

**City of Lockhart
Planning and Zoning Commission
March 23, 2022**

MINUTES

Members Present: Philip Ruiz, Bradley Lingvai, Ron Peterson, Manuel Oliva

Member Absent: Rick Arnic, Phil McBride, Chris St. Ledger

Staff Present: Dan Gibson, Christine Banda

Visitors/Citizens Addressing the Commission:

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:03 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the March 9, 2022, meeting.

Commissioner Oliva moved to approve the March 9, 2022, minutes. Commissioner Lingvai seconded, and the motion passed by a vote of 4-0.

4. SUP-22-05. Hold a PUBLIC HEARING and consider a request by Ronda Reagan for a Specific Use Permit to allow a Bar and Special Events Facility on part of Lot 6, Block 23, Original Town of Lockhart, consisting of 0.0894-acre zoned CCB Commercial Central Business District and located at 110 and 112 North Main Street.

Mr. Gibson explained that Ronda Reagan owns both subject buildings, which are located next to each other. She would like to expand her bar, The Pearl, into the adjacent building, and to hold special events in it. Both requested uses require a specific use permit. The current bar location is included because the Pearl was not required to apply for a specific use permit when Lilly's Bar, which was grandfathered, was switched to The Pearl. This was a good opportunity to update the zoning status of the existing building as well as expand it to the adjacent space.

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

Ronda Reagan, of 412 West San Antonio Street, said she wishes to expand her bar and the building next door would give her more room to host events such as class reunions and weddings. The current bar is small, and the larger area would help prevent overcrowding. She said she may add a kitchen in the future, but for now she would have events catered. She added that larger bands may perform once a month with a cover charge. She has been offering free music currently, and patrons like it.

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 Peterson moved to approve SUP-22-05. Commissioner Lingvai seconded, and the motion passed by a vote of 4-0.

5. SUP-22-06. Hold a PUBLIC HEARING and consider a request by Austin Pacific One, LLC, for a Specific Use Permit to allow the MF-2 Residential Development Type on 9.902 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned RHD Residential High Density District and located at 1824 Borchert Drive.

Mr. Gibson explained that the subject property had recently been rezoned to RHD Residential High Density District, and the same applicant was now requesting approval of the MF-2 residential development type, which allows a density over 12 units per acre up to 24 units per acre. He had suggested that the developer include a public street from Borchert Drive south through the property to provide access to future development on the abutting vacant property. However, such street cannot be required because it's not shown on the Thoroughfare Plan map. Instead, the site plan simply shows a private drive in a parking lot along the west side of the site whereby the north and south termination points of the drive would be gated to prevent through-traffic. He also noted that the site plan shows 238 apartment units, which is a fraction over 24 units per acre, so it will need to be revised to show a maximum of 237 dwelling units.

Commissioner Ruiz mentioned that the Mayor had suggested to him that when the Planning and Zoning Commission reviews any development to be sure they have multiple access points to relieve traffic and safety concerns. He asked if the Commission should review the current thoroughfare map and reconsider MF-2 development types.

Mr. Gibson responded that 24 units per acre is within a typical range for apartment complexes, but for anything over 12 units per acre the SUP process already allows the Commission to review them on a case-by-case basis. The Commission can always deny an SUP if it's not appropriate in the proposed location.

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

Bob Shelton, of 112 Copperleaf Road in Lakeway, said he was the architect on the project, and that they had started the design in December 2021. They met with City staff in February 2022 to discuss the access issues. They also spoke with the Public Works Director and Fire Chief for their input on the project. Their goal was to design ample green space in a gated community with great amenities for their residents. The off-street parking meets the minimum standard of 2.25 spaces per unit.

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 subject to a condition that the total number of dwelling units not exceed 237.

Commissioner Oliva moved to approve SUP-22-06 subject to a maximum of 237 dwelling units. Commissioner Lingvai seconded, and the motion passed by a vote of 4-0.

6. ZC-22-09. Hold a PUBLIC HEARING and consider a request by Chris Bancroft on behalf of Alma Ewald for a Zoning Change from 23.064 acres AO Agricultural-Open Space District to 18.535 acres RHD Residential High Density District and 4.529 acres CMB Commercial Medium Business District in the Byrd Lockhart League, Abstract No. 17, located at 1650 North Colorado Street (US 183).

Mr. Gibson explained that this case and the next one on the agenda are adjacent to each other and have the same applicant. The requested zoning classifications are also the same for both properties. The property is a long strip of land that extends into the ETJ, but the rezoning is only for the portion that is located within the city limits. The portion outside the city limits is heavily impacted by the Plum Creek floodplain. He said the property is mostly vacant and contains a pond. The applicant's proposal was to rezone the Colorado Street frontage to CMB, with the remainder being RHD. Neither of the two zoning requests is consistent with the Land Use Plan map, which shows the entire area as future Low Density Residential. In addition, the area lacks wastewater infrastructure. Because the proposed land use intensity is higher than shown on the Land Use Plan map, a study of this area would need to be done to update the planned wastewater impact fee project to determine whether or not the proposed pipe sizes and costs need to be revised.

Commissioner Oliva expressed his concern that the large pond constantly holds water. He said there was a large amount of runoff that flows toward the pond.

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

Chris Bancroft, of 1515 South Capital of Texas Highway in Austin, said he was familiar with Lockhart and knows there is need for multifamily development in the area. The project would retain Lockhart's charm, and would be developed in phases. The front portion to be zoned for commercial uses was intended to serve the residents living in the apartments. He said he understood there is no wastewater available, and that they are willing to work with the City in constructing the necessary extension. With regard to traffic, he said that they will work with TxDOT on any needed safety improvements. He said approval of the zoning change would help with securing financing.

Commissioner Oliva asked if he was familiar with surface water, and that they should be aware of these issues.

Mr. Bancroft replied that they will do a preliminary drainage study, and plan to retain the existing pond as a water feature.

Chair Ruiz stated that since there is an issue with the wastewater infrastructure, the Commission might need to table consideration of the zoning change request until the wastewater study is completed, as the Commission had done with a previous application for rezoning to RHD, and asked Mr. Bancroft if he was under any time constraints.

Mr. Bancroft replied that it could affect their financing.

Juan Castillo, of 1627 N Hwy 183, said that he lived across the highway from the subject property, and that the area always floods.

Peggy Wilkerson, of 1531 N. Colorado Street, said that the property has been for sale over ten years so there should not be any time constraints. She mentioned that the traffic is bad on Colorado Street, and that it does flood all the time. She was in favor of tabling the item until further investigation of traffic, flooding, and infrastructure issues.

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 if the Commission wishes to table the item they could table it to their May 25th meeting, as was done previously for another application having similar issues. He said he had no objection to rezoning the property for the requested CMB and RHD zoning districts whenever the results of the wastewater study are known. If the Commission wished to recommend approval of the zoning change, they could still be assured that no development would actually occur without all necessary utilities being available, anyway.

Commissioner Lingvai moved to table ZC-22-09 to the May 25, 2022, Commission meeting. Commissioner Peterson seconded, and the motion passed by a vote of 3-1 with Oliva against.

7. ZC-22-10. Hold a PUBLIC HEARING and consider a request by Chris Bancroft on behalf of Ernest Ewald, Jr. for a Zoning Change from 15.906 acres AO Agricultural-Open Space District to 12.262 acres RHD Residential High Density District and 3.644 acres CMB Commercial Medium Business District in the Byrd Lockhart League, Abstract No. 17, located at 1724 North Colorado Street (US 183).

Mr. Gibson explained that the request is essentially the same as the previous one, but the tract is smaller, and the current owner is different. The applicant wishes to rezone to CMB and RHD to allow commercial businesses and apartments.

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

Chris Bancroft, of 1515 South Capital of Texas Highway in Austin, said that audience members who have concerns are welcome to meet with him after the Commission meeting. He told the Commission that his comments are the same as those he expressed for the previous case.

Ms. Wilkerson reiterated her concerns about traffic, flooding, and the infrastructure.

Mr. Castillo again spoke about his concern with flooding, but said that he is in favor of progress.

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

Mr. Gibson said his recommendation was the same as with the previous case.

Commissioner Lingvai moved to table ZC-22-09 to the May 25, 2022, Commission meeting. Commissioner Peterson seconded, and the motion passed by a vote of 3-1 with Oliva against.

8. As provided in Chapter 64 "Zoning", Section 64-93(c)(7), of the Lockhart Code of Ordinances, consider a Determination of Appropriate Zoning for an unlisted use with regard to allowing Community Gardens by-right or as a specific use.

Mr. Gibson mentioned that the Zoning Ordinance allows the city planner to determine where an unlisted use may be allowed based on similar uses that are listed. If there are no comparable uses listed as permitted by-right or as a specific use, the city planner may ask the Commission to make a determination, which has the same authority as an amendment to the Zoning Ordinance. There was an inquiry about having a community garden on a residentially-zoned vacant lot where development is not feasible due to a wide LCRA electric easement that crosses through it. He said that a community garden is usually a quiet activity, and it makes the most sense to allow it in the AO Agricultural Open Space District and PI Public Institutional District by-right, which would then automatically make it a specific use in all other districts.

Commissioner Oliva moved to approve a determination that Community Gardens be listed as allowed by-right in AO and PI zoning districts. Commissioner Lingvai seconded, and the motion passed by a vote of 4-0.

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

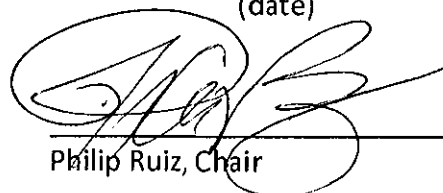
Mr. Gibson stated that applications have been received for consideration at the next Commission meeting on April 13, 2022.

10. Adjourn.

Commissioner Peterson moved to adjourn, and Commissioner Lingvai seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:39 p.m.

Approved: 4/13/2022
(date)


Christine Banda, Recording Secretary


Philip Ruiz, Chair