

**City of Lockhart  
Planning and Zoning Commission  
September 23, 2020**

**MINUTES**

**Members Present:** Philip Ruiz, Philip McBride, Rick Arnic, Manuel Oliva (Present in Building), Bradley Lingvai (On the Phone)

**Member Absent:** Chris St. Leger, Paul Rodriguez

**Staff Present:** Dan Gibson, Christine Banda, Kevin Waller

**Visitors/Citizens Addressing the Commission:** Winn Smith, Laura Toups, Johnathan Smith, Michelle Harmon, Rick Johnson, Kay Gourley, Linda Hinkle, Dave Mills, Ramzi Al-Rashid, Nicole Al-Rashid, Rueben Perez, Steven Alcala

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:01 p.m.
2. Citizen comments not related to an agenda item. None.
3. Consider the Minutes of the September 9, 2020, meeting.

*Commissioner Arnic moved to approve the September 9, 2020 minutes. Commissioner McBride seconded, and the motion passed by a vote of 5-0.*

4. ZC-20-11 and PDD-20-02. Hold a PUBLIC HEARING and consider a request by Laura Toups on behalf of PHX15, LLC, for a Zoning Change from CMB Commercial Medium Business District to PDD Planned Development District, including a PDD Development Plan for Main Springs Planned Development, a proposed mixed-use development o 1.778 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 416 North Church Street.

Dan Gibson explained that the proposed PDD was a mixed-use development that is partially impacted by a floodplain associated with a creek that flows through the property. He presented maps and photos of the site and surrounding area, and discussed proposed deviations from the normal zoning and subdivision standards. Much of the required parking was proposed to be in Church Street, which would be widened to accommodate 90-degree spaces. A private drive would extend between Church Street and Main Street to provide access to off-street parking spaces for condominium units. The PDD development plan was complete, except that the 100-year floodplain should be shown in addition to, or instead of, the 500-year floodplain boundary. One letter of support had been received.

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

Nicole and Ramzi Al-Rashid of 3916 Deer Trail in Spicewood, Texas, the owners of the land, said that they were very satisfied with the design concept and proposed uses for the property. They wished to provide a different option to visitors for their downtown experience.

Chair Ruiz asked why they did not provide on-site parking.

Mrs. Al-Rashid replied that she preferred her team answer the question.

Chair Ruiz asked if they would be opposed if the commissioner's required them to make a public street connection between Main Street and Church Street. He also mentioned that there were some items missing that are required for a PDD plan.

Mr. Gibson addressed Mr. Ruiz's concerns about missing items, and noted that they were addressed on the second sheet of plans submitted.

Winn Smith, of 8406 Avocet Drive in Austin, said he was with Countywide Builders, who were the general contractor on project. He presented a short slideshow of the existing property and proposed development.

Johnathan Smith, of 1007 Fulton Avenue in San Antonio, said he was employed with Lake/Flato Architects, who are designing the project. Among their projects were the Pearl project in San Antonio, and the new Central Library in Austin. He explained that the plan is intended to connect people to the outdoors within a short walk from downtown. They didn't want to disrupt the natural flow of the existing hydrology, which is why there is minimal on-site parking. Existing trees will be preserved as part of the landscaping of the site. The architecture of the buildings will be modeled after design features found in the central business district.

Laura Toups, of 305 Grand Avenue in Austin, said she was the civil engineer on the project. They will do a drainage study to establish the floodplain elevation and stormwater design. She stated they were granted a zoning variance to allow a reduction in the minimum lot size for a planned development from five acres to the 1.778-acre size of the subject parcel.

Chair Ruiz said he would like to see a better connection between North Main Street and Church Street. He was concerned that the private drive would not be sufficient for emergency vehicles.

Ms. Toups said that they met with the fire department about the private drive. It will be 20 feet wide, with a clear zone of 25 feet, which is sufficient for a fire truck.

Chair Ruiz asked if there were any other speakers.

Steven Alcalá, of 109 Navidad, said he is in support of the project.

Linda Hinkle, of 1109 South Main Street, said she was the surveyor for the project and was in favor of the planned development.

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

Mr. Gibson recommended approval subject to adding the 100-year floodplain boundary on the PDD development plan as a condition of approval.

*Commissioner Oliva moved to recommend approval of ZC-20-11 and PDD-20-02 to the City Council. Commissioner Arnic seconded, and the motion passed by a vote of 5-0.*

5. FP-20-04. Consider a request by Laura L. Toups on behalf of PHX15, LLC, for approval of a Final Plat of Main Springs Planned Development consisting of 1.778 acres in the Byrd Lockhart Survey, Abstract No. 17, proposed to be zoned PDD Planned Development District and located at 416 North Church Street, including a Variance to waive the requirement in Section 52-77(b) of the Subdivision Regulations for a four-foot wide public sidewalk along the North Main Street right-of-way.

Kevin Waller explained that the applicant had requested a variance to the sidewalk requirement along the North Main Street frontage because there is no actual paved street and the topography is rugged. The applicant will pay a fee in lieu of dedication of parkland, which is appropriate for such a small site. He said the plat is complete and correct, and that staff recommended approval of the plat including the variance request.

*Commissioner McBride moved to approve FP-20-04, including the sidewalk variance. Commissioner Arnic seconded, and the motion passed by a vote of 4-1, with Chair Ruiz against.*

6. RP-20-01. Hold a PUBLIC HEARING and consider a request by Dave Mills on behalf of Ellia May, LLC, for approval of the Teal Addition, a Replat of the Revised Plat of Trinity Addition, Lots 15 and 16 in Block 2, Lots 8-12 in Block 3, Lots 3-6 and Lots 9-12 in Block 6, Lots 1, 14, and part of 15 in Block 7, and including a portion of an existing 20-foot wide alley right-of-way to be abandoned and a portion of the existing 50-foot wide Teal Street right-of-way to be abandoned, consisting of a total of 4.075 acres located in the 500-600 Block of Blackjack Street (FM 20).

Kevin Waller explained the reason for the replat was to consolidate multiple lots into one large lot, and that it involved abandonment of two undeveloped alleys and a portion of the undeveloped Teal Street. He said that staff recommended approval of the final replat and that the abandonments would be considered by the City Council at a future date.

Chair Ruiz opened the public hearing and asked if there was anyone wishing to speak.

Michelle Harmon, of 117 South Main, said she was concerned about a home at the corner of Trinity Street and Blackjack Street that has experienced stormwater drainage issues. She asked if the development would cause more flooding of the home.

Chair Ruiz explained that the Commission was only considering the plat, and that it is unknown at this time how the property will be developed.

Mr. Gibson explained that the City has a drainage ordinance which will ensure that any development will provide stormwater detention facilities to accommodate the added impervious surface, and that it cannot increase runoff into the surrounding neighborhood. However, the developer is not required to solve off-site drainage problems that existed before development of the their property.

Dave Mills, of 916 North Commerce Street, said that Hinkle Surveyors did a great job with the replat, and that the owners would like to have the best possible use of their property.

Linda Hinkle of 1109 South Main Street her surveying firm was hired to prepare the replat. She mentioned that the original subdivision was platted in 1951. Where rights-of-way are to be abandoned, the land will be split between the abutting properties. The replat cleans up the lots so that there can be a single driveway access from Blackjack Street.

Chair Ruiz asked for any other speakers and, seeing or hearing none, he closed the public hearing and asked for a motion.

*Commissioner Arnic moved to approve RP-20-01. Commissioner Oliva seconded, and the motion passed by a vote of 5-0.*

7. SUP-20-11. Hold a PUBLIC HEARING and consider a request by Kay Elaine Gourley on behalf of Clifton Jones for a Specific Use Permit to allow a Bed and Breakfast Inn use on Lots 3-8, and 11-16, Block 5, Mrs. M. M. Blanks Addition, zoned RLD Residential Low Density District and located at 1125 Magnolia Street.

Dan Gibson and gave the staff report, which included maps and photos of the subject property and surrounding area. He said that the large size of the lot and house were ideal for a bed and breakfast inn. A total of seven off-street parking spaces were required, and would be available along a driveway in the rear as well as on an existing driveway on the Leona Street side, where the driveway would be widened to create a parking lot with 90-degree parking spaces.

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

Kay Gourley, of 4803 Placid Place in Austin, said she already has experience in this type of venture. A lot of work will be needed to restore the home, but she is willing to do the job. She believed the home would work great for a bed and breakfast, and she appreciated the opportunity to bring the home back to life.

Chair Ruiz asked for the proposed hours of operation.

Ms. Gourley said that that they would be open Monday through Friday, with check-in times from 2:00 p.m. to 3 p.m., and check-out times from 10 a.m. to 11 a.m.

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

Mr. Gibson recommended approval.

*Commissioner McBride moved to approve SUP-20-11. Commissioner Oliva seconded, and the motion passed by a vote of 5-0.*

8. SUP-20-12. Hold a PUBLIC HEARING and consider a request by Irwin Glenn Adams for a Specific Use Permit to allow a Church as a Public/Institutional Use on Part of Lot 6, Block 17, Original Town of Lockhart, consisting of 0.057-acre zoned CCB Commercial Central Business District, and located at 209 East Market Street.

Dan Gibson explained that the church is a very small congregation typically having no more than 20 people in attendance. The church meets on Wednesday evenings and twice on Sundays. He said that a letter of opposition was received from the owner of a building located west of the property, who stated that they do not believe that a church is the best use of the property in the central business district where retail, offices, and restaurants create more daily activity and attract tourists. Although the letter also mentioned that the church would impose the a restriction on establishments serving alcoholic beverages for on-premise consumption within 300 feet of the church, Mr. Gibson noted that the City Council had recently amended that ordinance and that the restriction no longer applies in the CCB District.

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

Michelle Harmon, of 117 South Main Street, said she was representing the owner, Irwin Adams. She stated that the building is a great space for the church. They are a small congregation and have limited hours.

Rick Johnson, of 1011-B West San Antonio Street, said he is the current landlord for the Potter's Church, which is the congregation that would like to move into the subject property. He recently sold his property, and the new owner prefers that the current location of the church be converted for commercial office use. The Potter's Church then found this location and determined that it would be suitable for their needs. They requested approval of the specific use permit to allow them to move to the new location. He said that he was in favor of the specific use permit.

Rueben Perez, of 116 South Commerce Street, said that he was concerned about the issue of the church location prohibiting establishments within 300 feet from serving alcohol, but now understands that the ordinance no longer imposes that restriction. Regardless, he believed that a church is not the best use of the property, so he stated his opposition to the specific use permit.

Chair Ruiz asked for any other speakers and, seeing or hearing none, closed the public hearing and asked for the staff recommendation.

Mr. Gibson recommended approval.

Commissioner Oliva moved to approve SUP-20-12. Commissioner McBride seconded, and the motion failed 2-3 with Commissioner Lingvai, Commissioner Arnic, and Chair Ruiz against.

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

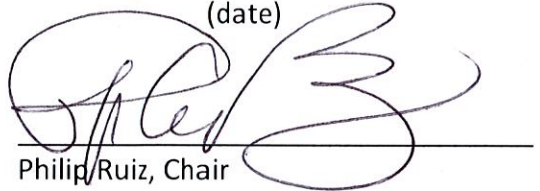
Mr. Gibson stated that the next regular meeting date was October 14<sup>th</sup>, although it was unknown whether or not any cases would be ready for that agenda.

10. Adjourn.



Christine Banda, Recording Secretary

Approved: 10/20/2020  
(date)



Philip/Ruiz, Chair