

**City of Lockhart
Planning and Zoning Commission
September 26, 2018**

MINUTES

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

Members Absent: Christina Black, Philip McBride

Staff Present: Dan Gibson, Christine Banda, Kevin Waller

Visitors/Citizens Addressing the Commission: Carolyn Bryant, Cole Bender, Mike Mann, Theresa Tuck, Amy Seitz, Ricky Seitz, Linda Hinkle

1. Call meeting to order. Vice-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 September 12, 2018 meeting.

Commissioner Nickel moved to approve the September 12, 2018, minutes. Commissioner Villalobos seconded, and the motion passed by a vote of 5-0.

4. SUP-18-11. Hold a PUBLIC HEARING and consider a request by Ryan M. Lozano on behalf of Mike and Fran Lozano for a Specific Use Permit to allow a Church on Part of Lot 4, Block 12, Original Town of Lockhart, consisting of 0.186 acre zoned CCB Commercial Central Business District and located at 205-B South Main Street.

Dan Gibson explained that a Specific Use Permit is required for a Church in the CCB Commercial Central Business District, and that it was discovered that the subject property didn't have an SUP for the church that is advertised on a sign mounted beside the rear door. He presented photos of the subject property and surrounding area, and pointed out that the church is located within 300 feet of the Caracara brewery. If for any reason that business would need to reinstate an expired or terminated TABC license, it would not be approved because of the proximity of the church unless the City Council approved a variance. He said that the off-street parking in the rear is nonconforming and should be restriped, with the proper handicapped parking logo on the pavement, and relocation of the handicapped sign to a pole in front of the handicapped space. In addition, a "Van-accessible" sign should be added to the pole.

Vice-Chair Ruiz made some comments and observations in regard to the uses allowed by-right in the CCB zoning district, which are primarily retail, office, and restaurant uses that help to revitalize downtown, where as churches don't provide the same level of daily activity.

Father Ryan Lozano, of 208 W. Prairie Lea St., said that the church dates to 2013, when they began meeting in borrowed spaces throughout the city. He said that the current space came available last November and they have held services there since that time. He was unaware that a Specific Use Permit was required. He said that his church is the only one of its type within 100 miles. They have six to a dozen so parishioners on a given Sunday for their service. He mentioned that the owner of the Caracara brewery is in support of their church. When additional parking is needed they have permission from Bank of The Ozarks to use their parking lot. The church services are over by the time downtown businesses are opened.

Carolyn Bryant, of 215 A & P Drive near Lockhart, spoke in favor of the church.

Cole Bender, of 302 W. Market Street, said he was in favor of the church.

Mike Mann, owner of Caracara Brewery, spoke in favor of the church.

Theresa Tuck, of 200 S. Hackberry Street in Moulton, spoke in favor of the church.

Vice-Chair Ruiz asked for any other speakers and, seeing none, he closed the public hearing and asked for staff's recommendation.

Mr. Gibson said that staff recommends approval subject to a condition that the parking spaces in the rear of the building be brought into compliance with City standards, including restriping and addition of the standard handicapped wheelchair logo in the handicapped space, relocation of the handicapped sign to a pole in front of the handicapped space, and the addition of a "Van-accessible" sign.

Commissioner Olivia moved to approve SUP-18-11 subject to the conditions recommended by staff. Commissioner Rodriguez seconded, and the motion passed by a vote of 4-1, with Vice-Chair Ruiz against.

5. PV-18-02. Consider a request by Amy Eddleton Seitz 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 out of a 11.214-acre tract in the James George League, Abstract No. 9, located at 514 and 550 Lay Road (County Road 206) in the Lockhart Extraterritorial Jurisdiction.

Kevin 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, with farmland on the remaining east portion of the property. The owner requested that the platting requirement be waived so that they could instead qualify for the County's option of a family land partition, which is a procedure that is currently not authorized by the City's 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.

Amy Seitz, of 420 Lay Road, said that her mother died in January and that she inherited the property. Her sister will get the one acre with the site-built home, and the manufactured home will be removed by another family member who will not live on the property. She said the rest will remain as farmland for herself.

Ricky Seitz, of 420 Lay Road, said that all of the property on the east side of Lay Road is family owned, and that he supported the variance.

Linda Hinkle, of 1109 S. Main Street, said that she has worked with the County on many family land grant procedures, and that she supported the variance.

Commissioner Oliva moved to approve PV-18-02. Commissioner Villalobos seconded, and the motion passed by a vote of 4-1, with Vice-Chair Ruiz against.

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

Mr. Gibson stated the next meeting will be on October 10, 2018.

7. Adjourn.

Commissioner Oliva moved to adjourn, and Commissioner Villalobos seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:52 p.m.

Approved: 10/10/2018
(date)


Christine Banda, Recording Secretary


Philip Ruiz-Vice-Chairman