

PUBLIC NOTICE

City of Lockhart
Planning and Zoning Commission
7:00 PM, Wednesday, April 24, 2024
Municipal Building – Glosserman Room
308 W. San Antonio St.

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the March 13, 2024 meeting.
4. **SUP-24-02.** Hold a PUBLIC HEARING and consider a request by Jesse Hernandez for a **Specific Use Permit** to allow commercial outdoor recreation, entertainment, and amusement events on 0.33 acre in the O.T. Lockhart, Block 33, part of Lot 6, zoned CHB (Commercial Heavy Business), and located at 203 East Pecan Street.
5. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.
6. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 10:00 a.m. on the 17th day of April, 2024.

**City of Lockhart
Planning and Zoning Commission
March 13, 2024**

MINUTES

Members Present: Philip Ruiz, Phil McBride, Bradley Lingvai, Julia Haug, Manuel Oliva, Ron Peterson, Rick Arnic

Members Absent: None

Staff Present: David Fowler, Kevin Waller, Christine Banda

Visitors/Citizens Addressing the Commission: Pete Hoyt (applicant's representative, Agenda Item 4), Katherine Loayza (applicant's representative, Agenda Item 5)

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 February 28, 2024, meeting.

Commissioner Arnic moved to approve the February 28, 2024 meeting minutes. Commissioner Peterson seconded, and the motion passed by a vote of 5-0.

4. PV-24-01. Consider a request by Brian Parker, P.E., of Kimley-Horn and Associates, Inc., for approval of a Plat Variance to allow a 6-month extension to October 11, 2024, after a six-month extension to April 12, 2024, as authorized in Section 52-35(e) of the Subdivision Regulations, of the one-year period within which construction must begin following approval by the Planning and Zoning Commission on October 12, 2022, of the Final Plat of Calvary Subdivision on 34.512 acres, zoned RHD Residential High Density District and located at 400 State Park Road.

Commissioners Oliva and Lingvai arrived at 7:03 p.m.

Planning Staff Kevin Waller came forward for the staff report. He stated that the applicant is requesting their second extension for the subdivision for an additional six months. Mr. Waller mentioned that the Commission had recently approved a similar request for both Sections 5 and 6 of Summerside Subdivision. The applicant informed Staff that it had been difficult securing contractors as the primary reason for the variance request. The applicant's current deadline for the start of construction is April 12, 2024, pursuant to the first extension approval.

Chair Ruiz asked for the applicant to come forward.

Pete Hoyt with Kimley-Horn, 10814 Jolleyville Road, Austin, stated that they are the civil engineers for the project. He mentioned that this project started back in 2021. This variance request allows their client more time to start construction with more ideal market conditions.

Chair Ruiz asked for any other speakers; seeing none, he asked for Staff's recommendation.

Mr. Waller stated that Staff recommends approval of the extension request, with the condition that no further extensions be granted in the future.

Commissioner Lingvai moved to approve the second 6-month extension of the Final Plat approval period, with Staff's condition that no other extensions will be granted. Commissioner Haug seconded, and the motion passed with a vote of 7-0.

5. FP-24-02. Consider a request by C.J. Ponton, P.E., of Kimley-Horn and Associates, Inc., for approval of a Final Plat for McCormick Ranch Planned Development, consisting of 53.00 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned PDD (Planned Development District) and located at 1925 FM 2001.

Mr. Waller came forward with the staff report. He stated that the Preliminary Plat was approved by the Commission on January 24, 2024, with the PDD Development Plan and associated zoning change approved by the City Council at its February 6, 2024, meeting. A Subdivision Variance submitted with the Preliminary Plat application was denied by the Commission to remove the sidewalk requirement along the property's F.M. 2001 frontage, with the Commission instead requiring that a fee in lieu of the sidewalk's construction be paid by the developer, which was added to the plat by note. The lot would be developed in two phases for light industrial uses. A four-foot-wide compacted gravel employee walking trail will be located along the full length of the west boundary of the lot, and will be constructed during Phase 2. Mr. Waller confirmed that the plat meets all requirements for form and content. Plus, it meets all applicable subdivision standards including utility line extensions and stormwater drainage.

Chair Ruiz asked for the applicant to come forward.

Katherine Loayza with Jackson Walker, 100 Congress Ave., Austin, stated that she represented the applicant. She stated that the plat complies with all subdivision regulations.

Chair Ruiz asked for any other speakers; seeing none, he asked for Staff's recommendation.

There was a Commission question regarding the timing of payment of the fee-in-lieu of sidewalk construction along the F.M. 2001 frontage.

Planning Staff David Fowler explained that the plat note states that the fee is due prior to the building permit being issued, but that a recent discussion with the applicant after the Commission's meeting on the preliminary plat revealed that Staff had agreed to the fee in lieu being paid prior to issuance of a Certificate of Occupancy. The fee would be billed at the time of permit issuance.

Mr. Waller stated that Staff recommends approval of the final plat.

Commissioner Peterson moved to approve FP-24-02. Commissioner Arnic seconded, and the motion passed with a vote of 7-0.

6. Planning Director's report.

Mr. Fowler reminded the Commission of the upcoming Open House Meeting for the Comprehensive Plan on March 18th. He informed the Commission that the City Council did approve the Lighting Ordinance, but because of a 2021 update to the Local Government Code affecting building materials, the city must now apply for Dark Sky Certification to officially adopt the Lighting Ordinance. Fowler also mentioned that the Commission will see some of the PDD developments coming back to them for approval and changes. He also stated that Staff is working on updates to the definitions for the various uses in the Zoning Ordinance to ensure that each is clearly and completely articulated, and for internal consistency.

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

Mr. Fowler stated that the next regularly scheduled meeting would be held on Wednesday, March 27th, with the possibility of one subdivision plat on the agenda.

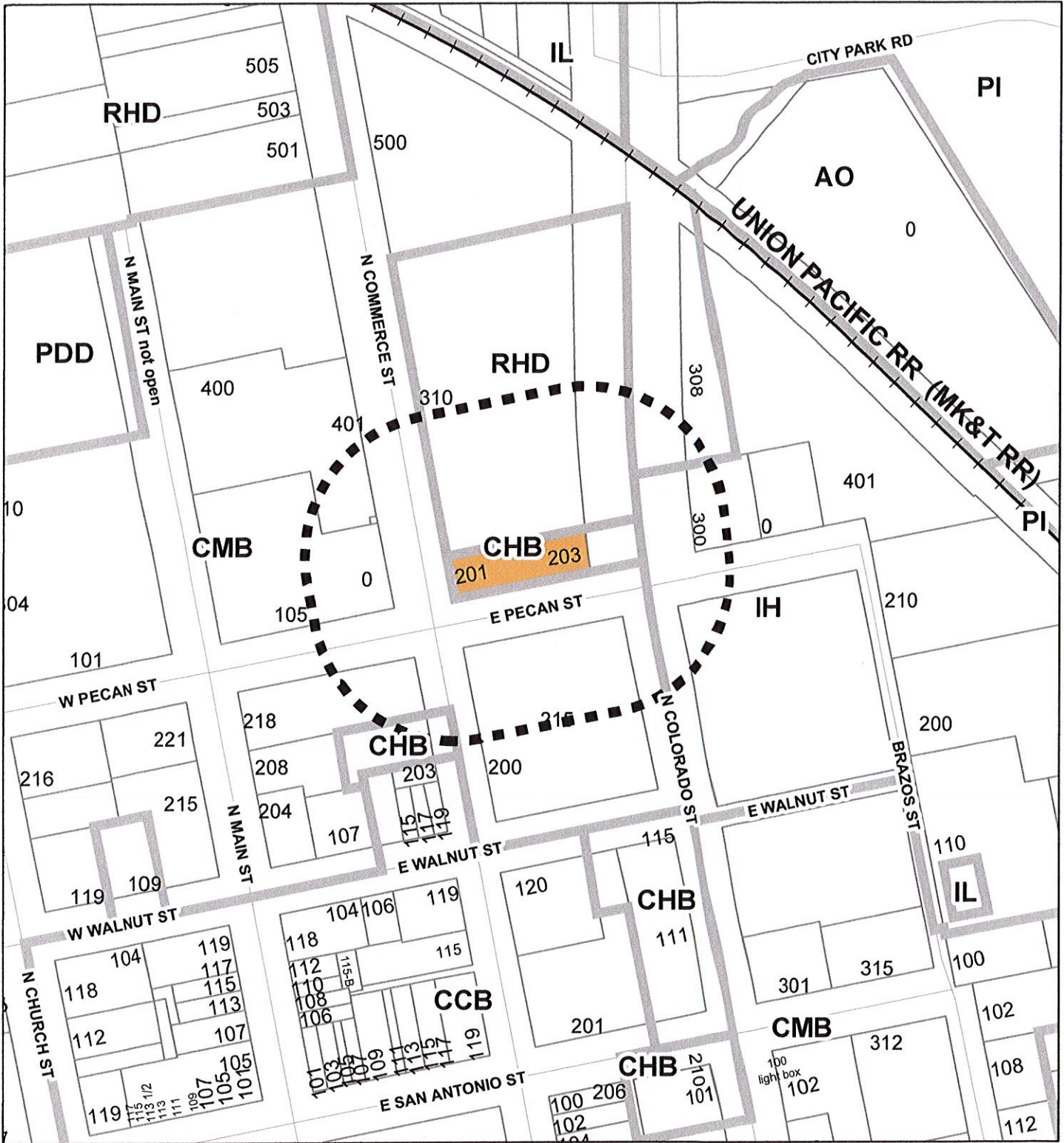
8. Adjournment.

Commissioner Haug moved to adjourn, and Commissioner Lingvai seconded. The motion passed by a unanimous vote (7-0), and the meeting adjourned at 7:33 p.m.

Approved: _____
(date)

Christine Banda, Recording Secretary

Philip Ruiz, Chair






SUP-24-02

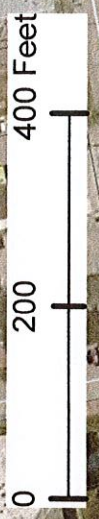
203 E PECAN ST

COMMERCIAL OUTDOOR
RECREATION, ENTERTAINMENT
AND AMUSEMENT



-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  200 FT. BUFFER

scale 1" = 200'



UNION PACIFIC RR (MK&TRR)

CITY PARK RD

N COLORADO ST

BRAZOS ST

E WALNUT ST

S COLORADO ST

E SAN ANTONIO ST

E PECAN ST

N COMMERCE ST

E WALNUT ST

N MAIN ST not open

N MAIN ST

W SAN ANTONIO ST

W PECAN ST

W WALNUT ST

N CHURCH ST

N BLANCO ST

CASE SUMMARY

STAFF CONTACT: Evan Olszewski, Planner

CASE NUMBER: SUP-24-02

REPORT DATE: April 10, 2024

PUBLIC HEARING DATE: April 24, 2024

APPLICANT'S REQUEST: Commercial Outdoor Recreation, Entertainment, and Amusement

STAFF RECOMMENDATION: **Approval with conditions, if no significant opposition**

SUGGESTED CONDITIONS:

- 1) The Applicant shall pay for the outstanding permit for the concrete pad and pass inspection prior to any event,
- 2) Events shall be limited to the occasions and times provided by the Applicant,
- 3) The SUP shall be suspended if the proposed events do not adhere to the noise decibel limits established in Section 64-198.

BACKGROUND DATA

APPLICANT(S): Jesse M. Hernandez

OWNER(S): Marie Alewine

SITE LOCATION: 203 East Pecan Street

LEGAL DESCRIPTION: Original Town of Lockhart, Block 33, Part of Lot of 6

SIZE OF PROPERTY: 0.33 acres

EXISTING USE OF PROPERTY: Retail shop

ZONING CLASSIFICATION: CHB Commercial Heavy Business

ANALYSIS OF ISSUES

CHARACTERISTICS OF PROPOSED USE: The Applicant requests a Specific Use Permit for Commercial Outdoor Recreation, Entertainment, and Amusement to host live music during First Friday Downtown events. The Applicant also proposes to host "Third Sunday" events in the future. Several events have been held on the property and staff contacted the Applicant submit a request for an SUP after staff received noise complaints for two of the events. The Applicant also proposes to use a concrete pad to the west of the existing building for the events. The pad is not subject to the approval of the SUP but is noted for context. Its construction was begun without the required building permit, and although a permit has been submitted, it has not been paid for and the pad has not been inspected. The subject property is zoned CHB and is outside Lockhart's downtown area. The shop is located in an area that is principally commercial in nature. There is an empty parking lot to the south, North Colorado Street to the east, a flower and funeral monument store to the west, and a single-family residence zoned RHD to the north.

The Commercial Outdoor Recreation, Entertainment, and Amusement use requires a Specific Use Permit so that the Planning and Zoning Commission can weigh the particulars of each request on a case-by-case basis. The Applicant provided information and a site plan for the proposed use. The existing retail shop includes eight parking spaces and bathrooms for attendees of the proposed events. Outside and to the west of the building, an existing deck and proposed concrete pad will host the live music. The Applicant stated that the events have an anticipated attendance of 30 to 40 people and will be staffed by the four owners of the retail shop. Seating will be available both inside the shop and outside near the event space. The proposed event hours are approximately 7 p.m. to 10 p.m. on First Fridays and 2 p.m. to 6 p.m. on "Third Sundays".

NEIGHBORHOOD COMPATIBILITY: The surrounding zoning classifications are RHD to the north, CHB and CMB across North Commerce Street to the west, CMB to the south, and IH across North Colorado Street to the east. The nearest single-family home is on the property immediately to the north, which sits approximately one hundred feet from the subject property's northern boundary. There is a funeral home across North Commerce Street to the west and a vacant former auto parts store and parking lot to the south across East Pecan Street. In general, the house to the north has the greatest potential of being negatively impacted by the proposed events. Noise and parking are the primary concerns for the events.

COMPLIANCE WITH STANDARDS: There are eight parking spots for event attendees noted on the Applicant's site plan and parking is allowed on the adjacent streets. There is currently no parking formula for the Commercial Outdoor Recreation, Entertainment, and Amusement use other than the off-street standard for uses in the CHB district, but that standard is based on building floor area and number of employees, neither of which apply to the proposed use of the subject site as the outdoor area is not a habitable building. Therefore, no additional off-street parking is required unless the Commission wishes to attach such a condition to approval of the SUP.

Although there is no way to assess the potential noise level at the time of application, the Applicant's events will be limited to 55 decibels before 10 p.m. and 50 decibels after 10 p.m. as measured at the northern property line, per the noise levels established in Lockhart City Code Section 64-198(c)(3)(a.) - *Performance standards for commercial and industrial districts*. This standard could be difficult or impossible to meet as the proposed stage area is only sixteen feet from the northern property line. Additionally, the Applicant has obtained the required permit for the outdoor live music from the Chief of Police, as written in Lockhart City Code Section 18-28 - *Permit for bands, records or musical instruments*.

ADEQUACY OF INFRASTRUCTURE: All necessary utilities and vehicular access are available.

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

STAFF RECOMMENDATION: **Approval with conditions, if no significant opposition.** Some live music events have already been held and staff has received some complaints from neighboring property owners. Staff believes that the recommended conditions addressing the day and time of events and the noise level will address some factors in the complaints received to date, but acknowledge that more detailed objections may be heard at the Commission's public hearing on the matter.

Conditions recommended:

- 1) The Applicant shall pay for the outstanding permit for the concrete pad and pass inspection prior to any event,
- 2) Events shall be limited to the occasions and times provided by the Applicant,
- 3) The SUP shall be suspended if the proposed events do not adhere to the noise decibel limits established in Section 64-198.

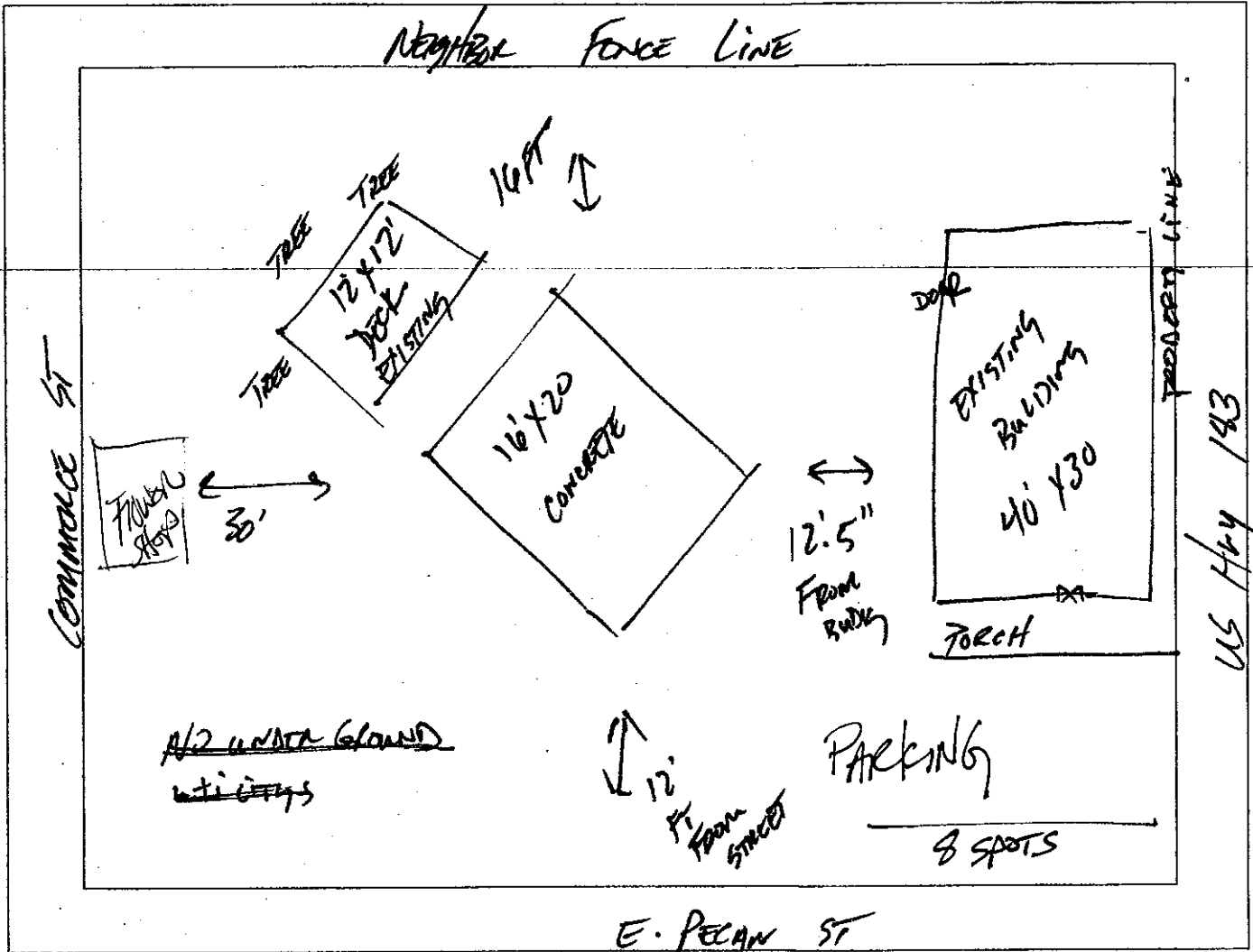
CITY OF LOCKHART - SITE PLAN

APPLICANT NAME: JESSE M. HERNANDEZ PHONE: 312-995-1185

SITE ADDRESS: 203 E. PECAN ST LOCKHART TEXAS 78644

PERMIT NUMBER: _____

PROPOSED WORK: 16'x20' CONCRETE PAD



Please indicate the following:

1. North arrow, scale of the drawing (e.g., 1" = 50 feet), property lines with dimensions, and abutting streets and alleys;
2. Outline the location, size, and type of all structures with labels indicating whether existing or proposed; show roof overhangs as dotted lines;
3. Distances between all existing and/or proposed structures (measuring from roof overhang, if any) as well as from all existing and/or proposed structures to all property lines;
4. Location, type, and width of all known easements; and
5. Location, dimensions, and surface material of existing or proposed driveways and off-street parking areas; specify the number of provided and required parking spaces. Planning staff can assist with this requirement.

SPECIFIC USE PERMIT APPLICATION

CITY OF

Lockhart
TEXAS

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

APPLICANT/OWNER

APPLICANT NAME JESSE M. HERNANDEZ ADDRESS PO BOX 1304
DAY-TIME TELEPHONE 512 995 1185 LOCKHART TEXAS
E-MAIL HERNANDEZ44@gmail.com 78644
OWNER NAME M. ALLENINE ADDRESS _____
DAY-TIME TELEPHONE 512.398-7653 _____
E-MAIL _____

PROPERTY

ADDRESS OR GENERAL LOCATION 203 E. PECAN
LEGAL DESCRIPTION (IF PLATTED) OT LOCKHART, BLOCK 33, LOT 716.
SIZE .33 ^(.145) ACRE(S) ZONING CLASSIFICATION CHB
EXISTING USE OF LAND AND/OR BUILDING(S) RETAIL SHOP (SPECIALTY)

REQUESTED SPECIFIC USE Commercial outdoor recreation
entertainment and amusement

PROPOSED USE REQUIRING PERMIT FIRST FRIDAY & 1/2ND SUNDAY

CHARACTERISTICS OF PROPOSED USE, INCLUDING INDOOR AND OUTDOOR FACILITIES, ANTICIPATED OCCUPANCY (NUMBER OF DWELLING UNITS, RESIDENTS, EMPLOYEES, SEATS, OR OTHER MEASURE OF CAPACITY, AS APPLICABLE), GROSS FLOOR AREA, HOURS OF OPERATION, AND ANY OTHER RELEVANT INFORMATION. ATTACH ADDITIONAL SHEETS, IF NECESSARY. ??

OUTDOOR PATIO FOR LIVE ENTERTAINMENT. SITE PLAN ATTACHED

FIRST FRIDAY 7am - 10pm (3.45 min set w/INTERMISSION)

THIRD SUNDAY 2p - 6pm (3.45 min set w/INTERMISSION)

(↑ future)

ANTICIPATED PEOPLE 30-40 / INDOOR FACILITIES ARE AVAILABLE

4 EMPLOYEES, OUTDOOR SEATING AVAILABLE / HOURS OF OPERATION

PRESENT OWNERS

6p-10p

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.

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

SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; 7) Location, dimensions, and surface type of walks and patios; 8) Location, type, and height of free-standing signs; fences, landscaping, and outdoor lighting; 9) utility line types and locations; and, 10) any other proposed features of the site which are applicable to the requested specific use.

APPLICATION FEE OF \$250, PLUS \$150 PER ACRE, MAXIMUM OF \$2,500 PAYABLE TO THE CITY OF LOCKHART

299.50

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 03-13-2024

OFFICE USE ONLY

ACCEPTED BY 

RECEIPT NUMBER 01287899

DATE SUBMITTED 4/4/2024

CASE NUMBER SUP - 24 - 02

DATE NOTICES MAILED 4-8-2024

DATE NOTICE PUBLISHED 4-11-2024

PLANNING AND ZONING COMMISSION MEETING DATE 4-24-2024

DECISION _____

CONDITIONS _____

~~_____~~

Michelle Harmon michelle@lonestarrealtyteam.com

FW: City of Lockhart Zoning Board

Mar 14, 2024 at 1:11:43 PM

Jesse Hernandez hernand644@comcast.com

Happy 2024! A referral is the best compliment I can receive. If you or someone you know is ready to buy or sell, please call me.

Consumer Protection Notice

Brokerage Information

Regards,

Michelle Harmon

Broker/Owner

Lone Star Realty

117 S. Main Street Lockhart, TX 78644

michelle@lonestarrealtyteam.com

512-227-0845 cell phone

512-398-SOLD (7653)

512-859-6747 fax

Website: <http://lonestarrealtyteam.com/>

Facebook: [\(2\) Facebook](#)

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

From: Marie Cody <mariecody@ubhaa.com>

Sent: Thursday, March 14, 2024 1:08 PM

To: Michelle Harmon <michelle@lonestarrealtyteam.com>

Subject: Re: City of Lockhart Zoning Board

It is ok for Jesse Hernandez to speak for me at meeting .

Thank you ,

Marie Alewine

Sent from my iPhone

On Mar 14, 2024, at 10:47 AM, Michelle Harmon <michelle@lonestarrealtyteam.com> wrote:

Can you respond back that it is okay for Jesse Hernandez to speak on your behalf of the permit?
He needs it in writing for the City.

Can you reply back to both of us, so he has it? Thanks.

Happy 2024! A referral is the best compliment I can receive. If you or someone you know is ready to buy or sell, please call me.

Consumer Protection Notice
Brokerage Information

Regards,

Michelle Harmon

Broker/Owner

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From: Michael Alewine mic.l.alewine@icloud.com
Subject: Fwd: 4H Hat Co.
Date: Apr 3, 2024 at 9:48:57 PM
To: Marie elvis1mdc@yahoo.com

Sent from my iPhone

Begin forwarded message:

From: Jesse Hernandez <hernand644@gmail.com>
Date: April 3, 2024 at 9:43:54 PM CDT
To: mic.l.alewine@icloud.com
Subject: 4H Hat Co.

I authorize Jesse Hernandez to speak on my behalf for permit purposes.

x Marie Alewine

Date: 04-04-2024

Marie Alewine
203 E. Pecan Lockhart Texas.

Owner of property at