

**City of Lockhart
Planning and Zoning Commission
April 11, 2018**

MINUTES

Members Present: Philip Ruiz, Mary Beth Nickel, Manuel Oliva, Christina Black, Marcos Villalobos

Members Absent: Paul Rodriguez, Phil McBride

Staff Present: Dan Gibson, Kevin Waller, Christine Banda

Visitors/Citizens Addressing the Commission: Jose Nolasco, Isaac Rodriguez, Meredith Knight, Jeff Goodwin, Mary Bryant, Derrick Bryant, Cody Seibert, Anthony Miller, William L. Tedford, Chris Suarez, Lonna Fleming, Nina Sells

1. Call meeting to order. Vice-Chair Ruiz called the meeting to order at 7:05 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of March 28, 2018 meeting.

Commissioner Oliva moved to approve the March 28, 2018 minutes. Commissioner Black seconded, and the motion passed by a vote of 4-0.

Vice-Chair Ruiz informed the audience that the Commission would skip to item number seven to help expedite the agenda.

7. As provided in Chapter 12, "Buildings and Building Regulations", Section 12-419(3), of the Lockhart Code of Ordinances, consider a request by Nina Sells for approval of a four-foot high metal fence within the minimum required front setback of property zoned CMB Commercial Medium Business District and located at 201 South Colorado Street (US 183).

Mr. Gibson explained that a fence within the front building setback of a commercially zoned property requires Planning and Zoning Commission approval. The applicant proposes to construct a four-foot high wrought-iron fence up to the front property line, where the front setback is 25 feet in the CMB district. Mr. Gibson presented a site plan showing the fence location and stated that, because the property is within the Courthouse Square Historic District, approval of a Certificate for Alteration by the Historical Preservation Commission was also required. The certificate was approved by the Commission on April fourth.

Commissioner Villalobos arrived at 7:12 pm.

Nina Sells, of Smitty's Market and Schmidt Commercial, LLC, which owns the subject property, said they would like to place the fence in the proposed location for security and aesthetic reasons. The applicant distributed photos illustrating the proposed fencing.

Commissioner Nickel moved to approve the four-foot high metal fence within the minimum required front building setback of property as requested. Commissioner Black seconded, and the motion passed by a vote of 5-0.

4. ZC-18-04. Hold a PUBLIC HEARING and consider a request by Jose Nolasco for a Zoning Change from AO Agriculture-Open Space District to RLD Residential Low Density District for 0.372 acre in the James George Survey, Abstract No. 9, located at 1621 Old McMahan Trail.

Mr. Gibson explained that the applicant wished to construct a single-family dwelling on the subject property. The current AO zoning allows a single-family dwelling, but the minimum lot size in the AO district is one acre. The current parcel is nonconforming in the AO district. The requested rezoning to RLD would eliminate the nonconformity because it allows a much smaller lot size of only 8,500 square feet, which is 0.195 acre. He presented maps and photos of the property and surrounding area, and said the proposed RLD zoning was consistent with the future land use plan map.

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

Jose Nolasco, of 4802 Putters Cove in Austin, said that he would like to build a home for his wife and two kids.

Isaac Rodriguez, of 1610 Old McMahan Trail, said he was concerned about the size of the lot not being as large as others on the west side of Old McMahan Trail. He mentioned that he moved there because he liked that the lots near him were larger and had more space between homes.

Mr. Gibson reiterated that the owner could not build a home on the subject property under the current zoning which would require an acre. The requested zoning is more feasible, and the owner would have to comply with the building setbacks for the RLD zoning district.

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

Mr. Gibson said that staff recommended approval.

Commissioner Oliva moved to recommend approval of ZC-18-04 to City Council. Commissioner Villalobos seconded, and the motion passed by a vote of 5-0.

5. ZC-18-05. Hold a PUBLIC HEARING and consider a request by Meredith Knight, on behalf of 2 HK, 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).

Vice-Chair Ruiz announced that since this agenda item and the next one are for the same applicant, and because most comments will pertain to both, they would be combined for the purpose of the public hearing but voted on separately.

6. ZC-18-06. 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 and PI Public and Institutional District for 2.24 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1511 West San Antonio Street (SH 142).

Mr. Gibson explained that there had previously been multiple attempts to rezone these parcels to a commercial classification, and he listed some of the uses allowed in the requested CMB district. The applicant tentatively proposes a convenience store at 1601 West San Antonio Street (ZC-18-05), and a full-service restaurant and a public park at 1511 West San Antonio Street (ZC-18-06). He presented maps and photos of the properties and surrounding area, and said that the requested zoning in both cases is consistent with the City's future land use plan. Mr. Gibson said that he received 12 letters of opposition just before the meeting began, and had distributed them to the Commission.

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

Meredith Knight, of 307 East 2nd Street in Austin, said that Mr. Gibson explained everything well and that nothing had changed since her last attempt to rezone the subject property, except that now they plan to dedicate a portion of the parcel at 1511 West San Antonio Street as public parkland. She also referred to a traffic study that was provided to the Commission for the intersection at Mockingbird Lane and West San Antonio Street. The study recommended widening West San Antonio Street (SH 142), which would be the responsibility of TxDOT, or restricted turns during school rush hours, which could be done by City ordinance.

Derrick Bryant, of 1525 Shenandoah Cove, said that he is in favor of the proposed rezoning, even though that's an unpopular position in his neighborhood. He said it would be ideal to widen West San Antonio Street. He would very much like to have a park available for his children. He emphasized that his property is located at the rear of the subdivision, which is not near the subject property.

Jeff Goodwin, of 1612 Wedgewood Trail, said that he moved from a neighborhood where a gas station was constructed at the entrance to his neighborhood. It caused an increase in traffic and, with multiple entrances into the station, people would use all of them to cut through the neighborhood. He pointed out that the Windridge subdivision has only one way in and out and, with increased traffic caused by commercial development it would be even more difficult to get in and out of the neighborhood, and would make it more unsafe for children.

Mary Bryant, of 1525 Shenandoah Cove, said her major concern is getting in and out of neighborhood if there is an emergency, because emergency response could be affected by increased traffic congestion.

Cody Seibert, of 1516 Windridge Drive, said that he did not invest in his property to have a park right behind his fence. He said Ms. Knight knew when purchasing the property that it's next to a residential neighborhood. He asked who would keep vandals from painting on his back fence. He thought the idea of only two parking spaces for the park was ridiculous, and having all the other parking on the street is dangerous. He said another gas station is not needed within a half mile of the another one planned to the west. Also, there is no need for a fast food restaurant in the area when there are empty buildings like the Huddle House ready for new ownership. He said he opposes a commercial business or parkland behind his property.

Anthony Miller, of 1508 W. San Antonio Street, said he had appeared in opposition to the previous zoning change requests for the two lots. He said the plan sounds great, but there is no guarantee that it will happen as promised by the owner. Traffic will increase with a gas station and a fast food restaurant on the corners. He doesn't agree with the traffic study, and believes the traffic counts would be much higher at both the rush hour and school times. He mentioned that the size of the proposed park is not big enough for even a ball field. The entrance proposed for it is right next to the mailboxes for the neighborhood, which could cause problems. He believes the two parking spaces for the park are not enough and that no other cars should be parked along the street. He emphasized that he is most concerned about increased traffic and safety for children.

Mr. Gibson said he would like to correct some apparent misconceptions that some of the speakers had. The two parking spaces are one handicapped accessible space and the other a regular parking space. He noted that Mockingbird Lane is a very wide street, so parking along it would be allowed. When the park and restaurant lots are developed, the owner would be required to construct public sidewalks along all street frontages. This would provide a safe route for pedestrians who have to park in the street. In addition, he pointed out that his staff report did not mention a fast-food restaurant, and that the applicant's intent was for the restaurant to have a patio where families could eat outside and children could play in the adjacent park.

William L. Tedford, of 1601 Windridge Drive, said he has lived in Windridge for 14 years and is opposed to the zoning change. He said there are numerous children who walk to and from the school. The commercial businesses that are proposed would cause an increase in traffic and safety concerns for the children. He mentioned that the one way in and out access to the subdivision is a problem and will not be able to handle the increase in traffic. The commercial businesses will have a negative affect on property values in the area. There is no room for ambulance accessibility to the park, and there will likely be criminal activity associated with the park and businesses.

Chris Suarez, of 1517 Gunnison Cove, said his main reason for opposition is safety concerns. The children are either walking to or from school, or going to extracurricular activities, in the neighborhood daily. The proposed park would be for the public and open to anyone, and not just residents of the subdivision.

Lonna Fleming, of 1602 Windridge Drive, said that the proposed convenience store would be 40 feet from her backyard and she doesn't want it. She explained that she may be selfish for keeping her neighborhood quiet and with less traffic, but that Ms. Knight is selfish as well for wanting to make money on her property. She still does not want the store or any more traffic, especially when children walk to and from school every day. Once the children are grown they won't play in the park, and the convenience store will still be going strong. She said that the value of her property will drop because of the store. She asked the commission members to please vote their conscience, which she hopes is the right vote.

There being no other speakers, Vice-chair Ruiz closed the public hearing and asked for the staff recommendation.

Mr. Gibson said that staff recommended approval of both ZC-18-05 and AC-18-06.

Commissioner Oliva moved to deny ZC-18-05. The motion failed for a lack of a second.

Commissioner Nickel moved to recommend approval of ZC-18-05 to City Council. Commissioner Villalobos seconded, and the motion passed by a vote of 4-1 with Commissioner Oliva against.

Commissioner Oliva moved to deny ZC-18-06. The motion failed for a lack of a second.

Commissioner Black moved to recommend approval of ZC-18-06 to City Council. Commissioner Nickel seconded, and the motion passed by a vote of 4-1 with Commissioner Oliva against.

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

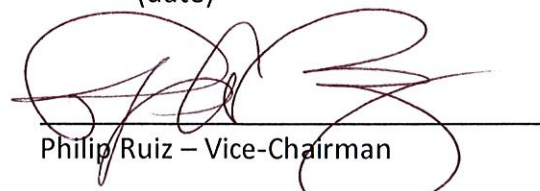
Mr. Gibson announced that the next regular meeting date is April 25th, but no applications had been received for that agenda. However, if the semi-annual impact fee report is completed in time, the Impact Fee Advisory Committee can meet on that day.

9. Adjourn.

Commissioner Oliva moved to adjourn, and Commissioner Nickel seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:27 p.m.

Approved: 5-9-2018
(date)


Christine Banda, Recording Secretary


Philip Ruiz – Vice-Chairman