

PUBLIC NOTICE

City of Lockhart
Planning and Zoning Commission
7:00 PM, Tuesday, November 14, 2023
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 October 25, 2023 meeting.
4. **SUP-23-17.** Hold a PUBLIC HEARING and consider a request by Rafael Garnica Perez for a Specific Use Permit to allow a *Manufactured Home* in the RMD Residential Medium Density District on 0.12 acres known as Lot 7 of the Smith-Whitis Addition, located at 1102 Wichita Street.
5. Hold a PUBLIC HEARING and consider amending Chapter 64 “Zoning” of the Lockhart Code of Ordinances, as follows: Amend Article I, “In General,” Section 64-2 “Definitions;” Article VII. “Zoning Districts and Standards”, Section 64-166 “Planned Development District (PDD)”, Section 64-196 “Establishment of Zoning Districts.” Subsection (p) “Planned Development District (PDD),” and Section 64-199 “Additional requirements for Planned Development District,” to establish revised requirements for Planned Development District (PDD) applications.
6. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.
7. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 12:00 PM on the 2nd day of November, 2023.

**City of Lockhart
Planning and Zoning Commission
October 25, 2023**

MINUTES

Members Present: Philip Ruiz, Phil McBride, Bradley Lingvai, Rick Arnic, Ron Peterson, Julia Haug

Members Absent: Manuel Oliva

Staff Present: David Fowler, Evan Olszewski, Christine Banda

Visitors/Citizens Addressing the Commission: Susan Schneider, Joel Castro, Franciso Rangel, Mike Gurunath

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:00 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the October 11, 2023, meeting.

Commissioner Arnic moved to approve the October 11, 2023, minutes. Commissioner Lingvai seconded, and the motion passed by a vote of 6-0.

4. SUP-23-15. Hold a PUBLIC HEARING and consider a request by Bakers Signs & Manufacturing on behalf of Mohammed Ali Dhanani for a Specific Use Permit to allow a High-Profile Sign in the CHB Commercial Heavy Business District on 2.346 acres located at 1130 South Colorado Street.

Evan Olszewski presented the staff report. He said the applicant would like approval of a 29-foot ½-inch freestanding pylon sign for the Wendy's restaurant currently under construction. He also detailed the heights of nearby signs in his presentation. The proposed sign and its location were also described for the commissioners.

Chair Ruiz opened the public hearing.

Susan Schneider with Bakers Signs said that their client is requesting the higher height because they want the sign to be seen prior to approaching the intersection. She stated by contrast the Whataburger sign was hard to see from a distance due to its lower height.

Joel Castro said he is the project manager with Dezynd who is constructing the Wendy's sign. They have safety concerns with the lower medium profile height in regard to pedestrians and vehicles because of the lower height of the bottom of the main sign on the pole if 20 feet or less in height.

Francisco Rangel of 1204 South Commerce Street said the town is too small for big signs. He stated he is against the SUP.

Chair Ruiz closed the public hearing after seeing no other speakers.

Mr. Olszewski said that City staff recommends approval.

Commissioner McBride commented that just because we have a SUP process does not mean that every sign should be allowed to be high profile.

Commissioner Haug commented that she got a consensus from some local residents having asked them if they used signs to locate businesses and most said they did not.

Commissioner Peterson moved to approve SUP-23-15. Commissioner Lingvai seconded, and the motion failed to gain approval by a vote of 3-3 with Commissioners McBride, Haug, and Arnic against.

5. SUP-23-16. Hold a PUBLIC HEARING and consider a request by Mothafar Mahmoud on behalf of Realview Development LLC for a Specific Use Permit to allow the DF-2 Duplex Family 2 Development Type in the RMD Residential Medium Density District in the Byrd Lockhart League Subdivision, located at 715 East Live Oak Street.

Mr. Olszewski presented the staff report. He said the applicant is proposing a duplex that would front Sycamore with one unit and the other addressed on East Live Oak Street. The duplex would be connected by a breezeway. Each unit would have four bedrooms with a single garage and two driveway spaces, they would meet parking requirements.

Chair Ruiz opened the public hearing.

Mike Gurunath said he was here on behalf of the applicant to answer any questions.

There were no questions. Chair Ruiz closed the public hearing and moved to staff recommendation.

Mr. Olszewski said that staff recommended approval.

Commissioner Arnic moved to approve SUP-23-16. Commissioner Lingvai seconded, and the motion passed with a vote of 4-2 with Commissioner McBride and Haug against.

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

David Fowler said that their next meeting would be held on Tuesday, November 14th. An SUP, a text amendment for Planned Development Districts and a possible plat were anticipated for that meeting.

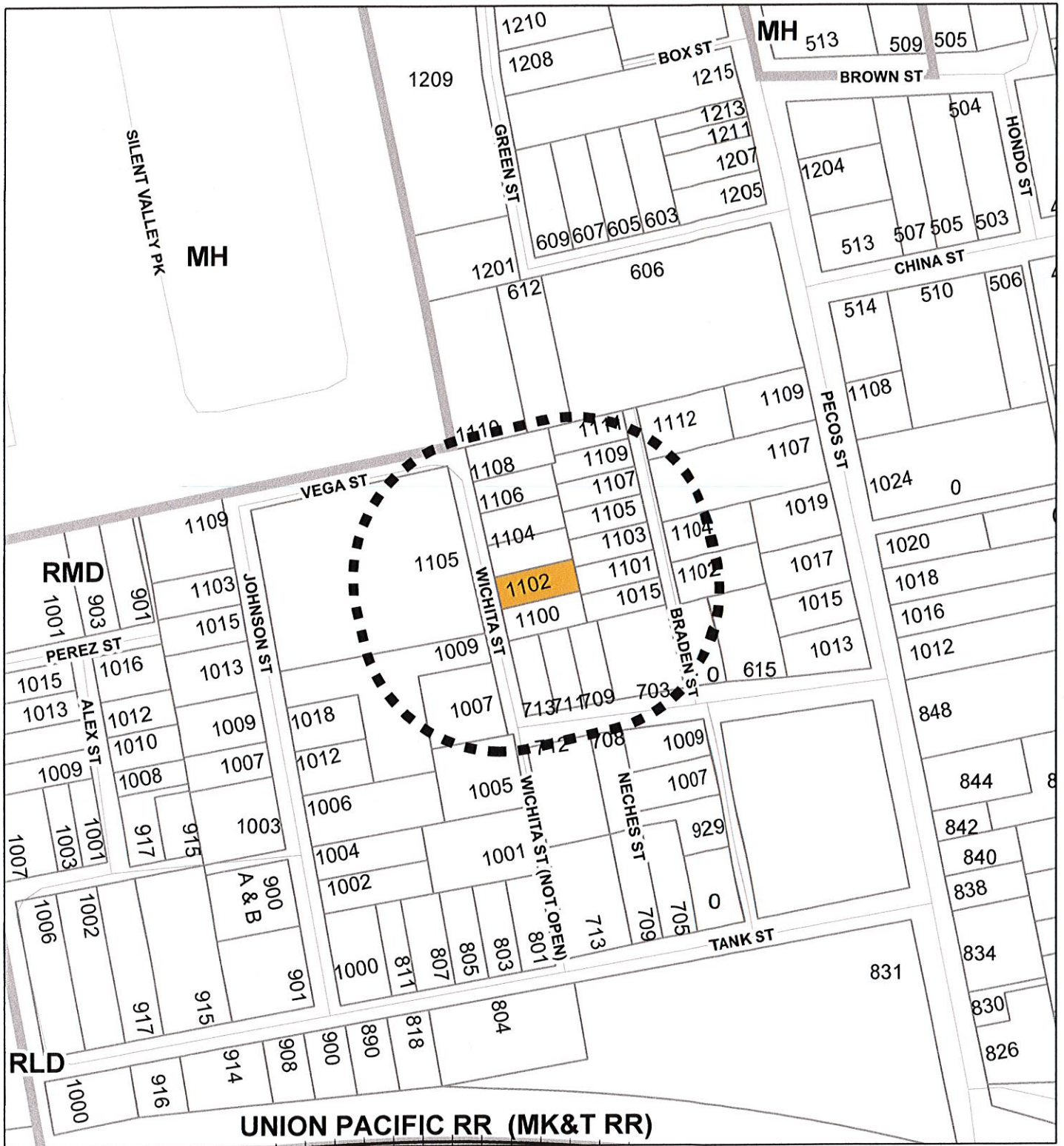
7. Adjourn.

Commissioner Peterson moved to adjourn, and Commissioner McBride seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:32 p.m.

Approved: _____
(date)

Christine Banda, Recording Secretary

Philip Ruiz, Chair



SUP-23-17

1102 WICHITA ST

MANUFACTURED HOME



SUBJECT PROPERTY



ZONING BOUNDARY



200 FT. BUFFER

scale 1" = 200'



TONKAWA TRL

COMANCHE TRL

KIOWA TRL

SILENT VALLEY PK

GREEN ST

BOX ST

BROWN ST

HONDO ST

RED RIVER ST

CHINA ST

PECOS ST

MESQUITE ST

BRADEN ST

WICHITA ST

VEGA ST

JOHNSON ST

ALEX ST

PEREZ ST

HUNTER ST

BRADEN ST

TANK ST

BIRCH ST

UNION PACIFIC RR (MK&T RR)



CASE SUMMARY

STAFF CONTACT: Evan Olszewski, Planner

CASE NUMBER: SUP-23-17

REPORT DATE: November 8, 2023

PUBLIC HEARING DATE: November 14, 2023

APPLICANT'S REQUEST: MH Manufactured Home Use

STAFF RECOMMENDATION: **Approval** if no significant opposition

SUGGESTED CONDITIONS: Approve reducing the side setbacks to the five-foot minimum

BACKGROUND DATA

APPLICANT(S): Rafaela Garnica Perez, Owner / Miguel Perez, Village Homes

OWNER(S): Rafaela Garnica Perez

SITE LOCATION: 1102 Wichita Street

LEGAL DESCRIPTION: Smith-Whitis Addition, Lot 7

SIZE OF PROPERTY: 0.12 acres

EXISTING USE OF PROPERTY: Vacant land

ZONING CLASSIFICATION: RMD Residential Medium Density

ANALYSIS OF ISSUES

CHARACTERISTICS OF PROPOSED USE: The subject property is zoned RMD Residential Medium Density and is located in a residential area north of the railroad tracks. The Applicant has submitted the request for the Specific Use Permit because the MH Manufactured Home use requires an SUP. The Manufactured Home use is only allowed by right in the MH Manufactured Home district and is permitted via SUP in the RMD and RHD districts. Manufactured homes where allowed or permitted are subject to the additional code requirements in Section 64-200.

The Applicant proposes to install a new manufactured home approximately 27 feet wide and 56 feet deep on the lot. The lot dimensions are approximately 46 feet by 114 feet, which will require the home to be placed with the long edge perpendicular to Wichita Street. The proposed manufactured home has three bedrooms and is approximately 1,500 square feet. It has two entrances: The primary entrance on the south side and a secondary entrance to the north.

NEIGHBORHOOD COMPATIBILITY: An RMD Residential Medium Density neighborhood abuts the property on all sides. Immediately across Wichita Street is a water detention pond owned by the City of Lockhart. There are CHB Commercial Heavy Business uses across the railroad track to the south, where Tank Town has its event venue. Further to the west of the property is an area zoned RLD Residential Low Density. Approximately 200 feet to the north of the property is a manufactured home park fronting on Silent Valley Road, which is designated for MH Manufactured Home uses. While the manufactured home park is nearby, there is no direct street access from Wichita Street to the park and a screening fence blocks pedestrian access and visual communication between the two areas.

The Land Use Plan shows that this property and its surroundings are intended for RMD Residential Medium Density development. The Thoroughfare Plan shows a future hike/bike trail along the railroad track about 500 feet to the south of the property. There is also an existing park in that area at the corner of North Pecos Street and Tank Street.

COMPLIANCE WITH STANDARDS: The subject property is approximately 5,250 square feet, which is seventy-five percent of the lot area requirement for the Manufactured Home use. Because the lot is platted and the lot area is greater than seventy percent of the required area, City Code Section 64-63(b) classifies the property as a lawfully nonconforming lot. The lot width is also lawfully nonconforming, with a lot width at 45 feet seven inches on average being exactly seventy percent of the required lot width of 65 feet.

The Applicant's site plan shows the setbacks are 30 feet from the front of the property, approximately nine feet two inches from the side, and 27 feet six inches from the rear. The MH use requires a 25-foot front setback, seven-and-a-half-foot side setbacks, and a 10-foot rear setback. The manufactured home building meets the setback requirements on its own. However, the City Code Section 64-200(a)(6) requires that each entrance must have a "stoop, porch, patio or deck", which is unlikely to fit within the one-foot eight-inch area between the manufactured home and the setback on each side. The City Code Section 64-63(b) states that "where the lot width is nonconforming, side yards **may be reduced to a minimum of five feet** where a greater setback would otherwise be required," which may allow more space to accommodate the required entry area, should the reduction to the minimum be applied as a condition of approval.

The Applicant's site plan shows a parking area 18 feet by 18 feet on the north-western edge of the property. The proposed parking area provides room for two vehicles and meets the requirements for the Manufactured Home use.

ADEQUACY OF INFRASTRUCTURE: A six-inch wastewater line and a six-inch water line reach the site from Wichita Street.

RESPONSE TO NOTIFICATION: Staff received a protest letter from the owner of 1104 Wichita Street to the north of the property.

STAFF RECOMMENDATION: **Approval**, with approval of reducing the side setbacks to the five-foot minimum, if no significant opposition.



SPECIFIC USE PERMIT APPLICATION

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

APPLICANT/OWNER

APPLICANT NAME Rafaela Garnica Perez
DAY-TIME TELEPHONE 6318715415
E-MAIL silveriosaldanapools@live.com

ADDRESS 231 Frowgin Rd
Center Moriches
NY 11934

OWNER NAME SAME
DAY-TIME TELEPHONE _____
E-MAIL _____

ADDRESS _____

PROPERTY

ADDRESS OR GENERAL LOCATION 1102 Wichita St Lockhart, TX 78644
LEGAL DESCRIPTION (IF PLATTED) Smith Whitis Addn Lot 7
SIZE .12 ACRE(S) ZONING CLASSIFICATION RMD
EXISTING USE OF LAND AND/OR BUILDING(S) Single Family

REQUESTED SPECIFIC USE

PROPOSED USE REQUIRING PERMIT MH Manufactured Home

CHARACTERISTICS OF PROPOSED USE, INCLUDING INDOOR AND OUTDOOR FACILITIES, ANTICIPATED OCCUPANCY (NUMBER OF DWELLING UNITS, RESIDENTS, EMPLOYEES, SEATS, OR OTHER MEASURE OF CAPACITY, AS APPLICABLE), GROSS FLOOR AREA, HOURS OF OPERATION, AND ANY OTHER RELEVANT INFORMATION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

3 bedroom manufactured home, approximately 1500 sf. on a 46' x 113' lot. Will include a 2-car driveway.

SUBMITTAL REQUIREMENTS

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

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

SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; 7) Location, dimensions, and surface type of walks and patios; 8) Location, type, and height of free-standing signs; fences, landscaping, and outdoor lighting; 9) utility line types and locations; and, 10) any other proposed features of the site which are applicable to the requested specific use.

APPLICATION FEE OF \$250, PLUS \$150 PER ACRE, MAXIMUM OF \$2,500 PAYABLE TO THE CITY OF LOCKHART.

\$268.00

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

SIGNATURE [Signature] DATE 10/11/23

OFFICE USE ONLY

ACCEPTED BY Evan Olszewski RECEIPT NUMBER RG1254135

DATE SUBMITTED 10/18/2023 CASE NUMBER SUP - 23 - 17

DATE NOTICES MAILED 10-30-2023 DATE NOTICE PUBLISHED 11-2-2023

PLANNING AND ZONING COMMISSION MEETING DATE 11/14/2023

DECISION _____

CONDITIONS _____



Search



Here:



20703

• City water -
• City sewer -

113.6'

27'6"

46.0'

Back door 56"

20702

House

114.3'

20701

Car Wash
18'
216.8'
15'
15.2'
Driveway

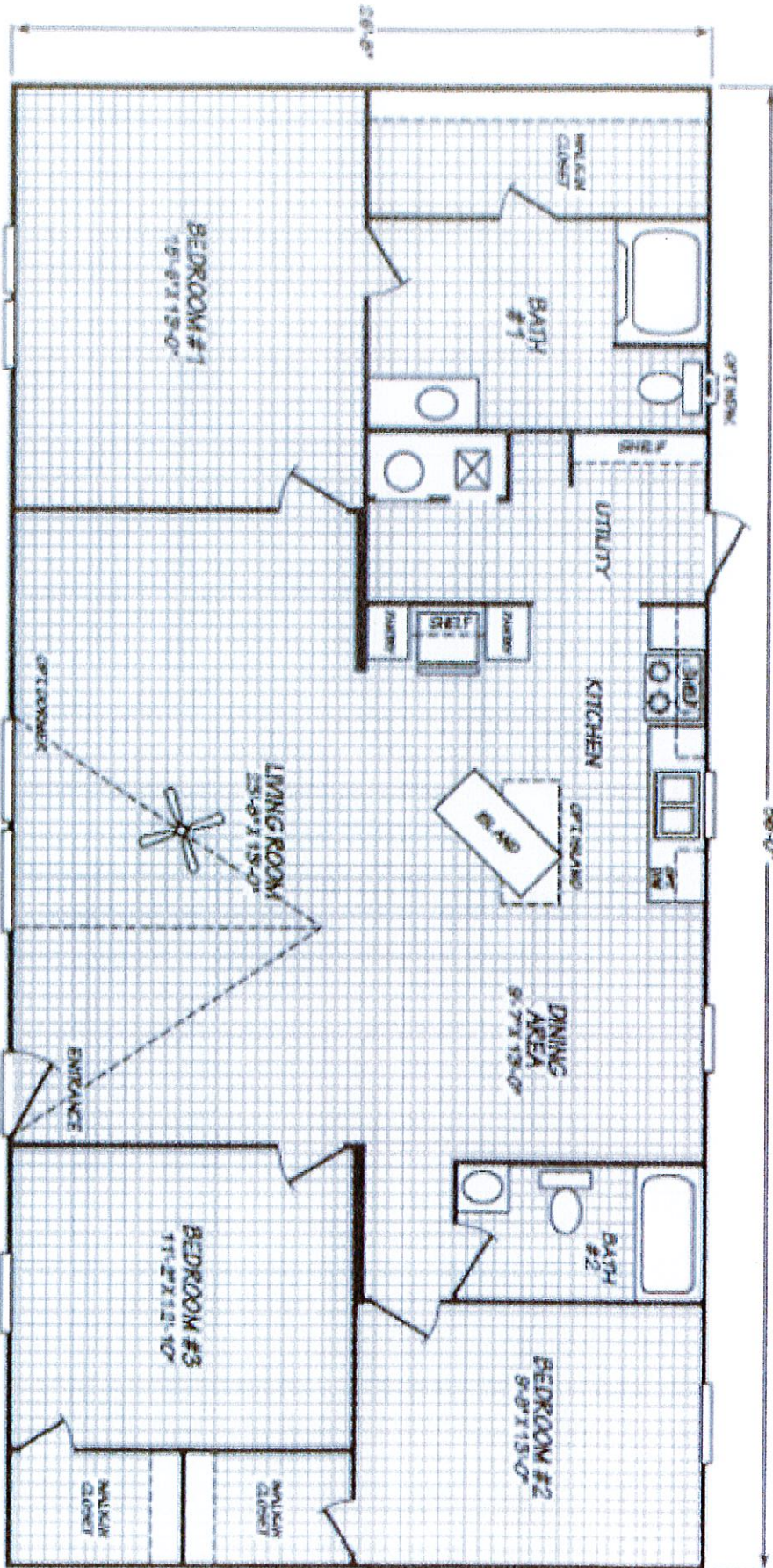
30'ft
9'2"

29°53'36"N 97°40'52"W

0 10 20ft



26.8



56

November 1, 2023

The City of Lockhart Planning and Zoning Commission
308 West San Antonio Street
Lockhart, TX 78644

To Whom It May Concern:

This letter is written in strong opposition to the manufactured home Specific Use Permit (SUP) requested at 1102 Wichita Street for a manufactured home. I am part of the estate of two Lots 9 & 10 located on Wichita Street, Lockhart, TX. The letter has been composed and submitted on behalf of several of the heirs of Barbara Shaw Spence Estate, Lots 9 & 10 located on Wichita Street, Lockhart, TX.

Following are reasons for opposition of the approval of the SUP's request:

1. Our family owns two lots in this area. It is our homestead and legacy which was left to us by our parents. We plan to develop on the land and keep it for our children and their children, if the Lord Will. Our parents worked hard to purchased and build a home around 1958. Our family was raised in the home until around 2000. The home was vacant for some time until it was agreed upon to tear down because it was rundown. Life happens, parents passed away and children move on. However, the land and our love for family was always in Lockhart, TX.
2. My sister and brother-in-law have plans to build their retirement home in the lot next to 1102 Wichita. Their goal has always been to build a home that would be structurally sound and appealing to our neighborhood and city.
3. A Manufacturer home is not built structurally sound as a home built on a foundation.
4. The home longevity is far less than a foundation-built home.
5. The depreciation of value is lower.
6. Materials used to build a manufactured home is subpar compare to a home built on a foundation.
7. The lot is too narrow to allow adequate space between neighbors.
8. There's potential danger of a storm causing the home to detach and collapse on neighboring properties.
9. The appearance is not as pleasing as a traditional foundation-built house.
10. Our neighborhood has a traditionally diverse group of neighbors who live in traditional homes. We would like to keep it that way.
11. There are designated places with proper regulations to accommodate manufacture homes where they would fit in but not in this neighborhood.

We respectfully ask that the City of Lockhart Zoning Committee to deny the SUP's request for manufactured home for 1102 Wichita Street, Lockhart, TX.

Sincerely yours,

Aaron L. Lockett, 810 Long Leaf, San Antonio, TX 78219, 210 337-7630 (h), (210) 639-2372 (m)
snlockett@yahoo.com

Sharlyn Shaw Drake, 3321 Meadowbrook Drive, Fort Worth, TX 76103, 817 615-6359 (m), shaw.sharlyn@gmail.com

Barbara L. Baylor, 207 Mountain View Drive, Pflugerville, TX 78660, 512 636-7819 (m), b.lbaylor@sbcglobal.net

Janice Brown, 3513 Richardson Court, Fort Worth, TX 76119, 817 903-9596 (m), antionetteveal@yahoo.com

Patricia Williams, PO Box 15947, Fort Worth, TX 76119, 817 507-0683 (m), patwilliams05@yahoo.com

Deborah Ware, 1125 Doc Whitten Drive, Harker Heights, TX 76548, 254 291-4766 (m), wared1959@gmail.com

Alex Spence, 5007 Miller Avenue, Fort Worth, TX 76119, 817-500-7504 (m),

TO: Planning and Zoning Commission
FROM: David Fowler, Planning Director
SUBJECT: Proposed Planned Development District (PDD) Standards
DATE: November 1, 2023

The proposed revised Planned Development District (PDD) standards are a product of the Housing and Development Committee, which was formed after the joint meetings of City Council and the Planning and Zoning Commission in late 2022 and early 2023. These recommended amendments are designed to fulfill the aim for stronger PDD requirements that improve the quality of new commercial or residential development projects expected as the City's period of strong growth continues. The proposed regulations would especially affect the design of several potential larger mixed-use developments that the city expects to see over the coming years. Enacting the proposed amendments would help the achieve the objective of creating PDDs as coherent communities that are thoroughly planned in all aspects of development. Previous changes resulting from the Housing and Development Committee's work include the passage of residential architectural and landscaping standards, and the adoption of the first new fee schedule for planning and zoning-related applications for the first time in over 25 years.

This set of proposed text amendments are designed to improve upon the current PDD requirements in two major ways: 1) By raising the expectations for PDD applications by adopting policy statements that establish PDD developments as representing a higher overall quality of development in comparison to that achieved through development in the City's base zoning districts, and 2) Expanding the scope of required elements of PDD submissions in order to make the character of the ultimate built product more evident during the PDD review process.

The policy-oriented revisions start by adding a definition of Planned Development, which had been previously absent from the definitions section of Chapter 64, Zoning. Additionally, a new Purpose section is proposed at the beginning of Section 64-166. This section is designed to add language that sets the expectations that any PDD application must be consistent with the policies in the City's comprehensive plan and must represent a proposal that would result in a higher quality of development than would otherwise be achievable under the City's regular zoning and development standards.

In order to improve the quality of submissions and allow staff and elected and appointed officials to make more informed judgements regarding the merits of a PDD application, numerous requirements to define the overall nature of the proposed development and a detailed list of the elements of the development that must be detailed in PDD submissions has been added. These changes should allow for greater certainty regarding what is potentially approved as an alternative to developing using the city's standard zoning districts and should help determine whether a PDD proposal should be approved as something that would represent an improvement over the typical products resulting from the regular process using the city's current zoning districts.

This will be the final code revision stemming from the Housing and Development Committee's work. The next expected text amendments will be the creation of enhanced lighting standards to minimize light pollution and light trespass from commercial and multifamily developments into single-family residential neighborhoods and other sensitive areas.

Proposed Changes to PDD Language in City Code

11-1-2023

Summary

- Adds “Planned Development District” to Sec. 64-2. Definitions.
- Adds purpose statement (a), detail on development standards (b), requirement for including conceptual images of buildings on PDD development plan (d)(3) to Sec. 64-166. Planned development district (PDD).
- Edits and expands Sec. 64-196. Establishment of zoning districts.
- One minor change proposed to Sec. 64-199. Additional requirements for planned development district, to clarify that changes in approved PDD districts require approval of a revised PDD.

Chapter 64 – Zoning

Sec. 64-2. Definitions.

[...]

Planned Development District (PDD): A type of master planned development created as a standalone zoning district with a binding site development plan that provides for a flexible combination of various development types in high-quality master planned districts. PDDs may be subject to special conditions and regulations as prescribed by the City Council.

[...]

Sec. 64-166. Planned development district (PDD).

(a) Purpose: The PDD allows flexibility to the city development standards for development that fulfills the city comprehensive planning policies and is superior in quality to that allowable under the current standards. Planned Development Districts consist of a mix of land use types and public spaces planned and constructed as cohesive, context-sensitive, and consistent districts. Unless clearly stated in the ordinance creating the PDD district, the development project must comply with all applicable city regulations. PDD districts are intended to implement generally the goals and objectives of the city's comprehensive plan. PDD districts are also intended to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

(1) To provide for a superior design of lots or buildings.

(2) To provide for increased recreation and/or open space opportunities for public use.

(3) To provide amenities or features that would be of special benefit to the property users or the community.

(4) To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewscapes, and wildlife habitats.

(5) To protect or preserve existing historical buildings, structures, features or places.

(6) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

(7) To meet or exceed the present standards of this article.

(b) Development standards for each PDD shall be set forth in an ordinance granting the PDD and may include but shall not be limited to the following:

(1) A list of land uses, including uses approved by right and/or subject to a Specific Use Permit.

(2) density, lot area, lot width, lot depth, setbacks, yard depths and widths, impervious coverage, and floor area ratio.

(4) building height, and design.

(3) Required parking standards based upon expected land uses.

(4) Street access and internal circulation.

(5) Streetscaping, fencing/screening, landscaping.

(6) Types and locations of accessory buildings.

(7) Types and area of signage.

(8) Street and on-site lighting.

(9) Management associations and maintenance responsibilities.

(10) Other requirements as the City Council may deem appropriate.

(c)(a) The planned development district, being a special form of subdivision, will adhere to the design, construction, platting, approval, and recording requirements of the city subdivision ordinance, chapter 52, except as modified below.

~~(d)(b)~~ A preliminary development plan and a final development plan shall accompany the preliminary plat and the final plat, as appropriate. The development plan shall include, as a minimum, the following:

(1) Proposed public and private rights-of-way and easements.

(2) Location of each proposed land use or sub-district if multiple land uses or districts are proposed.

(3) Location of each proposed structure, exterior dimensions, number of stories, gross floor area, location of entrances and loading points thereto, walks, and parking facilities.

(4) Conceptual images of building elevations.

~~(5)(3)~~ Driving lanes, parking areas, loading areas, fire lanes, and service areas for both private and public use.

~~(6)(4)~~ All walks, malls, and open areas for use of tenants and visitors or for public use.

~~(7)(5)~~ Location and height of each screening wall, fence or planting area.

~~(8)(6)~~ Location, height and orientation of each sign. Compliance with the city sign ordinance, chapter 46, is required.

~~(9)(7)~~ Exterior lighting fixtures for areas, entrances and signs.

~~(10)(8)~~ A drainage plan providing location, details, appropriate elevations, finish floor elevations of proposed structures, slabs, and curbs not defining street lines. Any structures required to conform to the drainage and flood control ordinance, chapter 22, shall be shown. Any off-site facilities necessary to provide adequate drainage shall be shown along with any necessary structures and easements required.

~~(e)(e)~~ As most of the structures erected within a planned development district are not in fact constructed at the time of the construction of the infrastructure, detailed building plans for such proposed structures will not be required to accompany such development plan.

Sec. 64-196. Establishment of zoning districts.

(p) Planned development district (PDD). This district provides for a flexible combination of various development types in high-quality master planned districts in any area within the city as a specific use. PDDs shall be superior in design, character, quality, and/or compatibility with surrounding uses to the development possible under the default code, may include various district types, and may be subject to special conditions and regulations as prescribed by the commission or council. ~~provides for a combination of the various residential development types, which may include various commercial district types, or for commercial~~

~~and industrial tracts within the same area. This district may be developed in any area within the city as a specific use and may be subject to special conditions and regulations as prescribed by the commission or council. See chapter 52, Code of Ordinances, section 64-166 and section 64-198.~~

Sec. 64-199. Additional requirements for planned development district.

- (a) The minimum site area for a PDD is five acres, unless located in the Courthouse Square Historical Overlay District.
- (b) To provide for the additional cost to the city for administration, review, and inspection of both the preliminary and the final development plans of a PDD, a separate fee which shall be established by the council, shall accompany such development plans.
- (c) In order to minimize the potential negative effects of partial completion of a PDD, the preliminary and final development plans shall each be divided into phases of development. Development phases shall be designed such that each shall constitute a completed unit and shall not require any other completed phase to allow development or use. Phases shall not divide lots, blocks, or street centerlines. Final plats shall be filed for record only for those phases completed.
- (d) The city may rezone in a manner deemed by the city to be most compatible any or all portions of those phases abandoned or not developed within the timeframe provided by the specific use permit. Failure to complete development within the specified time limit shall rescind and vacate such specific use permit.
- (e) Private streets, drives and easements shall be constructed to city standards, shall be maintained by the developer, owner, or an association, and shall grant a right-of-way to the city for use. Such streets, drives, and easements shall be shown on the subdivision plat as well as on the development plans and shall be so indicated. Deed restrictions shall delineate maintenance and repair responsibilities for private streets, drives, easements, and for all other common areas and facilities.
- (f) To ensure adequate streets, drives, parking and loading area within the PDD and to provide data concerning the effect of such traffic flow and upon the streets adjoining the PDD, a study of traffic density and flow shall be completed by an appropriate professional, at the expense of the developer, and submitted with both the preliminary and final development plans.
- (g) The requirements of this chapter and of the city subdivision ordinance are intended to be complimentary and to be fulfilled concurrently. When requirements of such ordinances conflict, the commission, upon advice from the zoning administrator and the city engineer, shall determine which standard shall prevail.
- (h) The final development plan and the subdivision plat of a PDD are integral elements of the district designation. The use areas within the PDD are subject to adherence to the

development plan. Any change in the final development plan shall be considered a zoning change, and requires City Council Approval of a revised PDD.