

**City of Lockhart  
Planning and Zoning Commission  
November 13, 2019**

**MINUTES**

**Members Present:** Philip Ruiz, Manuel Oliva, Philip McBride, Rick Arnic, Paul Rodriguez

**Member Absent:** Christina Black

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

**Visitors/Citizens Addressing the Commission:** Lydia C. Serna, Erin Ramona Martinez, Chuck Hepler, Philip Torres, Bryan Russmann, Tamara Carlisle, Mike McCormick

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:00 p.m.
2. Citizen comments not related to an agenda item. None.
3. Consider the Minutes of the October 23, 2019, meeting.

*Commissioner McBride moved to approve the October 23, 2019 minutes. Commissioner Arnic seconded, and the motion passed by a vote of 5-0.*

4. SUP-19-13. Hold a PUBLIC HEARING and consider a request by Lydia C. Serna on behalf of James Quezada for a Specific Use Permit to allow a Bar on Part of Lots 1 and 6, Block 28, Original Town of Lockhart, consisting of 0.185-acre zoned CCB Commercial Central Business District and located at 109 West Walnut Street.

Mr. Gibson explained that the TABC changed the threshold for the percentage of business revenue generated by the sale of alcoholic beverages for on-premise consumption that triggers the requirement to be classified as a bar. It was previously 50 percent, but was lowered to 40 percent, with at least 60 percent of the revenue from food and nonalcoholic beverages now required in order to qualify as a restaurant. Because Lily's does not sell enough food to qualify as a restaurant under the new standard, it's necessary for them to apply for an SUP to allow a bar, even though the nature of the existing business is not changing. He presented maps and photos of the subject property and surrounding area, and mentioned that required permits had not been requested or issued for the signs shown on the front of the building. In addition, the Biker Church signage indicates that the building is being used as a church as well as a restaurant, but an application for the required SUP for a church had not been submitted or approved. He also mentioned that the ordinance requiring that bars be at least three 300 from churches had been changed by the City Council to exempt bars in the CCB district.

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

Lydia Serna, of 251 Wild Buffalo Street in Kyle, said that Lilly's had been at the current location since 2016. She has had more customers on the weekends who were shopping downtown and just wanted to order a beer but not necessarily eat. She could not serve them because she didn't have a TABC permit yet and the restaurant was BYOB only. In order to avoid conflicts with TABC, she needed to obtain approval as a bar. She added that she planned to start opening early and staying open later to sell tacos and more food.

Commissioner Rodriguez asked for information about the Biker Church.

Lydia explained that when her mother owned Lilly's bar in a different location, she offered them a place to meet for fellowship. The biker church then moved to the new location of Lilly's when it opened. She said that they would apply for the sign and specific use permits.

Chair Ruiz asked if there were any other speakers.

Erin Ramona Martinez, of 119 West Walnut Street, said she moved next door to the subject property two months ago, and supports approval of the specific use permit.

Chuck Hepler, of 2375 Sea Willow Road, said he is the Pastor of the Biker Church, and takes full responsibility for the not obtaining a specific use permit. They hold various charity events at Lilly's and would hate to lose that location. He said he would apply for the necessary specific use permit to allow a church, and added that he is in favor of the SUP for the bar.

Philip Torres, of 1817 South Colorado Street, Apt. 1601, said he is employed by Ms. Serna and supports approval of the specific use permit.

Bryan Russmann, of 701 West Live Oak Street, said he is a fellow small business owner in town and supports approval of the specific use permit.

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

Mr. Gibson said that staff recommended approval.

*Commissioner Arnic moved to approve SUP-19-13. Commissioner Oliva seconded, and the motion passed by a vote of 4-1 with Commissioner Rodriguez abstaining.*

5. SUP-19-14. Hold a PUBLIC HEARING and consider a request by 2120 Enterprises, LLC, on behalf of Tamara Carlisle for a Specific Use Permit to allow a Lodging House on part of Lot 1, Block 48, Original Town of Lockhart, consisting of 0.602-acre zoned RHD Residential Medium Density District and located at 617 West San Antonio Street.

Mr. Gibson presented the staff report, including maps and photos of the subject property and surrounding area. He mentioned a letter of support that was received from the owner of the property abutting to the west which shares a common driveway. The applicant will add four new parking spaces in the rear of the property to meet the requirement for a lodging house, which is one space per rental room plus one for the manager or permanent resident.

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

Tamara Carlisle, of 1700 Rye Road in Austin, said they also own 831 West San Antonio Street and the Commerce Gallery in Lockhart. She said that she and her partner restore older homes and plan to remodel the subject house to make three bedrooms with private bathrooms available for short term rentals, and added that the project will allow more lodging availability in town. There would be no food served but the tenants will have use of the kitchen and other communal spaces downstairs. Tenants would use a code to enter the building.

There was discussion about the shared driveway and parking issues.

Mr. Gibson said that the driveway and parking spaces on the subject property would meet the minimum standards without the portion of the driveway on the neighbor's side of the mutual property line. Therefore, if there were to be a dispute between the property owners it would be a private matter not affecting any compliance with City standards.

Chair Ruiz asked if there were any other speakers.

Mike McCormick, of 703 West San Antonio Street, said he supported approval of the specific use permit.

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

Mr. Gibson said that staff recommended approval.

*Commissioner McBride moved to approve SUP-19-14. Commissioner Oliva seconded, and the motion passed by a vote of 5-0.*

6. Hold a PUBLIC HEARING and consider recommending amendments to Chapter 64 "Zoning", of the Lockhart Code of Ordinances, Article VII "Zoning Districts and Standards", Section 64-203 "Nonresidential Appearance Standards".

Mr. Gibson explained that a new State law prohibits cities from requiring or restricting certain exterior building materials, so the City's preferred materials standards must be deleted from Section 64-203 of the Zoning Ordinance. However, all other provisions could remain in effect. In addition to deleting references to preferred materials, the amendment also includes clarifications and corrections to various other parts of the section. The Commission reviewed each affected provision, and recommended one additional change.

*Commissioner Oliva moved to recommend approval of the text amendments to City Council. Commissioner Arnic seconded, and the motion passed by a vote of 5-0.*

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

Mr. Gibson reported that the next Commission meeting date would be December 11<sup>th</sup>.

8. Adjourn.

*Commissioner Rodriguez moved to adjourn, and Commissioner Arnic seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:41 p.m.*

Approved: 12-11-2019  
(date)

  
Christine Banda, Recording Secretary

  
Philip Ruiz, Chair