

City of Lockhart
Planning and Zoning Commission
March 9, 2016

MINUTES

Members Present: Manuel Oliva, Philip Ruiz, Phil McBride, Adam Rodriguez, Bill Faust, Christine Black

Members Absent: Steve Visage

Staff Present: Dan Gibson, Laura Rouse-DeVore

Visitors/Citizens Addressing the Commission:

1. Call meeting to order. Chair McBride called the meeting to order at 7:00 pm.
2. Citizen comments not related to a public hearing item. None
3. Consider the Minutes of the February 24, 2016 meeting.

Commissioner Faust moved to approve the February 24, 2016, minutes. Commissioner Oliva seconded, and the motion passed by a vote of 6-0.

4. Hold a PUBLIC HEARING and consider a recommendation to amend Chapter 64 "Zoning" of the Lockhart Code of Ordinances to:
 - 1) Revise Section 64-2 Definitions, by adding a new definition for "Limited industrial manufacturing".
 - 2) Revise Section 64-196(i) Commercial medium business district (CMB), by adding in Paragraph (1) "Light assembly/fabrication or custom handicraft manufacturing" as a use permitted by-right.
 - 2) Revise Section 64-196(i) Commercial medium business district (CMB), by adding in Paragraph (2) "Limited industrial manufacturing" as a specific use.
 - 3) Revise Section 64-196(j) Commercial heavy business district (CHB), by adding to the list of uses in Paragraph (1)(a) that are exceptions from being allowed by-right.
 - 4) Revise Section 64-196(j) Commercial heavy business district (CHB), by adding in Paragraph (2) "Limited industrial manufacturing" as a specific use.
 - 5) Add a new Section 64-204, regulating cargo/storage containers as an accessory use.

Chair McBride introduced the item and noted a point of clarification that it contains six proposed amendments and not five due to a numbering error on the agenda.

Mr. Gibson said the agenda was prepared and posted before the amendment text and memo were written, so the item might read slightly different when it goes to City Council due to the evolution of the amendments being proposed.

Mr Gibson noted that there is a business looking to relocate to Lockhart, and that their proposed use isn't allowed in the commercial zoning of the property that they are considering purchasing. He said that he had visited the current location of the business in Austin and that it appears to be an office building or other commercial use from the exterior. Also, it's situated in an area of mixed uses, including residential. He said that you would never know what goes on inside the building because there were no unusual external impacts associated with the use. Mr. Gibson said it would be compatible in a commercially-zoned area because the impacts are no more intense than many commercial uses. He said that the first five amendments create a new use classification that would accommodate this situation.

Commissioner Faust asked if the neighboring properties were notified as part of the public hearing process.

Mr. Gibson clarified that this was a public hearing for a text amendment with broad application that applies to the CMB and CHB districts throughout the city, and not just that specific neighborhood.

Commissioner Faust asked if the Commission was taking a chance of setting a precedent by considering these changes, and what percentage of properties may be affected by the proposed amendments.

Mr. Gibson indicated that the affected properties in terms of precedent could be anywhere in the CMB and CHB districts, which are depicted on the current zoning map as red and light red. He said that the amendments were written to be narrow enough so as to not allow something that would be more appropriate in the industrial zoning districts. He also clarified that the use would require a Specific Use Permit in either commercial zoning district, which involves a public hearing whereby the Commission considers and approves the use on a case-by-case basis. He said that the new use would be called "Limited Industrial Manufacturing". He discussed the differences between the proposed definition of "Limited Industrial Manufacturing" and the term "Light Assembly/Fabrication or Custom Handicraft Manufacturing", which currently exists in the ordinance.

Chair McBride asked if this applied to a company that manufactures caskets, for example.

Mr. Gibson explained that it really would only apply to a manufacturer of smaller products and parts based upon the limitations imposed. He explained that was the reason for calling the new use "Limited Industrial Manufacturing"

Commissioner Ruiz asked if this only applied to products that have been previously processed.

Mr. Gibson clarified that they didn't want to restrict the use that way, but that the specific business which became the catalyst for this text amendment actually designs and manufactures the parts and ships them somewhere else for final assembly. He said that the prospective business doesn't sell their products retail or wholesale.

Commissioner Ruiz expressed concerns about the use of hazardous or toxic materials, and he asked if the words "small" or "limited" should be quantified.

Mr. Gibson explained that section 64-198 of the zoning ordinance addresses performance standards for commercial and industrial districts. He noted that flammable and toxic materials, hazardous materials, and nuisances such as noise were covered. He noted that the only exception is in the Industrial Heavy District, where uses that don't meet the performance standards are allowed as a specific use. Mr. Gibson described the differences between the Industrial Light District and the Industrial Heavy District.

Discussion ensued about the need to further quantify the terms "limited" and "small". Chair McBride reminded the commission that a Specific Use Permit is still required. Commissioner Faust suggested that the Commission establish a policy among themselves to quantify what could be considered "small" or "limited". Mr. Gibson pointed out that the term "parcel delivery service" in the proposed amendment limits potential products and operations anyway.

Mr. Gibson suggested possibly adding the term "for final assembly offsite".

Commissioner Faust said that would be too restrictive, and that it would have to be changed in the future for another potential business or company that didn't meet that criteria.

Chair McBride said that he did not see how you could quantify it by cost or by numbers.

Mr. Gibson noted that the use "Light assembly/fabrication or custom handicraft manufacturing" is listed as a specific use in the Commercial Central Business District, but was apparently inadvertently omitted from the Commercial Medium Business District and from the Commercial Heavy Business District. He stated that the proposed amendment corrects this issue by allowing that use by-right in the CMB and CHB districts. Mr. Gibson said that "Limited Industrial Manufacturing" would still be a specific use in those districts.

Chair McBride opened the public hearing on the first five amendments proposed. He noted that there was no one present in the audience, and closed the public hearing.

Chair McBride called for a motion on the proposed amendments 1-5 as corrected on the agenda.

Commissioner Faust moved to recommend approval of the first five text amendments to the City Council. Commissioner Rodriguez seconded, and the motion passed by a vote of 5-1, with Commissioner Oliva dissenting.

Chair McBride introduced the last proposed text amendment.

Mr. Gibson explained that staff has issued building permits to residents wanting to use shipping containers as a storage building in their rear yards. He said that staff had received complaints from neighbors, but had no way of prohibiting the use of these types of buildings as accessory structures in residential areas. Mr. Gibson noted that the City doesn't have any appearance standards for residential uses like we have for other uses. He said that the proposed amendments address the use of these types of structures as permanent uses, as well as accessory structures and temporary structures. He said that section 64-204 is currently unused, so it's available for adding new standards addressing such containers. He noted that the City was proposing to use the word "transport containers" to define and regulate these types of structures. He said that the City had also included rail car chassis into the language because rail cars had been converted to restaurants and other uses in some cities.

Discussion ensued regarding various applications and uses of "transport containers".

Mr. Gibson explained that the first part of the new proposed Section 64-204 referred to the potential uses of "transport containers" as a principle use, which would require compliance with all City codes and ordinances. He explained that the second part of the proposed new Section 64-204 refers to the use of transport containers as an accessory use. He noted that they would no longer be allowed as an accessory building in residential or commercial districts, but clarified that transport containers currently being used as accessory buildings in rear yards in residential areas would be grandfathered.

Chair McBride asked if the Youth Soccer League and other similar organizations could use a transport container to store equipment by the fields.

Mr. Gibson clarified that it would be permitted. He said that the Public/Institutional District (PI) could be added as a district where transport containers would be prohibited if the Commission felt like it would be more appropriate.

Commissioner Ruiz said that he felt that it was appropriate, and Commissioner Faust agreed.

Mr. Gibson said that staff would add the PI district to the list, so that the use of transport containers as an accessory building would be prohibited in the residential, commercial, and public districts, but would still be allowed in agricultural and industrial zoning districts.

Mr. Gibson explained that the third part of the proposed new Section 64-204 referred to the temporary use of transport containers. For example, it's common for transport containers to be used on construction sites for the storage of tools and building materials. He said that some larger retailers may use the transport storage containers for seasonal inventory storage during holidays.

Commissioner Faust said that contractors and homeowners use transport containers or other types of portable storage on residential lots for short periods of time to store home furnishings during construction, as well.

Commissioner Black agreed with Commissioner Faust and said that her cousin recently had a home remodel project that went longer than expected, and they used a portable container to store their home furnishings for ninety days.

Commissioner Faust suggested adding a provision to allow an extension to the 30-day limit upon written request and approval by the zoning administrator.

Chair McBride asked staff if the City has an ordinance that prohibits the placement of accessory buildings in front yards.

Mr. Gibson replied that the City didn't have such an ordinance, but that building setbacks and fire codes make it very difficult to place an accessory building in a front yard in Lockhart.

Discussion ensued regarding changing the first sentence about removal of transport containers on construction sites to be based on the building passing final inspection rather than issuance of a certificate of occupancy.

Mr. Gibson noted that Wal-Mart sometimes uses the portable storage containers for excess inventory during the holiday season, and that the 30-day period plus one 30-day extension should be enough to accommodate their seasonal needs.

Commissioner Black mentioned that Black's Barbecue also used portable storage containers for additional inventory during the Holiday season.

Mr. Gibson clarified a change to the language of the first sentence of the third part of the proposed new Section of 64-204 to say that they must be removed up passing final inspection, instead of upon issuance of a certificate of occupancy. He clarified the second sentence to read: "Transport containers designed and intended for temporary storage of household or office goods or furnishings or retail products may be placed on property for the containers to be loaded and unloaded, without a building permit, for a period not exceeding 30 days per calendar year, with an extension of no more than 30 additional days upon approval by the zoning administrator."

Ms. Rouse-DeVore added that applicants should submit their request for an extension in writing.

Mr. Gibson said he would add "upon written request and justification" to the end of the second sentence.

Chair McBride opened the public hearing on the sixth amendment proposed. He noted that there was no one present in the audience, and closed the public hearing.

Chair McBride called for a motion on the proposed sixth text amendment, as further amended.

Commissioner Rodriguez moved to recommend approval of the sixth text amendment, as amended, to the City Council. Commissioner Black seconded, and the motion passed unanimously by a vote of 6-0.

5. Discuss date and agenda of next meeting, including Commission requests for a staff report items on agenda of next meeting.

Mr. Gibson stated that the proposed text amendments would be on the City Council agenda for their Tuesday, March 15, meeting. He also stated that there would be a Commission meeting on March 23, 2016. to consider an application for a specific use permit.

6. Adjourn.

Commissioner Faust moved to adjourn, and Commissioner Oliva seconded. The motion passed by a vote of 6-0, and the meeting adjourned at 8:19 pm.

Approved: 3/23/2016
(date)



Laura Rouse-DeVore, Recording Secretary



Philip McBride, Chairman