

**City of Lockhart
Planning and Zoning Commission
October 23, 2019**

MINUTES

Members Present: Philip Ruiz, Manuel Oliva, Philip McBride, Rick Arnic, Paul Rodriguez

Member Absent: Christina Black

Staff Present: Dan Gibson, Christine Banda, Kevin Waller

Visitors/Citizens Addressing the Commission: Amanda West, Thomas Blauvelt, Rebecca Castillo, Doris Estrada, Jenny Schaefer, Suzy Falgout, Virginia Allen, Rachel McCormick, Laura Adams, Nathan Adams

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 9, 2019, meeting.

Commissioner Oliva moved to approve the October 9, 2019 minutes. Commissioner Arnic seconded, and the motion passed by a vote of 5-0.

4. ZC-19-10. Hold a PUBLIC HEARING and consider a request by Suzy Falgout for a Zoning Change from RMD Residential Medium Density District and CHB Commercial Heavy Business District to CHB Commercial Heavy Business District for 0.426 acre in the Byrd Lockhart Survey, Abstract No. 17, located at 710 South Commerce Street.

Kevin Waller explained that the subject property has two different zoning classifications. The owner would like to use a renovated building in the rear yard that is within the area zoned CHB as a mixed use building containing a residence and business while she renovates the existing house located in the portion of the property that is zoned RMD. The house would be remodeled to also contain a business in addition to living quarters. Mixed use buildings are allowed only in the commercial zoning districts, and this request was intended to apply the CHB zoning classification to the entire lot, since the rear is already zoned CHB. He presented maps and photos of the subject site and neighboring properties, and showed that the zoning request was consistent with the future land use plan designation of General-Heavy Commercial. He mentioned that a letter and protest petition were received from owners of 23 percent of the land area within 200 feet of the subject lot. In view of the opposition, Mr. Waller stated that staff now recommended that the zoning change be to CMB Commercial Medium Business District, instead of CHB. It is a more restrictive district and doesn't allow many of the more objectionable uses that are permitted by the CHB classification.

Commissioner Rodriguez asked why the opposition was not mentioned in the staff report.

Mr. Gibson replied that the Commission's agenda packet was mailed before any written protests were received.

Chair Ruiz opened the public hearing and asked the applicant to come forward.

Suzy Falgout, of 5042 State Park Road, said she liked the property and had been wanting to move into the city limits. She was aware of the two zoning classifications because she wanted to have her business in the commercially-zoned back building. She stated that she was renovating the rear building and would like to live it while she is renovating the old house. She said the lot has numerous oak trees, and she doesn't want to cut them down to provide parking for a business in the rear building.

Chair Ruiz asked for any other speakers to come forward.

Jenny Schaefer, of 711 South Commerce Street, said that she opposes the zoning change. She asked how there could be a business and residence on the same property, and asked what type of business Ms. Falgout was going to have in her mixed-use buildings.

Chair Ruiz replied that the Commission could not consider details of the applicant's planned use for a zoning change because the decision is based solely on whether or not the potential uses listed in the requested zoning classification are appropriate for the area.

Mr. Gibson explained what is allowed in CHB Commercial Heavy Business District, and what the difference would be if the property were rezoned to a lower classification such as CMB.

Virginia Allen, of 720 South Commerce Street, said that she opposed the zoning change request. She pointed out that if the remodeled building in the rear yard appears to be totally within the existing commercial zoning boundary it should not be necessary to rezone the whole property.

Mr. Gibson replied that the rear building requires a parking lot for the commercial use, and that there was not sufficient space in the existing CHB-zoned area for it. A commercial parking lot is not allowed in current RMD district zoning of the remainder of the lot.

Ms. Allen asked why the City couldn't grant the owner a waiver to the parking requirement.

Mr. Ruiz replied that all commercial uses require some type of parking.

Ms. Allen said that something needs to change because Ms. Falgout's property is unique with all the oak trees. She mentioned that the South Commerce Street area is a good place to own a home.

Rachel McCormick, of 711 South Commerce Street, said she is against the zoning change. She also doesn't want to see the oak trees removed.

Chair Ruiz mentioned that the City has a tree ordinance to protect certain trees.

Laura Adams, of 639 South Commerce Street, said she is opposed to the zoning change. She believed the applicant truly has no idea what she wants to do on her property. Ms. Adams was uncomfortable not knowing what type of businesses would occur on the property. She said she loves living on South Commerce Street.

Nathan Adams, of 639 South Commerce Street, asked for clarification of the future land use plan map designations that were shown on the map. He said that he had no idea that the City had designated his side of the street to be Light-Medium Commercial in the future. He asked if he would have to change the zoning of his property.

Mr. Gibson replied that the City generally doesn't initiate zoning requests. That is up to individual property owners. If an owner wished to have a use on their property that requires rezoning to CLB or CMB, their application for rezoning would simply be consistent with the land use plan map, although that, alone, does not guaranteed that the commercial zoning would be approved.

Chair Ruiz asked for any other speakers and, seeing none, he asked if the applicant would like to address the citizens' concerns.

Ms. Falgout thanked the audience for caring about the neighborhood. She proposed a possible alternative of requesting a variance to reduce the number of required off-street parking spaces for the planned mixed use buildings in order to save the trees, whether they are officially protected or not, and to avoid having a commercial parking lot in the residentially-zoned part of the property. She said she was uncertain what to do at this point with regard to proceeding with the zoning change, and requested that the Commission take a five-minute break.

After the meeting resumed, Ms. Falgout said living in the existing main house is her primary goal, and she can do that without rezoning the property, although the main house could not be converted to a mixed-use building. She then stated that she had decided to withdraw her zoning change application.

Mr. Gibson requested that Ms. Falgout follow-up with a written request to withdraw her application so that there would be documentation in the case file.

Chair Ruiz closed the public hearing and stated that the application would be considered officially withdrawn.

There was no vote on the item because of withdrawal.

5. SUP-19-12. Hold a PUBLIC HEARING and consider a request by Thomas Blauvelt on behalf of Carlos and Linda Eureste, for a Specific Use Permit to allow a DF-2 Duplex-Family Development Type on 0.263 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned RMD Residential Medium Density District and located at 1001 Johnson Street.

Kevin Waller explained that the applicant would like to build a duplex on the property, but the depth of the lot is just shy of the minimum required for the DF-1 development type, which is allowed by-right. Therefore, although the lot far exceeded the minimum lot width and size requirements, the slightly shallow depth would be allowed only for the DF-2 development type, which requires approval of a specific use permit. He presented maps and photos of the subject site and neighboring properties.

Chair Ruiz opened the public hearing and asked the applicant to come forward.

Thomas Blauvelt, of 1602 Magpie Cove in Austin, said that he would like to build a duplex and that the depth of the lot was just one-half foot short of the length required for it to be allowed by-right.

Chair Ruiz asked for any other speakers to come forward.

Amanda West, of 428 Trinity Street, said she was in favor of the duplex. She mentioned there is a need for housing in Lockhart, and that there are other DF-2 development type duplexes in the area.

Dora Cerda, of 915 Tank Street, said she and her daughter wished to express their concerns. The daughter said her mom wanted the Commission to know that she has lived in her home for over 30 years. Most of the residences in the neighborhood were single-family homes. She was not opposed to development, but thought it should be a single-family home instead of housing for renters, such as a duplex. She said they are concerned about parking in the street since the streets are very narrow. She added that they have done a lot to clean up their neighborhood, and are concerned about tenants. The area should be reserved for single-family homes where people can raise their families.

Rebecca Castillo, of 1003 Johnson Street, said the proposed duplex looks too large for the lot and wondered how all the vehicles would be accommodated on the property. She was also concerned about the narrow streets, with cars parked all along the street. She doesn't want her property taxes to increase with the new development. She said she built her forever home there, and would like to see more people take care of their property. She mentioned that the current owner's original intent was to build a tiny home, but his wife didn't like the neighborhood.

Chair Ruiz asked for any other speakers and, seeing none, he asked if the applicant would like to speak again after hearing the opposition.

Mr. Blauvelt said that the development should not affect the neighboring property taxes in the area, but if the property values did increase it would benefit the homeowners should they decide to sell their home. He mentioned that he would reside in one unit of the duplex and rent the other unit to a tenant. This would allow him to keep an eye on the property. A paved driveway will be provided to accommodate four vehicles, or more if needed. He stated his belief that the duplex would be a good addition to the neighborhood.

Chair Ruiz closed the public hearing and asked for the staff recommendation.

Mr. Waller said that staff recommended approval.

Commissioner Oliva moved to deny SUP-19-12. Commissioner Ruiz seconded, and the motion passed by a vote of 4-1 with Commissioner McBride against.

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


Mr. Gibson reported that the next Commission meeting date would be November 13th.

7. Adjourn.

Commissioner Rodriguez moved to adjourn, and Commissioner Arnic seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:49 p.m.

Approved: 11-13-2019
(date)


Christine Banda, Recording Secretary


Philip Ruiz, Chair