

PUBLIC NOTICE

City of Lockhart
Planning and Zoning Commission
7:00 PM, Wednesday, September 22, 2021
Municipal Building – Glosserman Room
308 W. San Antonio St.

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the September 8, 2021, meeting.
4. PP-21-05. Consider a request by Lockhart QOZ Investments, LLC, for approval of a **Preliminary Plat** for *Golden Eagle Subdivision* consisting of 20.673 acres in the Francis Berry Survey, Abstract No. 2, zoned RHD Residential High Density District and CMB Commercial Medium Business District, and located at 221 West MLK Jr. Industrial Boulevard, including a **Variance** to waive the requirement in Section 52-72(a) of the Subdivision Regulation requiring the width of all streets conform to the thoroughfare plan to allow a designated collector street right-of-way to be 50 feet wide instead of 60 feet wide.
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 3:30 PM on the 14th day of September, 2021.

**City of Lockhart
Planning and Zoning Commission
September 8, 2021**

MINUTES

Members Present: Philip Ruiz, Manuel Oliva, Bradley Lingvai, Ron Peterson, Chris St. Leger, Rick Arnic

Member Absent: Phil McBride

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

Visitors/Citizens Addressing the Commission:

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 August 25, 2021, meeting.

Commissioner St. Ledger moved to approve the August 25, 2021, minutes. Commissioner Arnic seconded, and the motion passed by a vote of 5-0.

Commissioner Lingvai arrived at 7:02 p.m.

4. SUP-21-06. Hold PUBLIC HEARING and consider a request by Lockhart Land Group, LLC, for a Specific Use Permit to allow an MF-2 Residential Development Type consisting of apartments over 12 units per acre on 8.97 acres in the Cornelius Crenshaw Byrd Survey, Abstract No. 68, zoned RHD Residential High Density District and located at 1911 West San Antonio Street (SH 142).

Dan Gibson explained that the subject property was rezoned to RHD in June of this year, with the intended use being multifamily residential. The development will have 120 dwelling units, but will have a density of 13.38 units per acres on 8.97 acres, which is over 12 units per acre that is allowed by-right as an MF-1 Residential Development Type. Over 12 units per acre is the MF-2 Residential Development Type, which requires approval of a Specific Use Permit by the Commission. He displayed a map and aerial photo of the area, and the proposed site plan, and said that no objections had been received by staff.

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

Paul Leventis, of 9007 Sandstone Drive in College Station, reminded the Commission that he had presented their master plan to them when the property was rezoned in June. He explained that originally the area to be zoned RHD was larger, and the density would not have exceeded 12 units per acre, but that staff had requested that the zoning boundary be moved.

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

Mr. Gibson said that staff recommended approval.

Commissioner Oliva moved to approve SUP-21-06. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0.

5. SUP-21-07. Hold a PUBLIC HEARING and consider a request by Mac Jones of Estage Multifamily, on behalf of Chris Bancroft of Texas Multifamily Capital, LLC, for a Specific Use Permit to allow an MF-2 Residential Development Type consisting of apartments over 12 units per acre on 34.487 acres in the Francis Berry Survey, Abstract No. 2, zoned RHD Residential High Density District and located at 400 State Park Road (FM 20).

Mr. Gibson described the location of the subject property and surrounding area using a map and an aerial photo. He said the applicant planned to develop the property in two phases. The first phase will have 216 dwelling units on a 9.21-acre portion of the initial tract, which will result in a density of 23.45 units per acre. Over 12 units per acre is the MF-2 Residential Development Type, which requires approval of a Specific Use Permit by the Commission. The proposed development would include an extension of Harper's Trail connecting to an extension of Lion Country Drive. The north end of the proposed MF-2 development area is curved to accommodate the future realignment of State Park Road, which would connect directly to Blackjack Street so that FM 20 will be continuous, as shown on the City's thoroughfare plan.

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

Mac Jones, of 5946 Cape Coral Drive in Austin, said they planned to build an apartment complex across from the high school. They will screen the property where it abuts the adjacent residential zoning, and lighting from the parking lot will be directed away from the existing neighborhood adjacent to the west. The buildings in the complex are proposed to be as far away from the west boundary as possible by using the parking lot as a buffer.

Chair Ruiz asked for any other speakers.

Steffen Waltz, attending remotely by phone, said he represents the land to the south of the subject property, which is where the Golden Age assisted living facility is located. He stated that they were opposed to the Specific Use Permit, at least without knowing more about it.

Chair Ruiz asked for any other speakers and, there being none, he asked for the staff recommendation.

Mr. Gibson said he leaned toward recommending approval, but would defer to the Commission since there was opposition expressed during the public hearing.

Commissioner St. Ledger moved to approve SUP-21-07. Commissioner Lingvai seconded, and the motion passed by a vote of 6-0.

6. PP-21-04. Consider a request by Matt Synatschk of Carlson, Brigance & Doering, Inc., on behalf of Ranch Road Hansford, LLC, for approval of a Preliminary Plat and Subdivision Development Plan for Hansford Subdivision consisting of 50.745 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned RMD Residential Medium Density District and located at 1701 West San Antonio Street (SH 142).

Kevin Waller explained that the Hansford Subdivision Preliminary Plat and Subdivision Development Plan included 206 proposed single-family residential lots and 12 nonresidential lots to be developed in two sections. Also, eight new streets right-of-way are proposed, with three existing streets being extended into the development. Sidewalks are proposed on all internal streets. The subdivision will connect to the future Lockhart Farms development adjacent to the west via Windsor Boulevard. TxDOT is currently reviewing the Traffic Impact Analysis and had indicated that a center left-turn lane would be required for the development.

Scott Miller, from Bastrop, spoke as the project representative, and added that a five-foot sidewalk would be constructed along West San Antonio Street, and would connect to the trail that meanders through the subdivision. There will be a small public park with park amenities provided. He said they were working with the proposed Lockhart Farms development on having a shared stormwater detention facility and walking trail connection, and added that they would construct a center left-turn lane for vehicles entering the subdivision from West San Antonio Street.

Chair Ruiz asked for any other speakers and, there being none, he continued by asking staff if a note could be added to the plat elaborating what amenities would be provided by the subdivider in the proposed park.

Mr. Waller replied that staff recommended approval subject to such a note being added to the plat.

Mr. Miller said that they could meet with staff to agree on what amenities could be provided, and suggested that they would be willing to provide a playscape with a shaded pavilion, along with benches, a picnic table, and a turf play area, in addition to a granite trail and trail heads with landscaping. All amenities and the parkland would be maintained by the subdivision's Home Owner's Association.

Commissioner Arnic moved to approve PP-21-04 subject to adding a note on the preliminary plat and final plat referring to parkland amenities that would be included (playscape, shade pavilion, benches, picnic tables, turf play area, granite trail with landscape along the trail, and trail heads, etc. to be maintained by the Home Owner's Association). Commissioner Peterson seconded, and the motion passed by a vote of 6-0.

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

Mr. Gibson stated that the next regular meeting date is September 22nd.

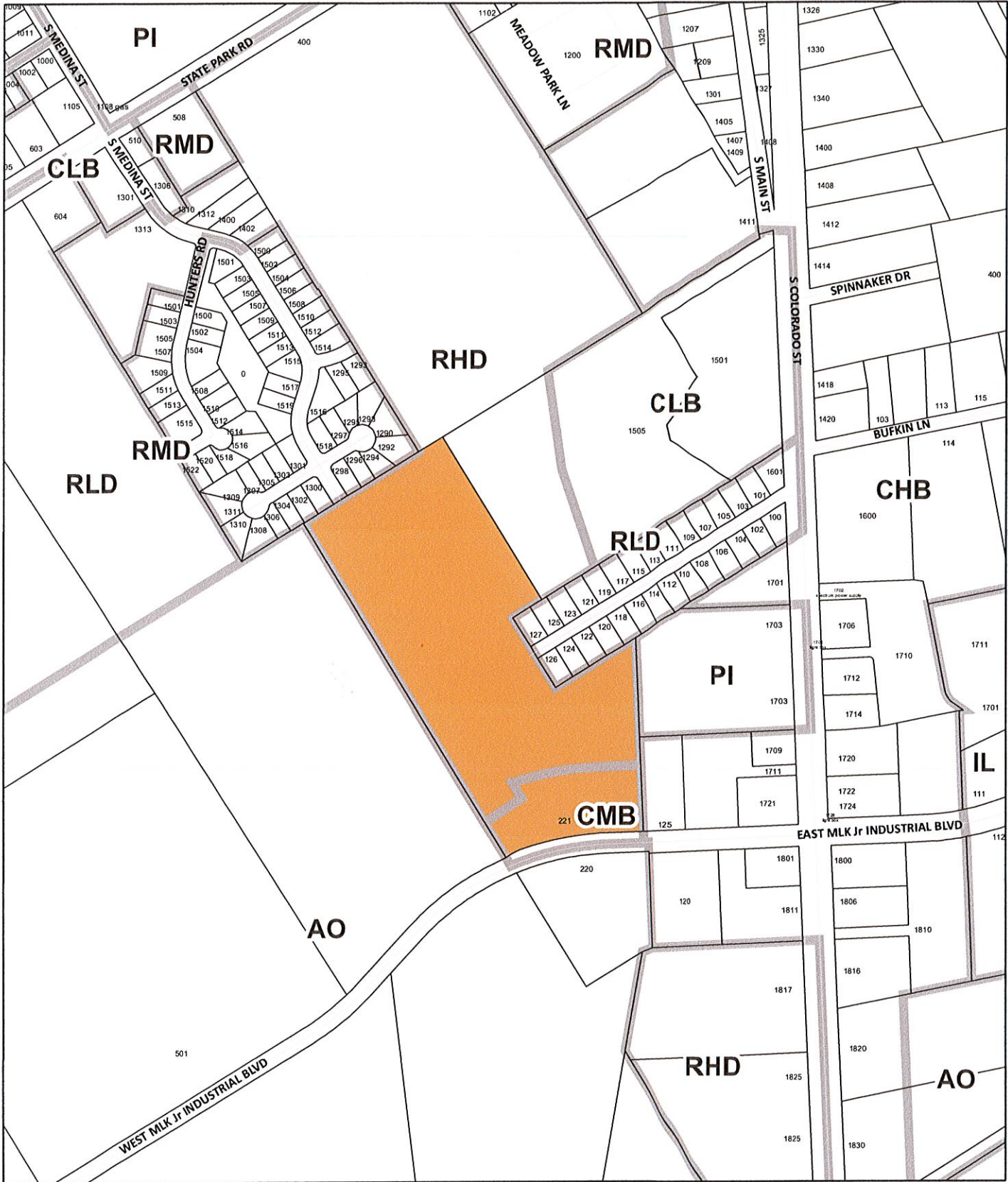
8. Adjourn.

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

Approved: _____
(date)

Christine Banda, Recording Secretary

Philip Ruiz, Chair



PP-21-05

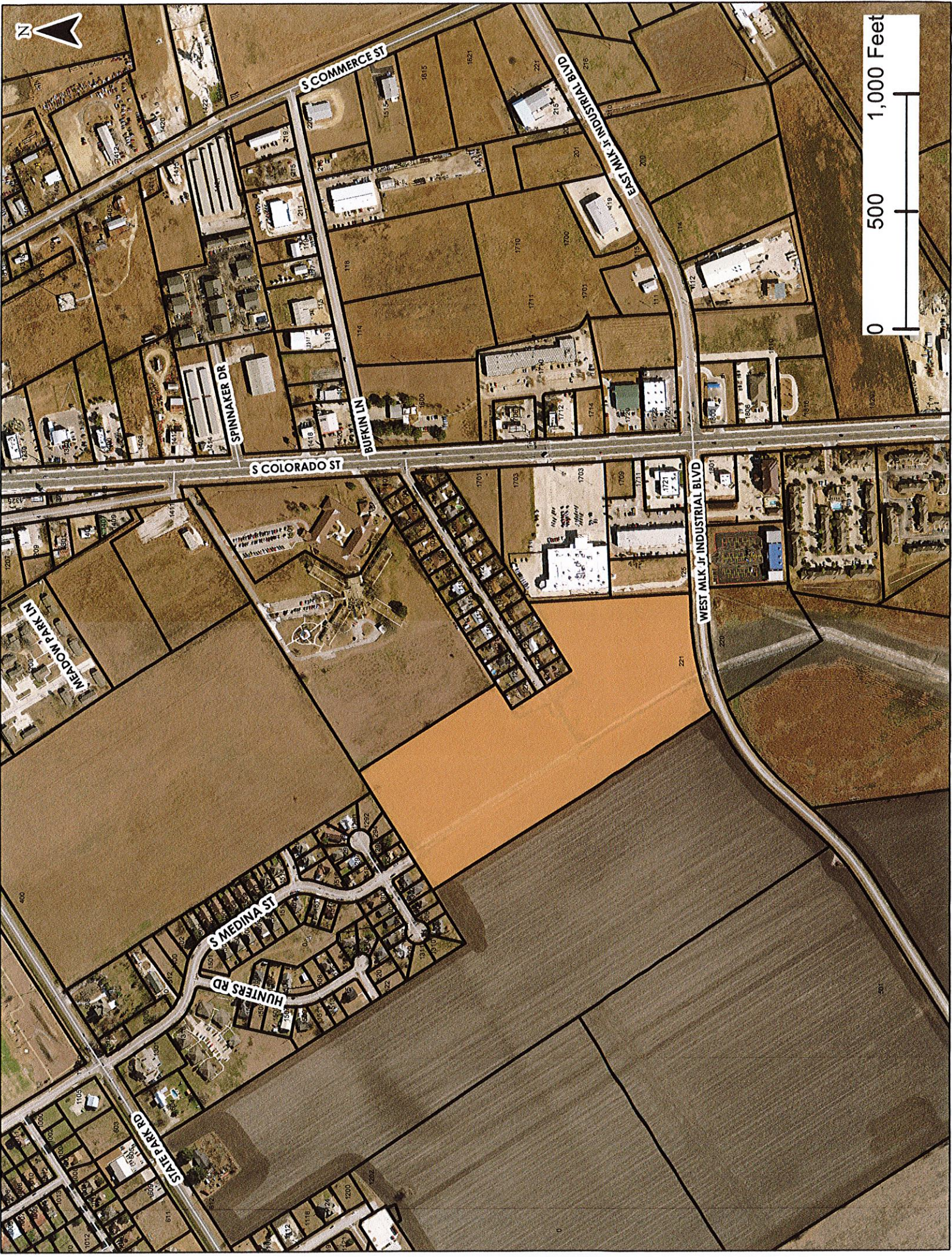
GOLDEN EAGLE

221 W MLK JR INDUSTRIAL BLVD



scale 1" = 500'

 Subject Property



S COMMERCE ST

EAST MILK INDUSTRIAL BLVD

SPINAKER DR

BURKIN LN

S COLORADO ST

WEST MILK JR INDUSTRIAL BLVD

S MEDINA ST

HUNTERS RD

STATE PARK RD

MEADOW PARK LN

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner

CASE NUMBER: PP-21-05

REPORT DATE: September 13, 2021

PLANNING & ZONING COMMISSION DATE: September 22, 2021

STAFF RECOMMENDATION: ***Approval of the Plat and Variance***

SUGGESTED CONDITIONS: Change the 20-foot front building setback shown for both proposed commercial lots to 25 feet, and delete the reference to commercial zoning front setback in Note #8.

BACKGROUND DATA

APPLICANT AND OWNER: Steffen Waltz, Lockhart QOZ Investments, LLC

ENGINEER: Blayne Stansberry, P.E., Stansberry Engineering

SURVEYOR: Jerry Hinkle, P.L.S., Hinkle Surveyors

SITE LOCATION: 221 W. MLK Jr. Industrial Blvd.

PROPOSED SUBDIVISION NAME: **Golden Eagle**

SIZE OF PROPERTY: 20.673 acres

NUMBER OF LOTS: 23 duplex-family residential lots, two multifamily lots, and two commercial lots

EXISTING USE OF PROPERTY: Vacant

ZONING CLASSIFICATION: RHD (Residential High Density District) and CMB (Commercial Medium Business District)

ANALYSIS OF ISSUES

PROPOSED DEVELOPMENT: The Golden Eagle Preliminary Plat includes 23 proposed duplex-family residential lots, two multifamily lots, and two commercial lots. The public infrastructure will be developed all at once, without phasing. Sunset Drive and South Medina Street will be extended through the subdivision following the thoroughfare alignments shown on the Lockhart 2020 Thoroughfare Plan map. A Subdivision Variance is requested to the Collector Street designation for Sunset Drive on the Thoroughfare Plan, as detailed below. The South Medina Street name is proposed to be changed to Golden Parkway for that portion extending through the subdivision property. When new street names are proposed, we routinely consult with The Caldwell County Appraisal District and the County 911 Coordinator to make sure that it meets their standards. In a September 3rd e-mail to staff, Matthew Allen of the Caldwell County Appraisal District expressed opposition to the change, citing potential confusion in the event of an emergency. In addition, County 9-1-1 Coordinator Jaclyn Archer also had similar concerns, stating in a September 3, 2021 e-mail that "Per CAPCOG and Caldwell County 9-1-1 Addressing Guidelines, 'where practicable, each continual road shall have the same primary street name and street suffix throughout its entire length, regardless of boundaries of local political subdivision.'" Section 52-72(n) of the Subdivision Regulations specifies that names of new streets being constructed as part of a subdivision are subject to approval of the Commission, and that once a street is accepted by the City and the subdivision plat is recorded identifying the name of such street, any subsequent change in the street name is subject to approval by the City Council. The plat identifies short 50-foot wide north/south rights-of-way on both sides of Sunset Drive, at the west end of the existing street, that are proposed to be vacated by separate instrument at some point in the future. When vacated, all or portions of those two areas will become attached to the subject property, at which point such vacation must clearly be shown on the final plat if it occurs prior to the time of final plat approval.

NEIGHBORHOOD COMPATIBILITY: The subject property is bordered to the west by an undeveloped property zoned AO (Agricultural-Open Space District). The abutting property to the south, across West MLK Jr. Industrial Boulevard, is also undeveloped and zoned AO. The properties adjacent to the east include the current Golden Age assisted living facility, the Caldwell County Justice Center, and commercial and residential uses. The properties to the north include the Hunters Pointe Subdivision and a vacant property zoned RHD. The proposed duplex, multifamily, and commercial uses will be located in an area generally transitioning from residential uses to the north and commercial uses to the south and east. According to the applicant, the two multifamily lots are each proposed to achieve a density above 12 units per acre which, according to Appendix I of the Zoning Ordinance, falls into the MF-2 residential development type requiring approval of a Specific Use Permit by the Commission for up to 24 units per acre in the RHD Zoning District (Section 64-196(f)(2)(d)).

FORM AND CONTENT: The plat complies with all minimum requirements for form and content.

COMPLIANCE WITH STANDARDS: The proposed development will meet all applicable subdivision standards, including construction of new streets where required, sidewalks, utilities, and stormwater drainage, except for compliance with the minimum Collector Street right-of-way width for Sunset Drive, for which a variance is requested. In addition, the plat shows a substandard 20-foot front building setback indicated on the commercial lots (Lot 1, Block A, and Lot 1, Block B). The setback line should be changed to 25 feet, and the part of Note 8 on the plat referring to the "commercial zoning front building setback" being 20 feet should be deleted. As reflected in the attached letter dated September 14th, the applicant's engineer agrees to this change. A variance to building setbacks, which are a zoning standard, can only be granted by the Zoning Board of Adjustment. The subdivision will be served by a regional stormwater detention area on the proposed multifamily lot identified as Lot 1, Block D. A fee in lieu of parkland dedication is proposed to be paid by the developer prior to the recording of the final plat. The final engineering design must be completed prior to the Commission's consideration of the final plat, which is the next stage after the preliminary plat process.

CONCURRENT VARIANCE REQUESTED: A Variance is requested to the requirement in Section 52-72(a) that Sunset Drive conform to Thoroughfare Plan designation of Sunset Drive as a Collector Street. As provided in Section 52-72(i)(2), the minimum right-of-way width for collector streets is 60 feet, whereas the applicant proposes a 50-foot width, which matches the right-of-way width of the existing Sunset Drive. The applicant's justification is explained in the attached letter dated September 10th from the applicant's engineer.

The criteria for granting variances is set forth in Subdivision Regulations Section 52-3(a), as follows:

1. Special circumstances or conditions affect the land involved such that strict application of the provisions of the Code would deprive the applicant reasonable use of the land;
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. The variance will not be detrimental to the public health, safety, or welfare, and will not be injurious to other property in the area;
4. The variance shall not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of the Code.



stansberry engineering

September 10, 2021

Mr. Kevin Waller
Assistant City Planner
City of Lockhart Development Services
308 W. San Antonio St.
Lockhart, TX 78644

Re: Golden Eagle Preliminary Plat
Right of Way Width Variance Request

Mr. Waller,

The existing Sunset Drive right of way is currently 50 feet wide with single family residences along the 1,400 foot length. The proposed Golden Eagle development will extend Sunset Drive approximately 200 feet west to connect with the proposed extension of South Medina Street, to be known as Golden Parkway as shown on the preliminary plat.

The right of way width for this extension of Sunset Drive is required to be 60 feet wide due to its designation as a collector street. A variance is requested to provide a 50 foot wide right of way width for Sunset Drive, east of the proposed Golden Parkway.

Approval of the requested variance will match the existing 50 foot wide right of way of Sunset Drive. It is unlikely the City will condemn right of way along the existing residences on Sunset Drive to increase the existing right of way to 60 feet.

This variance will not be detrimental to the public health, safety, or welfare, will not be injurious to other property in the area, and will not prevent orderly subdivision in accordance with the provisions of the Code.

Please let me know if you have any questions.

Sincerely,

Stansberry Engineering Co., Inc.

Blayne Stansberry
Blayne Stansberry



stansberry engineering

September 14, 2021

Mr. Dan Gibson
City Planner
City of Lockhart Development Services
308 W. San Antonio St.
Lockhart, TX 78644

Re: Golden Eagle Preliminary Plat
Commercial Zoning Setback

Mr. Gibson,

The preliminary plat shows a request for a variance to the 25 foot street setback for CMD zoning per the requirements of Appendix II, Chapter 64 of the City of Lockhart Code of Ordinances. The dedication of additional right of way along W MLK Jr. Industrial Blvd. prompted the request for a 20 foot setback as shown on the preliminary plat.

However, per our discussion, request of this zoning variance requires approval from the Board of Adjustment. For this reason, it is more appropriate to request the variance with the site development of the two commercial lots rather than with the preliminary plat.

We will proceed with the understanding that 25 foot street setbacks are required by the zoning criteria and being fully transparent with staff and commissioners, may elect to request this variance in the future as the commercial lots are developed.

We appreciate your input on the processes. Please let me know if you have any questions.

Sincerely,

Stansberry Engineering Co., Inc.

Blayne Stansberry
Blayne Stansberry

SUBDIVISION PLAT APPLICATION

CITY OF Lockhart TEXAS

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

APPLICANTS

SURVEYOR NAME HINKLE SURVEYORS

ADDRESS 1109 SOUTH MAIN STREET

DAY-TIME TELEPHONE 512/298-2000

LOCKHART, TX 78644

E-MAIL contact@hinklesurveyors.com

ENGINEER NAME STANSBERRY ENGINEERING

ADDRESS POST OFFICE BOX 132

DAY-TIME TELEPHONE 512/292-8000

MANCHACA, TX 78652

E-MAIL blayne@stansberryengineering.com

OWNER NAME Lockhart QOZ Investments

ADDRESS 1301 WEST 25TH ST., SUITE 510

DAY-TIME TELEPHONE 512/600-8080

AUSTIN, TX 78705

E-MAIL sewartz@dominionadvisors.com

TYPE OF APPLICATION

SUBDIVISION DEVELOPMENT PLAN REPLAT/RESUBDIVISION VARIANCE
 PRELIMINARY PLAT AMENDING PLAT MINOR PLAT FINAL PLAT
 DEVELOPMENT PLAT

PROPERTY

SUBDIVISION NAME Golden Eagle

ADDRESS OR GENERAL LOCATION 221 W MLK Jr. Industrial Blvd

LOCATED IN CITY LIMITS ETJ (COUNTY) PDD

TOTAL LAND AREA 20.673 ACRE(S)

PROPOSED NUMBER OF LOTS 27

ZONING CLASSIFICATION(S) RHD and CMB

PROPOSED USE OF LAND Duplex, Multifamily, Commercial

PLAT APPROVAL PERIODS

A preliminary plat approval period expires if a final plat for one or more sections is not submitted within 12 months of approval. Upon written request received prior to the expiration, a maximum of two six-month extensions may be considered by the Planning and Zoning Commission.

A final plat approval period expires if any required infrastructure construction is not begun within 12 months of approval. Upon written request received prior to the expiration, one six-month extension may be considered by the City Planner.

SUBDIVISION VARIANCE (for variance applications, only)

VARIANCE TO SECTION(S) 52-72(a) OF THE SUBDIVISION REGULATIONS

CURRENT ORDINANCE REQUIREMENT(S) Street width shall conform to the Thoroughfare Plan (52-72(a))

REQUESTED VARIANCE(S) 50-foot wide right-of-way width for Sunset Drive's full course through the subdivisions

SUBMIT A WRITTEN STATEMENT DOCUMENTING THE REASON FOR THE VARIANCE(S), INCLUDING EVIDENCE THAT THE REQUEST COMPLIES WITH THE FOLLOWING CRITERIA AS REQUIRED FOR APPROVAL OF A VARIANCE:

- 1. Special circumstances or conditions affect the land involved such that strict application of the provisions of the Code would deprive the applicant reasonable use of the land;
- 2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
- 3. The variance will not be detrimental to the public health, safety, or welfare, and will not be injurious to other property in the area; and,
- 4. The variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of the Code.

OFFICE USE ONLY

ACCEPTED BY Kevin Walker

RECEIPT NUMBER 01019692

DATE SUBMITTED 7/23/21

CASE NUMBER PP 21 05

DATE APPLICATION IS DEEMED COMPLETE 8/6/21

DATE NOTICES MAILED _____

DATE NOTICE PUBLISHED _____

(For certain Replats/Resubdivisions without vacating preceding plat)

PLANNING AND ZONING COMMISSION MEETING DATE 9/22/21

DECISION _____

CONDITIONS _____

SUBMITTAL REQUIREMENTS

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

IF THE APPLICATION IS FOR AN AMENDING PLAT OR REPLAT/RESUBDIVISION – A COPY OF EXISTING DEED RESTRICTIONS OR RESTRICTIVE COVENANTS, IF ANY.

IF THE APPLICATION IS FOR A FINAL PLAT INVOLVING PUBLIC IMPROVEMENTS – TWO FULL-SIZE PAPER COPIES OF THE ENGINEERING PLANS.

IF THE APPLICATION IS FOR, OR INCLUDES, A SUBDIVISION CODE VARIANCE – COMPLETED VARIANCE SECTION ON NEXT PAGE AND REQUIRED STATEMENT NOTED THEREIN.

PLAT DOCUMENTS, AS FOLLOWS, CONTAINING THE INFORMATION REQUIRED IN ARTICLE 23-6. (Amending Plats, Replat/Resubdivision Plats, and Minor Plats are considered the same as Final Plats for the purpose of content and format). All plat copies shall be full-size paper copies.

One copy for staff's completeness review; six copies after plat is deemed complete.

Ten copies after initial staff reviews above (preliminary plats, final plats, and replats/resubdivisions).

Two copies after initial staff reviews for amending and minor plats.

Two signed and sealed mylar reproducibles (three if applicant wants to keep one) of approved amending plat, replat/resubdivision, final plat, or minor plat, for recording. One recorded reproducible is filed at the County Clerk's office, and the other is returned to the City.

FEE, AS FOLLOWS (NO FEE FOR VARIANCES, APPEALS, SUBDIVISION DEVELOPMENT PLANS, OR DEVELOPMENT PLATS):

Preliminary Plat	\$600.00 payable to the City of Lockhart
Final Plat or Replat/Resubdivision	\$400.00 plus \$20.00 per acre, payable to the City of Lockhart
Amending plat, Minor plat, or Minor replat not requiring a public hearing	\$100.00 payable to the City of Lockhart
Recording fee for Amending Plat, Replat/Resubdivision, Final Plat, or Minor Plat	\$71.00 for the first sheet, and \$50.00 for each additional sheet, payable to the Caldwell County Clerk

To the best of my knowledge, this application and associated documents conform to all requirements of the City of Lockhart Subdivision Regulations. By signing below I agree that if any part of this plat and/or associated construction plans is found to be incorrect, incomplete, or otherwise deficient with regard to applicable City standards, the deadline imposed by the Texas Local Government Code, Section 212.009 for approval or denial of the plat and/or associated construction plans by the City within 30 days of the date this application is deemed complete is automatically extended for an additional 30 days. I further agree that if any part of this plat and/or associated construction plans remains deficient at such time that the plat and/or associated construction plans cannot be approved prior to the expiration of the second 30 days, the plat or construction plans will be subject to denial by the approval authority. It is understood that I or another representative should be present at all public meetings concerning this application.

SIGNATURE Steffen Waltz Digitally signed by Steffen Waltz
Date: 2021.07.15 15:50:24 -05'00'

DATE July 15, 2021

PRINTED NAME Steffen Waltz

TELEPHONE 5126008080