

**City of Lockhart
Planning and Zoning Commission
October 26, 2016**

MINUTES

Members Present: Philip Ruiz, Bill Faust, Christina Black, Manuel Oliva, Mary Beth Nickel

Members Absent: Phil McBride

Staff Present: Dan Gibson, Christine Banda

Visitors/Citizens Addressing the Commission: Meeta Gohel, Thom Earnest, Russell Smith

1. Call meeting to order. Vice-Chair Ruiz called the meeting to order at 7:00 p.m.
2. Citizen comments not related to a public hearing item. None.
3. Consider the Minutes of the September 28, 2016 meeting.

Commissioner Oliva moved to approve the September 28, 2016, minutes. Commissioner Black seconded, and the motion passed by a vote of 4-0-1, with Commissioner Faust abstaining.

4. ZC-16-07. Hold a PUBLIC HEARING and consider a request by Thom Earnest on behalf of Kalpesh Gohel for a Zoning Change from RMD Residential Medium Density District to RHD Residential High Density District for Part of Lot 1, Block 48, Original Town of Lockhart, consisting of 0.492 acre located at 601 West San Antonio Street (SH 142).

Mr. Gibson explained that the owner would like to build an eight-unit multi-family complex, which requires RHD zoning. He described the existing land use and zoning patterns in the area. The proposed RHD zoning is not consistent with the Lockhart 2020 Land Use Plan map, which designates the property as future medium density residential land use, but there is already other RHD zoning in area with six existing apartment complexes within a one-block radius of the subject property. He stated that the RHD classification is consistent with the existing zoning on the property abutting to the north, and provides an appropriate transition between the commercial zoning to the east of the subject property and the remaining medium density residential zoning to the west. Because eight units would exceed the maximum density of 12 units per acre allowed by-right for the MF-1 development type in the RHD district, the owner has also submitted an application for a specific use permit to allow the MF-2 development type. Mr. Gibson said that staff recommends approval of the zoning change.

Commissioner Oliva asked if there is a tree ordinance, and if permits would be needed to remove any trees.

Mr. Gibson replied that there is a tree preservation ordinance, and that a permit is required to remove any trees.

Commissioner Oliva asked if staff knew where the driveway entrance would be located for the proposed development.

Mr. Gibson said the proposed access is from Elm Street.

Commissioner Faust said that for the specific use permit he expects to see a site plan showing all existing trees and those that are proposed to be removed.

Thom Earnest said that he is the architect on the project, and the official applicant for the zoning change request. He said that the boundary, tree, and topographic surveys have been completed. He stated that he does have a preliminary site plan at this time, and that all the trees and their sizes will be shown. He mentioned that some trees have already been removed from the property. The site plan shows a total of eight units in a two-story configuration.

Mr. Gibson said that a permit is required to remove any tree, whether protected or not.

Mr. Earnest said that he was not aware of that requirement. He said that he will keep that in mind now that he knows.

Meeta Gohel of 2998 Hidden Meadow, Seguin, Texas, came forward as an owner of the property and said that protected trees are identified on the survey and they will be preserved.

Mr. Earnest said that there are some trees along the west boundary line which creates a natural buffer for the project from the home to the west of the property. Also, they are proposing the driveway entrance in a location along Elm Street that avoids a large tree in that area.

Vice-Chair Ruiz asked if the owner is prepared with another alternative if the zoning change or subsequent specific use permit are not approved.

Mr. Earnest replied that they would have to reconsider their options, but are hopeful that everything is approved.

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

Commissioner Faust moved to approve ZC-16-07. Commissioner Oliva seconded, and the motion passed by a vote of 5-0.

5. As provided in Chapter 12 "Buildings and Building Regulations", Section 12-491(3), of the Lockhart Code of Ordinances, consider a request by Russell Smith of Smith Supply Company for approval of a Six-foot Tall Chain-link Fence along the south property line and within the minimum required front setback of property zoned CHB Commercial Heavy Business District and located at 1830 South Colorado Street (US 183).

Mr. Gibson explained that there is a drainage channel owned by TxDOT along the south side of the subject property which was previously overgrown with heavy vegetation that has now been removed. That vegetation discouraged unwanted access to the property. Now that it is gone, the owner is planning to install a six-foot high chain-link fence along the side and up to the existing chain-link fence at the front of the property. The westernmost 25 feet of the new fence will be in the minimum front yard setback area, where approval is required from the Planning and Zoning Commission.

Commissioner Oliva said he was concerned about erosion occurring along the cleared bank of the channel when a large amount of water might wash through during a storm.

Mr. Gibson said that was a legitimate concern, but it is assumed that TxDOT will plant ground cover along the banks before the project is completed. Because it's TxDOT property, the City has no control over it.

Russell Smith, owner of Smith Supply, added that the City had tried to maintain the channel but didn't keep up with the growth of the vegetation over the years. He said there is already erosion toward the rear of his property, and he will need to figure out what to do to stop it. He didn't want to lose his new fence due to erosion of the embankment.

Commissioner Oliva asked for clarification that chain-link is allowed in the CHB district but that barb wire is not.

Mr. Gibson replied that that is correct.

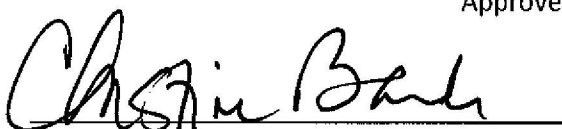
Commissioner Oliva moved to approve the chain-link fence in the front building yard setback. Commissioner Faust seconded, and the motion passed by a vote of 5-0.

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

Mr. Gibson said the next meeting is November 9, and there is one application for a specific use permit to be considered.


7. Adjourn.

Commissioner Oliva moved to adjourn, and Commissioner Black seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:45 p.m.


Christine Banda, Recording Secretary

Approved:

11/9/2016

(date)

for Philip Ruiz, Vice-Chairman