

**City of Lockhart  
Planning and Zoning Commission  
August 10, 2016**

**MINUTES**

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

**Members Absent:** Steve Visage

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

**Visitors/Citizens Addressing the Commission:** Juan Campos, Vincent Ortiz, Roberto Esquivel, Tom Earnest

1. Call meeting to order. Chair McBride called the meeting to order at 7:00 p.m.
2. Citizen comments not related to a public hearing item. None.
3. Consider the Minutes of the July 27, 2016 meeting.

*Commissioner Faust moved to approve the July 27, 2016, minutes. Commissioner Oliva seconded, and the motion passed by a vote of 6-0.*

4. SUP-16-09. Hold a PUBLIC HEARING and consider a request by Juan Campos for a Specific Use Permit to allow a Manufactured Home on 0.32 acre in the Byrd Lockhart League, Abstract No. 17, zoned RMD Residential Medium Density District and located at 1304 Hondo Street.

Mr. Gibson explained that this item was tabled at the Commission's July 13 meeting because the proposed home did not meet the standards for a manufactured home on a residential lot. The delay would give the applicant time to arrange for a different home that complies with the standards. The subject property is zoned RMD Residential Medium Density District, which requires approval of a specific use permit for manufactured homes. He concluded by referring to the site and floor plans in the commissioner's packet. He mentioned that the new home would comply with all standards, including adequate off-street parking required by the city. Mr. Gibson reported that no opposition had been expressed as a result of the public hearing notice, and he recommended approval of the specific use permit.

Chair McBride open the public hearing and asked the applicant to come forward.

Juan Campos of 1304 Hondo Street requested the Commission's favorable vote on his application.

Commissioner Rodriguez asked if the remaining buildings on the property would be removed.

Mr. Campos said that he planned to remove the buildings.

Commissioner Oliva asked if the home would be rented out or if the applicant would live there.

Mr. Campos said that his family would live in the manufactured home.

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

*Commissioner Rodriguez moved to approve SUP-16-09 subject to a condition that the three remaining accessory buildings be removed from the property. Commissioner Faust seconded, and the motion passed by a vote of 6-0.*

5. SUP-16-10. Hold a PUBLIC HEARING and consider a request by Michael Mendoza on behalf of Stephanie Bradley for a Specific Use Permit to allow a Bar to sell liquor with extended hours to 2:00 a.m. on part of Lot 6, Block 17, Original Town of Lockhart, consisting of 0.6-acre zoned CCB Commercial Central Business District and located at 211 East Market Street.

Laura DeVore explained that the original specific use permit for the subject property was approved on May 9, 2012, which allowed the bar to be open until midnight and to sell only beer and wine. She said that the new owner, Michael Mendoza, requests that the hours be extended until 2 a.m. on certain days and to allow the sale of liquor. She continued with a presentation showing the neighboring businesses, including the bar across the street that already has a permit approved in 2015 for extended hours and selling liquor by the drink. She mentioned that staff received one letter of opposition from the owners of nearby apartments in regards to the extended hours only. Ms. DeVore said that staff recommended approval of the specific use permit.

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

Vincent Ortiz of 1004 North Commerce Street said that the bar has been under the current ownership since February 20, 2016.

Commissioner Faust asked if they would sell any food items.

Mr. Ortiz said that they do not have food at this time because the building is older and the expense to expand and remodel for a kitchen would be too great. He said that his mother does provide breakfast tacos to their patrons.

Chair McBride asked if there were any other speakers and, seeing none, he closed the public hearing.

*Commissioner Oliva moved to approve SUP-16-10. Commissioner Ruiz seconded, and the motion passed by a vote of 6-0.*

6. SUP-16-11. Hold a Public Hearing and consider a request by Roberto Esquivel on behalf of Mark Anthony Hernandez for a Specific use Permit to allow a Manufactured Home on 0.18 acre in the Byrd Lockhart League, Abstract No. 17, zoned RMD Residential Medium Density District and located at 903 Perez Street.

Ms. DeVore explained that the applicant would like to place a new manufactured home on the subject property. She said that the front door of the home would not face Perez Street as stated in the staff report because the existing lot is not wide enough to orient the home in that direction. She also stated that one letter of opposition was received from an owner of property on nearby Alex Street. Ms. DeVore recommended approval of the specific use permit.

Commissioner Ruiz asked if storm-water drainage from the abutting manufactured home park would be an issue.

Mr. Gibson said he did not believe so because the swale directed water to the east of the subject property.

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

Roberto Esquivel of 2018 FM 672 said that he would like to place the manufactured home on the property.

Commissioner Oliva asked if Mr. Esquivel had any concerns about drainage onto his property.

Mr. Esquivel said no because the drainage goes around his property to the east.

Chair McBride asked for any other speakers.

Bonnie Nava said she owns the vacant property between 1015 and 1009 Johnson Street. She stated that she had previously tried to apply for a manufactured home for her property, and was turned down. Therefore, she said she is opposed to approval of a permit for this manufactured home.

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

Commissioner Rodriguez commented that the new manufactured home would be an improvement to the vacant lots along Perez Street.

*Commissioner Rodriguez moved to approve SUP-16-11. Commissioner Faust seconded, and the motion passed by a vote of 6-0.*

7. Hold a PUBLIC HEARING on Wednesday, August 10, 2016, at 7:00 PM in the Glosserman Room at City Hall, 308 West San Antonio Street, Lockhart, Texas, to receive public comments regarding a proposed ordinance amending Chapter 64 "Zoning", of the Lockhart Code of Ordinances, Article VII "Zoning Districts and Standards", Section 64-203 "Nonresidential appearance standards", Paragraph (5) "Screening", to change the screening requirement for loading docks on properties abutting streets other than major thoroughfares.

Mr. Gibson explained that the proposed amendment resulted from a request by an applicant whose application for a zoning variance to waive the screening requirement for a new building with loading docks visible from the street was not approved by the Zoning Board of Adjustment. His architect, Thom Earnest, had approached the City Council with suggested wording to change Section 64-203 "Nonresidential Appearance Standards" to suit the needs of his client. Unlike a variance, Mr. Gibson reminded the Commission that a text amendment would affect any future construction in the city that is subject to the provision in question. He said that staff had proposed an alternate site layout that involved moving the building up to the front setback line, relocating the parking lot to the rear, and turning the building so that the loading docks would face the rear. The Zoning Board of adjustment had expressed displeasure that Mr. Earnest had not made a greater effort to meet with staff to consider other options that would help comply with the current screening provision.

Mr. Gibson continued by explaining that State law and our zoning ordinance provide a process of appeal to district court where an applicant feels aggrieved by an action of the Zoning Board of Adjustment. Instead, in this case Mr. Earnest appeared before the City Council and requested that the ordinance be changed to accommodate the site plan he had originally proposed. He presented examples from Bastrop and Luling ordinances that do not require screening of loading docks from streets other than major thoroughfares where the loading docks are at least 75 feet from the street right-of-way. The City Council then instructed staff to bring an amendment back to them for consideration. Mr. Gibson referred to a survey of ordinance requirements from 13 cities, including Bastrop, Luling, and our own standards which revealed that although the Bastrop and Luling standards were identical, all of the other cities had requirements that were at least as strict as Lockhart's current standards, and most were stricter.

Mr. Gibson reminded the Commission that any changes to the zoning map or text require both the Planning and Zoning Commission and the City Council to hold public hearings, and that the Commission's vote is a recommendation to the Council.

Commissioner Ruiz said it was ludicrous to change our ordinance without proper justification.

Chair McBride opened the public hearing.

Tom Earnest explained that his client hired him to design his new facility so that they could move his existing business from Trinity Street to his property on Bufkin Lane. He said the owner had been in business since 1968 and that the trucks they use are parked in the front of the loading area on Trinity Street now, and that they would continue to park the trucks in front of the loading docks along Bufkin Lane. He said that the loading docks would not be seen with the trucks parked in front of them. He stated that the proposed ordinance amendment would provide more flexibility and help other businesses. He believed that the other owners of property along Bufkin Lane would not be offended by the proposed site plan because most of the businesses already have roll-up doors.

Commissioner Faust asked Mr. Earnest if he had researched the City ordinance to determine the requirements before he designed the site plan.

Mr. Earnest said he had not.

Commissioner Faust stated that it was the architect's fault for not doing any research before designing the site plan, and that there are differences between a roll-up door and a loading dock.

Mr. Gibson added that a loading dock is typically raised above ground.

Chair McBride asked if there were any more questions and, hearing none, he moved to Commission discussion.

Commissioner Faust commented that the staff's suggestion for the alternative site layout would be a good way to meet the City standards.

Chair McBride was concerned that this would affect the city as a whole, and said he is a firm believer in screening.

*Commissioner Ruiz moved to recommend to the City Council that the zoning ordinance provision in question not be amended. Commissioner Oliva seconded, and the motion passed by a vote of 6-0.*

8. FP-16-02 Consider a request by Cruz Reyna for approval of a Final Plat for Reyna Acres, consisting of two lots on 4.972 acres in the James George Survey, Abstract No. 9, zoned RLD Residential Low Density District and located at 1545 Lovers Lane; including a request for a Variance to Chapter 52 "Subdivisions", Section 52-77 "Sidewalks", to waive the requirement to construct a four-foot wide public sidewalk along the Lovers Lane frontage.

Ms. DeVore explained that the plat divides the subject property into two lots. Upon application by the owner, the zoning of the property had recently been changed from AO to RLD to reduce the minimum lot width to accommodate the proposed lots along the available street frontage. The owner's intention is to keep the lot with the existing home where his daughter would live, and to sell the larger lot. The plat dedicates 21 feet of additional right-of-way width for future expansion of Lover's Lane in accordance with the thoroughfare plan map, and the application includes a variance to waive the requirement for construction of a four-foot wide public sidewalk along the Lover's Lane frontage. Ms. DeVore recommended approval of both the plat and the variance. She said that the future design of the arterial street and associated drainage is unknown at this time, and if the sidewalk were constructed now it would probably have to be rebuilt when Lover's Lane is widened.

Chair McBride asked if there were any speakers and, seeing none, he moved to Commission discussion.

Commissioner Faust noted that if the applicant did build the sidewalks now, they would not connect to any other sidewalk, but that it is important for the city to obtain sidewalks. He asked if the Commission could require payment of a fee in lieu of construction of the sidewalk so that it could be built later at the time of street reconstruction.

Commissioner Oliva commented that this road does not currently have any curb and gutter.

Mr. Gibson reiterated that it is unknown how the design of Lover's Lane would affect a sidewalk location or elevation, so the requested variance is reasonable. However, the subdivision regulations do have a provision allowing, at the City's discretion, the subdivider to pay a fee in lieu of construction of a sidewalk based upon an amount per linear foot approved by the City, at the time the subdivision plat is recorded. He said the fee is deposited in a separate account so that it will be available when needed.

*Commissioner Faust moved to approve FP-16-02 subject to the owner paying a fee in lieu of construction of the public sidewalk in an amount approved by the City, with the fee to be applied to future construction of the sidewalk when Lover's Lane is widened as proposed on the thoroughfare plan map. Commissioner Ruiz seconded, and the motion passed by a vote of 4-2, with commissioner's Black and Oliva voting against.*

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

Ms. DeVore said the next meeting is August 24, with three specific use permit applications on the agenda. Commissioner McBride mentioned that he would be on vacation that day.

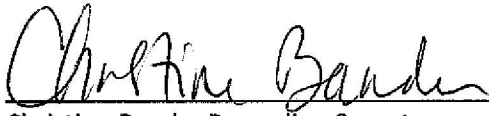
10. Adjourn.

*Commissioner Oliva moved to adjourn, and Commissioner Faust seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:22 p.m.*

Approved:

8/24/2016

(date)



Christine Banda, Recording Secretary



Phil McBride, Chairman