

**City of Lockhart
Planning and Zoning Commission
December 14, 2022**

MINUTES

Members Present: Philip Ruiz, Phil McBride, Bradley Lingvai, Rick Arnic, Ron Peterson, Chris St. Ledger

Member Absent: Manuel Oliva

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

Visitors/Citizens Addressing the Commission: Alan Balser, Bobby Ross, Robert Mendez, Jr., Diane Bernal

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 November 9, 2022, meeting.

Commissioner McBride moved to approve the November 9, 2022, minutes. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0.

4. ZC-22-30. Hold a PUBLIC HEARING and consider a request by Alan Balser for a Zoning Change from AO Agricultural-Open Space District and RLD Residential Low Density District to RLD Residential Low Density District on a total of 17.228 acres in the Lockhart Byrd League, Abstract No. 17, located at 1107 Silent Valley Road (FM 2001).

David Fowler presented the staff report. He described the property as being located north of Silent Valley Road and having a driveway that is also used as a shared access easement by neighboring homes. The applicant requested subject property to be rezoned to RLD Residential Low Density District. The site has adequate water service, but the wastewater line would need to be upgraded along the railroad tracks and extended northward along Stueve Lane to the property. Staff had not received any response to the notifications sent to surrounding property owners or the sign placed on the site.

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

Alan Balser, of 11166 Lawnhaven Road, Dallas, TX 75230, said he is requesting the RLD zoning district to be consistent with the future land use plan. There are currently no development plans for the property. He mentioned that Stueve Lane would be extended to SH 130 when a neighboring development is built.

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

Mr. Fowler stated that staff recommended approval.

Commissioner St. Ledger moved to recommend approval of ZC-22-30 to City Council. Commissioner Arnic seconded, and the motion passed by a vote of 6-0.

5. ZC-22-31. Hold a PUBLIC HEARING and consider a request by Diane Bernal on behalf of Michael Wes Masur and Mandy Masur Holcomb, for a Zoning Change from RLD Residential Low Density District to CMB Commercial Medium Business District on Lot 1, Masur Subdivision, consisting of 2.256 acres located at 1708 West San Antonio Street (SH 142).

Mr. Fowler explained that the subject property was located between a single-family neighborhood located on Richland Drive and the Kelley Villas duplex community to the west along West San Antonio Street. The zoning request was consistent with the future land use plan. No objections had been received in response to the notifications sent to surrounding property owners.

Diane Bernal of 11917 Oak Knoll Dr, Austin, identified herself as a co-applicant. She stated that the tract of land is ideal for transition from commercial to residential. She also stated they would submit their driveway proposal to TxDOT for approval and to see if any safety improvements were required. Upon approval of a driveway location, the applicants will submit their site plan proposal to city staff. She stated the mix of commercial uses on the site had not been determined as of the meeting date.

Chair Ruiz asked if anyone else would like to speak, and seeing no volunteers, he closed the public hearing and moved to staff recommendations.

Mr. Fowler stated that staff recommends approval.

Commissioner McBride moved to recommend approval for ZC-22-31 to City Council. Commissioner Peterson seconded, and the motion passed by a vote of 6-0.

6. As provided in Chapter 12, " Buildings and Building Regulations", Section 12-491(3), of the Lockhart Code of Ordinances for fences within the front building setback area in nonresidential zoning districts, consider a request by Robert Mendez, Sr., for approval of a four-foot high wrought-iron fence along the front property line and six-foot high wrought-iron fences along the side property lines of a property zoned CLB Commercial Light Business District and located at 908 South Main Street.

Mr. Fowler presented the case, showing the subject property and neighboring properties in the context of the site and its surroundings, which is a transitional area between single-family residential and commercial uses. The property in question was a single-family structure in the CLB Zoning District. Mr. Fowler stated that the fence is built already, and that the application is coming before the Commission after the owner received a violation notice regarding the fence being built without a permit. The fence is wrought iron which is four feet high with a five-foot gate. The fence was higher along the side property lines. He explained that all commercial property requires approval from the planning and zoning commission for any fence in the front yard.

Chair Ruiz asked the applicant to come forward and speak.

Robert Mendez, Jr., of 908 S. Main Street spoke. He said that he was not aware that his contractor did not obtain a fence permit. He wanted to put a fence in place because there have been issues with trespassing in the area. He was not sure why the contractor did not obtain their permit but once he received the violation letter, he immediately came in to resolve the issue.

Commissioner Peterson moved to approve the fence in the front yard setback within the CLB zoning district request for 908 South Main Street. Commissioner Arnic seconded, and the motion passed by a vote of 6-0.

7. FP-22-08. Continue consideration of a request by Bobby Ross of Doucet & Associates, on behalf of Lockhart Economic Development Corporation, for approval of a Final Plat for Lockhart Industrial Park III, Section 2, consisting of 37.82 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned IL Industrial Light District, and located in the 500 block of FM 2720. [Tabled 11-9-22]

Kevin Waller presented the plat. He stated it would have four lots with one for drainage. There would be sidewalks along all street frontages and the area would be the site of an industrial park. A hike and bike trail was shown on the plat.

Chair Ruiz asked if anyone would like to speak.

Bobby Ross with Doucet & Associates introduced himself as one of the engineers on the project and stated he was available to answer any questions.

There were no questions of Mr. Ross.

Chair Ruiz asked if anyone else wished to speak. With no one else volunteering, he asked for staff recommendation.

Kevin said that staff recommends approval

Commissioner Arnic moved to recommend approval of FP-22-08. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0.

8. PV-22-04. Consider a request by Casey Stevenson of VMP Lockhart Properties, LLC, for Variances to Chapter 52 "Subdivision Regulations", of the Lockhart Code of Ordinances, Sections 52-31(a) and 52-205(c) to allow a building permit to be issued for construction prior to recording the final plat, and Sections 52-31(a) and 52-205(b,d,e) to allow for the provision of utility services prior to recording the final plat, and Section 52-204 to allow for the recording of the final plat prior to inspection and acceptance of the public improvements by the City, for Lockhart Farms Addition, Phase Two, consisting of 36.18 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned RMD Residential Medium Density District and CMB Commercial Medium Business District, located in the 2000 block of West San Antonio Street (SH 142).

Mr. Waller presented the case, stating that the plat would have two commercial lots along West San Antonio Street and a residential subdivision north of the commercial lots. The applicant is requesting three variances: They wanted to allow for utility services to be provided prior to recording the plat, to allow building permits prior to the recording of the final plat, and to allow the recording of the plat prior to inspection and acceptance of the public improvements by the city. He went over the criteria for the variances to be met. He explained that they need a crane to put the homes in place and believe the crane would destroy a newly paved road.

Commissioners were concerned about the variances and the type of homes being proposed in the development.

Mr. Waller explained that the modular homes would meet the city building code requirements. Mr. Fowler cited a definition from the Zoning Code that stated that modular homes are considered the equivalent of site-built homes.

Chair Ruiz asked if the applicant was present.

Casey Stevenson of 485 Millwood Drive, Highland Village, Texas came forward with a presentation for the commissioners. The homes would be brought in with cranes and then assembled on the lot. They would construct all the curbing except the road itself to preserve it. They would assemble 15 homes a month. The homes would be all wood panel construction, with different elevations. The homes would be a quality product. They would like to propose a letter of credit to make sure all is completed.

The commissioners had questions and concerns about the quality of the homes and when exactly folks would be able to move into the homes.

Mr. Stevenson said that they would not be able to move in until a certification of occupancy is received from the city.

Robert Caravella of 6326 River Place Blvd, Austin, Texas said that he was skeptical at first but after going to see the homes in the factory and how they are assembled, his concerns were addressed. He stated the homes are a high-quality product assembled without the weather conditions facing site-built homes, making for a more consistent product. He stated that the homes are equivalent materials to other site-built homes and are not similar to manufactured or mobile homes.

Paul Leventis, of 2554 Emerald Ridge, College Station, said that he was in favor of the development, as modular developments are becoming the new norm. He thinks it is in everybody's best interest to have a quality product because they would be leased homes. The applicant would just like to maintain the integrity of the street by not having a crane drive over a finished asphalt street.

Mr. Waller said that staff recommends approval if the commission finds the variances meet the criteria.

There was discussion about our ordinances not allowing for other ways to help certain developments.

Commissioner Lingvai moved to recommend approval of PV-22-04 subject to fiscal security. Commissioner St. Ledger seconded, and the motion was denied by a vote of 3-3 with Commissioners Ruiz, McBride and Arnic against.

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


It was announced that the Commission's next regular meeting date would be January 11, 2023.

10. Adjourn.

Commissioner McBride moved to adjourn, and Commissioner Arnic seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:22 p.m.

Approved: 1/11/2023
(date)


Christine Banda, Recording Secretary


Philip Ruiz, Chair