

**City of Lockhart
Planning and Zoning Commission
January 27, 2016**

MINUTES

Members Present: Philip Ruiz, Bill Faust, Phil McBride, Adam Rodriguez, Steve Visage, Christine Black

Members Absent: Manual Oliva

Staff Present: Dan Gibson, Christine Banda

Visitors/Citizens Addressing the Commission: Jason Jones, Randy Sulsar, Stephen Lawson, Parind Vora, Janet Christian, Ron Faulstich, Jeff Gibeaux, Joel Gammage

1. Call meeting to order. 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 January 13, 2016 meeting.

Commissioner Rodriguez moved to approve the January 13, 2016, minutes. Commissioner Faust seconded, and the motion passed by a vote of 6-0.

4. SUP-16-02. Hold a PUBLIC HEARING and consider a request by The Well Church at Story Hall for a Specific Use Permit to allow a Church and Special Events Center on part of Lot 3, Block 17, Original Town of Lockhart, consisting of approximately 0.077 acre zoned CCB Commercial Central Business District, and located at 102 South Commerce Street.

Mr. Gibson explained that the applicant would like to turn the subject property into a church and a special events center, and both of these uses require a specific use permit in the CCB Commercial Central Business District. He mentioned that there are four other churches in the downtown area but this would be the first one on the actual courthouse square. Any new businesses that request a TABC license for on-premise consumption of alcohol would have to be at least 300 feet away from any church or school, as measured from front door to front door. Mr. Gibson noted that the City Council recently adopted an ordinance to provide a variance process for new businesses wishing to sell alcoholic beverages for on-premise consumption within 300 feet of a church or school, and that the City Council would consider such requests in a public hearing. He said one letter of opposition was in the commissioner's packet, but since then seven more letters and e-mails had been submitted in opposition to the specific use permit. Mr. Gibson said the main concern was that the church would prevent new restaurants and bars from opening on the square.

Commissioner Ruiz mentioned for the record the uses allowed in CCB Commercial Central Business District under Section 64-196(h).

Chair McBride opened the public hearing and asked for any speakers in favor of the application to come forward.

Jason Jones, of 608 Bois D'Arc, said he is the Pastor of the Well in Austin, but when they move the church to Lockhart it would be called the Well at Story Hall in Lockhart. He believes the church would not stop growth in Lockhart, and understands the city's position on alcohol consumption. He said that the church is not against alcohol and would not be opposed to any business that would propose the sale for on-premise consumption. He believes the ordinance adopted by City Council on January 19, 2016 would aid any businesses wanting to sell alcohol within 300 feet of a church or school. He said he is involved with the Lockhart community, and the church works closely with musicians and artists. They thought Lockhart would be the perfect fit. The church did not intend to cause any problems.

Randy Sulsar, of 2000 Old McMahan Road, said he is the current owner of the building in question. He has been in Lockhart for ten years, and for the last three years had served on the Mayor's Downtown Revitalization Committee. He organized the Lockhart Area Music Association, and is very involved with the cultural and economic growth of Lockhart. He supported approval of the specific use permit and viewed it as helping with the growth of the community. He said the variance option would help those new businesses in the future.

Stephen Lawson, of 207 South Church Street, spoke in favor of the specific use permit application. He agreed with Mr. Sulsar that the applicant is in favor of growth such as restaurants, and under the new ordinance adopted by city council each case would have the opportunity for approval of alcohol sales for on-premise consumption within 300 feet of a church or school.

Chair McBride asked for any other speakers in favor of the application and, seeing none, he asked for those in opposition to come forward

Parind Vora, of 113-B East San Antonio Street, said he is the owner of Lockhart Bistro. He explained that when he was looking to relocate his business from Austin he picked Lockhart because there were no churches in the courthouse square. He explained that before applying for the TABC license you must already have a signed lease. There are no guarantees that a variance would be approved, so someone could lose the entire deposit on their lease. He said he believed that churches should not be allowed downtown on the square. He also mentioned that there is insufficient parking to accommodate a church. He further said that churches don't spend money in the community and the church itself would not have to pay property taxes. The church would stop all redevelopment downtown. Mr. Vora said the intentions of the church are honorable, but the ramifications are greater. He mentioned the Hot Rods and Hatters car show coming up, and the annual Dickens on the Square celebration, both of which have alcohol sold and consumed on the square. He said that although this church may not oppose the on-premise consumption of alcoholic beverages, another church wanting to locate on the square might take a different position.

Janet Christiansen, of 110 Harold's Road, said she owns Chisholm Trail Ballroom, which is at the south end of the same block. She said that she did not object to another church opening in Lockhart, but does oppose the location on the courthouse square. She said that no businesses that dramatically affect any other businesses in the square should be allowed. She noted that her business is looking for a long term tenant in their space, and had a serious potential business interested, but they emailed her withdrawing their commitment if the specific use permit was approved. She said this serious restriction could affect the property value of her building and other properties nearby. She reiterated that, as a tax-exempt entity, the conversion of the building to a church would eliminate the current property tax revenue for the City and other taxing entities. Ms. Christiansen said she usually rents her space out on Sunday's, which is when the church is most likely to be a maximum capacity and occupy the available parking spaces in the area. She said Lockhart is finally seeing the growth downtown, and that a church on the square could stop that growth. She asked that the Commission continue to encourage appropriate retail uses downtown.

Ron Faulstich, of 121 Nueces Street, said that he owns two buildings downtown and on the square. His property at 202 East Market Street has already been leased for a bar. He moved his printing business to the first floor of 113 East San Antonio Street, which will also have an apartment on the second floor. He said that, should the current uses of the buildings change, this specific use permit could restrict his options to lease or sell them for a restaurant or bar in the future. He also said the property values and parking would be affected negatively. He noted that he has nothing against churches, but the downtown square is not a good location for them.

Jeff Gibeaux, of 18335 FM 86, Red Rock, Texas, said he had a vested interest downtown since he owns 110 South Commerce Street as well as other buildings, and he is opposed to this specific use permit. He has nothing against the church, but thinks businesses are more appropriate downtown. He likes the growth that he had seen, and would like more viable businesses in the square.

Joel Gammage is an owner of Texas Hatters at 916 South Main Street. He said he has worked on major community events, specifically live music and entertainment. The outdoor events started at his business, then moved to Cedar Hall and, with the growth of the events they had to move to the downtown area. He would like to provide for his family and future generations to enjoy the outside entertainment. He noted that both chambers of commerce rely on the sale of alcohol at their events, and his organization benefits from the sale of alcohol at its events as well. His concern was the impact of a church on businesses and future growth downtown. He said he was not opposed to a church but, just like everyone else, he opposed the proposed location.

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

Mr. Gibson read his recommendation from the written staff report. He said after hearing the substantial amount of opposition expressed, he would change his recommendation to denial for the church portion of the application. Approval of the special events center portion would not create a problem with regard to separation for businesses wanting to sell alcoholic beverages for on-premise consumption.

Steve Visage stated that he is employed at Harrison Partners Realty where another employee is involved in the sale of the subject building, but he does not have a conflict because he has no financial interest in the sale.

Commissioner Faust moved to deny the church use for SUP-16-02. Commissioner Rodriguez seconded, and the motion passed by a vote of 6-0.

Commissioner Ruiz moved to deny the special events center use for SUP-16-02. Commissioner Faust seconded, and the motion passed by a vote of 6-0.

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

Mr. Gibson informed the Commission that no applications had been received for their next meeting date of February 10, 2016.

6. Adjourn.

Commissioner Faust moved to adjourn, and Commissioner Black seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:09 p.m.

Approved:


Christine Banda, Recording Secretary

2/24/2016
(date)

Philip McBride, Chairman