

City of Lockhart
Planning and Zoning Commission
May 8, 2019

MINUTES

Members Present: Philip Ruiz, Phil McBride, Manuel Oliva, Rick Arnic, Paul Rodriguez

Member Absent: Christina Black

Staff Present: Dan Gibson, Kevin Waller, Christine Banda

Visitors/Citizens Addressing the Commission: Tony Jacob, Robert Ramos, Jamie Falco, Peter Moore, Emilio Guardado, Linda Hinkle, Richard Giberson

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:02 p.m.
2. Citizen comments not related to an agenda item. None.
3. Consider the Minutes of the April 24, 2019, meeting.

Commissioner Rodriguez moved to approve the April 24, 2019 minutes. Commissioner Arnic seconded, and the motion passed by a vote of 4-0.

4. ZC-19-03. Hold a PUBLIC HEARING and consider a request by Brothers Holdings for a Zoning Change from RMD Residential Medium Density District to CMB Commercial Medium Business District on 0.633 acre consisting of Lots 16 and 17, Block 5, South Heights, and those portions of the adjoining streets and alleys that previously reverted to said lots by vacation and abandonment, located at 1105 South Commerce Street.

Dan Gibson explained that this was the applicant's second attempt to rezone his property to a commercial zoning classification. In 2018, a request to rezone to CHB was recommended for approval by the Commission, but the City Council denied it. This time, the requested zoning is CMB instead of CHB. The applicant wishes to move their Optometrist Office to this new location so that they can expand their services. Mr. Gibson said that the zoning request is consistent with the future land use plan map, and he presented maps and photos of the property and surrounding neighborhood.

Commissioner Oliva arrived at 7:10 p.m.

Chair Ruiz opened the public hearing.

Tony Jacob, of 466 Clear Springs Hollow in Buda, said that the requested zoning classification is consistent with the future land use plan map. He said that last year when the Commission approved their request, he was not aware he had to attend the City Council meeting. He does plan to attend the Council meeting this time. He said his business would like to expand their services to include more specialized eye care that is not currently available.

Chair Ruiz asked what exactly would be built on the subject property.

Mr. Jacob replied that the eye center would be on the lot closest to South Colorado Street, and the rear lot adjacent to South Commerce Street would contain the surgical suite and parking lot.

Robert Ramos, of 802 Fox Tale Run in San Marcos, said that he was the primary practicing Optometrist at the current location in Lockhart, and has been there for five years. They serve over 3,000 citizens in the area now. The expansion would improve their current services as well as allow for more specialty eye care.

Jamie Falco, of 12733 Serafy Court in Austin, said she is also a member of the professional staff. They would like to expand their services, especially with children, and would greatly appreciate approval of the zoning change request.

Peter Moore, of 1018 South Commerce Street, said that he owned property across the street from the subject property and was in opposition to the proposed zoning change. He submitted a letter with signatures of residents opposed to the zoning change. He said it is a residential neighborhood along South Commerce Street, and that there are no businesses along the street except for the rear of the Family Dollar store.

Emilio Guardado, of 1108 South Commerce Street, said that he had lived in the neighborhood for six years, and would like for it to remain a residential area that is safe for their children. He opposed the zoning change request.

Commissioner Rodriguez asked if the applicant had spoken with anyone in the neighborhood about what they were proposing.

Mr. Guardado replied that no one had contacted him, and he was not sure if the other neighbors had heard from the applicant.

Chair Ruiz asked for any other speakers.

Linda Hinkle, of 1109 South Main Street, asked if the City knows when South Commerce Street would be expanded to the 80 foot right of way that is proposed on the thoroughfare plan map.

Mr. Gibson replied that there are no immediate plans for widening the street, and that it would likely be far into the future.

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 McBride moved to recommend approval of ZC-19-03 to City Council. Commissioner Oliva seconded, and the motion passed by a vote of 4-1 with Commissioner Rodriguez abstaining.

5. FP-19-01. Consider a request by Richard Giberson for approval of the Final Plat of Giberson Subdivision, consisting of three single-family residential lots on 0.616 acres zoned RMD (Residential Medium Density District) and located at 734 and 736 Trinity Street, and including a request for a Variance to Section 52-72(e) of the Subdivision Regulations to waive the requirement to dedicate one-half of the right-of-way needed to achieve the minimum required width on Garcia Street to conform to the thoroughfare plan.

Kevin Waller explained that the applicant requested a variance to the dedication of right-of-way along Garcia Street for the proposed plat. He said the applicant would have to dedicate 13 feet to comply with the required right of way dedication, but the existing home is only 10 feet from the existing property line. The subdivision plat dedicates five feet of additional right-of-way along Trinity Street, and a public sidewalk will be constructed along the Trinity Street frontage.

Mr. Gibson added that there was a previous subdivision on the north side of Garcia Street that dedicated additional right-of-way, so the segment adjacent to the subject property is already wider than the eastern portion of the street.

Mr. Waller continued with the staff report, and reviewed the variance criteria. He said that, aside from the variance to waive right-of-way dedication on Garcia Street, the plat met all minimum standards.

Chari Ruiz asked for the applicant to come forward.

Richard Giberson, of 201 River Ranch in Buda, said that he had owned the property for a long time and decided to fix up the existing houses on two of the proposed lots. When applying for his building permits, the Building Official, Shane Mondin, informed him that he would have to consult with the Planning department about the proposed renovations since having two houses on one lot in the RMD district was a nonconforming condition. After speaking with Mr. Gibson and Mr. Waller, Mr. Giberson was told that he would have to subdivide his property to continue with the proposed remodeling work. He said that he would do whatever is necessary to get approval of the plat so that the necessary building permits could be issued. He added that the third lot on the plat was currently vacant and would be used for a future home.

Linda Hinkle, of 1109 South Main in Lockhart, said that her company prepared the plat, and that the applicant was just trying to improve the neighborhood by remodeling the two existing houses and constructing one new home in the future.

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

Mr. Waller said that staff recommended approval of the plat and the variance.

Commissioner Oliva moved to approve FP-19-01. Commissioner Arnic seconded, and the motion passed by a vote of 3-2 with Chair Ruiz and Commissioner Rodriguez against.

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

Mr. Gibson said that the next Commission meeting date is May 22th, and that there would likely be a final plat on the agenda.

7. Adjourn.

Commissioner Arnic moved to adjourn, and Commissioner McBride seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:18 p.m.

Approved: 5/22/19
(date)



Christine Banda, Recording Secretary



Philip Ruiz, Chair