

**City of Lockhart  
Planning and Zoning Commission  
October 27, 2021**

**MINUTES**

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

**Member Absent:** None

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

**Visitors/Citizens Addressing the Commission:** Javier Barajas, P.E., David Mendoza, Jason Balsler, Alan Balsler, Paul Leventis, John Grobelny, Hector Rangel, Barbara Molina, Charles Torres, John Pena

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 October 13, 2021, meeting.

*Commissioner McBride moved to approve the October 13, 2021, minutes. Commissioner Lingvai seconded, and the motion passed by a vote of 7-0.*

4. ZC-21-14. Continue a PUBLIC HEARING and consider a request by Javier Barajas, P.E., on behalf of 900 Lockhart, LLC, and Anil Chaudhary, for a Zoning Change from CLB Commercial Light Business District, RLD Residential Low Density District, and AO Agricultural-Open Space District to 5.598 acres RMD Residential Medium Density District, and 35.672 acres RLD Residential Low Density District, on 41.27 acres in the Francis Berry Survey, Abstract No. 2, located at 900 State Park Road (FM 20). [Tabled 10-13-21].

Mr. Gibson presented the staff report and described the subject property and surrounding area. He explained how the proposed zoning change would reduce the size of the area currently zoned CLB, and replace a portion of it with RMD zoning. In addition, the existing RLD zoning of the south portion of the subject property would be enlarged by rezoning an existing strip of AO zoning. Any new development would be required to extend existing street stub-outs at the subdivision perimeter. One letter was received from the owner of property on Sunrise Terrace regarding drainage problems caused by the expansion of the Fogle self-storage development. Mr. Gibson stressed that any new development is not responsible for correcting existing problems that are not on the subject property, but the development cannot make any existing drainage issues worse.

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

Javier Barajas, P.E., of 5307 W Highway 270 in Austin, said he is the design engineer for the property. He stated that there will be only one new street intersection on State Park Road, and that they understand they must tie into existing street stub outs.

Commissioner Oliva asked if they were aware of drainage problems in the area.

Mr. Barajas replied that, yes, they were aware of it. He added that drainage design of the proposed development will not be easy because the property is very flat.

Char Ruiz asked for any other speakers.

Barbara Molina, of 1600 Sunrise Terrace, said that she attended the first public hearing on this application to learn more about the proposed zoning change. She stated that she did not oppose development of the property provided that drainage concerns were adequately addressed.

Charles Torres, of 1600 Sunrise Terrace, said he was concerned that any new development would make traffic on State Park Road worse than it already is. He was also concerned about dog parks and detention ponds causing sanitation issues if they are not properly maintained. He said he didn't necessarily oppose the zoning change because he didn't have enough information about the actual plans for development.

John Pena, of 1121 McMillen Boulevard, asked who would maintain his street when construction starts because the City is not maintaining now. He was concerned that construction trucks would further damage the streets. He said that there are too many trucks on State Park Road already, and asked if the City planned to address the traffic issues.

Mr. Gibson replied that a traffic impact analysis would be required for any new street or driveway intersections on State Park Road before development would begin, and that the City maintains the city streets, while TxDOT maintains State Park Road.

Mr. Barajas said that they would do everything that is required to provide proper drainage for the new development, and that all construction access is planned to be solely from State Park Road so the vehicles would not damage existing City streets.

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.

*Commissioner St. Leger moved to recommend approval of ZC-21-14 to City Council. Commissioner Oliva seconded, and the motion passed by a vote of 7-0.*

5. ZC-21-15. Hold a PUBLIC HEARING and consider a request by David Mendoza, on behalf of American Legion, for a Zoning Change from MH Manufactured Home District to CHB Commercial Heavy Business District on 0.73 acre in the Byrd Lockhart Survey, Abstract No. 17, located at 509 Silent Valley Road (FM 2001).

Mr. Gibson presented the staff report and described the subject property and surrounding area. He explained that the applicant proposes to rezone the property to CHB so he can use it for retail and restaurant uses. He further stated that he does not completely agree with the heavy commercial request but that a lighter commercial zoning might be appropriate considering the existing mixture of commercial and residential development in the area. He noted that the uses the applicant wished to develop on the site would be allowed by-right in the CMB district, but would require a specific use permit in the CLB district. No commercial zoning classification would be consistent with the land use plan map designation of Low Density Residential.

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

David Mendoza, of 2217 Santa Rita Street in Austin, said he requested CHB zoning because it allows all of the uses he would consider for the site. This would be the first in the area, but he believed it would be successful in the subject location because it was close to a highway and along a street that is not particularly walkable. He said he would personally develop the property and make it useful.

Chair Ruiz asked Mr. Mendoza if he would accept a less intensive commercial zoning classification, as suggested by Mr. Gibson.

Mr. Mendoza replied that he does not believe he is asking too much since there is heavy commercial zoning nearby along Colorado Street. He said understands that any development of the property must meet drainage and building setback standards.

Chair Ruiz asked for any other speakers.

Hector Rangel, of 1407 Pecos Street, said he didn't understand how anything could possibly be built on such a small lot with the existing drainage problems associated with it. He said that in a heavy rain the eastern portion of the property floods, and the only usable entrance for the property is on Pecos Street. He reported that the existing parking lot is used by children waiting for school buses.

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

Mr. Gibson said that staff recommended a more restrictive zoning classification such as CMB or CLB, and reminded the Commission that a change to a more restrictive commercial district than the one applied for would not require a new application or public hearing, so the Commission had the flexibility to recommend either CHB, CMB or CLB zoning to City Council.

*Commissioner Oliva moved to recommend CLB Commercial Light Business District for approval of ZC-21-15 to City Council. Commissioner St. Ledger seconded, and the motion passed by a vote of 7-0.*

6. ZC-21-16. Hold a PUBLIC HEARING and consider a request by Jason Balser and Clayton Balser for a Zoning Change from AO Agricultural-Open Space District and RLD Residential Low Density District to RMD Residential Medium Density District on 39.998 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1301 Silent Valley Road (FM 2001).

Mr. Gibson presented the staff report and described the subject property and surrounding area. He said the requested RMD zoning classification is consistent with the land use plan map designation of Medium Density Residential, and allows single-family dwellings, patio homes, and duplexes by-right, and other forms of residential dwellings as a specific use.

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

Jason Balser, of Tyler, said that during the City Council discussion of his proposal to develop the adjacent property to the east, an opinion was expressed that a duplex or other medium density residential development would be more appropriate further to the west where it would be consistent with the City's future land use plan. So, that is what is currently planned for the new location.

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.

*Commissioner McBride moved to recommend approval of ZC-21-16 to City Council. Commissioner Arnic seconded, and the motion passed by a vote of 7-0.*

7. ZC-21-17. Hold a PUBLIC HEARING and consider a request by Alan Balser, for a Zoning Change from AO Agricultural-Open Space District and RLD Residential Low Density District to RLD Residential Low Density District on 128.624 acres in the Byrd Lockhart Survey, Abstract No. 17, and Cornelius Crenshaw Survey, Abstract No. 68, located at 1107 Silent Valley Road (FM 2001).

Chair Ruiz announced that this item had been withdrawn by the applicant.

8. ZC-21-18. Hold a PUBLIC HEARING and consider a request by Alan Balser, for a Zoning Change from AO Agricultural-Open Space District to RMD Residential Medium Density District on 50.77 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located at 1900 North Cesar Chavez Parkway – Northbound (SH 130).

Mr. Gibson presented the staff report and described the subject property and surrounding area. He noted that the subject property is located adjacent to the north of the previous zoning change case, and would extend the same requested RMD zoning classification. The property would obtain access from Cesar Chavez Parkway and the extension of Stueve Lane. He said that the RMD zoning classification is consistent with the land use plan map designation of Medium Density Residential.

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

Alan Balser, of 11166 Lawnhaven Road in Dallas, said that the proposed development of the subject property is single family and duplex housing types, and that the development will have two street intersections along the Cesar Chavez Parkway frontage.

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 recommended approval.

*Commissioner Peterson moved to recommend approval of ZC-21-18 to City Council. Commissioner Lingvai seconded, and the motion passed by a vote of 7-0.*

9. PP-21-06. Consider a request by Paul Leventis on behalf of Lockhart Land Group, LLC, for approval of a Preliminary Plat and Subdivision Development Plan for Lockhart Farms Addition, consisting of 58.62 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned RMD Residential Medium Density District , RHD Residential High Density District, and CMB Commercial Medium Business District, and located on the north side of the 1800-2000 blocks of West San Antonio Street (SH 142)..

Mr. Waller reviewed the proposed preliminary plat, and mentioned that the applicant is working with the developers of the adjacent Hansford Subdivision and The Stanton apartments to share stormwater detention and parkland facilities. He presented the staff report and described the subject property and surrounding area. He said the developer is paying fees in lieu of dedication of parkland because the park will be privately owned and maintained. The only condition needed for approval of the preliminary plat was that sidewalks should be shown along West San Antonio Street (SH 142).

Chair Ruiz asked the applicant to come forward.

Paul Leventis, of 9007 Sandstone Drive in College Station, said that they are working with the Hansford subdivider for providing regional stormwater detention. They want the pond and trail system to complement each other. The detention pond may have to be further enlarged if it is to accommodate drainage from The Stanton, which is planning an expansion.

There being no one else to speak, Chair Ruiz asked for the staff recommendation.

Mr. Waller said that staff recommended approval subject to adding sidewalks along West San Antonio Street (SH 142).

*Commissioner Arnic moved to approve PP-21-06 subject to the addition of sidewalks along West San Antonio Street to the plat. Commissioner McBride seconded, and the motion passed by a vote of 7-0.*

10. FP-21-06. Consider a request by John Grobelny on behalf of Chateau Homes, Inc., for approval of a Final Plat for Clear Fork Reserve, Section One, consisting of 2.96 acres, being a portion of Lot 3, Block 1, Capello Subdivision, zoned RMD Residential Medium Density District, and located at 1710 Clear Fork Street.

Mr. Waller presented the staff report and described the subject property and surrounding area. The subject property would have eleven single family lots that were previously approved in June 2018. The owner resubmitted the plat because deadline for start of development had expired. There will be a fee in lieu of parkland dedication for the first phase. He said there had been much discussion about the subdivider's responsibility to improve the segment of Clear Fork Street along the frontage of the subject property. Ultimately, the City agreed to allow the subdivider to pay a fee in lieu of reconstruction of the street based on an engineer's estimate of the cost. He said this would have to be noted on the final plat before recordation.

Chair Ruiz asked the applicant to come forward.

John Grobelny, of 6500 Manchaca Road in Austin, said that the parkland is mostly under an LCRA easement, and that they have committed to provide sidewalks along one side of Vizcaya Way. He said he's moving forward with development now because the housing market has improved. Phase Two will follow in January 2022.

Chair Ruiz asked for the staff recommendation.

Mr. Waller recommended approval subject to the condition that a note be added to the plat stating that a fee in lieu of construction of Clear Fork Street is to be paid prior to recordation of the plat, with the amount of the fee listed on the plat.

*Commissioner Lingvai moved to approve FP-21-06 with staff's condition of adding the note requiring the payment of a fee in lieu of improving Clear Fork Street. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0-1, with Commissioner Arnic abstention.*

11. FP-21-07. Consider a request by Skylar Reeves for approval of a Final Plat for Biggie Sky Subdivision, consisting of 0.921 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned CHB Commercial Heavy Business District, and located at 734 and 738 South Commerce Street, and 735 South Colorado Street (US 183), including a Variance to waive the requirement in Section 52-77(b) of the Subdivision Regulations for a four-foot wide public sidewalk along the South Commerce Street frontage.

Mr. Waller said that the applicant was not able to attend the meeting because she had to take care of her children, and requested that the Commission table this item until the next meeting date.

*Commissioner Oliva moved to table FP-21-07 to the Commission's next meeting date. Commissioner Lingvai seconded, and the motion passed by a vote of 7-0.*

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

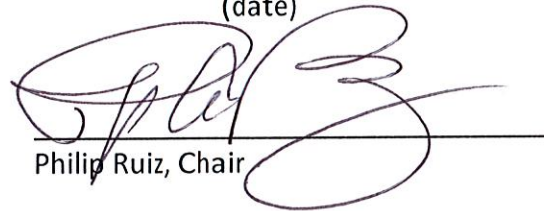
Mr. Gibson announced that the next regular meeting date is November 17th.

13. Adjourn.

*Commissioner Arnic moved to adjourn, and Commissioner Peterson seconded. The motion passed by a unanimous vote, and the meeting adjourned at 9:13 p.m.*

Approved: 11-17-2021  
(date)

  
Christine Banda, Recording Secretary

  
Philip Ruiz, Chair