

**City of Lockhart
Planning and Zoning Commission
February 22, 2017**

MINUTES

Members Present: Philip Ruiz, Phil McBride, Bill Faust, Mark Villalobos, Christina Black, Mary Beth Nickel

Members Absent: Manuel Oliva

Staff Present: Dan Gibson, Christine Banda

Visitors/Citizens Addressing the Commission: Maria Reyna, Robert Reyna, Joe Guerrero

1. Call meeting to order. Chair McBride called the meeting to order at 7:00 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the January 25, 2017 meeting.

Commissioner Faust moved to approve the January 25, 2017, minutes. Commissioner Black seconded, and the motion passed by a vote of 5-0.

Commissioner Villalobos arrived at 7:10 p.m.

4. SUP-17-02. Hold a PUBLIC HEARING and consider a request by Robert and Maria Reyna for a Specific Use Permit to allow a Manufactured Home on Lot 1, Block 1, San Fernando Addition, zoned RMD Residential Medium Density District and located at 740 Neches Street.

Mr. Gibson explained that the subject lot is very small, with the longest dimension being 70 feet, which would be considered the depth of the lot if measured from Monterrey Street. However, the only way the proposed home would fit is to turn it to face Neches Street, with the driveway access and mailing address on that street. Regardless of which direction the lot depth is measured, it is less than 70 percent of the minimum required 105-foot depth and, therefore, is not considered grandfathered. Because the nonconforming lot depth is not automatically grandfathered, it cannot be developed for any use unless the Zoning Board of Adjustment grants a special exception to preclude inadvertent taking of the property. He said the applicant is aware of the need for the special exception and will submit an application if the SUP is approved. Mr. Gibson explained staff didn't realize the problem with the lot depth until after the public hearing notices were mailed, so it was necessary to proceed with the SUP on the agenda.

He noted that the manufactured home would have to comply with City standards which, among other things, state that the finished floor of a manufactured home cannot be greater than 25 inches above the average ground level on any side facing a street or other residence. In this case, that would be all four sides. Because the State has a minimum distance the frame of the home has to be above the ground surface, compliance with the City floor height limit usually requires that either a pit be excavated below the home or that the yard be graded up around the foundation such that the finished floor does not appear to be more than 25 feet above the yard. Because small yard areas will remain after the home is installed, the bank of the fill necessary to meet the floor height standard might be very steep and increase the chances of excessive storm-water runoff onto adjoining lots. In such case, gutters could be installed on the roof eaves to direct water toward the streets. Mr. Gibson said that staff recommends approval subject to a condition that the applicant receives approval of a special exception from the Zoning Board of Adjustment to preclude an inadvertent taking of property due to the extremely shallow nonconforming lot depth.

Commissioner Ruiz said he believed there was a procedural problem with the Commission considering the SUP before the Zoning Board of Adjustment was able to approve the special exception.

Mr. Gibson replied that that would be a valid point if a zoning variance is needed, but in this case it's not a variance. A special exception doesn't have the same strict criteria for approval as a variance and is a fairly routine matter unless there is significant public opposition. Also, because the special exception is needed for any development of the property, even a site-built home that doesn't require an SUP, it doesn't necessarily apply directly to the proposed use of the property for a manufactured home.

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

Maria and Robert Reyna, of 1012 West Prairie Lea Street, said that they were made aware of the issue with their lot dimensions only about a week before the meeting. Maria said that they are aware that they must go before the Zoning Board of Adjustment for approval of a special exception to build anything on their property. She stated that she understands the need for a pit under the home to meet the City's floor height standard for manufactured homes. Since there is already a low area in the middle of the property where the home would be located, she stated that they might not have to dig too deep, anyway, but in any case they will comply with all applicable standards.

Chair McBride noted that the City normally prefers site built homes, which are typically more durable.

Mr. Reyna said that the home is for their son, who lives in low income housing now and can't qualify for a mortgage.

Commissioner Villalobos said he grew up in the neighborhood and believes anything new would improve the area.

Joe Guerrero, of 120 Salvation Lane in Dale, said he is the agent helping the family with the purchase of the home and its installation on the property, and that they will do whatever is needed to meet the City standards.

There being no other speakers, Chair McBride closed the public hearing.

Commissioner Ruiz again expressed his displeasure with the timing of this application, and felt it was a disservice.

Mr. Gibson said that the Commission's vote should have no affect on the outcome of the Board of Adjustment's consideration of the special exemption.

Commissioner Faust moved to approve SUP-17-02 subject to approval of the necessary Special Exception by the Zoning Board of Adjustment. Commissioner Villalobos seconded, and the motion passed by a vote of 5-1 with Commissioner Ruiz voting against.

5. SUP-17-03. Hold a PUBLIC HEARING and consider a request by Layne Tanner on behalf of Thomas Theadore Pomeroy, Jr., for a Specific Use Permit to allow a Bar, and Special Events Facility, on Lot 5-A, Block 22, of the Amending Plat of Part of Lots 4 and 5 in Block 22 of the Original Town of Lockhart, consisting of approximately 0.063 acre zoned CCB Commercial Central Business District and located at 113 North Main Street.

Mr. Gibson explained that the Commission had previously approved a wine tasting room under the "bar" classification for an adjacent building, and that there was another existing bar across the street from the subject property. The SUP for a bar is required because the applicant would like to sell beer and wine for on-premise consumption without enough food to qualify as a restaurant, and the SUP for a "special events facility" is necessary because the proposed use includes hosting various classes and renting space to private groups for special events. He said that staff had not received any response to the public hearing notification.

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

Layne Tanner, of 107 N Main Street, Suite 300, said she and her husband own Loop and Lil's Pizza and live above the restaurant. She mentioned that they have a good working relationship with the owners of neighboring businesses. She would like to sell beer, wine, Italian sodas, and non-alcoholic beverages for painting classes, writing classes, knitting clubs, book clubs, etc. It would be a place where folks can gather to spend quality time doing things they like.

Lydia Serna owner of Lily's said that she is in favor of the proposed use. It would bring tax revenue to the City, and the classes offered would allow citizens to stay in town instead of going to other cities for these type of events.

There being no other speakers, Chair McBride closed the public hearing.

Commissioner Villalobos moved to approve SUP-17-03. Commissioner Faust seconded, and the motion passed by vote of 6-0.

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

Mr. Gibson reported that the next regular meeting date is March 8, 2017. There will also be a short Impact Advisory Committee meeting following the Commission meeting to reconsider the vote on the collection rate for water and wastewater impact fees to account for slight change that was made after the previous Committee meeting.

7. Adjourn.

Commissioner Faust moved to adjourn, and Commissioner Villalobos seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:34 p.m.

Approved: 3/8/2017
(date)

Christine Banda
Christine Banda, Recording Secretary

Phil McBride
Phil McBride, Chairman