

PUBLIC NOTICE

City of Lockhart
Planning and Zoning Commission
7:00 PM, Wednesday, March 10, 2021
Municipal Building – Glosserman Room
308 W. San Antonio St.

COMMISSION MEMBER AUDIO CONFERENCE PARTICIPATION

One or more members of the Lockhart Planning and Zoning Commission may participate in a meeting remotely. The member of the Commission presiding over the meeting will be physically present at the above public location. Audio conference equipment providing two-way audio communication with each member participating remotely will be made available, and each portion of the meeting held by audio conference that is required to be open to the public can be heard by the public at the location specified.

CITIZEN AUDIO CONFERENCE PARTICIPATION

- *Call-in number: 1-408-418-9388. Attendee Access Code: 626-304-323#.*
- *Citizens wishing to listen or participate must call in prior to the start of the meeting, and should identify themselves. Attendees may call in to listen only, if desired.*
- *Those wishing to speak will be called upon to address the Commission.*
- *Planning and Zoning Commission agenda packets can also be viewed on-line at www.lockhart-tx.org starting two days before the meeting. Navigate from the Departments tab at the top to Development Services – Meeting Minutes/Schedules (on left side) – Agendas & Minutes – Planning & Zoning Commission Agendas & Minutes – Agenda Packets.*

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the February 10, 2021, meeting.
4. ZC-21-02. Hold a PUBLIC HEARING and consider a request by Hamish Macfarlane, on behalf of Blackjack Block I, LLC, for a **Zoning Change** from *AO Agricultural-Open Space District* to *IL Industrial Light District* on Lot 1, Block 1, Iron Ox Addition, consisting of 24.575 acres located at 1205 Reed Drive.
5. FP-21-01. Consider a request by James W. Smith III for approval of a **Final Plat** for the *Commerce Springs* subdivision, consisting of 2.42 acres in the Byrd Lockhart Survey, Abstract No. 17, zoned CMB Commercial Medium Business District and located at 401 North Commerce Street, including a **Variance** to waive the requirement in Section 52-77(b) of the Subdivision Regulations for four-foot wide *public sidewalks* along the North Main Street and North Commerce Street frontages.
6. Discuss the date and agenda of next meeting, including Commission requests for agenda items.
7. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 4:00 PM on the 3rd day of March, 2021.

**City of Lockhart
Planning and Zoning Commission
February 10, 2021**

MINUTES

Members Present: Philip Ruiz, Philip McBride, Rick Arnic, Manuel Oliva, Chris St. Leger, Bradley Lingvai (via phone)

Member Absent: Dr. Ronald Peterson

Staff Present: Dan Gibson, Christine Banda, Kevin Waller

Visitors/Citizens Addressing the Commission:

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:01 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the January 27, 2021, meeting.

Commissioner Arnic moved to approve the January 27, 2021 minutes. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0.

4. Hold a PUBLIC HEARING and consider a proposed ordinance amending Chapter 64 "Zoning", of the Lockhart Code of Ordinances, Article I "In General", Section 64-2 "Definitions", and Article VII "Zoning Districts and Standards", Section 64-196 "Establishment of Zoning Districts", to define and regulate Accessory Dwelling Units.

Mr. Gibson explained that there have been numerous e-mails and phone calls from people inquiring about whether or not the City allows accessory dwelling units, also known as ADU's. He said many cities allow them and with appropriate standards, and they could be an asset to the community. The proposed amendment to the zoning ordinance defines two classifications of ADU's – Limited and General, and designates which residential districts allow them by-right or as a specific use. He summarized the major provisions, which he said were a result of research into how other cities regulate accessory dwelling units.

Chair Ruiz opened the public hearing.

Leonard Gabbay, of 420 W. Prairie Lea Street, said he bought his home in 2019. The home originally had a detached three-car garage with a floor area over 1,100 square feet that had been converted to living quarters by the previous owners. After buying the home, Mr. Gabbay and

his wife decided to live in the garage apartment while remodeling the main home. When they applied to get utilities connected it was determined that only one dwelling unit could have service because two complete dwelling units were not allowed in the RMD district unless they were attached to make a duplex. They were given the option to construct a breezeway connecting the garage apartment to the main home, but Mr. Gabbay felt like such a connection would detract from the desired appearance of the property. He stated that approval of the zoning amendment would allow the dwelling units to remain separate, but because his garage apartment was over 1,000 square feet in floor area it still wouldn't qualify for even the General accessory dwelling unit classification unless the definition were changed to allow the floor area to be whichever is greater, instead of whichever is less, than either 1,000 square feet or one-half of the floor area of the primary dwelling unit.

Robert Steinbomer, of 321 San Jacinto Street, said he is familiar with the 420 West Prairie Lea Street property. He believes that the City should make their own standard for ADU's and not necessarily copy what other cities do. The property on Prairie Lea is beautiful and has enough space for both structures.

Donna Blair, of 831 W. San Antonio Street, said she owns several Airbnb houses in town and owns the gallery downtown. She supports the proposed zoning amendments providing for ADU's in Lockhart.

Tamara Carlisle, of 617 W San Antonio Street, said she is familiar with the property, and also supports the proposed zoning amendments providing for ADU's in Lockhart.

Chair Ruiz asked for any other speakers and, seeing or hearing from none, he closed the public hearing and asked for the staff recommendation.

Mr. Gibson said that city staff has been working with the owners of the property at 420 W. Prairie Lea Street, but had made no promises to accommodate their situation. The 1,000 square-foot limitation for the General ADU classification seemed to be a generally accepted standard according to staff's research, and it probably should not be changed just to suit the circumstances of an individual property owner. He recommended approval of the draft as presented.

Commissioner St. Leger asked if the term "less" could be changed to "greater" where the definitions refer to the floor area of the primary dwelling.

Mr. Gibson replied that the Commission could certainly add that recommendation to the motion, and staff would not object to it.

Commissioner McBride moved to approve the proposed definitions and regulations for Accessory Dwelling Units to Chapter 64 "Zoning", of the Lockhart Code of Ordinances subject to changing the word "less" to "greater" in both definitions. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0.

5. PV-21-01. Consider a request by Hinkle Surveyors on behalf of Scott Cowan for a Variance to Chapter 52 "Subdivision Regulations", Section 52-31(a) "Plat Required", to waive the subdivision plat requirement for a two-lot family land grant conveying one acre out of a 21.43-acre tract in the James George Survey, Abstract No. 9, and located at 2325 FM 20 in the Lockhart Extraterritorial Jurisdiction.

Kevin Waller explained that the property owner wants to convey a one-acre parcel out of 21.43 acres in the Lockhart ETJ. Because their intent is to construct a home for family members on the parcel, it would be eligible for a family land grant if it were under the County's jurisdiction. Because it's in the City's ETJ, it's under the City's subdivision authority, but approval of the variance to waive the City's plat requirement would allow the applicant to follow the County family land grant provisions, instead.

Chair Ruiz asked for any speakers to come forward.

Scott Cowan said he would like to move a new manufactured home onto the property near his family.

Chair Ruiz asked for the staff recommendation.

Mr. Waller said that staff recommended approval if the Commission finds that the variance meets the applicable criteria.

Commissioner Oliva moved to approve PV-21-01. Commissioner St. Ledger seconded, and the motion passed by a vote of 6-0.

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

Mr. Gibson stated that the next regular meeting date was February 24, 2021.

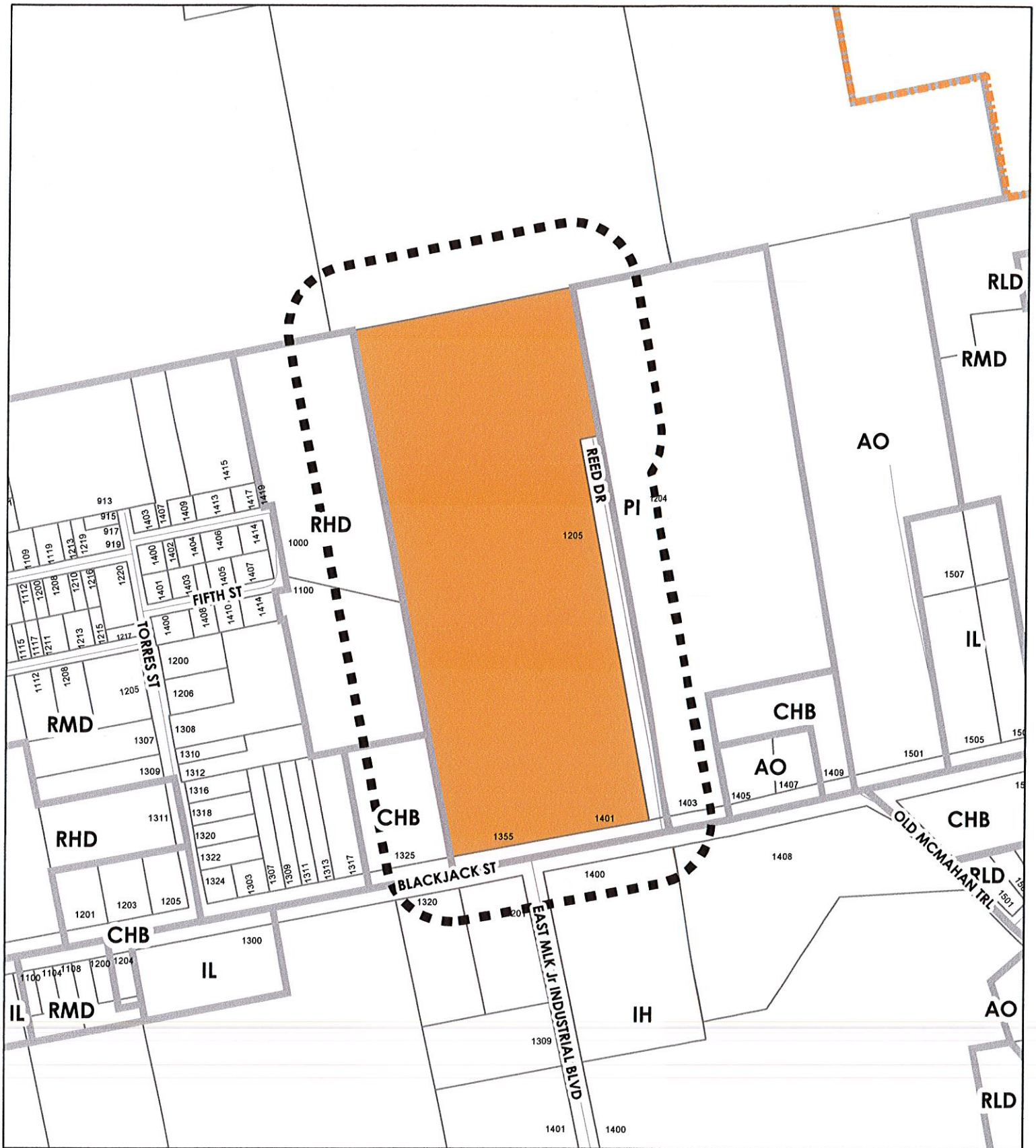
7. Adjourn.

Commissioner Arnic moved to adjourn, and Commissioner McBride seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:20 p.m.

Approved: _____
(date)

Christine Banda, Recording Secretary

Philip Ruiz, Chair







ZC-21-02

AO TO IL

1205 REED DRIVE



scale 1" = 400'

-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  CITY LIMITS
-  200 FT BUFFER



ZC-21-02

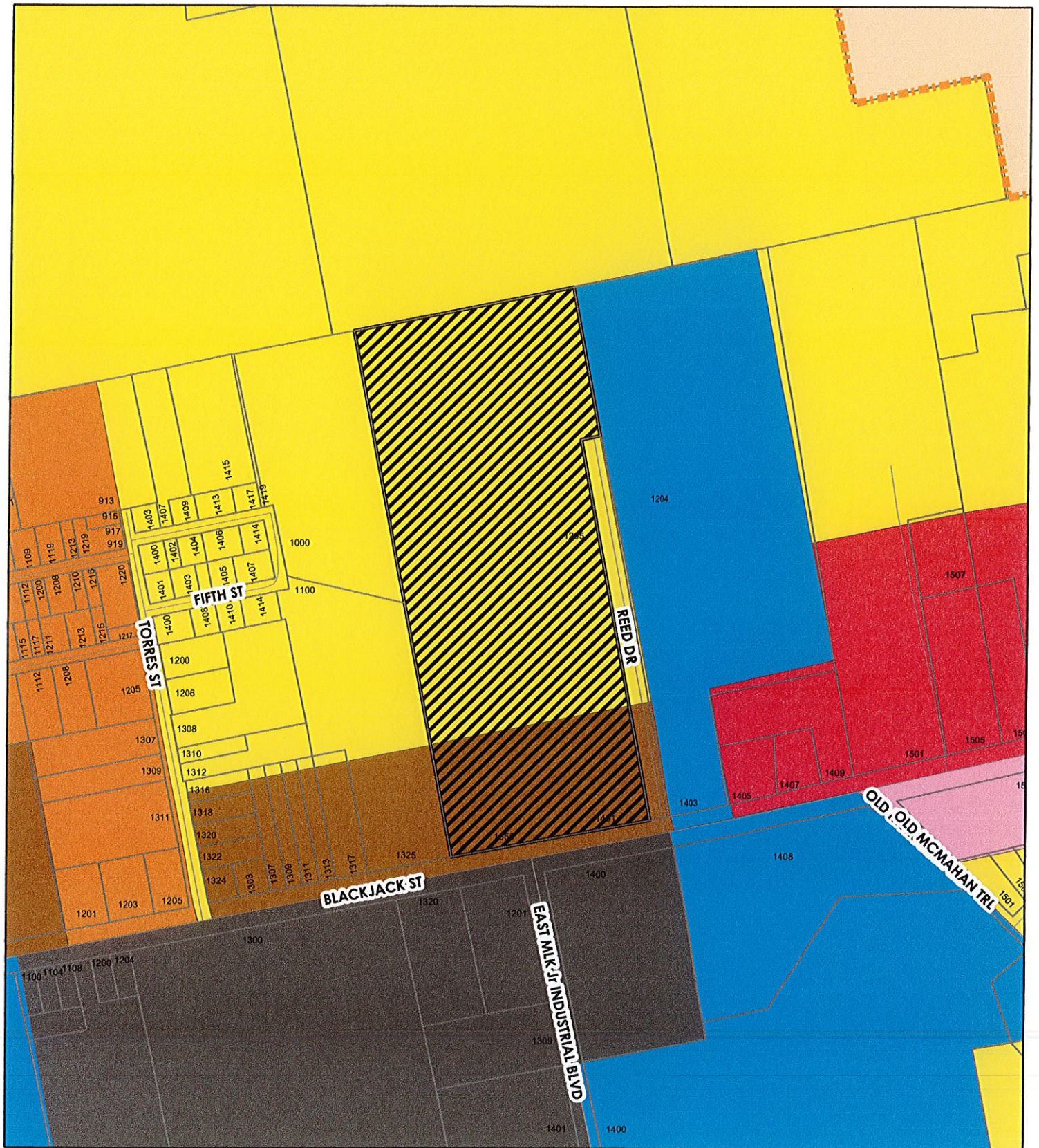
AO TO IL

1205 REED DRIVE



scale 1" = 400'

- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - INDUSTRIAL HEAVY
 - INDUSTRIAL LIGHT
 - PUBLIC AND INSTITUTIONAL
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE

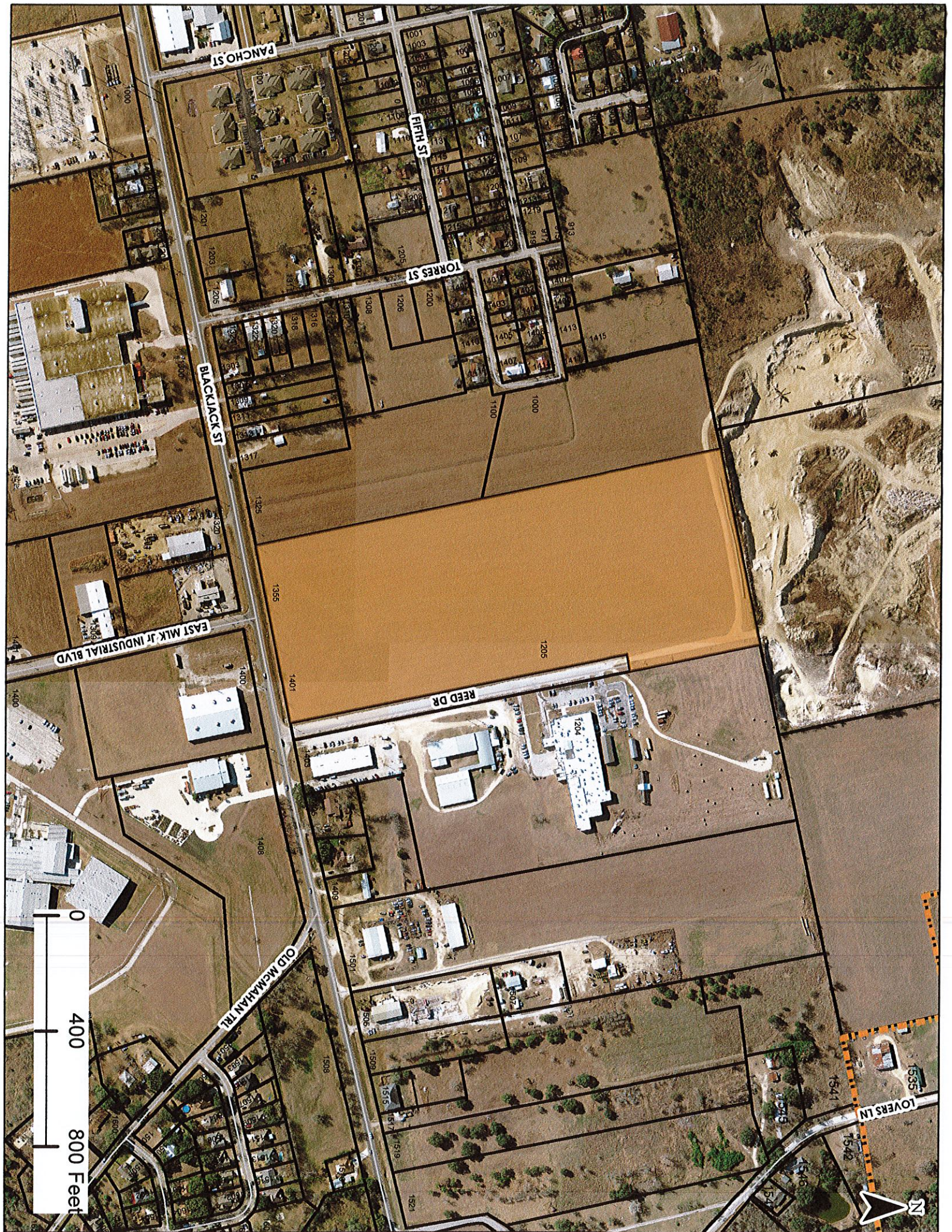
AO TO IL

1205 REED DRIVE



scale 1" = 400'

- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- INDUSTRY
- LIGHT-MEDIUM COMMERCIAL
- PUBLIC AND INSTITUTIONAL
- RESIDENTIAL, HIGH DENSITY
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



PANCHO ST

FIFTH ST

TORES ST

BLACKJACK ST

EAST MLK, JR INDUSTRIAL BLVD

RED DR

OLD McMAHAN TRL

LOVERS LN



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-21-02

REPORT DATE: March 3, 2021

PLANNING AND ZONING COMMISSION HEARING DATE: March 10, 2021

CITY COUNCIL HEARING DATE: March 16, 2021

REQUESTED CHANGE: AO to IL

STAFF RECOMMENDATION: *Approval*

PLANNING AND ZONING COMMISSION RECOMMENDATION:

BACKGROUND DATA

APPLICANT: Hamish Macfarlane

OWNER: Blackjack Block 1, LLC

SITE LOCATION: 1205 Reed Drive

LEGAL DESCRIPTION: Lot 1, Block 1, Iron Ox Addition

SIZE OF PROPERTY: 24.575 acres

EXISTING USE OF PROPERTY: Vacant

LAND USE PLAN DESIGNATION: High Density Residential, Low Density Residential

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The applicant proposes to construct a commercial greenhouse on the subject property. Commercial greenhouses are allowed by-right in the current AO zoning of the property, but structures can cover only up to 30 percent of the lot. The ultimate coverage by buildings is anticipated to exceed 30 percent, so the applicant is requesting a zoning change to IL, which allows a lot coverage by structures up to 50 percent. Because the business grows produce in the greenhouse, packages it, and sells it wholesale, it is also consistent with uses such as agricultural processing plants that are allowed in the IL district. The proposed development will face Reed Drive.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Gravel quarry	AO	Low Density Residential
East	County annex, County fairground, County jail	PI, CHB, AO	Public and Institutional, General-Heavy Commercial
South	Industry, Prison	IH	Industry
West	Vacant land, Single-family dwellings	CHB, RHD	High Density Residential, Low Density Residential

TRANSITION OF ZONING DISTRICTS: There is no existing IL zoning abutting the subject property, but the entire south side of Blackjack Street is zoned IH, which is a more intense industrial classification than the requested IL zoning. The abutting districts on the west, north, and east boundaries are generally compatible, with the only actual development other than the quarry being the County facilities on the east side of Reed Drive.

ADEQUACY OF INFRASTRUCTURE: Both water and wastewater utilities are available and adequate. Vehicular access will be from Reed Drive, where traffic is very low due to the limited type and amount of development served by it.

POTENTIAL NEIGHBORHOOD IMPACT: The proposed use, where all production activity will be contained indoors, should not have any significant negative impacts on the surrounding area. There is a residential neighborhood roughly 400 feet to the west of the west property line, but the vehicular parking and truck loading areas will be along Reed Drive, on the opposite side of the site.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed IL zoning classification is not consistent with the Land Use Plan map designations of future High Density Residential and Low Density Residential for this lot. However, the existing AO designation is also not consistent with the Land Use Plan.

ALTERNATIVE CLASSIFICATIONS: Either the current AO zoning or the proposed IL zoning would allow the intended use of the property. The IH zoning classification would also allow it, but the potential for higher intensity industrial development with greater impacts is not appropriate or necessary. The IL zoning provides the greater lot coverage limit that the applicant needs to accommodate planned expansion of the facilities.

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

STAFF RECOMMENDATION: Staff recommends approval of the proposed IL zoning classification.

CITY OF
Lockhart
TEXAS

ZONING CHANGE APPLICATION

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

APPLICANT/OWNER

APPLICANT NAME Hamish Macfarlane
DAY-TIME TELEPHONE 650-787-1202
E-MAIL hmacfarlane@arcomurray.com

ADDRESS 1300 S El Camino Real
Suite #305
San Mateo, CA 94402

OWNER NAME Blackjack Block I, LLC.
DAY-TIME TELEPHONE 724-708-6995
E-MAIL luci@ironox.com

ADDRESS 955 Terminal Way
San Carlos, CA 94070

PROPERTY

ADDRESS OR GENERAL LOCATION 1205 Reed Drive, Lockhart, TX 78644
LEGAL DESCRIPTION (IF PLATTED) See attached plat previously filed with City of Lockhart
SIZE 24.575 ACRE(S) LAND USE PLAN DESIGNATION Residential high density, residential low density
EXISTING USE OF LAND AND/OR BUILDING(S) Commercial greenhouse
PROPOSED NEW USE, IF ANY N/A

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Agricultural Open
TO PROPOSED ZONING CLASSIFICATION Industrial Light District
REASON FOR REQUEST We are requesting a re-zoning to Industrial Light District to allow for a greater percentage of the site's area to be covered by greenhouse structures intended for crop production.

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.

NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

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

APPLICATION FEE OF \$ 641.50 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

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 Lucianne Kempton Digitally signed by Lucianne Kempton
Date: 2021.02.03 18:26:59 -08'00' DATE 2/03/2021

OFFICE USE ONLY

ACCEPTED BY Dan Gibson

RECEIPT NUMBER 991549

DATE SUBMITTED 2-22-21

CASE NUMBER ZC - 21 - 02

DATE NOTICES MAILED 2-23-2021

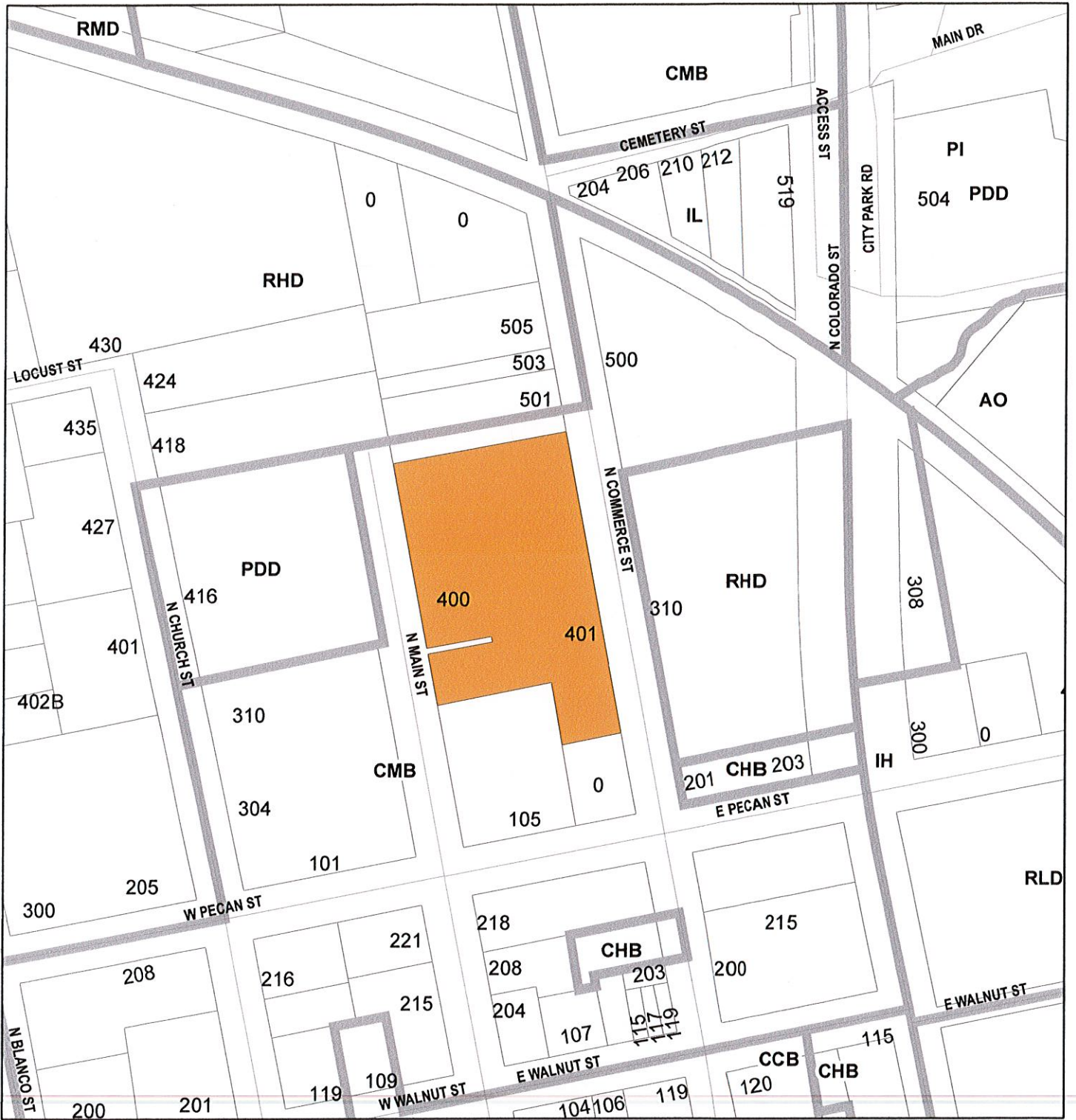
DATE NOTICE PUBLISHED 2-25-2021

PLANNING AND ZONING COMMISSION MEETING DATE 3-10-2021

PLANNING AND ZONING COMMISSION RECOMMENDATION _____

CITY COUNCIL MEETING DATE 3-16-2021

DECISION _____



FP-21-01

COMMERCE SPRINGS

FINAL PLAT



ZONING



SUBJECT PROPERTY

scale 1" = 200'

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner *KW*

CASE NUMBER: FP-21-01

REPORT DATE: March 3, 2021

PLANNING & ZONING COMMISSION DATE: March 10, 2021

STAFF RECOMMENDATION: Approval of both the Plat and requested Variance

SUGGESTED CONDITIONS: None

BACKGROUND DATA

SURVEYOR: Jerry Hinkle, P.L.S., Hinkle Surveyors

OWNERS: Jesus and Sally Lujan

APPLICANT: James W. (Winn) Smith III

SITE LOCATION: 401 North Commerce Street

SUBDIVISION NAME: **Commerce Springs**

SIZE OF PROPERTY: 2.42 acres

NUMBER OF PROPOSED LOTS: Two

EXISTING USE OF PROPERTY: Church Facility

ZONING CLASSIFICATION: CMB (Commercial Medium Business District)

ANALYSIS OF ISSUES

PROPOSED DEVELOPMENT: The applicant proposes to split an unplatted lot into two, with the proposed Lot 1 to potentially be donated to the City for open space and a trail network, and the proposed Lot 2 to remain as a church facility. This proposal would normally allow a minor plat. However, a variance to the sidewalk requirement is requested, further discussed below, which requires review by the Commission and the final plat designation.

NEIGHBORHOOD COMPATIBILITY: The property is located in an area generally transitioning from residential uses and open space to the north to commercial uses to the south. Since the proposed Lot 2 will continue to function as a church facility and Lot 1 will potentially contain a trail system in the future, low to moderate levels of additional traffic will likely be generated by trail-users.

FORM AND CONTENT: The plat conforms to all minimum requirements for form and content.

COMPLIANCE WITH STANDARDS: The plat complies with all applicable subdivision standards, except for public sidewalks along the property's North Commerce Street and North Main Street frontages. The applicant has requested a variance to the sidewalk requirements for those frontages, as detailed below.

CONCURRENT VARIANCE REQUESTED: A variance is requested to the sidewalk requirement in Section 52-77(b) of the Subdivision Regulations for the property's North Commerce Street and North Main Street frontages. There is no paved street for most of the property's North Main Street right-of-way frontage, which terminates just north of the property. In addition, topographical constraints associated with a tributary of Plum Creek crossing the property would present challenges to constructing sidewalks along both the North Main Street and North Commerce Street frontages. A sidewalk does currently exist along the entire east side of North Commerce Street parallel with the subject property.

The criteria for granting variances is set forth in Subdivision Regulations Section 52-3(a), as follows:

1. Special circumstances or conditions affect the land involved such that strict application of the provisions of the Code would deprive the applicant reasonable use of the land;
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. The variance will not be detrimental to the public health, safety, or welfare, and will not be injurious to other property in the area;
4. The variance shall not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of the Code.

1. Special circumstances or conditions affect the land involved such that strict application of the provisions of the Code would deprive the applicant reasonable use of the land;
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. The variance will not be detrimental to the public health, safety, or welfare, and will not be injurious to other property in the area; and,
4. The variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of the Code.

1. The special circumstance that affects the Western border of the subdivision is that Main Street currently dead ends adjacent to beginning of this plat. There is no constructed roadway of Main Street adjacent to the plat. The road cannot be extended due to the topography and severe drainage issues within this ROW. The ROW does not connect to a street on the north end as it dead ends into private property. The special circumstance that affects frontage along Commerce St. is the existing of floodway topography and the existing bridge. These special circumstances were already mitigated for the public by the constructed sidewalk on the East side of Commerce St. by the City that was designed and engineered as an integral part of the Commerce St. bridge. This sidewalk on the Eastern side of Commerce St. already connects Pecan St. intersection to north of the Railroad Tracks.
2. This variance is necessary for preserving the natural edge of the west and east sides of the proposed plat. This variance is necessary for preserving the integrity of the floodway, natural topography including creeks, springs, and streams, was well as Commerce St., and the Commerce St. Bridge.
3. The variance will not be detrimental to the public on Main St. as there will not be a public street along this edge. The variance will not be detrimental on Commerce St. along because a sidewalk already exists on the opposite side of Commerce St. that was integrated to the bridge when the bridge structure was constructed. The sidewalk intersection at Pecan and Commerce already encourages the public to cross over to the East side of Commerce St.
4. This variance will not have the effect of preventing any other subdivisions of land in the area.

STATE OF TEXAS
COUNTY OF _____

We, the undersigned owners of the land shown on this plat recorded in Volume 451 Page 829 of the Official Public Records of Caldwell County, Texas and described and designated as COMMERCE SPRINGS in the City of Lockhart, Caldwell County, Texas do hereby subscribe such property and further reserve to the public all easements for the normal use of all public utilities desiring to use the same; that any public utility shall have the right to remove and keep removed all or any part of any growth or construction for maintenance or efficient use of its respective system in such easements.

DATE _____ JESUS J. LUJAN
601 MOCKINGBIRD LANE
LOCKHART, TX 78644

DATE _____ SALLY ANN LUJAN
601 MOCKINGBIRD LANE
LOCKHART, TX 78644

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations stated hereon.

Given under my hand and seal of office this the _____ day of _____, 20____.

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and considerations stated hereon.

Given under my hand and seal of office this the _____ day of _____, 20____.

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF CALDWELL

I, _____, Chairman of the Planning and Zoning Commission of the City of Lockhart, do hereby certify that this plat was approved by the City of Lockhart, Caldwell County, Texas, on this _____ day of _____, 20____.

CHAIRMAN
PLANNING AND ZONING COMMISSION
CITY OF LOCKHART

STATE OF TEXAS
COUNTY OF CALDWELL

I, Jerry L. Hinkle, registered professional land surveyor, State of Texas, hereby certify that this plat is a true and correct representation of a survey made on the ground and all monuments and markers were properly placed under my direct supervision and is true and correct to the best of my knowledge.

IN WITNESS THEREOF, my hand and seal, this the _____ day of _____, 20____.

NOT FOR PUBLIC RELEASE

Jerry L. Hinkle
Registered Professional
Land Surveyor #5459

COMMERCE SPRINGS LOTS 1 AND 2 IN BLOCK 1

A subdivision of 2.420 acres out of the Byrd Lockhart Survey A-17 in the City of Lockhart, Caldwell County, Texas

LEGAL DESCRIPTION

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being also a part of the Byrd Lockhart Survey A-17 and being also a part of Block 32 of the Original Town of Lockhart and being also all of a tract of land called 2.414 acres and conveyed to Jesus J. Lujan et al. by deed recorded in Volume 451 Page 829 of the Official Public Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron pin found used for basis of bearing (direct de) in the NE corner of the above mentioned 2.414 acre tract and in the West line of N. Commerce Street and in the apparent SE corner of a tract of land called 0.546 acres and conveyed to Laili Lomali by deed recorded in instrument #2019-006019 of the said Official Public Records for the NE corner this tract.

THENCE S 10 degrees 00 minutes 00 seconds East with the East line of the said 2.414 acre tract and the West line of N. Commerce Street 470.50 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the NE corner of a tract of land conveyed to the Southeast Gas Company by deed recorded in Volume 128 Page 112 (erroneously described to be a part of Block 27 of the said Original Town) of the said Deed Records for a reentrant corner this tract.

THENCE S 80 degrees 30 minutes 00 seconds West with a South line of the said 2.414 acre tract and with the North line of the said Southwest Gas tract 100 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the NW corner of the said Southwest Gas tract for an ell corner this tract.

THENCE S 10 degrees 00 minutes 00 seconds East with the West line of the said Southwest Gas tract 100 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in a SE corner of the said 2.414 acre tract and in the North line of a tract of land called 1.054 acres and conveyed to TWWG, LLC by deed recorded in instrument #2015-007596 of the said Official Public Records for the most Southerly SE corner this tract.

THENCE S 80 degrees 00 minutes 00 seconds West with the South line of the said 2.414 acre tract and the North line of the above mentioned TWWG tract 70.00 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in an interior corner of the said 2.414 acre tract and an ell corner of the said TWWG tract for a reentrant corner this tract.

THENCE N 10 degrees 00 minutes 00 seconds West with a West line of the said 2.414 acre tract and the East line of the said TWWG tract 89.50 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in an ell corner of the said 2.414 acre tract and the NE corner of the said TWWG tract for an ell corner this tract.

THENCE S 90 degrees 00 minutes 00 seconds West with a South line of the said 2.414 acre tract and the North line of the said TWWG tract 170.00 feet to a 1/2" iron pin found used for basis of bearing (direct de) in the Southeasters most corner of the said 2.414 acre tract and the NW corner of the said McCurdy First Tract and in the East line of N. Main Street for the Southeasters most corner this tract.

THENCE N 10 degrees 00 minutes 00 seconds West with the East line of N. Main Street and a West line of the said 2.414 acre tract 85.00 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the intersection of the South line of a called 13' wide alley and the East line of N. Main Street and an exterior corner of the said 2.414 acre tract for a reentrant corner this tract.

THENCE N 80 degrees 00 minutes 00 seconds East with the South line of the said alley and a North line of the said 2.414 acre tract 95.00 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the SE corner of the said alley and an ell corner of the said 2.414 acre tract for an ell corner this tract.

THENCE N 10 degrees 00 minutes 00 seconds West with the Eastern boundary of the said alley and a West line of the said 2.414 acre tract 12.00 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the NE corner of the said alley and an ell corner of the said 2.414 acre tract for an ell corner this tract.

THENCE S 80 degrees 00 minutes 00 seconds West with the North line of the said alley and the South line of the said 2.414 acre tract 95.00 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the intersection of the North line of the said alley and the East line of N. Main Street and in the SW corner of the said 2.414 acre tract for an exterior corner this tract.

THENCE N 10 degrees 00 minutes 00 seconds West with the East line of N. Main Street and the West line of the said 2.414 acre tract 301.98 feet to a capped 1/2" iron pin set stamped "HINKLE SURVEYORS" in the apparent South line of the above mentioned Lomali tract and the NW corner of the said 2.414 acre tract for the NW corner this tract.

THENCE N 80 degrees 28 minutes 56 seconds East with the North line of the said 2.414 acre tract and the apparent South line of the said Lomali tract 250.01 feet to the place of beginning containing 2.420 acres of land more or less.

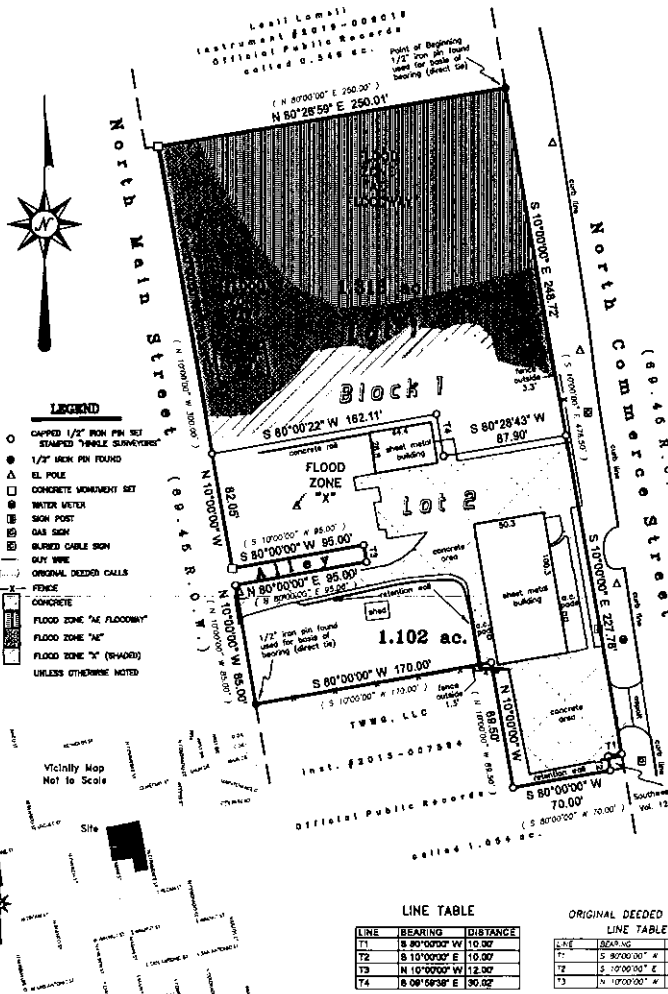
STATE OF TEXAS
COUNTY OF CALDWELL

I, Teresa Rodriguez, County Clerk in and for Caldwell County, Texas do hereby certify that the foregoing instrument with its certificates of authentication was filed for record in my office this the _____ day of _____, 20____, at _____ o'clock _____ M., and duly recorded on the _____ day of _____, 20____, in the Plat Records of Caldwell County, Texas in Plat Cabinet _____ at _____.

Teresa Rodriguez
County Clerk, Caldwell County, Texas

SURVEYORS NOTES:

- The Lots shown in Flood Zones approximately as shown according to FEMA Panel #480500120E effective date June 19, 2012. "FLOOD ZONE 'X' (AREA NOT SHADDED) is area determined to be outside the 0.2% annual chance floodplain. "FLOOD ZONE 'A' (SHADED AREA) is a special flood hazard area subject to inundation by the 1% annual chance flood. Base Flood Elevations determined. The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equal or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood. "FLOOD ZONE 'X' (SHADED AREA) is areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood. The minimum permissible floor elevation for any building within 100-year floodplain requires a one foot freeboard according to the City of Lockhart Floodplain Ordinance. The Base Flood Elevation of the site will be determined by an engineer/surveyor for an Elevation Certificate required prior to construction of any improvement within a Flood Zone AE.
- Lot 1 and Lot 2 is currently zoned CMB (Commercial Medium Business District). The surrounding lots are zoned CMB (Commercial Medium Business District) and RHD (Residential High Density District).
- RECORD OWNERS OF LAND: Jesus J. Lujan and Sally Ann Lujan
DESIGNER OF PLAT: Hinkle Surveyors, PO Box 1027, Lockhart TX 78644
DATE OF PREPARATION: January 2021
SURVEYOR: Jerry L. Hinkle, R.P.L.S. #5459 PO Box 1027, Lockhart TX 78644 (512) 395-2900
- Setbacks: Front-25' and Rear 20' and Setback of North side of Lot 1 - 20' and all other side setbacks are 5'.



Field Book: L.A. Drawn By: JHL/LH
Job No. 20210211-SUR Drawing: 20210211-SUR-3-A.mxd
Date: January 2021 Word Clinic: Reigh 01012021
Surveyed By: JHL 206 Authorized Clerk: Reigh 01012021

HINKLE SURVEYORS

P.O. Box 1027 1109 S. Main Street Lockhart, TX 78644
Ph: (512) 395-2900 Fax: (512) 395-7883 Email: contact@hinklesurveyors.com Firm Registration No. 100898-00

SUBDIVISION PLAT APPLICATION

CITY OF Lockhart TEXAS

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

APPLICANTS

SURVEYOR NAME HINKLE SURVEYORS ADDRESS 1109 S. MAIN ST
DAY-TIME TELEPHONE 512 398 2000 LOCKHART, TX 78644
E-MAIL contact @ hinklesurveyors.com
ENGINEER NAME _____ ADDRESS _____
DAY-TIME TELEPHONE _____
E-MAIL _____
OWNER NAME JESUS LUTAN ADDRESS 601 MOCKINGBIRD LN.
DAY-TIME TELEPHONE (512) 738-7245 LOCKHART, TX 78644
E-MAIL _____

TYPE OF APPLICATION

____ SUBDIVISION DEVELOPMENT PLAN ____ REPLAT/RESUBDIVISION VARIANCE
____ PRELIMINARY PLAT ____ AMENDING PLAT ____ MINOR PLAT FINAL PLAT
____ DEVELOPMENT PLAT

PROPERTY

SUBDIVISION NAME COMMERCE SPRINGS SUBDIVISION
ADDRESS OR GENERAL LOCATION 401 N. COMMERCE ST.
LOCATED IN CITY LIMITS ____ ETJ (COUNTY) ____ PDD
TOTAL LAND AREA 2.42 ACRE(S) PROPOSED NUMBER OF LOTS 2
ZONING CLASSIFICATION(S) CM3
PROPOSED USE OF LAND LOT 2 ALREADY DEVELOPED, LOT 1 TO REMAIN CM3

SUBMITTAL REQUIREMENTS

NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDERS, IF ANY.

IF THE APPLICATION IS FOR AN AMENDING PLAT OR REPLAT/RESUBDIVISION – A COPY OF EXISTING DEED RESTRICTIONS OR RESTRICTIVE COVENANTS, IF ANY.

IF THE APPLICATION IS FOR A FINAL PLAT INVOLVING PUBLIC IMPROVEMENTS – TWO FULL-SIZE PAPER COPIES OF THE ENGINEERING PLANS.

IF THE APPLICATION IS FOR, OR INCLUDES, A SUBDIVISION CODE VARIANCE – COMPLETED VARIANCE SECTION ON NEXT PAGE AND REQUIRED STATEMENT NOTED THEREIN.

PLAT DOCUMENTS, AS FOLLOWS, CONTAINING THE INFORMATION REQUIRED IN ARTICLE 23-6. (Amending Plats, Replat/Resubdivision Plats, and Minor Plats are considered the same as Final Plats for the purpose of content and format). All plat copies shall be full-size paper copies.

One copy for staff's completeness review; six copies after plat is deemed complete.

Ten copies after initial staff reviews above (preliminary plats, final plats, and replats/resubdivisions).

Two copies after initial staff reviews for amending and minor plats.

Two signed and sealed mylar reproducibles (three if applicant wants to keep one) of approved amending plat, replat/resubdivision, final plat, or minor plat, for recording. One recorded reproducible is filed at the County Clerk's office, and the other is returned to the City.

FEE, AS FOLLOWS (NO FEE FOR VARIANCES, APPEALS, SUBDIVISION DEVELOPMENT PLANS, OR DEVELOPMENT PLATS):

Preliminary Plat

\$600.00 payable to the City of Lockhart

Final Plat or Replat/Resubdivision

~~\$400.00 plus \$20.00 per acre, payable to the City of Lockhart~~ *\$100.00 per City Manager authorization on 2/2/21*

Amending plat, Minor plat, or
Minor replat not requiring a public hearing

\$100.00 payable to the City of Lockhart

Recording fee for Amending Plat,
Replat/Resubdivision, Final Plat,
or Minor Plat

\$71.00 for the first sheet, and \$50.00 for each additional sheet, payable to the Caldwell County Clerk

To the best of my knowledge, this application and associated documents conform to all requirements of the City of Lockhart Subdivision Regulations. By signing below I agree that if any part of this plat and/or associated construction plans is found to be incorrect, incomplete, or otherwise deficient with regard to applicable City standards, the deadline imposed by the Texas Local Government Code, Section 212.009 for approval or denial of the plat and/or associated construction plans by the City within 30 days of the date this application is deemed complete is automatically extended for an additional 30 days. I further agree that if any part of this plat and/or associated construction plans remains deficient at such time that the plat and/or associated construction plans cannot be approved prior to the expiration of the second 30 days, the plat or construction plans will be subject to denial by the approval authority. It is understood that I or another representative should be present at all public meetings concerning this application.

SIGNATURE _____

DATE 1/27/21

PRINTED NAME JAMES W. SMITH III (J.W.S.)

TELEPHONE 512 787 0383

PLAT APPROVAL PERIODS

A preliminary plat approval period expires if a final plat for one or more sections is not submitted within 12 months of approval. Upon written request received prior to the expiration, a maximum of two six-month extensions may be considered by the Planning and Zoning Commission.

A final plat approval period expires if any required infrastructure construction is not begun within 12 months of approval. Upon written request received prior to the expiration, one six-month extension may be considered by the City Planner.

SUBDIVISION VARIANCE (for variance applications, only)

VARIANCE TO SECTION(S) 52-77(b) OF THE SUBDIVISION REGULATIONS

CURRENT ORDINANCE REQUIREMENT(S) Four-foot wide public sidewalks required along the property's road frontages.

REQUESTED VARIANCE(S) Waive the requirement to construct sidewalks along the property's N. Main St. and N. Commerce St. frontages.

SUBMIT A WRITTEN STATEMENT DOCUMENTING THE REASON FOR THE VARIANCE(S), INCLUDING EVIDENCE THAT THE REQUEST COMPLIES WITH THE FOLLOWING CRITERIA AS REQUIRED FOR APPROVAL OF A VARIANCE:

1. Special circumstances or conditions affect the land involved such that strict application of the provisions of the Code would deprive the applicant reasonable use of the land;
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. The variance will not be detrimental to the public health, safety, or welfare, and will not be injurious to other property in the area; and,
4. The variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of the Code.

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER 986294

DATE SUBMITTED 1/27/21

CASE NUMBER FP-21-01

DATE APPLICATION IS DEEMED COMPLETE 2/5/21

DATE NOTICES MAILED N/A

DATE NOTICE PUBLISHED N/A

(For certain Replats/Resubdivisions without vacating preceding plat)

PLANNING AND ZONING COMMISSION MEETING DATE 3/10/21

DECISION _____

CONDITIONS _____

Jesus Joe Lujan and Sally Ann Lujan

601 Mockingbird Lane
Lockhart, Texas 78644

EXHIBIT "B"



December 16, 2020

Mr. Dan Gibson
City of Lockhart, Development Services Department
308 W. San Antonio, St.
Lockhart, TX 78644

RE: 400 N. Main, Lockhart, TX; Subdivision plat for Lujan, Jesus Jose and Sally Ann.

Dear Mr. Gibson,

A part of the subject property is under contract effective _____ from Jesus Jose Lujan, and wife, Sally Ann Lujan (Seller) to James W. Smith, III, and or assigns. Please regard this letter as the permission necessary for the prospective Buyer to file for a subdivision based on a plat prepared by a licensed surveyor at his expense specifically for creating "remainder" and "to be conveyed" parcels from the parent tract known as 400 N. Main, Lockhart, TX

The application and all fees associated with the subdivision and or variance will be at the Buyer's expense.

We authorize the Buyer to sign the application and to proceed in cooperating with the City of Lockhart to provide information necessary to obtain approval at your earliest possible date. This approval will include a variance to public sidewalks for the subdivision. If a public hearing is necessary, we authorize the prospective Buyer to represent himself at said hearing and in the process of purchasing our property.

A handwritten signature in blue ink that reads "Jesus Jose Lujan".

Jesus Jose Lujan

12-18-20

Date

Sally Ann Lujan 12-18-20
Sally Ann Lujan Date