

**City of Lockhart
Planning and Zoning Commission
October 23, 2024**

MINUTES

Members Present: Philip Ruiz, Ron Peterson, Julia Haug, Phil McBride, Manuel Oliva

Members Absent: Rick Arnic, Bradley Lingvai

Staff Present: David Fowler, Evan Olszewski, Romy Brossman

Visitors/Citizens Addressing the Commission:

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 the October 9, 2024, meeting.

Commissioner Haug moved to approve the October 9, 2024, minutes. Commissioner Peterson seconded, and the motion passed by a vote of 4 - 0.

Commissioner Oliva entered the meeting post-vote.

4. Hold a PUBLIC HEARING and consider a **Text Amendment** to Chapter 64, Article VIII "Zoning Districts and Standards," Section 64-198 "Performance standards for commercial and industrial districts," Subsection (c) "Nuisances," to raise the allowable noise levels for commercial properties adjacent to residentially zoned properties.

David Fowler introduced the subject at hand and showed several possible revisions. The hearing is in response to a local business owner who has received numerous complaints regarding outdoor live music events held on the property. The owner has requested sound levels of 75 decibels be allowed on similarly situated commercial properties abutting residential zoning districts between 7 AM and 10 PM. This represents a more than 20 decibel increase over the allowed level and is 5 decibels greater than the allowable level for a property abutting an industrial district.

Mr. Fowler presented tables, charts, graphs and studies comparing Lockhart to other peer cities as well as an overview of noise ordinance studies created by professional organizations. The information shows that while Lockhart's noise standards are lower than other cities in the studies, they are not so low as to stand out as an outlier among peer cities. City planning staff does not have a recommendation regarding whether the allowable sound levels should be revised but advises the Planning and Zoning Commission to consider whether the current regulations are an undue constraint on existing businesses or whether the quiet enjoyment of residential neighborhoods outweighs the request for greater levels of sound to be allowed on commercial properties, particularly those abutting residential areas.

Chair Ruiz asked, who enforces the noise ordinance?

Mr. Fowler responded, a combination of Police as well as Planning and Code Enforcement Staff. Any complaints that occur at the time, will be responded to by the Police. City Staff would respond to ongoing use and compatibility concerns.

Chair Ruiz inquired about "wobble room" with decibel levels when a complaint is called in, much like a speed limit ... a police officer may provide a warning when a driver is 2 or 3 miles per hour over a speed limit.

To which Mr. Fowler confirmed and agreed, authorities may allow for a small deviation.

Jesse Hernandez, of 203 E. Pecan St. Lockhart, stated that currently the limit is 55 decibels, and they've had 4 noise related police reports. When making this decision he would like noise ordinance levels from neighboring towns, Kyle, New Braunfels, Bastrop to be considered. The city's noise ordinance is out of date as the city grows. The needs of businesses need to be considered and at the same time we need to be fair across the board.

Commissioner Haug moved to approve Text Amendment to Chapter 64, Article VIII, Section 64-198 and Subsection (c) "Nuisances" with the recommendation to adoption the Georgetown Code of Ordinances Chapter 8.16 Noise Control levels, the addition of the exempted Downtown Events in section 36-3, a recommendation to look into acquiring portable sound deadening equipment and lastly a recommendation to consider creating new noise limits covering noise created within residential areas. Commissioner Oliva seconded, and the motion passed with a vote of 5 - 0.

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

David Fowler stated the next P&Z Meeting will occur November 13th, when a zoning case will be heard.

- 6. Adjournment.

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

Approved: 11/13/2024
(date)


Philip Ruiz, Chair


Romy Brossman, Recording Secretary