

**City of Lockhart  
Planning and Zoning Commission  
July 12, 2017**

**MINUTES**

**Members Present:** Philip Ruiz, Phil McBride, Mary Beth Nickel, Manuel Oliva, Marcos Villalobos, Paul Rodriguez

**Members Absent:** Christina Black

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

**Visitors/Citizens Addressing the Commission:** Fernando Orozco, Frank Coggins, Patrick Davis, Richard Graham, Dennis Young, John Grobelny, Anne Gallup

1. Call meeting to order. Chair McBride called the meeting to order at 7:00 p.m.

Chair McBride welcomed new Commissioner Rodriguez to the commission.

2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the June 14, 2017 meeting.

*Commissioner Villalobos moved to approve the June 14, 2017, minutes. Commissioner Nickel seconded, and the motion passed by a vote of 5-0.*

Commissioner Oliva arrived at 7:06 p.m.

4. SUP-17-07. Hold a PUBLIC HEARING and consider a request by Brenda Galvan for a Specific Use Permit to allow a Manufactured Home on 0.103 acre in the Byrd Lockhart Survey, Abstract 17, zoned RMD Residential Medium Density District and located at 516 Sabine Street.

Mr. Gibson noted that this item and the next one on the agenda had the same applicant and were very similar, but that he would address them separately.

He said that the applicant proposes a new 18-foot by 76-foot single-wide manufactured home with three bedrooms and two baths on a nonconforming lot. He explained that the applicant applied for a variance to allow a small reduction in the rear building setback, and it was approved by the Zoning Board of Adjustment. He presented the site plan and photos of the subject property and surrounding area, and assured the Commission that, when the building permit is applied for, the applicant would be required to indicate two off-street parking spaces meeting City standards on the site plan. He said that staff recommended approval.

Chair McBride opened the public hearing.

Fernando Orozco, of 820 Heritage Drive in Austin, said he was the nephew of Ms. Galvan and that he is in favor of the specific use permit.

Chair McBride asked what type of surface they would use for the parking.

Mr. Orozco replied that it would be concrete.

Commissioner Ruiz asked if he would live in the house or if it would be rental property.

Mr. Orozco replied that his aunt's son and family would live in the house.

Chair McBride asked if there was anyone else in the audience wishing to speak and, seeing none, he closed the public hearing and asked for discussion.

Commissioner Oliva stated that he would prefer to see site-built homes to improve the neighborhoods, but understands that not everyone can afford a site built home.

Commissioner Ruiz concurred with Commissioner Oliva's statement about site built homes.

*Commissioner Villalobos moved to approve SUP-17-07. Commissioner Nickel seconded, and the motion failed on a vote of 3-3, with Commissioners Ruiz, Oliva, and Rodriguez voting against.*

5. SUP-17-08. Hold a PUBLIC HEARING and consider a request by Brenda Galvan for a Specific Use Permit to allow a Manufactured Home on 0.103 acre in the Byrd Lockhart Survey, Abstract 17, zoned RMD Residential Medium Density District and located at 515 Monument Street.

Mr. Gibson explained that the proposed manufactured home for this lot changed since the packet was sent out. It was discovered that there is a protected pecan tree that cannot be removed, and which interferes with the placement of the home. Therefore, the applicant is considering a double-wide home that is wider but shorter, and would fit within the setbacks in front of the tree. He presented photos of the subject property and the surrounding area, and said that two off-street parking spaces would also have to be provided as noted for the SUP application for a manufactured home at 516 Sabine Street.

Chair McBride opened the public hearing.

Fernando Orozco, of 820 Heritage Drive in Austin, said that they had met with the Building Official, Shane Mondin, about the pecan tree. It was determined that they needed a shorter home because of the location of the tree, and that they had decided to purchase a 28-foot by 60-foot double-wide home so that they would avoid the pecan tree. He requested that the Commission approve the specific use permit.

Chair McBride asked if there was anyone else in the audience wishing to speak and, seeing none, he closed the public hearing and asked for discussion.

Mr. Gibson said that staff recommended approval, with the understanding that if the home ends up being a different size and shape than the one shown on the site plan it will comply with all minimum building setbacks and other standards.

*Commissioner Villalobos moved to approve SUP-17-08. Commissioner Nickel seconded, and the motion failed on a vote of 3-3, with Commissioners Ruiz, Oliva, and Rodriguez voting against.*

6. ZC-17-12. Hold a PUBLIC HEARING and consider a request by William Frank Coggins for a Zoning Change from CLB Commercial Light Business District to RMD Residential Medium Density District for 0.449 acre in the Byrd Lockhart Survey, Abstract No. 17, located at 813 Brazos Street.

Mr. Gibson explained that the existing residential use is nonconforming under the current commercial zoning district classification. The applicant is in the process of selling the property and the lender is requiring the nonconformity to be resolved before closing on the contract. The proposed rezoning would result in the existing home being a conforming use. He stated that one letter of support was received, and that staff recommends approval of the zoning change.

Chair McBride opened the public hearing.

Frank Coggins, of 602 La Feliciana, said that he and his wife had lived in the home for many years, but have built a new house and are selling the old one. The home was built in 1912 and then purchased by him in 1975. It had always been used as a residence. He said when trying to sell the property it came to his attention that it did not have the appropriate zoning. He would like the Commission's approval of the zoning change.

Patrick Davis, of 626 Indian Blanket, said he is a real estate broker with Harrison Partners Really and is working on the contract to sell the home. He supported the zoning change approved, and said that the lender wanted the house brought into conformance before closing the pending contract.

Chair McBride asked if there was anyone else in the audience wishing to speak and, seeing none, he closed the public hearing and asked for discussion.

*Commissioner Villalobos moved to recommend approval of ZC-17-12 to City Council. Commissioner Oliva seconded, and the motion passed by a vote of 6-0.*

7. ZC-17-13. Hold a PUBLIC HEARING and consider a request by Halff Associates, Inc., on behalf of High Rustler Ventures, LLC, for a Zoning Change from RHD Residential High Density District to CMB Commercial Medium Business District for 1.814 acres in the Cornelius Crenshaw Survey, Abstract No. 68. Located at 2111 West San Antonio Street (SH 142).

Mr. Gibson explained that in April 2016 the subject property was rezoned from AO Agricultural-Open Space District to RHD Residential High Density District. At that time, the entire tract was to be occupied by multifamily or other types of housing that required RHD zoning. Since then, the alignment of the future extension of City Line Road through the property has been changed, and it divides a small triangular area at the front from the remainder of the tract. As shown on the approved preliminary plat, the triangle will be a separate lot, and not part of the proposed multifamily development. Because that lot fronts on San Antonio Street and is across the street from vacant land that is already zoned CMB, the applicant now proposes to develop the lot as a commercial use. Mr. Gibson continued with a presentation showing the photos of the subject property and surrounding area.

Chair McBride opened the public hearing.

Richard Grayum, of 7909 North Forest Drive in Austin, said he is with Halff Associates, Inc., and was representing the owner, High Rustler Ventures. They understood that they would not have direct access from West San Antonio Street, but that it would be from the new internal road, Windsor Boulevard, which is to be an extension of a realigned City Line Road. He said the 1.8-acre parcel would be an ideal site for a convenience store.

Dennis Young, of 12531 West Hwy 71 in Bee Caves, said he has ownership in High Rustler Ventures. They, along with city staff, arrived at a suitable location for the new road, Windsor Boulevard, which left the subject parcel unusable for housing but created a potential site for a commercial use.

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

Mr. Gibson stated that staff recommended approval.

*Commissioner Oliva moved to recommend approval of ZC-17-13 to City Council. Commissioner Ruiz seconded, and the motion passed by a vote of 5-1 with Commissioner Rodriguez voting against.*

8. PP 17-02. Hold a PUBLIC HEARING and consider a request by John Grobelny on behalf of Chateau Homes for approval of a Preliminary Plat and Subdivision Development Plan for Clear Fork Reserve, a Replat of Lot 3, Block 1, Capello Subdivision, consisting of 10.786 acres zoned RMD Residential Medium Density District and located at 1710 Clear Fork Street.

Kevin Waller said that the previously large platted lot is proposed to be further subdivided into 41 single-family residential lots along two new public streets and one new cul-de-sac street, and also included parkland and storm-water detention. The preliminary plat is combined with the subdivision development plan in order to show the phasing of the subdivision. He mentioned that a variance was approved by the Construction Board of Appeals on June 22 to reduce the Fire Code requirement of a 100-foot paved cul-de-sac diameter to an 80-foot paved diameter for Vizcaya Way. He presented photos of the subject property and surrounding area. There was one letter of opposition received from Kevin and Norma Mills, who had understood when the original plat was approved that the property could not be further subdivided. Mr. Waller said that staff reviewed the minutes from the Planning and Zoning Commission's April 8, 2009 meeting when the original plat was approved, but there was no mention of future replatting being prohibited. Also, staff reviewed the minutes from the August 26, 2015, Planning and Zoning Commission meeting when the Commission considered a rezoning of the original lot from AO Agricultural-Open Space District to RMD Residential Medium Density District to allow the proposed housing development, and again there was no mention that further subdivision of the property would not be allowed. The Planning and Zoning Commission did vote against the zoning change at that time, but the City Council ultimately approved it anyway. He said that staff recommended approval of the preliminary plat.

Mr. Gibson noted that a public hearing was required for replats of property that were limited by zoning to no more than two dwelling units per lot within the previous five years.

Commissioner Ruiz mentioned that the Planning and Zoning commission could not prohibit subdivisions, or deny a plat if it met all applicable subdivision standards. He also asked about parking for the parkland since on-street parking would be a problem with the reduced cul-de-sac diameter.

Mr. Gibson replied that there were no details available yet for site improvements such as off-street parking, but it is not required to be shown on the subdivision plat.

Commissioner Rodriguez asked what type of homes were planned for the subdivision.

Mr. Gibson replied that the applicant could answer that question, but that it is more of a zoning issue and not relevant to approval of a subdivision plat. The Commission is legally obligated to approve a plat if it meets all minimum subdivision standards.

Chair McBride opened the public hearing.

John Grobelny, of 3715 South First Street in Austin, said he is the developer. He stated the 41 single-family homes would be very similar to the ones he built in Clear Fork Estates. They would be from 1,450 to 2,400 square feet in floor area, with shingle roofs and brick or stone on three sides. The homes should blend well with other residential development in the area.

Chair McBride asked if he could elaborate on any amenities planned for the park.

Mr. Grobelny said that the plat simply dedicates the land to the City. The location was selected because that area cannot be developed with houses due to gas line and LCRA easements, and it's also the best location for stormwater detention. He said that they had not thought about adding a playscape or other improvements, which would have to be maintained by the City.

Commissioner Rodriguez asked if there are drainage issues along Clear Fork Street.

Mr. Grobelny replied that the natural flow is towards the south end of the property, and that the subdivision would be engineered to comply with the City's drainage standards, thereby preventing flooding of adjacent parcels.

Mr. Gibson noted that storm-water detention is required, and the design has to be approved by the city engineer.

Chair McBride suggested that the applicant consider adding amenities to the park that would improve the quality of life for citizens living in the area.

Anne Gallup, of 1951 Hunter Road in San Marcos, said she is the engineer on the project and supported approval of the plat.

*Commissioner Oliva moved to approve PP-17-02. Commissioner Villalobos seconded, and the motion passed by a vote of 5-1, with Commissioner Rodriguez voting against.*

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

Mr. Gibson announced that the next regular meeting date is July 26<sup>th</sup> and that, so far, there was one application for a specific use permit on that agenda.

10. Adjourn.

*Commissioner Oliva moved to adjourn, and Commissioner Villalobos seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:26 p.m.*

Approved: July 26, 2017  
(date)

For Christine Banda  
Christine Banda, Recording Secretary

Phil McBride  
Phil McBride, Chairman