

City of Lockhart
Planning and Zoning Commission
May 24, 2017

MINUTES

Members Present: Philip Ruiz, Bill Faust, Mary Beth Nickel, Manuel Oliva

Members Absent: Marcos Villalobos, Phil McBride, Christina Black

Staff Present: Dan Gibson, Christine Banda, Kevin Waller

Visitors/Citizens Addressing the Commission: James Quezada, Lydia Serna,

1. Call meeting to order. Vice-Chair Ruiz called the meeting to order at 7:37 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the May 10, 2017 meeting.

Commissioner Nickel moved to approve the May 10, 2017, minutes. Commissioner Oliva seconded, and the motion passed by a vote of 4-0.

4. ZC-17-07. Hold a PUBLIC HEARING and consider a request by James Quezada for a Zoning Change from CMB Commercial Medium Business District on part of Lots 1 and 6, Block 28, Original Town of Lockhart, consisting of 0.185 acre located at 109 West Walnut Street.

Mr. Gibson explained that this was the third attempt by the applicant to rezone the subject property to CCB Commercial Central Business District. He said that a special exception was previously granted by the Zoning Board of Adjustment to allow the existing nonconforming off-street parking lot for the building, but it had a condition that the restaurant could not sell alcoholic beverages. Approval of the proposed rezoning would make the parking issue a moot point since the CCB district doesn't require off-street parking. Therefore, the prohibition against selling alcoholic beverages would not apply, and the restaurant would be eligible to serve alcoholic beverages with meals upon obtaining a permit from TABC. The restaurant could not become a bar unless a separate application for a specific use permit is approved. Mr. Gibson also pointed out that the physical form of the subject building and attached buildings were nonconforming in the CMB zoning classification, but would be conforming in the requested CCB district because it doesn't require front and side building setbacks. He noted that the requested CCB zoning classification is consistent with the future land use plan map. He reported that, in addition to the one letter of objection that was included in the Commission's agenda packet, 68 complete letters of support were received just before the meeting. Mr. Gibson provided two copies of the letters to the Commission for their review. The person opposing the zoning change owns seven parcels within 200 feet of the subject property. He said that staff recommended approval of the zoning change.

Commissioner Faust asked what information had changed since the last time the same zoning change was considered.

Mr. Gibson said nothing had changed except that this time there appeared to be much less opposition.

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

James Quezada said he owned the subject property, and that the proposed rezoning would resolve several issues with the property. He said the tenant is selling food, and patrons can bring in their own alcohol. However, the tenant is considering walking away from her lease due to not being able to serve alcoholic beverages with meals at the restaurant. This would affect both him and the city. He believed it's unfair that opposition from one or two people would lead to such a result.

Lydia Serna, of 251 Wildbuffalo in Kyle, said she is the tenant at the subject property, and has strived to have a good business and to serve the Lockhart community. She stated that she had been asked to change the name of the business if that would reduce opposition, but her deceased mother's name Lily means a lot to her. The opposition has hurt her financially, and it has reduced potential tax revenue for the City. She reiterated that the zoning change is consistent with the Lockhart 2020 future land use plan, and asked the Commission to recommend approval to the City Council.

Chuck Keplar, of 424 Plum Street, is an Associate Pastor of the local biker church that meets at Lily's. He said he helps coordinate fundraisers with the help of Lily's and other local businesses. He stated that it would be better if customers could buy an alcoholic beverage at a restaurant rather than bringing their own six-pack.

Ed Fetengis, of 2541 Borchert Loop, said that he is the Senior Pastor of the biker church that meets at Lily's. He said that Lydia felt bad for the bikers who weren't comfortable going into a church, so she made the restaurant available as a place for them to meet. He also noted that Lily's would have to meet all State regulations for serving alcohol just like the adjacent Black's Barbeque restaurant. He requested that the Commission recommend approval of the zoning change.

Lisa Mendoza, of 928 West Live Oak, said her husband was born and raised here. They have been married 30 years and just renewed their vows at the biker church at Lily's. She and her family, along with grandchildren, all go to Lily's and are welcomed with open arms. Lily's is not a bar, but is a place for citizens to meet and share time with each other. Ms. Mendoza said Lydia would like to keep the place named after her mom because of the respect and love she has for her. She requested that the Commission recommend approval of the zoning change so Lydia can stay in business.

Vice-Chair Ruiz asked if there was anyone else wishing to speak either in favor of or against the proposed rezoning and, there being none, he closed the public hearing.

Commissioner Faust moved to recommend approval of ZC-17-07 to City Council. Commissioner Nickel seconded, and the motion passed by a vote of 4-0.

5. ZC-17-08. Hold a PUBLIC HEARING and consider a request by Melanie Echanique for a Zoning Change from RLD Residential Low Density District and AO Agricultural-Open Space District to AO Agricultural-Open Space District on 5.17 acres in the Byrd Lockhart Survey, Abstract No. 8, located at 751 Silent Valley Road (FM 2001).

Mr. Gibson explained that the applicant would like to change the zoning of a small portion of her property that did not have the same classification as the larger portion, which is zoned AO Agriculture-Open Space District. The Commission had previously determined that the intended use, a wildlife rehabilitation facility with outdoor pens, should be allowed in the AO and CHB districts as a specific use. He mentioned the requested zoning change is not consistent with the Lockhart 2020 future land use plan map, which designates the area as Low Density Residential, but is consistent with the current RLD-zoned portion of the applicant's property.

Commissioner Faust stated that he wanted the applicant to know that the City is not obligated to extend any needed infrastructure to the site, and that it would be the owner's responsibility.

Melanie Echanique, of 4401 Molokai Drive in Austin, said she and her partner propose to start an educational outreach center that involves birds of prey. They teach science using animals, and have worked in conservation with a specialty in birds.

Commissioner Oliva asked how soon they would establish the center.

Ms. Echanique replied that it may be five years, with a long-term goal of operating as a non-profit business. The educational facility would need to be established first, and would help fund the rehabilitation center function.

Vice-Chair Ruiz asked if there was anyone else wishing to speak either in favor of or against the proposed rezoning and, there being none, he closed the public hearing and asked for the staff recommendation.

Mr. Gibson said that staff recommended approval.

Commissioner Faust moved to recommend approval of ZC-17-08 to City Council. Commissioner Oliva seconded, and the motion passed by a vote of 3-1 with Vice-Chair Ruiz against.

6. PP-17-01. Consider a request by Dennis Young on behalf of High Rustler Ventures, LLC, for approval of a Preliminary Plat for The Stanton Development consisting of three lots and associated new street rights-of-way on a total of 18.613 acres located in the Cornelius Crenshaw Survey, Abstract 68, zoned RHD Residential High Density District and located at 2111 West San Antonio Street (SH 142); and including a request by Variances to Chapter 52 "Subdivision Regulations", Section 52-72(k) to allow an increase in the maximum length of a cul-de-sac from 500 feet to 700 feet, and to allow a reduction in the minimum cul-de-sac radius in a commercial area from a 180-foot to 100-foot paved turn-around diameter, and from a 200-foot to 120-foot right-of-way diameter.

Mr. Gibson explained that the property is zoned RHD Residential High Density District, and that a specific use permit had previously been approved for the MF-2 development type allowing more than 12 apartment units per acre. However, the plans have changed and the multifamily development, which is to be on Lot 1, Block 2, of the subdivision plat, are now planned to be less than 12 units per acre, which does not require approval of an SUP. He said that the subdivision complies with all applicable subdivision standards, including the provision of the public sidewalks, except for the cul-de-sac length and turn-around diameter, for which the applicant had requested the two variances.

Commissioner Faust did not like the new intersection of Windsor Boulevard with Stanton Park Cove due to the angle and the short distance to San Antonio Street.

Mr. Gibson said that the plat showed only the proposed right-of-way lines, and not the actual location of the street paving. There is room within the right-of-way to turn Stanton Park Cove to intersect Windsor Boulevard at a 90 degree angle.

Richard Grayum said he was the professional engineer with HALFF Associates for the project, and he requested approval of the variances. He was under the impression that the preliminary plat was to show the lot and street right-of-way boundaries of the subdivision, and not proposed improvements. The construction plans for the improvements would be done prior to submitting the final plat.

Commissioner's Faust and Ruiz both expressed the desire for more detailed information about the actual street widths and alignment, and expressed doubts about whether or not the proposed diameter of the cul-de-sac would be adequate.

Richard Grayum said he had additional information in his vehicle that he could go get and show to the Commission if they wished, but acting Chair Ruiz declined to give him that opportunity.

Mr. Gibson offered to go to his office and get an illustration of turning diameter standards for various size vehicles, including tractor-trailer trucks, to show the Commission if they wished, but acting Chair Ruiz declined to provide that opportunity.

Commissioner Faust moved to table PP-17-01. Commissioner Ruiz seconded, and the motion failed with a vote of 2-1-1 with Commissioner Nickels against and Commissioner Oliva abstaining. Commissioners Faust and Ruiz argued that the abstention didn't count so, therefore, the two votes in favor of the motion outnumbered the one vote against. Mr. Gibson stated that two affirmative votes was not a majority of the quorum present, and therefore was not sufficient to pass. No further motions were made. [A later opinion by the city attorney confirmed that the motion to table did not pass.]

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

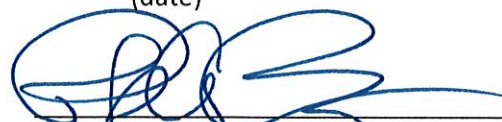
Mr. Gibson announced that there is a very full agenda for the next meeting on June 14th.

8. Adjourn.

Commissioner Oliva moved to adjourn, and Commissioner Faust seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:54 p.m.

Approved: 6-14-2017
(date)


Christine Banda, Recording Secretary


Philip Ruiz, Vice-Chairman