

**City of Lockhart**  
**Planning and Zoning Commission**  
**April 13, 2022**

**MINUTES**

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

**Member Absent:** Manuel Oliva

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

**Visitors/Citizens Addressing the Commission:** Terry Black, Ricardo Rodriguez, Edgar Gutierrez, Stephanie Bradley, Tara Procell, Mark Gomez, Rosario Rodriguez, Dustin Welch, Jim Meredith, James Bowman

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 the March 23, 2022, meeting.

*Commissioner Arnic moved to approve the March 23, 2022, minutes. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0.*

4. SUP-22-07. Hold a PUBLIC HEARING and consider a request by Terry Black for a Specific Use Permit to allow a High-Profile Sign on 0.414 acre in Esther Berry Survey, Abstract No. 1, zoned CHB Commercial Heavy Business District and located at 2230 South Colorado Street (Us 183).

Mr. Gibson explained that there was previously a nonconforming high-profile off-premises sign at the same location, but that it had been removed without the permission or knowledge of the owner. The applicant/owner was proposing to replace the sign with a new one in the same location that would be the maximum height of 30 feet allowed for high profile signs, but the sign face would be smaller than the previous sign so that it would comply with current standards. He reported that the applicant had requested and received two variances from the Board of Adjustment to allow an off-premise sign less than 2,500 feet from a church, and to reduce the minimum setback for the sign from ten feet to five feet from the street right-of-way line. Approval of a Specific Use Permit is required for high profile signs.

Chair Ruiz opened the public hearing and asked if the applicant wished to speak.

Terry Black, of 429 Connolly Circle, said that he applied for the SUP so that the previous off premises sign, which was installed in the 1960's, could be replaced with a newer version at the same location. He explained that his brother allegedly destroyed the old sign, and that it is currently the subject of a civil lawsuit. He said that because the new sign is slightly taller than the old one, it will be less likely to obstruct the sign on the adjacent funeral home property.

Commissioner McBride said he was concerned about the 30-foot height of the proposed sign.

Mr. Black said the nearby Ford Motor Company sign is the same height, and that he didn't see what the difference would be.

Commissioner Arnic asked if Mr. Black had received permission for the sign from TxDOT.

Mr. Black said there is no need because he owns both the property and the sign. The sign would be advertising his business and not another business.

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 Peterson moved to approve SUP-22-07. Commissioner St. Ledger seconded, and the motion passed by a vote of 4-1-1, with Chair Ruiz against and Commissioner McBride abstaining.*

5. SUP-22-08. Hold a PUBLIC HEARING and reconsider a request by Ricardo Rodriguez on behalf of Stephanie Bradley for a Specific Use Permit to allow a Bar with extended hours to 2:00 a.m. on part of Lot 6, Block 17, Original Town of Lockhart, consisting of 0.06-acre zoned CCB Commercial Central Business District and located at 211 East Market Street.

Mr. Gibson reminded the commissioners that when the Specific Use Permit was originally approved one year ago, it was subject to reconsideration of the extended business hours to 2:00 a.m. after one year. The purpose of the reconsideration was to be able to review the record of police calls and complaints from neighboring properties during the year. He said he spoke with the police department and confirmed from Captain Bell that this bar was the source of most complaints after midnight on Fridays and Saturdays. He mentioned that one letter in favor and two letters in opposition had been received.

Chair Ruiz opened the public hearing and asked if the applicant wished to speak.

Ricardo Rodriguez, of 2001 FM 1322, said he was part owner of The Lounge bar, and that he was surprised to hear about the police report received by staff from the police department. He contacted Captain Bell, who said that all reports were outside the facility and only two of the reports were actual situations requiring police intervention. One was clearly a violation and the other happened on the New Year's Day. He personally called for police assistance to help defuse the situation. He expressed that he and his partners are very hands on with the business. They have weekly meetings with staff and employees to discuss ideas for making improvements to their operation, and they keep an open relationship with Chief Pedraza on how to resolve any issues the police department may have with their business. They also updated their dress code and installed security cameras. He said some of their late-night customers were from other bars that had closed at midnight. This bar is popular because they are the only ones open later, and they are doing everything they can to have a good, safe business environment. He mentioned the bar owners are involved with community activities such as soccer and little league baseball.

Chair Ruiz mentioned that all of the incidents from the report occurred outside the building.

Mr. Rodriguez said that they are still responsible for customers who leave their establishment, and that they must report any incidents to TABC.

Chair Ruiz asked for any other speakers in favor.

Stephanie Bradley, of 2541 Sol Wilson Avenue in Austin, said that she owns the building and that Mr. Rodriguez and his partners lease from her. She mentioned that they serve food, and have made a lot of improvements to the establishment. The inside of the bar looks great, and she is happy with them as a tenant. She mentioned that there is not enough parking in the area, so most patrons walk downtown to get to the establishment.

Edgar Gutierrez, of 273 Old Luling Road, said he is also a part of The Lounge ownership. He said that most young adults do not even go out until after 11:00 p.m. He had observed other bars that only have a door attendant and bartenders, but he said the The Lounge also has people on the floor making sure everything is in order to avoid any disturbances. If they see things are starting to get out of hand, they ask those individuals leave the premises. They show many events that go past midnight, such as pay-per-view sports and pool tournaments, which often require staying open late.

Tara Procell, of 1000 Tank Street, said she is the bar manager at Loop n Lil's, and she is a frequent customer of The Lounge, along with other business people downtown. She supports the bar and their request to remain open until 2:00 a.m. She said that it is natural to have disruptions from patrons and that it comes with the territory.

Mark Gomez, of 1221 Young Lane, said The Lounge has open-mic comedy nights that go past midnight. There is no other place nearby that has that opportunity. He stated his support for the extended hours request

Rosario Rodriguez, of 253 Martindale Lake Road in Maxwell, said he is a father, active in his community, and has a busy schedule. He likes to have a place nearby to go out late with his wife to unwind. He said it's the first sports bar downtown that provides good entertainment. The owners are good young men who also volunteer in the local Little League. The owners admitted to calling the police to help with incidents, and asked if it should be held against them for reaching out for help. He presented a petition containing 133 signatures in support of the bar staying open with extended hours.

Dustin Welch, of 207 E Market Street, Apt. B, read a statement he had written as well as a statement from the owner of the café located in the same building where he lives. The letters expressed complaints about loud verbal situations with patrons, urinating on the street and buildings, patrons exposing themselves, and drug deals going on in the street. They said these are nightly issues. They constantly clean the area near their building from the previous night, and fear these situations are getting worse.

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 he believed that the owners of The Lounge are honorable and have the best intentions, but a bar is a type of business that can be expected to have problems with customer behavior the later it stays open, and it appears that there have been situations that they could not control. Based on the report from the police department, it was his recommendation to revoke the extended hours to 2:00 a.m., resulting in a closing time no later than midnight.

Chair Ruiz mentioned that the incidents occurred in the street and not inside the building. He invited the applicant to respond to the concerns expressed.

Mr. Rodriguez said that he and his partners have discussed hiring an off-duty police officer to help with the outside incidents. They continue to meet every week with staff and partners to make necessary adjustments.

*Commissioner Arnic moved to approve SUP-22-08, allowing the extended hours to continue, subject to reconsideration in one year, and subject to hiring a security officer for the hours after midnight. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0.*

6. ZC-22-12. Hold a PUBLIC HEARING and consider a request by Jim Meredith on behalf of Robert A. Schmidt for a Zoning Change from CHB Commercial Heavy Business District to RHD Residential High Density District on 14.57 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 101 East China Street.

David Fowler described the location of the subject property, and the zoning pattern and land uses in the surrounding area. He said that the Land Use Plan map indicates Mixed Use as the future land use of the property, which is not entirely consistent with either the proposed RHD zoning classification or the existing zoning CHB classification. There is sufficient water infrastructure to serve the property, but the existing wastewater lines are inadequate for high density development. He indicated that so far there had been no public response to the notice for this application.

Chair Ruiz asked Mr. Fowler's opinion about the requested zoning change.

Mr. Fowler replied that a combination of commercial and residential use would be appropriate for the subject location.

Chair Ruiz opened the public hearing and asked if the applicant wished to speak.

Jim Meredith, of 4301 West Bank Drive in Austin, said he is a managing partner for Masonwood Development. He said there is a need for residential development in Lockhart, and that his company currently had a project in San Antonio where they are building 80 duplex units. He understood that there was a need for upgrades and extensions to the City's wastewater system, but he wanted to proceed with the proposed rezoning of the subject property. He stated that it would be a great project in a location that would make an appealing gateway into Lockhart.

Commissioner McBride asked what they plan to develop on the property.

Mr. Meredith said they plan to build two-car garage, detached single-family units at a higher density. They may explore a gated community with homes having a market price in the \$350,000 range. They are willing to help the City with any necessary wastewater line extension.

James Bowman, of 1208 North Commerce Street, said he came to find out about what was being proposed for the property next door to his. He wants neighbors who take pride in their property, and didn't want a truck stop or convenience store.

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

Mr. Fowler said that he had discussed the option of PDD Planned Development District zoning with the applicant, as it was probably better suited for the proposed development type. He said staff recommended tabling the zoning change until the May 25<sup>th</sup> Planning and Zoning Commission meeting, when results from the City's wastewater study for the north Lockhart area should be available.

*Commissioner Arnic moved to table ZC-22-12 to the May 25<sup>th</sup> Commission meeting. Commissioner Lingvai seconded, and the motion passed by a vote of 5-1, with Commissioner Peterson abstaining.*

7. FP-22-01. Consider a request by Blayne Stansberry, P.E., on behalf of GAH Owner, LLC, for approval of a Final Plat for GAH Subdivision, consisting of 13.43 acres zoned CLB Commercial Light Business District and RHD Residential High Density District, and located at 1505 South Main Street, including a Variance to Section 52-76(d) of the Subdivision Regulations to allow more than one flag lot.

Kevin Waller described the proposed subdivision, and explained the concurrently requested subdivision variance to allow more than one flag lot in the subdivision, since both lots were flag lots. The lots would share a 60-foot wide joint access easement. He mentioned that a 50-foot wide strip of the subject property was proposed be sold and become part of the adjacent Golden Eagle subdivision west of the property, which is why the strip was not included on the plat. He reviewed the criteria for a variance.

Chair Ruiz asked about the parkland fee.

Mr. Waller said that the Parks Director agreed that they could pay the fee in lieu of parkland dedication.

*Commissioner McBride moved to approve FP-22-01, including a subdivision variance to allow more than one flag lot. Commissioner Peterson seconded, and the motion passed by a vote of 6-0.*

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


Mr. Gibson stated that the next regular meeting date is April 27, 2022, and that applications had been received for that meeting.

9. Adjourn.

*Commissioner Lingvai moved to adjourn, and Commissioner Arnic seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:40 p.m.*

Approved: 4-27-2022  
(date)

  
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Christine Banda, Recording Secretary

  
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Philip Ruiz, Chair