

**City of Lockhart
Planning and Zoning Commission
January 26, 2022**

MINUTES

Members Present: Philip Ruiz, Bradley Lingvai(Zoom), Rick Arnic, Ron Peterson, Phil McBride, Manuel Oliva

Member Absent: Chris St. Ledger

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

Visitors/Citizens Addressing the Commission: Matthew Johnson, Tamara Carlisle, Donna Blair, Angelita Ruiz

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:07 p.m.

2. Citizen comments not related to an agenda item. None

3. Consider the Minutes of the January 12, 2022, meeting.

Commissioner McBride moved to approve the January 12, 2022, minutes. Commissioner Arnic seconded, and the motion passed by a vote of 6-0.

4. ZC-22-05. Hold a PUBLIC HEARING and consider a request by Matthew Johnson and Mill Scale on behalf of Keith Schmidt for a Zoning Change from CMB Commercial Medium Business District and CHB Commercial Heavy Business District to CBH Commercial Heavy Business District, on Lot 1-A, Block 1, Barclay Addition, consisting of 1.363 acres located at 711 North Colorado Street (US 183).

Dan Gibson presented the staff report. He explained the location of the property and the applicant's intended use as a manufacturing and retail sales building for barbecue smokers/cookers. He said the proposed zoning change was consistent with the General-Heavy commercial land use designation of the land use plan map.

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

Matthew Johnson, of 426 West Prairie Lea Street, said he is an owner of Mill Scale Metal Works. They produce barbeque smokers and fire-based cooking devices, and want to expand to the subject property. He said Mr. Gibson suggested that the CHB zoning classification would be best for their proposed use.

Chair Ruiz asked for any other speakers.

Tamara Carlisle and Donna Blair both had good things to say about the applicant and his business, and stated their support for the zoning change.

Angelita Ruiz, of 806 Navarro West Street, wanted to know why the zoning change was necessary and how it would affect her property taxes. She thought her property was being rezoned because it was within the 200-foot public hearing notification area indicated on the map that was sent to her.

Chair Ruiz explained that the only property being rezoned was the shaded property, and that it did not include the surrounding area where Ms. Ruiz's house and her neighbors houses were located.

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 to City Council.

Commissioner Lingvai moved to recommend approval of ZC-22-05 to City Council. Commissioner Oliva seconded, and the motion passed by a vote of 6-0.

5. SUP-22-01. Hold a PUBLIC HEARING and consider a request by 110 Market, LLC, for a Specific Use Permit to allow a Mixed-Use Building on part of Lot 2, Block 13, Original Town of Lockhart, consisting of 0.072-acre zoned CCB Commercial Central Business District and located at 110 East Market Street.

Dan Gibson presented the staff report. He said that the owner wanted to remodel the second floor of the building, which previously had been apartments and offices. They proposed to remodel the second floor for two apartments. The combination of commercial on the first floor and residential on the second floor required approval of a Specific Use Permit for a Mixed Use Building, and staff had been unable to find any record of such approval in the past. Therefore, the mixed use of the building was not considered grandfathered, and only the SUP would make it conforming.

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

Kenneth Germer, of 110 Market LLC, said he was one of the owners and another owner was on the speaker phone if anyone had any questions for him.

James Mayes, of 808 Rock Creek in Austin, said he, along with Kenneth and some other people, bought the building in 2017. They didn't realize that an SUP was required, and found out only recently when they applied for permits to remodel the building.

Chair Ruiz asked if there were 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 Arnic moved to approve SUP-22-01. Commissioner Peterson seconded, and the motion passed by a vote of 6-0.

6. Hold a PUBLIC HEARING and consider a Zoning Text Amendment revising Chapter 64 "Zoning" of the Lockhart Code of Ordinances, Article VII "Zoning Districts and Standards", Section 64-197 "Regulations Common To All Or Several Districts", Subsection (g)(2) "Additional Parking Requirements Within Residential District", to require covered parking for detached single-family dwellings and provide reasonable standards for such parking; and revising Chapter 64 "Zoning" of the Lockhart Code of Ordinances, Appendix I "Specific Requirements For Residential Development Types", to modify the heading of the Minimum Off-Street Parking column to allow garages to count toward the minimum parking requirement.

Dan Gibson explained that Lennar Homes had submitted plans for houses to be constructed in the new sections of Summerside Subdivision without garages or carports. The building official inquired as to whether or not the City had any ordinance that required covered parking. There wasn't, and the Planning staff expressed concerns about new houses not having covered parking, especially in an expansion of an existing subdivision where all other houses have garages. Upon consultation with the mayor, the city manager asked the Planning staff to draft an ordinance that would require covered parking for new single-family homes and to provide standards for size and location. The ordinance was presented to the City Council for discussion, and they directed staff to proceed with the required public hearing process for amending the zoning ordinance. That includes a public hearing and a recommendation by the Planning and Zoning Commission. Mr. Gibson presented the draft ordinance and noted that it was based, in part, on provisions of similar ordinances from other cities.

There was discussion between staff and commission members. Although the ordinance addressed one and two-car garages in terms of the percentage of the width of the house that could be occupied by garage doors, it was noted that it didn't address the possibility of three-car garages. It was decided to recommend increasing the maximum percentage from 40 percent to 50 percent for three-car garages.

Chair Ruiz asked if anyone was present to speak on the text amendment.

Bill Barton, of Lennar Homes, said that the percentage of garage door coverage limit would make it harder to build homes. He added that currently their two-car garages are 400 sq. ft., whereas the draft ordinance requires a minimum of 440 square feet, which will increase their cost.

Chair Ruiz asked for any other speakers and, seeing none, he closed the public hearing and asked for a motion.

Commissioner McBride moved to recommend approval of the zoning text amendment requiring covered parking for the SF-1 and SF-2 residential development types to City Council, with a change to allow the total width of garage doors to occupy 50 percent of the width of the house for three-car garages, while keeping the 40 percent limit for one and two car garages. Commissioner Arnic seconded, and the motion passed by a vote of 6-0.

Chair Ruiz called a recess at 8:18pm to reset the Zoom meeting for Commissioner Lingvai.

Chair Ruiz called the meeting back to order at 8:27 p.m.

7. FP-21-11. Reconsider a request by Glenn Synnott for approval of a revised Final Plat for Jesco Subdivision, consisting of 9.186 acres in the James George Survey, Abstract No. 9, zoned PDD Planned Development District and located at 920 Trinity Street [Denied 12-8-21]

Kevin Waller presented the staff report and case maps to the Commission. He explained that although the Planning and Zoning Commission denied the plat on December 8, 2021, the City Council approved the accompanying PDD development plan and zoning change at their December 21, 2022, meeting. Therefore, because the final plat met all minimum standards and is required for the planned development, the Commission was obligated to approve it.

Chair Ruiz asked the applicant to speak.

Keith Schauer, of Doucet & Associates in Gonzales, said the plat met all requirements for approval, and he was there to answer any questions that the Commission may have.

Chair Ruiz asked for any other speakers and, seeing none, he asked for the staff recommendation.

Mr. Waller said that staff recommended approval.

Commissioner Peterson moved to approve FP-21-11. Commissioner Arnic seconded, and the motion passed by a vote of 4-2 with Commission's McBride and Oliva against.

8. FP-21-09. Consider a request by Keith Schauer of Doucet & Associates, on behalf of Lennar Homes of Texas Land & Construction, LTD, for approval of a Final Plat for Summerside, Section 5, consisting of 29.778 acres in the Esther Berry Survey, Abstract No. 1, zoned RMD Residential Medium Density District and CHB Commercial Heavy Business District, and located at 2300 South Colorado Street (US 183).

Mr. Waller presented the staff report. Items of interest in the presentation included interconnectivity of Section 5 with the other, developed phases of Summerside to the south, and the proposed hike and bike trail, pursuant to the City's Sidewalk and Trail Plan.

Chair Ruiz asked Mr. Gibson if the Commission can deny this item and the next item on the agenda (Summerside Section 6 final plat) due to homes being proposed in existing sections of Summerside Subdivision that will not have garages or carports.

Mr. Gibson explained that the Commission is legally obligated to approve the final plat, since it met all requirements of the Subdivision Regulations. The new zoning text amendment requiring garages or carports does not apply to Summerside Sections 5 and 6 because a preliminary plat has already been submitted and approved for Sections 5 through 9. Therefore, all of the lots in Summerside are vested under the pre-amendment conditions. However, any houses in new subdivisions that are proposed after the zoning text amendment is adopted would be required to have covered parking.

Chair Ruiz stated for the record that he was not happy with the house designs proposed by Lennar Homes.

Keith Schauer, the applicant, was present to answer any questions the Commission may have.

Commissioner Oliva moved to approve FP-21-09. Commissioner Peterson seconded, and the motion passed by a vote of 5-1 with Chair Ruiz against.

9. FP-21-10. Consider a request by Keith Schauer of Doucet & Associates, on behalf of Lennar Homes of Texas Land & Construction, LTD, for approval of a Final Plat for Summerside, Section 6, consisting of 24.153 acres in the Esther Berry Survey, Abstract No. 1, zoned RMD Residential Medium Density District, and located at 2300 South Colorado Street (US 183).

Mr. Waller presented the staff report, and explained that the proposed Section 6 also provides a roadway connection into the developed Summerside Section 2 to the south, and includes a hike and bike trail, similar to the trail proposed in Section 5. In addition, the hike and bike trail in Section 6 will allow for a connection into Section 2. He stated that the final plat meets all requirements of the Subdivision Regulations.

Chair Ruiz asked the applicant to come forward.

Keith Schauer, the applicant, was present to answer any questions the Commission may have.

Commissioner McBride asked Mr. Schauer to relay to Lennar Homes that if lots are not large enough for a house with a garage, then the lots were being platted too small to be developed.

Chair Ruiz asked for the staff recommendation.

Mr. Waller said that staff recommended approval.

Commissioner Peterson moved to approve FP-21-10. Commissioner Oliva seconded, and the motion passed by a vote of 4-2 with Chair Ruiz and Commissioner McBride against.

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

Mr. Waller stated that the next regular meeting date is February 9, 2022.

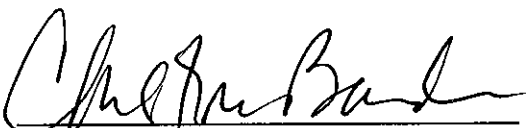
11. Adjourn.

Commissioner Arnic moved to adjourn, and Commissioner McBride seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:49 p.m.

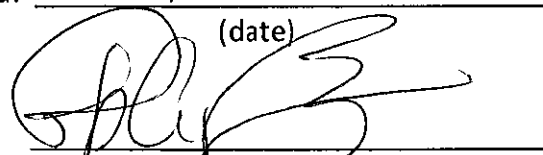
Approved: _____

2/9/2022

(date)



Christine Banda, Recording Secretary



Phillip Ruiz, Chair