

**City of Lockhart  
Planning and Zoning Commission  
May 25, 2022**

**MINUTES**

**Members Present:** Philip Ruiz, Bradley Lingvai, Ron Peterson, Rick Arnic, Phil McBride, Manuel Oliva

**Member Absent:** Chris St. Ledger

**Staff Present:** Christine Banda, Dan Gibson, David Fowler

**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 the May 11, 2022, meeting.

*Commissioner Arnic moved to approve the May 11, 2022, minutes. Commissioner Peterson seconded, and the motion passed by a vote of 5-0.*

Commissioner Oliva arrived at 7:03 p.m.

4. SUP-22-10. Hold a PUBLIC HEARING and consider a request by Rosario Rodriguez for a Specific Use Permit to allow a Manufactured Home on 5.001 acres in the Esther Berry Survey, Abstract No. 1, zoned RMD Residential Medium Density District and located at 2011 FM 1322.

David Fowler explained that the applicant recently had the property's zoning changed to RMD so that they could apply for the specific use permit to allow a new manufactured home on the property. The subject property will have access from the adjacent driveway to be shared with the parents' property. He mentioned that no opposition had been expressed thus far.

Chair Ruiz opened the public hearing and asked if the applicant wished to speak.

Rosario Rodriguez, of 2025 FM 1322, said that the manufactured home is for his daughter so she could live next door to them.

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

Mr. Fowler said that staff recommended approval.

*Commissioner McBride moved to approve SUP-22-10. Commissioner Lingvai seconded, and the motion passed by a vote of 6-0.*

5. ZC-22-06. Continue a PUBLIC HEARING and consider a request by Curtis Thigpen of Paravel Capital on behalf of Alan Balsler, for a Zoning Change from RMD Residential Medium Density District to RHD Residential High Density District on 19.906 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1900 North Cesar Chavez Parkway Northbound (SH 103).  
[TABLED 3-9-22]

Mr. Gibson reminded the Commission that this item was previously tabled because there was no wastewater service available in the area. The City's wastewater impact fee CIP proposed a 12-inch sewer extension along Stueve Lane to serve the Silent Valley Road area, but a study done by the city engineer indicated that a larger line would be necessary to serve the higher densities that would result from multiple requests for zoning changes such as this to RHD. The proposed line would need to be 18 inches in diameter, and the main trunk that it would connect to would have to be replaced with a larger line all the way to the treatment plant. The cost of the entire project would be 6.1 million dollars. The City received an EDA grant that will help fund the project, but it's not near enough to cover the entire cost. At this time, the city does not know how much the developer would have to contribute or what the timeframe would be for the City to make the necessary upgrades.

Chair Ruiz opened the public hearing and asked if the applicant wished to speak.

Garrison Welch, of 1509 Old West 38<sup>th</sup> Street, Suite 300, in Austin, said the subject property is an excellent location for high density development and they understand that they cannot build anything until the wastewater infrastructure is available.

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 because the city engineer's study did not include the Colorado Street corridor north of China Street where similar zoning changes had been requested, and where there is currently inadequate or no wastewater service, another study would be required for that area, which would be served by a separate impact fee CIP project. Both CIP projects would connect to the same trunkline. Therefore, the study for the Silent Valley Road area might need to be revised if it is determined that the trunkline must be increased in size even more to accommodate proposed high density development along North Colorado Street. Mr. Gibson recommended that the zoning change for the subject property be postponed to the July 13<sup>th</sup> Commission meeting so that the final reports will be available for both wastewater study areas. Once the total cost is known, decisions can be made regarding the amount of each type of available funding that will be used, including developer contributions. He said if the Commission votes on a final recommendation at the July 13<sup>th</sup> meeting, it would be considered by the City Council on July 19<sup>th</sup>.

*Commissioner McBride moved to postpone ZC-22-06 until the July 13<sup>th</sup> Planning and Zoning Commission meeting, with a recommendation to the City Council that they postpone it to their July 19<sup>th</sup> meeting. Commissioner Arnic seconded, and the motion passed by a vote of 6-0.*

6. ZC-22-08 and PDD-22-01. Hold a PUBLIC HEARING and consider a request by James Travis Krause on behalf of Patton 3, LLC, for a Zoning Change from RLD Residential Low Density District to PDD Planned Development District, including a PDD Development Plan for Lockhart Place Townhomes Planned Development, on 19.798 acres in the Frances Berry Survey, Abstract No. 2, located at 903 State Park Road (FM 20). [Zoning change requested to be POSTPONED to 6-22-22, PDD development plan WITHDRAWN.]

Mr. Fowler explained that this zoning change cannot be fully considered because the maximum 60-day period allowed by State law for review of plats and plans was going to expire before this project would be ready for approval, so the plat and PDD development plan were withdrawn by the applicant to stop the clock. New application forms were submitted, and the review process will continue. Because the zoning change is not subject to the same time limit for review and approval, it did not have to be withdrawn, but cannot continue until the PDD development plan and subdivision plat are ready to accompany it.

Chair Ruiz opened the public hearing to let those in the audience speak if they wished even though no action would be taken on the zoning change.

Mary Ellen Becklin, of 903 San Jacinto Street, said there are gas and LCRA Transmission lines that run through the property which should be considered in the plans. She also had concerns about increased traffic causing more congestion in the area.

Raymond DeLeon, of 1015 San Jacinto Street, agreed with Ms. Becklin, and had the same concern about increased traffic.

Michael Jeffrey, of 1001 San Jacinto Street, said he is also concerned about increased traffic. His house is adjacent to Westward Drive, which at this time is a dead end. His driveway is located on Westward Drive and he was concerned that he may have difficulty backing out with the increased traffic that may come through on the street when it is extended into the new development. He didn't like that his privacy will be compromised.

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

Mr. Fowler recommended that ZC-22-08 be postponed until the Commission's June 22<sup>nd</sup> meeting to allow more time to complete the review process for the subdivision plat and PDD development plan. All three applications would then be considered at that time, and ZC-22-08 and PDD-22-01 would be considered by the City Council at their July 5<sup>th</sup> meeting.

*Commissioner Arnic moved to postpone ZC-22-08 until the June 22<sup>nd</sup> Planning and Zoning Commission meeting, with a recommendation to the City Council that they postpone it to their July 5<sup>th</sup> meeting. Commissioner Lingvai seconded, and the motion passed by a vote of 6-0.*

7. ZC-22-09. Continue a PUBLIC HEARING and consider a request by Chris Bancroft on behalf of Alma Ewald for a Zoning Change from 23.064 acres AO Agricultural-Open Space District to 18.535 acres RHD Residential High Density District and 4.529 acres CMB Commercial Medium Business District in the Byrd Lockhart League, Abstract No. 17, located at 1650 North Colorado Street (US 183). [TABLED 3-23-22]

Mr. Gibson reminded the Commission that this item was tabled from their March 23<sup>rd</sup> meeting to wait on the results of a wastewater study to be completed by the city engineer. Although a study was completed for the northwest Silent Valley Road area, it did not include the CIP project that would serve the North Colorado Street corridor. He said staff still didn't know what the total cost would be, and how much of the cost would be covered by the various sources.

Chair Ruiz opened the public hearing and asked if the applicant would like to speak.

Thomas Rhodes, of 2804 Hunter Road, spoke on behalf of Chris Bancroft of Texas Multifamily Capital. He said they understood the importance of the wastewater study needed for the subject property, but he expressed his desire that the Commission would vote go ahead and vote on the zoning change. He said they are under a time constraint to close on the property, and it wasn't their fault the City failed to deliver a report in time for this meeting. Mr. Rhodes continued by saying the developer would work with the City to accomplish what would need to be done for the wastewater infrastructure, and he again asked the Commission to make a recommendation so that the City Council could take a final vote.

Allen Hanson, 4012 Duval Street in Austin, said he represented the Ewalds on their contractual agreement with the applicant. He said they wished to encourage the Commission to act on approving this zoning change. They have been long-standing residents for several generations that would like to move forward on their contract.

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

Mr. Gibson recommended that the zoning change be postponed to the Commission's July 13<sup>th</sup> meeting, with the Commission's final recommendation being considered by the City Council at their July 19<sup>th</sup> meeting. He added that if the Commission preferred to go ahead and recommend approval, it would give the City Council the option to vote on it, but in any case no building permit could be issued until there is wastewater service available in area.

*Commissioner Oliva moved to postpone ZC-22-09 until the July 13<sup>th</sup> Planning and Zoning Commission meeting, with a recommendation to the City Council that they postpone it to their July 19<sup>th</sup> meeting. Commissioner McBride seconded, and the motion passed by a vote of 5-1 with Commissioner Peterson against.*

8. ZC-22-10. Continue a PUBLIC HEARING and consider a request by Chris Bancroft on behalf of Ernest Ewald, Jr. for a Zoning Change from 15.906 acres AO Agricultural-Open Space District to 12.262 acres RHD Residential High Density District and 3.644 acres CMB Commercial Medium Business District in the Byrd Lockhart League, Abstract No. 17, located at 1724 North Colorado Street (US 183). [TABLED 3-23-22]

Mr. Gibson explained that the applicant for this case was the same as the previous case, but that the current property owner was different. He said that the requested zoning classifications are the same, and this site also lacked wastewater service.

Chair Ruiz opened the public hearing and asked if the applicant wished to speak.

Thomas Rhodes spoke again on behalf of Chris Bancroft, and stated their desire for the Commission to vote favorably on their zoning application.

Allan Hanson said the property is an excellent location for high density residential with a commercial component. He asked the Commission to go ahead and vote on the zoning change request so that they can move forward with the project.

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

Mr. Gibson recommended that the zoning change be postponed to the Commission's July 13<sup>th</sup> meeting, with the Commission's final recommendation being considered by the City Council at their July 19<sup>th</sup> meeting. He added that if the Commission preferred to go ahead and recommend approval, it would give the City Council the option to vote on it, but in any case no building permit could be issued until there is wastewater service available in area.

*Commissioner Oliva moved to postpone ZC-22-10 until the July 13<sup>th</sup> Planning and Zoning Commission meeting, with a recommendation to the City Council that they postpone it to their July 19<sup>th</sup> meeting. Commissioner Arnic seconded, and the motion passed by a vote of 5-1 with Commissioner Peterson against.*

9. ZC-22-11 and PDD-22-02. Hold a PUBLIC HEARING and consider a request by Jim Meredith on behalf of Masonwood Development Corporation, for a Zoning Change from PDD Planned Development District to PDD Planned Development District, including a Revised PDD Development Plan for Kelley Villas Planned Development, on 16.31 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1712 West San Antonio Street (SH 142).

Mr. Fowler explained that the PDD was previously approved by the City Council, but the applicant had since made some changes on the PDD development plan, including relocating the entrance drive at the request of TxDOT. As before, the project would have a total of 160 units with four parking spaces per unit including the garages, and the buildings would be spaced ten feet apart from one another. He said that no opposition had been expressed thus far.

Chair Ruiz opened the public hearing and asked if the applicant wished to speak.

Josh Henke, of 8506 Spring Valley Drive in Austin, said he is the engineer working on the project and is available to answer any questions the Commission may have.

Commissioner McBride asked if there was any concern about there being only one entrance.

Mr. Henke said that the entrance is larger than normal, and that it was their only option for the project because of existing driveway and street intersection spacing along West San Antonio Street.

Paul Ibarra, of 201 Richland Drive, asked if the project would affect his property since it was within the 200-foot buffer shown on the case map.

Mr. Gibson explained that the 200-foot buffer is simply the boundary within which property owners are notified about the public hearing for the zoning change, and that the rezoning does not include his property.

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

Mr. Fowler said that staff recommended approval of the zoning change and PDD development plan.

*Commissioner McBride moved to recommend approval of ZC-22-11 and PDD-22-02 to City Council. Commissioner Arnic seconded, and the motion passed by a vote of 5-1 with Commissioner Oliva against.*

10. FP-22-03. Consider a request by Jim Meredith for approval of a Final Plat for Kelley Villas Planned Development District, consisting of 16.17 acres in the Cornelius Crenshaw Survey, Abstract No. 68, to be zoned PDD Planned Development District, and located at 1712 West San Antonio Street (SH 142).

Kevin Waller described the plat, and explained that a preliminary plat was not required because the development was going to be just one large lot with no internal public infrastructure. He said that it would have 160 units, as shown on the previously discussed PDD development plan, with private streets. Traffic safety at the entrance would be enhanced with the applicant's construction of a center left-turn lane and right-turn transition lane in San Antonio Street.

Chair Ruiz asked if the applicant wished to speak.

John Henke again offered to answer any questions the Commission may have about the subdivision plat.

Chair Ruiz acknowledged there were no questions or anyone else wishing to speak, so he asked for the staff recommendation.

Mr. Waller said that staff recommended approval subject to a condition that a written agreement be submitted between the City and the legal entity to be responsible for the ownership and maintenance of the private streets, permitting access and use without liability by City vehicles and personnel on official business, as specified on the development plan application form and recommended by staff.

*Commissioner Lingvai moved to approve FP-22-03 subject to the conditions recommended by Mr. Waller. Commissioner Peterson seconded, and the motion passed by a vote of 5-1 with Commissioner Oliva against.*

11. ZC-22-12. Continue a PUBLIC HEARING and consider a request by Jim Meredith on behalf of Robert A. Schmidt for a Zoning Change from CHB Commercial Heavy Business District to RHD Residential High Density District on 14.57 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 101 East China Street. [TABLED 4-13-22]

Mr. Fowler explained that the subject property was tabled from the April 13<sup>th</sup> Commission meeting due to wastewater issues along the North Colorado Street corridor that needed to be addressed in a report from the city engineer. Because that area was not included in the previous study of the northwest Silent Valley Road area, the city engineer needs more time to complete the new study.

Chair Ruiz opened the public hearing and asked if the applicant wished to speak.

Amelia Smith, of 1480 Clear Fork Street, said that she and her associate, Amy Anton, are working with Jim Meredith, the applicant, on a contract for sale of the property, and they are unsure if they would get another extension for a final decision on the proposed zoning change. She knows for sure that Mr. Meredith would contribute to any infrastructure that is lacking for the development. She believes the Commission should decide on the zoning change request and not postpone because it is important to move forward with development.

Jack Meredith, CEO of Masonwood, said he was there to speak on behalf of Jim Meredith. He noted that there will be a lot of development occurring along North Colorado Street, and that the wastewater infrastructure should not be an issue for a zoning change request.

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

Mr. Fowler recommended that the zoning change be postponed to the July 13<sup>th</sup> Commission meeting, with the Commission's final recommendation being considered by the City Council at their July 19<sup>th</sup> meeting.

*Commissioner Arnic moved to postpone ZC-22-12 to the July 13<sup>th</sup> Planning and Zoning Commission meeting, with a recommendation to the City Council that they postpone it to their July 19<sup>th</sup> meeting. Commissioner Oliva seconded, and the motion passed by a vote of 5-1 with Commissioner Peterson against.*

12. ZC-22-16. Hold a PUBLIC HEARING and consider a request by Daniel Loe, owner of 203 North Commerce Street, and a request by Daniel Loe on behalf of Mireya Vera, Edgar Llamas, Jiovanna Llamas, Robert and Maria Reyna, owners of 115, 117, and 119 East Walnut Street, for a Zoning Change from CMB Commercial Medium Business District to CCB Commercial Central Business District on a total of 0.246 acre consisting of part of Lots 5 and 6, Block 27, Original Town of Lockhart.

Mr. Fowler said that Mr. Loe wished to make structural changes to his currently vacant building at 203 North Commerce Street, but the existing building is nonconforming under the current CMB zoning classification due to inadequate building setbacks and lack of off-street parking. Changing the zoning classification to CCB will eliminate the nonconformities. Because his building and the adjacent ones addressed along East Walnut Street were all constructed consistent with the type of building form that is prevalent in the central business district, it is logical that they be rezoned to CCB. Under the current CMB zoning, if anything should happen to the buildings they would not be able to be rebuilt as they were originally constructed. The proposed zoning change would simply extend the existing central business district zoning northward, consistent with the adopted Land Use Plan map.

Chair Ruiz opened the public hearing and asked if the applicant wished to speak.

Daniel Loe, of 1205 East Cesar Chavez in Austin, came forward and said that he owns the red brick building behind the restaurants along East Walnut Street. He would like to reopen the empty building at 203 North Commerce Street but there is no place for parking, and the existing buildings are nonconforming in the CCB zoning classification. The zoning change would benefit all of the property owners by eliminating the current nonconformities.

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

Mr. Fowler recommended approval.

*Commissioner Lingvai moved to recommend approval of ZC-22-16 to City Council. Commissioner McBride seconded, and the motion passed by a vote of 6-0.*

13. PP-22-01. Consider a request by Jacob Kondo, P.E., on behalf Chris Bancroft, for approval of a Preliminary Plat for Cavalry Subdivision, consisting of 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. Waller explained that the subject property was recently sold and there was an acreage change on the plat. It will have two multifamily lots and three parkland lots. The two park lots at the north end will be owned and maintained by the City. The other park will be a private dog park. A fee in lieu of public parkland dedication will be paid for the remaining obligation that is not already met by the two public park areas at the north end. The plat accommodates an existing LCRA powerline easement, and provides a land reservation for the future realignment of State Park Road across the north portion of the subject property. He mentioned that the width of the LCRA easement shown on the plat still needs to be verified with LCRA.



Chair Ruiz asked if the notes could be numbered on the plat.

Mr. Waller said that they could be numbered, and he would keep that in mind for future plat submittals.

Chair Ruiz asked if the applicant wished to speak.

Brian Parker, of Kimley-Horne and Associates, 10814 Jollyville Road, Suite 300, in Austin, said he works with Jacob Kondo, the applicant. The plan is to construct garden-style apartments in two phases.

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

Mr. Waller recommended approval subject to conditions, including a confirmation with LCRA that the 100-foot width of the powerline easement shown on the plat is correct, a revision to the parkland note from a fee-in-lieu payment equivalent to 0.284 acre to 0.625 acre, and the addition of the words "Preliminary Plat" to the title block beneath "Cavalry Subdivision".

*Commissioner Arnic move to approve PP-22-01 subject to the conditions recommended by Mr. Waller. Commissioner Lingvai seconded, and the motion passed by a vote of 6-0.*

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

Mr. Gibson announced that the next regular meeting date is June 8<sup>th</sup>, and that applications had been received for that agenda.

15. Adjourn.

*Commissioner McBride moved to adjourn, and Commissioner Arnic seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:53 p.m.*

Approved: \_\_\_\_\_

*June 8, 2022*

(date)



Christine Banda, Recording Secretary



Philip Ruiz, Chair