

**City of Lockhart  
Planning and Zoning Commission  
February 28, 2018**

**MINUTES**

**Members Present:** Phil McBride, Philip Ruiz, Paul Rodriguez, Manuel Oliva, Mary Beth Nickel, Marcos Villalobos

**Members Absent:** Christina Black

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

**Visitors/Citizens Addressing the Commission:** Russel Waters, Mark Rocke, Peter Moore, Jeff Byrd, Dr. Tony Jacobs, Joan Marie MacCoy, Ryan Lozano, Bobby Herzog, Simon Waltz, Emily Bolt, Rhonda Reagan, Jerry West, Emily Hildebrand, Chuck Foreman, Pamela Stockholm, Makayla Peoples, Monica Parra, Clint Wilson, Deward Cummings, Kent Black, Todd Blomerth, Patti Payne, Lydia Serna, Chuck Keplar, Philip Torrez, Jaclyn Garcia, Donald Schneider, Roger Dale Northcut , Joshua Valenta

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 January 24, 2018 meeting.

*Commissioner Oliva moved to approve the January 24, 2018 minutes. Commissioner Villalobos seconded, and the motion passed by a vote of 6-0.*

Chair McBride announced that all applicants would have five minutes to state their case, and that those citizens speaking in favor or/in opposition would have three minutes to address the Commission.

4. SUP-18-01. Hold a PUBLIC HEARING and consider a request by Liberty Signs, Inc. on behalf of Russell Waters representing Benny Boyd Lockhart RE, LLC, for a Specific Use Permit to allow a 30-foot tall High Profile Sign on Lot 1A, of the Replat of Lot 1, Block B, Amending Plat of Chisholm Business Park, Section 1, zoned CHB Commercial Heavy Business District and located at 2000 South Colorado Street (US 183).

Mr. Gibson explained to the Commission that the applicant would like to place a 30-foot tall freestanding sign on their property that requires a specific use permit in the CHB Commercial Heavy Business District. He presented photos of surrounding properties and signage along South Colorado Street. He said that staff recommended approval if there were no objections from the owners of nearby property.

Chair McBride asked why the sign could not be centered along the property frontage.

Mr. Gibson said he believed that they wanted it more in front of the display room and sales office, which is at the north end of the building, but that the applicant could explain further.

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

Mark Rocke, of 6433 County Road 200 in Liberty Hill, said that Mr. Gibson was correct about the placement of the sign to be in front of the sales area and not the service area. The 30-foot sign is a standard type of freestanding pylon for Chrysler dealerships. The height of the sign may help with visibility from northbound traffic because of trees in the line-of-sight.

Vice-Chair Ruiz asked the applicant if he was aware that the City had gone through an extensive process of studying sign ordinances from other cities and obtaining citizen input before adopting the current standards. There must be a threshold for our signs. He requested information from the applicant regarding why the Commission should approve such a tall sign for this location.

Mr. Rocke replied that they understood the City's sign ordinance, but also emphasized that they do not believe the proposed sign would have a negative impact along the corridor. He mentioned that a specific use permit was approved for the Ford dealership high profile sign, which is the same height as the one proposed for the Chrysler dealership.

Vice-Chair Ruiz said that he did think there was sufficient justification for the extreme height. He mentioned that the Commission would be in its authority to require the applicant to use a lower height for the sign.

Mr. Rocke said he understood, but reiterated that once spring comes trees could interfere with visibility from the highway south of the property. He also said that they were required by Chrysler to adhere to certain standard sign heights.

Russell Waters, of 100 Pitchstone Cove in Georgetown, said he is one of the owners of the Benny Boyd dealership and that Chrysler does have standards in regards to placement of the sign in front of the showroom. They normally use a 35 foot tall sign, so this one is already shorter than their standard. Benny Boyd would like the same courtesy provided to the Ford Dealership. He mentioned that the speed limit is 55 mph in front of the Benny Boyd site.

Chair McBride asked if it would be a problem to move the sign.

Mr. Waters said that Chrysler would have a problem, and that he moved it as far south as he could while still keeping it in front of the showroom and sales office.

Vice-Chair Ruiz asked if the Commission approved the sign with a condition that it be moved to the middle of the property frontage, would Chrysler be willing to do it.

Mr. Waters said that he would have to discuss that with them, but would rather not fight with them over this.

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

Mr. Gibson said that, in his opinion, moving the sign further south would not make that much difference. He reminded the Commission of the criteria for denying a specific use permit.

*Commissioner Oliva moved to approve SUP-18-01. Commissioner Rodriguez seconded, and the motion passed by a vote of 6-0.*

5. SUP-18-02. Hold a PUBLIC HEARING and consider a request by Austin Lessons and Tutoring, LLC, d/b/a Maverick Horseback Riding, for a Specific Use Permit to allow a Riding Facility, Barn and Stables, Campground, and Special Events Center on 105.569 acres in the Byrd Lockhart Survey, Abstract No. 17, zoned RLD Residential Low Density District and AO Agriculture-Open Space District and partially outside the city limits, and located at 1011 Flores Street (FM 672).

Mr. Gibson explained that the business the applicant was running at her home was originally permitted as a home occupation, but grew to the point that it exceeded the definition of a home occupation. She applied for a multi-part specific use permit to address all current and proposed future uses of the property. He said that all the activities would take place on the portions of the property zoned AO or outside the city limits. He referred to an attachment in the commissioner's packet submitted by the applicant. He mentioned that a variance was approved by the Board of Adjustment allowing crushed granite to be used as the surface of the currently unpaved portions of the driveway and parking area. He confirmed that the property is very large and well suited for the proposed uses, but that adequate access and parking for the proposed uses are the primary concerns. The main entrance has a long one-lane driveway that leads to the house, and it cannot be widened because the cross-slope is very steep. The applicant had mentioned to staff the possibility of bussing attendees into the property when there are large group events. The applicant also indicated that off-site parking could be located at Plum Creek Elementary School and the Little League Ball Park parking lot when needed. He said six letters of support were in the commissioner's agenda packet, plus three additional letters were submitted by the applicant after the packet was mailed. Mr. Gibson said that no opposition had been expressed before the meeting.

Chair McBride said that he would like to see a letter from Lockhart ISD giving the applicant permission to use their parking lot before approval of the SUP.

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

Joan Marie MacCoy, of 1011 Flores Street, explained how she got started in her business. She mentioned that it is only her and her son who run the business, and that it is not all about profit but also about helping others. She said she provides Spanish lessons at the library and is very involved with downtown businesses in promoting Lockhart. Her riding lessons help adults with PTSD as well as autistic children, and are affordable.

Chair McBride asked the applicant about the parking for special events.

Ms. MacCoy said that her intent is to use only the parking on her property, but if she needs more parking she will seek other options.

Chair McBride asked if she had approached Lockhart ISD about using their parking lot.

Ms. MacCoy replied that she was told by them in the past to simply ask in advance of an event should she need to use the school parking lot. She said her goal is not to hold huge events because it is her home, and that she wants the proposed uses approved only so she can have the ability to provide her services.

Commissioner Rodriguez asked if she was in verbal contact with Lockhart ISD.

Ms. MacCoy said yes, and that she volunteers at Plum Creek Elementary School. She had only used their parking lot one other time. She said she has volunteered her property to help with the overflow for the trailers used at Chisholm Trail in June. The part of the SUP application concerning camping and special events was intended to accommodate activities such as a three day event for the autistic children.

Chair McBride opened the public hearing and asked for those in favor of the specific use permit to come forward.

Ryan Lozano, of 208 West Prairie Lea, said that his children started attending riding lessons last summer. He mentioned that Ms. MacCoy promotes shopping at local businesses in Lockhart. He supported her application and business.

Bobby Herzog, of 1201 Rio Vista Cove, said that he supports Joan Marie MacCoy's application. He said he met her nine months ago while supporting local businesses downtown for First Friday events. He mentioned that she wants to do good for the community, and that she has a great vision.

Simon Watz, of Edinburgh, Scotland, said he found Maverick on the internet and visited in January. He is back today because he enjoyed his experience. He visits downtown Lockhart.

Emily Bolt, of 15704 FM 969 in Austin, said that she supports Ms. MacCoy. She is an artist and teacher and would like to do camps with the applicant. She would like to collaborate with her on reaching at risk youth, and believed that Ms. MacCoy is a positive leader in the community.

Rhonda Reagan, of 412 West San Antonio Street, said that she supports Ms. MacCoy. She mentioned that she brought a small group to her place of business, The Pearl, and her place of business has been showcased in magazines and on TV. She is helping put Lockhart on the map with her riding lessons. She said that Ms. MacCoy was asked to use her property for a western swing festival, and the Mayor was asked if they could use the school parking so they can bus folks to the property. She again reiterated that her business brings others to our community who use our restaurants and hotels.

Jerry West, of 723 Barth Road in Dale, said he supports her business because of the diversity it would bring to Lockhart. He encouraged the Commission to support Ms. MacCoy.

Emily Hildebrand, of 722 South Brazos, said that she takes her daughter to riding lessons and that on a teacher's salary Ms. MacCoy is very reasonable. She noticed her daughter has grown in confidence and that Ms. MacCoy has a special way with children.

Chuck Foreman, of 19 Cypress Road, said that Ms. MacCoy's business is good for veterans with mental challenges, and believes the Commission should approve her request.

Pamela Stockholm, of 231 Sunset Ridge Road in Maxwell, said that Ms. MacCoy supports local business. She mentioned that she is a Juvenile Officer in Austin and would like to get together to work on some programs for youth. Ms. Stockholm supports approval of the SUP and confirmed that Ms. MacCoy wants to help in any way possible with the community.

Makayla Peoples said that it would be smart for the City to support Ms. MacCoy. She said that she lives at a wedding event venue, and does not see that there would be any problems with parking on Ms. MacCoy's property.

Clint Wilson, of 1930 Barth Road in Dale, said that Ms. MacCoy held her first events at his place and they were very successful. She is passionate, responsible, and a great coach.

Donald Schneider, of 1714 Twin Island Drive, said that he is the Chairman of the Board for the Lockhart Chamber of Commerce. He mentioned that Ms. MacCoy supports the annual Chisholm Trail event, and volunteered her property to help with the rodeo participants.

Monica Parra, of 1310 South Medina, said she has known Ms. MacCoy since she moved to Lockhart. She had volunteered at the animal shelter and helped with neutering the animals. Her property is beautiful and very therapeutic.

Deward Cummings, of 709 Flores Street, Lockhart said he didn't have anything personal against Joan Marie MacCoy. He directed a comment to Mr. Gibson that in 2008 Mr. Gibson told him he could not have his real-estate licenses, broker's licenses, or federal arms licenses posted.

Chair McBride interrupted Mr. Cummings to remind him to address the Commission, and not staff or the applicant, and reminded him that he is allowed three minutes to make his comments.

Mr. Cummings continued and said that he was told by the City that he could not have any business signage because it was a residential area. He mentioned that the highway in front of his property has only two houses along it, and he didn't see why there could be no businesses located in the area. He mentioned that this is affecting his lifestyle. He is now negotiating taking over the property adjacent to the west of his property. It was recently the subject of a zoning change that was denied by the City Council. He said he thought the idea Ms. MacCoy has is great, but that three minutes is not long enough to say what he has to say.

Mr. Cummings said he worked for Ms. MacCoy, and that she still owes him \$5,000. However, he said that was not the reason for his appearance at the meeting. He claimed that she was not giving riding lessons. He had seen people from out of the country with no experience with horses from China, Indonesia, foreigners at her property, and that she walked them across FM 672 so that they could mount up at the school parking lot. She took them down Carver Street to Market Street. He told the Commission to not believe anything Joan Maria MacCoy had explained about her business.

Chair McBride reminded Mr. Cummings of his time.

Mr. Cummings asked why, and argued that it wasn't fair if the other speakers get a half hour to speak in favor of Ms. MacCoy, and he doesn't get an equivalent amount of time to present opposition.

He asked the Commission to put this agenda item on hold so that he can submit a detailed draft of the reasons why her specific uses should not be approved. He also pointed out the main reason is the traffic along Flores Street (FM 672). He pointed out if that if the special events center use is approved, Ms. MacCoy would be allowed to place an Astrodome on her property. He asked the Commission to please delay the item. He again argued with the Chairman about the allotted time given to him, and stated that it was his time to use. Chairman McBride asked him to please have a seat, but Mr. Cummings objected before leaving.

Ms. MacCoy was given an opportunity for rebuttal. She thanked everyone who came in support of her business. She said she was willing to work within any conditions that the Commission wished to impose on her requested specific uses.

Commissioner Villalobos commended Ms. MacCoy for her passion and vision. He wished her well in her endeavors.

Chair McBride closed the public hearing.

Mr. Gibson said that staff recommended approval. He explained that the purpose of the specific use permits are to authorize the applicant's existing and proposed activities. He recommended that if off-site parking is needed, the applicant should provide staff with written authorization from the school district on a case-by-case basis if they are unwilling to grant a more permanent authorization. He also reminded the Commission that the applicant received a variance to the surface material that could be used for the currently unpaved portions of the driveway and parking area.

*Commissioner Nickel moved to approve SUP-18-02 subject to conditions that the applicant submit a letter from the City or school LISD approving the use of their parking lots when needed, and within 180 days from this date pave with an alternative surface the parking area and portion of the driveway as approved by the Board of Adjustment. Commissioner Oliva seconded, and the motion passed by a vote of 4-2, with Commissioner Ruiz and Commissioner Rodriguez against.*

6. ZC-18-01. Hold a PUBLIC HEARING and consider a request by Lydia Serna on behalf of James Quesada for a Zoning Change from CMB Commercial Medium Business District to CCB Commercial Central 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 there have been several previous attempts by the applicant to rezone the property. The current zoning across the street is CCB Commercial Central Business District which is the same as the requested zoning change. The CCB district does not require off-street parking, or front and side building setbacks, which is the form of development in most of the downtown area. Also, the requested zoning classification is consistent with the future land use plan map. He presented maps and photos of the area, and emphasized that the application was for a zoning change, and not for a specific use permit. In the past, much of the opposition was from property owners who feared that the ulterior motive was for Lilly's Restaurant to become a bar, which is allowed only upon approval of a specific use permit in the CCB district. Mr. Gibson reported that a total of 135 letters of support were received, with 75 being from citizens living within the city limits, and the remainder from citizens living outside the city limits.

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

Lydia Serna, of 251 Wildbuffalo Street in Kyle, stated she would like the same opportunity to sell alcohol with food as all the other restaurants in the city. She said that TABC informed her of the requirements, and that the back door of the building could be designated as the main entrance in order to be over 300 feet from the front door of the nearby Episcopal church. She mentioned that many of her customers are from out of town and find her business while visiting downtown. Ms. Serna concluded by saying her mother operated Lily's as a bar, and to continue her legacy she has kept the name, but opted to be a restaurant instead of a bar. She noted that Lily's celebrated its 53<sup>rd</sup> Christmas Party where they give back to the community.

Chuck Keplar, of 2375 Seawillow Road, said he met Lydia through other bikers. He has helped with the children's events held at Lily's. He is also the Pastor of the Lockhart Biker Church on Sunday's where they hold Bible Study, Wakes, and Weddings at the location. He said Lily's is a family oriented type of business. He explained that Lydia would like to sell alcohol with food under the supervision of the TABC.

Philip Torrez, of 1817 South Colorado, Apt. 1601, said he worked for Lydia's mother Lily, and was speaking in favor of the zoning change because he knows that Lydia supports the community.

Roger Dale Northcut, of 317 Llano Street, said he had known Lydia for a long time and that she is keeping her mother's legacy alive, but as a restaurant and not a bar. Lydia's place of business does a lot for the children. They have a great Christmas program, and help with the Biker activities.

Jaclyn Garcia, of 1518 Gunnison Cove, said she supports Lydia. She works hard for the community and would like to sell alcohol with her food. Her facility is a good place.

Todd Blomerth, of 1105 Spruce Street, said he is against the zoning change. He believed the case relates to alcohol, and that TABC would not regulate accordingly. The rear entrance could be a health hazard. He said there could be parking issues with so many uses downtown, and wondered why the owner of the building was not in attendance.

Kent Black, of 2403 Arpdale Street in Austin, suggested that the Commission come up with something to help Ms. Serna so that she could sell alcohol without changing the zoning classification. He stated he owns a majority of the neighboring property. He pointed out that there is a women's center next door to Lily's, and a dance studio across the street where children attend dance classes, which could all be incompatible with the environment at Lily's.

Patti Payne, of 1105 Spruce Street, said that every building in the area is nonconforming, and asked why it should matter to change the zoning. She stated that the main reason for the zoning change request is so the applicant can sell alcohol, and that the applicant should have rented a building in an area with the appropriate zoning. She claimed that the ultimate goal is for the building to become a bar after the zoning is changed.

Ms. Serna said that the owner, Mr. Quezada could not attend this evening because he was out of town, but that he is in full support of her application. She stated that she just wants the same opportunity as all the other business owners in Lockhart and would appreciate the Commission's support.

Chair McBride closed the public hearing and asked for the staff recommendation.

Mr. Gibson said that staff recommended approval.

*Commissioner Ruiz moved to recommend approval of ZC-18-01.*

The motion failed for a lack of a second.

*Commission Nickel restated the same motion to recommend approval of ZC-18-01 to City Council. Commissioner Ruiz seconded, and the motion passed by a vote of 4-1-1, with Commissioner's Oliva against and Commissioner Rodriguez abstaining.*

7. ZC-18-02. Hold a PUBLIC HEARING and consider a request by Brothers Holdings for a Zoning Change from RMD Residential Medium Density District to CHB commercial Heavy Business District on Lots 16 and 17, Block 5, South Heights, located at 1105 South Commerce Street.

Kevin Waller explained that the applicant is proposing to change the zoning from RMD Residential Medium Density District to CHB Commercial Heavy Business District for the purpose of developing an eye care clinic on property that also includes abutting parcels that he owns that face South Colorado Street. He stated that the requested zoning classification is consistent with the General-Heavy Commercial future land use designation shown for the entire block on the future land use plan map. He noted that a previous application in 2011 was withdrawn prior to a Commission meeting, and said that staff recommended approval.

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

Dr. Tony Jacobs, of 466 Clear Springs Hollow in Buda, said he used to live in Lockhart. When he first bought the property he didn't have a lot of money so he stopped the original zoning change request that had been initiated by the previous owner. He took the information from our Future Land Use Plan map, which showed the future use of the property being commercial. He said his business currently shares parking with Dr. Romanek's Office and Dr. White's office in an office complex on West San Antonio Street. He said that his business has outgrown that facility and would like to build and own a new eye care clinic with frontage along South Colorado Street.

Jeff Byrd, of 1427 Overlook Ridge Drive in Belton, was asked by Dr. Jacobs to do a feasibility study on the property. He said that Dr. Jacobs is doing his due-diligence, the business would enhance the community, and that he is a professional with great integrity.

Chair McBride asked for any other speakers in favor of the zoning change, seeing none he asked for those in opposition to come forward.

Peter Moore, of 1018 South Commerce, said that the property is zoned residential because there are homes on both sides of Commerce Street. He said that the zoning change could open up to anything being built there that would be allowed under the commercial zoning. He would like for the area to be a residential neighborhood, and not a commercial district.

Dr. Jacobs asked to make a closing statement. He mentioned again that the future land use plan map designated the entire block as commercial, and that the City Council had approved the comprehensive plan. He said his business would be light commercial, and it will be oriented toward South Colorado Street.

Chair McBride closed the public hearing and asked for a motion.

*Commissioner Nickel moved to recommend approval of ZC-18-02 to City Council. Commissioner Villalobos seconded, and the motion passed by a vote of 6-0.*

8. FP-16-04. Consider a request by Joshua Valenta, P.E., on behalf of Dane Braun, for approval of a Final Plat of Meadows at Clear Fork Subdivision, Section 2, consisting of 82 single-family residential lots, two drainage lots, one storm-eater detention basin and associated public street right-of-way on a total of 23.526 acres in the Francis Berry Survey, Abstract No. 2, zoned PDD Planned Development District and located generally along the 600-700 blocks of City Line Road, and 1700 block of Maple Street and Clear Fork Street.

Mr. Waller explained to the Commission that the subject property is the last of three sections of the Meadows at Clear Fork Subdivision to be platted. He noted that the parkland dedication was taken care of at the time that the first section was platted, and stated that the plat complies with all applicable standards. Therefore, staff recommended approval.

Joshua Valenta, the project engineer, said that he was present to answer any questions that the Commission might have.

Vice-Chair Ruiz asked when the perimeter fencing would be completed.

Mr. Valenta replied that it was part of the infrastructure and would be completed before the subdivision is accepted by the City.

*Commissioner Oliva moved to approve FP-16-04. Commissioner Rodriguez seconded, and the motion passed by a vote of 6-0.*

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

Mr. Gibson announced that the next regular meeting date is March 14<sup>th</sup>.

10. Adjourn.

*Commissioner Oliva moved to adjourn, and Commissioner Rodriguez seconded. The motion passed by a unanimous vote, and the meeting adjourned at 10:24 p.m.*

Approved: 3-14-18  
(date)

Dan Gibson for  
Christine Banda, Recording Secretary

Phil McBride  
Phil McBride - Chairman