

**City of Lockhart
Planning and Zoning Commission
January 12, 2022**

MINUTES

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

Member Absent: Chris St. Ledger, Bradley Lingvai

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

Visitors/Citizens Addressing the Commission: Patty Akers, Alan Schaffer, Armando Morales, Alan Balser, Sarah Corona, Ernest Yanez, Riley Baldus

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:03 p.m.
2. Elect Chair and Vice-Chair for 2022.

Commissioner McBride nominated Commissioner Ruiz as Chair, and nominated Commissioner Oliva as Vice-Chair. Commissioner Arnic seconded, and the motion passed by a vote of 5-0.

3. Citizen comments not related to an agenda item. None
4. Consider the Minutes of the December 8, 2021, meeting.

Commissioner Arnic moved to approve the December 8, 2021, minutes. Commissioner Peterson seconded, and the motion passed by a vote of 5-0.

5. ZC-22-01. Hold a PUBLIC HEARING and consider a request by Alan Balser for a Zoning Change from AO Agricultural-Open Space District to RHD Residential High Density District on 40 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1601 Silent Valley Road (FM 2001).

Mr. Gibson explained that the requested RHD zoning classification is not consistent with the future land use plan map designation of Medium Density Residential. However, the property is located near an area designated as a commercial hub, so the higher density RHD residential zoning could be an appropriate transition between the adjacent medium density zoning and the future commercial zoning. He said that development of the area will require a major wastewater line extension along Stueve Lane to Silent Valley Road, and that City impact fees can be used to pay for half of the cost of it. Subdividers of tracts to be developed would be responsible for the other half of the cost, plus the necessary extensions beyond the intersection of Stueve Lane and Silent Valley Road. He mentioned that one letter of support was received.

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

Alan Balsler, of 11166 Lawnhaven Road in Dallas, said he currently owned the property and is working with potential developers of the subject property who wish to construct three-story apartments. RHD is the only zoning classification that would allow that.

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 Oliva moved to recommend approval of ZC-22-01 to City Council. Commissioner Peterson seconded, and the motion passed by a vote of 5-0.

6. ZC-22-02. Hold a PUBLIC HEARING and consider a request by Alan Balsler for a Zoning Change from AO Agricultural-Open Space District to RHD Residential High Density District on 6.52 acres in the W. C. Williams Survey, Abstract No. 300, located at 2100 North Cesar Chavez Parkway NB (North Bound).

Mr. Gibson explained that the applicant is the same as for the previous case, and is requesting the same RHD zoning classification. However, the subject property is only 6.52 acres so the development would be much smaller. The requested zoning is not consistent with the Low Density Residential designation of the future land use plan map, but it is located along the SH 130 frontage road where it could be a land-use buffer between the highway and adjacent proposed low density residential development. He said that development of the area will require a major wastewater line extension along Stueve Lane to Silent Valley Road, and that City impact fees can be used to pay for half the cost of it. Subdividers of tracts to be developed would be responsible for the other half of the cost, plus the necessary extensions beyond the intersection of Stueve Lane and Silent Valley Road. He mentioned that one letter of support was received.

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

Alan Balsler, of 11166 Lawnhaven Road in Dallas, said that he had originally considered doing a commercial development on the subject property, but was convinced by Mr. Gibson that it would not be appropriate at that location. Mr. Balsler said he then agreed to do a small apartment complex that would help provide access to SH 130 for adjacent properties.

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

Mr. Gibson said staff recommended approval.

Commissioner Arnic moved to recommend approval of ZC-22-02 to City Council. Commissioner McBride seconded, and the motion passed by a vote of 5-0.

7. ZC-22-03. Hold a PUBLIC HEARING and consider a request by Earnest Yanez and Albert Yanez on behalf of Trinity Street Properties, LLC, for a Zoning Change from CHB Commercial Heavy Business District to RHD Residential High Density District, on Lot 3, Block 1, MOSO Subdivision, consisting of 0.614 acres located at 1201 Blackjack Street (FM 20).

Mr. Gibson explained that the property is vacant, and the owner wants the zoning change so that prospective buyers have the option of constructing either a duplex or fourplex on the property. RHD is the only district that allows both duplexes and fourplexes by-right. The property already adjoins an area zoned RHD.

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

Ernest Yanez, of 705 Dandelion Street, said that they want to sell the property and there is interest for a duplex or fourplex. A zoning change is needed for this type of development.

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 Oliva moved to recommend approval of ZC-22-03 to City Council. Commissioner Peterson seconded, and the motion passed by a vote of 5-0.

8. ZC-22-04. Hold a PUBLIC HEARING and consider a request by Sarah Corona of PSCE, Inc., on behalf of Alan Balser and Pamela Guffey, for a Zoning Change from AO Agricultural-Open Space District to CHB Commercial Heavy Business District, on 5.484 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1507 North Cesar Chavez Parkway – Southbound.

Mr. Gibson explained that a convenience store is proposed for the site, and would not be allowed without changing the zoning to either CMB or CHB. The subject property is adjacent to a large area designated as General-Heavy Commercial shown on the future land use plan map, so CHB is an acceptable zoning classification. However, there is no wastewater line in the area to serve the property, and would be very expensive to extend across SH 130 once it's available on the south side of the highway. He said it's possible that just a single retail commercial business could be served by a septic tank until a wastewater line is extended close enough for the City to require the owner to connect to it.

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

Sarah Corona of PSCE, Inc., located at 2205 West Palmer Lane, Suite 201, in Austin, confirmed the plans for a convenience store and the need for the zoning change.

Chair Ruiz asked if they knew about the wastewater service issue.

Ms. Corona replied that they will do everything they need to comply with City standards.

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 Peterson moved to recommend approval of ZC-22-04 to City Council. Commissioner McBride seconded, and the motion passed by a vote of 5-0.

9. PV-22-01. Consider a request by Mark Scammerhorn of IAM 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 of Lockhart Industrial Park III, Section One, on the future Lot 1, Block A, consisting of 10.101 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned IL Industrial Light District, and currently part of an unplatted tract addressed at 500 FM 2720.

Kevin Waller explained that the final plat had not been recorded because the infrastructure had not yet been completed. The applicant requested the variance so they can proceed with obtaining the building permit prior to recordation of the final plat.

Alan Schaffer, of 1500 Hamilton Road in Bossier City, Louisiana, said he was the Plant Manager of McElroy Metal, Inc., and that they have been working with the City on this project for over two years. He mentioned that the building plans are approved, and that grading for building pad is complete on the site. The infrastructure subdivision construction, which is being coordinated by the Economic Development Department, is behind schedule due to Covid constraints.

Armando Morales, of with the City's Economic Development Department, said the City purchased 75 acres to promote development in this area. He mentioned that McElroy Metal is their first developer. He said that LEDC is behind schedule on the infrastructure for the project, and that it is not the applicant's fault. They are behind because of supply shortages and covid issues.

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

Mr. Waller said staff recommended approval if the Commission finds that the variance meets the required criteria.

Commissioner McBride moved to approve PP-22-01. Commissioner Arnice seconded, and the motion passed by a vote of 5-0.

10. DP-22-01. Consider a request by Riley Baldus for approval of a Development Plat for Lockhart Ridge consisting of 23.613 acres in the Compress Hill Supplement Addition, and in the Byrd Lockhart League, Abstract No. 17, zoned RLD Residential Low Density District, and located at 601 Flores Street (FM 672).

Mr. Gibson informed the Commission that Patty Akers, of the City Attorney's office, was present today. He noted that the Commission did not receive full-size paper copies of the plat because the applicant refused to provide them. Mr. Gibson summarized numerous application and development plat deficiencies that were listed in more detail in the Reasons for Denial document attached to the written staff report. Although the submission was inadequate and incomplete, staff put the case on the agenda in order to eliminate any doubt about a decision being made by the 30-day statutory deadline for approval, approval with conditions, or denial. He said that the applicant was informed of the time and location of the Commission meeting, but he was not present. He stated that staff recommended denial for the 19 reasons listed in the staff report.

Chair Ruiz announced for the record that there were no other speakers present in the room. He said that the Commission would break for an executive session. The time was 8:31 p.m.

Riley Baldus, the applicant, then entered the room, and was told he needed to step outside during the executive session, and that he would be notified when the regular meeting resumed. He objected prior to agreeing to leave.

Commissioner Peterson moved to end the executive session at 8:49 p.m. Commissioner Arnica seconded, and the motion passed by a vote of 5-0.

After Mr. Baldus re-entered the room, Chair Ruiz explained that the staff presentation for his application was given before he arrived, but he would be allowed to speak for five minutes if he wished.

Riley Baldus said his address was 601 Flores Street in Lockhart, which was the address of the vacant subject property, and not the address of his home or business. He declined to provide another address on the record. He quoted some law to the commissioners about the platting process and mentioned that he had a binder containing all of his permit submittals, which he claimed that City staff had previously denied for his project. However, he did not offer to show the staff or the Commission the actual documents. He mentioned that he first met with Mr. Gibson and the City Manager in early 2020 to discuss his project. He said that he refuses to annex his property voluntarily, and that staff had insisted on that as a condition of approval. He continued to attack Mr. Gibson and claimed that his application and plat followed all the rules and regulations. He said that he would like to restart the process with only the commissioners, and he warned them if they voted as recommended by staff that it would be at their peril.

Chair Ruiz asked for the staff recommendation.

Mr. Gibson said that staff recommended denial. He also mentioned that there was nothing in the staff report or attached Reasons for Denial about annexation.

Commissioner Oliva moved to deny DP-22-01 because the application is incomplete, the plat does not demonstrate that the development will comply with the current zoning for the property, necessary utilities are not currently available to the property sufficient to support the development proposed, there is currently a plat already on the property that would need to be vacated before consideration of new plat, and for the specific reasons set out in the City staff's letter of December 29, 2021, to Lockhart Ridge Land LP, and as contained in the Reasons for Denial, dated January 12, 2022, prepared by City Staff in support of this agenda item. Commissioner McBride seconded, and the motion passed by a vote of 5-0.

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

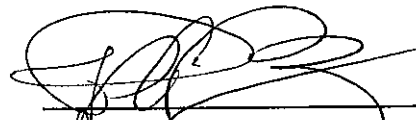
Mr. Gibson reported that the next regular meeting date is January 26, 2022.

12. Adjourn.

Chair Ruiz adjourned the meeting at 9:00 p.m.

Approved: 1-26-2022
(date)


Christine Banda, Recording Secretary


Philip Ruiz, Chair