

**City of Lockhart  
Planning and Zoning Commission  
October 28, 2020**

**MINUTES**

**Members Present:** Philip Ruiz, Philip McBride, Rick Arnic, Chris St. Leger, Manuel Oliva, Bradley Lingvai (via phone), Paul Rodriguez (via phone)

**Member Absent:** None

**Staff Present:** Dan Gibson, Christine Banda, Kevin Waller

**Visitors/Citizens Addressing the Commission:** Winn Smith, Sterling Yates, Mike Kamerlander, Brandon Alexander, Jonathan McNamara, Victor Ostiguin

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 September 23, 2020, meeting.

*Commissioner McBride moved to approve the September 23, 2020 minutes. Commissioner Arnic seconded, and the motion passed by a vote of 7-0.*

4. SUP-20-13. Hold a PUBLIC HEARING and consider a request by Winn Smith, on behalf of Countywide, L.P., for a Specific Use Permit to allow Construction of a single-family dwelling in the FH Flood Hazard Overlay District on Lot 21, Block 1, Lakeview Addition Section II, consisting of 0.187-acre zoned RHD Residential High Density District, and located at 1509 Lakeview Drive.

Mr. Gibson explained that this is the first time this type of specific use permit application has been considered by the Commission. The applicant proposed to construct a single-family dwelling on a vacant lot that is partially in the 100-year floodplain. The FH Flood Hazard Overlay District requires Commission approval of an SUP before a floodplain development permit can be issued. The floodplain development permit is a prerequisite to obtaining a building permit. The floodplain ordinance requires the lowest habitable floor to be at least one foot above the base flood elevation. The applicant must also submit with the application a pre-construction elevation certificate prepared by an engineer, architect, or surveyor, documenting the base flood elevation and the proposed floor elevations. Mr. Gibson said that a correct and complete elevation certificate had been submitted.

Chair Ruiz opened the public hearing and asked for any speakers.

Winn Smith, of 8406 Avocet Drive in Austin, said he is the property owner and building contractor for the home. He mentioned that the subject lot is the last vacant one along Lakeview Drive, in a subdivision his grandfather and father built in the 1970's. The home will be similar in size and style to the existing homes in the neighborhood.

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

Mr. Gibson said staff recommended approval.

Commissioner Lingvai asked if the existing homes south of the property that are also in the floodplain have been flooded before.

Mr. Smith replied that he had spoken to the neighboring property owners and they said that stormwater had never gotten inside their homes. He also mentioned that the new home would be two and half feet higher than those homes.

*Commissioner Oliva moved to approve SUP-20-13. Commissioner St. Ledger seconded, and the motion passed by a vote of 5-1-1, with Chair Ruiz against and Commissioner Rodriguez abstaining.*

5. FP-20-02. Consider a request by Sterling Yates on behalf of Blackjack Block I, LLC for approval of a Final Plat for the Iron Ox Addition, consisting of 24.575 acres in the James George Survey, Abstract No. 9, zoned AO Agricultural-Open Space District and located at 1205 Reed Drive, including a Variance to waive the requirement in Section 52-77(b) of the Subdivision Regulations for a four-foot wide public sidewalk along the Reed Drive frontage, and a Variance to waive the requirement in Section 52-201(a) for concrete monuments at two subdivision boundary corners.

Kevin Waller explained that the applicant proposes to plat two lots into one so that they can utilize it for a new commercial greenhouse facility. They requested two variances to the subdivision standards. The first was to waive the four-foot sidewalk requirement along Reed Drive. The applicant would construct the five-foot wide public sidewalk along Blackjack Street, as required. The other variance request is to waive the requirement to set concrete monuments at two subdivision boundary corners, one of which must be at a street right-of-way boundary. The applicant had explained that all corners have established survey markers, and that to replace or otherwise remove these markers would violate Texas Administrative Code (TAC) Section 663.17, which required existing markers be left as found. If the existing markers were replaced it would create uncertainty for future retracements of the survey or adjoining properties.

Chair Ruiz asked for if the applicant was present.

Sterling Yates was on the phone, but he preferred that the engineer address the Commission.

Mike Kamerlander, the City of Lockhart Economic Development Director, said that the City is offering incentives for the project and requested approval of the plat and the variances.

Brandon Alexander with Iron Ox, Inc, of 955 Terminal Way in San Carlos, California, said that he grew up in Texas and found this property to work well for what they propose. The company develops high tech green houses where robotics is used to grow produce, and it's their desire that the Lockhart location be the flagship for Texas. The proposed building is over 150,000 square feet with a construction cost of \$10 million. The plan is to hire 150 people initially, with room for expansion in the future. He explained their reasoning for the sidewalk variance, and stated that it would not be detrimental to the overall Lockhart community if no sidewalk was constructed along Reed Drive.

Chair Ruiz said that no matter where sidewalks are constructed he believes that pedestrians would eventually use them.

Mr. Kamerlander said he agrees with the overall importance of sidewalks, but in this case it would only lead to the rear of the business property and the adjacent gravel pit. He supported the staff's recommendation.

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

Mr. Waller recommended approval of the plat and the two variances.

*Commissioner Arnic moved to approve FP-20-02. Commissioner McBride seconded, and the motion passed by a vote of 6-1, with Chair Ruiz against.*

6. FP-20-03. Consider a request by Joshua Valenta on behalf of Lockhart II Partners, LTD, for approval of a Final Plat for Heritage Place Subdivision, consisting of 8.465 acres in the Francis Berry Survey, Abstract No. 2, zoned PDD Planned Development District and located at 1501 Clear Fork Street.

Mr. Waller explained that the preliminary plat was approved by the Commission in January 2020, and now the applicant is ready to move ahead with the final plat. He mentioned that the Public Works Director, Sean Kelley, originally had some concerns about the drainage but that they have been addressed by the city engineer's review of the construction plans. He said that no variances were requested, and that a public sidewalk would be constructed along Clear Fork Street as well as along the internal street.

Johnathan McNamara, of 8 Spencer Road in Boerne, said he represents Matkin-Hoover Engineers, who are designing Heritage Place Subdivision. He expressed their excitement about working on the project, and with the City of Lockhart.

Chair Ruiz asked for any questions from the commissioners, and there were none.

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

Mr. Waller said that staff recommended approval.

*Commissioner McBride moved to approve FP-20-03. Commissioner Oliva seconded, and the motion passed by a vote of 7-0.*

7. FP-20-05. Consider a request by Dane Braun on behalf of Lockhart I Partners, LTD, for approval of a Final Plat for Summerside Subdivision, Section 3A, consisting of 21.972 acres in the Esther Berry Survey, Abstract No. 1, zoned RMD Residential Medium Density District and located at 2219 FM 1322.

Mr. Waller explained that the final plat for Section 3A was originally approved in April 2019. The approval of final plats is valid for a maximum of one year before construction of the public infrastructure starts, with an additional six months upon approval by the city planner of a written request for an extension. The year was going to expire, so the applicant requested the six-month extension, which was granted. That time period had just expired and construction had not been started, so a new application was submitted to begin the process again. He explained that there were no changes to the plat, and that all of the suggested conditions under form and content are still applicable. In addition, a Letter of Map Revision (LOMR) application must be submitted to FEMA and approved prior to recordation of the plat. It was supposed to be done when Section 2 was platted and constructed because the floodplain was altered for an off-site stormwater detention facility as well as the on-site public park. Section 3A will involve enlarging the same detention facility, so it's an appropriate time to enforce the LOMR requirement. And finally, it was noted that the Commission had approved the initial final plat for Section 3A subject to a condition that a note be put on the plat providing for a contribution of funds by the subdivider to be used by the City for amenities in the Section 3A parkland. Mr. Waller said he would make sure that note is on the plat before it is recorded.

Chair Ruiz asked the applicant to come forward.

Victor Ostiguin with Doucet & Associates, Inc., of Gonzales, said that nothing had been changed on the plat from the one that was already approved, and that he was present to answer any questions the Commission may have. He said he agreed with the staff's conditions for approval of the plat.

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

Mr. Waller said that staff recommended approval of the plat subject to the stated conditions.

*Commissioner Oliva moved to approve FP-20-05. Commissioner Rodriguez seconded, and the motion passed by a vote of 7-0.*

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

Mr. Gibson announced that the next regular meeting would be held on November 18<sup>th</sup>, which is the third Wednesday of the month and would be the only Commission meeting in November.

9. Adjourn.

*Commissioner Arnic moved to adjourn, and Commissioner St. Ledger seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:10 p.m.*

Approved: 11-18-2020  
(date)

  
Christine Banda, Recording Secretary

  
Philip Ruiz, Chair