

City of Lockhart
Planning and Zoning Commission
June 23, 2021

MINUTES

Members Present: Philip Ruiz, Bradley Lingvai, Rick Arnic, Manuel Oliva, Phil McBride Chris St. Leger, Ron Peterson

Member Absent: None

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

Visitors/Citizens Addressing the Commission: Skylar Reeves, Jason Balsler, Michael Kamerlander, Frank DesRoches, Natalie Douga, Anna Kieler, Breanne Schafer, Nick Hudgins, David Raschke, Mary Raschke, Linda Landon

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 June 9,2021 meeting.

Commissioner Arnic moved to approve the June 9, 2021, minutes. Commissioner Lingvai seconded, and the motion passed by a vote of 6-0.

4. ZC-21-09. Hold PUBLIC HEARING and consider a request by Skylar Reeves on behalf of Edward P. Perez for a Zoning Change from CLB Commercial Light Business District and CMB Commercial Medium Business District to CHB Commercial Heavy Business District, on 0.89 acre in the Lockhart Byrd Survey, Abstract No. 17, located at 734 and 738 South Commerce Street, and 735 South Colorado Street (US 183).

Mr. Gibson explained that the applicant would like to have a portable food court where food and nonalcoholic beverages would be served from trucks or trailers, and alcoholic beverages would be served inside an adjacent building that will also be a coffee shop. They requested CHB zoning instead of CMB because they want the option to apply for a specific use permit for a bar, since they aren't sure what proportion of the sales will be from alcoholic beverages. The CMB district does not allow bars at all. Most of the eating and drinking area would be outdoors, with some under canopies, and the applicant had mentioned the possibility of a stage for outdoor entertainment. Mr. Gibson said that staff would prefer CMB zoning because it's a more restrictive classification that would be more compatible with the adjacent residential neighborhood. A specific use permit would be required for outdoor entertainment regardless of whether the zoning is CMB or CHB.

Chair Ruiz opened the public hearing and asked if the applicant was present.

Skylar Reeves, of 454 Hobby Horse Road, said she wanted to provide a family and pet-friendly outdoor space. If there is music it would be directed toward South Colorado Street. She plans to purchase the three properties if the zoning is approved. The existing bail bond building would become a general store, one of the houses would be remodeled for the coffee shop and bar, and the other house would be partially demolished and become a stage for performances. The food trailers would be located along the south property line adjacent to the Mr. Taco property. She said that CHB zoning would make sense for the proposed uses.

Commissioner McBride asked Ms. Reeves to describe the outdoor entertainment that would be provided.

Ms. Reeves replied that the entertainment would primarily be low-key musicians from the Lockhart area, and that they would not perform too late into the evening.

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

Mr. Gibson said that staff recommends CMB zoning, instead of the requested CHB classification, for the entire subject property.

The Commission discussed issues regarding noise and other potential impacts of a bar or other high intensity commercial uses on the adjacent neighborhood.

Commissioner Oliva moved to recommend approval of ZC-21-09 to City Council. Commissioner St. Leger seconded, and the motion passed by a vote of 6-1 with Chair Ruiz against.

5. ZC-21-08 and PDD-21-01. Hold PUBLIC HEARING and consider a request by Balser Custom Homes on behalf of Alan Balser for a Zoning Change from AO Agricultural-Open Space District and RLD Residential Low Density District to PDD Planned Development District, including PDD Development Plan for Lockhart Village Addition, a proposed duplex subdivision on 18.58 acres in the Lockhart Byrd Survey, Abstract No. 17, located at 1107 Silent Valley Road (FM 2001).

Mr. Gibson explained that the applicant previously proposed that the subject property be rezoned to RMD for a duplex subdivision, but withdrew it before the City Council could vote on it due to opposition by neighboring property owners. He now proposes a similar development that would be zoned PDD Planned Development District, which requires more of an advance commitment on the part of the developer in terms of the site layout, land uses, and amenities. The zoning change and PDD development plan must be considered concurrently since the zoning is conditional upon the project being developed as depicted on the plan. The owner is proposing a subdivision with 60 new duplexes, one lot for an existing single-family dwelling, a public park, and several open space lots. The plan includes sidewalks on the both sides of all streets and park improvements. Stueve Lane would be extended north to provide another access to the subdivision from Silent Valley Road.

Chair Ruiz opened the public hearing and asked if the applicant was present.

Jason Balser, of 13313 Mackey Road in Tyler, said the basic concept of the subdivision had not changed, but more planning and engineering work had been done to provide the details necessary for the PDD development plan. He mentioned that he had been in the home-building business for 26 years. The project includes farm-house style duplexes with two car garages. He said that Lockhart needs the additional housing options, and that he was trying to help address the shortage of rental opportunities in the city with something other than apartments. He emphasized that he is aware of complaints from the neighbors about drainage issues, as well as code violations at the existing rental house, and has addressed those problems. The stormwater runoff comes from the east, behind the houses, and not from the subject property. The proposed subdivision would actually improve drainage in the area by collecting the water in storm sewers and diverting it to the detention pond. Mr. Balser noted that the extension of Stueve Lane will help distribute traffic so that not all of it would be on Meadow Lake Drive, which provides access to the existing houses. He also said that there will be on-site property management.

Commissioner McBride asked about adding a playscape to the proposed park improvements, and also asked about the rental rates for duplexes in Tyler.

Mr. Balser replied that benches and a baseball diamond were proposed for the park, but that could be changed if the Commission preferred something else. He said the rental rate for duplexes in Tyler is about \$2,000.00 per month for two to three bedrooms and a fenced yard.

Chair Ruiz asked if there were any other speakers.

Natalie Douga, of 1111 Silent Valley Road, said she is against the zoning change and the PDD development plan. She read a written statement to the commissioners that restated the same concerns that the neighbors had expressed for the previous zoning change application for the subject property. She stated that people are not looking for rental property because they want to own their homes. She addressed the current private access easement in effect for the Meadow Lake Drive private road, and asserted that it could not be changed to allow it to be converted to a public street. She said that the new subdivision would flood their homes and that the dam that the applicant had removed from the subject property was part of the drainage system for the adjacent houses.

Anna Kieler, of 1109 Silent Valley Road, said she is against the zoning change and the PDD development plan. She also read a written statement to the commissioners. She mentioned that some City Council members had previously expressed their desire that single-family homes be developed in that area. She addressed continued flooding issues on her property, and stated that the proposed subdivision will cause even more flooding instead of resolving the drainage problems. She also mentioned that there are continued violations of City codes at the rental home on the subject property, and that she is concerned about the amount of traffic that would be generated by the number of duplexes being proposed.

Breanne Schafer said she used to own 1117 Silent Valley Road, and never experienced any flooding at the home, but that it has been flooded twice since the dam was removed.

Nick Hudgins, of 1115 Silent Valley Road, said that there has been major flooding on his property since Mr. Balsler removed the dam and filled the pond. He stated that the developer seems to show a lack of concern about how this could be even worse with future development. He didn't like the idea of renters coming and going, and stated that he would prefer the new subdivision be developed with single family dwellings.

David Raschke, of 1100 Silent Valley Road, complained about the 31-foot width required for public streets, and said he believed that was not wide enough. He mentioned that there are large, beautiful trees along Meadow Lake Drive which could be harmed by development. He said that the proposed development should be harmonious with what is already existing in the neighborhood.

Mary Raschke, of 1100 Silent Valley Road, said that at the meeting for the previously proposed RMD zoning it appeared that the City Council members were opposed to this type of development. She stated that the project would devalue their homes, raise their taxes, and increase traffic in the area.

Linda Landon, of 1113 Meadow Lake Drive, stated that there are 100-year old Oak trees on the subject property, and that wildlife seems less prevalent in the area since the dam was removed. She said she loves the nice quiet atmosphere of the area as it is now.

Jason Balsler said he was told the pond was causing the flooding, so the grade was lowered to remove any barriers that might have negatively affected the drainage pattern. He claimed that all trees would remain. In response to the concerns expressed about traffic, he stated that his engineer is required by TxDOT to do a traffic impact study, which could result in safety improvements to Silent Valley Road. Mr. Balsler maintained that the private Meadow Lake Drive easement would not be affected, but that the road would simply be rebuilt to City street standards, including the drainage system. He admitted that there had been some issues with the tenant in the existing single-family residence on the property, but the code violations had been addressed. He also said that the new development will improve the public water supply and other infrastructure for the houses along Meadow Lake Drive.

Commissioner McBride asked Mr. Balsler how long his family had owned the land.

Mr. Balsler replied that they had owned it for six years.

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

Mr. Gibson said that staff recommended approval. He mentioned that he had met with the owners of abutting properties to discuss their concerns. He said that this project would improve water pressure and provide fire hydrants that they don't have now. The traffic impact analysis is required for approval of the final plat.

Commissioner McBride moved to recommend approval of ZC-21-08 and PDD-21-01 to City Council subject to revising Note #7 to include a children's playscape having a minimum of four features to be provided by the developer. Commissioner Lingvai seconded, and the motion passed by a vote of 6-1 with Commissioner Oliva against.

6. PP-21-01. Consider a request by Jason Balser on behalf of Alan Balser for approval of a Preliminary Plat for Lockhart Village Subdivision consisting of 61 lots, parkland, new internal streets, and an extension of Stueve Lane on a total of 18.58 acres in the Lockhart Byrd Survey, Abstract No. 17, proposed to be zoned PDD Planned Development District and located at 1107 Silent Valley Road (FM 2001).

Kevin Waller explained that the plat corresponds to the PDD development plan considered in the previous agenda item. He discussed the street names, lots, parkland, and the extension of Stueve Lane. He said that the dead-end of Meadow Lake Drive will need a temporary turnaround until it can be extended when the adjacent property is developed. In addition, the width of the Silent Valley Road right-of-way needs to be remeasured perpendicular to the right-of-way lines along the property frontage to make sure that it is at least 80 feet wide, which is the minimum for arterial streets. If it is less, dedication of additional right-of-way will be required.

Jason Balser stated that a public access easement could be added for a turn-around at the end of Meadow Lake Drive because the adjacent property is under the same ownership.

Nick Hudgins asked where the vehicle parking for the parkland would be located. He lives directly across the street from where the park would be, and he didn't want strangers parking in front of his home or on his property. He believed that parks attract criminal activity, so he wanted to make sure it is monitored.

Chair Ruiz asked for the staff recommendation.

Mr. Waller said that staff recommends approval subject to the following three conditions: 1) Specify on the plat that a four-feature children's playscape is to be provided in the parkland by the developer; 2) Show an easement on the plat for a temporary vehicle turn-around at the end of Meadow Lake Drive; and, 3) Verify the right-of-way width along the Silent Valley Road property frontage.

Commissioner Arnic moved to approve PP-21-01 subject to the three conditions suggested by staff. Commissioner St. Leger seconded, and the motion passed by a vote of 6-1 with Commissioner Oliva against.

7. FP-21-05. Consider a request by Frank DesRoches of Doucet & Associates for approval of a Final Plat for Lockhart Industrial Park III – Section One consisting of two public streets and five lots on a total of 41.687 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned IL Industrial Light District and located at 500 F.M. 2720.

Kevin Waller explained that the final plat was for the first section of Lockhart Industrial Park III, for which the preliminary plat and subdivision development plan had been approved in April. The final plat consists of four lots and a stormwater detention site. He pointed out that the memo in the commissioner's packet provided background information regarding the time constraints imposed by the deadline for the sale of one of the lots by the Lockhart Economic Development Corporation. It will result in the consideration of the plat before the construction plans are able to be approved by the city engineer. Otherwise, the plat is clean and ready for Commission approval.

Mike Kamerlander, Director of Economic Development, said that he had been working on this proposed development for over a year, and that approval of the final plat is required in order to complete the sale of the lot. He stressed the importance of this transaction and subdivision for the city, and thanked everyone for helping to expedite the process.

Frank DesRoches, of Doucet and Associates, said he was the engineer for the project and asked if the commissioners had any questions. He thanked city staff for expediting the plat.

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

Mr. Waller recommended approval subject to receipt of a letter from the city engineer that the construction plans for public infrastructure are approved.

Commissioner McBride moved to approve FP-21-05 subject to approval of the construction plans by the City Engineer. Commissioner Arnic seconded, and the motion passed by a vote of 7-0.

8. As provided in Chapter 12 "Buildings and Building Regulations, Section 12-491(3), of the Lockhart Code of Ordinances, consider a request by Alexander Walker for approval of a four-foot-tall chain link fence in the minimum required front setback on property zoned CHB Commercial Heavy Business District and located at 1411 South Commerce Street (FM 1322).

Mr. Gibson explained that the applicant wishes to construct a four-foot tall chain link fence along the front property line of her lot. Fences within the minimum required 25-foot building setback area in the commercial and industrial zoning districts are subject to approval by the Planning and Zoning Commission. The subject property is zoned CHB Commercial Heavy Business District. He mentioned that the applicant plans to have a demonstration garden and related educational workshops on the property, and wished to discourage unauthorized access. Mr. Gibson showed photographs of other properties in the vicinity, including several businesses with fences along their front property lines.

Chair Ruiz asked the applicant to come forward.

Alexander Walker of 145 Indian Trail said she was requesting the fence as a barrier between her property and the road. She stated that she owns a non-profit organization which holds gardening workshops and provides seed libraires for the county.

Chair Ruiz asked for the staff recommendation.

Mr. Gibson said that staff recommends approval.

Commissioner Lingvai moved to approve the requested four-foot tall chain link fence in the front yard setback of the property zoned CHB and located at 1411 South Commerce Street. Commissioner Peterson seconded, and the motion passed by a vote of 7-0.

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 July 14th.

10. Adjourn.

Commissioner Peterson moved to adjourn, and Commissioner Oliva seconded. The motion passed by a unanimous vote, and the meeting adjourned at 9:25 p.m.

Approved: 7/28/2021
(date)


Christine Banda, Recording Secretary


Philip Ruiz, Chair