

**City of Lockhart
Planning and Zoning Commission
January 22, 2020**

MINUTES

Members Present: Philip Ruiz, Manuel Oliva, Philip McBride, Paul Rodriguez, Chris St. Leger, Rick Arnic

Member Absent: Christina Black

Staff Present: Dan Gibson, Christine Banda, Kevin Waller

Visitors/Citizens Addressing the Commission: Lydia Serna, Josh Valenta, Jim Lindsey, James Davis, Kevin Mills, Anne Gallup, Jim Markel

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 January 8, 2020, meeting.

Commissioner McBride moved to approve the January 8, 2020 minutes. Commissioner Arnic seconded, and the motion passed by a vote of 6-0.

4. SUP-20-01. Hold a PUBLIC HEARING and consider a request by Lydia Serna on behalf of James Quezada for a Specific Use Permit to allow a Church as a Public/Institutional use on Part of Lots 1 and 6, Block 28, Original town of Lockhart, consisting 0.185 -acre zoned CCB Commercial Central Business District and located at 109 West Walnut Street.

Mr. Gibson noted that the subject property had previously been rezoned to CCB, and was being operated as a restaurant. The most recent action was Commission approval of a specific use permit to allow a bar, in case the amount of alcohol served exceeded the limit to be classified as a restaurant. The business owner had mentioned that "biker church" services were held in the restaurant on Sunday mornings. Because churches require approval of a specific use permit, the business owner was told that the church activity was a zoning violation unless they applied for and received approval of an SUP. He discussed the information on the application form, and displayed maps and photos of the subject property and surrounding area. Mr. Gibson said that no opposition had been expressed by the owners of other properties in the area.

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

Lydia Serna, of 251 Wild Buffalo Drive in Kyle, said that she was the business owner and was representing the Biker Church. She stated that they didn't know that a specific use permit was needed until it was mentioned at the previous public hearing for the bar SUP. They wanted to comply with the zoning ordinance.

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 Oliva moved to approve SUP-20-01. Commissioner McBride seconded, and the motion passed by a vote of 5-0-1 with Commissioner Rodriguez abstaining.

5. ZC-20-01 and PDD-20-01. Hold a PUBLIC HEARING and consider a request by Matkin Hoover Engineering & Surveying, on behalf of Dane Braun, for a Zoning Change from RMD Residential Medium Density District to PDD Planned Development District, including a Planned Development District Development Plan for Heritage Place Subdivision, a proposed mixed residential subdivision on 8.465 acres in the Francis Berry Survey, Abstract No. 2, and located at 1501 Clear Fork Street.

Mr. Gibson explained that the subject property would have 18 single-family dwellings, one building containing six condominium units, and eight duplex condominiums. The project would include a private outdoor common area with a small dog park, a pavilion, and community mailboxes. In addition, along the east side there is a public hike/bike trail that conforms with the City's Sidewalk/Trail Plan, and a dual-purpose stormwater detention area with public parkland. A sidewalk will connect the public trail and parkland to a centrally located parking area adjacent to the common area. The development will have a Homeowner's Association to enforce the covenants and maintain common areas. The requested PDD zoning classification is intended to accommodate developments that have unusual characteristics that might require deviations from the normal zoning and/or subdivision standards. He said that a few of the residential lots in the proposed development have dimensions or areas that are less than required in the conventional zoning districts for the specified development type, but would not require a variance because they can be allowed in a planned development. The development plan is adopted with the zoning change. The zoning change and PDD development plan must be considered concurrently, since the zoning is subject to the project being developed as depicted on the plan. He continued with his presentation which included displaying maps and photos of the subject property and surrounding area.

Kevin Waller presented the PDD development plan by discussing in more detail the features that were mentioned by Mr. Gibson. He added that a subdivision entrance sign is proposed that is larger than normally allowed, but since it is a PDD development the size would be considered a negotiated deviation. He also indicated that approval of the development plan should be subject to correctly labeling the condominium garages, and removal of Note 2C.

Commissioner McBride asked if the driveways would allow for two off-street parking spaces.

Mr. Gibson replied that that would be a good question to ask the applicant when it's their turn to speak.

Chair Ruiz asked what material would be used for the sidewalk proposed between lots ten and 11 that would connect the interior of the subdivision to the hike and bike trail.

Mr. Gibson replied that it's not known yet since the constructions plans have not been completed.

Chair Ruiz asked why the applicant was designating the internal open space as private facilities.

Mr. Waller replied that it would be more appropriate for the applicant to answer that question when it's their turn to speak.

Mr. Gibson said that it is not uncommon for planned developments zoned PDD to have private amenities. That is one feature that distinguishes a PDD from a conventional subdivision.

Chair Ruiz expressed a belief that it could lead to racial discrimination.

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

Josh Valenta, of Matkin-Hoover Engineering & Surveying in Boerne, and Jim Lindsey, of Lakeway, were present to discuss the project. Mr. Valenta confirmed that there would be an H.O.A. that would be responsible for maintaining the private amenities.

Mr. Lindsey presented illustrations of the planned development and sample elevations of houses. He said that the development would be a farmhouse inspired community. They researched Lockhart's history and the older homes in in area to develop the theme of Heritage Place. All dwellings would be modern farmhouse designs. No two houses would be the same, and the various plans are named after rivers. All of the single family and condos units would have two car garages. The duplex-condominiums have either one or two-car garages.

Commissioner McBride asked about the price of the homes, the driveway widths, and if there would be a playscape for the kids.

Mr. Lindsey could not give a price estimate because the construction plans are not yet drawn. He said the driveways would provide enough parking for two vehicles for each dwelling unit. He said he came to get feedback on the park area, so hearing that the commissioners would like a playscape was valuable information.

Chair Ruiz continued to express his concerns about the private park in the development. He said there is public access next to it for the public park to the east of the development and he can foresee citizens trying to use the private facilities. He was concerned that residents will tell those citizens they cannot use the private amenities, and it might be misinterpreted as racially motivated. He asked who would be watching to keep nonresidents from using the park.

Mr. Lindsey said that the private amenities are good for the neighborhood and that he agrees it might be difficult to keep others from using the area. He would like for the H.O.A. to handle those concerns. He added that the community mailboxes would be designed like a water cistern, but the design of the park pavilion is not yet finalized, so there is time to address the concerns about public access.

Commissioner St. Leger said he couldn't see the garage entrances on the design shown.

Mr. Lindsey Explained that some of the houses had side entry garages that do not face the street.

Commissioner Rodriguez said that the H.O.A. could probably address any concerns with the private amenities in the subdivision, and that it is not uncommon for a development to have private amenities.

James Davis, of 1512 Colton Lane, expressed concerns about drainage and the floodplain. He said water already rises to near his back fence during heavy rains. He would like assurance that his property would not be affected by flooding from the new development.

Mr. Gibson said that every new development must comply with the city's drainage ordinance. The stormwater detention basin required for the new subdivision will prevent the additional runoff from negatively affecting the adjacent neighborhoods, and could even improve drainage in the area. The city engineer must review the construction plans and approve the proposed drainage mitigation before the final plat of the subdivision is approved. In addition, development of this property will require submittal of a Letter of Map Revision to FEMA to document any resulting changes in the floodplain.

Kevin Mills, of 1540 Clear Fork Street, said that he is in favor of the development, but was concerned about the location of the new subdivision street in relation to his driveway, and whether or not any stop signs would be placed along Clear Fork Street at the intersection.

Mr. Gibson replied that if the City did add a stop sign at the intersection, it would be only for traffic exiting the subdivision, and would not stop traffic on Clear Fork Street.

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 Rodriguez moved to recommend approval of ZC-20-01 and PDD-20-01 to City Council with staff's recommendations to correctly label the garages and remove Note 2C from the PDD development plan. Commissioner Oliva seconded, and motion passed by a vote of 4-1-1 with Chair Ruiz against and Commissioner Arnic abstaining.

6. PP-20-01. Consider a request by Matkin Hoover Engineering & Surveying for approval of a Preliminary Plat of Heritage Place Subdivision consisting of 8.465 acres in the Francis Berry Survey, Abstract No. 2, proposed to be zoned PDD Planned Development District and located at 1501 Clear Fork Street.

Mr. Waller presented the preliminary plat. He mentioned that the hike/bike trail would have access from a sidewalk in the development, and that the building setbacks are also shown on the plat.

Commissioner Arnic asked if there would be any improvements along Clear Fork Street.

Mr. Gibson said the developer has an obligation to construct a public sidewalk along Clear Fork Street, as stated in the plat note. They will also be responsible for contributing to improvement of Clear Fork Street. That contribution would be established at the final plat stage, but would either be a fee in lieu of improving Clear Fork Street for the segment abutting the property that does not yet have curb and gutter, or doing the actual construction themselves.

Chair Ruiz asked the applicant to come forward.

Josh Valenta, of Matkin-Hoover Engineering & Surveying, said there was not much to add but did say that the developer would extend the Clear Fork Street curb on their side of the street, and that they will decide to either construct the sidewalk now or pay a fee in lieu of constructing it as provided in the subdivision regulations.

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

Mr. Waller recommended approval.

Commissioner McBride moved to approve PP-20-01. Commissioner Oliva seconded, and motion passed by a vote of 4-1-1 with Chair Ruiz against and Commissioner Arnic abstaining.

7. PDD-19-01. Consider a request by Manumit Investment Group, LLC, for approval of a Revised Planned Development District Development Plan for Maple Park, a proposed mixed-use development on 56.239 acres in the Francis Berry Survey, Abstract No. 2, zoned PDD Planned Development District and located along the west side of the 700-1000 blocks of City Line Road.

Kevin Waller gave the staff report, including a presentation of maps and the development plan. He said that this item, along with the preliminary plat, were simply minor revisions from the previously approved PDD development plan and plat. The hike and bike trail was relocated from the north side to the south side of the LCRA easement. Two four-foot wide concrete pedestrian paths were added within six-foot wide pedestrian access easements in Sections Three-A and Two-B. One path would provide a connection between the ten-foot wide public hike and bike trail and Clear Fork Street along the eastern edge of Lot 1, Block 1, Section Three-A, and the other would provide a connection from the hike and bike trail to the single-family residential lots in the future Section Two-B, between Lots 12 and 13 in Block 2 of that section. The connection to the single family lots requires crossing the existing LCRA easement, which must be approved by LCRA. Mr. Waller said that staff is proposing that as a condition of approval of the revised PDD development plan. He also noted that the applicant had identified a 53-foot by 53-foot area for parkland improvements on Lot 2, Block 1, Section Three-A. The preliminary plat incorporating these features is the next agenda item. He said that staff determined that a zoning change from PDD to PDD would not be required because the changes are relatively minor and do not affect the land uses or density of the development.

Chair Ruiz asked the applicant to come forward.

Anne Gallup, the civil engineer for the project, mentioned that they received approval from LCRA in 2013 for Lincoln Lane crossing their easement, so the addition of the pedestrian crossing in Section Three-A should not be a problem.

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

Mr. Waller recommended approval subject to receipt of the letter from LCRA approving the pedestrian easement crossing prior to the start of construction in Section Three-A.

Commissioner McBride moved to approve PDD-19-01 with staff's condition that the LCRA approval letter be received prior to construction in Section Three-A. Commissioner Oliva seconded, and motion passed by a vote of 6-0.

8. PP-19-01. Consider a request by Manumit Investment Group, LLC, for approval of a Revised Preliminary Plat of Maple Park, consisting of 56.239 acres in the Francis Berry Survey, Abstract No. 2, zoned PDD Planned Development District and located along the west side of the 700-1000 blocks of City Line Road.

Mr. Waller explained that the changes in the revised preliminary plat were consistent with the corresponding changes to the PDD development plan.

Chair Ruiz asked the applicant to come forward.

Anne Gallup said she didn't have anything to add, and that she would answer any questions the commissioners may have.

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 receipt of the approval letter from LCRA for the pedestrian easement crossing.

Commissioner Arnic moved to approve PP-19-01 subject to receipt of the approval letter from LCRA. Commissioner Rodriguez seconded, and motion passed by a vote of 6-0.

9. FP-19-02. Consider a request by Manumit Investment Group, LLC, for approval of a Final Plat of Section Three-A, Maple Park Planned Development District, consisting of 10.792 acres in the Francis Berry Survey, Abstract No. 2, zoned PDD Planned Development District and located at 1925 Clear Fork Street, including Variances to Chapter 52 Subdivision Regulations, Section 52-31(a) to allow the division of ownership by metes and bounds to occur prior to the final plat being recorded, and Section 52-205(b & c) to allow utility service connections and issuance of building permits prior to the final plat being recorded.

Mr. Waller explained that the final plat is consistent with the preliminary plat, and is correct and complete. The primary change is the delineation of a 53-foot by 53-foot area for parkland improvements in a location that will not be impacted by the stormwater detention pond. The entire area will still be available as public park open space, but it is important to have a safe place for any structures because at times the pond may contain water. The construction plans have been approved by the city engineer. He also mentioned that the applicant had requested two variances due to the time restrictions on the developer's funding, which was explained in the commission's agenda packet. Normally a final plat is not recorded until all subdivision infrastructure is completed and accepted by the City. However, the funding requires that they own the lot and finish construction within 18 months. This would not be possible unless they start construction now. One of the variances requested is to Section 52-31(a) which would allow a division of ownership by metes and bounds to occur prior to the final plat being recorded. And with it a variance to Section 52-205(b & c) to allow utility service connections and issuance of building permits prior to the final plat recorded. Normally, building permits are not issued until after the final plat is recorded. He said the applicant understood and agreed that no Certificates of Occupancy would be issued for any building until all infrastructure is completed and the final plat is recorded.

Chair Ruiz asked if the applicant was present.

Jim Markel, of Atlanta, Georgia, said he represents the ownership group for the senior housing development, and explained that the need for the variances arises from constraints imposed by the funding from the General Land Office, which means the project must be completed in 18 months, and the clock started 30 days ago. The contract was just received in December and nothing could be done until the General Land Office signs off on it.

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

Mr. Waller recommended approval of the final plat and the variances subject to receipt of a letter from LCRA approving the pedestrian easement crossing.

Commissioner Rodriguez moved to approve FP-19-02 with the variances and subject to receipt of a letter of approval from LCRA. Commissioner Arnic seconded, and the motion passed by a vote of 5-1 with Commissioner Oliva against.

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

Mr. Gibson said that the next Commission meeting date would be February 12th, with one zoning change and three specific use permits, and possibly a subdivision plat, on the agenda.

11. Adjourn.

Commissioner St. Leger moved to adjourn, and Commissioner Arnic seconded. The motion passed by a unanimous vote, and the meeting adjourned at 9:23 p.m.

Approved: 2-12-2020
(date)

Christine Banda
Christine Banda, Recording Secretary

[Signature]
Philip Ruiz, Chair