

City of Lockhart
Planning and Zoning Commission
March 25, 2020

MINUTES

Members Present: Philip Ruiz, Philip McBride, Chris St. Leger, Rick Arnic, Bradley Lingvai

Member Absent: Paul Rodriguez, Manuel Oliva

Staff Present: Dan Gibson, Christine Banda

Visitors/Citizens Addressing the Commission: Edgar Gutierrez, Breanne Schafer, Anna Kieler, David Raschke, Natalie Douga, William Anderson, Elvira Saldierra, Jason Balsler, David Jevas

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 11, 2020, meeting.

Commissioner McBride moved to approve the March 11, 2020 minutes. Commissioner Arnic seconded, and the motion passed by a vote of 4-0.

4. ZC-20-05. Hold a PUBLIC HEARING and consider a request by Edgar Gutierrez on behalf of Maria G. Moreno for a Zoning Change from RMD Residential Medium Density District to CHB Commercial Heavy Business District, on Lot 7, Block 2, South Heights Addition, including the South 7.5' of an abandoned alley along the north boundary, and the west 7.5' of an abandoned alley along the east boundary, and located at 1012 South Main Street.

Mr. Gibson explained that the applicant plans to remove the existing manufactured home on the subject property and combine the lot with the adjacent property along South Colorado Street for future redevelopment. He mentioned that CHB zoning already abuts the subject property on two sides, and presented maps and photos of the subject lot and the surrounding area.

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

Edgar Gutierrez, of 273 Old Luling Road, said that they would like to eventually redevelop the property along South Colorado Street where the existing hair salon is located, and be able to use the subject property for more parking or just to provide a larger area for development.

Commissioner McBride asked Mr. Gutierrez if he knew if a different type of business would replace the hair salon.

Mr. Gutierrez replied that they were not sure yet, but it might be a food business or a new hair salon.

Commissioner McBride asked if the subject property was affected by flooding after the South Colorado Street project was completed.

Mr. Gutierrez replied that the property still has drainage issues, but the proposed redevelopment would be an opportunity to address that problem.

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 staff recommended approval.

Commissioner McBride moved to recommend approval of ZC-20-05 to City Council. Commissioner Lingvai seconded, and the motion passed by a vote of 5-0.

5. ZC-20-06. Hold a PUBLIC HEARING and consider a request by Balser Custom Homes on behalf of Alan Balser for a Zoning Change from AO Agricultural-Open Space District and RLD Residential Low Density District to RMD Residential Medium Density District, on 17.228 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 1107 Silent Valley Road (FM 2001).

Mr. Gibson explained that the applicant would like to develop a subdivision for duplexes on the subject property, and that requires at least the RMD zoning classification because duplexes are not allowed in the current RLD and AO zoning classifications of the property. He discussed the characteristics of the property which include a private road that leads to a house on the subject property and also provides access to the adjacent nonconforming land-locked lots. There is also a pond on the property with a dam. He noted that the requested RMD zoning classification is not consistent with the future land use plan, which designates the area as low density residential. He said that any redevelopment of this tract would benefit the area because it provides the opportunity to replace a nonconforming private drive with a public street to serve the nonconforming land-locked lots. In addition, no development can occur without the extension of wastewater service to the area with the help of the developer of this tract, which could also serve other vacant land along the wastewater line route. If the development does not replace the private road with a public street, the new street access for the subdivision will have to meet the TxDOT standards for spacing along Silent Valley Road. Mr. Gibson reiterated that the development could not necessarily solve all existing issues in the area such as drainage, but it could not make them worse than they currently are. He presented maps and photos of the subject property and the surrounding area.

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

Jason Balser, of 724H W SW Loop 323 in Tyler, Texas, said his idea was to provide a new community of modern farmhouse duplexes on the subject property. He understood there is a need for rental property in Lockhart. The duplexes would be two-story with double garages, large back yards, and a variety of exterior designs. The front portion of the subject property would be subdivided into 35 residential lots for the first phase.

Commissioner McBride asked Mr. Balsler if he knew about the history of the property and what rental price range he anticipated for the duplexes.

Mr. Balsler replied that he did not know much about the history of the property, and that the rental price would be based on the prevailing market in Lockhart.

Chair Ruiz asked if he had considered building single-family homes instead of duplexes.

Mr. Balsler replied that they own other property that they may develop later for single family residential dwellings, but that this property would be better suited for the duplexes they are proposing. He mentioned again that there is a need for rental property in Lockhart.

Chair Ruiz asked for any other speakers.

Natalie Douga, of 1111 Silent Valley Road, said that she opposes the zoning change request and listed her reasons. Her first issue was the access easement that provided access to her and the three other lots. It is a privately owned access easement which is not for public use. Their utilities also run along the private access easement. There are concerns that the entrance to the new development would cause more traffic along an already busy Silent Valley Road. The second issue was drainage. The current pond on the subject property was built so that it could collect water flowing from the neighboring lots and then drains into a secondary pond that is located in the front portion of the subject property along Silent Valley Road. She stated that any new development on the subject property could potentially increase flooding of her home and her neighbors' homes, which already flood numerous times a year. Ms. Douga's third issue was that Mr. Balsler owns other property that is more suited for new development where there are already City services available, and where it would not negatively impact their property. The fourth issue was that any new development would add additional stress to the water supply. The existing 1.5-inch water line serving the existing houses provides inadequate water pressure. The fifth issue is that the house located on the subject property had two new septic tanks installed behind the home, and a new addition was added to the home, without permits. Ms. Douga stated that if the owner does things without following the rules, she would be concerned about his proposed new development meeting the City standards. Another point was that the neighbors are concerned about their privacy being taken away with the new development. She added that there could be endangered species on the subject property, and asked if an environmental study would be done. She claimed that the new development would likely cause their property taxes to go up, while lowering their property values because of the development being duplexes instead of single-family homes.

Breanne Schafer, of 1117 Silent Valley Road, said she opposed the proposed zoning change. She reiterated that Mr. Balsler owned more property with City services available. She mentioned that she used to lease the subject property for livestock, and there are different wildlife species located on it. She said that the property floods multiple times a year, and she is concerned with the increase density. She expressed her concern about Mr. Balsler not obtaining permits for the home located at 1107 Silent Valley Road, and asked what would keep him from doing this again.

Anna Kieler, of 1109 Silent Valley Road, said she bought her home 20 years ago and loves the privacy of her location. They named the private road Meadow Lake because of the beautiful meadow on the subject property. The ponds were built to keep their homes from flooding. She mentioned that they love their privacy and they look out for one another. She works nights and the construction from the new development would harm her health because of the lack of sleep during the day needed for her to do her job well. She, too, mentioned that Mr. Balsler owns other land where a new development would be beneficial. She said she opposed the zoning change.

Bill Anderson, of 1111 Silent Valley Road, said he opposes the zoning change. He wanted to know who would be responsible when their homes are flooded from stormwater flowing off the new development. He asked about the required separation of streets and driveways along Silent Valley Road.

Mr. Gibson replied that TxDOT requires minimum distances between access points along the highways that they maintain, and the spacing is based on the speed limit. He added that the subdivision construction plans would be subject to review and approval by the city engineer, and that the stormwater drainage system would have to meet City standards.

David Raschke, of 1100 Silent Valley Road, opposed the zoning change. He asked the commissioner's why they wouldn't see a plan before rezoning the property. He mentioned that inadequate stormwater detention was provided when SH 130 was constructed, and much of Lockhart was flooded along Town Branch Creek, including the former city manager's property, after heavy storms. He believed that this development would cause even more drainage problems for Lockhart.

Elvira Saldierra, of 1011 Silent Valley Road, said she opposed the zoning change. She was upset to hear that the new development would have city sewer service when she just paid \$11,000 for a septic system for her newly built home. She also was also concerned about her safety considering that the occupants of the duplex development would all be renters. She asked if there would be background checks.

David Jervas, of 900 Silent Valley Road, said he opposed the zoning change and agreed with his neighbors' comments.

Mr. Balsler spoke again to say that he understands everyone's concerns and will be a good neighbor. The drainage would be addressed in the engineering drawings, and that there would be background checks on all tenants. The duplexes would have privacy fencing, which would also shield the development from the neighboring lots.

Chair Ruiz closed the public hearing and asked for the staff recommendation.

Mr. Gibson said that there were a lot of arguments heard which are very common when new developments are proposed, but the area will inevitably be developed some day. The City is currently constructing a new water tower to support development in this part of the city. He noted that If the developer constructed single family residences, they too, could be used as rental property since the City had no control over whether residents owned or leased properties. He presented three options to the Commission. The first option is to approve the zoning change as requested. The second option would be to suggest a different zoning change to RLD instead of RMD. And the third option would be to deny the zoning change request.

Commissioner Lingvai moved to recommend approval of ZC-20-06 to City Council. Commissioner St. Leger seconded, and the motion passed by a vote of 4-1 with Chair Ruiz against.

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

Mr. Gibson said that the next regular Commission meeting date would be April 8th, but that it might be cancelled due to a lack of agenda items.

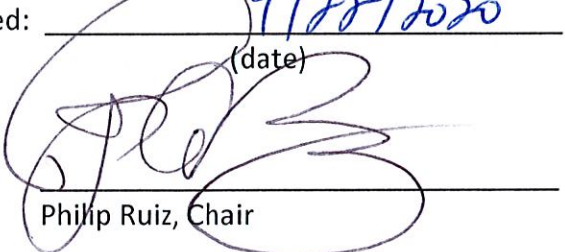
7. Adjourn.

Commissioner McBride moved to adjourn, and Commissioner Lingvai seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:35 p.m.



Christine Banda, Recording Secretary

Approved: 4/25/2020

(date)


Philip Ruiz, Chair