

**City of Lockhart  
Planning and Zoning Commission  
November 30, 2016**

**MINUTES**

**Members Present:** Philip Ruiz, Bill Faust, Christina Black, Manuel Oliva, Mark Villalobos, Mary Beth Nickel

**Members Absent:** Phil McBride

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

**Visitors/Citizens Addressing the Commission:** Conley Covert, Alexandra Worthington, Steven Collins, Rudy Ruiz, Fermin Islas, Jim Smith, Philip Kyle

1. Call meeting to order. Vice-Chair Ruiz called the meeting to order at 7:08 p.m.

2. Citizen comments not related to a public hearing item. None.

3. Consider the Minutes of the November 9, 2016 meeting.

*Commissioner Faust moved to approve the November 9, 2016, minutes. Commissioner Villalobos seconded, and the motion passed by a vote of 6-0.*

4. SUP-16-16. Hold a PUBLIC HEARING and consider a request by Conley Covert on behalf of Infrared Real Estate Group, LLC, for a Specific Use Permit to allow a Food Processing and Preparation Plant, Special Events Facility, and Mixed Use Building on Part of Lot 1, Block 23, Original Town of Lockhart, consisting of 0.065 acre zoned CCB Commercial Central Business District and located at 101 East San Antonio Street (SH 142).

Mr. Gibson explained that the subject property, known as the Brock Building, is located at the intersection of San Antonio Street and Main Street. The specific use permit application consists of three parts. Food products are to be prepared and packaged on the first floor, where there would also be a retail sales counter. The second floor would have an apartment, a demonstration kitchen for video production and classes, and space for special events. Use of the third floor was unspecified but could be offices or apartments in the future. Therefore, the functions that require approval of a specific use permit are food processing and preparation plant, special events facility, and mixed use building.

Commissioner Faust asked if the food processing would be a butcher shop.

Mr. Gibson replied that the applicant could address that question, but he didn't think it would be a butcher shop.

Vice-Chair Ruiz asked what types of special events would be held.

Mr. Gibson replied that the applicant would be the best person to answer that question.

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

Conley Covert, of 901 West 9<sup>th</sup> Street, Suite 110, in Austin, was present to represent the proprietor of the business that proposes to occupy the first and second floors. He said the first floor would be used for production of food products and retail sales. It most likely be a commissary kitchen, with finished products stored at another location for wider distribution. It would be arranged so that the kitchen operations could be viewed by customers inside as well as through windows by passers-by on the outside. The second floor will have a combination of apartment, office space, and space for cooking classes and other events.

Alexandra Worthington, of 5416 Agatha Circle in Austin, explained that her business is now located at 3913 Todd Lane in Austin. She had ridden her bike through Lockhart and loved the city. She would like a downtown grocery or bodega-type shop, but with boutique food manufacturing. They would sell gourmet products that are made on-premise, along with offering prepared meals and freshly baked breads. Cooking classes or supper clubs could meet upstairs. She mentioned that they have worked with the Food Network and other television productions before, and may be able to record cooking-related videos from the demonstration kitchen on the second floor.

Commissioner Oliva asked if the food is for retail sale or wholesale distribution.

Ms. Worthington replied that there would be both on-premise retail sales of packaged food as well as distribution to other outlets. She mentioned that some of her products are distributed through HEB now. Examples include salsas and queso, which are in 16-ounce jars that are transported in a 15-foot refrigerated truck.

Commissioner Villalobos asked how many jobs would be created by the business.

Ms. Worthington replied that they currently employ 11, but if they are able to move they will need personnel at their off-site distribution space in addition to staff at their downtown location.

Vice-Chair Ruiz asked if there would be any strong smells from the food production activity that would be evident outside the building.

Ms. Worthington replied that it would be no different from a restaurant.

Philip Kyle, of 708 Rio Grande Street in Austin, is the architect for the project and said that it smelled wonderful when he visited their location in Austin.

With no one else wishing to speak, Vice-Chair Ruiz closed the public hearing and asked for the staff recommendation.

Mr. Gibson said that staff recommended approval.

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

5. ZC-16-08. Hold a PUBLIC HEARING and consider a request by Conley Covert on behalf of Jim Smith Rentals, LLC, for a Zoning Change from CMB Commercial Medium Business District to CHB Commercial Heavy Business District on Lots 1 and 6, Block 10, Original Town of Lockhart, located at 319 South Church Street.

Mr. Gibson explained that the applicant would like to use the existing buildings as warehousing for food products, in addition to offices and possible retail sales. Warehousing for local sales and distribution is allowed by-right in the proposed CHB zoning, but not allowed at all by the current CMB classification of the property. He described the surrounding land uses, and said that there were three letters of opposition received, one of which was from an owner of property beyond 200 feet from the subject property. He noted that the zoning change is not consistent with the future land use plan map. Mr. Gibson reminded the Commission that the proposed CHB district allows uses other than just the one desired by the applicant, and some of those would not be appropriate in a transitional area bordering a residential neighborhood. Once the property is rezoned, the applicant could change their mind or sell the property to someone else, in which case any of the uses listed in the CHB district would be allowed either by-right or as a specific use.

Vice-Chair Ruiz declined to participate in this item, and asked Commissioner Oliva to fill in for him. Commissioner Oliva opened the public hearing and asked the applicant to come forward.

Conley Covert, of 901 West 9<sup>th</sup> Street, Suite 110, in Austin, said that the existing buildings on the property would be used for all of the proposed uses labeled on the site plan he provided. The uses include retail, office, and warehouse space. He said the buildings at this location are exactly what is needed for storage and distribution of products made by a downtown business.

Commissioner Oliva asked if the old shed in the rear of the property would be removed, and asked where off-street parking for vehicles would be located.

Mr. Covert said they plan to use both of the existing buildings if they are salvageable. There is an existing paved parking area in the rear that will be cleaned up to utilize for vehicle loading and access to the premises.

Commissioner Black left the meeting at 7:55 p.m.

Jim Smith, of 1480 Clear Fork Street in Lockhart, said that his mother and father purchased the property in 1976 and he was left to handle the estate. He said that his construction company currently uses the buildings for storage of materials. He believes it is a good idea to help existing businesses downtown by offering a warehouse in close proximity. He mentioned a few uses allowed by-right under the current zoning that could be a greater nuisance to the neighborhood such as an automotive repair shop, light assembly or fabrication, and others. He said that he hopes the Commission would have an open mind about the zoning change, and help put the property to good use.

Steven Collins, of 416 South Church Street in Lockhart, said his house was built in 1899, and he was concerned about the affect of the proposed zoning on the neighborhood. He said that the proposed use is okay, but that he has concerns about changing the zoning due to the possibility of other, more intense, uses being allowed.

Rudy Ruiz, of 317 South Main Street in Lockhart, spoke in opposition. He said that he agreed with the last speaker and is concerned about the proposed higher intensity commercial zoning. He said the owner could change their mind about the use, and end up with a use that could be more detrimental to the neighborhood. He has tried to maintain the quality of his home, which was built in 1889. He also noted that the proposed CHB zoning classification is not consistent with the future land use plan map.

With no one else wishing to speak, Commissioner Oliva closed the public hearing and asked for the staff recommendation.

Mr. Gibson noted that the written staff report said that staff would recommend denial if there was significant opposition, but he would leave it up to Commission to decide if the opposition expressed in writing and at the hearing were enough to justify denial.

Commissioner Nickels said that adding a new business there now would result in an improvement. She would like to see the zoning changed, although she sympathized with the concerns of those opposed to it.

Commissioner Villalobos asked if the Commission could monitor the use of the site once the zoning change is approved.

Mr. Gibson replied that once the zoning is changed, anything listed by-right under the new zoning classification would automatically be allowed.

*Commissioner Faust moved to recommend denial of the ZC-16-08. The motion died for lack of a second.*

*Commissioner Nickel moved to recommend approval of ZC-16-08. Commissioner Villalobos seconded, and the vote was 2-2-1, with Commissioners Oliva and Faust against and Vice-Chair Ruiz abstaining.*

6. DP-13-01. Consider a request by Fermin T. and Mary Alice Islas for approval of the Vacation of the Development Plat of 20.574 acres located at 221 West M.L.K. Jr. Industrial Boulevard approved by the Lockhart Planning and Zoning Commission on October 9, 2013, and recorded in cabinet 3, slide 161, of the plat records of Caldwell County Texas.

Mr. Gibson explained that a development plat and specific use permit were previously approved for the First Apostolic Church. The congregation planned to construct a new church, and dedicated new street rights-of-way and easements as required for the development plat. Neither the church nor the streets were ever constructed. Ownership of the property has changed, and Mr. and Mrs. Islas propose to vacate the development plat so they can eventually develop the property for a different purpose and layout. The City will benefit from vacation of the plat because it will facilitate dedication of new public access and utility easements in locations that are more consistent with future conversion to street rights-of-way as shown on the thoroughfare plan map. The City needs the easements now for interim drainage channels that will extend from the ends of Sunset Drive and South Medina Street to West MLK Jr. Industrial Boulevard. The easements will be recorded by separate instrument concurrently with recordation of the development plat vacation document.

Vice-Chair Ruiz asked the applicant to come forward.

Fermin Islas, of 1702 Meadow Lane in Lockhart, said he now owns the subject property, and that vacating the development plat would benefit the City now for the drainage project, while providing for future residential and commercial development of the property when the drainage would be changed from surface channels to storm-sewers under the new streets.

With no one else wishing to speak, Vice-Chair Ruiz asked for the staff recommendation.

Mr. Gibson said that staff recommends approval.

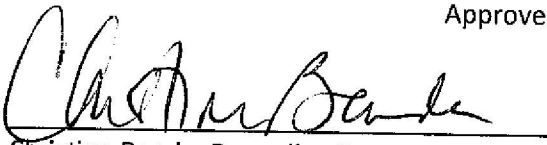
*Commissioner Faust moved to approve DP-13-01. Commissioner Villalobos second, and the motion passed by a vote of 5-0.*

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

Mr. Gibson stated that the second regular meeting of the month is not usually held in December, so the next meeting date after that is January 11, 2017.

8. Adjourn.

*Commissioner Oliva moved to adjourn, and Commissioner Faust seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:29 p.m.*

  
Christine Banda, Recording Secretary

Approved:

12/28/2016  
(date)  
  
Philip Ruiz, Vice-Chairman