

**LOCKHART CITY COUNCIL
SPECIAL MEETING**

DECEMBER 14, 2021

6:30 P.M.

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

Council present:

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Juan Mendoza
Councilmember Jeffrey Michelson

Mayor Lew White
Councilmember Derriek David Bryant
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Pam Larison, Finance Director
Dan Gibson, City Planner

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Sean Kelley, Public Work Director

Citizens/Visitors Addressing the Council: Jim Meredith, Amy Anton, Alexandra Worthington, Winn Smith, and Brian Alvey.

Work Session 6:30 p.m.

Mayor White opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 6:30 p.m.

ITEM 2-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 CRENSHOW 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.

Mayor Pro-Tem Sanchez arrived at the meeting.

Mayor White opened the public hearing at 6:30 p.m.

Mr. Gibson stated that 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. Mr. Gibson stated that the Planning and Zoning Commission recommends approval, and that staff recommends approval subject to PDD Development Plan PDD-21-03 for Kelley Villas. There was discussion.

Mayor White requested the applicant to address the Council.

Jim Meredith, Austin, applicant, provided information regarding the development plans. There was discussion.

Mayor White expressed concern about the lack of another way in or out of the proposed development. Mr. Gibson reminded the Council that the Windridge Subdivision adjacent to the subject property will be expanded to allow additional ingress and egress options for that subdivision. There was discussion.

Mayor White requested citizens in favor of the zoning change to address the Council.

Amy Anton, Lockhart, Realtor, spoke in favor of the zoning change. She stated that she believes that Lockhart needs lower cost homes.

Mayor White requested additional citizens to address the Council in favor of the zoning change. There were none. He requested citizens to address the Council against the zoning change. There were none. He closed the public hearing at 7:07 p.m.

Councilmember Mendoza spoke in favor of the zoning change. He stated that he believes the development is an opportunity to entice the Texas Department of Transportation to expand Highway 142.

Councilmember Bryant addressed his concern about the development not having two ways in or out of the subdivision.

Councilmember Michelson agreed with the concerns about the lack of a second way to get in or out of the subdivision, yet he is in favor of the zoning change because he believes that the property would eventually be developed.

Councilmember McGregor agreed with the concerns about the lack of a second way in or out of the subdivision. She stated that potential buyers could be the deciding factor about the entrance/exit issue.

Mayor Pro-Tem Sanchez stated that she agrees with the concerns expressed by other Councilmembers, yet she too believes that additional affordable housing is needed in the community.

Councilmember Westmoreland stated that this might be a way to entice the Texas Department of Transportation to improve the traffic flow on Highway 142 in the area. He spoke in favor of the proposed zoning change.

Mayor White expressed concern about one method of ingress and egress of the proposed subdivision.

Councilmember Mendoza made a motion to approve Ordinance 2021-40, as presented. Mayor Pro-Tem Sanchez seconded. The motion passed by a vote of 5-2, with Mayor White and Councilmember Bryant opposing.

ITEM 2-B. RECEIVE PUBLIC COMMENT, DISCUSSION, AND/OR ACTION TO TERMINATE PARKLETS PROGRAM OR TO ADOPT ORDINANCE NO. 2021-41 TO IMPLEMENT REVISED PARKLETS PROGRAM.

Mr. Akers stated that the first issue is whether to continue or terminate the parklets program. If the Council decides not to continue, additional discussion ceases. If the Council chooses to continue the parklets program, changes to the proposed Ordinance would include a definite fact about whether sidewalks are considered as part of the parklet. Also, the proposed Ordinance provides that parklets shall have an “annual inspection” which he recommended to be changed to “inspections” to allow multiple inspections, if necessary. There was discussion regarding how many parklets would be allowed per block.

Mr. Lewis stated that on October 19, 2021, City Council directed staff to explore an ongoing Parklet Program. Since then, City staff and the City Attorney have researched how 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; and 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.

- 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 draft ordinance would allow an expanded use of parklets within city-owned right-of-way.

Mayor White requested the Council's discussion about parklets.

Mayor Pro-Tem Sanchez stated that she believes that additional planning about the parklets should be considered before a parklet program is implemented. She does not believe that the program should proceed at this time, but it should be considered in the future.

Councilmember McGregor spoke in favor of the parklets program to allow portable parklets that will need to be removed when necessary.

Councilmember Michelson expressed concerns about liability and the downtown revitalization project impacting the construction of a parklet. He stated that he does not believe that the parklets should continue at this time, possibly after completion of the downtown revitalization project.

Councilmember Bryant stated that he does not support continuing the parklet program at this time due to liability and safety concerns. He also suggested that the program be included in the downtown revitalization program or considered after completion of the downtown revitalization project.

Councilmember Westmoreland spoke in favor of the parklets program. He stated that he does not see an issue with continuing the parklets program.

Councilmember Mendoza spoke in favor of the parklets program. He stated that he did not see many additional businesses in the downtown area installing a parklet.

Mayor White requested citizens to address the Council:

Alexandra Worthington, 101 E. San Antonio St., spoke in favor of continuing the parklets program. She stated that many tourists and citizens appreciate the parklet.

Mayor White requested additional citizens to address the Council.

Winn Smith, Austin, Texas, of the Lockhart Chamber of Commerce requested that the City share parklet options with them to allow them to relay information to tourists or visitors that inquire about outdoor dining amenities.

Brian Alvey, Lockhart, suggested that the parklet ordinance be very specific to provide details such as whether using parking spaces, parklet size allowances, etc.

Mayor White stated that the Council should provide a decision about how a public right-of-way can be used. He stated that he is not in favor of continuing the parklet program at this time.

Mayor Pro-Tem Sanchez made a motion to terminate the Parklet Program. Councilmember Bryant seconded. The motion passed by a vote of 4-3, with Councilmembers Mendoza, McGregor and Westmoreland opposing.

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

Mayor White announced that the Council would enter Executive Session at 7:54 p.m.

ITEM 4. OPEN SESSION - Discussion and/or action regarding matters discussed in Executive Session.

Mayor White announced that the Council would enter Open Session at 8:30 p.m. There was no action.

ITEM 5. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded. The motion passed by a vote of 7-0. The meeting was adjourned at 8:31 p.m.

PASSED and APPROVED this the 4th day of January 2022.

ATTEST:

Connie Constancio
Connie Constancio, TRMC, City Secretary

CITY OF LOCKHART

Jim White
Jim White, Mayor

