

**City of Lockhart
Planning and Zoning Commission
April 12, 2023**

MINUTES

Members Present: Philip Ruiz, Manuel Oliva, Bradley Lingvai, Chris St. Ledger, Ron Peterson

Members Absent: Phil McBride, Rick Arnic

Staff Present: David Fowler, Christine Banda, Kevin Waller, Sean Kelley, Monte Akers

Visitors/Citizens Addressing the Commission: Ricardo Rodriguez, Jamie Trevino, Maria Gonzales, Monte Guidry, Jaclyn Zapien, Carmen Rangel, Lakshay Sharma, Tom Staub, Luke Caraway, John Turner, Mark Estrada

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 March 22, 2023, meeting.

Commissioner Oliva moved to approve the March 22, 2023, minutes. Commissioner Peterson seconded, and the motion passed by a vote of 5-0.

4. SUP-22-08. Hold a PUBLIC HEARING and revisit a request by Ricardo Rodriguez on behalf of Stephanie Bradley to allow a Bar with extended hours to 2:00 a.m. on part of Lot 6, Block 7, Original Town of Lockhart, consisting of 0.06 acres zoned CCB Commercial Central Business District and located at 211 East Market Street.

David Fowler stated that the item is on the agenda because the one-year review period for the SUP granted in April 2022 is near expiration. He noted that one letter of opposition was received regarding renewal of extended hours. The police records were checked for the last year with fewer serious incidents compared to the previous year. Most of the police calls in the past year have been routine checks, many requested by the business owner.

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

Ricardo Rodriguez, of 2001 FM 1322, said he was appearing before the Commission for the second time in two years to get approval of the extended hours until 2 AM He stated that the business is doing well and that their patrons are visiting The Lounge to celebrate birthdays and to watch sporting events. They have hired security to handle unruly patrons. He requested the commission's permanent approval for the extended hours.

Rosario Rodriguez of 253 Martindale Lane, Martindale, stated that he frequents the bar after work and enjoys a night out close to home. He said he was in favor of the extended hours.

Rolando Gutierrez, Jr., who stated he was another owner of the bar and would like to get permanent approval for the extended hours.

Commissioner St. Ledger asked about security.

Mr. Gutierrez said that there are two additional security personnel present on weekends to help with the larger crowds.

Chair Ruiz asked if anyone else would like to speak. With no further volunteers, he closed the public hearing and asked for staff recommendation.

Mr. Fowler recommended renewing approval of extended hours for one additional year.

Commissioner Oliva moved to approve SUP-22-08 to permanently permit extended hours. Commissioner Peterson seconded, and the motion passed with a vote of 5-0.

5. SUP-23-06. Hold a PUBLIC HEARING AND consider a request by Maria Gonzales on behalf of Gonzalo Figueroa for a Specific Use Permit to allow a Manufactured Home on Lot 2, Block 1, Oakview Addition, consisting of 0.07-acres zoned RMD Residential Medium Density District and located at 716 First Street.

Mr. Fowler stated the applicant would like to place a new manufactured home on the property. He showed photos of the proposed location and the neighboring property. He mentioned that the neighboring home to the west would have to remove a portion of the building so that there is no encroachment onto the subject property. The privacy fence in the front yard would also need to be removed before any building permit is approved. The new home would require a stoop/porch at the entrance as well as a back door. He mentioned that notifications were sent out and no letters or calls of opposition were received.

Maria Gonzales and Jaime Trevino of 714 First Street said they would like to place a new manufactured home on the lot in which they would live. They stated they would also install two 3 x 3 porches.

Chair Ruiz asked if anyone else would like to speak, seeing no volunteers, he closed the public hearing and asked for staff's recommendation.

Mr. Fowler recommended approval based on three conditions: The privacy fence is removed, the building addition on 714 First Street that encroaches the lot line is removed to allow for a five-foot side setback from the subject property, and all City of Lockhart Standards for manufactured homes are met.

Chair Ruiz asked the applicant if they agreed to the conditions required by staff.

Mr. Trevino said they agreed.

Mr. Ruiz made comments about new homes being built in the neighborhood and that he believes manufactured homes are not compatible with these new site-built houses.

Mr. Oliva agreed with Mr. Ruiz and wants to make sure that anyone would be allowed to have an opportunity for this type of home no matter the location within the city.

Commissioner St. Ledger moved to approve SUP-23-06 with staff's conditions. Commissioner Peterson seconded, and the motion was approved with a vote of 3-2 with Chair Ruiz and Commissioner Lingvai against.

6. ZC-23-03. Hold a PUBLIC HEARING and consider a request for a Zoning Change from CHB Commercial Heavy Business District to RMD Residential Medium Density District on a total of 0.205 acres in the Byrd Lockhart League, Abstract No. 17, located at 1013 North Colorado Street (US 183).

Mr. Fowler stated the applicant would like to rezone the subject property to allow the structure at the rear of the lot along Kate Street to be permitted as an Accessory Dwelling Unit-General. The main home located on the same property is allowed to be occupied as an existing nonconforming use, however the accessory dwelling unit would only be allowed if the property were rezoned to a residential zone that allows accessory dwelling units. The applicant requested RMD zoning to make the accessory unit potentially permissible. Ownership of the property had changed in recent years, and it is believed that the prior owners converted the garage building into a living space without a permit. The violation came to City staff's attention when the owners requested an electrical inspection. The inspector notified staff about the violation at that time. There are multiple building code violations visible from the exterior of the property. There also appear to be setback issues, a potential lack of parking spaces and no permits filed for the garage conversion. He said he had spoken with the City Building Official Kelly Stilwell who agreed there are several building code violations for the subject property.

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

Monte Guidry of 4835 Seawillow Road, said he bought the property a year ago and was told that the property was grandfathered. He gave the commission a brief history of the property which had been owned by the Wilhelm Family. He stated he buys properties to refurbish and then rents them.

Jaclyn Zapien, of 4835 Seawillow Road, said that the survey shows no encroaching. The violation was identified up because the owners had requested about an electrical inspection for the living space located off Kate Street. She stated the owners are trying to remedy the violation. They purchased the property under the impression that all of the uses are grandfathered. They would like to keep the accessory dwelling unit as well as the main home and use them as rental properties.

Carmen Rangel said they found the meter hanging on the property and disconnected. They were told that they could use a propane tank for the water heater since the living unit does not have any gas. She believed the property should have adequate parking, which an updated survey will show can fit on the lot due to part of Kate Street being abandoned by the city. She

also reiterated that the buyers were told the property was grandfathered with all the modifications.

Chair Ruiz asked if anyone else wanted to speak regarding the zoning change. With no volunteers, he closed the public hearing and asked for staff recommendation.

Mr. Fowler wanted to clarify that the previous garage was an existing use in a nonconforming structure as the garage for the main residence but that the use of this building as a residential structure is not permitted in the CHB zoning district and had never been reviewed. He noted that the current owners did not contact city staff to verify that everything on the property was permitted when buying the property. Staff informed the owners that a zoning change would be necessary to make the structures conforming and that a Specific Use Permit was required for the Accessory Dwelling Unit and that several variances would be needed prior to the SUP application being accepted. He said that staff recommends denial because the zoning change was filed for the purpose of making the illegal conversion legal and that the subject property would have to have many variances that could not be guaranteed, even if the zoning change is approved. All building code violations would also have to be cleared before the SUP case could be heard. They would have to come back to this commission for a specific use permit for the ADU. It is the responsibility of any investor to do their due diligence.

Commissioner Oliva moved to table ZC-23-03 until staff receives an updated survey of the property. Commissioner Peterson seconded, and the motion was approved with a vote of 5-0.

7. FP-23-01. Consider a request by Raquel Saenz and Lakshay Sharma of Hagood Engineering Associates, on behalf of 183 Warehouse, LLC, for approval of a Final Plat for Summerside Subdivision Section 1C, consisting of 5.445 acres in the Esther Berry Survey, Abstract No. 1, zoned CMB (Commercial Medium Business District), and located at 2400 South Colorado Street (US 183).

Kevin Waller stated the plat would be for one commercial lot containing a combination of leased retail and warehouse spaces located west of Summerside Subdivision. Sidewalks would be built on both South Colorado Street and along Summerside Avenue. Screening would be provided along the east property line abutting Summerside Subdivision.

Chair Ruiz asked the applicant to speak regarding the application.

Lakshay Sharma of Hagood Engineering Associates introduced himself as the project representative.

Commissioners commented that they thought our ordinance now required a five-foot-wide sidewalk.

Mr. Sharma said that they would consider the new sidewalk requirement with city staff to determine if it needs to be changed and if so, they would comply.

Chair Ruiz asked for staff's recommendation.

Mr. Waller said that the original application date of the plat was December 2022, so it is grandfathered with the four-foot sidewalk width requirement. He said that staff recommends approval with the conditions that note three is revised to specify the screening described in note 3 as being opaque.

Commissioner Lingvai moved to approve FP-23-01 with staff's suggested condition. Commissioner St. Ledger seconded, and the motion was approved with a vote of 5-0.

8. FP-23-02. Consider a request by Raquel Saenz and Lakshay Sharma of Hagood Engineering Associates, on behalf of 183 Warehouse, LLC, for approval of a Final Plat for Summerside Subdivision Section 1D, consisting of 7.541 acres in the Esther Berry Survey, Abstract No. 1, zoned CHB (Commercial heavy Business District), and located at 2500 South Colorado Street (US 183).

Mr. Waller said that the property owner proposes a similar warehouse style with retail lease spaces for the property like in the previous case. He recommended a safety fence be put in place around the detention pond.

Chair Ruiz asked for the applicant's presentation.

Mr. Sharma came forward and stated that they had submitted the permit and they received comments from TRC to work on.

Chair Ruiz asked for staff's recommendation.

Mr. Waller said he recommended approval with the following conditions. (1) Change the "Lot 1D" reference, where found in Plat Note 6, to "Lot 10, Block 20", including specifying Lot 10, Block 20 in Plat Note 3; and (2) add Lot 9, Block 20 (detention pond lot) from the approved Preliminary Plat to the Final Plat, including an owner's signature block for the City. Additionally, he recommended a safety fence be required around the detention pond.

Commissioner Peterson moved to approve FP-23-02 with the staff's suggested condition. Commissioner Lingvai seconded, and the motion was approved with a vote of 5-0.

9. Hold a Workshop regarding a proposed master planned development on approximately 800 acres east of FM 1322 in the Lockhart ETJ.

Mr. Fowler introduced the developers on the project, clarifying the site location in relation to the city's ETJ.

Tom Staub and Luke Caraway presented their concept to the Commissioners. They noted other similar communities that they are working on or have worked on, which include projects in Prairie Lea, Seguin, and Temple. They said they had done an outreach survey in the community a couple of weekends ago to see what the citizens would like to see in a new development. They have spoken with Lockhart ISD Superintendent Mark Estrada and have partnered with a Dr. John Turner out of San Marcos and with Centric which will offer fiber optic service for the proposed community.

Mark Estrada, Lockhart ISD superintendent, spoke in favor of the development. He said it would offer affordability to his staff and families in the community. They are looking to add an elementary school and middle school in the area dedicated to Lockhart ISD.

Mr. Caraway said the citizens would like a regional hospital with medical services available in their community.

Dr. John Turner spoke next and said he would build a smaller hospital with an operating room, 8-12 beds, and medical offices. The hospital would start small but eventually add more services and recruit other specialists.

Monte Akers, the city attorney said that the city sent out a questionnaire to them and asked if they received it and were able to fill it out. Mr. Akers also recommended the development is financed using a Public Improvement District (PID), which would allow the project to develop as part of the city.

Mr. Caraway said yes and that they did fill it out.

Mr. Akers asked if they were indicating limited purpose annexation to establish improvements but asked if they had considered full annexation to establish public improvements.

Mr. Caraway said they have but that he believed the MUD is a more powerful financing mechanism in terms of reimbursement. He stated they are considering other possibilities and are open to discussing a PID Public Improvement District.

Mr. Fowler asked if the applicants are proposing a MUD in our ETJ, that would mean the city would only get sales taxes not property taxes.

Mr. Caraway said while that is true, the benefits are that the city would not have to take on maintenance for the roads and utilities.

Mr. Fowler asked when the development would be annexed by the city if it was a MUD.

Mr. Caraway said would be based upon the city's decision until all reimbursements are made within 15-20 years.

Commissioner Peterson asked how many acres were being considered for the school.

Mr. Estrada said they are looking to have 40 acres for the elementary and middle school.

Chair Ruiz thanked them for their conceptual presentation but thought that the City Council should decide what is best for the city.

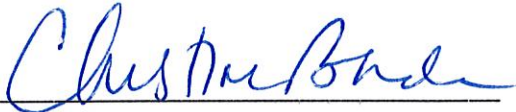
10. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.

Mr. Fowler said that no items have been received for their next meeting time.

11. Adjourn.

Commissioner Oliva moved to adjourn, and Commissioner Lingvai seconded. The motion passed by a unanimous vote, and the meeting adjourned at 9:10 p.m.

Approved: May 10, 2023
(date)



Christine Banda, Recording Secretary



Philip Ruiz, Chair