

**City of Lockhart
Planning and Zoning Commission
May 26, 2021**

MINUTES

Members Present: Philip Ruiz, Philip McBride, Bradley Lingvai, Rick Arnic, Ron Peterson (via phone), Chris St. Leger (via phone)

Member Absent: Manuel Oliva

Staff Present: Dan Gibson, Kevin Waller, Yvette Aguado

Visitors/Citizens Addressing the Commission: Michelle Rodriguez, David Jevas, Doug Spillman, Jose Carrillo, Keith Schauer P.E.

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:00 p.m.
2. Citizen comments not related to an agenda item. None.

Brad Lingvai arrived at 7:02 p.m.

3. Consider the Minutes of May 12,2021.

Commissioner McBride moved to approve the May 12, 2021, minutes. Commissioner Arnic seconded, and the motion passed by a vote of 5-0.

4. ZC-21-05. Hold PUBLIC HEARING and consider a request by Michelle Rodriguez, on behalf of Franco Ortiz, for a Zoning Change from AO Agricultural-Open Space District and RLD Residential Low Density District to AO Agricultural-Open Space District on 5.1 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 921 Silent Valley Road (FM 2001).

Chris St. Leger joined the meeting on the phone at 7:04 p.m.

Mr. Gibson explained that the applicant wishes to develop the property as an RV park consisting of towable tiny homes. The proposed AO zoning for the whole parcel would allow an RV park subject to subsequent approval of a specific use permit. He used maps and photos to describe the subject property and surrounding area.

Both Chair Ruiz and Commissioner Arnic expressed their concerns about changing the RLD-zoned portion to all AO. Commissioner Lingvai confirmed with Mr. Gibson that an SUP would have to be approved for an RV Park after the approval of the zoning change.

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

Michelle Rodriguez, of 10503 La Costa Drive in Austin, said that she is the applicant for the tiny home project. She distributed a brochure to the commissioners, and explained that the models of tiny homes that would be allowed would not exceed 400 square feet. It was her intent to provide a quality experience of life for the residents. The project would have 37 to 47 tiny homes on the property, which is actually large enough for over 200. The individual tiny home sites would be leased, and the renters would own their home. The only brand of tiny home allowed would be Escape Homes.

Commissioner McBride asked how much parking would be provided.

Ms. Rodriguez said that there would be two parking spaces provided per home.

Commissioner St. Leger asked if the property would be managed.

Ms. Rodriguez replied affirmatively, and said that a Homeowners Association would be created.

Chair Ruiz asked if there were any other speakers.

David Jevas, of 900 Silent Valley Road, says he opposes the zoning change request. He believed that the proposed use was not compatible with the homes in the area, or with the city's future land use plan.

Doug Spillman, of 1701 Silent Valley Road, said he is not opposed to rezoning the subject property to AO, but would want the land use to be consistent with the surrounding area, which is single-family homes in a rural setting. If they applied later for specific use permit there would be a lot of opposition to the RV park.

Michelle Rodriguez responded that the main reason for the proposed use was to provide affordable housing in a new and different way for the City of Lockhart.

Chair Ruiz closed the public hearing and asked for staff the recommendation.

Mr. Gibson stated that there was additional information about the proposed use provided, but that the agenda item is just for the requested zoning change. He said that staff had no objections to the entire property being zoned AO, and that the issue of the RV park would be appropriately addressed when the application for the required SUP is submitted.

Commissioner McBride expressed his opinion that an RV park is not appropriate in this location.

Chair Ruiz agreed.

Commissioner Arnic moved to recommend denial of ZC-21-05 to City Council. Commissioner McBride seconded, and the motion failed on a tie vote of 3-3, with Commissioners St. Leger, Peterson, and Lingvai against.

5. ZC-21-06. Hold PUBLIC HEARING and consider a request by Keith Schauer, P.E. of Doucet & Associates, Inc., on behalf of Robert A. Schmidt, for a Zoning Change from AO Agricultural-Open Space District to CHB Commercial Heavy Business District and RMD Residential Medium Density District on 101.71 acres in the Esther Berry Survey, Abstract No. 1, located at 2300 South Colorado Street (US 183).

Mr. Gibson explained that the applicant is expanding the existing Summerside Subdivision into the adjacent property to the north which would include four commercial lots at the west end along South Colorado Street (US 183). He said that the zoning change would result in a similar zoning pattern as the existing Summerside Subdivision. He used maps and photos to describe the subject property and surrounding area. He said one letter of opposition was received from the owner of a residential lot in Summerside Subdivision, but it appeared that they did not understand that the commercial zoning would be only along South Colorado Street and nowhere near their property.

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

Keith Schauer, P. E., of Doucet and Associates, said he was the engineer for the project and was available to answer any questions from the commissioners.

Commissioner McBride said that he hoped their intent was to make the lots wider than the minimum required in the RMD District because the existing Summerside Subdivision is crowded with vehicles in their driveways and along the streets. Also, he would like to see that the parkland they provide has playscapes, trees, and benches.

Chair Ruiz reminded the commissioners that they were considering a zoning change, and that the plat would be submitted for consideration at a future meeting.

Mr. Gibson said that staff recommended approval, and that if larger lots is what the Commission wants, they could recommend the RLD zoning classification instead of the requested RMD zoning.

Commissioner McBride stated that it is the Commission's responsibility to look out for the best interests of the community, even if that means disagreeing with what developers propose.

Commissioner Lingvai moved to recommend approval of ZC-21-06 to City Council. Commissioner Peterson seconded, and the motion passed by a vote of 6-0.

6. PV-21-02. Consider a request by Jose Carrillo on behalf of Jaime Estrada Portillo and Roxana Rodriguez for a Variance to Chapter 52 "Subdivision Regulations", Section 52-31(a) "Plat Required" to waive the subdivision plat requirement for a family land grant dividing a 10.3388-acre tract into two parcels in the Francis Berry Survey, Abstract No. 2, and located at 1589 Boggy Creek Road (CR 218) in the Lockhart Extraterritorial Jurisdiction.

Kevin Waller explained that the subject property is in Lockhart's one-mile ETJ, where the City regulates subdivision activity and requires a plat where a subdivision results in one or more parcels that are ten acres or less in area. The applicant would like to subdivide the property into two parcels that are less than ten acres, which would otherwise qualify for a Family Land Grant that is allowed by Caldwell County. Approval of the variance to waive the City's subdivision platting requirement would allow them to apply to Caldwell County for a Family Land Grant instead of the City's subdivision process. After the approvals are secured from the City and County, a single-family dwelling would be constructed on each parcel. He used maps and photos to describe the subject property and surrounding area.

Chair Ruiz asked what the width of the flag lot stem would be.

Mr. Waller replied that it was 50 feet wide.

Chair Ruiz asked the applicant to come forward.

Jose Carrillo, of 5938 State Park Road, said he represents Mr. Estrada who owns the property with his sister. They purchased it together because land is very expensive, and they wanted to split it into two parcels which would accommodate a house for each of them.

No one else was present to speak for this item, so Chair Ruiz asked for the staff recommendation.

Mr. Waller said that staff recommended approval if the Commission found that it met the criteria for approval of a variance.

Commissioner McBride moved to approve PV-21-02. Commissioner Lingvai seconded, and the motion passed by a vote of 6-0.

7. PV-21-03. Consider a request by Jose Carrillo on behalf of Pedro Oropeza for a Variance to Chapter 52 "Subdivision Regulations", Section 52-31(a) "Plat Required" to waive the subdivision plat requirement for a family land grant dividing a 10.2652-acre tract into two parcels in the Francis Berry Survey, Abstract No. 2, and located at 1529 Boggy Creek Road (CR 218) in the Lockhart Extraterritorial Jurisdiction.

Mr. Waller explained that the property was located nearby to the east of the one in previous case just presented, and is the same size. Because it was in the City's ETJ, the owner would like to pursue a Family Land Grant procedure through Caldwell County instead of the City's subdivision process to divide it into two lots for he and his brother.

Chair Ruiz asked the applicant to come forward.

Jose Carrillo represented the owner, Mr. Oropeza, who wants to be close to other siblings and parents who live on State Park Road.

No one else was present to speak on this item, so Chair Ruiz asked for the staff recommendation.

Mr. Waller said that staff recommended approval if the Commission found that it met the criteria for approval of a variance.

Commissioner Arnic moved to approve PV-21-03. Commissioner Lingvai seconded, and the motion passed by a vote of 6-0.

8. PV-21-04. Consider a request by Jose Carrillo on behalf of Angel and Maria Alvarez, Gerardo Sandoval, and Araseli Llamas for a Variance to Chapter 52 "Subdivision Regulations", Section 52-31(a) "Plat Required" to waive the subdivision plat requirement for a family land grant dividing a 10-2896-acre tract into two parcels in the Francis Berry Survey, Abstract No. 2, and located at 1541 Boggy Creek Road (CR 218) in the Lockhart Extraterritorial Jurisdiction.

Mr. Waller explained that this item was similar to the previous two items and the subject property is in the ETJ near those parcels. The purpose of the variance is again to waive the subdivision platting process so that the owner can request approval of a Family Land Grant from the County.

Jose Carrillo stated that the property is owned by his cousin Gerardo Sandoval, who already lives on the property and wants to split it with his sister.

Mr. Waller said that staff recommended approval if the Commission found that it met the criteria for approval of a variance.

Commissioner Lingvai moved to approve PV-21-04. Commissioner Arnic seconded, and the motion passed by a vote of 6-0.

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

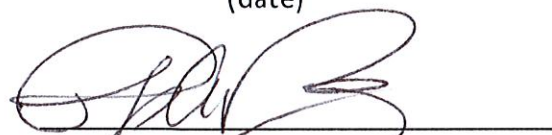
Mr. Gibson stated that the next regular meeting would be held on June 9th, with a zoning change and two specific use permits on the agenda.

10. Adjourn.

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

Approved: 6-9-2021
(date)


Christine Banda, Recording Secretary


Philip Ruiz, Chair