

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, August 29, 2022
Municipal Building — Glosserman Room
308 W. San Antonio St.**

AGENDA

1. Call meeting to order.
2. Citizen comments not related to a public hearing item.
3. Consider the minutes of the June 6, 2022 meeting.
4. **SE-22-03.** Hold a PUBLIC HEARING and consider a request by Clayton Penn on behalf of Ahasuerus Properties, LLC, for a Special Exception as provided in Section 64-130(c)(5), Chapter 64 "Zoning", Lockhart Code of Ordinances, to preclude an essentially inadvertent taking of property due to an existing nonconforming lot width on 0.159-acre in the Byrd Lockhart Survey, Abstract No. 17, zoned RMD Residential Medium Density District and located at 1015 Red River Street.
5. Discuss the date and agenda of the next meeting.
6. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 12:00 p.m. on the 24th day of August, 2022.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
JUNE 6, 2022**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Shawn Martinez, Laura Cline, Lori Rangel, Kirk Smith, Anne Clark

Members Absent: None

Staff Present: Christine Banda, Kevin Waller

Others Present: Brad Schwab (applicant, Agenda Item (4))

1. Call meeting to order. Chair Cline called the meeting to order at 6:30 p.m.
2. Citizens comments not related to a public hearing item. None
3. Consider the minutes of the May 2, 2022, meeting.

Member Rangel moved to approve the May 2, 2022, minutes. Member Reeder seconded, and the motion passed by a vote of 7-0.

4. SE-22-02. Hold a PUBLIC HEARING and consider a request by Brad Schwab, CHG, LLC, on behalf of Lockhart Blvd. Project, LLC, for a Special Exception as provided in Section 64-130(c)(4)(a), Chapter 64 "Zoning", Lockhart Code of Ordinances, to reduce the minimum off-street parking requirement by 33% for a Senior Housing Development on Lot 2, Block 1, Lockhart Gateway Addition, consisting of 7.5 acres zoned RHD (Residential High Density District) and located in the 2200 block of West San Antonio Street (SH 142). [Tabled at the May 2, 2022, meeting to the June 6, 2022, meeting, due to a lack of member quorum]

Planning Staff Kevin Waller reported that the applicant proposes a revised reduction in the number of off-street parking spaces from the previous approval on February 7, 2022 for the Legacy Senior Residences. The new proposal includes 172 apartment units with one- and two-bedroom layouts. This is a 12-unit increase from the 160 units initially proposed when the Board approved a Special Exception for a parking space reduction in February 2022. The 172 units would require 387 parking spaces. There is a Special Exception procedure allowed in the ordinance to reduce the parking requirement by a maximum of 33% for housing specifically designed and intended for use by the elderly, disabled, or other occupants typically having a lower expectation of automobile ownership and use. If approved, the 33% reduction would allow 259 parking spaces. The applicant proposes 260 parking spaces including 16 handicapped spaces, which exceeds the number of required handicapped spaces. He stated that Staff recommends approval of the special exception.

Members Cline and Clark expressed concerns about the reduction in parking combined with increasing the number of living units for the proposed senior residential facility.

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

Applicant Brad Schwab of Cornerstone Housing Group, 209 S. 19th Street, Omaha, NE, stated that he appreciates the Board's time for the reconsideration of the parking situation. The number of living units was increased, due to the demand in Lockhart. The project will include one three-story building with an elevator and nice amenities for the residential units. Mr. Schwab explained that they did receive public input as to what seniors are looking for in terms of amenities. The project is not public housing or subsidized, but is tax-credited. He expressed that Special Exceptions are allowed for senior housing projects. The company owns other senior housing projects where the average resident is in their 70's, and most of those households have only one vehicle, and some have two, with one- or two-person households. There would be an age restriction for this project for a minimum of 15 years. Schwab explained that the reduction would help with the project and decrease the amount of impervious coverage. He described some changes from the original site plan, and how their product was different from other apartment complexes. Schwab expressed that any parking space reduction greater than the 22% approved in February would be appreciated.

Discussion ensued between the Board and applicant as to the extent of changes from the current proposal and the one previous.

Member Clark moved to approve SE-22-02, with 282 total parking spaces (266 regular spaces and 16 handicapped spaces) as originally approved in February, instead of the proposed 260 spaces. This would represent a 27% reduction for the current proposal. Member Reeder seconded, and the motion failed with a vote of 4-3, with members Rangel, Annas, and Smith against.

Member Rangel moved to approve SE-22-02 as proposed by the applicant. Member Annas seconded, and the motion failed with a vote of 3-4, with members Cline, Clark, Reeder, and Martinez against.

5. Discuss the date and agenda of the next meeting.

Mr. Waller stated that the next regularly scheduled meeting would be held Monday, June 27, 2022, if applications are received by the deadline.

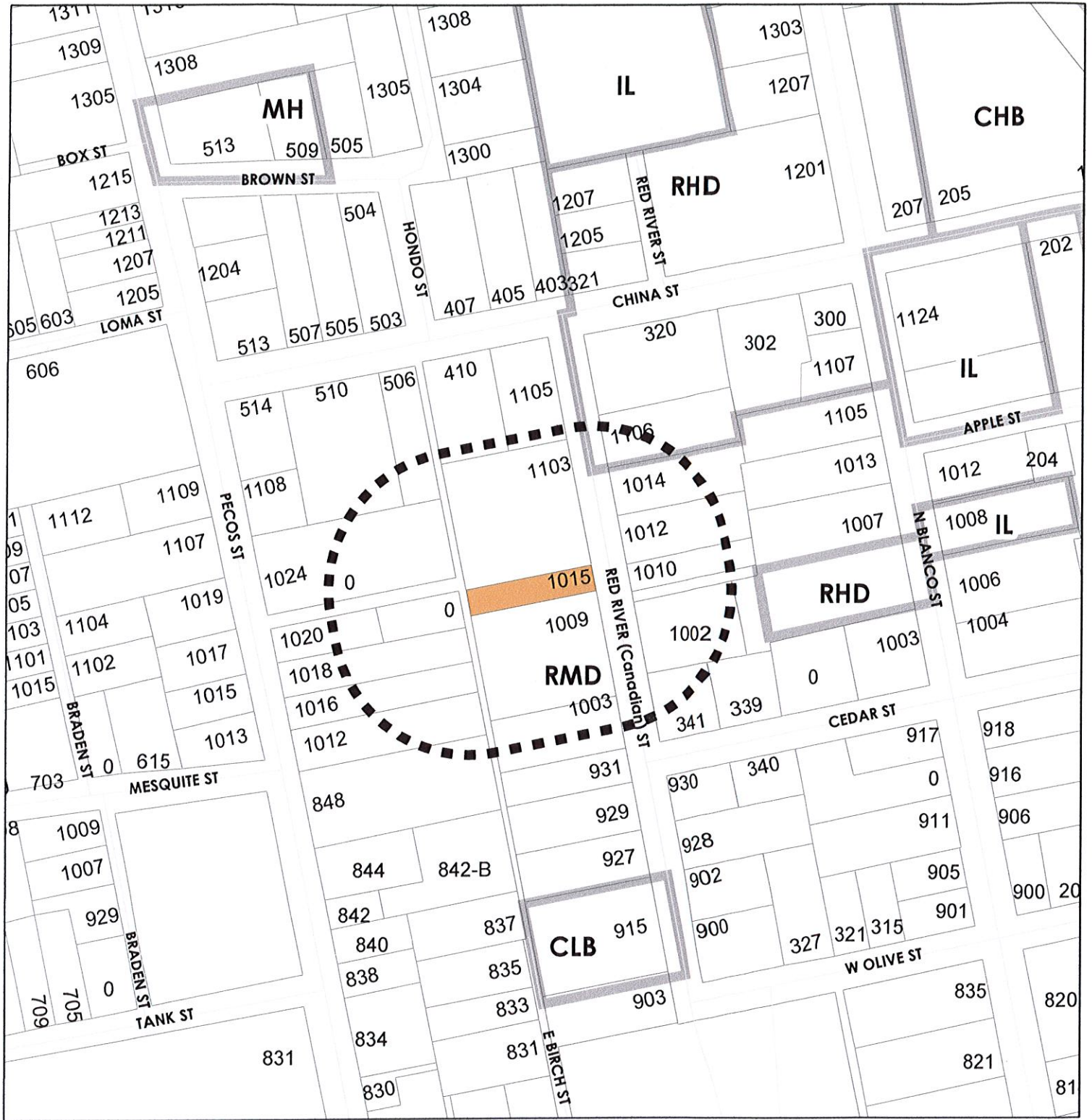
6. Adjourn.

Member Rangel moved to adjourn the meeting, and Member Smith seconded. The motion passed unanimously (7-0), and the meeting adjourned at 7:41 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Laura Cline, Chair



SE-22-03

1015 RED RIVER ST

TO PRECLUDE AN ESSENTIALLY
INADVERTENT TAKING OF PROPERTY



 SUBJECT PROPERTY

 ZONING BOUNDARY

scale 1" = 200'



WICHITA ST (NOT OPEN)

GREEN ST

BOX ST

TANK ST

BRADEN ST

BRADEN ST

MESQUITE ST

PECOS ST

BROWN ST

HONDO ST

E BIRCH ST

RED RIVER (Canadian) ST

RED RIVER ST

CHINA ST

N BLANCO ST

W OLIVE ST

APPLE ST

N COLORADO ST



CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner

KW

CASE NUMBER: SE-22-03

REPORT DATE: August 24, 2022

PUBLIC HEARING DATE: August 29, 2022

APPLICANT'S REQUEST: Special Exception, as provided in Section 64-130(c)(5), to preclude an inadvertent taking of property due to a 37.5-foot nonconforming parcel width

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT: Clayton Penn

OWNER: Ahasuerus Properties, LLC (c/o Clayton Penn)

SITE LOCATION: 1015 Red River Street

LEGAL DESCRIPTION: Byrd Lockhart Survey A-17 (metes and bounds)

SIZE OF PROPERTY: 0.159 acre

EXISTING USE OF PROPERTY: Vacant

ZONING CLASSIFICATION: RMD (Residential Medium Density) District

ANALYSIS OF ISSUES

REASON FOR REQUESTED SPECIAL EXCEPTION: The applicant proposes to relocate an existing, 900 square-foot craftsman-style house from Austin onto the subject property, and has informed Staff that the building is not a manufactured home. In order for the property to be developed, any use must meet certain dimensional standards, including a 50-foot minimum lot width and a 105-foot minimum depth for the SF-2 development type in the RMD zoning district, or receive approval of a Variance, or a Special Exception, in order to preclude an inadvertent taking of the property. In this instance, the Special Exception application seemed more appropriate. The property is 0.159 acre in size, or 6,296 square feet, and measures 37.5 feet wide by 185 feet deep, thereby nonconforming with respect to the minimum required width. According to the enclosed site plan, the residence will meet the required setbacks for the RMD zone. The applicant further explains in the application that the house will be renovated as part of the relocation onto the subject property. A Zoning Variance was applied for on the property in 2018 by a previous owner to determine development eligibility for what was proposed at the time to be a manufactured home, which also would have later required an SUP from the Planning and Zoning Commission for the manufactured home. However, the proposal was effectively denied by the Board, due to the lack of supermajority vote needed in favor of the Variance request. Finally, it should be noted that a Zoning Variance application to the covered parking requirement of Section 64-197(g)(2)(a) must be submitted and considered at a future meeting, since a carport or garage can't feasibly be accommodated on the property as required in this section.

AREA CHARACTERISTICS: The area is primarily zoned RMD. The adjacent property to the south is vacant, as is the property to the west and that across Red River Street to the east. The adjacent property to the north is developed with a single-family residence. All surrounding properties have conforming lot widths and depths for single-family residential uses, with the exception of the vacant lot to the east, which has a nonconforming width of approximately 40 feet.

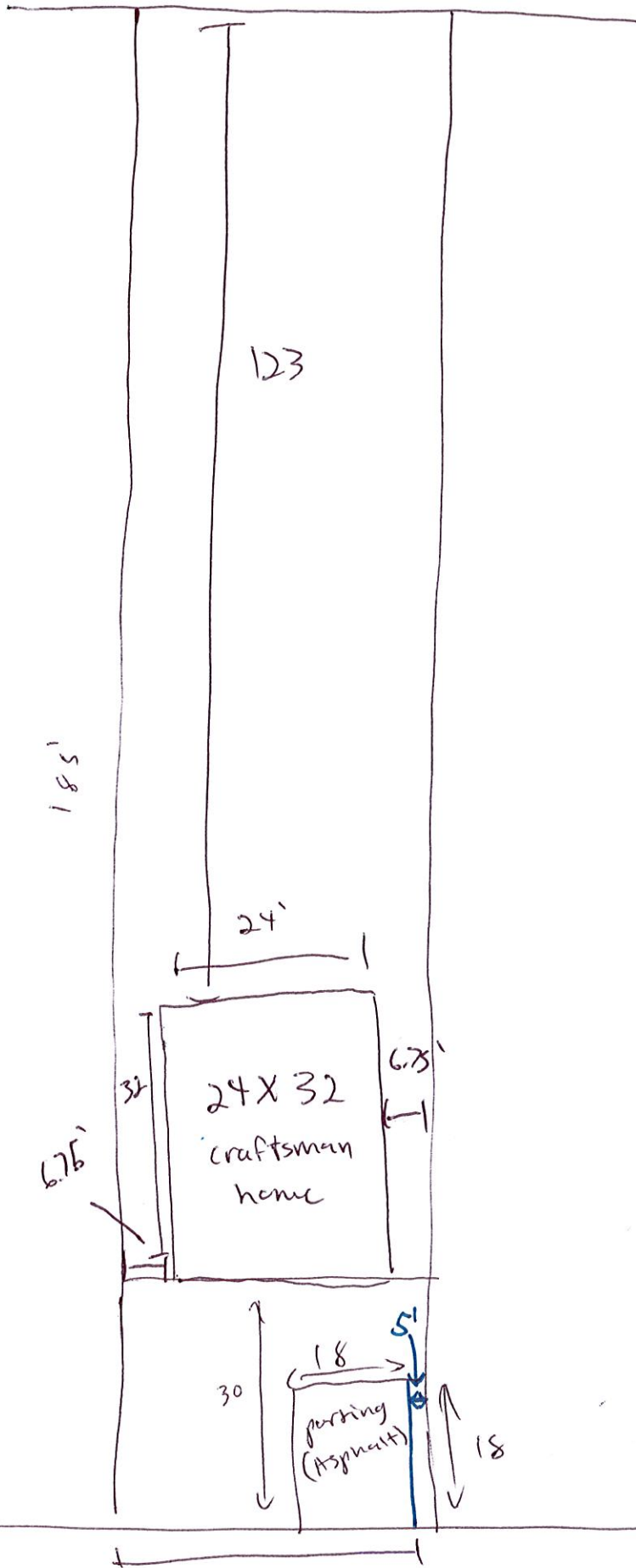
EFFECT ON PUBLIC HEALTH AND SAFETY: The addition of one dwelling unit in an established residential neighborhood will have negligible impact.

EFFECT ON THE CHARACTER OF THE ZONING DISTRICT WHERE LOCATED: The residential character of the area will not be adversely impacted by the addition of one dwelling unit.

EFFECT ON SURROUNDING PROPERTY: Due to the facts that approval of the special exception would not change the size or configuration of the lot, the property is already zoned for residential use, and required setbacks will be maintained, there would be no adverse impact on surrounding properties.

RESPONSE TO NOTIFICATION: Planning Staff received a phone message on August 17, 2022 regarding the proposal. Staff has attempted to return the call, with no answer to date.

→ north
Scale: 1" = 20'



185'

123

24'

24 X 32

craftsman home

6.75'

32'

6.75'

30

18

parking
(Asphalt)

5'

18

37.5

Red River

SPECIAL EXCEPTION APPLICATION

CITY OF

Lockhart
TEXAS

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Clayton Penn

ADDRESS 505 S Guadalupe St

DAY-TIME TELEPHONE 512.413.4378

Lockhart, TX

E-MAIL claytie.p@gmail.com

78644

OWNER NAME Clayton Penn

ADDRESS 505 S Guadalupe St

DAY-TIME TELEPHONE 512.413.4378

Lockhart, TX

E-MAIL claytie.p@gmail.com

78644

PROPERTY

ADDRESS OR GENERAL LOCATION 1015 Red River St

LEGAL DESCRIPTION (IF PLATTED) Meters & Bounds

SIZE .159 ACRE(S) ZONING CLASSIFICATION residential - RMD

EXISTING USE OF LAND AND/OR BUILDING(S) N/A

REQUESTED SPECIAL EXCEPTION

AUTHORIZED BY SECTION 64-130(c)(5) OF THE ZONING ORDINANCE

EXPLANATION OF OR REASON FOR REQUEST, INCLUDING DESCRIPTION FOR PROPOSED USE AND/OR BUILDING AND SITE IMPROVEMENTS, AS APPLICABLE TO THE REQUESTED SPECIAL EXCEPTION.

In 2018, a neighbor of 1015 Red River St was adamant about not allowing a manufactured home on property. This led to discussing a variance to allow property to be eligible for development, as it is nonconforming, with its 37.5' width. We are looking to ~~amend~~ amend and pass this variance as we ^(Special Exception) wish to move a ~~an~~ 900 sqft craftsman house from Austin, to the property. We will be →

doing some renovation improvements on
the house, as well.

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and, 7) any other proposed features of the site which are applicable to the requested special exception.

APPLICATION FEE OF \$ 125 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 acre and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE _____

DATE 7/21/22

OFFICE USE ONLY

ACCEPTED BY Kevin Weller

RECEIPT NUMBER R01166095

DATE SUBMITTED 7/21/22

CASE NUMBER SE - 22 - 03

DATE NOTICES MAILED 8-15-2022

DATE NOTICE PUBLISHED 8-18-2022

BOARD OF ADJUSTMENT MEETING DATE 8/29/22

DECISION _____

CONDITIONS _____