

PUBLIC NOTICE

**City of Lockhart
Planning and Zoning Commission
7:00 PM, Wednesday, April 14, 2021
Municipal Building – Glosserman Room
308 W. San Antonio St.**

COMMISSION MEMBER AUDIO CONFERENCE PARTICIPATION

One or more members of the Lockhart Planning and Zoning Commission may participate in a meeting remotely. The member of the Commission presiding over the meeting will be physically present at the above public location. Audio conference equipment providing two-way audio communication with each member participating remotely will be made available, and each portion of the meeting held by audio conference that is required to be open to the public can be heard by the public at the location specified.

CITIZEN AUDIO CONFERENCE PARTICIPATION

- *Call-in number: 1-408-418-9388. Attendee Access Code: 626-304-323#.*
- *Citizens wishing to listen or participate must call in prior to the start of the meeting, and should identify themselves. Attendees may call in to listen only, if desired.*
- *Those wishing to speak will be called upon to address the Commission.*
- *Planning and Zoning Commission agenda packets can also be viewed on-line at www.lockhart-tx.org starting two days before the meeting. Navigate from the Departments tab at the top to Development Services – Meeting Minutes/Schedules (on left side) – Agendas & Minutes – Planning & Zoning Commission Agendas & Minutes – Agenda Packets.*

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the March 24, 2021, meeting.
4. ZC-21-03. Hold a PUBLIC HEARING and consider a request by Sanjay Parikh, on behalf of Russell Smith, for a Zoning Change from CHB Commercial Heavy Business District and AO Agricultural-Open Space District to 2.13 acres CHB Commercial Heavy Business District and 8.881 acres RHD Residential High Density District on a total of 11.011 acres in the Francis Berry Survey, Abstract No. 2, located at 1820 South Colorado Street (US 183).
5. Review Lockhart 2020 Comprehensive Plan to identify areas where updating of text and maps is needed.
6. Discuss the date and agenda of next meeting, including Commission requests for agenda items.
7. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 11:30 AM on the 9th day of April, 2021.

**City of Lockhart
Planning and Zoning Commission
March 24, 2021**

MINUTES

Members Present: Philip McBride, Rick Arnic, Chris St. Leger, Philip Ruiz, Manuel Oliva, Ron Peterson, Bradley Lingvai (via phone)

Member Absent: None

Staff Present: Dan Gibson, Christine Banda

Visitors/Citizens Addressing the Commission: Ricardo Rodriguez, Fernand Gutierrez, Edgar Gutierrez, Mark Silverman, Susan Silverman, Stephanie Bradley

1. Call meeting to order. Chair Ruiz 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 March 10, 2021.

Commissioner Arnic moved to approve the March 10, 2021 minutes. Commissioner McBride seconded, and the motion passed by a vote of 7-0.

4. SUP-21-01. Hold a PUBLIC HEARING and consider a request by Ricardo Rodriguez on behalf of Stephanie Bradley for a Specific Use Permit to allow a Bar with extended hours to 2:00 a.m. on part of Lot 6, Block 17, Original Town of Lockhart, consisting of 0.06-acre zoned CCB Commercial Central Business District and located at 211 East Market Street.

Mr. Gibson explained that the subject property has been a bar several times in the past, but the new tenant wishes to remain open until 2:00 a.m on weekends. The specific use permit for the previous bar had a condition that it had to close no later than midnight. He used maps and photos to show the subject property and surrounding area.

Commissioner McBride asked if there were any other bars open until 2:00 a.m.

Mr. Gibson replied that he was not sure.

Commissioner Peterson said that El Rey, located on South Commerce Street, is open until 2:00 a.m.

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

Ricardo Rodriguez, of 2001 FM 1322, said that he would like to open a family friendly sports bar similar to Pluckers. He would like to provide food, entertainment, and alcohol locally so that patrons would not need to drive out of town for such activities after midnight.

Chair Ruiz asked why they need the extended hours.

Mr. Rodriguez replied that sales during the extended hours would be financially beneficial. Also, staying open later would allow locals to stay in town instead of driving out of town for more entertainment late at night.

Chair Ruiz asked for any other speakers.

Fernand Gutierrez, of 273 Old Luling Road, said that he is in favor of the sports bar, and agrees that it would provide another option for entertainment in town versus driving out of town.

Edgar Gutierrez, of 273 Old Luling Road, said that he is one of the partners of the proposed sports bar business. He believes it would provide good entertainment for Lockhart, and would be the first sports bar in town.

Mark Silverman, of 8808 Taylor Road in Austin, said he and his wife own the building just east of the subject property. He studied some white papers on criminal activity during extended hours between midnight and 2:00 a.m., and found more crime and car crashes due to alcohol consumption during those hours. He said he opposed approval of the specific use permit.

Susan Silverman, of 8808 Taylor Road in Austin, said she opposed allowing the bar to remain open for extended hours. She expressed her appreciation to the Commission for limiting the hours of the previous specific use permit for a bar. She said that since then there has been no vandalism, trash, or the smell of urine on her property. She has been able to keep her building and property attractive to potential tenants.

Stephanie Bradley said she owns the subject property and, until recently, operated the previous bar, Bruno's, that had to close due to Covid restrictions. She said she had no problems or violations when she ran Bruno's, although there were problems when the building was occupied by the Risky Business bar. She believed that her new tenants were good citizens of Lockhart and wanted to run a respectable establishment. After running Bruno's and closing at midnight she saw firsthand the amount of money lost and the disappointment in those having to leave at midnight to find other places to go. She believes extending the hours would give folks who work in town and get off at 10 p.m. or 11 p.m. a place to relax and unwind instead of going out of town.

Mr. Rodriguez spoke again and said he agrees there is more criminal mischief after midnight and understands that bad things could happen. He stated he would like to change that, and would provide some good entertainment for the citizens of Lockhart in town where its closer to home.

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

Mr. Gibson said the any impacts of the bar depend on how well the proprietor of the establishment conducts their business. He said staff recommended approval of the specific use permit as requested, but noted that staff could also support a condition that the extended hours portion of the permit be reviewed again in one year to determine whether or not it should be continued based upon any reported violations or complaints.

Vice-Chair Oliva moved to recommend approval of SUP-21-01 subject to a condition that the commission revisit this case in one year to determine whether or not the extended hours to 2:00 a.m. should continue based on any violations or complaints. Commissioner Peterson seconded, and the motion passed by a vote of 7-0.

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

Mr. Gibson stated that the next regular meeting would be held on April 14, 2021, and that there would be a specific use permit on the agenda.

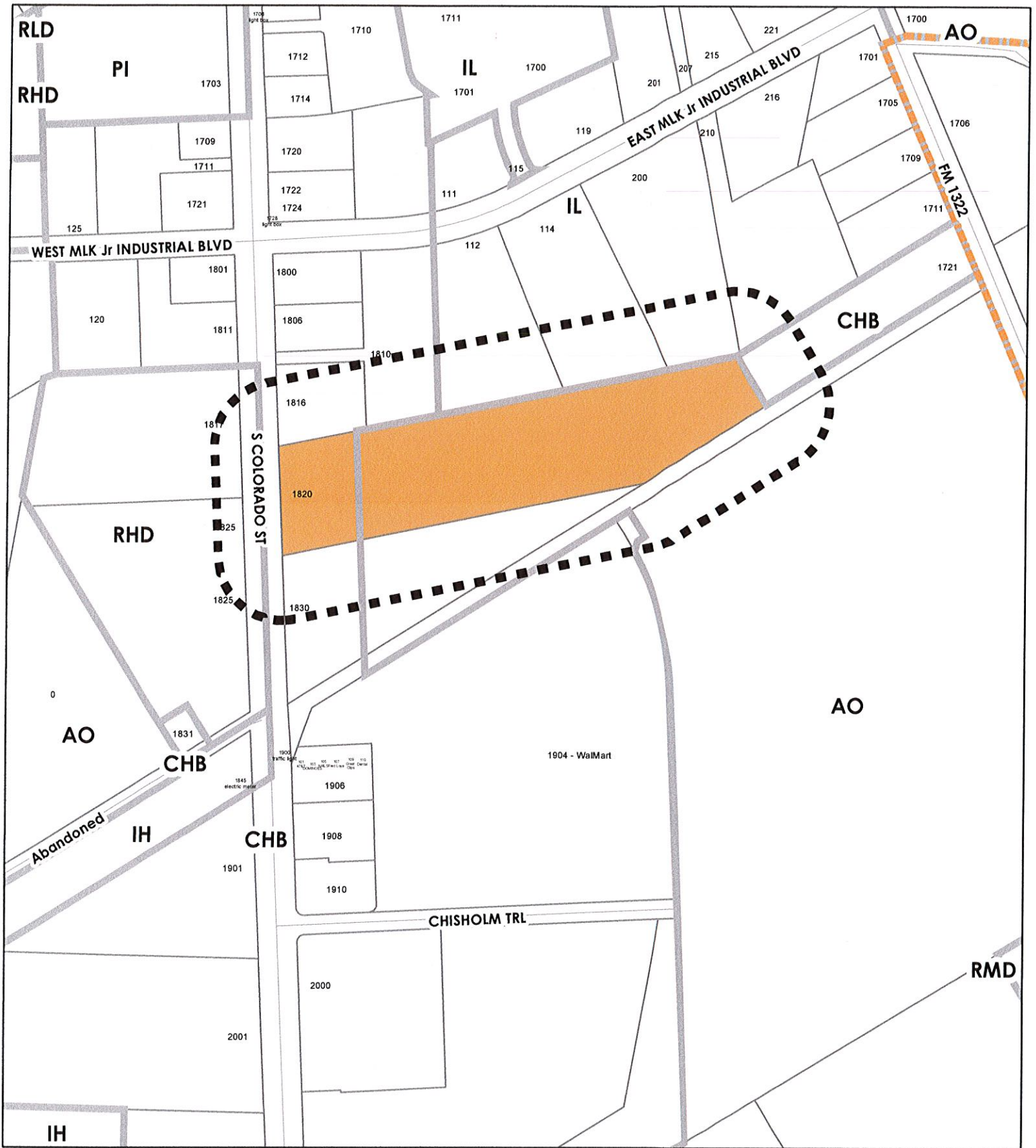
6. Adjourn.

Commissioner Arnic moved to adjourn, and Commissioner St. Leger seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:49 p.m.

Approved: _____
(date)

Christine Banda, Recording Secretary

Manuel Oliva, Vice-Chair







ZC-21-03

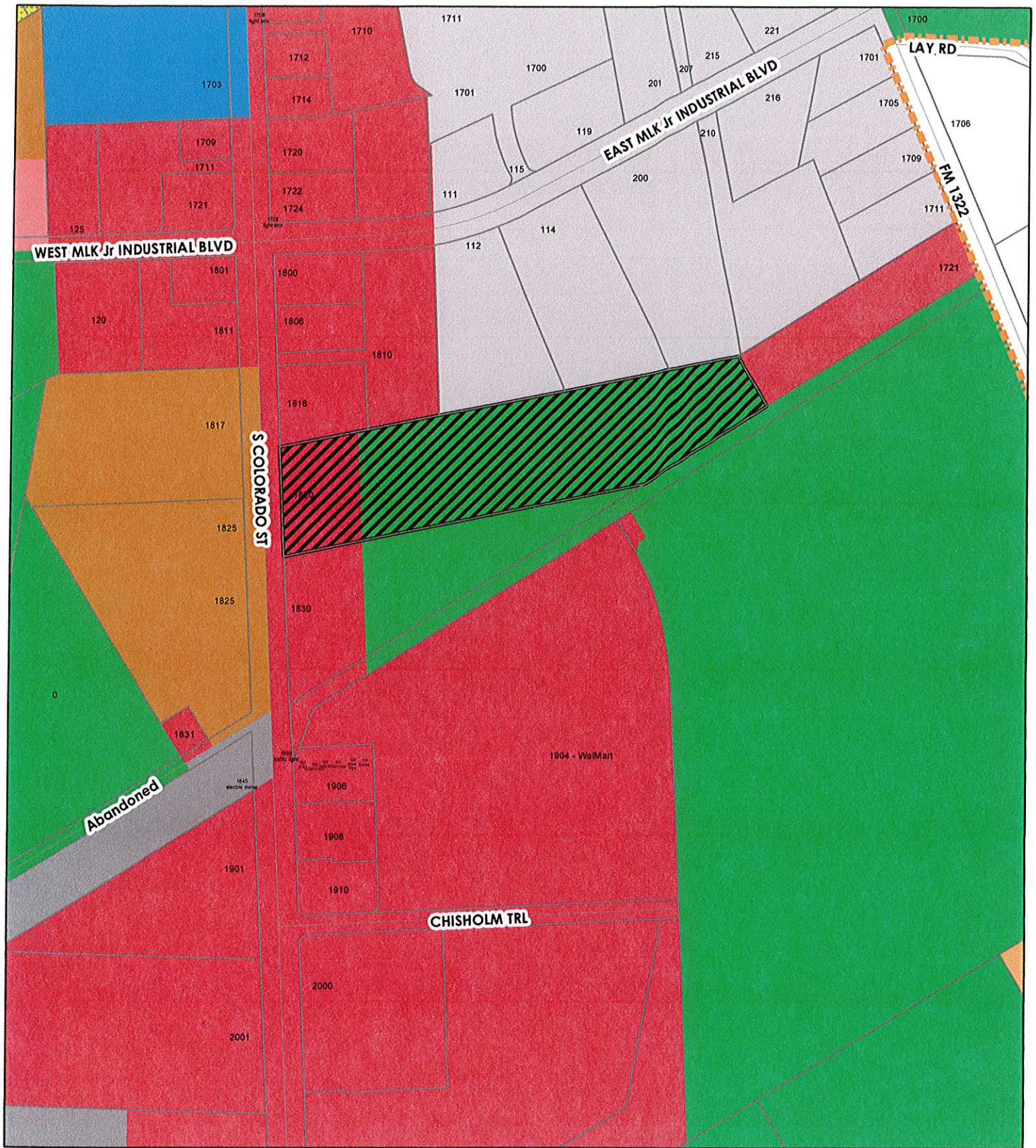
CHB & AO TO CHB & RHD

1820 S COLORADO ST



scale 1" = 400'

-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  CITY LIMITS
-  200 FT BUFFER



ZC-21-03

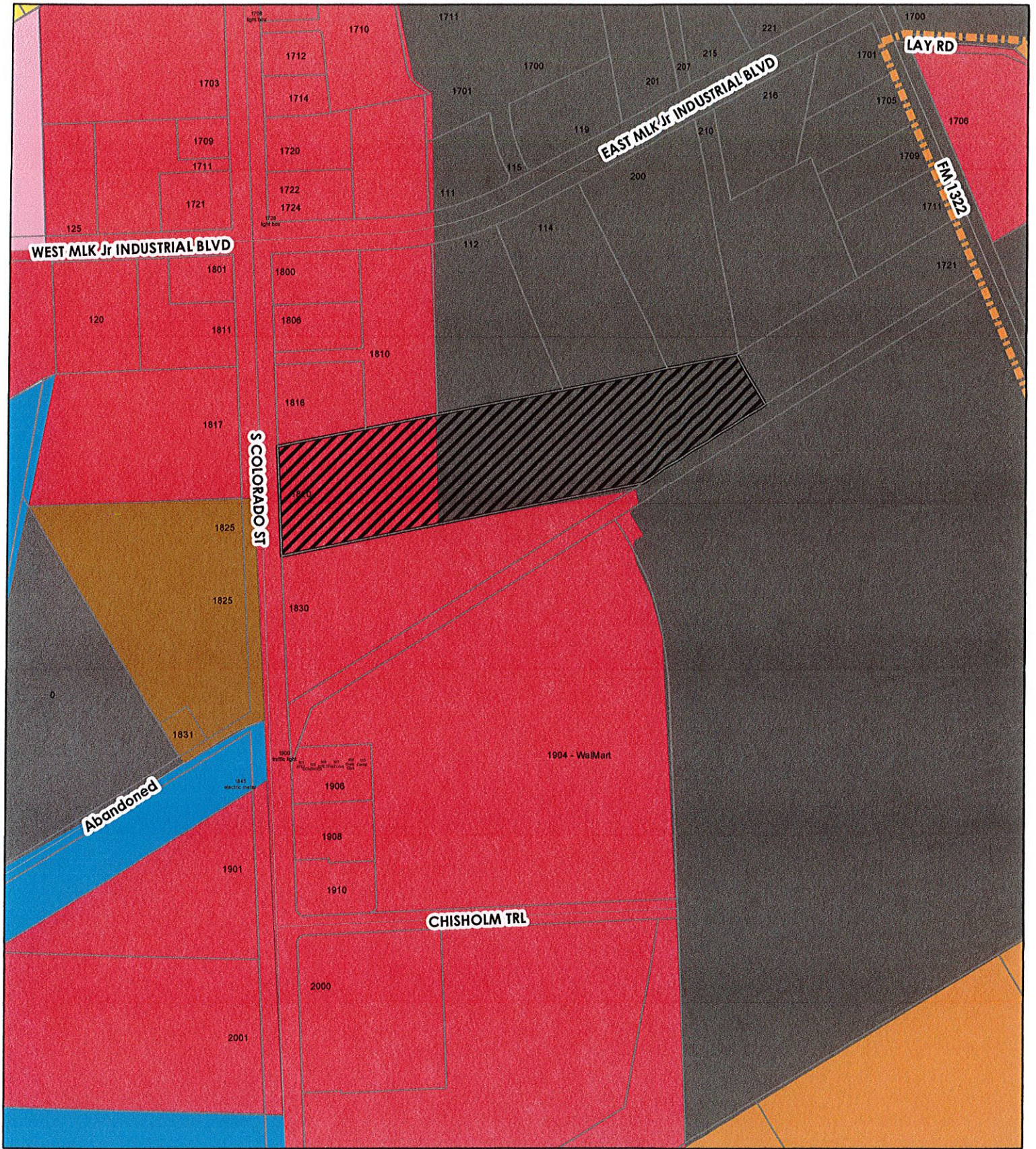
CHB & AO TO CHB & RHD

1820 S COLORADO ST



scale 1" = 400'

- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - COMMERCIAL MEDIUM BUSINESS
 - INDUSTRIAL HEAVY
 - INDUSTRIAL LIGHT
 - PUBLIC AND INSTITUTIONAL
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY
 - LOCKHART CITY LIMITS



FUTURE LANDUSE

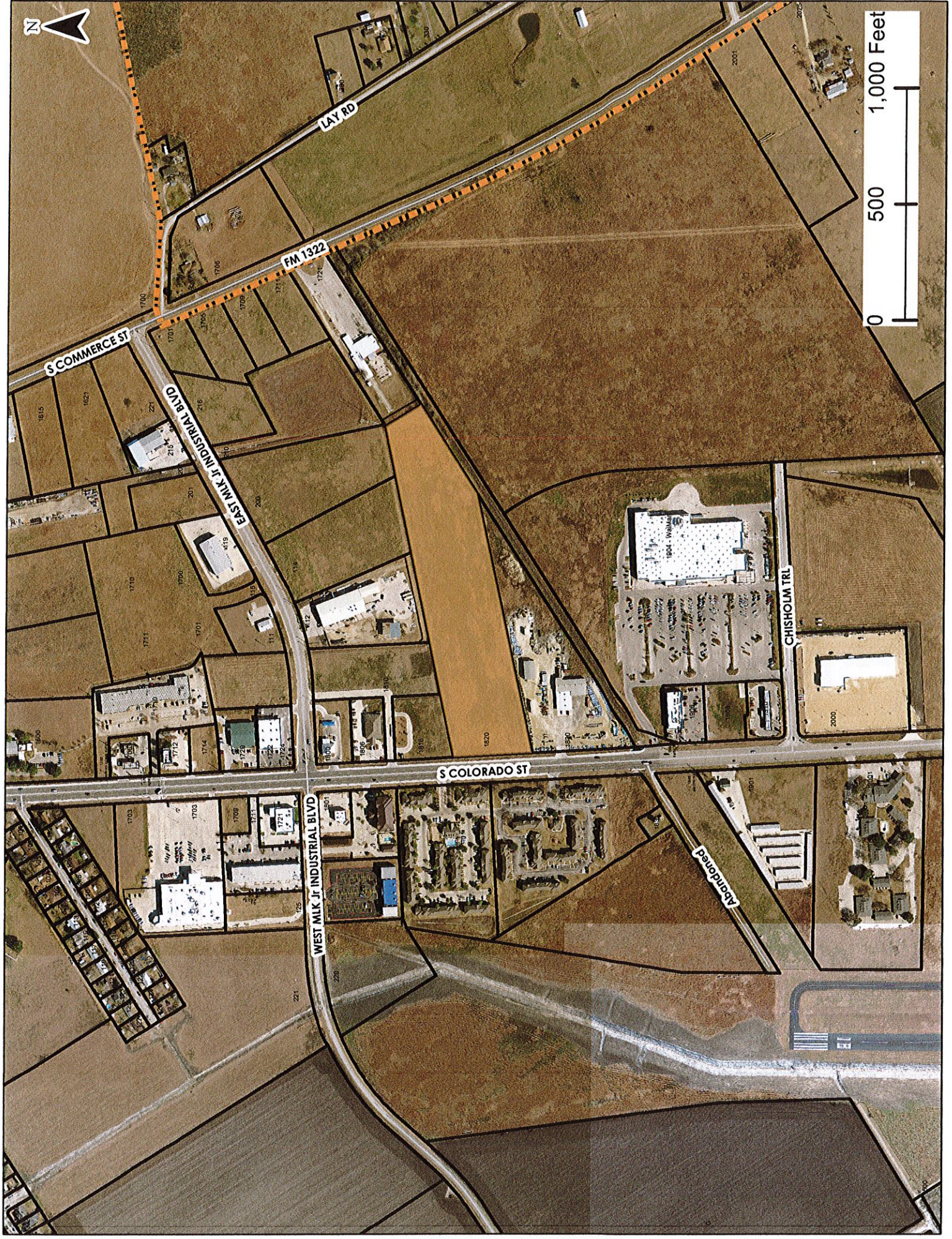
CHB & AO TO CHB & RHD

1820 S COLORADO ST



scale 1" = 400'

- GENERAL-HEAVY COMMERCIAL
- INDUSTRY
- LIGHT-MEDIUM COMMERCIAL
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, HIGH DENSITY
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-21-03

REPORT DATE: April 8, 2021

PLANNING AND ZONING COMMISSION HEARING DATE: April 14, 2021

CITY COUNCIL HEARING DATE: April 20, 2021

REQUESTED CHANGE: CHB & AO to CHB & RHD

STAFF RECOMMENDATION: *Approval*

PLANNING AND ZONING COMMISSION RECOMMENDATION:

BACKGROUND DATA

APPLICANT: Sanjay Parikh

OWNER: Russell Smith

SITE LOCATION: 1820 S. Colorado Street (US 183)

LEGAL DESCRIPTION: Metes & bounds

SIZE OF PROPERTY: 11.011 acres

EXISTING USE OF PROPERTY: Vacant

LAND USE PLAN DESIGNATION: General-Heavy Commercial, Industry

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The applicant proposes commercial uses at the front of the property, and multifamily residential at the rear. The depth of the commercial portion will be slightly greater than the current area zoned CHB and, of course, RHD zoning would replace the existing AO-zoned area for the multifamily portion.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Commercial, Vacant, Industrial	CHB, IL	General-Heavy Commercial, Industry
East	Vacant, Bar	IL, CHB, AO	Industry
South	Commercial, Vacant	CHB, AO	General-heavy Commercial, Industry
West	Apartments	RHD	High Density Residential, General-Heavy Commercial

TRANSITION OF ZONING DISTRICTS: The requested CHB zoning is essentially already existing, but just covers a slightly different area. Although there is no existing RHD zoning abutting the subject property, there is RHD zoning directly across Colorado Street where the Southpark Village apartments are located.

ADEQUACY OF INFRASTRUCTURE: Both water and wastewater utilities are available and adequate. Vehicular access will be from Colorado Street.

POTENTIAL NEIGHBORHOOD IMPACT: The proposed commercial portion of the site is already zoned for it and will undoubtedly create more traffic and other typical impacts of commercial land uses when developed. The change from AO to RHD behind the commercial area will obviously allow a greater density of development up to 12 units per acre, which will also create additional traffic. With the bordering zoning classifications being CHB, IL, and AO (future industrial behind Walmart), the proposed multifamily development would not impose any greater negative potential impacts than industry, which is the property's future land use designation and could involve large trucks, bright night-lighting, and noise.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed CHB zoning classification for the front portion of the site is consistent with the Land Use Plan map designation of future General-Heavy Commercial. The proposed High Density Residential classification is not consistent with the future land use designation of Industry for the rear portion of the site. However, the existing AO designation is also not consistent with the Land Use Plan.

ALTERNATIVE CLASSIFICATIONS: The only alternative would be a zoning classification that is consistent the Land Use Plan future land use designation of Industry. That would be either IL or IH zoning.

RESPONSE TO NOTIFICATION: None, as of the date of this report.

STAFF RECOMMENDATION: Staff recommends approval of the proposed CHB and RHD zoning classifications.

CITY OF

Lockhart

TEXAS

ZONING CHANGE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Sanjay Parikh
DAY-TIME TELEPHONE 9043150089
E-MAIL Sp32086@aol.com

ADDRESS 105 Wigeon Cove
Cedar Park, TX 78613

OWNER NAME Russell Smith
DAY-TIME TELEPHONE 512-393-9951
E-MAIL rlsmith.email@gmail.com

ADDRESS 1820 South Colorado St
Lockhart, TX

PROPERTY

ADDRESS OR GENERAL LOCATION 1820 S. Colorado Street

LEGAL DESCRIPTION (IF PLATTED) _____

SIZE 11.01 ACRE(S) LAND USE PLAN DESIGNATION CBH/Industrial

EXISTING USE OF LAND AND/OR BUILDING(S) Agriculture

PROPOSED NEW USE, IF ANY Commercial, Multi-Family

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION CHB & AO

TO PROPOSED ZONING CLASSIFICATION CHB & RHD

REASON FOR REQUEST To develop the front 2.13-acres (CHB) as Commercial/Retail and the rear 8.81-acres (RHD) as residential high-density

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.


NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 370.22 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE 

DATE 03/24/21

OFFICE USE ONLY

ACCEPTED BY Christine Bander

RECEIPT NUMBER _____

DATE SUBMITTED 3-24-2021

CASE NUMBER ZC - 21 - 03

DATE NOTICES MAILED _____

DATE NOTICE PUBLISHED 4-1-2021

PLANNING AND ZONING COMMISSION MEETING DATE 4-14-2021

PLANNING AND ZONING COMMISSION RECOMMENDATION _____

CITY COUNCIL MEETING DATE _____


DECISION _____

March 23, 2020


To whom it may concern,

I am the owner of the property at 1820 South Colorado Street, Lockhart, TX. I authorize Sanjay Parikh to submit an application to change the zoning of the property.

Sincerely,

DocuSigned by:

C9ABF1787C28427...

Russell Smith

TO: Planning and Zoning Commission
FROM: Dan Gibson, City Planner 
SUBJECT: Agenda item #5, Comprehensive Plan
DATE: April 9, 2021

City of Lockhart
MEMO

The City Council is interested in updating the Lockhart 2020 Comprehensive Plan. We looked at it about ten years ago and decided that the text was still relevant, but the land use and thoroughfare plan maps needed updating. So that was done, along with the creation of a new sidewalk and trail map, in 2011. If a major update is undertaken, it would involve retaining a consulting firm to do the bulk of the work since staff is already at our limit in terms of workload.

I have been asked to list specific areas in the comprehensive plan, if any, that are out of date enough to require revision, or to identify subject areas that should be added which are currently not in the plan document. That report, including any recommendation you would like to make with regard to updating the plan at this time, will then be provided to the City Council.

Therefore, I am asking for the Commission's input for what to include in the report. I'm not proposing to review the plan page-by-page during the meeting, but would like for you to read as much of it as you wish and take notes so you'll be prepared to provide your suggestions. We can discuss the plan chapter-by-chapter, and if it takes too long for one meeting we'll simply continue this item to the next agenda until we are finished with the review.

The subject of another possible major project does not change my current priorities, including the adoption of the subdivision regulation amendments and the total rewrite of the zoning ordinance, both of which have been dragging on for far too long. In addition, another critical need is revising our sign ordinance, since much of it is now essentially unenforceable due to the 2015 Supreme Court decision in Reed v. Town of Gilbert, Arizona, that cities could not base the regulation of signs on the message displayed (content neutral). Subsequent interpretations have determined that it is still permissible to distinguish on-premise signs from off-premise signs, but our ordinance contains many other sign classifications based on the type of message that need to be reevaluated. Signs can still be regulated in terms of time, place and manner (size, height, setbacks, etc.). Because it would be a major overhaul, perhaps the new sign regulations could be included in the new zoning ordinance, similar to the parking, screening, appearance, and other standards that are already in that ordinance and which will be extensively revised.