

**City of Lockhart  
Planning and Zoning Commission  
August 28, 2024**

**MINUTES**

**Members Present:** Philip Ruiz, Manuel Oliva, Phil McBride, Julia Haug, Rick Arnic, Bradley Lingvai,

**Members Absent:** Ron Peterson

**Staff Present:** David Fowler, Kevin Waller, Evan Olszewski, Romy Brossman

**Visitors/Citizens Addressing the Commission:**

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
3. Consider the Minutes of the July 24, 2024, meeting.

*Commissioner Oliva moved to approve the July 24, 2024, minutes. Commissioner Haug seconded, and the motion passed by a vote of 6-0.*

4. **ZC-24-06.** Hold a PUBLIC HEARING and consider a request by the Marilyn Riddle Trust for a **Zoning Change** from *AO Agricultural-Open Space District* to *CMB Commercial Medium Business, RMD Residential Medium Density, and RHD Residential High Density Districts* on 177.78 acres in the James George Survey, Abstract Number 9, located in the 1500, 1600, and 1700 blocks of South Commerce Street.

David Fowler detailed the location of the subject property along FM 1322/South Commerce Street and briefly described the topography of the property. He provided site pictures, maps and aerials. The purpose of the zoning change is to create a mix of uses on the property including single and multi-family residential and medium intensity commercial. The site's current Agricultural-Open Space zoning district does not allow any of these uses. Surrounding properties are zoned industrial (light and heavy), institutional, commercial, agricultural and Residential Low Density and residential medium density. Many of the industrial uses to the north have a setback between active parts of the site and the subject property. The Coleman Unit prison has active areas closer to the subject property, which has led the applicant to propose a commercial area adjacent to the prison to buffer the proposed residential areas. The proposed Residential High Density zone would serve as a buffer between the commercial along South Commerce Street and the residential area to the east.

The applicant proposes a layout including 17.8117 acres of commercial in the CMB Commercial Medium Business District along FM 1322, with an area of 17.7206 acres of RHD residential High Density District to the east of the FM 1322 frontage. The remainder of the property is proposed to be zoned RMD Residential Medium density, except for 10.1838 acres of RMD immediately south of the prison.

Mr. Fowler reported that staff received one letter of concern regarding the proposed development from the owner of a concrete plant located to the north of the site on the east side of South Commerce Street. The applicant's plan proposes the area adjacent to the concrete plant be zoned Commercial Medium Business to separate the residential uses from the concrete plant.

Applicant Brett Corwin of 5853 McNaughton, Kyle, TX approached the podium. He reported that he and his team have studied the property, considered its challenges and have incorporated recommendations from city staff in the plan. The applicant believes the conceptual layout that was shared with the commission is "workable and fits with what's going on in the area."

Commissioner Oliva inquired about the number of houses and shared concern for water runoff specifically in relation to other future, nearby housing developments.

The applicant reported working with engineers who looked at the plans and topography to figure out where the water is going to go. They designed retention ponds so downstream neighbors are going to see at least the same if not less flow coming on them. The existing stock tank is not a natural feature and will be graded over. The site drains to the south and would have multiple retention ponds along the south then it starts to drain toward McMahan.

Melissa Castro, representative of Texas Materials at 1422 S. Commerce St, adjacent to the subject property, approached the podium. She requested confirmation that the previously mentioned letter will go into the public record. It was sent, she said, to be neighborly to the land to be developed. It does ease their worries a bit that commercial business will border their property. She stated the plant does have air and water permits that are active at the site. The air permit by rule is a kind of grandfathering of the newer permit standards currently in place. She stated her company wants to minimize any complaints of dust, whether from commercial or residential, that's our only concern.

Commissioner Ruiz confirmed the letter will be entered into the public record.

Mr. Fowler reported that City staff recommends approval of the proposed rezoning to CMB, RHD and RMD as an acceptable solution for the subject property based upon existing adjacent uses and planned uses on nearby parcels.

Commissioner Oliva asked if the residential portion of the project changes, could the whole property be built commercial?

Mr. Fowler responded, no, the property would need to be rezoned. He noted, the streets were designed as zoning boundaries, based upon the City thoroughfare plan.

*Commissioner Oliva moved to approve ZC-24-06. Commissioner Arnic seconded, and the motion passed with a vote of 6 - 0.*

5. **SUP-24-06.** Hold a PUBLIC HEARING and consider a request by Taylor Burge on property owned by Philip Ducloux for a **Specific Use Permit** to allow a *Bar, Tavern or Lounge* use on 0.124 acres in the Original Town of Lockhart, Block 13, part of Lot 1, zoned CCB Commercial Central Business District, located at 104 East Market Street.

Planner Evan Olszewski approached the podium. He presented the location of the property with maps, ariels and photos. The proposed use is a tequila bar with light food and an indoor/outdoor occupancy of 60, operating between 9 a.m. and 10 p.m. Monday through Thursday, 9 a.m. to 12 a.m. Friday and Saturday, and 10 a.m. to 6 p.m. Sundays. He presented the interior design layout

including seating, kitchen and prep space. No significant problems have been identified with the proposed use. Street parking is shared for all shops downtown. The inhabitants of the apartment above the proposed bar submitted no objections. A letter in support from another downtown business owner was received. The owner of the property has made it known he is not personally involved with the proposed business. He did, however, give his authorization for the SUP application. No other feedback from the public was received.

Applicant Austin Burge, 406 Church St. Lockhart, TX introduced himself as one of the owners/operators of Chaparral Coffee, located at 106 E. Market St., which has been in business for 9 years. Chaparral Coffee offers morning fare. The concept for the new, proposed business is to offer afternoon/evening hospitality service such as cocktails, beer, light meals and snacks. There are no plans to be open late.

Mr. Olszewski reported, because the proposal meets the requirements of the code, staff recommends approval.

*Commissioner Haug moved to approve SUP-24-06. Commissioner Oliva seconded, and the motion passed with a vote of 6 - 0.*

6. **SUP-24-08.** Hold a PUBLIC HEARING and consider a request by Cesar Ochoa, Jr. on behalf of Cesar Ochoa, Sr., for a **Specific Use Permit** to allow a *Manufactured Home* use on 0.458 acres in the Byrd Lockhart League, Abstract No. 17, zoned RMD Residential Medium Density District and located at 1001 Perez Street.

Evan Olszewski reported that this item is a request for a manufactured home in the RMD district which requires an SUP and is subject to lot size and other standards in our code. He presented images and ariels. The subject property backs up to an existing manufactured home park to the north and is located in an older neighborhood that has a variety of housing types. When SUP applications are received for manufactured homes, staff verifies that the lot is in conformance with Appendix II of the Zoning Code or whether the property may have exemptions from some of the size standards due to the age of the lot. In this case the lot is wide and meets all standards as is. The lot dimensions are approximately 128 feet by 156 feet. The site plan shows the proposed manufactured home is 32 feet by 56 feet with two, 3 feet by 4 feet porches at each entrance, meeting code requirements. All setbacks and lot square footage requirements are met by this site plan. Per our code the long face of the manufactured home is situated facing the street. There is an 18 feet by 18 feet parking pad which also meets code requirements.

Staff sent letters to surrounding property owners and placed a sign on the site, and did not receive letters from the public either in support or in opposition of the proposal.

Commissioner Ruiz asked if the manufactured home will be owner occupied or rented.

To which Mr. Olszewski responded, it's his understanding that the applicant is the son of the property owner and planned to live in the house.

Cesar Ochoa, Jr., 909 Brass St. Austin, TX, stated he wants to put a manufactured home on a lot his father has owned for almost 30 years. He and his future wife want to raise their son here in

Lockhart. He would like to build a house, but currently he is financially limited, and a manufactured home is the better option at the moment.

Commissioner Oliva explained people come in for manufactured homes they often quickly become rentals. After that, things start to go downhill quickly. That's why a lot of people are against manufactured homes. This is a great area for a manufactured home because the site abuts the Silent Valley community, but that makes for a hard decision.

Mr. Ochoa shared that many of his family members live in Lockhart and that he spent a lot of time here growing up. And that he wants to stay here, it's where he wants to be.

Based on review, the proposed use, the site and the applicable regulations staff finds that this proposal meets the requirements of the code and recommends approval.

Chair Ruiz informed the Commission that he is very familiar with the area. Historically, there were many manufactured homes in that part of town. Over time the city removed them and that's why it looks so nice now, that's why it looks so peaceful. I would hate to see us go back on what took 40 years to clear out ... substandard, dilapidated homes in the area. That's just my opinion.

Commissioner McBride asked if City Council has expressed interest in expanding where manufactured homes are allowed?

To which Mr. Fowler answered he has not received word they are considering expanding where manufactured homes would be allowed.

Commissioner McBride stated his thought is the City wouldn't have a manufactures home zoning district if our city fathers wanted us to have more manufactured homes outside of specific areas. He stated he would not be supportive of the SUP.

*Commissioner Lingvai moved to deny SUP-24-08. Commissioner McBride seconded, and the motion passed with a vote 5-0 with 1 abstention.*

7. **PP-23-03.** Consider a request by Austin Davis of Lockhart 1322, LLC, for approval of a **Preliminary Plat and Subdivision Development Plan** for Lay Ranch Subdivision, consisting of 92.52 acres in the James George Survey, Abstract Number 9, zoned RMD (Residential Medium Density), and located at 200 Lay Road and 370 Lay Road, including two Variances to Chapter 52, "Subdivision Regulations", as follows: (1) Sections 52-72(i)(2) and 52-72(p), to allow for a 31-foot paved width for the proposed reconstruction of Lay Road, in place of the 41-foot paved width required for Collector Streets; and (2) Section 52-112(f), to allow for 12.3 percent of the perimeter of a park lot to contain frontage on an improved public street right-of-way, in place of the 25 percent required for public parkland over one acre in size.

Kevin Waller presented an overview of the plat. The project would be developed in three phases. Two subdivision variances have been requested. The first variance is to allow for a 31-foot paved width for the proposed reconstruction of Lay Road in place of the 41-foot paved width requirement for Collector Streets. The second variance is to allow for 12.3 percent of the perimeter of the large park lot (Lot 12, Block L) to contain frontage on an improved public street right-of-way, in place of the 25 percent required for public parkland over one acre in size. In a

written letter the applicant states due to the limited, approximately 46 feet, of right-of-way width from the subject property to the South Commerce Street intersection, reconstruction of the street to the Collector Street standard of a 41-foot paved width is not feasible. The application also states that the reconstruction, although not to the full 41-foot Collector width, will widen the existing pavement from approximately 18 feet to 31 feet, measured from back-of-curb to back-of-curb, with new curb, gutter and drainage improvements. In the applicant's written statement addressing the variance criteria for the parkland perimeter percentage along a public street right-of-way, that applicant notes that the large park lot has 11 unique access points to public streets. In designing the park with additional access points than originally planned to reach the current 11, combined with the unique shape of the park lot, the overall perimeter of the park increased such that the percentage of parkland fronting a public street decreased. Although the perimeter of this lot does not contain 25 percent street frontage, but rather 12.3 percent, the park will include a playscape and parking lot, in addition to the numerous access points cited.

Chair Ruiz stated his concerns that the engineer couldn't "figure out" 25 percent coverage on this property and the roadway is too small for 600-700 people traveling.

Austin Davis approached the podium and gave a brief description of the community.

Brian Williams, 121 Gabriel's Loop, Georgetown, TX, from Gray Engineering introduced himself. He stated, regarding the parkland, he couldn't meet the minimum frontage requirements but, in conversation with city staff, they didn't want us to break it off into a separate lot, creating less parkland. He instead proposes one larger lot that is much bigger than the minimum acreage but does not meet the frontage requirements.

Mr. Williams also stated that Lay Road currently is about 18 feet wide, the width is variable, and it is not in the best condition. Right now there is about 46 feet of right-of-way along Lay Road. They are dedicating the requirement needed to meet that ultimate cross section. In the reduced right-of-way between our frontage and S. Commerce Street you cannot fit a larger road because of the back-of-curb dimension then behind the back-of-curb you have other construction elements, but a 46-47-foot right-of-way with a 31-foot road would be a huge improvement. A 31-foot road is consistent with the required local street section. As adjacent property owners start developing their properties they will dedicate the share of the required right-of-way, allowing the road to be widened to its ultimate size.

Austin Davis stated he spoke with all three landowners. All were apprehensive to me buying the right-of-way.

Linda Hinkle, 1109 S. Main St. Lockhart, TX, came to the podium. She stated she thought it is a good idea to allow the road to be widened, even if it would still be short of City standards and that that if anyone else develops along the way they would dedicate right-of-way.

Staff recommends approval for each variance plus the condition to include "Subdivision Development Plan" in the plat title. Approval is recommended due to the support of the Public Works Director for the proposed 31-foot paved width for Lay Road within an area of limited right-of-way width and due to the large park lot's numerous access points and planned parkland amenities.

Commissioner Lingvai added the condition of fiscal being posted for entire road width as the applicant had offered.

*Commissioner Haug moved to approve PP-23-23. Commissioner Lingvai seconded, and the motion passed with a vote of 5 - 1.*

8. **FP-24-07.** Consider a request by Edgar Llamas for approval of a **Final Plat** for Antonio M. Juarez Addition Lot 3, Block One, consisting of 0.252 acres, zoned RMD (Residential Medium Density), and located at 507 China Street, including a Variance to Chapter 52, "Subdivision Regulations", Section 52-72(e), to allow for 2.88 feet of right-of-way dedication along the property's China Street frontage where 3.35 feet would normally be required.

Kevin Waller presented the plat. He stated that sidewalks are not required for this subdivision and no sidewalks currently exist along the street frontages. A variance to the right-of-way dedication requirement for West China Street has been requested with the application. The variance is being requested to allow both proposed lots to have conforming depths and areas which without the variance would result in substandard lots. Public Works Director, Sean Kelley informed Staff he has no objections to the variance request.

Applicant Lilliana Llamas, 350 Old Luling Rd. Lockhart, TX came to the podium. She and her brother hope to split the lot and intend to live in the homes built there.

Mr. Waller stated Staff recommends approval due to the support from the Public Works Director which would allow both proposed lots to conform to the minimum area and dimensional standards.

*Commissioner Oliva moved to approve FP-24-07. Commissioner Arnic seconded, and the motion passed with a vote of 6 - 0.*

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

David Fowler stated corridor overlays on scenic entryways into town as a potential, forthcoming agenda item. He also mentioned that one SUP and one plat expected to be heard at the next meeting. At the second meeting in September, the Comp Plan draft will also be presented.

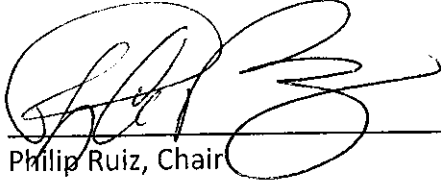
10. Adjournment.

*Commissioner Arnic moved to adjourn, and Commissioner McBride seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:31 p.m.*

Approved: 9-11-2024  
(date)

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Romy Brossman, Recording Secretary



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Philip Ruiz, Chair