

PUBLIC NOTICE

**City of Lockhart
Planning and Zoning Commission
7:00 PM, Wednesday, March 12, 2025
Municipal Building – Glosserman Room
308 W. San Antonio St.**

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the February 26, 2025 meeting.
4. Hold a PUBLIC HEARING and consider text amendments to Chapter 64, "Zoning" Article VII, Section 64-205, "Portable Food Establishments," of the Lockhart Code of Ordinances.
6. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.
7. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 11:00 a.m. on the 6th day of March, 2025.

**City of Lockhart
Planning and Zoning Commission
February 26, 2025**

MINUTES

Members Present: Philip Ruiz, Phil McBride, Manuel Oliva, Rick Arnic, Julia Haug, Bradley Lingvai

Members Absent: Ron Peterson

Staff Present: David Fowler, Kevin Waller, Evan Olszewski, Romy Brossman

Visitors/Citizens Addressing the Commission:

1. Call meeting to order. Chair Ruiz called the meeting to order at 6:59 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the February 12, 2025 meeting.

Commissioner Arnic moved to approve the February 12, 2025, minutes. Commissioner Haug seconded, and the motion passed by a vote of 6 - 0.

4. ZC-24-09 and PDD-24-04. Hold a PUBLIC HEARING and consider a request by Michele Hausmann of Land Use Solutions on behalf of Manumit Investments Group, LLC for a **Zoning Change** from PDD Planned Development District to PDD Planned Development District and the approval of a **Planned Development District Development Plan** on a total of 23.395 acres in the Francis Berry Survey, Abstract No. 2, located on the 1800 block of Maple Street and the 700 block of City Line Road.

Planning Director David Fowler came forward to present the case. Utilizing aerials, maps and renderings, he gave an overview of the subject property and the proposed one-story, single-family development consisting of 150 rental units. All units will consist of 2 bedrooms, 2 bathrooms, 2 car garages and 2 driveway parking spaces. Zoning Change ZC-24-09 is a request for rezoning from an existing PDD to a new PDD. The case is to be considered simultaneously with Planned Development District case PDD-24-04, which is a new Planned Development District Development Plan called One Living. The property's current zoning is PDD under the Maple Park PDD (PDD-19-01.) The proposed PDD would remove the subject property from the Maple Park PDD and make it the sole area of a new PDD. 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 23.395-acre project is proposed to be designed and managed similarly to how multi-family projects are, but with a single-family neighborhood appearance. The site plan shows 0.654 acres of accessory uses, for purposes like amenities, a pool, and the mailroom. Additionally, 5.95 acres are designated for private open space. Circulation is provided by private drives, pedestrian paths and connections to City Line Road, Maple Street and the future Lincoln Lane. The proposed

project will have a continuous perimeter fence along the public right-of-way, with breaks for project entry points.

The proposed use is consistent with the Single-Family attached or Large Multi-Family land use categories in the *Lockhart Looking Forward Comprehensive Plan*. Both land uses are considered appropriate within the City Line District in which the property is located. The PDD Development Plan conforms to all minimum requirements for form and content. There are no deficiencies.

Commissioner Oliva asked if the property has been sold.

Mr. Fowler answered, he believed it's still in the same hands, but it will be sold if the cases are approved.

Commissioner Lingvai inquired about the perimeter fence setbacks and trees.

Mr. Fowler confirmed the fence setback will be approximately 15 feet from the right-of-way with trees planted every 40 feet between the sidewalk and the fence.

Mr. Lingvai asked what the plan is for the construction of adjacent roads.

Mr. Fowler responded that a widening of Maple Street will be required, City Line Road is part of an upcoming county bond, and Lincoln Lane will be constructed by the subdivider who owns the rest of the land.

Michele Haussmann, 5612 Parade Ridge, Austin TX, came to the podium. She briefly introduced colleagues in the audience and presented a PowerPoint presentation providing an overview of the property and product. She reported having had a positive meeting about the proposed project with the Meadows at Clearfork neighborhood association. She also stated that no one in the neighborhood has voiced opposition. The community is designed for empty nesters and young professionals who want to live a maintenance free lifestyle, in a quiet environment with on-site management. All units in the community including sidewalks will be ADA compliant.

Commissioner McBride asked about fences for backyards.

Ms. Haussmann stated there will only be fencing on the perimeter, not internal. All green areas are meant to be community spaces. Once a person steps off their patio, they would be on shared community spaces. This project is similar to other townhome or multi-family communities.

Commissioner McBride and Chair Ruiz expressed concern that a playscape, a dog park and fenced yards would not be provided for children and pets.

Zoe Kimmelman, of 7007 E. Pleasant Valley Rd. Independence, Ohio, stated the lease covers rules and regulations on maintaining pets within your leased property and or on leashes. He claimed they typically do not have issues with pets in their other communities.

Chair Ruiz asked about the existence of an amenity pool and the possible liability of kiddie pools purchased by tenants.

Ms. Kimmelman responded that there will be a community pool and amenity center.

Commissioner Haug shared her experience that the rental agreement will most likely specify anything purchased by the tenant must stay on the tenant's patio. Tenants most likely won't purchase portable pools due to the size of the patios.

Commissioner McBride inquired about accessibility features in units for seniors and playscapes for children.

Ms. Kimmelman answered her communities are well oriented to seniors, so the majority of our renters are above 55 years old. All units are single-story, there are no stairs. Their projects are often regarded as senior living communities. All units are ADA accessible.

Gregory Thurman, 20 Village Sq. Cincinnati, OH, came to the podium. Once a tenant steps off their patio, they are in common space, not a private yard. These are not subdivided lots. We have pet stations along all sidewalks and streets. Residents walk their dogs every night. In our communities there are typically seven to ten school-age children per 100 dwellings. We have a very low growing family ratio in our communities.

Chair Ruiz reminded the applicant that a playscape may be a condition of approval.

Mr. Thurman commented that he understands that fact. He then expanded on the ADA compliance standards provided in the units, community subdivision and parking spaces.

Ms. Haussman returned to the podium to conclude her presentation. She reiterated that City Staff recommends approval, the project fits well with the City of Lockhart Comprehensive Plan, and the use is compatible with surrounding zoning and land uses, among other positive aspects.

Commissioner McBride asked the applicant for confirmation that the community will not look monotonous or "cookie-cutter."

Ms. Haussmann confirmed the community will be built in clusters of two, four and six units which will provide variety in appearance.

Chair Ruiz asked if anyone was present in opposition.

Jordan Ely, 700 City Line Rd. Lockhart, TX, came to the podium in opposition but stated he is also open-minded, specifically about the fencing. Some of his concerns include the property's maintenance and appearance over the long term. Also, the possibility that the owner of the community would sell the property to another entity in the future. Mr. Ely reported he would prefer that the project included single family homes with resident ownership.

Ms. Kimmelman came forward to respond. She stated her company is a long-term owner of 21,000 homes which they built over 30 years. On-site management and maintenance technicians are present to address any tenant issues and repairs.

Mr. Fowler came returned to the podium, and stated that staff recommends approval with the condition that sidewalks are required along all existing and future street frontages.

Chair Ruiz asked for staff's opinion on the deficiency of a playscape.

Mr. Fowler pointed out that the units are two bedroom, two baths, which is not conducive for a large or growing family. Single parents or parents with a small child, young professionals and seniors are likely residents of this community. A small playscape for younger children may be an option.

Commissioner Haug commented, there are people who prefer quiet communities. She also pointed out there are local parks that residents and visitors can use.

Commissioner Lingvai noted there is green space in the community for residents to use, just not a playscape.

After further discussion, the Commission turned to voting on the items.

*Commissioner McBride made a motion to add an amendment to **ZC-24-09 and PDD-24-04** requiring a playscape with access to green space. Chair Ruiz seconded the amendment. The amendment was defeated with a vote of 4 – 2.*

*Commissioner Oliva moved to approve **ZC-24-09 and PDD-24-04**. Commissioner Arnic seconded, and the motion passed with a vote of 4 – 2 with the condition of sidewalks along public streets*

5. **PP-25-01. Consider a request by Michele Haussmann of Land Use Solutions for approval of a Preliminary Plat for One Living Planned Development, consisting of 23.395 acres in the Francis Berry Survey, Abstract No. 2, proposed to be rezoned from PDD (Planned Development District) to PDD (Planned Development District), and located at 711 City line Road.**

Kevin Waller presented the case. The One Living Planned Development Preliminary Plat accompanies the PDD Development Plan and Zoning Change request (PDD-24-04 and ZC-24-09, respectively) from PDD (Planned Development District) to PDD for the same property. The subject property is located within the former boundaries of Phases 2 and 4 of Maple Park Planned Development that was previously approved for single-family residential and commercial uses, respectively. The proposed One Living plat includes two lots each contain single-story multifamily residential rental uses. Four-foot-wide public sidewalks will be constructed along the property's Maple Street and future Lincoln Lane frontages, with a six-foot sidewalk to be constructed along the City Line Road frontage. A fee in-lieu of parkland dedication as well as a fee in-lieu of construction of park facility improvements is proposed to be paid to the City by the subdivider, prior to recordation of the final plat. The fees in-lieu have been determined to be acceptable by the Parks Department Director. The segment of Maple Street abutting the subdivision, between City Line Road and Lincoln Lane, will be improved to Collector Street standards by the subdivider prior to recordation of the final plat.

Mr. Waller recommended condition of approval to revise Plat Note 4 to require the construction a six-foot-wide public sidewalk along the property's City Line Road frontage in place of the four-foot sidewalk currently shown. With this condition, the proposed development will meet all

applicable subdivision standards, including the reconstruction of Maple Street, sidewalks, utilities and parkland (to be covered by a fee in-lieu.)

Commissioner Lingvai moved to approve PP-25-01. Commissioner Haug seconded, and the motion passed with a vote of 4 - 2.

6. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.

Mr. Fowler confirmed the next meeting will be March 12th though no items have been submitted. Therefore, the meeting may be canceled.

7. Adjournment.

Commissioner Haug moved to adjourn, and Commissioner Arnic seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:29 p.m.

Approved: _____
(date)

Romy Brossman, Recording Secretary

Philip Ruiz, Chair

TO: Lockhart Planning and Zoning Commission

FROM: Andrew Devaney, Building Official

SUBJECT: Zoning Ordinance Amendments

DATE: March 12, 2025

Dear Planning and Zoning Commission:

The attached proposed code amendment updates Chapter 64 "Zoning", Article VII. Sec. 64-205.- "Portable Food Establishments." Of the Lockhart Code of Ordinances.

Lockhart Staff recommends updating the definition of a portable food establishment. This would include removing the verbiage regarding location and duration to be considered a portable food establishment. This would ensure that all portable food truck establishments who wish to conduct business are properly permitted and inspected prior to serving consumers. This is due to Lockhart Staff being able to protect the life, health, and safety of consumers within the city limits of Lockhart.

Lockhart Staff would also recommend amending Subsection (b) (1) to update the requirement for a mobile food unit permit. This would make it a requirement for portable food establishments to be inspected by the city health inspector and have a current mobile food unit permit issued by the Texas Department of State Health Services, Retail Foods Division. This update would ensure compliance with city inspections as well as meet the minimum requirements of the State Health Code.

The name change to the Texas Department of State Health Services, Retail Foods Division went into effect September 1, 2004, per House Bill 2292. The proposed ordinance amendment would update the legal definitions according to state law.

Lockhart Staff also recommends deleting Subsection (e) it in its entirety Subsection (e). This section is not applicable for portable food establishments. Portable food establishments used in conjunction with outdoor events within the City of Lockhart shall meet the requirements set forth in Chapter 26-Health and Sanitation and/or Chapter 42-Transient Retail Businesses.

Sec. 64-205. Portable food establishments.

- (a) A portable food service establishment is defined as an enclosed trailer or motor vehicle designed and operated for the sale of food and/or beverages ~~or other consumables, and which stays at one location for more than four consecutive days.~~ For the purpose of this section, two or more such establishments located on a single lot or parcel shall be known as a portable food court.
- (b) The following standards apply to portable food establishments:
- (1) Each trailer or motor vehicle used as a portable food establishment shall be inspected and approved by the city health inspector, ~~or~~ ~~and~~ have a current mobile food unit permit issued by the Texas Department of ~~Health~~ ~~State Health Services~~, Retail Foods Division, ~~and the~~ ~~The~~ portable food establishment owner shall maintain a current annual food permit issued by the city health inspector.
 - (2) Each trailer or motor vehicle used as a portable food establishment shall be in current compliance with all applicable Texas inspection and license registration requirements for legal use on public streets.
 - (3) Portable food establishments are exempt from building, plumbing, and mechanical codes, but not from electrical, health and sanitation codes, and fire codes as they apply to portable food establishments.
 - (4) Portable food establishments shall operate only in zoning districts where eating establishments are allowed by right.
 - (5) Portable food establishment spaces shall be set back at least five feet from the front and rear lot lines, and set back from the side lot lines as specified in appendix II for the zoning district where located.
 - (6) Each portable food establishment shall be located at least ten feet from any other portable food establishment or any building, and at least 50 feet from any building containing a residential use. Portable food establishments in a portable food court shall be located together in the same general area of the lot in order to share common facilities such as utilities, parking, outdoor seating, and trash disposal.
 - (7) Each portable food establishment space shall be on a durable, nonerodible, low-maintenance surface capable of supporting the trailer or motor vehicle, and approved by the city, and shall not obstruct vehicular maneuvering or travel areas.
 - (8) Two marked off-street parking spaces per portable food establishment shall, in districts where off-street parking is required, be provided on an approved all-weather surface having adequate vehicular travel and maneuvering areas. If off-site, the parking spaces shall be within 300 feet of the portable food establishment or portable food court and be authorized in writing by the owner for the use of portable food establishment employees and customers. The parking spaces required for a portable food establishment or portable food court shall be in addition to the minimum number of spaces required for any other use on the same property.
 - (9) Pedestrian access to the serving counter of each portable food establishment shall be directly on the parking area, an existing paved sidewalk, or a durable, nonerodible, low-maintenance surface approved by the city.
 - (10) A year-round outdoor eating area with seating at one or more tables shall be provided for at least four customers per portable food establishment in a portable food court.
 - (11) Drive-up service directly from a portable food establishment counter to any occupied vehicle is prohibited.
 - (12) The wheels and tires of trailers and motor vehicles must remain on the axles, but the area below the floor-level may be skirted to improve its appearance.

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- (13) Signs on portable food establishments shall be mounted flat on the exterior, and not exceed 20 percent of the wall area to which they are affixed. For portable food courts, one freestanding sign is allowed per street frontage containing only the name and address of the portable food court in accordance with the standards of chapter 46 "Signs".
 - (14) Each portable food establishment shall obtain electricity from, and be within 50 feet of, an individual main-disconnect breaker mounted either on an individual pedestal served by underground wiring, or mounted on a central bank of multiple-disconnect breakers, as approved by the city. Any electric cable extending on the ground from a portable food establishment to its main-disconnect breaker shall not cross the path of intended pedestrian or vehicle traffic, nor rest on any surface that will be mowed.
 - (15) Each portable food establishment space shall obtain water from, and within 50 feet of, a hose bib connected directly to the city water supply, and the hose shall be connected for direct pressure to the establishment's plumbing without going through a holding tank. The hose shall not cross the path of intended pedestrian or vehicle traffic, nor rest on any surface that will be mowed.
 - (16) Portable food establishments shall not be connected directly to the city wastewater system. Each establishment shall have a self-contained wastewater holding tank that must be emptied by either taking it to an authorized dump station or by being pumped to an authorized wastewater-hauling vehicle.
 - (17) At least one covered trash receptacle must be provided for each portable food establishment, and within 20 feet of any outdoor eating area if the eating area is more than 20 feet from a portable food establishment.
 - (18) Portable food courts should have access to a common dumpster or other trash disposal facility, and to a common grease disposal container, approved by the city. All trash and grease disposal containers shall be emptied on a regular basis, located no more than 150 feet from any portable food establishment, and adequate to serve the number of establishments within that distance. Common trash and grease disposal containers shall be enclosed within an area screened from view on at least three sides to a height of at least six feet.
 - (19) Each portable food establishment shall be located no more than 300 feet from a permanent facility having either one unisex restroom or separate men's and women's restrooms, all of which must have sinks with both hot and cold running water for hand-washing. Use of the restroom(s) by portable food establishment employees and customers must be authorized in writing by the owner of the building containing the facility if it is on property under different ownership than the location of the portable food establishment or portable food court.
- (c) A site plan drawn to a conventional scale must be submitted to the planning department showing the location and surface type of the proposed portable food establishment locations, location of customer table-seating and any associated shelter structures, location of water hose bibs and electrical service connections, location and surface type of parking spaces and driveways, location and surface type of pedestrian access, location and description of outdoor lighting, location of restroom(s), location of individual trash receptacles and common trash/grease disposal facilities, and type and height of common trash/grease disposal screening. The site plan and all applicable permits must be approved prior to the construction of any new driveway access or parking area, prior to the construction of any permanent structures for a proposed portable food court, and prior to the installation of any portable food establishment on the property.
 - (d) Portable food establishments and portable food courts are subject to inspection by the city prior to the connection of utility service or prior to opening for business, as applicable. In addition, unannounced inspections for enforcement of health and safety codes may be conducted at any time during the operation of a portable food court or individual portable food establishments.

~~(e) — Food booths and portable facilities used in conjunction with outdoor events lasting no longer than four consecutive days are exempt from this section, except for compliance with applicable health and sanitation regulations.~~

(Ord. No. 2012-12, § II, 6-5-12)

Sec. 64-205. Portable food establishments.

- (a) A portable food service establishment is defined as an enclosed trailer or motor vehicle designed and operated for the sale of food and/or beverages or other consumables. For the purpose of this section, two or more such establishments located on a single lot or parcel shall be known as a portable food court.
- (b) The following standards apply to portable food establishments:
- (1) Each trailer or motor vehicle used as a portable food establishment shall be inspected and approved by the city health inspector and have a current mobile food unit permit issued by the Texas Department of State Health Services, Retail Foods Division. The portable food establishment owner shall maintain a current annual food permit issued by the city health inspector.
 - (2) Each trailer or motor vehicle used as a portable food establishment shall be in current compliance with all applicable Texas inspection and license registration requirements for legal use on public streets.
 - (3) Portable food establishments are exempt from building, plumbing, and mechanical codes, but not from electrical, health and sanitation codes, and fire codes as they apply to portable food establishments.
 - (4) Portable food establishments shall operate only in zoning districts where eating establishments are allowed by right.
 - (5) Portable food establishment spaces shall be set back at least five feet from the front and rear lot lines, and set back from the side lot lines as specified in appendix II for the zoning district where located.
 - (6) Each portable food establishment shall be located at least ten feet from any other portable food establishment or any building, and at least 50 feet from any building containing a residential use. Portable food establishments in a portable food court shall be located together in the same general area of the lot in order to share common facilities such as utilities, parking, outdoor seating, and trash disposal.
 - (7) Each portable food establishment space shall be on a durable, nonerodible, low-maintenance surface capable of supporting the trailer or motor vehicle, and approved by the city, and shall not obstruct vehicular maneuvering or travel areas.
 - (8) Two marked off-street parking spaces per portable food establishment shall, in districts where off-street parking is required, be provided on an approved all-weather surface having adequate vehicular travel and maneuvering areas. If off-site, the parking spaces shall be within 300 feet of the portable food establishment or portable food court and be authorized in writing by the owner for the use of portable food establishment employees and customers. The parking spaces required for a portable food establishment or portable food court shall be in addition to the minimum number of spaces required for any other use on the same property.
 - (9) Pedestrian access to the serving counter of each portable food establishment shall be directly on the parking area, an existing paved sidewalk, or a durable, nonerodible, low-maintenance surface approved by the city.
 - (10) A year-round outdoor eating area with seating at one or more tables shall be provided for at least four customers per portable food establishment in a portable food court.
 - (11) Drive-up service directly from a portable food establishment counter to any occupied vehicle is prohibited.
 - (12) The wheels and tires of trailers and motor vehicles must remain on the axles, but the area below the floor-level may be skirted to improve its appearance.

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- (13) Signs on portable food establishments shall be mounted flat on the exterior, and not exceed 20 percent of the wall area to which they are affixed. For portable food courts, one freestanding sign is allowed per street frontage containing only the name and address of the portable food court in accordance with the standards of chapter 46 "Signs".
- (14) Each portable food establishment shall obtain electricity from, and be within 50 feet of, an individual main-disconnect breaker mounted either on an individual pedestal served by underground wiring, or mounted on a central bank of multiple-disconnect breakers, as approved by the city. Any electric cable extending on the ground from a portable food establishment to its main-disconnect breaker shall not cross the path of intended pedestrian or vehicle traffic, nor rest on any surface that will be mowed.
- (15) Each portable food establishment space shall obtain water from, and within 50 feet of, a hose bib connected directly to the city water supply, and the hose shall be connected for direct pressure to the establishment's plumbing without going through a holding tank. The hose shall not cross the path of intended pedestrian or vehicle traffic, nor rest on any surface that will be mowed.
- (16) Portable food establishments shall not be connected directly to the city wastewater system. Each establishment shall have a self-contained wastewater holding tank that must be emptied by either taking it to an authorized dump station or by being pumped to an authorized wastewater-hauling vehicle.
- (17) At least one covered trash receptacle must be provided for each portable food establishment, and within 20 feet of any outdoor eating area if the eating area is more than 20 feet from a portable food establishment.
- (18) Portable food courts should have access to a common dumpster or other trash disposal facility, and to a common grease disposal container, approved by the city. All trash and grease disposal containers shall be emptied on a regular basis, located no more than 150 feet from any portable food establishment, and adequate to serve the number of establishments within that distance. Common trash and grease disposal containers shall be enclosed within an area screened from view on at least three sides to a height of at least six feet.
- (19) Each portable food establishment shall be located no more than 300 feet from a permanent facility having either one unisex restroom or separate men's and women's restrooms, all of which must have sinks with both hot and cold running water for hand-washing. Use of the restroom(s) by portable food establishment employees and customers must be authorized in writing by the owner of the building containing the facility if it is on property under different ownership than the location of the portable food establishment or portable food court.
- (c) A site plan drawn to a conventional scale must be submitted to the planning department showing the location and surface type of the proposed portable food establishment locations, location of customer table-seating and any associated shelter structures, location of water hose bibs and electrical service connections, location and surface type of parking spaces and driveways, location and surface type of pedestrian access, location and description of outdoor lighting, location of restroom(s), location of individual trash receptacles and common trash/grease disposal facilities, and type and height of common trash/grease disposal screening. The site plan and all applicable permits must be approved prior to the construction of any new driveway access or parking area, prior to the construction of any permanent structures for a proposed portable food court, and prior to the installation of any portable food establishment on the property.
- (d) Portable food establishments and portable food courts are subject to inspection by the city prior to the connection of utility service or prior to opening for business, as applicable. In addition, unannounced inspections for enforcement of health and safety codes may be conducted at any time during the operation of a portable food court or individual portable food establishments.

(Ord. No. 2012-12, § II, 6-5-12)

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(Supp. No. 74)

