

**NOTICE OF REGULAR MEETING OF THE
PLANNING & ZONING COMMISSION OF THE CITY OF LAMPASAS
CITY COUNCIL CHAMBERS
302 E THIRD STREET
THURSDAY, MARCH 5, 2020
6:00 P.M.**

Notice is hereby given that a regular meeting of the Planning and Zoning Commission of the City of Lampasas, Texas will be held at 6:00 p.m. on Thursday, March 5, 2020 in the City Council Chambers, 302 E Third Street, Lampasas, Texas.

REGULAR SESSION

- I. Call to order
- II. Announcements
- III. Discussion and possible action regarding approval of the minutes dated February 6, 2020.

PUBLIC HEARING

- IV. Public hearing to receive citizen comments regarding approval, denial, or approval with modification(s) the rezone of .27 acres from Retail “R” to Single Residential Family-6 “SF-6”, Lampasas County, Lampasas, Texas. The property is described as Block 39, A H Barnes Lots 5-6, commonly known as 208 E 5th Street, Lampasas, Texas.
- V. Public hearing to receive citizen comments regarding approval, denial, or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for an accessory dwelling (garage apartment) in an area zoned Single Residential Family-6 “SF-6”, Lampasas County, Lampasas, Texas. The property is described as Block 39, A H Barnes Lots 5-6, commonly known as 208 E 5th Street, Lampasas, Texas.
- VI. Public hearing to receive citizen comments regarding approval, denial, or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for Portable Building Sales (outdoor display) in an area zoned Commercial “C”. The property is described as 3.15 acres of the Daniel Stanley Survey, Abstract No. 631; being all of lots 1 & 2 and part of lots 3 & 4, Block 14 and 0.41 acres of School Avenue of the S.J. Harrells Addition; commonly known as 1573 Barnes Street, Lampasas Texas, Lampasas County.
- VII. Public hearing to receive citizen comments regarding approval, denial, or approval with modification(s) the rezone the following tracts from Light Industrial to Multi-Family Residential-2 District “MF-2” (Apartments)
 - Tract One- .096 acre out of the John Burleson Survey, Abstract No. 42 Lampasas County, Texas and including a part of Seventh Street and Lots 5 & 6 Block 21, Old Town of Lampasas.
 - Tract Two- 0.32 acre out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Lots 6 & 7 and a part of the alley, Block 21, Old Town of Lampasas.

- Tract Three- 1.61 acres out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Elm Street, Lots 7 & 8 and a part of the alley, Block 21, Old Town of Lampasas.

- VIII. Public hearing to receive citizen comments regarding amendment to text of the City of Lampasas Zoning Regulations:
1. Section 31.3 -Planned Development Requirements to allow minimum tract area of 2 acres for a single podium structure
 2. Section A.3. -Definitions- to define a podium structure as a multi-occupancy, multi-use horizontally separated building typically with more intense land uses on the lower floors and multi-family residential on higher floors. Other combinations of land-uses may be considered as part of a Planned Development
 3. Section 22.3 MF-2- Multi-Family Residential District (Apartments) to allow structure heights over 35 feet if part of a Planned Development, or no greater than 5 over 2 if a podium building.

REGULAR SESSION

- IX. Discussion and possible action regarding request from Mr. Eric McKellep to consider approval, denial, or approval with modification(s) the rezone of .27 acres from Retail “R” to Single Residential Family-6 “SF-6”, Lampasas County, Lampasas, Texas. The property is described as Block 39, A H Barnes Lots 5-6, commonly known as 208 E 5th Street, Lampasas, Texas.
- X. Discussion and possible action regarding request from Mr. Eric McKellep to consider approval, denial, or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for an accessory dwelling (garage apartment) in an area zoned Single Residential Family-6 “SF-6”, Lampasas County, Lampasas, Texas. The property is described as Block 39, A H Barnes Lots 5-6, commonly known as 208 E 5th Street, Lampasas, Texas.
- XI. Discussion and possible action regarding request from Mr. Jeff Depalma owner of LJD Sales to consider approval, denial or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for Portable Building Sales (outdoor display) in an area zoned Commercial “C”. The property is described as 3.15 acres of the Daniel Stanley Survey, Abstract No. 631; being all of lots 1 & 2 and part of lots 3 & 4, Block 14 and 0.41 acres of School Avenue of the S.J. Harrells Addition; commonly known as 1573 Barnes Street, Lampasas Texas, Lampasas County.
- XII. Discussion and possible action regarding request from Mr. Mike Irvin to consider approval, denial, or approval with modification(s) the rezone the following tracts from Light Industrial to Multi-Family Residential-2 District “MF-2” (Apartments)
- Tract One- .096 acre out of the John Burleson Survey, Abstract No. 42 Lampasas County, Texas and including a part of Seventh Street and Lots 5 & 6 Block 21, Old Town of Lampasas.
 - Tract Two- 0.32 acre out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Lots 6 & 7 and a part of the alley, Block 21, Old Town of Lampasas.

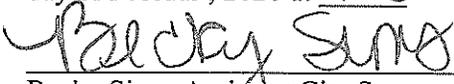
- Tract Three- 1.61 acres out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Elm Street, Lots 7 & 8 and a part of the alley, Block 21, Old Town of Lampasas.

XIII. Discussion and possible action regarding approval of amendments to text of the Lampasas Zoning Regulations:

1. Section 31.3 -Planned Development Requirements to allow minimum tract area of 2 acres for a single podium structure
2. Section A.3. -Definitions- to define a podium structure as a multi-occupancy, multi-use horizontally separated building typically with more intense land uses on the lower floors and multi-family residential on higher floors. Other combinations of land-uses may be considered as part of a Planned Development
3. Section 22.3 MF-2- Multi-Family Residential District (Apartments) to allow structure heights over 35 feet if part of a Planned Development, or no greater than 5 over 2 if a podium building.

XIV. Adjourn

I, Becky Sims, Assistant City Secretary of the City of Lampasas, Texas, do hereby certify that this Notice of Meeting was posted on the bulletin board/front window of City Hall, 312 East Third Street, Lampasas, Texas, at a place readily accessible to the general public at all times, on the 27th day of February, 2020 at 4:15



Becky Sims, Assistant City Secretary

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NOTICE OF PUBLIC HEARINGS

HEARING DATES/TIMES:

PLANNING AND ZONING COMMISSION: March 5, 2020 6:00 p.m.

CITY COUNCIL: March 9, 2020 - 6:00 P.M.

**HEARING(S) LOCATION: CITY COUNCIL CHAMBERS
302 E THIRD STREET, LAMPASAS, TEXAS**

The Planning and Zoning Commission of the City of Lampasas, Texas will hold public hearings on the following items:

- Mr. Eric McKellup is asking the City of Lampasas Planning and Zoning Commission and City Council to consider approval, denial, or approval with modification(s) the rezone of .27 acres from Retail "R" to Single Residential Family-6 "SF-6", Lampasas County, Lampasas, Texas. The property is described as Block 39, A H Barnes Lots 5-6, commonly known as 208 E 5th Street, Lampasas, Texas.
- Mr. Eric McKellup is asking the City of Lampasas Planning and Zoning Commission and City Council to consider approval, denial, or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for an accessory dwelling (garage apartment) in an area zoned Single Residential Family-6 "SF-6", Lampasas County, Lampasas, Texas. The property is described as Block 39, A H Barnes Lots 5-6, commonly known as 208 E 5th Street, Lampasas, Texas.
- Mr. Jeff Depalma owner of LJD Sales is asking the City of Lampasas Planning and Zoning Commission and City Council to consider approval, denial or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for Portable Building Sales (outdoor display) in an area zoned Commercial "C". The property is described as 3.15 acres of the Daniel Stanley Survey, Abstract No. 631; being all of lots 1 & 2 and part of lots 3 & 4, Block 14 and 0.41 acres of School Avenue of the S.J. Harrells Addition; commonly known as 1573 Barnes Street, Lampasas Texas, Lampasas County.
- Amendment to Text of Zoning Regulations:
 1. Section 31.3 to allow minimum tract area of 2 acres for a single podium structure
 2. Section A.3. Definitions- to define a podium structure as a multi-occupancy, multi-use horizontally separated building typically with more intense land uses on the lower floors and multi-family residential on higher floors. Other combinations of land-uses may be considered as part of a Planned Development
 3. Section 22.3 to allow structure heights over 35 feet if part of a Planned Development, or no greater than 5 over 2 if a podium building.
- Mr. Mike Irvin is asking the City of Lampasas Planning and Zoning Commission and City Council to consider approval, denial, or approval with modification(s) the rezone the following tracts from Light Industrial to Multi-Family Residential-2 District "MF-2" (Apartments)
 - Tract One- .096 acre out of the John Burleson Survey, Abstract No. 42 Lampasas County, Texas and including a part of Seventh Street and Lots 5 & 6 Block 21, Old Town of Lampasas.
 - Tract Two- 0.32 acre out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Lots 6 & 7 and a part of the alley, Block 21, Old Town of Lampasas.
 - Tract Three- 1.61 acres out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Elm Street, Lots 7 & 8 and a part of the alley, Block 21, Old Town of Lampasas.

The purpose of the public hearing noted herein is to allow members of the public who may be affected by these items to voice their views to the Planning and Zoning Commission. The first public hearing will be held on March 5, 2020 at 6:00 P.M. in the City Council Chambers located at 302 E Third Street, Lampasas, Texas, before a recommendation is made to the City Council on the items listed above.

The City Council will hold a public hearing on the above-referenced items on March 9, 2020 at 6:00 P.M. in the City Council Chambers located at 302 E Third Street, Lampasas, Texas.

All persons interested in the above referenced items and potential actions are invited to attend the public hearings and to provide their comments at the times and places referenced above. Comments may also be submitted *in writing* to the Assistant City Secretary's office, no later than 12 Noon on the date of either public hearing referenced in this public notice, at the following address: 312 East Third Street, Lampasas, Texas 76550. For additional information, please contact Becky Sims, Assistant City Secretary/Zoning Administrator at (512) 556-6831 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

City of Lampasas
 Planning and Zoning Board
 Staff Report
 (208 East 5th Street)

Subject Property	The property is described as .27 acres in Block 39, A H Barnes Lots 5-6, commonly known as 208 E 5 th Street, Lampasas, Texas.
Request	The property owner is requesting to rezone the property from Retail “R” to Single Residential Family-6 “SF-6 and to request a Specific Use Permit (SUP) to allow for an accessory dwelling (garage apartment).
Current Zoning	The Property is currently zoned Retail “R”
Character	The area is characterized as mixed use, the property is surrounded by single family homes, businesses and retail.
Notification	All notifications and publications, as required by Ordinance and Statute, have been made. Staff mailed thirty-six (36) notices to property owners within 200 feet of the applicant’s property, and to date have received three (3) in favor of the request.
Consideration	In making a determination for a change of Zoning the Planning and Zoning Board, and the City Council shall consider the factors outlined in Section 10 and Section 34, City of Lampasas Zoning Regulations.
Recommendation	<p>If the Planning and Zoning Board and the City Council find the request in compliance with Section 10 to rezone the property and Section 34 for the Specific Use Permit , City of Lampasas Zoning Regulations and, that there will be no adverse impact to the neighborhood; the zoning of the tract is currently unsuitable; and that the change of zoning bears a relationship to public health, safety, morals or general welfare of the community, then a motion to approve the change of zoning and Specific Use Permit may be made.</p> <p>If the Planning and Zoning Board and the City Council find that the request is not in compliance with Section 10 and Section 34, City of Lampasas Zoning Regulations, then a motion to deny the request may be made. The Planning and Zoning Board should also consider adverse impacts of any other permitted land use in the Single Residential Family District.</p> <p>The zoning change is reasonable and would not have a negative impact on the surrounding neighborhood.</p>



#250 app fee
- Publication & certified letters fee

ANTICIPATED MEETING DATES: P&Z: March 5 City Cou
DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (re

CITY OF LAMPASAS
***** REPRINT RECEIPT*****

Application Type:

- Initial Zoning (newly annexed property)
- Rezoning (property currently zoned)
- Planned Development (PD) - see Zoning Ordinance for special requirements and
- Specific Use Permit (SUIP) - see Zoning Ordinance for special requirements and

REC#: 01195716 1/30/2020 1:12 PM
OPER: MG1 TERM: 069
REF#: 1049

TRAN: 210.0000 PERMITS & LICENSES
MCKELLEP
MARCH 5
PLANNING & ZONING F 250.00CR

TENDERED: 250.00 CHECK
APPLIED: 250.00-
CHANGE: 0.00

Name of Subdivision or Project: _____
Physical Location of Property: 208 E. 5TH AVE LAMPASAS
[General Location -- approximate distance to nearest existing street corner]
Brief Legal Description of Property (must also attach accurate metes and bounds d
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
Acreage: .27 Existing Zoning: RETAIL Pr

Applicant / Owner's Name: ERIC MCKELLEP
Contact Person: SAMS Title: OWNER
Company Name: _____
Street/Mailing Address: 2439 C.R. 1025 City: LAMPASAS State: TX Zip: 76550
Phone: (512) 734-2254 Fax: _____ Email Address: ericcarter1962@gmail.com

Engineer / Representative's Name: _____
Contact Person: _____ Title: _____
Company Name: _____
Street/Mailing Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ Email Address: _____

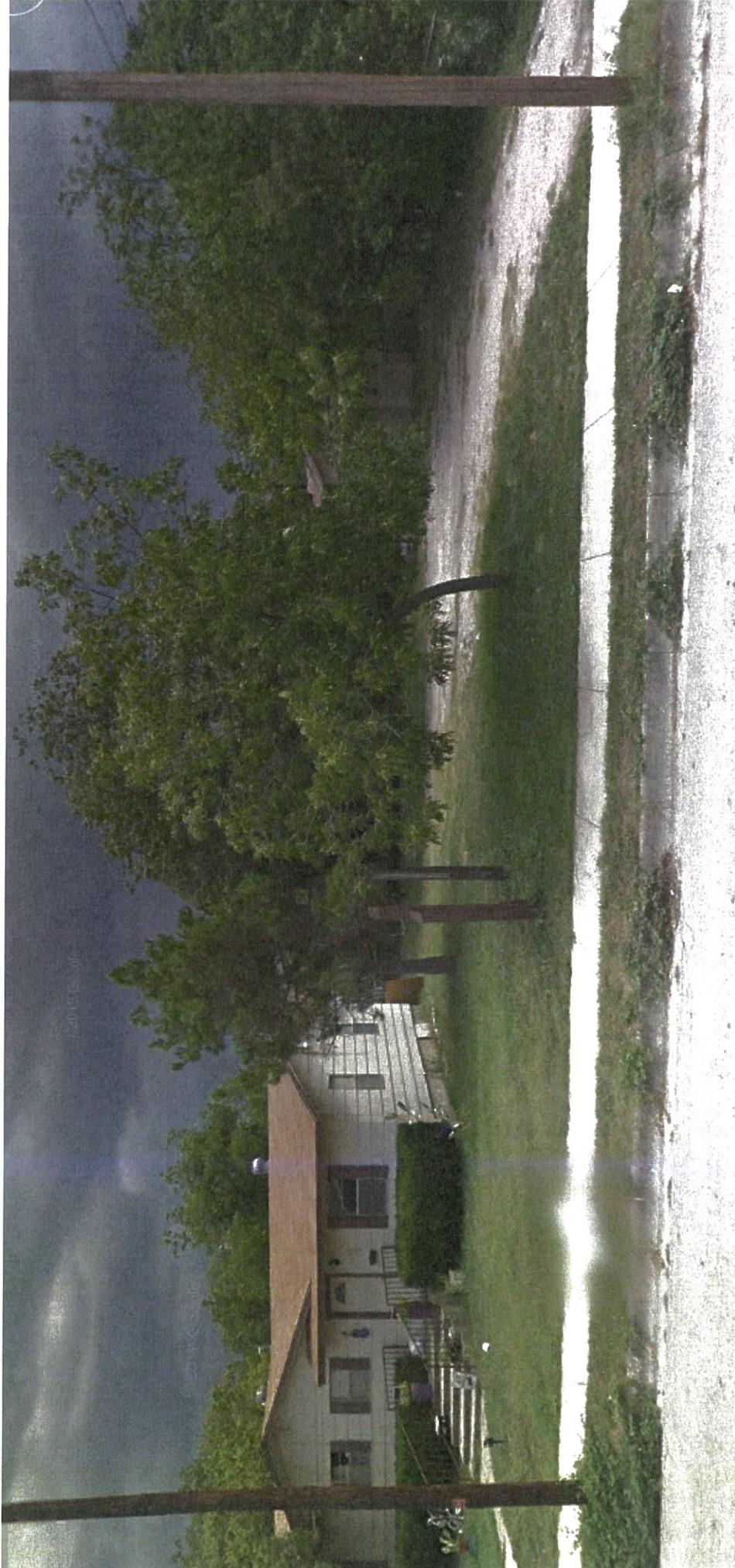
Nature of Request/Proposed Use of the Property: WE WOULD LIKE TO BUILD A GARAGE W/ ATTACHED ADU (16X24 = 384 SF) TO BE USED AS ADDITIONAL LIVING AREA. THIS IS A LARGE (.27 ACRE DOUBLE LOT AND DOES NOT HAVE A GARAGE OR CARPORT. USABLE

SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE. (All zoning applications must be advised in the newspaper, and notices must be mailed to all property owners within 200 feet of the subject property. Please contact City staff in advance for submittal deadlines.)
All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.
All application materials (one copy) must be delivered to the City's Planner. The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials to the City's Planner may result in delays scheduling the development application for a P&Z agenda. The City will invoice the applicant for all consulting fees (by City's Planner, Engineer, Attorney, etc.) incurred for City review of this project.
Notice of Public Records. The submission of plans/drawings with this application makes such items public record, and the applicant understands that they may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

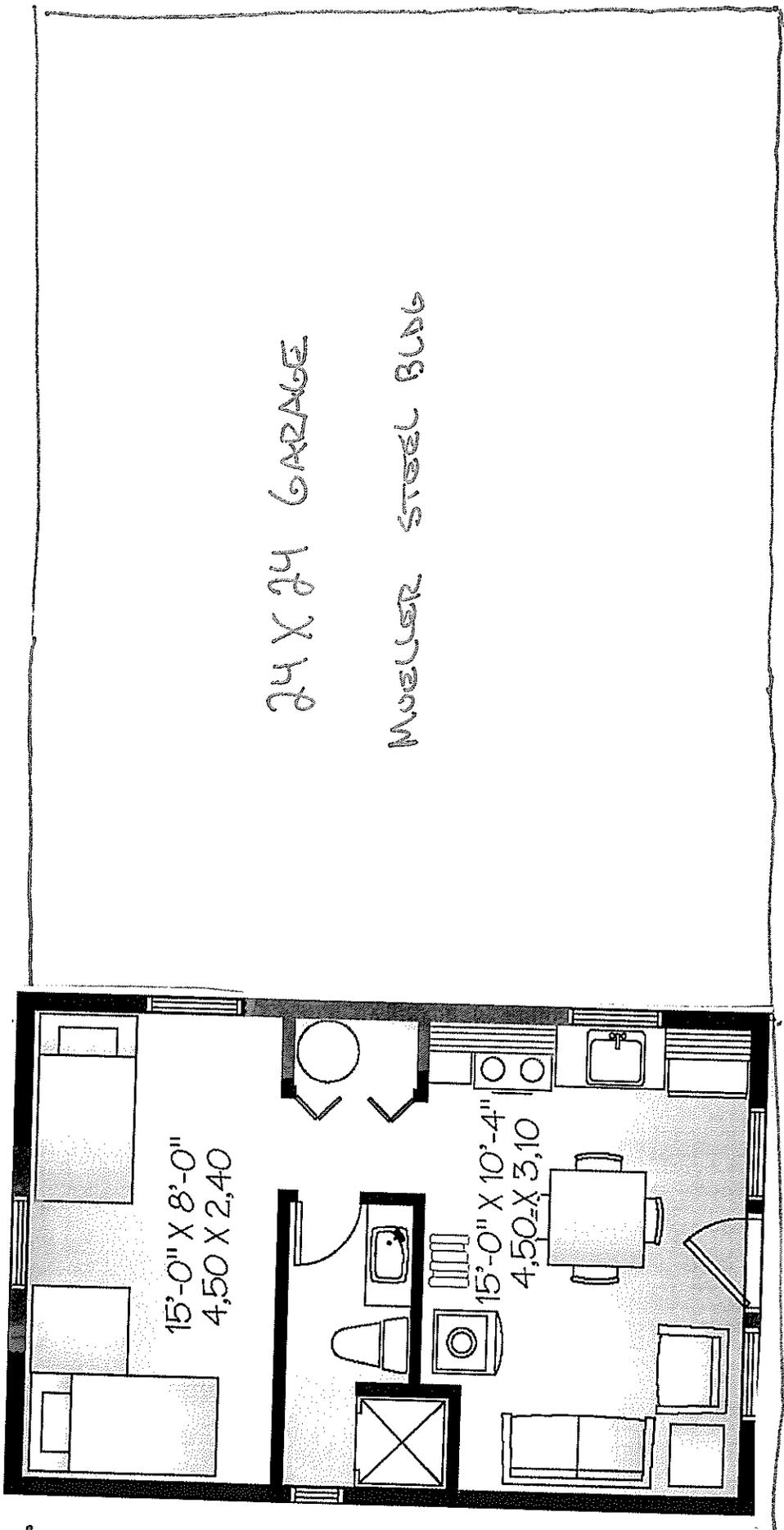
I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: [Signature] Title: OWNER/BUILDER Date: 1/30/2020

Office Use Only: Date Rec'd _____ Fees Paid:\$ _____ Check #: _____ Accepted By: _____



↑
Proposed location
for GARAGE w/ Apt.



24 X 24 GARAGE
 MUELLER STEEL BLDG

15'-0" X 8'-0"
 4,50 X 2,40

15'-0" X 10'-4"
 4,50 X 3,10

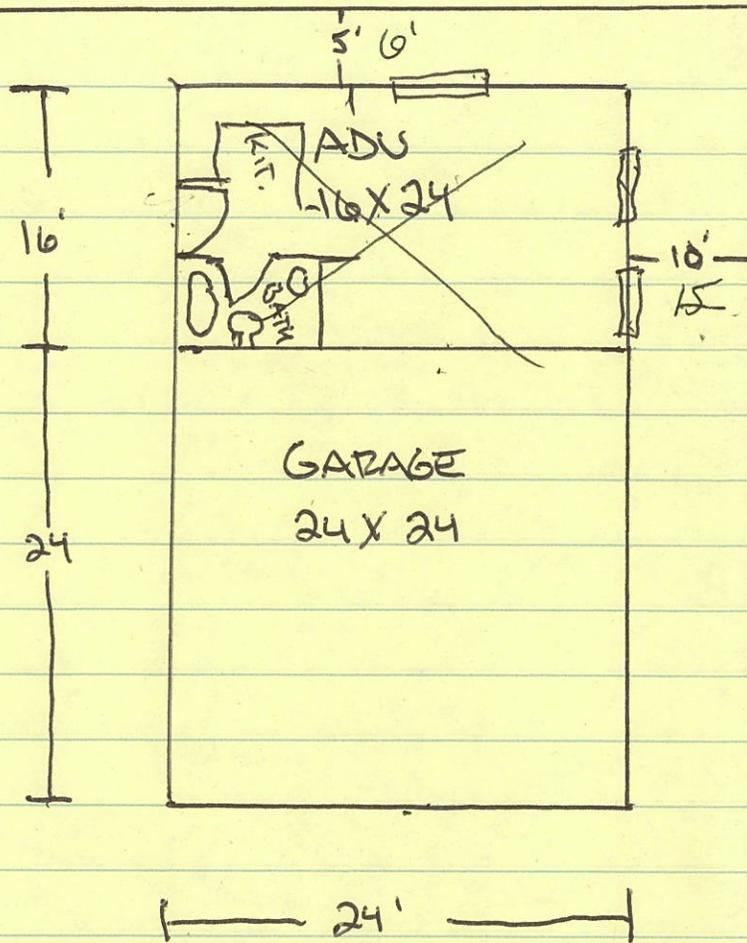
4'-0"
 1,2 m

16'-0"
 4,8 m

ERIC McKELLEN
208 E. 5TH AVE

(510) 734-2254

* NEW CONSTRUCTION
CODE COMPLIANT



** NOTES: NO ADDITIONAL METER
TIED INTO EXISTING SEWER LINE
ELECTRICAL SUBPANEL AFFIXED TO GARAGE
WATER/ELEC SERVICE FROM EXISTING HOUSE

WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(McKellep Rezone Request)

I own 611 S. Main St., [address] in Lampasas, Texas.

At this time, I (do) or (do not) plan to attend the Public Hearing noted above.

Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.

As a property owner who may be affected by the requested change, I want the Board to know that I, (protest) or (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

- (1) _____
- (2) _____
- (3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Glenda Conklin Date 2-21, 2020

Written Form Received by City Staff on: 2-21, 2020 by BSM.

WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(McKellep Specific Use Permit Request)

I own 611 S. Main St., [address] in Lampasas, Texas.

At this time, I (do) or (do not) plan to attend the Public Hearing noted above.

Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.

As a property owner who may be affected by the requested change, I want the Board to know that I, (protest) or (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

- (1) _____
- (2) _____
- (3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Alenda Conkter Date 2-21, 2020

Written Form Received by City Staff on: 2-21, 2020 by B. Sims.

WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(McKellep Rezone Request)

I own 604 S. WESTERN, [address] in Lampasas, Texas.

At this time, I _____ (do) or _____ (do not) plan to attend the Public Hearing noted above.

Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.

As a property owner who may be affected by the requested change, I want the Board to know that I, _____ ~~(protest)~~ or (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

- (1) _____
- (2) _____
- (3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Molly Patterson Date 2/25, 2020

2.25.20 *BSM*

Written Form Received by City Staff on: _____, 20____ by _____.

WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(McKellep Specific Use Permit Request)

I own 604 S. WESTERN, [address] in Lampasas, Texas.

At this time, I _____ (do) or _____ (do not) plan to attend the Public Hearing noted above.

Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.

As a property owner who may be affected by the requested change, I want the Board to know that I, _____ (protest) or (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

(1) _____

(2) _____

(3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Melissa Patterson Date 2/25, 2020

2.25.20
BSLB

Written Form Received by City Staff on: _____, 20____ by _____.

WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(McKellep Rezone Request)

I own CLOUD BUILDING AT 506-508 WESTERN AVE, [address] in Lampasas, Texas.

At this time, I _____ (do) or (do not) plan to attend the Public Hearing noted above.

Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.

As a property owner who may be affected by the requested change, I want the Board to know that I, _____ (protest) or (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

(1) _____

(2) _____

(3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Scott Cloud Date 2-14-, 2020

Written Form Received by City Staff on: 2-18, 2020 by BSP.

WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(McKellep Specific Use Permit Request)

I own CLOUD BUILDING 506-508 WESTERN AVE., [address] in Lampasas, Texas.

At this time, I _____ (do) **or** (do not) plan to attend the Public Hearing noted above.

Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.

As a property owner who may be affected by the requested change, I want the Board to know that I, _____ (protest) or (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

(1) _____

(2) _____

(3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Scott Cloud Date 2-14, 2020

Written Form Received by City Staff on: 2-18- 2020 by BSM

ORDINANCE NO. _____

AN ORDINANCE GRANTING A REQUEST TO REZONE PROPERTY, AND ORDERING A CHANGE TO ORDINANCE NO. 878 AND THE ACCOMPANYING CITY OF LAMPASAS' ZONING MAP, AS AMENDED, TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 208 EAST FIFTH STREET SPECIFICALLY BEING .27 ACRES OF THE A H BARNES SURVEY, BLOCK 39, LOTS 5-6, OF LAMPASAS, TEXAS, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF LAMPASAS, FROM RETAIL "R" ZONING DISTRICT, TO SINGLE FAMILY-RESIDENTIAL 6 "SF-6"; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Eric McKellup, Owner/Applicant, submitted a request to rezone property legally described as being .27 Acres of the A H Barnes, Block 39, lots 5-6 of Lampasas, Texas, which is generally located at 208 East Fifth Street, Lampasas, Texas, Lampasas County (the "Property") that is currently located in and zoned as Retail 'R' Zoning District, and which Applicant seeks to have rezoned to Single Family Residential-6 "SF-6"; and

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of rezoning request was provided to all property owners located within two hundred feet (200') of the Property; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice was provided as required by law, and a public hearing was held on March 5, 2020, by the Lampasas Planning & Zoning Commission, regarding this rezoning request by the Owner/Applicant; and

WHEREAS, upon due consideration, the Lampasas Planning & Zoning Commission recommended approval of the Applicant's request for rezoning of the Property from "R" to "SF-6"; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice was provided as required by law, and a public hearing was held on March 9, 2020, by the City Council, regarding the rezoning request by the Owner/Applicant and the Planning & Zoning Commission's recommended approval of same; and

WHEREAS, after consideration of the information presented, the City Council finds that it is in the public interest to approve the rezoning request of Applicant.

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

Part 1: The Property, legally described as being .27 Acres of the A H Barnes Survey, Block 39, Lots 5-6 of Lampasas, Texas, which is generally located at 208 East Fifth Street, Lampasas, Texas, Lampasas County, shall be rezoned from the current designation of

Retail “R” Zoning District, to become henceforth designated and zoned as Single Family Residential-6 “SF-6”.

Part 2: The City’s staff shall take actions necessary to reflect this revision related to the zoning designation of this Property in City documentation, including a change to the City’s Zoning map.

Part 3: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City’s Charter, Code of Ordinances, and the laws of State of Texas.

Passed and approved the first reading on the 9th day of March, 2020

Passed and adopted on the second reading on the 23rd day of March, 2020.

APPROVED:

ATTEST:

Misti Talbert, Mayor

Christina Marez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown
City Attorney’s Signature of Approval Attached on Separate Page.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A REQUEST FOR A SPECIFIC USE PERMIT TO ALLOW FOR AN ACCESSORY DWELLING (GARAGE APARTMENT) IN AN AREA ZONED SINGLE RESIDENTIAL FAMILY-6 "SF-6" A H BARNES, BLOCK 39, LOTS 5-6, SPECIFICALLY LOCATED AT 208 EAST FIFTH STREET, LAMPASAS, TEXAS LAMPASAS COUNTY, DETAILING RESTRICTIONS RELATED THERETO; ORDERING A CHANGE TO ORDINANCE NO. 878 AND THE ACCOMPANYING CITY OF LAMPASAS' ZONING MAP REFLECTING SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mr. Eric McKellep, property owner, filed a request for a Specific Use Permit for property described as Single Residential Family-6 "SF-6" A H Barnes Addition, Block 39, Lots 5-6, specifically located at 208 East Fifth Street, Lampasas, Texas, Lampasas County; and

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the Specific Use Permit request was given to all property owners located within two hundred feet (200') of the property; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice has been given, and a public hearing was held on March 5, 2020, by the Planning & Zoning Commission regarding the request for a Specific Use Permit by the Applicant; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice has been given, and a public hearing was held on March 9, 2020, by the City Council regarding the request for a Specific Use Permit by the Applicant; and

WHEREAS, the City Council finds that it is in the public interest to approve the requested Specific Use Permit to allow for a "Garage/Accessory Dwelling" located in an area zoned Single Family Residential-6 "SF-6".

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

Part 1: That the Specific Use Permit requested by Mr. Eric McKellep, property owner, for property described as Block 39, Lots 5-6, A H Barnes addition specifically located at 208 East Fifth Street, Lampasas, Texas Lampasas County to allow for "Garage/Accessory Dwelling" in an area zoned Single Family Residential-6 "SF-6" is hereby approved.

Part 2: The City's staff shall take actions necessary to reflect this revision in City documentation, including a change to the City's Zoning map.

Part 3: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

Passed and approved the First Reading on the 9th day of March, 2020.

Passed and Adopted on the Second Reading on the 23rd day of March, 2020.

APPROVED:

ATTEST:

Misti Talbert, Mayor

Christina Marez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney
[Signature of Attorney Provided on Separate Page, to be Attached]

City of Lampasas
Planning and Zoning Board
Staff Report
(1573 Barnes)

DEPALMA

Subject Property	The property is described as 3.15 acres of the Daniel Stanley Survey, Abstract No. 631; being all of lots 1 & 2 and part of lots 3 & 4, Block 14 and 0.41 acres of School Avenue of the S.J. Harrells Addition; commonly known as 1573 Barnes Street, Lampasas Texas, Lampasas County.
Request	The property owner is applying for a Specific Use Permit (SUP) to allow for Portable Building Sales (outdoor display) in a n area zoned Commercial “C”
Current Zoning	The Property is currently zoned Commercial “C”
Character	The area is characterized as mixed use, the property is surrounded by single family homes, businesses, and undeveloped land
Notification	All notifications and publications, as required by Ordinance and Statute, have been made. Staff mailed ten (10) notices to property owners within 200 feet of the applicant’s property, and to date have received one (1) in favor of the request.
Consideration	In making a determination for a change of Zoning the Planning and Zoning Board, and the City Council shall consider the factors outlined in Section 34, City of Lampasas Zoning Regulations.
Recommendation	<p>If the Planning and Zoning Board and the City Council find the request in compliance with Section 34, City of Lampasas Zoning Regulations and, that there will be no adverse impact to the neighborhood; the zoning of the tract is currently unsuitable; and that the change of zoning bears a relationship to public health, safety, morals or general welfare of the community, then a motion to approve the Specific Use Permit may be made.</p> <p>If the Planning and Zoning Board and the City Council find that the request is not in compliance with Section 34, City of Lampasas Zoning Regulations, then a motion to deny the request may be made. The Planning and Zoning Board should also consider adverse impacts of any other permitted land use in the Commercial District.</p> <p>The zoning change is reasonable and would not have a negative impact on the surrounding neighborhood.</p>

10 screw



ANTICIPATED MEETING DATES: P&Z: March 5 City Council
DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (re

Application Type:

- Initial Zoning (newly annexed property)
- Rezoning (property currently zoned)
- Planned Development (PD) - see Zoning Ordinance for special requirements and
- Specific Use Permit (SUIP) - see Zoning Ordinance for special requirements and

Name of Subdivision or Project: Daniel Stanley Survey Abstract No. 631

Physical Location of Property: 1573 Barnes St & Hwy 183
[General Location -- approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate metes and bounds de
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Acreage: 3.15 Existing Zoning: Commercial Pro

Applicant / Owner's Name: Lorraine & Jeff DePalma

Contact Person: Jeff DePalma Title: Owner

Company Name: LJD Sales

Street/Mailing Address: 1573 Barnes St City: Lampasas State: TX Zip: 76701

Phone: 512-755-0598 Fax: _____ Email Address: rjdepalma1@gmail.com

Engineer / Representative's Name: _____

Contact Person: _____ Title: _____

Company Name: _____

Street/Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email Address: _____

Nature of Request/Proposed Use of the Property: display portable buildings that are on
skids to be moved around

SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE. (All zoning applications must be advised in the newspaper, and notices must be mailed to all property owners within 200 feet of the subject property. Please contact City staff in advance for submittal deadlines.)

All applications must be **COMPLETE** before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.

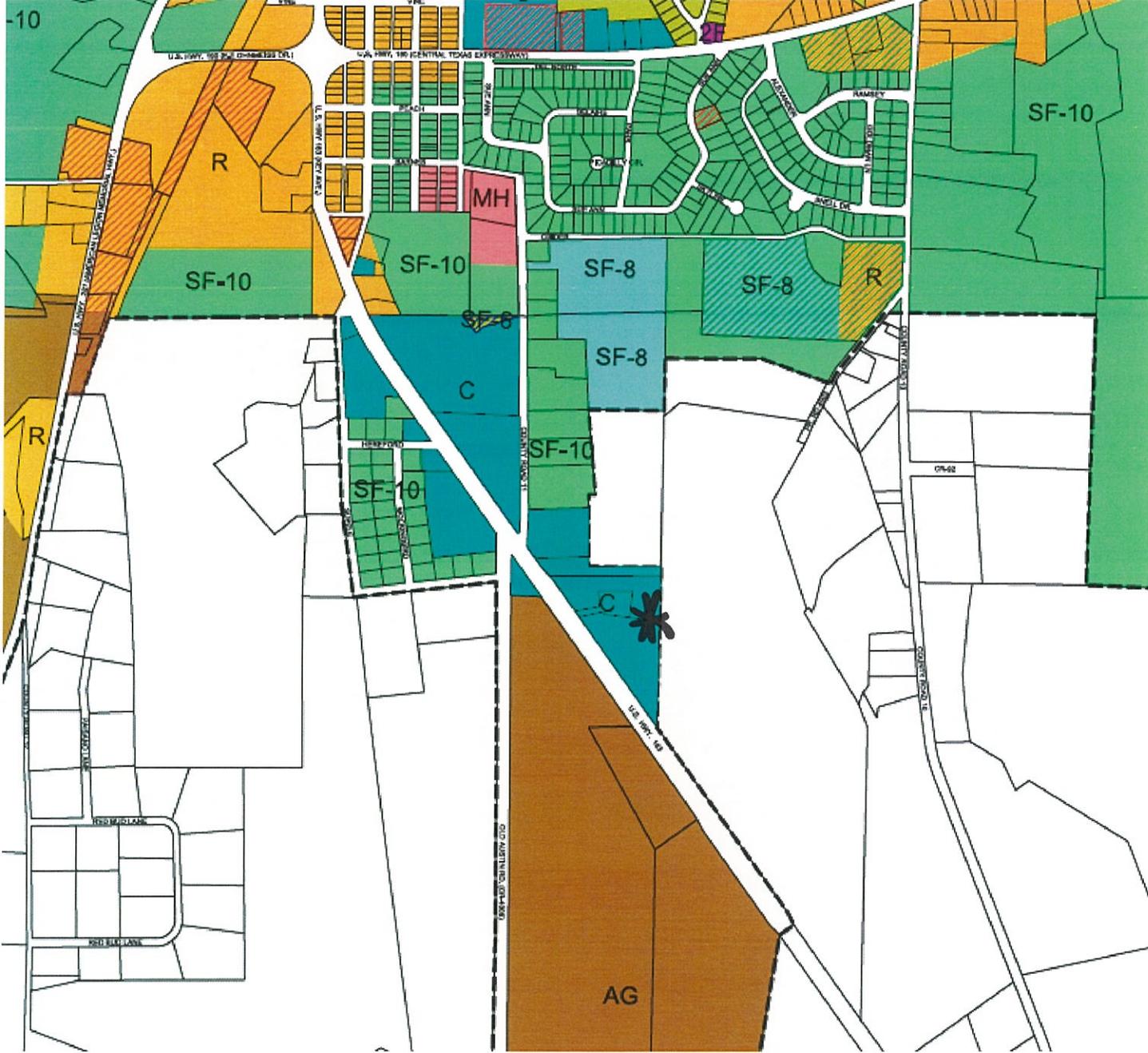
All application materials (one copy) must be delivered to the City's Planner. The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials to the City's Planner may result in delays scheduling the development application for a P&Z agenda. The City will invoice the applicant for all consulting fees (by City's Planner, Engineer, Attorney, etc.) incurred for City review of this project.

Notice of Public Records. The submission of plans/drawings with this application makes such items public record, and the applicant understands that they may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: [Signature] Title: owner Date: 2-3-20

Office Use Only: Date Rec'd _____ Fees Paid:\$ _____ Check #: _____ Accepted By: _____



1573 BARNES



WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(DePalma Specific Use Permit Request)

I own 1465 BARNES STREET, [address] in Lampasas, Texas.

At this time, I (do) or (do not) plan to attend the Public Hearing noted above.

Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.

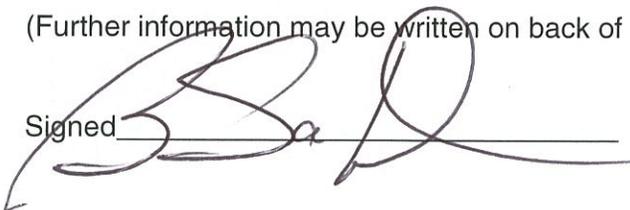
As a property owner who may be affected by the requested change, I want the Board to know that I, (protest) or (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

- (1) _____
- (2) _____
- (3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed  Date 2/14/2020, 20

Written Form Received by City Staff on: February 14, 2020 by Jick Towne.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A REQUEST FOR A SPECIFIC USE PERMIT TO ALLOW FOR PORTABLE BUILDING SALES (OUTDOOR DISPLAYS) IN AN AREA ZONED COMMERCIAL "C"; 3.15 ACRES OF THE DANIEL STANLEY SURVEY, ABSTRACT NO 631, BEING ALL OF LOTS 1 & 2 AND PART OF LOTS 3 & 4, BLOCK 14 AND 0.41 ACRES OF SCHOOL AVENUE OF THE S. J. HARRELLS ADDITION; COMMONLY KNOWN AS 1573 BARNES STREET, LAMPASAS, TEXAS LAMPASAS COUNTY, DETAILING RESTRICTIONS RELATED THERETO; ORDERING A CHANGE TO ORDINANCE NO. 878 AND THE ACCOMPANYING CITY OF LAMPASAS' ZONING MAP REFLECTING SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mr. Jeff DePalma, property owner, filed a request for a Specific Use Permit for property described in an area zoned Commercial "C" as 3.15 acres of the Daniel Stanley Survey, Abstract No. 631; being all of lots 1 & 2 and part of lots 3 & 4, Block 14 and 0.41 acres of School Avenue of the S.J. Harrells Addition; commonly known as 1573 Barnes Street, Lampasas Texas, Lampasas County.

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the Specific Use Permit request was given to all property owners located within two hundred feet (200') of the property; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice has been given, and a public hearing was held on March 5, 2020, by the Planning & Zoning Commission regarding the request for a Specific Use Permit by the Applicant; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice has been given, and a public hearing was held on March 9, 2020, by the City Council regarding the request for a Specific Use Permit by the Applicant; and

WHEREAS, the City Council finds that it is in the public interest to approve the requested Specific Use Permit to allow for a "Portable Building Sales (Outdoor Displays)" located in an area zoned Commercial "C"

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

Part 1: That the Specific Use Permit requested by Mr. Jeff DePalma property owner, for property described as 3.15 acres of the Daniel Stanley Survey, Abstract No. 631; being all of lots 1 & 2 and part of lots 3 & 4, Block 14 and 0.41 acres of School Avenue of the S.J. Harrells Addition; commonly known as 1573 Barnes Street, Lampasas Texas, Lampasas County to allow for " Portable Building Sales (Outdoor Displays)" in an area zoned Commercial "C" hereby approved.

Part 2: The City's staff shall take actions necessary to reflect this revision in City documentation, including a change to the City's Zoning map.

Part 3: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

Passed and approved the First Reading on the 9th day of March, 2020.

Passed and Adopted on the Second Reading on the 23rd day of March, 2020.

APPROVED:

ATTEST:

Misti Talbert, Mayor

Christina Marez, City Secretary

APPROVED AS TO FORM:

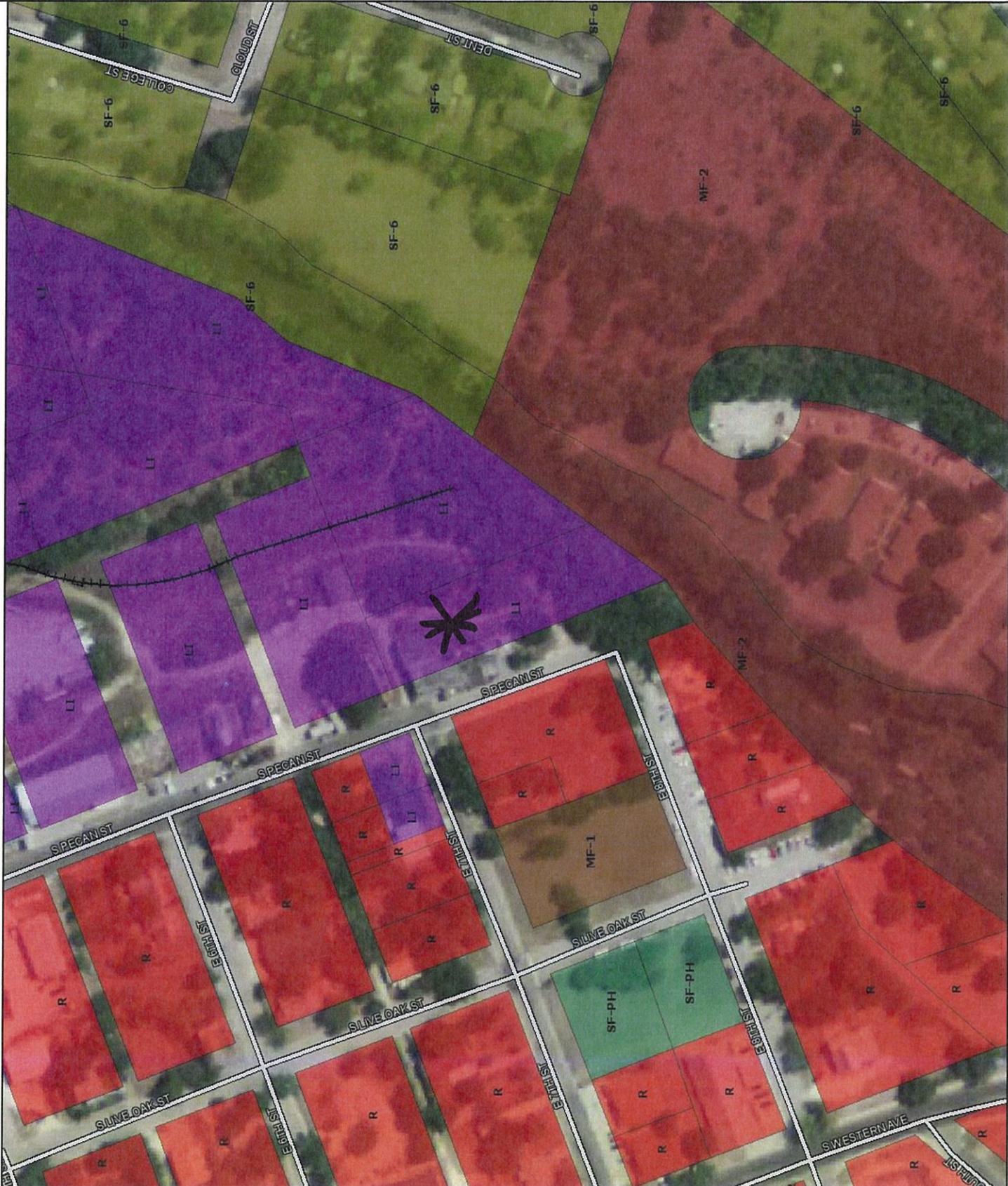
Jo-Christy Brown, City Attorney
[Signature of Attorney Provided on Separate Page, to be Attached]

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City of Lampasas
 Planning and Zoning Board
 Staff Report
 (707 S Pecan)

Subject Property	<p>The property is described as</p> <ul style="list-style-type: none"> • Tract One- .0.96 acre out of the John Burleson Survey, Abstract No. 42 Lampasas County, Texas and including a part of Seventh Street and Lots 5 & 6 Block 21, Old Town of Lampasas. • Tract Two- 0.32 acre out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Lots 6 & 7 and a part of the alley, Block 21, Old Town of Lampasas. • Tract Three- 1.61 acres out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Elm Street, Lots 7 & 8 and a part of the alley, Block 21, Old Town of Lampasas.
Request	<p>The property owner is requesting a change in zoning from Light Industrial to Multi-Family Residential-2 District “MF-2” (Apartments)</p>
Current Zoning	<p>The Property is currently zoned Light Industrial</p>
Character	<p>The area is characterized as mixed use, the property is surrounded by single family homes, multi-family homes and businesses</p>
Notification	<p>All notifications and publications, as required by Ordinance and Statute, have been made. Staff mailed eleven (11) notices to property owners within 200 feet of the applicant’s property, and to date have received one (1) in favor of the request.</p>
Consideration	<p>In making a determination for a change of Zoning the Planning and Zoning Board, and the City Council shall consider the factors outlined in Section 10, City of Lampasas Zoning Regulations.</p>
Recommendation	<p>If the Planning and Zoning Board and the City Council find the request in compliance with Section 10, City of Lampasas Zoning Regulations and, that there will be no adverse impact to the neighborhood; the zoning of the tract is currently unsuitable; and that the change of zoning bears a relationship to public health, safety, morals or general welfare of the community, then a motion to approve the zoning request may be made.</p> <p>If the Planning and Zoning Board and the City Council find that the request is not in compliance with Section 10, City of Lampasas Zoning Regulations, then a motion to deny the request may be made. The Planning and Zoning Board should also consider adverse impacts of any other permitted land use in the Commercial District.</p> <p>The zoning change is reasonable and would not have a negative impact on the surrounding neighborhood.</p>

Map



701 S.
PECAN

Data displayed were gathered by the City of Lampasas for municipal purposes. No guarantee is made regarding suitability for any other use or purpose.



112644



CITY OF LAMPASAS
CITY OF LAMPASAS
**** REPRINT RECEIPT****

ANTICIPATED MEETING DATES: P&Z: March 5 City Coun
DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (req)

- Application Type:**
- Initial Zoning (newly annexed property)
 - Rezoning (property currently zoned)
 - Planned Development (PD) - see Zoning Ordinance for special requirements and pr
 - Specific Use Permit (SUIP) - see Zoning Ordinance for special requirements and pr

RECH: 01197662 2/11/2020 3:23 PM
OPER: LCL TERM: 070
REF#: 1144

Name of Subdivision or Project: _____
Physical Location of Property: 207 PECAN STREET
 [General Location -- approximate distance to nearest existing street corner]
Brief Legal Description of Property (must also attach accurate metes and bounds desc:
 [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
Acreage: _____ **Existing Zoning:** _____ **Propc**

TRAN: 210.0000 PERMITS & LICENSES
ERWIN-PECAN
PLANNING & ZONING F 250.00CR

TENDERED: 250.00 CHECK
APPLIED: 250.00-
CHANGE: 0.00

Applicant / Owner's Name: MIKE & SONNIE IRVIN
Contact Person: MIKE IRVIN Title: CO-OP
Company Name: _____
Street/Mailing Address: P.O. BOX 1710 City: Lampasas State: TX Zip: 76550
Phone: 512 659 8859 Fax: _____ Email Address: irvinsteel@yahoo.com

Engineer / Representative's Name: BRAD SHAW
Contact Person: MIKE IRVIN Title: PRESIDENT
Company Name: IRVIN STEEL CONTRACTORS
Street/Mailing Address: P.O. BOX 1710 City: Lampasas State: TX Zip: 76550
Phone: 512 659 8859 Fax: _____ Email Address: irvinsteel@yahoo.com

Nature of Request/Proposed Use of the Property: _____

SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE. (All zoning applications must be advised in the newspaper, and notices must be mailed to all property owners within 200 feet of the subject property. Please contact City staff in advance for submittal deadlines.)
All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.
All application materials (one copy) must be delivered to the City's Planner. The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials to the City's Planner may result in delays scheduling the development application for a P&Z agenda. The City will invoice the applicant for all consulting fees (by City's Planner, Engineer, Attorney, etc.) incurred for City review of this project.
Notice of Public Records. The submission of plans/drawings with this application makes such items public record, and the applicant understands that they may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings) will be considered consent by the applicant that the general public may view and/or reproduce (i.e. copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: [Signature] Title: CO-OWNER Date: 2/11/2020

Office Use Only: Date Rec'd _____ Fees Paid: \$ 250.00 Check #: 1144 Accepted By: _____

WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(Irvin Rezone Request)

I own LOTS 1, 2+3 Pecan St. Replat, [address] in Lampasas, Texas.

At this time, I (do) or (do not) plan to attend the Public Hearing noted above.

Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.

As a property owner who may be affected by the requested change, I want the Board to know that I, (protest) or (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

- (1) THE ZONING REQUEST IS A BETTER FIT FOR THE AREA.
- (2) _____
- (3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Don Fran Date 2-24-2020, 20__

Written Form Received by City Staff on: 2-26-20, 20__ by BJM.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A REQUEST TO REZONE PROPERTY, AND ORDERING A CHANGE TO ORDINANCE NO. 878 AND THE ACCOMPANYING CITY OF LAMPASAS' ZONING MAP, AS AMENDED, TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 707 SOUTH PECAN STREET SPECIFICALLY BEING TRACT ONE .96 ACRE OUT OF THE JOHN BURLESON SURVEY, ABSTRACT NO 42, INCLUDING A PART OF SEVENTH STREET, LOTS 5 & 67 BLOCK 21, OLD TOWN OF LAMPASAS, TRACT TWO .32 ACRES OUT OF THE JOHN BURLESON SURVEY, ABSTRACT NO 42, INCLUDING A PART OF LOTS 6 & 7 AND A PART OF THE ALLEY, BLOCK 21, OLD TOWN OF LAMPASAS, TRACT THREE 1.61 ACRES OUT OF THE JOHN BURLESON SURVEY, ABSTRACT NO 42. AND INCLUDING PART OF SEVENTH STREET, ELM STREET LOTS 7 & 8 AND A PART OF THE ALLEY, BLOCK 21, OLD TOWN OF LAMPASAS, TEXAS, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF LAMPASAS, FROM LIGHT INDUSTRIAL ZONING DISTRICT, TO MULTI-FAMILY RESIDENTIAL "MF-2" (APARTMENTS); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mike and Sandra Irvin, Owner/Applicant, submitted a request to rezone property legally described as *Tract One*- .096 acre out of the John Burleson Survey, Abstract No. 42 Lampasas County, Texas and including a part of Seventh Street and Lots 5 & 6 Block 21, Old Town of Lampasas. *Tract Two*- 0.32 acre out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Lots 6 & 7 and a part of the alley, Block 21, Old Town of Lampasas. *Tract Three*- 1.61 acres out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Elm Street, Lots 7 & 8 and a part of the alley, Block 21, Old Town of Lampasas; which is generally located at 707 South Pecan Street, Lampasas, Texas, Lampasas County (the "Property") that is currently located in and zoned as Light Industrial Zoning District, and which Applicant seeks to have rezoned to Multi-Family Residential-2 District "MF-2" (Apartments), and

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of rezoning request was provided to all property owners located within two hundred feet (200') of the Property; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice was provided as required by law, and a public hearing was held on March 5, 2020, by the Lampasas Planning & Zoning Commission, regarding this rezoning request by the Owner/Applicant; and

WHEREAS, upon due consideration, the Lampasas Planning & Zoning Commission recommended approval of the Applicant's request for rezoning of the Property from Light Industrial "LI" to Multi-Family Residential-2 District "MF-2" (Apartments); and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice was provided as required by law, and a public hearing was held on

March 9, 2020, by the City Council, regarding the rezoning request by the Owner/Applicant and the Planning & Zoning Commission's recommended approval of same; and

WHEREAS, after consideration of the information presented, the City Council finds that it is in the public interest to approve the rezoning request of Applicant.

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

Part 1: The Property, legally described as *Tract One*- .0.96 acre out of the John Burleson Survey, Abstract No. 42 Lampasas County, Texas and including a part of Seventh Street and Lots 5 & 6 Block 21, Old Town of Lampasas. *Tract Two*- 0.32 acre out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Lots 6 & 7 and a part of the alley, Block 21, Old Town of Lampasas. *Tract Three*- 1.61 acres out of the John Burleson Survey, Abstract No. 42, Lampasas County, Texas and including part of Seventh Street, Elm Street, Lots 7 & 8 and a part of the alley, Block 21, Old Town of Lampasas; which is generally located at 707 South Pecan Street, Lampasas, Texas, Lampasas County shall be rezoned from the current designation of Light Industrial Zoning District, to become henceforth designated and zoned as Multi-Family Residential-2 District "MF-2" (Apartments)

Part 2: The City's staff shall take actions necessary to reflect this revision related to the zoning designation of this Property in City documentation, including a change to the City's Zoning map.

Part 3: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

Passed and approved the first reading on the 9th day of March, 2020

Passed and adopted on the second reading on the 23rd day of March, 2020.

APPROVED:

ATTEST:

Misti Talbert, Mayor

Christina Marez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown
City Attorney's Signature of Approval Attached on Separate Page.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF LAMPASAS ORDINANCE NO. 878 - THE CITY OF LAMPASAS ZONING ORDINANCE; SECTION 31 “PD-PLANNED DEVELOPMENT” SECTION 31.3 PLANNED DEVELOPMENT REQUIREMENTS D. REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lampasas is legally empowered to regulate land uses; and

WHEREAS, on March 5, 2020 after the required notice and public hearing on the proposed contextual changes, as set forth in Section 1 of this ordinance, the City of Lampasas Planning and Zoning Commission recommended that the City's Zoning Ordinance be amended, as set forth herein below; and

WHEREAS, on March 9, 2020, after providing the required public notice, the City Council of the City of Lampasas, Texas, conducted a public hearing on the proposed contextual changes to the City's Zoning Ordinance, as set forth in Section 1 of this ordinance, heard input from the attendees and considered same, and determined that the City's Code of Ordinance No. 878 should be amended as set forth herein.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS:

Section 1: That the Lampasas Zoning Ordinance Section 31.3 Planned Development Requirements D. The minimum acreage for a planned development request shall be three (3) acres is hereby amended to read as follows:

31.3 Planned Development

A) No Change

B) No Change

C) No Change

D) The minimum acreage for a planned development request shall be three (3) acres; unless it is a single podium structure then the minimum required acreage shall be two (2) acres.

Section 2: All provisions of the City of Lampasas' Zoning Ordinance not hereby amended shall remain in full force and effect. All Ordinances or parts of the ordinances of the City of Lampasas, Texas that are not consistent with or in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: It is hereby declared to be the intention of the City Council of the City of Lampasas, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any

court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

Section 4: This Ordinance shall become effective upon the final date of adoption noted below, with the penalty provisions contained herein, *if any*, to take effect and become enforceable by the City ten (10) days following the publication of the ordinance in the Lampasas Dispatch Record.

PASSED AND APPROVED ON FIRST READING ON THIS 9th DAY OF MARCH 2020.

PASSED AND ADOPTED ON SECOND READING ON THE 23RD DAY OF MARCH 2020

APPROVED:

ATTEST:

Mayor Misti Talbert

Christina Marez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney
[Signature of Attorney Provided on Separate Page to be attached]

OVERLAY AND SPECIAL DISTRICTS

Overlay and special prefix districts shall be used in conjunction with base zoning districts. In the use of the following overlay zoning classifications, the base district shall remain in effect if it is already in existence unless changed by zoning amendment. New base districts or changes in existing base districts may be requested at the same time overlay or special prefix districts are requested.

SECTION 31 PD -- PLANNED DEVELOPMENT DISTRICT

31.1 GENERAL PURPOSE AND DESCRIPTION:

- A. The City Council of the City of Lampasas, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development overlay district.
- B. The Planned Development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, retail, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

31.2 PERMITTED USES:

- A. An application for a PD district shall specify the base district and the use or the combination of uses proposed. Uses which may be permitted in a PD are specified in the Use Charts (Section 35) and must be specified if not permitted in the base district. In the case of residential PD districts for single-family or duplex categories, the proposed lot area shall be no smaller than the lot sizes allowed in the base zoning district except for minor changes in a small percentage of the lots in order to provide improved design. In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those allowed in the PD. PD designations shall not be attached to SUP requirements. Specific Use Permits allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval.

31.3 PLANNED DEVELOPMENT REQUIREMENTS:

- A. Development requirements for each separate PD district shall be set forth in the amending ordinance granting the PD district and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The base zoning district shall be stated in the granting ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete). The Planned

Development district shall conform to all other sections of the Ordinance unless specifically excluded in the granting ordinance.

- C. The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.
- D. The minimum acreage for a planned development request shall be three (3) acres; **unless it is a single podium structure than the minimum required acreage shall be two (2) acres.**

31.4 In establishing a Planned Development district in accordance with this Section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development district. To facilitate understanding of the request during the review and public hearing process, the Planning and Zoning Commission and City Council shall require a Conceptual Plan of the proposed project. A Detailed Site Plan may be submitted in lieu of the Conceptual Plan.

- A. **Conceptual or Concept Plan** - This plan shall be submitted by the applicant at the time of the PD request (for exceptions, see Section 31.5(D)). The plan shall show the applicant's intent for the use of the land within the proposed Planned Development district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s) which further describe and explain the following requirements:
 - 1. **Residential Concept Plan** - A Conceptual Plan for residential land use shall show general use, thoroughfares and preliminary lot arrangements. For residential development (such as multi-family) which does not propose individual platted lots, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, project scheduling, and other pertinent development data.
 - 2. **Nonresidential Concept Plan** - A Conceptual Plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Planning and Zoning Commission or City Council, may include but is not limited to the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios, project scheduling and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final Detailed Site Plan.
- B. **Detailed Site Plan** - This plan shall set forth the final plans for development of the Planned Development district and shall conform to the data presented and approved on the Conceptual Plan. Changes of detail on the Detailed Site Plan, which differ from the original Concept Plan, but do not alter the basic relationship of the proposed development to adjacent property, the uses permitted, or increase the density, building height or coverage of the site, the off-street parking ratio or reduce the yards provided at the boundary of the site, or does not significantly alter the landscape plans as indicated on the approved Conceptual Plan may be authorized by the Building Official. If an agreement cannot be reached regarding whether a Detailed Site Plan conforms to the original Concept Plan, the Planning and Zoning Commission shall review the request and render judgment as to the conformity. Approval of the Detailed Site Plan shall be the basis for issuance of a building permit, but does not release the applicant of the responsibility to submit plans to the Building Official for a building permit.

For any residential district, Agricultural through 2F, a preliminary plat may qualify as the Detailed Site Plan. The Detailed Site Plan may be submitted for the total area of the PD or for any sections or part as approved on the Conceptual Plan.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF LAMPASAS ORDINANCE NO. 878 - THE CITY OF LAMPASAS ZONING ORDINANCE; APPENDIX A-3 LAMPASAS ZONING DEFINITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lampasas is legally empowered to regulate land uses; and

WHEREAS, on March 5, 2020 after the required notice and public hearing on the proposed contextual changes, as set forth in Section 1 of this ordinance, the City of Lampasas Planning and Zoning Commission recommended that the City's Zoning Ordinance be amended, as set forth herein below; and

WHEREAS, on March 9, 2020, after providing the required public notice, the City Council of the City of Lampasas, Texas, conducted a public hearing on the proposed contextual changes to the City's Zoning Ordinance, as set forth in Section 1 of this ordinance, heard input from the attendees and considered same, and determined that the City's Code of Ordinance No. 878 should be amended as set forth herein.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS:

Section 1: That the Lampasas Zoning Definitions Appendix A-3 is hereby amended to read as follows:

Adding the following new definition:

***PODIUM STRUCTURE-** A multi-occupancy, multi-use horizontally separated building typically with more intense land uses on the lower floors and multi-family residential on higher floors. Other combinations of land-uses may be considered as part of a Planned Development*

Section 2: All provisions of the City of Lampasas' Zoning Ordinance not hereby amended shall remain in full force and effect. All Ordinances or parts of the ordinances of the City of Lampasas, Texas that are not consistent with or in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: It is hereby declared to be the intention of the City Council of the City of Lampasas, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the

same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

Section 4: This Ordinance shall become effective upon the final date of adoption noted below, with the penalty provisions contained herein, *if any*, to take effect and become enforceable by the City ten (10) days following the publication of the ordinance in the Lampasas Dispatch Record.

PASSED AND APPROVED ON FIRST READING ON THIS 9th DAY OF MARCH 2020.

PASSED AND ADOPTED ON SECOND READING ON THE 23RD DAY OF MARCH 2020

APPROVED:

ATTEST:

Mayor Misti Talbert

Christina Marez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney
[Signature of Attorney Provided on Separate Page to be attached]

216. **PLAYFIELD OR STADIUM (PRIVATE)** - An athletic field or stadium owned and operated by an agency other than the City of Lampasas or the Lampasas Independent School District.
217. **PODIUM STRUCTURE-** A multi-occupancy, multi-use horizontally separated building typically with more intense land uses on the lower floors and multi-family residential on higher floors. Other combinations of land-uses may be considered as part of a Planned Development
218. **PORTABLE BUILDING SALES (OUTDOOR DISPLAY)** - An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.
219. **PREMISES** - Land together with any buildings or structures situated thereon.
220. **PRIMARY USE** - The principal or predominant use of any lot or building.
221. **PRINCIPAL BUILDING** - See "Main Building".
222. **PRIVATE CLUB** - An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.
223. **PRIVATE RECREATION FACILITY OR PRIVATE PARK** - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.
224. **PRODUCE STAND** - A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site.
225. **PROFESSIONAL SERVICE** - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.
226. **PROPANE SALES** - Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.
227. **PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY** - Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Lampasas are defined as "Municipal Facility or Use".
228. **PUBLIC RECREATION** - Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in Chapter 6 of the City of Lampasas Code of Ordinances.
229. **PUBLIC VIEW** - Public view means areas that can be seen from any public street.
230. **RADIO, TELEVISION OR MICROWAVE TOWER** - See Antenna, Microwave Reflector & Antenna Support Structure (see also Section 41.5).

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ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF LAMPASAS ORDINANCE NO. 878 - THE CITY OF LAMPASAS ZONING ORDINANCE; SECTION 22 “MF-2 MULTI-FAMILY RESIDENTIAL-2 DISTRICT (APARTMENTS) SECTION 22.3 HEIGHT REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lampasas is legally empowered to regulate land uses; and

WHEREAS, on March 5, 2020 after the required notice and public hearing on the proposed contextual changes, as set forth in Section 1 of this ordinance, the City of Lampasas Planning and Zoning Commission recommended that the City's Zoning Ordinance be amended, as set forth herein below; and

WHEREAS, on March 9, 2020, after providing the required public notice, the City Council of the City of Lampasas, Texas, conducted a public hearing on the proposed contextual changes to the City's Zoning Ordinance, as set forth in Section 1 of this ordinance, heard input from the attendees and considered same, and determined that the City's Code of Ordinance No. 878 should be amended as set forth herein.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS:

Section I: That the Lampasas Zoning Ordinance Section 22.3 Height Regulations, A) Maximum Height- Three (3) stories for the main building including recreational buildings is hereby amended to read as follows:

22.3 HEIGHT REGULATIONS:

- A. Maximum Height - Three (3) stories for the main building including recreational buildings; however structures may exceed 35 feet if part of a Planned Development, or no greater than 5 over 2 if a podium building.*
- B. All accessory buildings shall be limited to one (1) story in height.

Section 2: All provisions of the City of Lampasas' Zoning Ordinance not hereby amended shall remain in full force and effect. All Ordinances or parts of the ordinances of the City of Lampasas, Texas that are not consistent with or in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: It is hereby declared to be the intention of the City Council of the City of Lampasas, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any

court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

Section 4: This Ordinance shall become effective upon the final date of adoption noted below, with the penalty provisions contained herein, *if any*, to take effect and become enforceable by the City ten (10) days following the publication of the ordinance in the Lampasas Dispatch Record.

PASSED AND APPROVED ON FIRST READING ON THIS 9th DAY OF MARCH 2020.

PASSED AND ADOPTED ON SECOND READING ON THE 23RD DAY OF MARCH 2020

APPROVED:

ATTEST:

Mayor Misti Talbert

Christina Marez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney
[Signature of Attorney Provided on Separate Page to be attached]

SECTION 22 MF-2 -- MULTI-FAMILY RESIDENTIAL-2 DISTRICT (APARTMENTS)

22.1 GENERAL PURPOSE AND DESCRIPTION:

The MF-2, Multi-Family Residential-2, district is an attached residential district intended to provide the highest residential density of twenty-five (25) dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

22.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
- 2. Multi-family dwelling greater than four (4) units per building.
- 3. Municipally-owned facilities and uses.
- 4. Leasing offices for the apartment complex.
- 5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Building Official. The specific time period allowed shall be specified by the Building Official upon issuance of a temporary structure permit, and site plan review and approval by the Building Official is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the Building Official.
- 6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined.
 - b. Covered parking areas.
 - c. Antennae (amateur or CB radio) or satellite dish antennae, as specified in Section 41.5.
- 7. Swimming Pool (private).
- 8. Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
- 9. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

22.3 HEIGHT REGULATIONS:

- A. **Maximum Height** - Three (3) stories for the main building including recreational buildings; **however structures may exceed 35 feet if part of a Planned Development, or no greater than 5 over 2 if a podium structure.**
- B. All accessory buildings shall be limited to one (1) story in height.

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