

**City of Lockhart
Planning and Zoning Commission
April 24, 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, Evan Olszewski, Christine Banda

Visitors/Citizens Addressing the Commission: Jesse Hernandez, Julia Dye, Ronda Reagan

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 March 13, 2024, meeting.

Commissioner Haug moved to approve the March 13, 2024. Commissioner Arnic seconded, and the motion passed by a vote of 7-0.

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.

David Fowler presented the staff report. He gave an overview of the location of the subject property and recent changes to the rear and side yard of the property. A concrete pad was poured without permits or inspections on the property. There are cable spools set up to serve as tables for patrons when events are hosted outside. A small stage was also installed for the bands that would perform on the site. According to the application materials, the stage is 16 feet from the property line with the home to the north. Mr. Fowler noted that permit applications had never been received for the 4H Hat Company signs shown in photos of the site. The applicant has requested approval to have outdoor entertainment with approval of an SUP. The applicant is requesting to host events on First Fridays and the third Sundays of each month. Mr. Fowler explained that First Fridays are an event designed for residents and visitors to patronize local shops after 5 p.m. to help promote downtown business. First Friday is an event created by the Downtown Business Association and is not a city-wide event that provides any permits for live music or any other activities. There is a residential home to the rear (north) of the property where the stage and dance floor are located. Staff has received complaints about

noise from the events as well as questions about alcohol sales on the premises for these events. Mr. Fowler showed a video of one of the events that had been posted on the applicant's website. It showed a First Friday event where dancing and live music were occurring, and alcohol was being sold from a mobile trailer.

Commissioners had questions about the applicant selling alcohol without SUP approval for bar use and the nature of the decibel-based noise restrictions affecting the subject property.

Chair Ruiz asked for the applicant to come forward.

Jesse Hernandez, of 603 Guadalimar Street, said that a correction needs to be made on the notice about the concrete pad. He stated the permit was issued 2-29-2024 and filed on 2-26-2024 but only showed up April 23rd at the customer service window at City Hall for payment. He mentioned that his business is not a bar but rather a family-owned Hispanic business in operation since April 2021. He stated they have a license from TABC to sell beer and wine from their mobile trailer. He stated he believes the stage is 25 feet from the neighbor's fence line. Mr. Hernandez stated they only hold events on First Friday from 6-10 PM and third Sundays from 2 p.m. – 6 p.m. He said that he does not agree with the 50-decibel sound limit and that it is not sufficient for his events. He does not understand how the noise limit could be so low when trains and traffic can be louder than his events. He believes the city needs to revisit the decibels allowed per district. He asked the police department if there have been noise complaints about his business and they said no. He encourages everyone who comes to visit all the other businesses in town. He said parking for events would not be an issue because he has access to the funeral home parking lot as well as from his uncle's church nearby. He claimed most folks walk to his establishment from downtown. He believes he is being singled out in a witch hunt from the Planning department since November 2023. He claimed his business' signs were not applied for because he believed they would be removed later from the revitalization project so why get them if they would have to removed later. He apologized for his demeanor he had to drive down from San Antonio because he owns three other businesses and just feels frustrated to be here to defend himself.

Chair Ruiz asked for any other speakers in favor to come forward. Seeing none he asked those in opposition to come forward.

Julia Dye of 310 N Commerce St. said she has lived at that address with her husband for almost 20 years. Her property abuts the subject property to the north. She has kept a log of the decibel levels from within her home which were over 75 decibels with peaks of 90 decibels, measured inside the home. So, they have been way over the 50 decibels allowed. She stated that they have a right to enjoy a quiet time in their own home and backyard. She said that the applicant had informed her that their music events would be held only on First Fridays but now they are also doing them on Saturday and Sunday. She said that she and her husband had called the police so there should be some kind of record on file. Her main concern is the excessive noise.

Ronda Reagan of 412 West San Antonio Street came forward in opposition to the SUP request, and in support of the Dye Family's complaints. She stated she herself has experienced similar noise problems with a neighbor who runs an Airbnb next to her home. She stated that she is a founding member of the downtown organization that started First Fridays. The event was

created for those businesses located downtown to stay open late one Friday a month to make visits by those who are busy during regular hours to visit downtown businesses. She stated that the businesses offering entertainment on First Fridays generally do so inside their businesses and not outside. She stated he applicant used to have his store downtown on Main Street but moved out of the district and is now tagging along on those Fridays, despite no longer being downtown. She stated staff should check the distance from 4H Hat Company to the church on North Commerce Street, to determine if 4H Hat should be allowed to sell alcohol. Her main concerns are parking and noise levels.

Chair Ruiz asked for any other speakers seeing none he asked the applicant to come back for any additional remarks.

Mr. Hernandez said that before having he events, he and his wife went over and introduced themselves to the neighbors He stated he wanted to let them know what they planned to have at their establishment and the neighbor's response was "I hate you for that." He expressed that all events are on First Friday's and one Sunday per month only. He thinks the downtown district should be expanded to include nearby businesses so that all can participate in First Fridays. There should be sufficient parking available. He stated here are other businesses participating in First Fridays and mentioned one on State Park Road. He had already spoken to several City Council members, and most have attended his events since he started holding them.

Chair Ruiz closed the public hearing portion and moved to staff recommendation.

Mr. Fowler stated both Chapter 18 and 64 address noise levels, police do enforce the ordinance, and discussed the establishment's alcohol license, He recommended approval if no significant opposition, with the following conditions: obtain permit for all signage on property, limit events to occasions specified in the application and requiring adherence to the permitted noise levels allowed, which cannot be raised through an SUP.

Commissioner McBride moved to deny SUP-24-02. Commissioner Peterson seconded, and the motion passed with a vote of 4-3 with Commissioners Haug, Lingvai, and Oliva against.

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

Mr. Fowler stated that the next meeting would be held on Wednesday, May 8th with two Specific Use Permit applications and one plat. At the second meeting in May, he expects to present the impact fee report.

6. Adjourn.

Commissioner Arnic moved to adjourn, and Commissioner Lingvai seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:58 p.m.

Approved: May 8, 2024
(date)

Christine Banda

Christine Banda, Recording Secretary

Philip Ruiz

Philip Ruiz, Chair