

City of Lockhart
Planning and Zoning Commission
May 13, 2020

MINUTES

Members Present: Philip Ruiz, Philip McBride - (*In person*)
Rick Arnic, Bradley Lingvai - (*On the phone*)

Member Absent: Chris St. Leger, Manuel Oliva, Paul Rodriguez

Staff Present: Dan Gibson, Christine Banda

Visitors/Citizens Addressing the Commission: Manuel Oliva, Kevin Smith, Peggy Wilkerson

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:03 p.m.
2. Citizen comments not related to an agenda item. None.
3. Consider the Minutes of the April 22, 2020, meeting.

Commissioner McBride moved to approve the April 22, 2020 minutes. Commissioner Arnic seconded, and the motion passed by a vote of 4-0.

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.

Mr. Gibson explained that this is the same area where a similar zoning change request to RMD for a duplex was recently denied by the City Council. A second attempt resulted in rezoning from AO to RLD instead of RMD. The current applicant is proposing the RMD classification for a replat of the existing two lots into four single-family lots, with three of the lots being narrower than allowed in the RLD district. Mr. Gibson stated that the applicant could still have four lots without rezoning the property if the lot widths were more evenly distributed. There is a large Live Oak tree that the applicant wants to keep on the proposed southern lot. That may require the lot to be wider and, therefore, result in the other lots being narrower.

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

Manuel Oliva, of 202 West Cedar Street, corrected Mr. Gibson's statement about the number of lots being created. He is proposing five lots, and not four lots, which is why he is requesting the RMD zoning classification. He said the largest proposed lot, which contains the large Live Oak tree, is for his daughter, and it will be L-shaped to encompass an existing pond behind the other lots. He said he spoke to the neighbors along North Pecos Street and they are not against single-family residences being built on his property. The homes will be nice, with large backyards, and will be sold rather than rented.

Chair Ruiz asked why there was confusion about the number of lots being proposed.

Mr. Gibson replied that he had understood from previous conversations with the applicant that there would only be four lots, which why he mentioned that four lots could have enough width to be allowed under the current RLD zoning. But now, Mr. Oliva says that he wishes to have five lots, which is not possible unless rezoned to RMD.

Mr. Oliva confirmed that he would like to have five platted lots re-subdivided from the two original lots.

Kevin Smith, of 1525 North Colorado Street, said he was not opposed to two single family homes being built on the existing lots, but did oppose the two lots becoming five lots. He expressed concerns about drainage onto his property. The large pond seems to be a holding area for runoff from North Pecos Street, which then runs onto Mr. Smith's property causing flooding issues. He also mentioned that there are natural springs on the property. He preferred the natural landscape that exists and would hate to lose it with more homes. He would like for someone to investigate the drainage problems.

Chair Ruiz noted that it is a zoning change request, and the drainage issues would be dealt with by City staff when plans are submitted for development.

Mr. Smith said he opposed the proposed zoning change because less construction is better for the environment.

Peggy Wilkerson, of 1531 North Colorado Street, said she opposes the zoning change because she believes that additional construction will lead to more flooding on her property.

Chair Ruiz asked for any other speakers.

Mr. Oliva said that the proposed lots along North Pecos Street have no springs located on them except for the largest proposed lot that contains the large Live Oak tree and pond, which was intended for his daughter to own. He argued that there was no drainage from his property that adversely affects Mr. Smith's property, and that any flooding problem on Mr. Smith's property is due to drainage from the LISD maintenance facility adjacent on the south side of the driveway. The largest of the proposed lots, which will extend across the entire width at the rear of the re-subdivision, would have no construction in the rear that would disturb the natural vegetation located where Mr. Smith's property abuts.

Chair Ruiz mentioned that there was no way the Commission could hold Mr. Oliva to building single-family homes, which is a major concern for the zoning change since RMD zoning allows duplexes on lots that are wide enough. The current lots are wide enough for duplexes, which are not permitted by the current RLD zoning classification.

Mr. Oliva said that his wife does not want to have rental homes or duplexes, and that he comes from a background where someone's word means something.

Commissioner Lingvai asked if there was a variance process for Mr. Oliva to keep the current zoning, but have the requested smaller lot sizes.

Mr. Gibson said yes but it would not be easy. There would be a high burden of proof for the variance to be met. The Board of Adjustment would have to find that the evidence meets all six of the criteria for granting a variance, and approval requires a super-majority of six affirmative votes.

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

Mr. Gibson said that the written staff recommendation was for approval if there were no objections, but that two owners of property in the area had spoken in opposition, primarily due to concerns about drainage.

Commissioner McBride moved to recommend approval of ZC-20-07 to City Council. Commissioner Arnic seconded, and the motion passed by a vote of 3-1, with Commissioner Lingvai against.

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

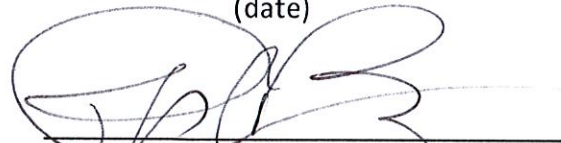
Mr. Gibson said no applications had been submitted for the May 27th meeting, so the next Commission meeting date would be June 10th.

6. Adjourn.

Commissioner McBride moved to adjourn, and Commissioner Lingvai seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:13 p.m.

Approved: 6-24-2020
(date)


Christine Banda, Recording Secretary


Philip Ruiz, Chair