

City of Lockhart
Planning and Zoning Commission
March 9, 2022

MINUTES

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

Member Absent: None

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

Visitors/Citizens Addressing the Commission: Curtis Thigpen, Blayne Stansberry, Hector Rangel, Maria Rangel, Navidad Castanon, Marshall Castanon, Nicole Barnett, Michelle Moreno, Joe Moreno

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 February 9, 2022, meeting.

Commissioner St. Ledger moved to Approve the February 9, 2022, minutes. Commissioner Lingvai seconded, and the motion passed by a vote of 7-0.

4. SUP-22-03. Hold a PUBLIC HEARING and consider a request by Curtis Thigpen of Paravel Capital for a Specific Use Permit to allow the DF-2 Residential Development Type on 30.864 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located in the 1900 block of North Cesar Chavez Parkway Northbound (SH 130). [Tabled 2-9-22]

Mr. Gibson explained that the staff report was essentially the same as the first time this case was on the agenda one month earlier when the Commission tabled it so that a study could be done to determine if the wastewater system planned to serve the northwest area of the city would be adequate for the higher density developments that were being proposed. The applicant wished to develop duplexes at ten units per acre, which is medium density and consistent with the Land Use Plan map, but the minimum lot size for the DF-1 residential development type, which is allowed by-right, plus the need for dedicating land for streets, stormwater detention, and parkland, make it impossible to achieve ten units per acre. Therefore, the reason for the DF-2 development type is simply to be able to have ten units per acre with the smaller lot size it allows. The latest estimate by the city engineer is that a minimum of two more months may be required to complete the wastewater capacity study. However, because the Commission has the option to attach conditions to specific use permits, approval of this case subject to a limit of ten units per acre would keep the project within the medium density range and, therefore, be consistent with the Land Use Plan map and not need to be tabled again.

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

Curtis Thigpen, of 1509 Old West 38th Street, Suite 3, in Austin, said that Mr. Gibson had explained everything well. They would agree to construct no more than ten units per acre. The development would provide a wonderful place to live with great amenities, common spaces, and attached garages.

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 subject to the development not exceeding ten units per acre.

Commissioner Peterson moved to Approve SUP-22-03 subject to the limit of ten units per acre. Commissioner St. Leger seconded, and the motion passed by a vote of 7-0.

5. ZC-22-06. Continue a PUBLIC HEARING and consider a request by Curtis Thigpen of Paravel Capital 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 130). [Tabled 2-9-22]

Mr. Gibson explained that the staff report was essentially the same as the first time this case was on the agenda one month earlier when the Commission tabled it so that a study could be done to determine if the wastewater system planned to serve the northwest area of the city would be adequate for the higher density developments that were being proposed. The proposed RHD zoning represented a higher density than what was anticipated by the Land Use Plan map, which was the basis for the wastewater impact fee CIP. The study will help determine whether or not the planned wastewater infrastructure sizes will still be adequate with the increase in potential dwelling units in the area. Unlike the previous case, the purpose of rezoning to RHD is to be able to develop apartments at higher densities, and attempts to limit the density with a condition imposed by the Commission would defeat the applicant's purpose of applying for the only zoning district that allows the desired form and density of housing. Because the wastewater study will require a minimum of two additional months, the Commission still has the option to table the application again to a new date.

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

Curtis Thigpen said that the area is a terrific location for apartments. He understands that the wastewater study needs to be done before moving forward with the zoning change.

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 Tabling consideration of the case until May 25, 2022, and then it would go to City Council's first meeting in June.

Commissioner McBride moved to Table ZC-22-06 until the May 25, 2022, Commission meeting. Commissioner Arnic seconded, and the motion passed by a vote of 7-0.

6. SUP-22-04. Hold a PUBLIC HEARING and consider a request by Stansberry Engineering on behalf of GAH Owner, LLC, for a Specific use Permit to allow an Assisted Living Facility on 6.29 acres out of a 14.23-acre tract in the Francis Berry Survey, Abstract 2, zoned RHD Residential High Density District and CLB Commercial Light Business District and located at 1507 South Main Street.

Mr. Gibson explained that the applicant desires to construct a new facility for the residents of the existing assisted living facility. The new building requires approval of a Specific Use Permit in both of the current RHD and CLB zoning classifications of the property.

Commissioner Oliva expressed concerned about additional development in area because of existing drainage problems.

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

Nicole Barnett, of 1205 Rio Vista Cove, said she is the director of the current Golden Age Home, and explained that this is just the next step in the process of moving forward with their new facility. The new building would be a similar operation as current building. It would improve their capacity for patient care within a building of similar size. They would also be adding memory care, which is currently not offered anywhere in the county.

Chair Ruiz asked for any other speakers.

Blayne Stansberry introduced herself as the engineer on the project.

Michelle Moreno, of 115 Sunset Drive, asked how far the new building would be from her fence line.

Ms. Stansberry said there would be approximately 200 feet of green space between the facility and the neighboring properties.

Joe Moreno, of 115 Sunset Drive, said he is concerned that the project will cause more flooding on Sunset Drive. He assumed that the new facility would be raised up with fill, and that the runoff will drain towards his home. He said the ditches that the City dug in the area to help with drainage have not been well maintained.

Mr. Gibson explained that a stormwater detention pond is required, and would be designed to collect the water and release it at a rate that is no greater than the current rate of runoff. However, developers are not required to improve existing drainage problems in the surrounding area.

Ms. Stansberry added that the detention pond would collect the stormwater and discharge it to a storm sewer system west of the property. She also mentioned that the site plan shows 100 regular parking spaces with eight handicapped spaces. She asked if they would be allowed to reduce the number of regular spaces due to high construction costs, and because the fire lane locations may require a change the parking layout.

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 subject to the site plan either as it was, or with a reduced number of parking spaces if the Commission agrees to provide that flexibility.

Commissioner McBride moved to Approve SUP-22-04, subject to the provision of at least 85 regular parking spaces and eight handicapped spaces. Commissioner Arnic seconded, and the motion passed by a vote of 6-1 with Commissioner Oliva against.

7. ZC-22-07. Hold a PUBLIC HEARING and consider a request by Hector and Maria Rangel for a Zoning Change from RMD Residential Medium Density District to CMB Commercial Medium Business District on part of Lots 3 and Lot 4, Block 4, of the Original Town of Lockhart, consisting of 0.546 acre located at 604 East Market Street.

Mr. Gibson explained that the long-standing commercial use of the subject property is nonconforming, and if the use was discontinued for more than six months the grandfathering would be terminated, or if the building were to be severely damaged it could not be rebuilt unless it's for a permitted use. Therefore, the applicant wishes to change the zoning to CMB so that the commercial use would be conforming. He used an aerial photo and maps to describe the conditions of the surrounding area.

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

Maria and Hector Rangel, of 1407 N Pecos Street, said that the subject property had been a business since 1965, and they have paid commercial property taxes for it ever since. Their business is one of the original convenience stores in Lockhart. They said they are requesting approval of the zoning change so they can remodel the building and continue with the existing or a different commercial business when they reopen.

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 Lingvai moved to recommend Approval of ZC-22-07 to City Council. Commissioner Oliva seconded, and the motion passed by a vote of 7-0.

8. PV-22-02. Consider a request by Navidad Castanon for a Variance to Chapter 52 "Subdivision Regulations", Section 52-31(a) "Plat Required" to waive the subdivision plat requirement for a family land grant dividing a 7.00-acre tract into two parcels in the Francis Berry Survey, Abstract No. 2, and located at 6071 South U. S. Highway 183 in the Lockhart Extraterritorial Jurisdiction.

Kevin Waller explained that the applicant would like create a separate lot at the northeast corner of his property, which is in the Lockhart ETJ, for his son to live on. If they had to plat the property, numerous variances to the City's subdivision standards would be necessary. By approving this variance, the applicant would be allowed to apply for a family land grant, in lieu of a subdivision plat, from the County.

Chair Ruiz asked if the applicant was present.

Navidad Castanon, of 6071 South US Highway 183, and his son, Marshall Castanon, told the Commission that Navidad wished to gift a portion of his property to Marshall. Marshall Castanon said that he wanted to be able to build a barndominium for he and his wife on the new lot so he can live close to his father and, hopefully, one day take over operation of the adjacent RV park that the family owns.

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

Mr. Waller said that staff recommended Approval subject to the Commission finding that all variance criteria are met.

Commissioner Oliva moved to approve PV-22-02. Commissioner Peterson seconded, and the motion passed by a vote of 7-0.

9. Consider options and make a recommendation regarding the Commission's preferred location for Planning and Zoning Commission meetings.

Mr. Gibson explained that the mayor suggested that staff ask the Commission whether they would prefer moving the Commission meetings to the City Council Chamber at the public library where the meeting could be broadcast live on TV and have police security, or keep the meetings in the Glosserman Room. The Commission discussed security issues and the potential for televising meetings. It was noted that police security would be just as convenient in the Glosserman Room as in the Council Chamber, and that an additional staff member would be required who is trained on the A/V system in the Council Chamber if the Commission meetings were to be televised live. The Commission agreed that the current practice of recording both the audio and video in the Glosserman Room was an acceptable alternative to live broadcasts. The also Commission noted that convenient off-street parking is available at city hall, and that the handicapped parking located right outside the door of the Glosserman Room was actually used by an attendee that night. Finally, a commissioner commented that navigating three stories by stairs or elevator to reach the Council Chamber is not as convenient as walking down the ramp one level to enter the Glosserman Room. As a result, the consensus of the Commission was to keep the meetings at the current location in the Glosserman Room.

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

Mr. Gibson stated that the next regular meeting date would be March 23, 2022, and that several applications had been received for it.

11. Adjourn

Commissioner McBride moved to adjourn, and Commissioner Oliva seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:46 p.m.

Approved: 3-23-2022
(date)


Christine Banda, Recording Secretary


Philip Ruiz, Chair