

**City of Lockhart
Planning and Zoning Commission
August 24, 2016**

MINUTES

Members Present: Philip Ruiz, Bill Faust, Christina Black, Manuel Oliva, Adam Rodriguez

Members Absent: Steve Visage, Phil McBride

Staff Present: Dan Gibson, Christine Banda

Visitors/Citizens Addressing the Commission: David Sheldon, Richard Aston

1. Call meeting to order. Vice-Chair Ruiz called the meeting to order at 7:04 p.m.
2. Citizen comments not related to a public hearing item. None.
3. Consider the Minutes of the August 10, 2016 meeting.

Commissioner Oliva moved to approve the August 10, 2016, minutes. Commissioner Rodriguez seconded, and the motion passed by a vote of 5-0.

4. SUP-16-07. Hold a PUBLIC HEARING and consider a request by Liberty Multifamily, LLC, on behalf of Adolfo Sendejo for a Specific Use Permit to allow the MF-2 Multifamily Residential Development Type in the form of 288 dwelling units with a community center on 18.613 acres in the Cornelius Crenshaw Survey, Abstract No.68, zoned RHD Residential High Density District and located at 2111 West San Antonio Street (SH 142). [Tabled 7-13-16]

Mr. Gibson explained that the site plan had been improved since the previous meeting when it was on the Commission's agenda, including a modification in the location of common areas, the addition of more parking spaces, and the addition of tables showing the number and type of units for each building classification. Example floor plans and building elevations were also shown to the Commission. Mr. Gibson reported that the Zoning Board of Adjustment had granted a variance to reduce the parking requirement based on the number of bedrooms in each dwelling unit. The 570 off-street parking spaces shown was less than the 648 required under the current standards, but was more than the 448 spaces shown on the previous version of the site plan.

Vice-Chair Ruiz asked if any other documentation was provided.

Mr. Gibson said that the only other thing submitted was a separate elevation contour map of the property.

Commissioner Faust said that, in his opinion, the information provided was not a site plan but was a conceptual plan, and that his twelve year-old grandson could draw the plan submitted. He stated that the Commission is charged by the council to make recommendations to them based upon information that is provided. There have been too many times since he had been on the Commission that they received information and make a recommendation to the City Council, which then mysteriously gets to the Council with additional information. He continued by saying that the Council overturns their decisions based upon the additional information the Commission could have had. He said he will not vote and put his name on something that has no more information than what is shown. He can see a detention pond on the site plan and has no clue if the storm-water can get to it. He said from what he was looking at all he could see is there are going to be a bunch of buildings, and he doesn't know if they are going to be 4-plexes or 8-plexes or 12-plexes. He stated that he cannot figure it out from the conceptual plan, which is not a site plan.

Mr. Gibson wanted to set the record straight and reminded the Commission that their vote on specific use permits is final unless appealed, and is not a recommendation to the City Council. Further, he said that although a contour map was submitted, the engineering of the drainage is usually done later in the process and, in this case, would be required at the time the property is platted. Site plans submitted for specific use permits typically show the location and dimensions of major site features, but not engineering details. Finally, Mr. Gibson reiterated that the tables on the site plan actually do show the number of dwelling units of each bedroom type in each building.

Commissioner Faust said that not enough information was given to make a decision. Every time he brings something up, staff says that its something the city engineer will review later. Mr. Faust stated he is not going to put his name on anything else as a member of the Commission that is making a recommendation to this city that does not have sufficient information for him to make a decision.

Mr. Gibson said that this site plan does comply with what is needed for a specific use permit.

Commissioner Faust replied that if it looks like this he will never vote for another specific use permit because this one is inadequate.

Mr. Gibson said the engineering had probably not been done yet because they need to get approval for the use of the property first, which is the reason for the specific use permit. He reiterated that the purpose of the SUP is to determine whether or not the MF-2 development type is appropriate in this location. The Commission should consider site layout and potential impacts of the proposed density on the surrounding area, but not necessarily the details that are more appropriately reviewed at the subdivision plat or building permit stages. Mr. Gibson said the kind of detail Mr. Faust was asking for is rarely available at the specific use permit stage.

Commissioner Faust replied that it should be required at the time of the specific use permit application.

Vice-Chair Ruiz referred to zoning ordinance Section 64-127(b)(2)(e), which stated that the application should be accompanied by maps and plans. He said that this was the reason he asked earlier if anything else was provided.

Mr. Gibson said that staff considered the materials submitted to be sufficient. The site plan shows the building types and the number of bedrooms in each on the site plan. The parking and driveways are shown in detail.

Commissioner Faust mentioned that no dimensions were shown, and he cannot tell if it is in compliance with the minimum setback standards.

Mr. Gibson replied that the front setback lines are shown on the site plan, and that the street right-of-way will be shown in detail on the subdivision plat when it is submitted. He reiterated that the purpose of the specific use permit is to establish whether or not the general layout meets the applicable standards, and that the proposed use is compatible with the location. More detailed building and site plans are reviewed at the building permit stage.

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

Richard Ashton of 2351 NW Highway, Dallas, Texas 75220, said that his company is requesting approval of the specific use permit to increase the density as an MF-2 development type for a total of 288 units. He said they did a market study and found that apartments were needed in the area, and reiterated that he was not there to ask for approval of construction plans, but only for an increase in density from MF-1 to MF-2. If MF-2 is approved, 446 units would be the maximum number allowed, but he was only requesting 288 units, which is 35.4% below the maximum density for an MF-2 development. He said he is an accountant, and not the engineer. KBGE, an engineering company, prepared the conceptual site plan, and will prepare the construction plans as well. He mentioned that the buildings are shown with their layouts and that they will have a minimum of 30% masonry. He noted that the community center will include the leasing office and a technology center that will offer after school programs that aid with career and leadership development. Again, he emphasized that they are requesting an increase in density for the property and that, when required, they will provide complete detailed construction plans and a subdivision plat. He said they do take into consideration the Planning and Zoning Commission's view, along with staff's comments and recommendations, so that the project will be successful.

Commissioner Faust asked if the project had a bond and if a potential buyer was available.

Mr. Ashton said yes, and they do have a buyer from New York.

Commissioner Faust asked what formula will be used to determine rent.

Mr. Ashton said that it will be based on 60% of income because the AMI is very high in the Lockhart and Caldwell County area.

Commissioner Faust asked if Lockhart was a part of the Austin MSA.

Mr. Aston replied that it is a part of the Austin MSA.

Vice-Chair Ruiz said for the record that the site plan is labeled as a conceptual plan.

Mr. Ashton agreed that it was a conceptual layout.

Vice-Chair Ruiz said that, from the information provided, there is no justification to allow a MF-2 development type.

Mr. Aston said that he did not provide anything in writing to support the higher density but that his presence at the meeting was intended to explain the request for the development. He again stated that the market study showed that there is a demand for more than 288 units, and said it would be fine with him if the Commission would like to limit the permit to that number.

Vice-Chair Ruiz said since it is a conceptual layout that the color and masonry could change.

Mr. Aston agreed that a final decision has not been made on that, but that they would use a minimum of 30% masonry, with the remainder of the exterior walls being HardiPlank siding in a matching color scheme.

Vice-Chair Ruiz asked for any other speakers in favor or against the specific use permit. Seeing none, he closed the public hearing.

Mr. Gibson said that staff recommended approval. By dedicating and constructing new streets beyond the minimum requirements, and assisting with utility infrastructure extensions, this applicant is going far beyond what other developers of multifamily housing have done.

Commissioner Faust stated that he would abstain from voting because the Commission requested a site plan, and that only a conceptual plan was presented. He added that, otherwise, he does not have any objections to the project.

Vice-Chair Ruiz again stated that there is no justification for the proposed increase in density.

Commissioner Oliva moved to approve SUP-16-07 with 288 total units. Commissioner Black seconded, and the motion passed by a vote of 3-1-1 with Vice-Chair Ruiz against and Commissioner Faust abstaining.

5. SUP-16-12. Hold a PUBLIC HEARING and consider a request by David Sheldon, on behalf of Bluetex Investments, Inc., for a Specific Use Permit to allow a DF-2 Duplex-Family Development Type in the RMD Residential Medium Density District on Lot 3, Block 7, Parkway Subdivision Section III, located at 1004 Alamo Street.

Mr. Gibson explained that the next two items have the same applicant and the lots are separated from each other by one other lot. The subject properties are zoned RMD Residential Medium Density District, which allows the DF-1 duplex development type by-right, but both lots are smaller than the minimum size required. However, the lots are large enough for the DF-2 development type, which requires approval of a specific use permit. With regard to this item, Mr. Gibson said that it was discovered upon inspection of the site that LCRA transmission lines crossed the front of the property in a southeast to northwest orientation. Although there was never a formal easement dedicated on the original subdivision plan, LCRA has determined that the easement should be considered 40 feet on either side of the centerline of the transmission towers and power lines. The easement reduces the buildable area of the lot so much that a duplex wouldn't be feasible, although a single-family dwelling could be constructed in the rear portion of the lot. Mr. Gibson said he believes the applicant intends to withdraw this application.

Commissioner Oliva asked if the applicant could build a two story duplex if that would help avoid construction in the easement.

Mr. Gibson said yes, and that it had already been discussed with the applicant.

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

David Sheldon of 4401 Deepwoods Drive, Austin, Texas, said that he would like to withdraw his application for a specific use permit for the subject property because of the easement situation.

With no reason to continue, Vice-Chair Ruiz closed the public hearing.

6. SUP-16-13. Hold a Public Hearing and consider a request by David Sheldon, on behalf of Bluetex Investments, Inc., for a Specific use Permit to allow a DF-2 Duplex-Family Development Type in the RMD Residential Medium Density District on Lot 5, Block 7, Parkway Subdivision Section IV, located at 1008 Alamo Street.

Mr. Gibson explained that the proposed duplex will be two separate dwelling units joined together by a breezeway. He mentioned that there was one letter of opposition that expressed concerns about traffic and parking issues in the area. He said that the applicant is providing more than enough off-street parking because each unit will have a garage in addition to the driveway, and that staff recommended approval of the DF-2 duplex development type.

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

David Sheldon of 4401 Deepwoods Drive, Austin, Texas, said that he would like to build a DF-2 duplex development type on his property.

Vice-Chair Ruiz asked if he was aware of the neighbors' concerns due to traffic.

Mr. Sheldon replied that he understands their concerns and had already noticed two vehicles in front of his property that have not been moved in quite some time. He would build a nicer duplex than what can be seen along Crockett Street. He said that he is building the correct amount of parking spaces required for his development, which should not add to the parking concerns. He expressed his view on how there should be another opportunity for living besides in apartments where there is not much privacy or yards for small families.

Vice-Chair Ruiz asked if he would be willing to build a single-family dwelling on the lot.

Mr. Sheldon replied that he already withdrew his request for a duplex on the other lot where a single-family dwelling will have to be built. He also noted that the neighborhood consists of mostly duplexes, anyway.

Commissioner Faust said that half the neighborhood is single-family residential.

Commissioner Faust expressed his concern about the parking layout for the duplex, and the roof overhang into the front building setback line.

Mr. Gibson said there should not be any issues with the parking, and that cantilever overhangs are allowed within front and rear building setbacks.

Commissioner Oliva said it is obvious that the applicant had come up with a creative solution to making a duplex fit the shape of the lot.

Commissioner Faust moved to approve SUP-16-13. Commissioner Rodriguez seconded, and the motion passed by a vote of 5-0.

7. Discuss possible regulation of short-term home rentals.

Mr. Gibson said that Laura DeVore wrote the memo in the Commission's packet addressing the Commission's request for information regarding short-term rentals in the city. She reported that there are apparently several short-term rentals with a Lockhart address, but there have been no complaints about them, and the only way to determine their exact location is to register with the internet sites that advertise them. In the memo, Laura suggested that this be reconsidered after the zoning ordinance has been amended to allow accessory dwelling units, which might make it easier for property owners to have short term rentals. Mr. Gibson added that the regulation of short-term rentals might actually not be done in the zoning ordinance, but through a separate registration process established elsewhere in the Code of Ordinances as is done in some other cities.

Vice-Chair Ruiz asked when staff would have the zoning ordinance amendment completed.

Mr. Gibson said the office has been very busy, but he is aiming to have something ready by October.


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

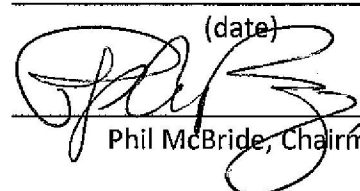
Mr. Gibson said the next meeting is September 14, with a zoning change and a multi-part specific use permit on the agenda.

9. Adjourn.

Commissioner Rodriguez moved to adjourn, and Commissioner Oliva seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:21 p.m.

Approved:


Christine Banda, Recording Secretary

9-14-2016
(date)
 Acting Chair
Phil McBride, Chairman