

**City of Lockhart
Planning and Zoning Commission
January 9, 2019**

MINUTES

Members Present: Philip Ruiz, Philip McBride, Marcos Villalobos, Paul Rodriguez, Manuel Oliva

Members Absent: Christina Black

Staff Present: Dan Gibson, Christine Banda

Visitors/Citizens Addressing the Commission: Esthela Cisneros, Michael Hollifield Crystal Murdoch, Richard Robles, Angela Robles, Catherine Pierre, Louis Pierre, Yvette Aguado, Laura Chavez, Rene Estrada, Gabriel Gonzales, Daniel Perez, Tom Guyton, Cynthia Alvarez, Parind Vora, William Genn, Gwen Genn, Leslie Castillo, Ron Faulstich, Rhonda Reagan, Perla Morales, Dan Dees, Jennifer Dees, Steve Lucio, Frances Lucio

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 December 12, 2018 meeting.

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

4. SUP-19-02. Hold a PUBLIC HEARING and consider a request by Esthela Cisneros on behalf of Ibex Leasing Company for a Specific Use Permit to allow Retail Sales of nutritional products on 1.734 acres in the Francis Berry Survey, Abstract 2, zoned CLB Commercial Light Business District and located at 1003 West San Antonio Street (SH 142).

Mr. Gibson explained that a specific use permit is required for the sale of nutritional products, which would fall under retail sales in the CLB Commercial Light Business District. He presented maps and photos of the subject property and surrounding area. He said that staff recommends approval.

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

Esthela Cisneros of 221 Live Oak Drive, Cedar Creek, said she would like to help others lose weight like she had. She will have nutritional items and shakes to offer patrons.

Chair McBride asked if she would utilize the drive-through window.

Ms. Cisneros replied that she had no plans to use it.

There being no one else to speak, Chair McBride closed the public hearing.

Commissioner Oliva moved to approve SUP-19-02 and Commissioner Ruiz seconded. The motion passed by a vote of 5-0.

5. SUP-19-03. Hold a PUBLIC HEARING and consider a request by Michael Hollifield on behalf of Cynthia Alvarez for a Specific Use Permit to allow a Church on part of Lots 4 and 5, Block 23, Original Town of Lockhart, consisting of 0.18-acre zoned CCB Commercial Central Business District and located at 115 North Commerce Street.

Mr. Gibson reminded the Commission that the subject property was previously rezoned from CHB to CCB, and explained that a specific use permit is required for a church in the CCB Commercial Central Business District. The application states that the building will be remodeled to accommodate three classrooms, three bathrooms, and a sanctuary seating 120 people. If needed, they will hold two services on Sunday mornings. The use of the building will primarily be on Sunday mornings. No off-street parking is required, and the adjacent alleyway is not wide enough for two-way access to the few parking spaces in the rear, so all of the parking will be on-street. Mr. Gibson pointed out that the nearby Presbyterian Church has a small parking lot, but their members also park in the street. He noted that the church is within 300 feet of the Lockhart Bistro, which sells alcoholic beverages for on-premise consumption, but since the restaurant was there first there would be no affect on the restaurant operation unless their TABC permit was terminated. However, he also mentioned that there had been discussion regarding changing the local ordinance to eliminate the 300-foot restriction in the central business district. If that happened, then churches would have no impact on the potential location of establishments that sell alcoholic beverages for on-premise consumption. Mr. Gibson closed by pointing out that the building had been vacant for a long time, so a church would not be displacing an existing retail business, and that the church was not the owner of the property and intended only to lease the space until they outgrow it.

Commissioner Rodriguez asked if a fire inspection would be done.

Mr. Gibson replied that fire and other code inspections are part of the process before the building can be occupied for the proposed use.

Commissioner Ruiz asked about the status of the alley.

Mr. Gibson said that the alley is public right of way, and is not part of any private property.

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

Michael Hollifield, of 119 Azolar Drive in San Marcos, said he is the pastor of Promiseland Church, and stated that they already had an inspection to see what would need to be done to the building. He mentioned that at the City Council meeting for the zoning change there was concern about affecting the availability of parking for the Presbyterian Church. He said his members would not use the Presbyterian Church parking lot, and would park only in the street. He explained that his congregation would bring business to downtown area, and that they wish to continue being a part of the Lockhart community. Finding this location had been a blessing because they have been tearing down and setting up at the Lockhart Junior High School every Sunday for the past two years.

Crystal Murdoch, of 1203 Spruce Street, spoke in favor of the specific use permit.

Richard and Angela Robles, of 909 Travis Street, spoke in favor of the specific use permit.

Catherine and Louis Pierre, of 1018 Johnson Street, spoke in favor of the specific use permit.

Yvette Aguado, of 738 Neches Street, spoke in favor of the specific use permit.

Perla Morales, of 1412 West San Antonio Street, spoke in favor of the specific use permit.

Dan and Jennifer Dees, of 1223 West Live Oak Street, spoke in favor of the specific use permit.

Laura Chavez, of 1002 Crockett Street, spoke in favor of specific use permit.

Rene Estrada, of 520 Neches Street, spoke in favor of the specific use permit.

Gabriel Gonzales, of 615 Indian Blanket Street, spoke in favor of the specific use permit.

Steve and Frances Lucio, of 726 Anderson Lane in Martindale, spoke in favor of the specific use permit.

Daniel Perez, of 800 Plum Street, spoke in favor of the specific use permit.

Tom Guyton, of 507 Shelley's Cove, spoke in favor of the specific use permit.

Cynthia Alvarez, of 355 Old Luling Road, said she is the owner of the building and supports approval of the specific use permit. She mentioned that the building has been empty for some time, and believes it would benefit from being used by the church.

Chair McBride asked for any other speakers to come forward.

Parind Vora, of 119 E San Antonio Street, said he is the owner of Lockhart Bistro, which is across the alley from the subject property. He was concerned that if his business had a fire and he would have to rebuild or remodel and reapply for his alcohol license, there would be a problem because a church is within 300 feet of his front door. He said churches don't pay taxes so the city would be missing out on collecting taxes instead of having a retail business at the subject property. He believes it is best for the downtown area to have businesses that add to the city's tax base. His other concern is parking downtown, which is very limited. His restaurant serves Sunday brunches that occur during the church hours and would compete for available parking spaces. In addition, Mr. Vora added that delivery trucks which use the alley in the back to unload could conflict with the church activities.

Mr. Gibson reminded the Commission that staff is considering recommending a change in the ordinance that currently limits the sale of alcoholic beverages for on-premise consumption within 300 feet of churches downtown.

William Genn, of 109 East San Antonio Street, said he resides on the second floor of his building. His tenant on the first floor is the clock museum, which at times holds charitable events where alcohol is consumed. His primary concern is parking in the rear of his building. He wanted the alley to stay accessible. On several occasions large delivery trucks or vehicles owned by customers of the Pearl bar have blocked him in.

Gwen Genn, of 109 East San Antonio Street, said that they would like for their daughter to inherit the building they own and be able to do whatever she likes with it. She would not want a church nearby to restrict any use allowed for the building.

Leslie Castillo, of 800 Clear Fork Street, said she is an elder at the Presbyterian Church. She stated that the church holds various events throughout the year where parking could be an issue. She said a lot of their members are elderly, so her main concern is parking.

Ron Faulstich, of 121 Nueces Street, said he is the owner of 113 East San Antonio Street which is located downtown across from the County Courthouse. He was concerned about congestion, and would like the option of one day turning his building into a nightclub or restaurant. He said he was a member of the downtown business group, and that they have noticed a lot more traffic downtown during the weekends.

Rhonda Reagan, of 412 West San Antonio Street, said she owns two buildings in the area. She is opposed to a church downtown. She argued that more retail downtown would make Lockhart more viable.

Chair McBride asked if the applicant wished to address any issues that were raised by those who opposed the church.

Michael Hollifield said the church planned to have two services on Sunday mornings to reduce the parking impact of everyone attending at once. He stated that his congregation would probably eat at nearby restaurants after services, and he was not aware of loading trucks blocking the alley. The members of the church would not be allowed to park in the rear of the building when attending the morning services. He noted that they do not wish to be a problem, but a solution, and they don't want to create any division within community.

There being no one else to speak, Chair McBride closed the public hearing.

Commissioner Ruiz asked staff if parking in the street right of way is available for anyone to use no matter what business they are going to.

Mr. Gibson replied affirmatively, that anyone can use the on-street parking spaces downtown.

Commissioner Ruiz moved to approve SUP-19-03 with the condition that signage is added to prohibit parking, loading, or blocking of the public alley. Commissioner Rodriguez seconded, and the motion passed by a vote of 5-0.

6. View the 2018 State of the City presentation.

Mr. Gibson presented PowerPoint slides with his commentary, and there was discussion.

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

Mr. Gibson stated there was at least one agenda item for the next meeting on January 23.

8. Adjourn.

Commissioner Oliva moved to adjourn, and Commissioner Villalobos seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:32 p.m.

Approved: 1-23-2019
(date)

Christine Banda
Christine Banda, Recording Secretary

Philip McBride
Philip McBride-Chairman