

PUBLIC NOTICE

**City of Lockhart
Planning and Zoning Commission
7:00 PM, Wednesday, May 13, 2020
Municipal Building – Glosserman Room
308 W. San Antonio St.**

COMMISSION MEMBER AUDIO CONFERENCE PARTICIPATION

One or more members of the Lockhart Planning and Zoning Commission may participate in a meeting remotely. The member of the Commission presiding over the meeting will be physically present at the above public location. Audio conference equipment providing two-way audio communication with each member participating remotely will be made available, and each portion of the meeting held by audio conference that is required to be open to the public can be heard by the public at the location specified.

CITIZEN AUDIO CONFERENCE PARTICIPATION

- *Call-in number: 1-408-418-9388. Attendee Access Code: 626-304-323#.*
- *Citizens wishing to listen or participate must call in prior to the start of the meeting, and should identify themselves. Attendees may call in to listen only, if desired.*
- *Those wishing to speak will be called upon to address the Commission.*
- *Planning and Zoning Commission agenda packets can also be viewed on-line at www.lockhart-tx.org starting two days before the meeting. Navigate from the Departments tab at the top to Development Services – Meeting Minutes/Schedules (on left side) – Agendas & Minutes – Planning & Zoning Commission Agendas & Minutes – Agenda Packets.*

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the April 22, 2020, meeting.
4. ZC-20-07. Hold a PUBLIC HEARING and consider a request by Manuel and Rosemary Oliva for a Zoning Change from RLD Residential Low Density District to RMD Residential Medium Density District, on Lots 1 and 2, Islas II Subdivision, consisting of 3.024 acres located at 1518 and 1600 North Pecos Street.
5. Discuss the date and agenda of next meeting, including Commission requests for agenda items.
6. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 9:00 AM on the 6th day of May, 2020.

City of Lockhart
Planning and Zoning Commission
April 22, 2020

MINUTES

Members Present: Philip Ruiz, Philip McBride, Manuel Oliva (Present in Building)
Chris St. Leger, Rick Arnic, Bradley Lingvai, Paul Rodriguez (On the Phone)

Member Absent: None

Staff Present: Dan Gibson, Christine Banda, Kevin Waller

Visitors/Citizens Addressing the Commission: Linda Hinkle, David Tamayo, Ken Price, Megan Jones,
Brad Jones, Emily Pratt

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 March 25, 2020, meeting.

Commissioner Olivia moved to approve the March 25, 2020 minutes. Commissioner Arnic seconded, and the motion passed by a vote of 7-0.

4. SUP-20-05. Hold a PUBLIC HEARING and consider a request by Ajmal Anar for a Specific Use Permit to allow a DF-2 Duplex-Family Development Type on Lots 1, 2, 3, and 4, Block 1, Olive Grove Subdivision, zoned RMD Residential Medium Density District, and located at 315 and 321 West Olive Street, and at 901 and 905 North Blanco Street.

Mr. Gibson explained that the owner recently platted the subject property into four lots to accommodate duplexes of the DF-2 development type, which requires approval of a specific use permit in the RMD district. He said that each unit will have its own double-car garage. The neighborhood consists primarily of single-family dwellings of a variety of sizes and conditions. There are other duplexes scattered throughout the neighborhood, so they are well integrated into the residential character of the area. He said that after the public hearing notices and agenda were posted, it was discovered that the proposed eight units would exceed the allowable density of 14 units per acre for the DF-2 development type. An easy solution was to change one of the duplexes to a single-family home, since a total of seven units would reduce the density enough. The applicant subsequently agreed to that solution, resulting in the application being for three duplexes instead of four. The single-family dwelling will be located on the lot at the street corner. Mr. Gibson continued with his presentation by showing maps and photos of the subject property and surrounding area. He mentioned that the letters of opposition distributed before the meeting were received after the agenda packet was mailed.

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

Linda Hinkle, of 1109 South Main Street, said that the applicant, Mr. Anar, could not be present because of his job in Houston. She was there to answer any questions the Commission might have, but was not in a position to argue the case.

There were no questions for Mrs. Hinkle from the commissioners

Chair Ruiz asked if there were any other speakers in support and, there being none, he asked for any in opposition.

David Tamayo, of 917 North Blanco Street, wanted clarification on what, exactly, was proposed to be built on the property.

Mr. Gibson replied that originally four duplexes were proposed, but now there are only three being proposed, plus one single-family dwelling.

Ken Price, of 820 North Blanco Street, said he and his wife Anna opposed the specific use permit, and would prefer only single-family dwellings in the neighborhood.

David Tamayo spoke again and said that he could be in favor of two duplexes built on the lots at 315 and 320 West Olive Street.

Megan Jones, of 327 West Olive Street, said she was concerned about duplexes being built next to her residence. She mentioned that she has young children and that there are a lot of other children in the neighborhood. They are concerned about the type of occupants the owner would allow to lease the units. She said the neighborhood is single-family homes and she would like to keep it that way.

Brad Jones, of 327 West Olive Street, said he opposed duplexes. He reported that the applicant had not taken care of the property, and that there was previously an old house that he let become dilapidated on the subject property.

David Tamayo spoke again to recant his last statement, and said he would not be in favor of the specific use permit at all.

Emily Pratte, of 900 North Blanco Street, said she opposed the specific use permit.

Chair Ruiz asked for any other speakers and, hearing none, he closed the public hearing and asked for the staff recommendation.

Mr. Gibson noted that a map created by staff showed that the property owned by residents opposing the application represented more than 30 percent of the area within 200 feet of the subject property. That met the threshold for one of the reasons in Section 64-127(c)(6)(c) to deny a specific use permit. Therefore, he said that the Commission had valid grounds for denying the application despite staff's original recommendation for approval.

Commissioner Oliva moved to recommend denial of SUP-20-05. Commissioner Rodriguez seconded, and the motion passed by a vote of 6-0.

Commissioner Arnic was apparently dropped from the conference call.

- 5. PV-20-01. Consider a request by Hinkle Surveyors on behalf of Luis and Alicia G. Gutierrez for a Variance to Chapter 52 "Subdivision Regulations", Section 52-31(a) "Plat Required", to waive the subdivision plat requirement for a two-lot family land grant conveying five acres out of a 10.01-acre tract in the James George Survey, Abstract No. 9, and located at 1960 Old Kelley Road in the Lockhart Extraterritorial Jurisdiction.

Kevin Waller explained that the subject property is located within the Lockhart one-mile Extraterritorial Jurisdiction, where the City regulates the subdivisions. The applicant wishes to subdivide the property into two parcels through the County's family land grant process so that to create a five-acre parcel for his daughter, who would construct a new home on it. Because compliance with the City's subdivision standards would require multiple variances, and the proposed division of ownership would result in only two parcels, he said that staff recommended approval of the variance to waive the requirement to submit a subdivision plat to the City.

The applicant, Luis Gutierrez, of 1960 Old Kelley Road, said the purpose of creating the new lot was so that his daughter could live near him.

Linda Hinkle, the surveyor, said she believes it is a good idea to have family nearby and she supported the variance.

Commissioner Lingvai moved to recommend approval of PV-20-01. Commissioner McBride seconded, and the motion passed by a vote of 5-0.

At this point, both commissioners Arnic and Rodriguez had been dropped by the conferencing software, so they were unable to participate in the discussion or vote.

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

Mr. Gibson stated that the next Commission meeting date would be May 13th.

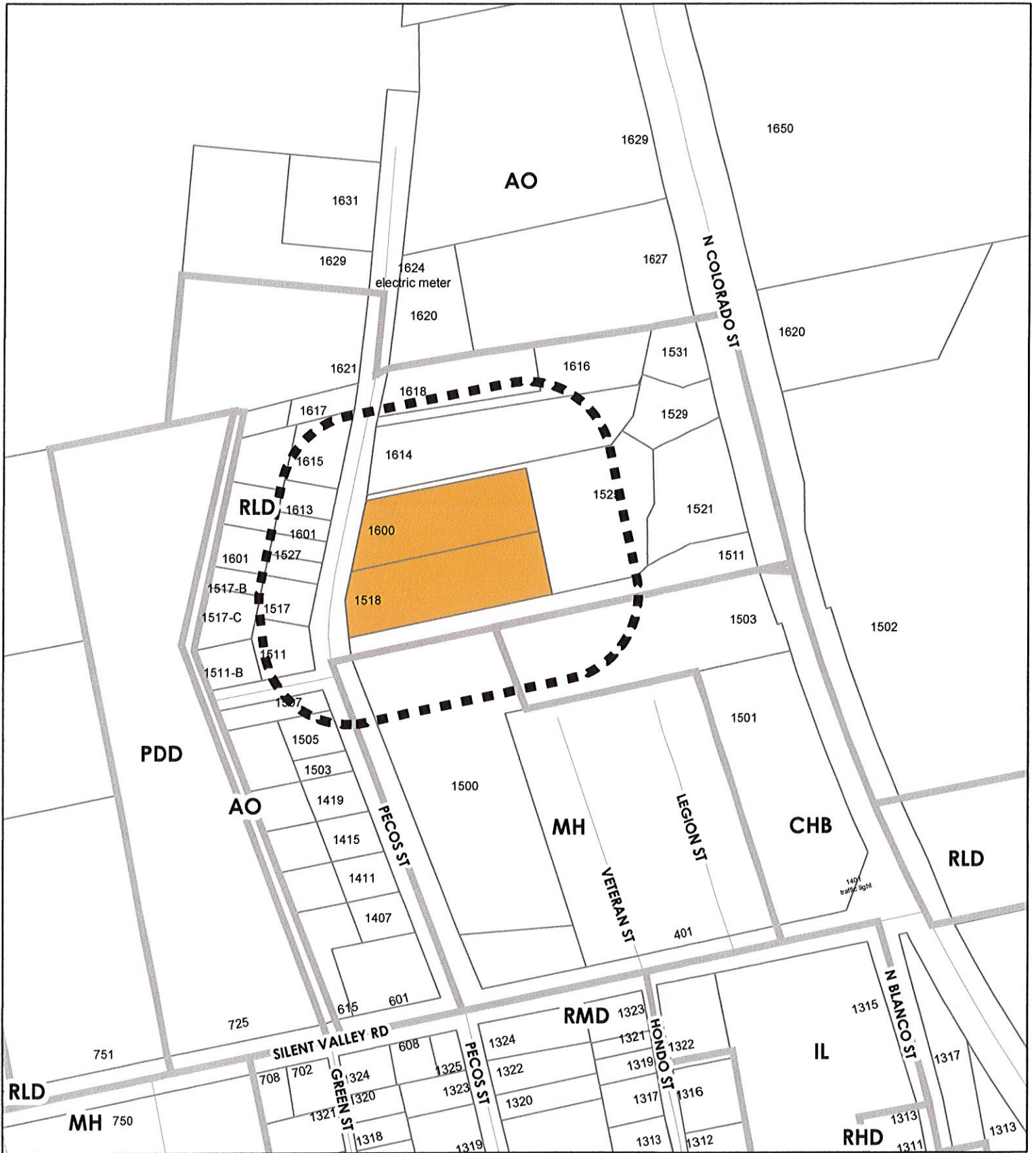
- 7. Adjourn.

Commissioner McBride moved to adjourn, and Commissioner Oliva seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:55 p.m.

Approved: _____
(date)

Christine Banda, Recording Secretary

Philip Ruiz, Chair






ZC-20-07

RLD TO RMD

1518 & 1600 N PECOS ST



scale 1" = 300'

-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  200 FT BUFFER



ZC-20-07

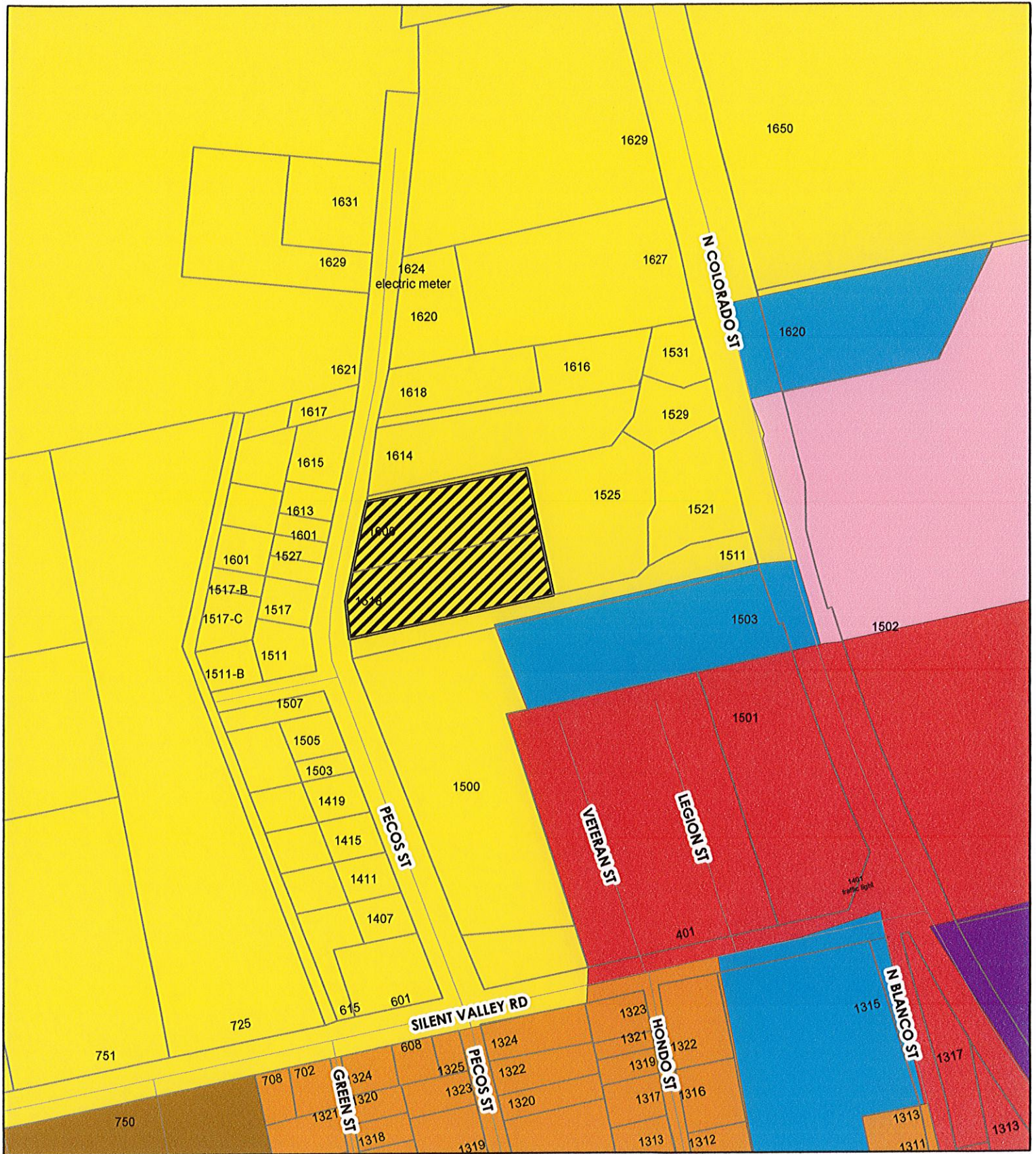
RLD TO RMD

1518 & 1600 N PECOS ST



scale 1" = 300'

- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - INDUSTRIAL LIGHT
 - MANUFACTURED HOME
 - PLANNED DEVELOPMENT
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE

RLD TO RMD

1518 & 1600 N PECOS ST



scale 1" = 300'

- GENERAL-HEAVY COMMERCIAL
- LIGHT-MEDIUM COMMERCIAL
- MIXED RETAIL, OFFICE, RESIDENTIAL
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, HIGH DENSITY
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



800 Feet
400
0

N COLORADO ST

LEGION ST

VETERAN ST

N BLANCO ST

HONDO ST

PECOS ST

PECOS ST

GREEN ST

SILENT VALLEY RD

SILENT VALLEY PK

KIOWA TRL

TONKAWA TRL

SHOSHONI TRL



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-20-07

REPORT DATE: May 5, 2020

PLANNING AND ZONING COMMISSION HEARING DATE: May 13, 2020

CITY COUNCIL HEARING DATE: May 18, 2020

REQUESTED CHANGE: RLD to RMD

STAFF RECOMMENDATION: *Approval only if there are no neighborhood objections.*

PLANNING AND ZONING COMMISSION RECOMMENDATION:

BACKGROUND DATA

APPLICANT: Manuel and Rosemary Oliva

OWNER: Same

SITE LOCATION: 1518 and 1600 North Pecos Street

LEGAL DESCRIPTION: Lots 1 and 2, Islas II Subdivision

SIZE OF PROPERTY: 3.024 acres

EXISTING USE OF PROPERTY: Vacant

LAND USE PLAN DESIGNATION: Low Density Residential

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The applicant desires to resubdivide the existing two platted lots into four lots for the purpose of constructing four single-family dwellings. The dimensions and the total area of the property exceed the minimums required in the RLD district for four lots. The combined width of the two existing lots at the rear of the property is 298.45 feet, and the frontage along the street is even greater because of the angles involved. The only residential development type allowed in the RLD district is the SF-1 development type, which requires a minimum lot width of 65 feet. So, with a total property width over 298 feet, it is currently possible to replat four lots that are at least 65 feet wide ($298/4 = 74.5$). However, one of the lots is for a relative who wishes for their lot to include an existing large Live Oak tree, which might conflict with the location of the house unless the lot is significantly wider, and which would result in the remaining property width not being adequate for three more lots each at least 65 feet wide. Therefore, to make it possible to have one or more lots less than 65 feet wide, they are proposing to rezone the property to RMD, which allows lot widths as narrow as 50 feet.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Single-family dwellings	RLD	Low Density Residential
East	single-family dwellings	RLD	Low Density Residential
South	vacant land, LISD service center	MH, CHB	Low Density Residential, Public
West	single-family dwellings	RLD	Low Density Residential

TRANSITION OF ZONING DISTRICTS: There is no RMD zoning in the immediate area, with the nearest being on the south side of Silent Valley Road (FM 2001), about 1,000 feet away. The originally platted lots in the Allbright Addition, across the street on the west side of North Pecos, were only 50 feet wide, but they are deeper than required and most of them were paired with abutting lots when developed, resulting in parcels 100 feet wide. Therefore, the overall residential density in the area is low, consistent with the existing RLD zoning. Although the applicant's stated intent is to construct four single-family homes, the proposed RMD zoning does allow duplexes, which can theoretically double the density from single-family development in the RLD district.

ADEQUACY OF INFRASTRUCTURE: There are water and wastewater mains on the west side of North Pecos Street, and all proposed lots in the replat will have frontage on the street for vehicular access.

POTENTIAL NEIGHBORHOOD IMPACT: Currently, the property is platted into only two lots, and under the existing RLD zoning only two single-family homes could be constructed. The proposed replat into four lots will double the number of homes allowed to four. Although not planned by the applicant at this time, duplexes would also be allowed on any lots at least 65 feet wide if the RMD zoning is approved. That could double the number of dwelling units again to a maximum of eight. Therefore, the most measurable impact would likely be the amount of traffic generated by the development, depending on the number of lots and type of dwellings. In terms of land use, single-family dwellings would be compatible, but should the RMD zoning be approved and the applicant decide to construct one or more duplexes, then the duplexes would not be as compatible since there are no other duplexes in the area.

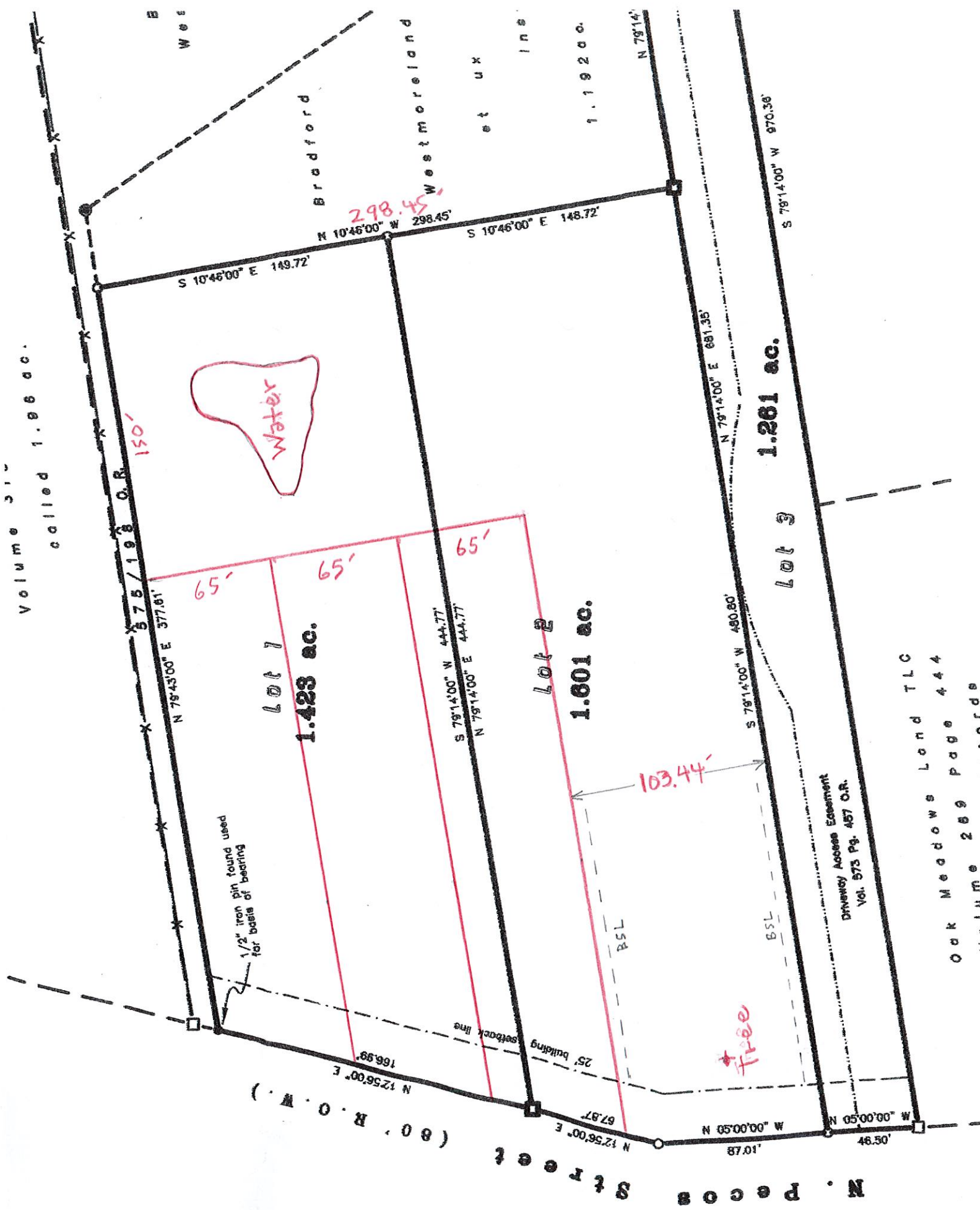
CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RMD zoning is not consistent with the Low Density Residential land use designation of the future land use plan map, although the actual proposed development of four single-family dwellings would actually be only 1.3 units per acre, which is at the lower end of the low density range. Even if duplexes were constructed on four lots, the resulting density of 2.6 units per acre would still be well within the low density range.

ALTERNATIVE CLASSIFICATIONS: The existing RLD zoning classification is the most consistent with the future land use plan map. Staff has prepared the attached illustration showing how four lots at least 65 feet wide each can be divided on the property. If the applicant were willing to replat the property this way, ***the zoning change would not be necessary***. It shows the southernmost lot as wide as possible while leaving the other three 65 feet wide. The large L-shaped southernmost lot includes the protected Live Oak tree as well as an existing water feature that is desired by the future owner of that lot. A house up to 45 feet wide plus roof overhangs could be constructed at the minimum front setback line, between the Live Oak tree and the north side building setback line. However, if the house will be wider than 45 feet, it could simply be moved back approximately 15 feet to clear the tree, which would then be in front of the house instead of beside the house. The property is so deep that a house 40 feet from the front property line instead of 25 feet from the property line is an insignificant difference and would not affect the usability of the remaining rear yard.

RESPONSE TO NOTIFICATION: As of the date of this report, the only response was one telephone inquiry. The caller asked what was planned for the property, but didn't indicate whether they were in support or opposition.

STAFF RECOMMENDATION: The applicant seems to have a fairly rigid expectation that the southernmost lot needs to be 120 feet wide in order to accommodate both the Live Oak tree and the house. However, because we've shown that it is entirely possible to preserve the tree and construct a large house on a 103.44-foot wide lot instead of the planned 120-foot wide lot, and because doing that would allow all of the remaining three lots to be 65 feet wide, staff prefers the option of leaving the RLD zoning in place. Rezoning the property to RMD, though, would not be considered spot zoning because of the significant land area involved, so it could be an option if there is no neighborhood opposition. A recent application to rezone property nearby further north and on the opposite side of North Pecos Street from AO to RMD met with considerable neighborhood opposition, and the zoning classification was ultimately changed to RLD instead of RMD.

Volume 31
called 1.06 ac.



Water

Lot 1
1.423 ac.

Lot 2
1.601 ac.

Lot 3
1.261 ac.

N. Pecos Street
(80' R.O.W.)

Driveway Access Easement
Vol. 573 Pg. 457 O.R.

Oak Meadows Land TLC
Volume 269 Page 444

Bradford Westmoreland et ux
1.19200

N 10°46'00" E 149.72
S 10°46'00" E 148.72
N 10°46'00" W 298.45

150'
575 / 198 O.R.
N 79°43'00" E 377.61

65'
65'
65'
S 79°14'00" W 444.77
N 79°14'00" E 444.77

103.44'

N 79°14'00" E 681.35
S 79°14'00" W 480.80

S 79°14'00" W 970.36

Free

N 12°56'00" E 67.87
N 00°00'50" W 46.50

W 00°00'50" E

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	Manuel Oliva	ADDRESS	202 W. Cedar St.
DAY-TIME TELEPHONE	512-848-0098		Lockhart, Texas 78644
E-MAIL	4Mroofing@gmail.com		
OWNER NAME	Manuel and Rosemary Oliva	ADDRESS	
DAY-TIME TELEPHONE	512-848-0098		
E-MAIL	4Mroofing@gmail.com		

PROPERTY

ADDRESS OR GENERAL LOCATION N. Pecos 1518 & 1600 N. Pecos Street
Islas II Subd Lot 1 and Islas II Subd Lot 2

LEGAL DESCRIPTION (IF PLATTED) _____

SIZE 3.2 3.024 ACRE(S) LAND USE PLAN DESIGNATION RLD

EXISTING USE OF LAND AND/OR BUILDING(S) not used vacant

PROPOSED NEW USE, IF ANY Build new residential homesites

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Light Residential ~~Medium~~ Density

TO PROPOSED ZONING CLASSIFICATION Residential High Density Medium

REASON FOR REQUEST Lot size requiremet to resubdivide

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 \$ 210.48 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 Manuel Oliva

DATE 4-8-2020

OFFICE USE ONLY

ACCEPTED BY Christine Banda

RECEIPT NUMBER 931171

DATE SUBMITTED 4-10-2020

CASE NUMBER ZC - 20 - 07

DATE NOTICES MAILED 4-27-2020

DATE NOTICE PUBLISHED April 30, 2020

PLANNING AND ZONING COMMISSION MEETING DATE May 13, 2020

PLANNING AND ZONING COMMISSION RECOMMENDATION _____

CITY COUNCIL MEETING DATE 5-19-20

DECISION _____