

City of Lockhart
Planning and Zoning Commission
July 13, 2016

MINUTES

Members Present: Philip Ruiz, Bill Faust, Phil McBride, Adam Rodriguez, Steve Visage, Christina Black, Manuel Oliva

Members Absent: None

Staff Present: Dan Gibson, Christine Banda, Laura DeVore

Visitors/Citizens Addressing the Commission: Homer Fritz Williams, Jr., Homer Fritz Williams, Sr., Anna Bermudez, Joshua Valenta

1. Call meeting to order. Chair McBride called the meeting to order at 7:01 p.m.
2. Citizen comments not related to a public hearing item. None.
3. Consider the Minutes of the June 8, 2016 meeting.

Commissioner Visage moved to approve the June 8, 2016, minutes. Commissioner Ruiz seconded, and the motion passed by a vote of 6-0.

Commissioner Oliva arrived at 7:04 p.m.

4. SUP-16-07. Hold a PUBLIC HEARING and consider a request by Liberty Multifamily, LLC, on behalf of Adolfo Sendejo for a Specific Use Permit to allow the MF-2 Multifamily Residential Development Type in the form of 288 dwelling units with a community center on 18.613 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned RHD Residential High Density District and located on the north side of the 2200 Block of West San Antonio Street (SH 142).

Mr. Gibson said that a letter was received from the applicant requesting that their case be tabled to the Commission's August 24 meeting. The applicant has requested a variance to reduce the off-street parking requirements, which affects their site plan for the specific use permit. The Zoning Board of Adjustment will consider the variance at their August meeting. Mr. Gibson stated that, based on the proposed number of dwelling units, 648 parking spaces are required, whereas only 448 are currently shown on the site plan.

Chair McBride asked if the applicant was present.

Mr. Gibson said that he told the applicant, who is in Dallas, that if they requested in writing that their application be tabled, then they didn't need to attend at this time.

Commissioner Ruiz expressed his disappointment in the information provided by the applicant for the commissioner's review.

Mr. Gibson stated that he had already mentioned to the applicant that the site plan was inadequate and needed additional information.

Chair McBride asked if the applicant has decided to reduce the number of units so that it would be easier to comply with our parking requirements.

Mr. Gibson replied that they have not agreed to that, but several options had been suggested by staff. For example one option could be to increase the height of the buildings and reduce the building footprints, which would free up land area that could be used for more parking. The maximum height allowed is 4½ stories.

Commissioner Faust asked if the commissioners were bound by the Zoning Board of Adjustment's decision.

Mr. Gibson replied that the Commission must honor variances granted by the Board.

There was discussion on how the commissioners could override the Zoning Board of Adjustments decision, including adding a condition to the SUP regarding the amount of off-street parking, if the Commission does not agree with the Board's approval of a variance.

Laura DeVore said that the applicant is proposing to use a parking stall formula based on the number of bedrooms rather than simply the number of units. Based on their research of other cities' ordinances, the applicant maintained that if the prevailing system was applied to the proposed apartment development it would result in fewer parking spaces needed.

Mr. Gibson said that he would consult with the city attorney regarding how the Zoning Board of Adjustment's decision affects the Planning and Zoning Commission's consideration of the site plan for the SUP.

Chair McBride requested that the site plan contain more information about how the number of parking spaces relates to the number and type of dwelling units.

Mr. Gibson said that staff would work with the applicant to ensure that the next version of the site plan meets the expectations for information presentation and content.

Commissioner Faust moved to table SUP-16-07 to August 24, 2016. Commissioner Rodriguez seconded, and the motion passed by a vote of 7-0.

5. SUP-16-08. Hold a PUBLIC HEARING and consider a request by First Baptist Church for a Specific Use Permit to allow a Church as a public/institutional use on Lots 6, 7, 8, 9, 10, 11, 24, 25, 26, and 27, Block 2, East Side Addition, zoned RMD Residential Medium Density District and located at 504, 506, 508, and 514 Neches Street, and 507, 511, and 515 San Saba Street.

Ms. DeVore explained that the First Baptist Church is zoned RMD and is considered a grandfathered use. They want to make the subject property a legal and conforming use to eliminate any barriers that could prevent them from remodeling or rebuilding in case of a natural disaster. They plan to replot all of the individual lots into one large lot in the near future. The goal is to protect the interests and posterity of the church that had been located at the site for more than 60 years. She stated that another specific use permit would be required when the applicant expands their parking lot or building. She reported that no letters in opposition or support had been received, and that staff recommends approval of the specific use permit.

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

Reverend Fritz Williams, Jr., of 514 Neches Street, said that he serves as the pastor of the church, and that some members of the church were present in support of the specific use permit. He explained that they plan to renovate the church building and improve the parking lot in the future.

Homer Fritz Williams, Sr., of 1008 N. Commerce Street and a member of church for 64 years, said that they acquired lots next to the original church property as they became available to accommodate future expansion.

Chair McBride closed the public hearing.

Commissioner Faust moved to approve SUP-16-08. Commissioner Visage seconded, and the motion passed by a vote of 7-0.

6. SUP-16-09. Hold a PUBLIC HEARING and consider a request by Juan Campos for a Specific Use Permit to allow a Manufactured Home on 0.32 acre in the Byrd Lockhart League, Abstract No. 17, zoned RMD Residential Medium Density District and located at 1304 Hondo Street.

Mr. Gibson explained that the subject property previously had a house on it, but it was removed and all that remains are three dilapidated accessory buildings. The applicant had requested the specific use permit for a double-wide manufactured home, but after the public hearing notices were sent it was discovered that the proposed home had previously been occupied and, therefore, did not meet the standard requiring it to be new from the factory. Because they needed time to look for another manufactured home, the applicant requested that Commission consideration of their specific use permit application be tabled until the August 10 meeting. He reported that no letters in opposition or support had been received.

Mr. Gibson said staff recommended tabling the specific use permit.

Commissioner Oliva remarked that he would prefer to see a site-built duplex or single-family home constructed on the property.

Commissioner Rodriguez moved to table SUP-16-09 until August 10, 2016. Commissioner Oliva seconded, and the motion passed by a vote of 7-0.

7. FP-16-01. Consider a request by Anna Bermudez, Steven Bermudez, and Kenneth Price for approval of a Final Plat for Bermudez-Price Subdivision, consisting of two unplatted parcels in the Byrd Lockhart Survey, Abstract 17, consolidated into one 0.712-acre lot zoned RMD Residential Medium Density District and located at 820 North Blanco Street; including a request for a Variance to Chapter 52 "Subdivisions", Section 52-77 "Sidewalks", to waive the requirement to construct a four-foot wide public sidewalk along the Blanco Street and Olive Street frontages.

Ms. DeVore explained that the subject property is located at the southeast corner of North Blanco Street and Olive Street, and consists of two separate unplatted parcels that the property owner would like to combine into a single lot. She said the applicant requested a variance to waive the requirement to construct a public sidewalk along both street frontages because the difficult topography adjacent to the streets would significantly increase the cost. Ms. DeVore said that staff recommended approval of both the plat and the requested variance.

Commissioner Ruiz asked the reasoning for staff's recommended approval of the variance.

Commissioner Oliva said he could answer that question, and stated that he supported the variance because an expensive retaining wall would be required and tree roots would have to be cut.

Chair McBride asked the applicant to come forward.

Anna Bermudez said she has been a resident of Lockhart for six months and is trying to beautify the property. A house was demolished on one of the existing parcels, and her intentions are to make the property beautiful. She said she wants to construct a fence around the property once it's platted into one large lot.

Mr. Gibson said that an accessory building was placed on the north parcel without a permit, which caused staff to contact the owner. Since the principal use of residentially-zoned property must be dwelling, an accessory structure is not allowed unless there is a dwelling on the same property. The solution chosen by the applicant in this case was to plat the separate parcels into one lot, which would result in the accessory structure being on the same lot as the house that is currently on a separate parcel.

Commissioner Ruiz said that it is risky to approve variances to the sidewalk requirement along Blanco Street because it's a major thoroughfare. The City is responsible to make walking safe and convenient for pedestrians.

Commissioner Oliva said he lives near the subject property and had seen the beautiful transformation of the property. He agreed with accommodating pedestrians, but in this location the sidewalk is not feasible.

Mr. Gibson noted that there are no other sidewalks along most of Blanco Street, and it was unlikely that any major segments would be built as a subdivision requirement because the abutting properties are already developed. He said new sidewalks would best be done as part of a major street widening or improvement project by the City.

Commissioner Faust moved to approve FP-16-01, including the variance. Commissioner Oliva seconded, and the motion passed by a vote of 6-1, with Commissioner Ruiz opposed.

8. PP-16-03. Consider a request by Matkin-Hoover Engineering & Surveying on behalf of Dane Braun of Lockhart II Partners, LTD, for approval of a Preliminary Plat for Meadows at Clear Fork Subdivision, Section 2, consisting of 82 residential lots, one drainage detention basin, and new internal streets on a total of 235.26 acres in the Francis Berry Survey, Abstract 2, zoned PDD Planned Development District and located east of City Line Road, between Maple Street and Clear Fork Street.

Ms. DeVore explained that the subject property, which is bounded by Clear Fork Street, City Line Road, and Maple Street, would be subdivided into 82 single-family lots. The preliminary plat includes three new public streets, including a cul-de-sac, and an extension of two existing public streets. The subdivision does not include any parkland dedication because the parkland requirement was satisfied when Section One of the Meadows at Clear Fork Subdivision was platted. The plat complies with all applicable subdivision standards, including internal and perimeter public sidewalks. She stated that staff recommended approval of PP-16-03.

Chair McBride asked for clarification of the sidewalk note for the north side of Clear Fork Street and the east side of City Line Road. He asked when the sidewalks would be constructed because there is no sidewalk along the Section One frontage of Clear Fork Street.

Ms. DeVore replied that the sidewalks are to be constructed as each section is developed.

Mr. Gibson added that the sidewalk note needed to be amended to include the south side of Maple Street. With regard to Section One, he said that when it was constructed the subdivider paid a fee in lieu of constructing it, with the plan being that the City would construct the sidewalk at such time that Clear Fork Street was improved to collector street standards. He suggested that the City may negotiate with the developer to use the money for constructing the sidewalk along Section One at the same time that the Section Two sidewalks are constructed.

Chair McBride asked if anyone was here to speak on behalf of the plat.

Joshua Valenta of Boerne Texas said that he is the civil engineer on the project. He said that the original Planned Development District was approved for Section One in 2002, and that they plan to complete Section Three first.

Chair Ruiz asked how much of the drainage easement shown in the cross-section detail would be a concrete channel.

Mr. Valenta replied that since this is just the preliminary plat, the engineering design has not yet been done. Therefore, the construction details have not been determined, but they would be designed to comply with ordinance requirements.

After discussion it was determined that the detail on the plat applied to only one lot, and showed how it would enable the owner of the lot to install a fence on their property within the easement.

Commissioner Faust moved to approve PP-16-03 with modifications to the sidewalk note on the plat. Commissioner Ruiz seconded, and the motion passed by a vote of 7-0.

9. PP-16-04. Consider a request by Matkin-Hoover Engineering & Surveying on behalf of Dane Braun of Lockhart Partners, LTD, for approval of a Preliminary Plat for Meadows at Clear Fork Subdivision, Section 3, consisting of 72 residential lots and new internal streets on a total of 17.463 acres in the Francis Berry Survey, Abstract 2, zoned PDD Planned Development District and located along the south side of the 1600-1700 blocks of Maple Street.

Ms. DeVore explained that this section is located adjacent to the north of Section One of The Meadows at Clear Fork. The subject property will be subdivided into 72 single family lots. The preliminary plat includes three new public streets with two extending into the proposed Section Two of the same subdivision. The subdivision does not include any parkland dedication because the dedication was satisfied when Section One of the Meadows at Clear Fork Subdivision was platted. She said that staff recommended approval of PP-16-04.

Commissioner Faust asked how the drainage will work for the new section.

Mr. Valenta said that the existing detention pond will be expanded to accommodate additional storm-water runoff.

Commissioner Visage moved to approve PP-16-04. Commissioner Rodriguez seconded, and the motion passed by a vote of 7-0.

10. Consider a recommendation that the distance for notifying owners of property around a site for which public hearing notification is required by the zoning ordinance or subdivision regulations be changed from 200 feet to 300 feet, and that the City's application fees for applications requiring such public hearings be increased to compensate for the additional cost of notification.

Mr. Gibson stated that the Commission had expressed a desire to go on record as recommending the expanded notification area to the City Council, and had asked that this item be on the agenda. He estimated that the cost of researching and sending public hearing notices could be approximately 50 percent higher due to the larger area within which property owners would be notified.

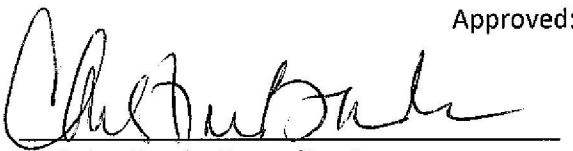
Commissioner Faust moved to recommend the proposed change, which could be combined with other planned text amendments that would ultimately be considered by the City Council. Commissioner Ruiz seconded, and the motion passed by a vote of 7-0.

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

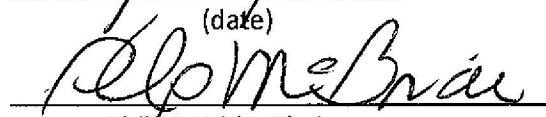
Ms. DeVore said the next meeting would be July 27, 2016, with at least one replat on the agenda.

12. Adjourn.

Commissioner Faust moved to adjourn, and Commissioner Visage seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:23 p.m.


Christine Banda, Recording Secretary

Approved:

7/27/16
(date)

Phil McBride, Chairman