECTION 5. The importance of this ordinance creates an emergency and an imperative public necessity, and the provisions of the Lockhart City Charter requiring that ordinances be presented at two separate meetings are hereby waived and, this ordinance will take effect immediately upon adoption.

SECTION 6: This ordinance will take effect after its passage, approval, adoption, and publication.

PASSED, APPROVED AND ADOPTED, on the ____ day of _____, 2021.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Monte Akers, City Attorney

Summary of Proposed Parklets Program Ordinance

Requirement/Action	Ordinance subsection of Sec. 50-142
Definitions	(a)
Allowed in CCB zoning district only	(b)(1)
License issued by Council or designee	(b)(2)
Applicant must be owner	(b)(3)
Other improvements	(b)(4)
License is revocable, not property right	(b)(5)
Application filed with City Manager or designee	(c)(1)
Uses/improvements not allowed	(c)(2)
Dimensions—no more than two parking spaces per block face	(c)(3)(A)
Sidewalk not included	(c)(3)(A)
Business owners may agree to dimension change	(c)(3)(A)
Parklet to be adjacent or within 20' of business	(c)(3)(B)
Parklet allowed only on streets of 5% grade or less and speed limit of 30 mph or less	(c)(4)
General requirements and specifications	(c)(5)
Site plan required	(c)(5)(E)
Boundary designations	(c)(5)(F)
Items allowed/not allowed	(c)(5)(G)
Compliance with other laws required	(c)(5)(H)
Utility clearances	(c)(5)(I)
City may remove if necessary	(c)(5)(J)
Indemnification of City	(c)(5)(K)
Term of one year with one extension	(c)(5)(L)
Violation=notice, cure, or revocation	(c)(5)(M)
Circumstances whereby City may revoke, remove, mitigate	(c)(5)(N), (O), & (P)
Inspections	(c)(5)(Q)
Fee (\$1000/yr)	(d)
Smoking	(e)(1)
Alcohol	(e)(2)
Revocation re smoking or alcohol	(e)(3)
Insurance required	(f)
Council to review program annually	(g)