

PUBLIC NOTICE

**City of Lockhart
Planning and Zoning Commission
7:00 PM, Wednesday, March 25, 2020
Municipal Building – Glosserman Room
308 W. San Antonio St.**

AMENDED AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the March 11, 2020, meeting.
4. ZC-20-05. Hold a PUBLIC HEARING and consider a request by Edgar Gutierrez on behalf of Maria G. Moreno for a Zoning Change from RMD Residential Medium Density District to CHB Commercial Heavy Business District, on Lot 7, Block 2, South Heights Addition, including the South 7.5' of an abandoned alley along the north boundary, and the west 7.5' of an abandoned alley along the east boundary, and located at 1012 South Main Street.
5. ZC-20-06. Hold a PUBLIC HEARING and consider a request by Balser Custom Homes on behalf of Alan Balser for a Zoning Change from AO Agricultural-Open Space District and RLD Residential Low Density District to RMD Residential Medium Density District, on 17.228 acres in the Lockhart Byrd Survey, Abstract No. 17, located at 1107 Silent Valley Road (FM 2001).
6. Discuss the date and agenda of 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 4:15 p.m. on the 17th day of March, 2020.

**City of Lockhart
Planning and Zoning Commission
March 11, 2020**

MINUTES

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

Member Absent: Paul Rodriguez, Chris St. Leger

Staff Present: Dan Gibson, Yvette Aguado

Visitors/Citizens Addressing the Commission: Tamara Carlisle, Donna Blair, Chris Blackburn, Jack Hill, Beverly Hill, Luke Langsjoen, David Marquez, Nina Sells, Ronda Reagan

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:02 p.m.
2. Citizen comments not related to an agenda item. None.
3. Consider the Minutes of the February 12, 2020, meeting.

Commissioner Arnic moved to approve the February 12, 2020 minutes. Commissioner McBride seconded, and the motion passed by a vote of 4-0.

4. ZC-20-03. Hold a PUBLIC HEARING and consider a request by Waterloo Development, Inc. on behalf of GABP1 RE, LLC, for a Zoning Change from 79.19 acres AO Agriculture Open-Space District to 74.189 acres RHD Residential High Density District and 5.001 acres CMB Commercial Medium Business District, on 79.190 acres in the James George Survey, Abstract No. 9, located at 1801 Blackjack Street.

Mr. Gibson explained that the applicant proposed to rezone the west 5.001 acres to CMB Commercial Medium Business District for commercial development consisting of offices, retail, and restaurants, and the remaining 74.189 acres to RHD Residential High Density District. He said the proposed CMB zoning was consistent with the General-Heavy Commercial designation shown on the future land use plan for that portion of the property, and that the proposed combination of residential land use classifications was consistent with the Mixed-Use future land use designation for the larger area. He mentioned there were a few scattered homes along Old Kelley Road, and three nearby on the south side of Blackjack Street, but otherwise the site is in a sparsely developed area. Mr. Gibson said that there were two additional letters of opposition submitted just before the meeting, thereby resulting in a total of five including the ones in the commissioners' agenda packets. He presented maps and photos of the subject property and surrounding area.

Chair Ruiz asked Mr. Gibson if there was a possible alternative zoning classification for the subject property.

Mr. Gibson replied that the RMD Residential Medium Density District was an alternative to the requested RHD zoning for the 74.189 acres. It would allow similar residential development types, but not include multi-family dwellings. Any type containing more than two dwelling units would require a specific use permit instead of being allowed by-right.

Commissioner Lingvai asked how specific use permits could be used in the RMD district.

Mr. Gibson said that they are generally approved on a lot-by-lot basis, but if it applied to multiple lots in a contiguous area a single application could be used for all of them.

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

Chris Blackburn, of 4131 Spicewood Springs Road in Austin, said he represented Waterloo Development, Inc. He said that they looked at the future land use plan and thoroughfare plan for guidance as to what zoning would be the most appropriate. The proposed CMB classification would allow any commercial uses that might be considered by the owner, and it was consistent with the future land use plan. The portion of the site proposed for RHD zoning would likely be developed as detached single-family dwellings and/or other residential types such as duplexes, patio homes, or townhomes. He said they have no interest in multi-family uses. There are no detailed plans yet, but the zoning is being requested so they will know what options are available to them.

Commissioner McBride asked why they did not consider PDD Planned Development District zoning.

Mr. Blackburn replied that it would have required more up-front planning on their part, but they didn't want to go to that expense until they knew what the City would allow.

Mr. Oliva arrived at 7:25 p.m.

Jack Hill, of 1620 Old Kelley Road, said he opposed the zoning change as submitted, but wouldn't object to the residential portion being rezoned to RLD Residential Low Density District zoning.

Luke Langsjoen, of 1614 Old Kelley Road, said he agreed with Jack Hill.

Beverly Hill, of 1620 Old Kelley Road, said she also agreed with Jack Hill's statement.

Nina Sells, of 472 Old Mahon Road, said she owns property within 200 feet on the south side of Blackjack Street, and that she would prefer RLD zoning, as well.

Chair Ruiz asked if there were any other speakers.

Mr. Blackburn addressed the Commission again, and said that the higher density zoning would be an appropriate transition from the traffic and noise on Blackjack to the existing sparsely developed area north of the property.

David Marquez, of 1505 Blackjack, mentioned that a previous subdivision was approved with over 70 lots in the same area, and said he was in favor of new development because population of Lockhart is growing.

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

Mr. Gibson said the requested zoning classifications were generally consistent with the land use plan, but with less potential impact, so staff recommended approval.

Commissioner McBride voiced his concern about the possibility of another low-income or small-lot subdivision. He believed their role as commissioners is to take a close look at new proposed development and strive to attain a higher level of quality. His preference was that the subject property be rezoned to PDD.

The commissioners discussed how to move forward with voting on the two parts of the zoning request.

Commissioner McBride moved to recommend approval of CMB for the 5.001-acre portion of the property to City Council. Commissioner Arnic seconded, and the motion passed by a vote of 5-0.

Commissioner McBride moved to recommend denial of RHD for the 74.189-acre portion of the property to City Council. Commissioner Oliva seconded, and the motion passed by a vote of 4-1 with Commissioner Lingvai against.

5. ZC-20-04. Hold a PUBLIC HEARING and consider a request by Tamara Carlisle and Donna Blair for a Zoning Change from CLB Commercial Light Business District to RHD Residential High Density District, on Lots 1 and 2, A.R. Chews Addition, located at 502 West San Antonio Street.

Mr. Gibson explained that the subject property currently has a single-family dwelling zoned commercial, and the applicant would like to change it to a residential classification in order to eliminate the nonconforming status. The applicant plans to use the house for short-term rentals, and will apply at a later date for an SUP to allow its use as a special events facility, as well. He mentioned that the RHD zoning classification was proposed for the subject property because the abutting zoning on two sides is already RHD, with the other two sides being zoned commercial. He presented maps and photos of the subject property and surrounding area.

Commissioner Lingvai asked for a clarification regarding the request for a special events center in the future.

Mr. Gibson reiterated that the SUP is not part of the zoning change, and that the applicants would have to submit a separate application and obtain approval from the Commission before they could use the premises as a special events facility.

Chair Ruiz asked what the parking requirements were for the property under the current zoning.

Mr. Gibson replied that if it was a business the minimum requirement would be based on one space per 300 square feet of floor area, plus one per employee in the maximum shift. If zoned residential, the requirement would be based upon the number of bedrooms. The house currently has four bedrooms, which requires a minimum of three off-street parking spaces.

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

Tamara Carlisle, of 1700 Rabb Road in Austin, and 831 West San Antonio Street in Lockhart, said that she and Donna Blair just purchased the home and want to change the zoning so they can utilize it as an Airbnb or similar short-term rental. They will not remodel the home because that had already been done recently. She said that if extra parking is needed in the future, they have already spoken with nearby businesses about utilizing their parking lots during times when the businesses are closed. She stated that they have great support from their neighbors.

Donna Blair, of 1700 Rabb Road in Austin, and 831 West San Antonio Street in Lockhart, said she is a business partner with Tamara and was in favor of the zoning change.

Ronda Reagan, of 412 West San Antonio Street, spoke in favor of the zoning change.

Chair Ruiz closed the public hearing, and asked for the staff report. Mr. Gibson stated that staff recommended approval.

Commissioner Lingvai moved to recommend approval of ZC-20-04 to City Council. Commissioner Oliva seconded, and the motion passed by a vote of 5-0.

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

Mr. Gibson said that the next Commission meeting date would be March 25th, with two zoning change applications on the agenda.

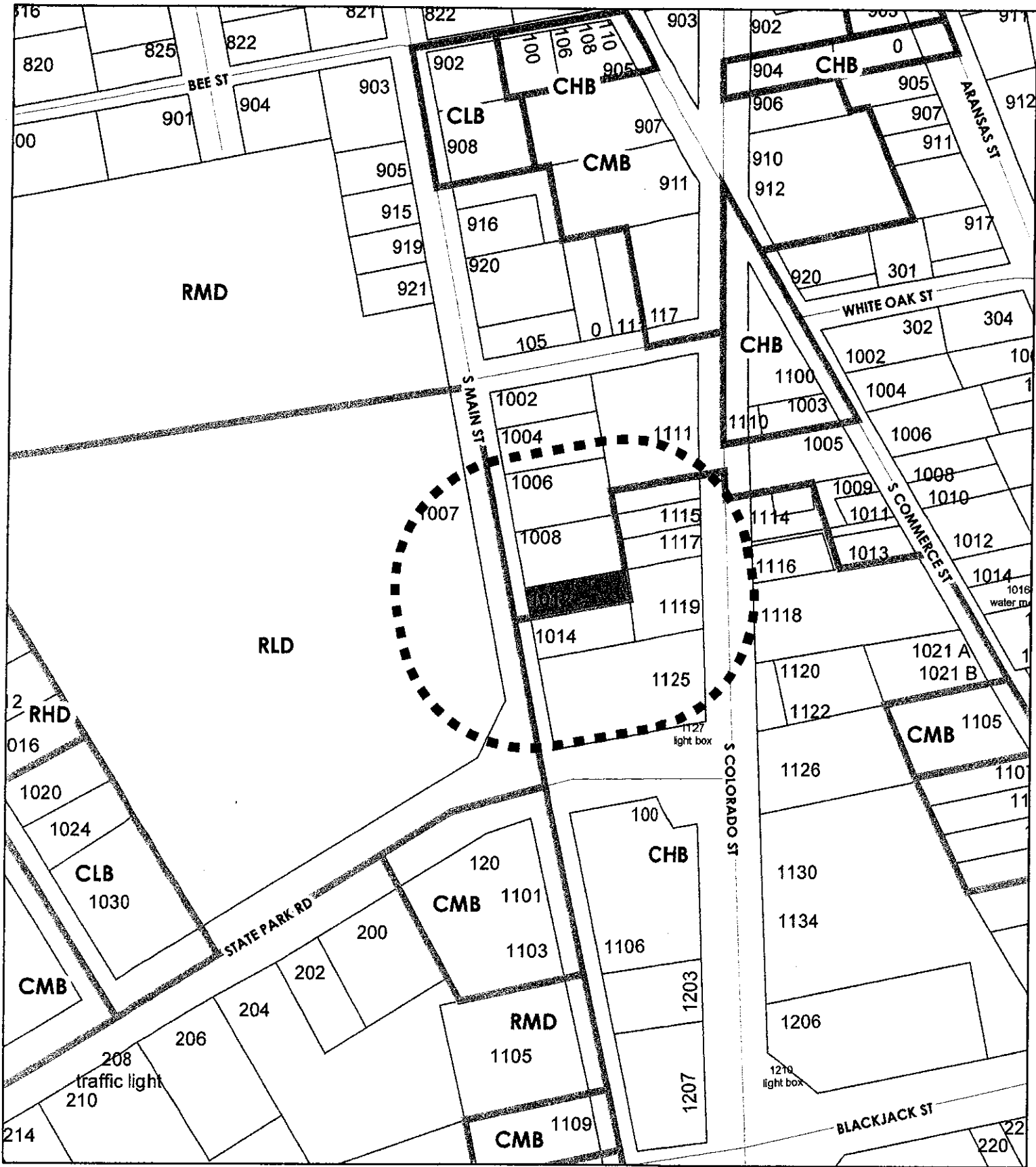
7. Adourn.

Commissioner Arnic moved to adjourn, and Commissioner McBride seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:59 p.m.

Approved: _____
(date)

Christine Banda, Recording Secretary

Philip Ruiz, Chair






ZC-20-05

RMD TO CHB

1012 S. MAIN ST



scale 1" = 200'

-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  200 FT BUFFER

PLANNING DEPARTMENT REPORT ZONING CHANGE

CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-20-05

REPORT DATE: March 19, 2020

PLANNING AND ZONING COMMISSION HEARING DATE: March 25, 2020

CITY COUNCIL HEARING DATE: April 7, 2020

REQUESTED CHANGE: RMD to CHB

STAFF RECOMMENDATION: *Approval, unless there is significant public opposition*

PLANNING AND ZONING COMMISSION RECOMMENDATION:

BACKGROUND DATA

APPLICANT: Edgar Gutierrez

OWNER: Maria G. Moreno

SITE LOCATION: 1012 S. Main St.

LEGAL DESCRIPTION: Lot 7, Block 2, South Heights Addition, plus parts of two abandoned alleys

SIZE OF PROPERTY: 0.212 acre

EXISTING USE OF PROPERTY: Manufactured home

LAND USE PLAN DESIGNATION: Low Density Residential

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The applicant plans to remove the existing manufactured home, and wishes to combine the subject lot with the adjacent property behind it that faces Colorado Street. The manufactured home would likely be replaced with a parking lot associated with redevelopment of the Colorado Street property.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	single-family dwellings	RMD	Low Density Residential
East	commercial, single-family dwelling	CHB	Light-Medium Commercial
South	single-family dwelling, commercial	CHB	General-Heavy Commercial, Low Density Residential
West	vacant land	RLD	Medium Density Residential, General-Heavy Commercial

TRANSITION OF ZONING DISTRICTS: Existing CHB zoning abuts the subject property on the east and south sides, so this zoning change would simply be an expansion of the existing area zoned CHB. The resulting transitions to RMD on the north side and to RLD on the west side are not ideal, but those transitions already exist, and the zoning change simply moves the line.

ADEQUACY OF INFRASTRUCTURE: The property abuts Main Street for vehicular access, and all utilities are available and adequate.

POTENTIAL NEIGHBORHOOD IMPACT: The zoning change will promote removal of a nonconforming manufactured home, but the new CHB zoning could allow a commercial use with potentially greater traffic generation, which would perhaps be the most significant impact.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed CHB zoning classification is not consistent with the Low Density Residential land use designation of the future land use plan map. However, it appears that the Low Density Residential land use designation is an anomaly, and perhaps should have been something else because it is just along a single row of lots on the east side of South Main Street, sandwiched between Light-Medium Commercial and Medium Density Residential land use designations. That would generally not be considered an appropriate transition.

ALTERNATIVE CLASSIFICATIONS: Either the CLB Commercial Light Business District or CMB Commercial Medium Business District would be more restrictive and, therefore, look like a better transition from the existing CHB zoning to the abutting residential classifications. However, because there is no CLB or CMB zoning nearby, rezoning just this one small lot to either classification might be considered spot zoning. The requested CHB district is the same as the abutting CHB zoning on two sides of the subject lot, including the adjacent lot that it will be combined with to be redeveloped together. There is a single-family residence on the lot abutting to the south, but it is already zoned CHB so the house is nonconforming.

RESPONSE TO NOTIFICATION: None as of the date of this report.



ZONING CHANGE APPLICATION

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

APPLICANT/OWNER

APPLICANT NAME Edgar Gutierrez ADDRESS 273 Old Luling Rd
* DAY-TIME TELEPHONE 512-749-5336 Lockhart, TX 78644
E-MAIL edgar.gutierrez1179@gmail.com
OWNER NAME Maria G Moreno ADDRESS 273 Old Luling Rd
DAY-TIME TELEPHONE 512-665-5651 Lockhart, TX 78644
E-MAIL n/a

PROPERTY

ADDRESS OR GENERAL LOCATION 1012 S Main St Lockhart, TX
LEGAL DESCRIPTION (IF PLATTED) South Heights, Block 2, Lot 7
SIZE 0.212 ACRE(S) LAND USE PLAN DESIGNATION Low Density Residential
EXISTING USE OF LAND AND/OR BUILDING(S) Residential - Manufactured Home
PROPOSED NEW USE, IF ANY Commercial lot

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION RMD
TO PROPOSED ZONING CLASSIFICATION CHB
REASON FOR REQUEST would like to make into commercial lot

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.

NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

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

APPLICATION FEE OF \$ 125- PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

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 Monica D. Guerrero

DATE 01/29/2020

OFFICE USE ONLY

ACCEPTED BY Kevin Walker

RECEIPT NUMBER 924459

DATE SUBMITTED 3/3/20

CASE NUMBER ZC - 20 - 05

DATE NOTICES MAILED 3-9-2020

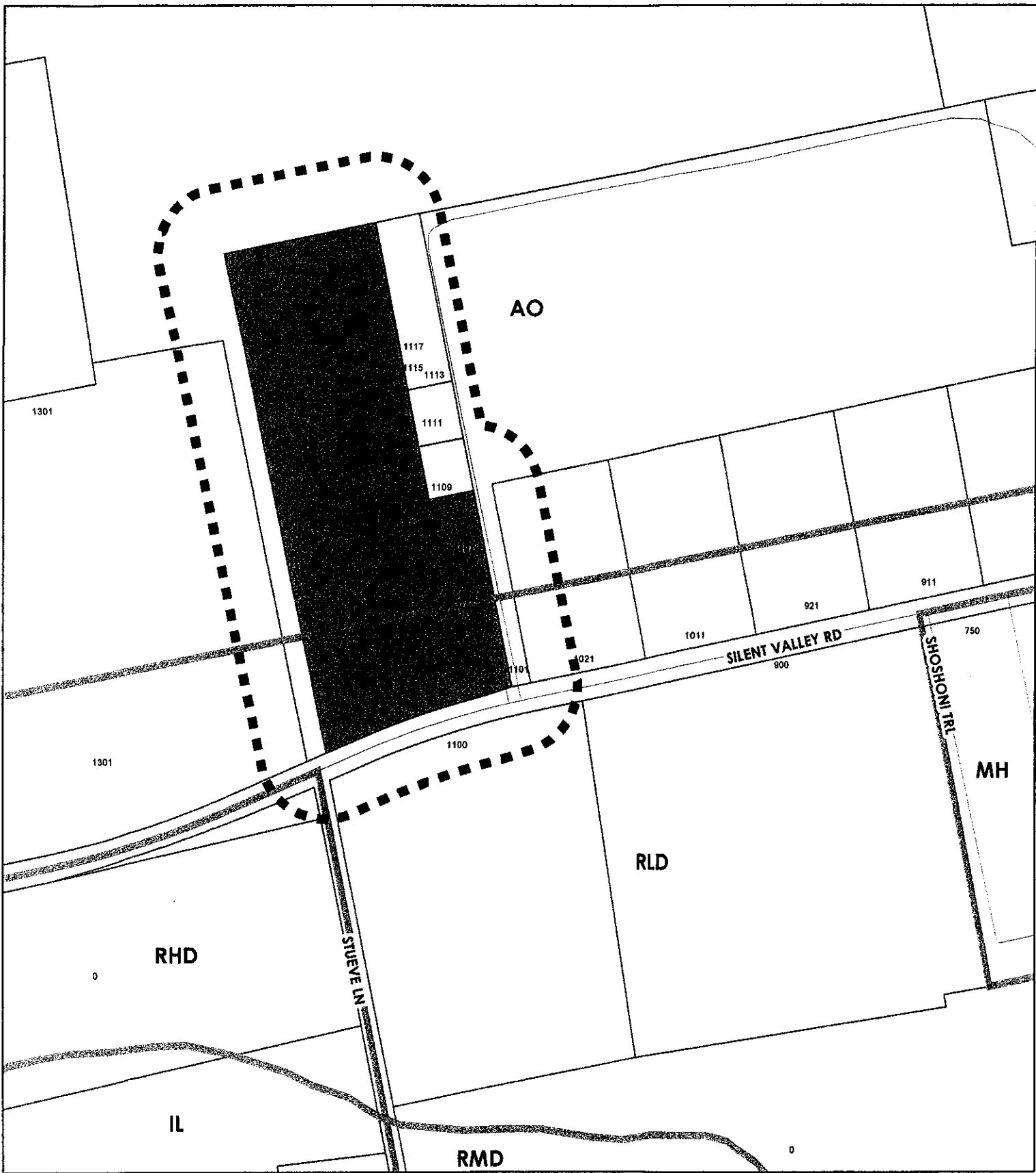
DATE NOTICE PUBLISHED 3-12-2020

PLANNING AND ZONING COMMISSION MEETING DATE 3/25/20

PLANNING AND ZONING COMMISSION RECOMMENDATION _____

CITY COUNCIL MEETING DATE 4/7/20

DECISION _____






ZC-20-06

AO & RLD TO RMD

1107 SILENT VALLEY ROAD



scale 1" = 400'

-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  200 FT BUFFER

CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-20-06

REPORT DATE: March 19, 2020

PLANNING AND ZONING COMMISSION HEARING DATE: March 25, 2020

CITY COUNCIL HEARING DATE: April 7, 2020

REQUESTED CHANGE: RLD & AO to RMD

STAFF RECOMMENDATION: *Approval, unless there is significant public opposition*

PLANNING AND ZONING COMMISSION RECOMMENDATION:

BACKGROUND DATA

APPLICANT: Balser Custom Homes

OWNER: Alan Balser

SITE LOCATION: 1107 Silent Valley Rd. (FM 2001)

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 17.228 acres

EXISTING USE OF PROPERTY: Agriculture, one single-family dwelling

LAND USE PLAN DESIGNATION: Low Density Residential

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The applicant proposes to develop the subject property as a subdivision for duplexes. The property currently includes a private gravel road (unofficially named Meadow Lake Drive) leading to a house on the property, as well as to three other single-family dwellings and a duplex that are on abutting nonconforming land-locked lots. When this tract is subdivided, the private driveway can be replaced with a public street in a new right-of-way that would be part of the new internal street network in the subdivision.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	vacant land	AO	Low Density Residential
East	vacant land, single-family dwelling	AO, RLD	Low Density Residential
South	vacant land, single-family dwelling	RLD	Low Density Residential
West	vacant land, single-family dwelling	AO, RLD	Medium Density Residential

TRANSITION OF ZONING DISTRICTS: There is no abutting area zoned RMD, although the land use plan map shows the area adjacent to the west having a future land use designation of Medium Density Residential, which corresponds to the requested RMD classification. The RMD district is just one step up in density from the predominant RLD zoning of the area, and such transitions are very common throughout the city.

ADEQUACY OF INFRASTRUCTURE: The property abuts Silent Valley Road, and will have new internal streets for vehicular access. There is a 12-inch water main along Silent Valley Road, which is adequate, but there is no wastewater line nearby. An off-site extension to the nearest suitable wastewater main would have to be constructed at the subdivider's or developer's expense.

POTENTIAL NEIGHBORHOOD IMPACT: The zoning change will allow medium density residential development in the form of duplexes in an area that is currently sparsely developed, although there is a duplex on one of the adjacent nonconforming land-locked lots. The primary impact will obviously be additional traffic generated by residents of the new subdivision, but the number of lots and associated dwelling units is unknown until a subdivision plat is submitted.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RMD zoning is not consistent with the Low Density Residential land use designation of the future land use plan map, although the actual development can be low density depending on the lot sizes, which are not yet determined.

ALTERNATIVE CLASSIFICATIONS: The RLD zoning classification would be the most consistent with the future land use plan map. However, it would not allow duplexes. It's possible, and even likely, that duplexes in the RMD district would not use the maximum allowable density of ten units per gross acre to its fullest extent, considering the subdivision area required for streets, storm-water detention, and parkland, if any.

RESPONSE TO NOTIFICATION: The owner and resident of the tract directly across Silent Valley Road received a public hearing notice and inquired in person about what is proposed for the tract, and was told what uses are allowed by-right or as a specific use. He did not indicate specific support or opposition to the zoning change, and there has been no other response to the notification as of the date of this report.

STAFF RECOMMENDATION: Obviously, RLD zoning would be the easiest classification to approve because a portion of the subject property is already zoned RLD, and it would be most consistent with the future land use plan map. However, any redevelopment of this tract will benefit the area because it provides the opportunity to replace a nonconforming private drive with a public street to serve otherwise nonconforming land-locked lots. In addition, no development can occur without extension of wastewater service to the area which, with participation of the developer of this tract, can also facilitate development of other vacant land along the wastewater line. Another consideration is that although RMD is a medium density residential classification, it doesn't mean that the eventual development will use the allowable density to its fullest extent. The lot size required for duplexes is larger than for single-family dwellings, so the actual density would likely be less than the maximum of ten units per acre allowed for the DF-1 development type. And finally, the tract is adjacent to an area designated on the future land use plan map as Medium Density Residential. If that area is zoned to RMD and developed consistent with the medium density designation, the proposed RMD zoning of the subject tract would be compatible. Therefore, staff's recommendation is for APPROVAL.

CITY OF

Lockhart TEXAS

ZONING CHANGE APPLICATION

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

APPLICANT/OWNER

APPLICANT NAME Balser Custom Homes ADDRESS 724-H WSW Loop 323
DAY-TIME TELEPHONE 903-752-3837 Tyler, TX. 75701
E-MAIL BalserHomes@Suddenlink.net

OWNER NAME Alan Balser ADDRESS _____
DAY-TIME TELEPHONE 214-368-8025 _____
E-MAIL AWB@Palaura.com _____

PROPERTY

ADDRESS OR GENERAL LOCATION 1107 SILENT VALLEY ROAD
LEGAL DESCRIPTION (IF PLATTED) _____
SIZE 17.228 ACRE(S) LAND USE PLAN DESIGNATION Low Density Residential
EXISTING USE OF LAND AND/OR BUILDING(S) AG-OPEN SPACE and single-family dwellings
PROPOSED NEW USE, IF ANY Duplex SUBDIVISION

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION AG- OPEN SPACE AO & RLD
TO PROPOSED ZONING CLASSIFICATION RESIDENTIAL-MEDIUM DENSITY RMD
REASON FOR REQUEST CREATE NEW ATTRACTIVE
Duplex SUBDIVISIONS

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.

NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

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

APPLICATION FEE OF \$494.56 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

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 _____

DATE 2/27/2020

OFFICE USE ONLY

ACCEPTED BY Dan Gibson

RECEIPT NUMBER 924857

DATE SUBMITTED 3-5-20

CASE NUMBER ZC-20-06

DATE NOTICES MAILED 3-9-20

DATE NOTICE PUBLISHED 3-12-20

PLANNING AND ZONING COMMISSION MEETING DATE 3-25-20

PLANNING AND ZONING COMMISSION RECOMMENDATION _____

CITY COUNCIL MEETING DATE _____

DECISION _____

February 26, 2020

Re: Re-Zoning of 1107 Silent Valley Road

To whom it may concern,

I Alan Wayne Balsler, do seek to change the zoning of my property at 1107 Silent Valley Road from Agricultural to Residential Medium Density. Jason Balsler will be acting as my authorized representative for contact with the city of Lockhart. I propose to construct a small luxury duplex subdivision that will complement our community. I believe it to be complementary and consistent with Lockhart's Planned Growth projections.

I look forward to helping to contribute to the growth and improvement of our community.

Thank you,

A handwritten signature in black ink, appearing to read "Alan Balsler", with a long horizontal flourish extending to the right.

Alan Wayne Balsler