

**City of Lockhart  
Planning and Zoning Commission  
September 12, 2018**

**MINUTES**

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

**Members Absent:** Christina Black

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

**Visitors/Citizens Addressing the Commission:** Rick Johnson, Leonard Lay, Ed Theriot, Linda Hinkle

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 July 25, 2018 meeting.

*Commissioner Nickel moved to approve the July 25, 2018, minutes. Commissioner Villalobos seconded, and the motion passed by a vote of 6-0.*

4. SUP-18-09. Hold a PUBLIC HEARING and consider a request by Leonard Lay, on behalf of Rick Johnson, for a Specific Use Permit to allow Retail Sales of Firearms and associated Custom Leather items in a commercial lease space on 0.86 acre in the Francis Berry Survey, Abstract No. 2, zoned CLB Commercial Light Business District and located at 1011-A West San Antonio Street (SH 142).

Dan Gibson explained that a specific use permit is required for retail sales in the CLB Commercial Light Business District, and that the same location had previously been approved for a different retail use in 2004. He said that the current applicant would like to sell firearms and associated customer leather items. Mr. Gibson continued with his staff report, including a presentation showing maps and photos of the subject property and surrounding area. He said that staff recommended approval.

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

Rick Johnson, of 7170 Old Colony Line Road, said he had owned the property for 15 years and that Mr. Lay is currently renting a portion of the building for his business that provides props and costumes directly to the movie industry. He now proposes to sell or trade guns at that location, as well.

Leonard Lay, of 918 North Blanco Street, said that he rents space from Mr. Johnson for his Vaquero Leather and Painted Pony Production companies, and had applied for a federal license to sell firearms to the public as well as rent them for movie productions. The building would have a gun shop, leather shop, wardrobe room, and office. He added that he had been in business for over 20 years and sells leather products internationally, and had been involved with the movie industry for ten years. He said he rented the building so that his clients would not have to come to his home anymore, and that ATF is waiting for the Commission's approval of the SUP before he can receive his federal license.

Commissioner Oliva asked if he would have security.

Mr. Lay replied that the building would be secured and monitored by a variety of means.

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

*Commissioner Olivia moved to approve SUP-18-09. Commissioner Villalobos seconded, and the motion passed by a vote of 5-0-1 with Chair McBride abstaining.*

5. ZC-18-11. Hold a PUBLIC HEARING and consider a request by Brooks Calavan on behalf of BPCH, LLC, for a Zoning Change from MH Manufactured Home District to AO Agricultural-Open Space District for 5.052 acres in the Lockhart Byrd Survey, Abstract No. 17, located at 1500 North Pecos Street.

Mr. Gibson explained that the current zoning allows a subdivision containing manufactured and/or site built homes by-right, or a manufactured home park upon approval of a specific use permit (SUP). However, the applicant desired to develop a recreational vehicle (RV) park, which is allowed only in the AO and CHB districts, and requires an SUP in both. Staff had recommended to the applicant that the AO district would be a more appropriate path to take than CHB district, which allows heavy commercial uses. He noted that neither the existing or proposed zoning classifications are exactly consistent with the future land use plan map. He presented maps and photos of the site and surrounding area, and said staff recommended approval of the zoning change.

Commissioner Ruiz asked how staff could recommend approval since the request would result in spot zoning, and the proposed zoning classification was not consistent with the comprehensive plan.

Mr. Gibson replied that it was not spot zoning because the property was over five acres, which is large enough to have a different classification than the surrounding area, and that although there was no AO zoning abutting the site, there was a large area of AO zoning nearby. With regard to consistency with the future land use plan map, he said that the uses allowed by-right in the AO district would not have any greater impact on the neighborhood than a low density residential district, and could have less impact than uses allowed in the current MH zoning classification.

Chair McBride opened the public hearing and asked the applicant to come forward. The applicant was not present. The Chair asked for any other speakers to come forward.

Rick Johnson, of 7170 Old Colony Line Road, said that he was there to represent the American Legion. They are not for or against the change, but were concerned about what uses the AO district would allow by-right, and would object to a feed lot being located on the subject property.

Chair McBride closed the public hearing, and asked Mr. Gibson to explain the uses allowed in the AO district.

Mr. Gibson read aloud the uses allowed by-right, and those requiring a specific use permit, and confirmed that feed lots were not allowed either way.

*Commissioner Ruiz moved to deny ZC-18-11 because it was not consistent with the landuse plan and he does not believe it was the best use of the property. Commissioner Villalobos seconded, and the motion passed by a vote of 6-0.*

6. PP-18-01. Consider a request by Doucet & Associates, on behalf of Lockhart Partners I, LTD, for approval of a Revised Preliminary Plat and Subdivision Development Plan of Summerside Subdivision, Sections 1C, 1D, 3A, 3B, 4A, and 4B, consisting of 73.64 acres out of the total subdivision size of 128.25 acres, zoned CMB Commercial Medium Business District, CHB Commercial Heavy Business District, and RMD Residential Medium Density District, and extending between the 2400-2500 blocks of South Colorado Street (US 183) and the 2200 block of FM 1322.

Kevin Waller explained that the plat was originally approved in 1999, but that Sections 3 and 4 are now proposed to be subdivided into subsections. The revised plat is primarily for all sections that have not yet been developed, including the commercial lots along South Colorado Street. He stated that a minor change was added to the plat after the Commission's agenda packets were mailed out. A plat note was added that addresses maintenance responsibility for the 2.59-acre parkland area located in Section 3A, which contains two 50-foot wide easements – one for oil and the other for gas. The note states that the oil and gas easements would be maintained by the respective oil and gas companies, and the remainder would be maintained by the City. He said that staff recommended approval of the revised preliminary plat and subdivision development plan.

Chair McBride asked the applicant to come forward.

Ed Theriot, of 5395 North US Highway 183, represented the owner and said the main reason for revising the preliminary plat is to divide each of the existing Sections 3 and 4 into two smaller sections. He said that Section 3A will provide a connection to FM 1322, which would be a much-needed second access to the entire subdivision.

Chair McBride asked if the developer will provide playground equipment for the parkland.

Mr. Theriot replied that he did not know whether or not they planned to improve the parkland, but that it could be addressed on the final plat.

Chair McBride asked what was planned for the commercially-zoned lots along South Colorado Street.

Mr. Theriot replied that he did not know what kind of development would occur in that area.

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

7. PV-18-02. Consider a request by Josephine C. Ramirez for a Variance to Chapter 52 "Subdivision Regulations", Section 52-31(a) "Plat Required", of the Lockhart Code of Ordinances, waiving the subdivision platting requirement for the conveyance of one acre of of a 1.84-acre tract in the John P. Bell 1/3 League, Abstract No. 41, located at 178 Rolling Ridge Road in the Lockhart Extraterritorial Jurisdiction.

Mr. Waller explained that the subject property is outside the city limits but in the Lockhart extraterritorial jurisdiction (ETJ), and contains a site-built dwelling and a manufactured home. The property owner's daughter lives in the manufactured home, but would like to replace it with a new dwelling. In order to get financing, the new home is required to be on a separate parcel. This would normally require a subdivision plat where multiple variances would be required because it was not possible to comply with certain City standards. Instead of doing a formal subdivision plat, the owner requested that the City platting requirement be waived so that they could instead take advantage of the County's option of a family land partition, which is a procedure that is currently not authorized by the City subdivision regulations. Mr. Waller presented maps and photos of the subject property and surrounding area, and said that staff recommended approval if the Commission found that all subdivision variance criteria were met.

Linda Hinkle, of 1109 South Main Street, said that the County offers a family land grant process which allows families to give land to other family members. The City of Luling and Mustang Ridge both recognize this process, which is done by warranty deed or transfer deed through the County. She mentioned that they visited with County Commissioner Theriot and Kasi Miles to discuss the possibility of obtaining approval of a family land grant in this case, and both agreed that it was an appropriate way to address the financing requirement that the new home be on a separately-defined parcel.

Ed Theriot, of 5395 North US Highway 183, said he was present to speak as the Commissioner of Precinct 3, where the home is located. He mentioned that Ms. Ramirez came to him and explained that her daughter had lived in the manufactured home for 20 years, and would like to replace it with a new home. For financing purposes, the new home needed to be on a parcel of at least one acre to comply with the septic tank standard. He said he believed that there were enough unique conditions to justify the requested variance.

Mr. Gibson mentioned that the city attorney had suggested that a family land grant procedure could be added with the next set of amendments to the subdivision ordinance.

*Commissioner Nickel moved to approve PV-18-02. Commissioner Oliva seconded, and the motion passed by a vote of 5-1 with Commissioner Ruiz voting against.*

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

Mr. Gibson stated that at least one case had been submitted by the deadline for the September 26 meeting.

9. Adjourn.

*Commissioner Rodriguez moved to adjourn, and Commissioner Villalobos seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:25 p.m.*

Approved: 9/26/2018  
(date)

  
Christine Banda, Recording Secretary

  
Philip McBride-Chairman