

**City of Lockhart  
Planning and Zoning Commission  
June 14, 2017**

**MINUTES**

**Members Present:** Philip Ruiz, Bill Faust, Mary Beth Nickel, Marcos Villalobos, Phil McBride, Christina Black

**Members Absent:** Manuel Oliva

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

**Visitors/Citizens Addressing the Commission:** Roy Stephens, Jr., David Marquez, James Bagwell, Alejandro Gutierrez, Randy Carter, Meredith Knight, Sara Midkiff, Annalisa Mayfield, Ralph White, Angelica Gutierrez, Mary Bryant, Derrick Bryant, Lonna Fleming, Andrea Acosta, Jeffrey Goodwin, Anthony Miller, Paul Rodriguez, Bryan Brassell, Barbie Barber, Logan Lindsey, Theresa Rivera, Scott Dillion, Jay Remley, Linda Sweet, Dan Sweet, Dennis Young

1. Call meeting to order. Vice-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 May 24, 2017 meeting.

*Commissioner Villalobos moved to approve the May 24, 2017, minutes. Commissioner Nickel seconded, and the motion passed by a vote of 6-0.*

4. ZC-17-06. Hold a PUBLIC HEARING and consider a request by Roy Stephens, Jr., on behalf of Liberty Oaks JV, LLC, and James Casey, LTD, for a Zoning Change from RLD Residential Low Density District and AO Agriculture-Open Space District to RMD Residential Medium Density District for a total of 15.028 acres consisting of 11.391 acres in the James George League, Abstract No. 9, located at 1515, 1517, and 1519 Blackjack Street (FM 20), and Lot 2, Block 1, Reyna Acres, consisting of 3.637 acres located at 1541 Lovers Lane.

Mr. Gibson explained that the applicant requested the zoning change to allow smaller single-family lots than originally planned, and the development will encompass a larger area than what was shown on the Liberty Oaks Estates preliminary plat that was approved in July 2005. He described the surrounding area, which includes some industrial and commercial uses as well as vacant land. The proposed zoning classification was not consistent with the future land use map, but was a reasonable alternative given that it's actually less intense than the general-heavy commercial future land use indicated for the front half of the property. He said there had not been any response to the public hearing notification, either in favor of or against, the zoning change.

Vice-Chair Ruiz asked if there would be any visual screening around the subdivision.

Mr. Gibson that screening is required between residential districts and nonresidential districts, but the burden is on the nonresidential development to provide it.

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

Roy Stephens, Jr., of 1515 Blackjack Street, said that he had lived in the home on the subject property for six years. He stated that the requested RMD zoning would allow more flexibility in the lot layout of the subdivision making it easier to preserve more trees. He said there was no final plan, yet, but he was considering a gated community with large homes that are built to be very energy efficient like the one he lives in.

Chair McBride asked if anyone else wished to speak.

David Marquez, of 285 Tenney Creek in Dale, said he owns Lockhart Truss Company, which is adjacent to the west of the subject property. He said he was not opposed to the zoning change but was concerned about how it might limit the growth of his business, as well as development of other property he owns which he may wish to rezone to a commercial classification. His business is not necessarily compatible with residential uses, and homebuyers might complain about the noise.

Chair McBride said that the Commission could not say how it will affect his business later. He said that the existing business could expand under the current industrial zoning, but the rezoning of other property Mr. Marquez owns to a commercial classification could possibly be an issue.

Mr. Marquez said he just wants to let the applicant know that he plans to expand his business.

Commissioner Villalobos said he appreciated Mr. Marquez's concerns.

James Bagwell, of 1535 Lovers Lane, said that his property is located just outside of the city limits but he was concerned about his water line which crosses in front of the proposed subject property on Lovers Lane. He wanted to know what type of homes were proposed. He also mentioned that Lovers Lane north of the city limits is an old gravel road that is not designed and constructed to handle additional traffic from a new subdivision, and that the speed limit should be lowered along Lovers Lane and Old Kelley Road.

Vice-Chair Ruiz replied that at this stage of the process the types and sizes of the homes were not known, and that the item under consideration was just the proposed change in zoning classification.

Alejandro Gutierrez, of 309 Jolly Road in Maxwell, said he was opposed to the zoning change, and that he preferred that the property remain agricultural. He mentioned that the new subdivision would make traffic worse on the narrow Lovers Lane.

Randy Carter, of 1542 Lovers Lane, said his property is right across from 1541 Lover's Lane. He asked if the subdivision would have a street outlet in front of his property. If so, he said it would cause too much traffic on Lover's Lane.

Vice-Chair Ruiz again replied that no construction plans have been submitted for the subdivision, so the layout is not known at this time.

Mr. Stephens said that his home was so well insulated that he doesn't hear the noise from the neighboring businesses, and the homes to be built in the subdivision would be of similar construction, so expansion of the Truss Company shouldn't be a problem.

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

Mr. Gibson said that staff recommended approval.

*Commissioner Faust moved to recommend approval of ZC-17-06 to City Council. Commissioner Ruiz seconded, and the motion passed by a vote of 6-0.*

5. ZC-17-09. Hold a PUBLIC HEARING and consider a request by Meredith Knight, on behalf of 2HK, LLC for a Zoning Change from RLD Residential Low Density District and RMD Residential Medium Density District to CMB Commercial Medium Business District for 2.24 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1511 West San Antonio Street (SH 142).

Mr. Waller explained that the applicant proposed to develop commercial uses on the subject property that are consistent with the Lockhart 2020 Future Land Use Plan map. He mentioned that similar rezonings of the subject property had been proposed several times before, and had been denied due to opposition from owners of other property in the surrounding area. He presented maps and photographs of the area, and noted that any commercial development of the site could have a potentially adverse impact on abutting or nearby residential development in the form of noise, lights, and traffic. There is an existing privacy fence along the north property line, where the abutting homes face the opposite direction. A new screening fence or wall would be required along the east property line, adjacent to an existing residential lot. He said staff could support rezoning to either CLB Commercial Light Business District or CMB Commercial Medium Business District.

Chair McBride acknowledged that because this item and the next item on the agenda were from the same applicant, were for the same zoning classification, and were located across the street from each other, perhaps both should be discussed together in order to simplify the public hearing.

6. ZC-17-10. Hold a PUBLIC HEARING and consider a request by Meredith Knight, on behalf of 2HK, LLC, for a Zoning Change from RLD Residential Low Density District and RMD Residential Medium Density District to CMB Commercial Medium Business District for 2.63 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1601 West San Antonio Street (SH 142).

Mr. Waller said that the applicant planned commercial uses for the subject property, and that the requested zoning classification was consistent with the Lockhart 2020 Future Land Use Plan map. He mentioned that similar rezonings of the subject property had been proposed several times before, and had been denied due to opposition from adjoining property owners. He presented maps and photographs of the area, and noted that any commercial development of the site could have a potentially significant adverse impact on abutting or nearby residential development in the form of noise, lights, and traffic. However, all of the abutting residences face away from the subject tract, and there is an existing privacy fence along the mutual property line. He said that staff recommended approval of the zoning change as requested.

Chair McBride opened the public hearing for ZC-17-09 and ZC-17-10, and asked the applicant to come forward.

Meredith Knight, of 307 East 2<sup>nd</sup> Street in Austin, said she is one of the owners. She explained that they would like to develop neighborhood retail commercial uses on the subject properties. She reiterated that the proposed zoning classification is consistent with the future land use plan map. She and her partners had spent the last five months working with the neighborhood to come to some agreement. She understood that not everyone is happy, but believes her idea is good for the subject property. The property had been on the market for some time and there were no takers for residential use at the front of the subdivision where it abuts the State highway. Ms. Knight said they would make sure in their lease agreements that the property is maintained appropriately. She presented a case study on the crime rates showing that it was lower for convenience stores than for many other types of commercial businesses.

Commissioner Faust asked if the applicant planned to sell the property.

Ms. Knight said no, and if the tenant doesn't abide by their agreement she and her staff would step in.

Chair McBride asked whether the applicant was requesting CLB or CMB zoning.

Ms. Knight replied that the request is for the CMB zoning classification for both properties.

Sara Midkiff, of 1516 Gunnison Cove, was concerned about children from the neighborhood walking through the subject property. The subdivision has grown and traffic has gotten worse, and that any new businesses at the location would add to the already heavy traffic. She said that the intersection of Mockingbird Lane and State Highway 142 is incredibly dangerous, and that she doesn't agree with the crime rate study presented. She believed that new businesses would draw strangers into the neighborhood.

Annalisa Mayfield, of 1518 Windridge Drive, said she didn't want any commercial businesses behind her home. When she bought it, she thought that eventually she would have other houses as her back-door neighbor. She complained about the traffic, and that there is only one way in and out of the neighborhood.

Ralph White, of 1622 Wedgewood Trail, said he was mainly concerned for the safety of neighborhood children. He stated that the intersection of SH 130 and SH 142 is already zoned for commercial uses, and would be a better location for commercial businesses.

Angelica Gutierrez, of 1621 Wedgewood Trail, said she was concerned about children's safety as well. She experienced it first-hand last year when she was walking her daughter to school. Her daughter would have been hit by a vehicle at the San Antonio Street intersection if she had not been with her that day.

Mary Bryant, of 1525 Shenandoah Cove, said she had the same concerns as the previous speakers. She mentioned there are plenty of properties along San Antonio Street further west of the subject property that are for sale and are already commercially zoned.

Derrick Bryant, of 1525 Shenandoah Cove, said he was concerned about the children, and that businesses could attract sexual predators. He said that development of the property for residential uses would be better.

Lonna Fleming, of 1602 Windridge Drive, said she was still as concerned about the safety of children walking to school as she was the last time this rezoning was proposed.

Andrea Acosta, of 1602 Gunnison Cove, said it is important to build relationships with the neighbors, and that she was concerned about the children in the neighborhood as well. Having worked for the City of Lockhart, she knows that the City is understaffed, under paid, and that the Lockhart emergency service response time is slow. She mentioned that the conceptual plan was good, but may be premature. It would be more appropriate when Mockingbird becomes a major arterial.

Jeffrey Goodwin, of 1612 Wedgewood Trail, said Ms. Knight's presentation was good but the development is not right for the neighborhood at this time. He reiterated there is only one street into the subdivision, so all traffic has to travel on Mockingbird Lane. Also, any lighting from businesses could be disruptive to the abutting residences.

Anthony Miller, of 1508 West San Antonio Street, said that, based on his experience with the Valero store further east on San Antonio Street, there would be problems with another one on the subject property. He had witnessed kids being kicked out of the store, and that there are restrictions of how many customers can be in the store at one time. He suggested that a good alternative use for the property would be an assisted living facility. He reiterated that he didn't want any commercial businesses across from his home.

Paul Rodriguez said he owned the house at 1504 West San Antonio Street, and he does not believe it would be a good fit to have commercial uses across from his property.

Bryan Brassell, of 1513 Windridge Drive, said he was concerned about children's safety and the increased traffic commercial uses would bring to the area.

Barbie Barber, of 1525 Monte Vista Drive, said she was concerned about the children's safety and increased traffic congestion.

Logan Lindsey, of 1601 Shenandoah Trail, said he was a firefighter and a tow truck driver, and had witnessed many accidents involving children due to traffic.

Theresa Rivera, of 1512 Monte Vista Drive, said she does not want a gas station on her corner. She had witnessed a fistfight first hand at a convenience store.

Ralph White, of 1622 Wedgewood Trail, said that large trucks bringing stock to the convenience store could back up traffic while waiting to turn.

Angelica Gutierrez, of 1612 Wedgewood Trail, said a gas station would generate more traffic in the area.

Derrick Bryant, of 1525 Shenandoah Cove, said he loved the idea of a market, but not in their neighborhood.

Scott Dillion, of 1606 Windridge Drive, said his lot abuts the subject property. He said he was a police officer, and that convenience stores are known as "stop-and-robs". He pointed out the clientele of the Valero further east on San Antonio Street as an example of what could happen. He said no one wants a gas station in their back yard, and agreed with others that the intersection of SH 130 and SH 142 would be better for commercial uses.

Chair McBride asked if there was anyone else wishing to speak and, seeing none, he asked Ms. Knight if she would like to respond to the concerns that had been expressed.

Ms. Knight said she understood there was a lot of frustration with the San Antonio Street and Mockingbird Lane intersection. She suggested that they address their concerns to TxDOT, since San Antonio Street is a State highway. She believed the commercial properties located at the SH 130 and SH 142 intersection are better suited for higher volume commercial businesses, and not the neighborhood-scale commercial development that she was planning. She said that they tried to sell the property for residential development but there was no interest. One option she might consider would be a senior citizen community.

Chair McBride closed the public hearing.

*Commissioner Faust moved to recommend approval of ZC-17-09 to City Council. Commissioner Nickel seconded, and the motion passed by a vote of 6-0.*

*Commissioner Ruiz moved to recommend approval of ZC-17-10 to City Council. Commissioner Black seconded, and the motion passed by a vote of 6-0.*

7. ZC-17-11. Hold a PUBLIC HEARING and consider a request by Manumit Investment Group, Inc., for a Zoning Change from PDD Planned Development District to PDD Planned Development District, including PDD-17-01, a Planned Development District Development Plan for Maple Park, a proposed mixed-use development on 56.24 acres in the Frances Berry Survey, Abstract No. 2, located along the west side of the 700-1000 blocks of City Line Road.

Mr. Gibson explained that the applicant would like to change several aspects of the Planned Development District development plan that was originally approved in 2012. Because the development plan was adopted as a condition of the PDD zoning, any change in the plan requires that the zoning be approved again by rezoning from the original PDD to the revised PDD. The multifamily use shown on the original plan was proposed to change to 103 small single-family homes on very small lots that can be developed only with PDD zoning since the lots are well below the minimum size required in the conventional residential zoning districts. He said that the other uses remain generally the same except that the number of buildings has been increased for some uses, and separate lots are now proposed where multiple buildings were previously shown on larger common lots. He said that staff recommended approval, but would like to see more convenient pedestrian access to the parkland from the residential area.

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

Jay Remley, of 1665 FM 671, said that the change to small single-family homes was a response to a niche market for retirement or starter homes. The lots are 4,500 square feet, with homes that will range from 1,000-1,400 square feet. Some will have garages or carports.

Chair McBride asked if there was anyone else wishing to speak.

Dan Sweet, of 700 City Line Road, said that he lives directly across from the development. He asked if it would be screened, and if the street into the residential area would be close to where his driveway is located.

Mr. Gibson replied that there would be a perimeter fence around the development, and that the street entrance would be south of Mr. Sweet's driveway.

Linda Sweet said she is Mr. Sweet's wife, and was concerned about more traffic along City Line Road. She also asked if any of her property or home would be taken when City Line Road is widened.

Mr. Gibson replied that City Line Road is designated on the thoroughfare plan as a major arterial street, which would require additional right-of-way width, but the right-of-way is usually dedicated when the abutting properties are platted. Maple Park PDD will dedicate on-half of the difference on their side of the street between the existing and future arterial right-of-way widths. The Sweets would not be required to dedicate their half unless their property is subdivided,

Chair McBride closed the public hearing.

*Commissioner Faust moved to recommend approval of ZC-17-11 to City Council subject to revising the development plan to provide more convenient pedestrian access from the residential area to the parkland. Commissioner Ruiz seconded, and the motion passed by a vote of 6-0.*

8. PP-17-01. Consider a request by Dennis Young on behalf of High Rustler Ventures, LLC, for approval of a Preliminary Plat for The Stanton Development, consisting of 18.613 acres in the Cornelius Crenshaw Survey, Abstract 68, zoned RHD Residential High Density District and located at 2111 West San Antonio Street (SH 142). [Continued from 5-24-17]

Mr. Gibson explained that since the May 24<sup>th</sup> Commission meeting, the public cul-de-sac previously shown and labeled as Stanton Park Cove had been removed and replaced with a private road within the existing easement shown along the west property line. That eliminates the need for the two variances that were part of the initial application, and the plat now met all minimum requirements for form and content. He said that the subdivision complies with all applicable subdivision standards, including the provision of public sidewalks.

Vice-Chair Ruiz asked if staff could check on a dimension discrepancy in the metes and bounds description for a segment of Windsor Boulevard, and suggested that a note be added to the plat stating that the City of Lockhart is not responsible for maintaining the private road.

Chair McBride asked the applicant to come forward.

Dennis Young, of 12531 West Highway 71 in Austin, said that the private road would be built to City standards, and that the easement should be sufficient for all the public utilities.

Vice-Chair Ruiz suggested that the plat note should also state that there would be fire access from the private road.

*Commissioner Nickel moved to approve PP-17-01 with the suggested notes added. Commissioner Villalobos 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 said the next regular meeting would be held on July 12<sup>th</sup>, but that the second meeting of the month would be cancelled due to him being on vacation when the agenda packet would need to be prepared the week before.

10. Adjourn.

*Commissioner Black moved to adjourn, and Commissioner Faust seconded. The motion passed by a unanimous vote, and the meeting adjourned at 10:05 p.m.*

Approved: \_\_\_\_\_

7-12-17

(date)



Christine Banda, Recording Secretary



Phil McBride, Chairman