

## PUBLIC NOTICE

City of Lockhart  
Planning and Zoning Commission  
7:00 PM, Wednesday, June 23, 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](http://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.*

## AMENDED AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the June 9<sup>th</sup>, 2021, meeting.
4. ZC-21-09. Hold a PUBLIC HEARING and consider a request by Skylar Reeves on behalf of Edward P. Perez for a **Zoning Change** from *CLB Commercial Light Business District* and *CMB Commercial Medium Business District* to *CHB Commercial Heavy Business District*, on 0.89 acre in the Lockhart Byrd Survey, Abstract No. 17, located at 734 and 738 South Commerce Street, and 735 South Colorado Street (US 183).
5. ZC-21-08 and PDD-21-01. Hold a PUBLIC HEARING and consider a request by Balser Custom Homes on behalf of Alan Balser for a **Zoning Change** from *AO Agricultural-Open Space District* and *RLD Residential Low Density District* to *PDD Planned Development District*, including a **PDD Development Plan** for *Lockhart Village Addition*, a proposed duplex subdivision on 18.58 acres in the Lockhart Byrd Survey, Abstract No. 17, located at 1107 Silent Valley Road (FM 2001).

6. PP-21-01. Consider a request by Jason Balsler on behalf of Alan Balsler for approval of a **Preliminary Plat** for *Lockhart Village Subdivision* consisting of 61 lots, parkland, new internal streets, and an extension of Stueve Lane on a total of 18.58 acres in the Lockhart Byrd Survey, Abstract No. 17, proposed to be zoned PDD Planned Development District and located at 1107 Silent Valley Road (FM 2001).
7. FP-21-05. Consider a request by Frank DesRoches of Doucet & Associates for approval of a **Final Plat** for *Lockhart Industrial Park III – Section One* consisting of two public streets and five lots on a total of 41.687 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned II Industrial Light District and located at 500 F.M. 2720.
8. As provided in Chapter 12 “Buildings and Building Regulations, Section 12-491(3), of the Lockhart Code of Ordinances, consider a request by Alexandra Walker for approval of a four-foot tall chain link fence in the minimum required front setback on property zoned CHB Commercial Heavy Business District and located at 1411 South Commerce Street (FM 1322).
9. Discuss the date and agenda of next meeting, including Commission requests for agenda items.
10. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 11:00 PAM on the 18<sup>th</sup> day of June, 2021.

**City of Lockhart**  
**Planning and Zoning Commission**  
**June 9, 2021**

**MINUTES**

**Members Present:** Philip Ruiz, Bradley Lingvai, Rick Arnic, Chris St. Leger, Ron Peterson (via phone),

**Member Absent:** Manuel Oliva, Phil McBride

**Staff Present:** Dan Gibson, Christine Banda

**Visitors/Citizens Addressing the Commission:**

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:03 p.m.
2. Citizen comments not related to an agenda item. None.
3. Consider the Minutes of May 26,2021 meeting.

*Commissioner Lingvai moved to approve the May 26, 2021, minutes. Commissioner St. Leger seconded, and the motion passed by a vote of 5-0.*

4. SUP-21-03. Hold PUBLIC HEARING and consider a request by Lee Raspberry, on behalf of Lockhart ISD, for a Specific Use Permit to allow four portable classroom buildings as a public/institutional use on 32.14 acres in the Francis Berry Survey, Abstract No. 2, zoned PI Public and Institutional District and located at Lockhart High School, 906 Center Street.

Mr. Gibson explained that the school district would like to add four portable buildings at the high school, with each building containing two classrooms, and that any addition to a school requires approval of a specific use permit. He did not consider any need for additional off-street parking since the buildings are considered temporary uses until the school is able to replace them with permanent building additions. The overall parking situation for the entire school would be reviewed at that time.

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

Lee Raspberry, with an office at 1503 North Colorado Street, said he is the Director of Maintenance for Lockhart ISD. He said that the portable buildings would be primarily for expanding the CTE program at the high school. The school district will eventually have another bond election but, for now, the buildings are needed due to growth in enrollment. Access to the buildings will be ADA compliant.

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

Mr. Gibson said that staff recommended approval.

*Commissioner St. Leger moved to approve SUP-21-03. Commissioner Arnic seconded, and the motion passed by a vote of 5-0.*

5. SUP-21-04. Hold PUBLIC HEARING and consider a request by Lee Raspberry, on behalf of Lockhart ISD, for a Specific Use Permit to allow one portable classroom building as a public/institutional use on 10.869 acres in the Francis Berry Survey, Abstract No. 2, zoned PI Public and Institutional District and located at Bluebonnet Elementary School, 211 Mockingbird Lane.

Mr. Gibson explained that the school district would like to add one portable classroom building at Bluebonnet Elementary to help relieve overcrowding. He said the building would be located at the back of the school near the gymnasium where it would not be highly visible from Mockingbird Lane.

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

Lee Raspberry said that Bluebonnet Elementary is over capacity. The building will be the same as the others that were proposed for high school, but for now only one is required and it will be ADA compliant.

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

Mr. Gibson said that staff recommended approval.

*Commissioner St. Leger moved to approve SUP-21-04. Commissioner Arnic seconded, and the motion passed by a vote of 5-0.*

6. ZC-21-07. Hold a PUBLIC HEARING and consider a request by Brazos Trace, LLC, on behalf of Russell L. Strandtmann, Janice L. Keen, and Charles D. Spillman, for a Zoning Change from AO Agricultural-Open Space District to CMB Commercial Medium Business District, RHD Residential High Density District, and RMD Residential Medium Density District on 56.69 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located in the 1800-2000 Block West San Antonio Street (SH 142).

Mr. Gibson stated that this was a multi-part zoning request. He explained that the boundary of the proposed RHD zoning had been changed from what was indicated in the agenda packet materials to comply with staff's suggested configuration. The new boundary descriptions eliminated the large north portion of the RHD zoning, as well as the strip connecting it to the large south area of RHD, and replaced those portions with expanded RMD zoning. The presentation included a revised map, and discussion of the surrounding zoning pattern.

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

Paul Leventis, of 9007 Sandstone Drive in College Station, said he hoping to close on the multiple parcels comprising the subject property for the proposed mixed-use development. He distributed a conceptual plan of the development to the commission members present. He showed how the single-family residential portion would be located behind the commercial and high density residential areas. There would be 120 apartment units and 147 single family dwellings. He said that Mr. Gibson had been very helpful in putting him in touch with the developers of the property adjacent to the east, and they are working together on sharing streets, drainage, and parkland.

Doug Spillman, of 1701 Silent Valley Road, said that he owned a portion of the land included in the zoning request, and it will be used for the shared stormwater detention for the developments. He was in favor of the zoning change request.

Barbara Schiller said she owns property on the south side of Borchert Drive, abutting the Lockhart Storage self-storage facility on three sides. She was not specifically for or against the zoning change but wanted to comment on SH 142 improvements that may be needed with all the new development.

Mr. Gibson explained that the West San Antonio Street right-of-way is wide enough for improvements, but that those are overseen by TxDOT. All new development along TxDOT roads require a Traffic Impact Analysis.

Henry Che on the phone asked again how many units were being proposed.

Mr. Leventis replied that it would include 120 apartment units and as many as 147 homes.

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

Mr. Gibson said that staff recommended approval of the zoning boundaries as illustrated on the latest version of the case map.

*Commissioner Arnic moved to recommend approval of the most recent proposed configuration for ZC-21-07 to City Council. Commissioner St. Leger seconded, and the motion passed by a vote of 5-0.*

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

Mr. Gibson stated that the next regular meeting would be held on June 23rd, with several items on the agenda.

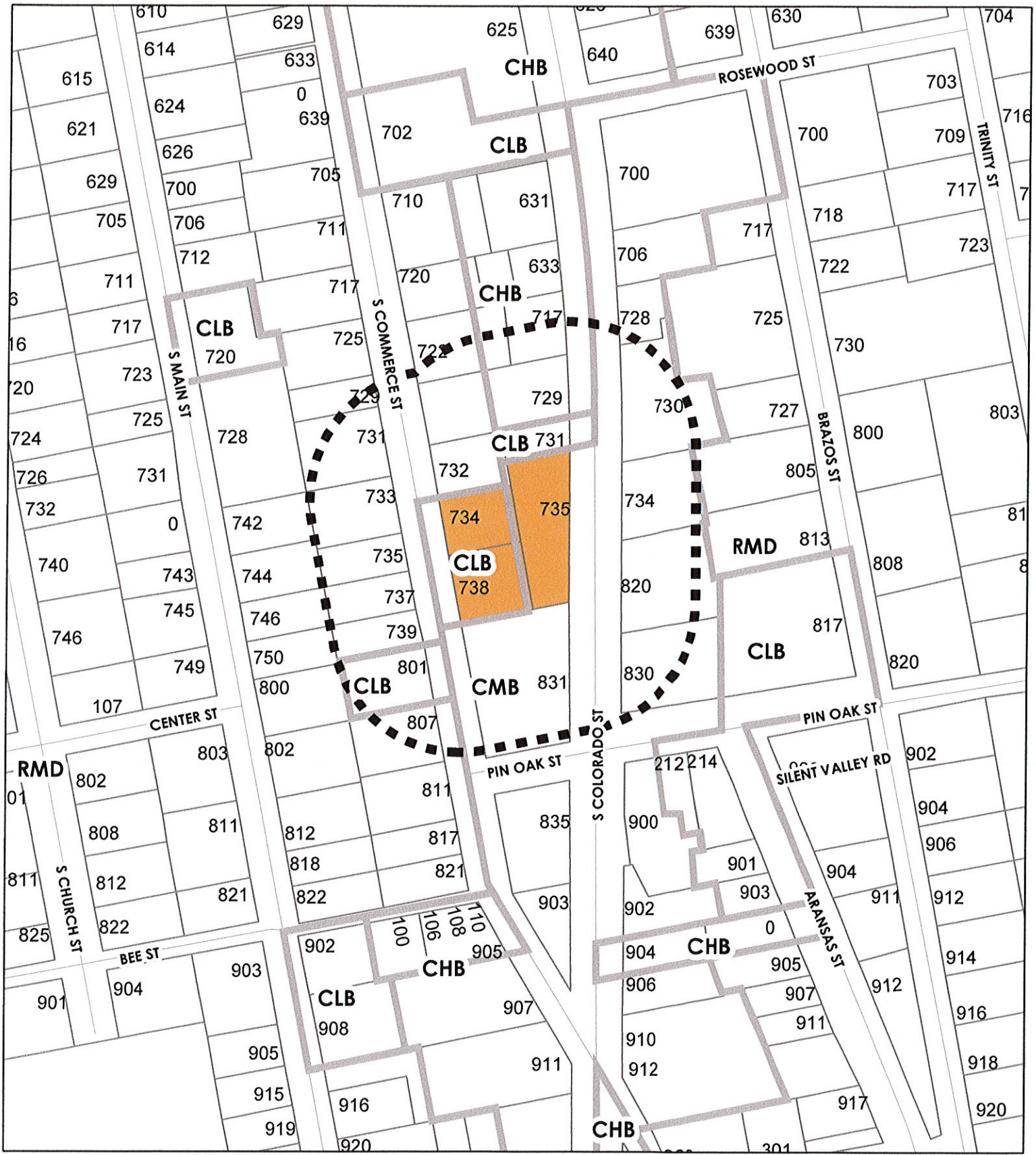
8. Adjourn.

*Commissioner Lingvai moved to adjourn, and Commissioner Arnic seconded. The motion passed by a unanimous vote, and the meeting adjourned at 8:00 p.m.*

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
Christine Banda, Recording Secretary

\_\_\_\_\_  
Philip Ruiz, Chair






**ZC-21-09**

CLB & CMB TO CHB

734 & 738 S COMMERCE ST  
AND 735 S COLORADO ST



scale 1" = 200'

-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  200 FT BUFFER

**CASE SUMMARY**

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STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-21-09

REPORT DATE: June 17, 2021

PLANNING AND ZONING COMMISSION HEARING DATE: June 23, 2021

CITY COUNCIL HEARING DATE: July 6, 2021

REQUESTED CHANGE: CLB & CMB to CHB

STAFF RECOMMENDATION: **Approval of CMB instead of CHB**

PLANNING AND ZONING COMMISSION RECOMMENDATION:

**BACKGROUND DATA**

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APPLICANT: Skylar Reeves

OWNER: Edward & Alma Perez

SITE LOCATION: 735 South Colorado Street (US 183), 734 and 738 South Commerce Street

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 0.89 acre

EXISTING USE OF PROPERTY: Office building, two single-family dwellings

LAND USE PLAN DESIGNATION: General-Heavy Commercial

**ANALYSIS OF ISSUES**

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REASON FOR REQUESTED ZONING CHANGE: The applicant proposes a portable food court where food and nonalcoholic beverages would be served from trucks or trailers, and alcoholic beverages would be served inside an adjacent building that will also be a coffee shop. Restrooms would also be provided on-site in one of the existing buildings. Seating will be mostly outside, with canopies providing some shelter from sun and rain. The applicant’s intent is for enough food and nonalcoholic beverages to be served that it will be more than 50 percent of the total food and beverage sales of the proposed development. However, because the alcohol sales will be independent of the food facilities, there is some risk that the alcoholic beverage sales could exceed 50 percent of the total, in which case the land use, in its entirety, would be classified as a bar. Bars are allowed only in the CHB district and, in addition, require approval of a Specific Use Permit, which would be considered by the Commission in a future public hearing.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Single-family residential, Retail commercial	RMD, CLB, CHB	General-Heavy Commercial
East	Restaurant and retail commercial	CMB	Light-Medium Commercial
South	Restaurant and retail commercial	CMB	General-Heavy Commercial
West	Single-family residential	RMD	Light-Medium Commercial, Medium Density Residential

TRANSITION OF ZONING DISTRICTS: The proposed CHB zoning would not abut any existing CHB zoning, but only one lot zoned CLB separates it from CHB along Colorado Street to the north. CMB exists adjacent to the east and south.



**ADEQUACY OF INFRASTRUCTURE:** Vehicular access exists along both Colorado Street and Commerce Street, and all utilities are available, as well.

**POTENTIAL NEIGHBORHOOD IMPACT:** The CHB district allows the widest variety of office, retail, restaurant, and entertainment uses by-right, along with bars and other high intensity uses with potentially greater impacts as a specific use. Locating the CHB district across the street from a single-family residential neighborhood is not ideal due to conflicting land use characteristics, but the existing houses along the west side of Commerce Street are actually in a strip that is designated on the Land Use Plan map as future Light-Medium Commercial, which is a reasonable transition. A use such as a restaurant or bar with outdoor seating would probably have more negative impacts such as noise and night-lighting than other commercial uses having most activity indoors, especially if outdoor entertainment is offered.

**CONSISTENCY WITH COMPREHENSIVE PLAN:** The proposed CHB zoning classification could be considered consistent with the corresponding Land Use Plan map designation of General-Heavy Commercial.

**ALTERNATIVE CLASSIFICATIONS:** The CMB zoning classification would allow commercial uses, including a portable food court, without the option of allowing a bar. Outdoor entertainment would be a specific use in the CMB district whereas it is allowed by-right in the requested CHB district. The east part of the subject property is already zoned CMB, so if the Commission prefers the option of CMB only the west part would need to be rezoned. Because CMB is a more restrictive classification than CHB, the City Council has the option of changing the proposed zoning from CHB to CMB without starting the public hearing process over again.

**RESPONSE TO NOTIFICATION:** There has been one telephone inquiry about what was planned for the subject property, but the caller didn't indicate any particular support or opposition.

**STAFF RECOMMENDATION:** Staff recommends approval of CMB instead of CHB. If the main reason for requesting CHB is to be able to apply for a specific use permit to allow a bar just in case the sale of alcoholic beverages exceeds 50 percent of the total proceeds of the coffee shop and portable food court, then we do not think that is an appropriate use of the property given how close it is to existing single-family homes. A restaurant or portable food court that serves alcoholic beverages where food and nonalcoholic beverages, rather than the alcoholic beverages, is the main source of revenue would be a more acceptable alternative, and would be allowed by-right in the CMB district. Outdoor entertainment would still be allowed in the CMB district but, whereas it's allowed by-right in the CHB district, it would require approval of a Specific Use Permit in the CMB district



**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 Skylar Reeves ADDRESS 454 Hobby Horse Rd  
DAY-TIME TELEPHONE 713.305.7917 Lockhart, Tx 78644  
E-MAIL Skylar@thewishingwell.com  
OWNER NAME Edward P. Perez ADDRESS 1432 Young Lane  
DAY-TIME TELEPHONE 512.398.6580 Lockhart, tx 78644  
E-MAIL \_\_\_\_\_

**PROPERTY**

ADDRESS OR GENERAL LOCATION 735 S. Colorado, 734 S. Commerce, 738 S. Commerce  
LEGAL DESCRIPTION (IF PLATTED) Meters & Bounds  
SIZE 0.89 ACRE(S) LAND USE PLAN DESIGNATION General Heavy Commercial  
EXISTING USE OF LAND AND/OR BUILDING(S) Office bldg. and two houses  
PROPOSED NEW USE, IF ANY Portable food cart and coffee shop

**REQUESTED CHANGE**

FROM CURRENT ZONING CLASSIFICATION CMB, CLB  
TO PROPOSED ZONING CLASSIFICATION CHB  
REASON FOR REQUEST To allow proposed uses, and allow for a future option to have a bar

## 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 \$ 150<sup>00</sup> 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 \_\_\_\_\_

DATE 6.1.21

## OFFICE USE ONLY

ACCEPTED BY Dan Gibson

RECEIPT NUMBER 1009078

DATE SUBMITTED 6-1-21

CASE NUMBER ZC - 21 - 09

DATE NOTICES MAILED 6-7-2021

DATE NOTICE PUBLISHED 6-10-2021

PLANNING AND ZONING COMMISSION MEETING DATE 6-23-21

PLANNING AND ZONING COMMISSION RECOMMENDATION \_\_\_\_\_

CITY COUNCIL MEETING DATE 7-6-21

DECISION \_\_\_\_\_

We, the undersigned, hereby certify that we are the legal owners of the below described properties. We further authorize Skylar Reeves to represent us before the City of Lockhart Planning & Zoning Commission and City Council, for the purpose of requesting a zoning change to Commercial Heavy Business, for the properties described below:

735 S. Colorado Street, Lockhart, Texas 78644  
Property I.D. #17683  
Legal Description: A017 LOCKHART, BYRD, ACRES 0.41

734 S. Commerce Street, Lockhart, Texas 78644  
Property I.D. #17680  
Legal Description: A017 LOCKHART, BYRD, ACRES 0.21

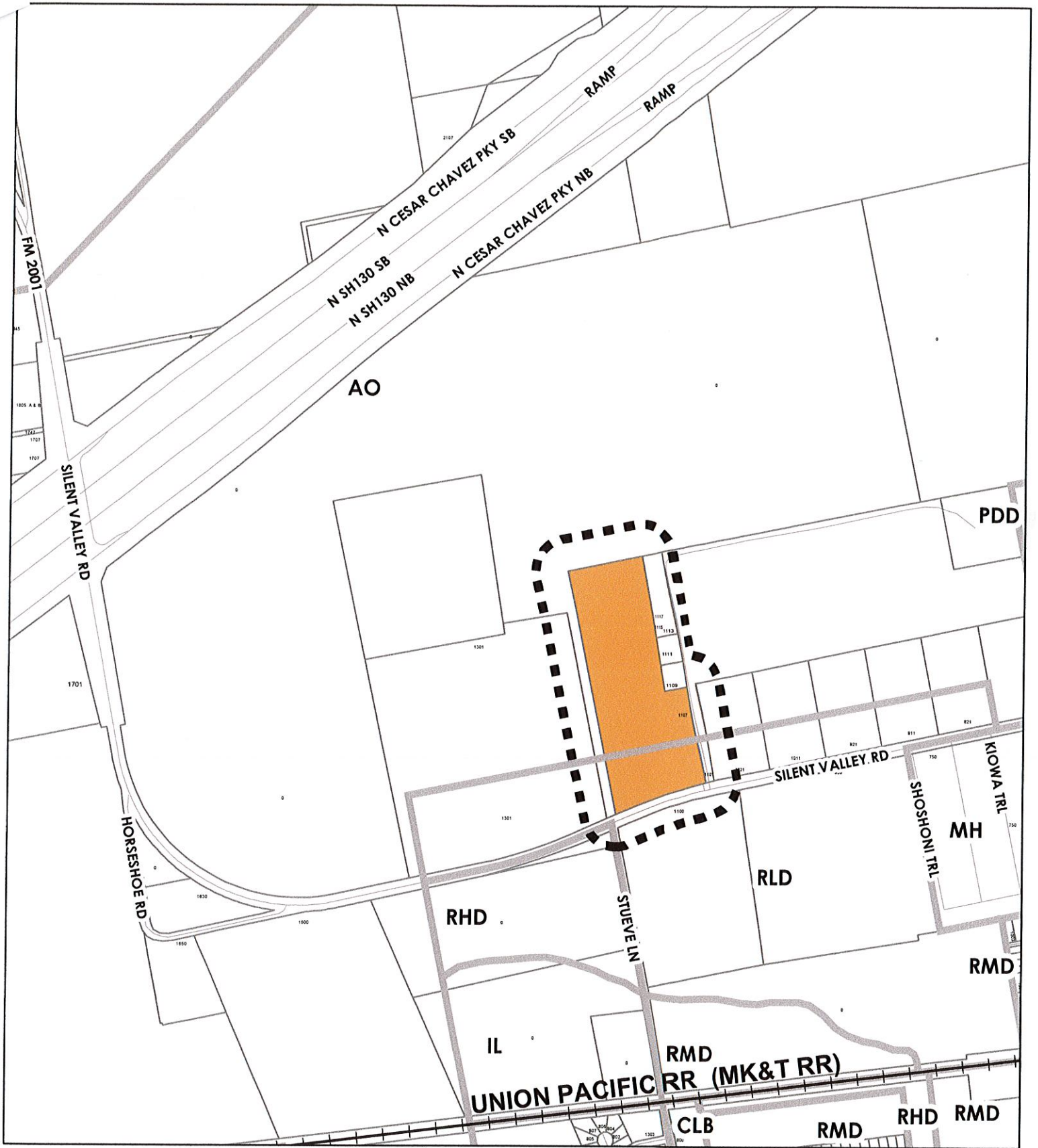
738 S. Commerce Street, Lockhart, Texas 78644  
Property I.D. #17679  
Legal Description: A017 LOCKHART, BYRD, ACRES 0.27

1 Edward P. Perez  
Edward P. Perez

5/31/21  
Date

1 Alma Gonzalez Perez  
Alma Gonzalez Perez

5/31/21  
Date



**ZC-21-08**

RLD & AO TO PDD

1107 SILENT VALLEY RD (FM 2001)



scale 1" = 800'

- SUBJECT PROPERTY
- ZONING BOUNDARY
- 200 FT BUFFER

## CASE SUMMARY

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STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-20-08

REPORT DATE: June 18, 2021

PLANNING & ZONING COMMISSION HEARING DATE: June 23, 2021

CITY COUNCIL HEARING DATE: July 6, 2021

REQUESTED CHANGE: RLD & AO to PDD

STAFF RECOMMENDATION: **Approval**, with concurrent approval of the PDD development plan

PLANNING & ZONING COMMISSION RECOMMENDATION:

## BACKGROUND DATA

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APPLICANT(S): Balsler Custom Homes (Jason Balsler)

OWNER(S): Alan Balsler

SITE LOCATION: 1107 Silent Valley Road (FM 2001)

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 18.58 acres

EXISTING USE OF PROPERTY: Vacant land, single-family dwelling

LAND USE PLAN DESIGNATION: Low Density Residential

## ANALYSIS OF ISSUES

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**REASON FOR REQUESTED CHANGE:** The requested PDD zoning classification is intended to accommodate developments that have unusual characteristics that might require deviations from the normal zoning and/or subdivision standards. In return for such flexibility, the PDD requires more of an up-front commitment on the part of the developer in terms of the site layout, land uses, and amenities. Unlike conventional zoning classifications, which cannot have conditions attached, the PDD classification is subject to the conditions represented by the development plan. The development plan is adopted with the zoning change, and thereafter cannot be changed except through the normal rezoning process. The PDD development plan (PDD-21-01) and preliminary plat (PP-21-01) were submitted with this zoning change application. The zoning change and PDD development plan must be considered concurrently, since the zoning is conditional upon the project being developed as depicted on the plan. In this case, the owner is proposing a subdivision consisting of 60 new duplex lots plus one lot for an existing single-family dwelling, a park, and several open-space lots. The reason for the PDD classification instead of a conventional zoning classification such as RMD is that most of the lots do not meet the minimum lot depth and area standard of the DF-1 or DF-2 development types. However, the applicant is also proposing to exceed the minimum standards for sidewalks and parkland (including park improvements), and to include several mid-block walkways, as a trade-off for the deviation in lot size.

### AREA CHARACTERISTICS:

	Existing Use	Zoning	Land Use Plan
<b>North</b>	Vacant land	AO	Low Density Residential
<b>East</b>	Vacant land, duplex, single-family dwellings	AO, RLD	Low Density Residential
<b>South</b>	Vacant land, single-family dwelling	RLD	Low Density Residential
<b>West</b>	Vacant land, Single-family dwelling	AO, RLD	Medium Density Residential

**TRANSITION OF ZONING DISTRICTS:** Because PDD is not a conventional zoning classification, the basis for comparison to other zoning districts would be the development plan, which in this case shows a subdivision consisting primarily of duplexes. There is one duplex adjacent to the subject property, but otherwise the residential development in the area is low density single-family. In terms of gross density, the proposed 121 units on a total of 18.58 acres is equivalent to 6.5 units per acre, which is slightly above the typical threshold for low density, but is at the low end of medium density.

**ADEQUACY OF INFRASTRUCTURE:** The existing private Meadow Lake Drive will be reconstructed as a public street, and an extension of Stueve Lane will also be constructed to provide access from Silent Valley Road to the new internal streets of the subdivision. There currently is no City wastewater line in the area, but the applicant will construct an off-site extension to the nearest City wastewater main of adequate size to handle the development. The existing 12" water main along Silent Valley Road is adequate, and stormwater detention for the subdivision will be in an off-site easement located on the west side of the Stueve Lane extension.

**POTENTIAL NEIGHBORHOOD IMPACT:** The greatest impact will likely be traffic generated by the residents of the new subdivision. However, the traffic will be distributed between two streets connecting to Silent Valley Road, and any mitigation measures necessary for traffic safety will be the responsibility of the developer. A traffic impact analysis is being prepared for review by TxDOT, which can then require right-turn deceleration lanes, center left-turn lanes, stop signs, and even traffic lights if they are determined to be necessary.

**CONSISTENCY WITH COMPREHENSIVE PLAN:** The Land Use Plan map designates the location of this development to have a future land use of Low Density Residential. Our zoning ordinance considers the limit of low density to be five dwelling units per acre, although in some cities it can be as high as six or seven units per acre. In this case, the proposed development will have a gross density of 6.5 units per acre, so it's close to being consistent with the Low Density Residential designation of the Land Use Plan map. It should be noted that the future land use of the large area to the west of the subject property is designated as Medium Density Residential, so the density of the proposed PDD is an ideal transition between low density to the east and medium density to the west.

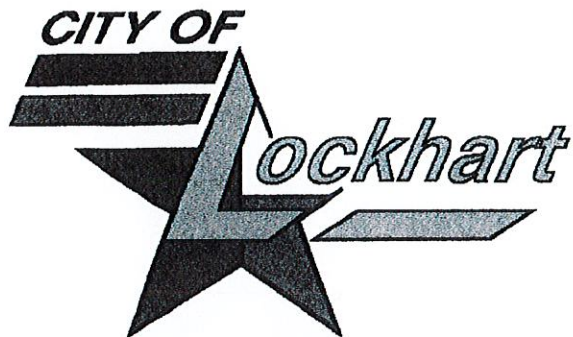
**ALTERNATIVE CLASSIFICATIONS:** The RLD zoning classification would be the most consistent with the Land Use Plan map. However, it does not allow duplexes, which is a housing option that is needed in Lockhart. There was a previous attempt to rezone the subject property to RMD in March 2020, but that application was withdrawn at the City Council meeting due to opposition from owners of single-family home on adjoining or nearby lots such that a super-majority affirmative vote would have been required for approval. The RMD district allows up to ten dwelling units per acre, so the proposed PDD is a good way of assuring that the density will not exceed the lower threshold of 6.5 units per acre.

**RESPONSE TO NOTIFICATION:** No formal response, although owners of adjacent single-family lots have indicated that there will be people present at the Commission meeting to speak regarding this proposed zoning change.

**STAFF RECOMMENDATION:** Staff recommends approval. The applicant has made significant changes to the subdivision since the previous attempt to rezone the property to RMD. Most notably, a second direct vehicular access to Silent Valley Road is proposed in the form of an extension of Stueve Lane, and the parkland is larger and more usable.







**ZONING CHANGE APPLICATION**

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P.O. Box 239 • Lockhart, Texas 78644  
308 West San Antonio Street

**APPLICANT/OWNER**

APPLICANT NAME Balser Custom Homes ADDRESS P.O. Box 7012  
DAY-TIME TELEPHONE 903.752.3837 Tyler, TX 75711  
E-MAIL Balser Homes @ suddenlink.net  
OWNER NAME Alan Balser ADDRESS \_\_\_\_\_  
DAY-TIME TELEPHONE 214.368.8025  
E-MAIL AWBG Palaura.com

**PROPERTY**

ADDRESS OR GENERAL LOCATION 1107 Silent Valley Road  
LEGAL DESCRIPTION (IF PLATTED) Metes & bounds  
SIZE 18.58 ACRE(S) LAND USE PLAN DESIGNATION Low Density Residential  
EXISTING USE OF LAND AND/OR BUILDING(S) Aq, one single-family dwelling  
PROPOSED NEW USE, IF ANY Duplex Subdivision PDD

**REQUESTED CHANGE**

FROM CURRENT ZONING CLASSIFICATION RLD & AO  
TO PROPOSED ZONING CLASSIFICATION PDD  
REASON FOR REQUEST Create a new attractive Duplex  
Subdivision

**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.

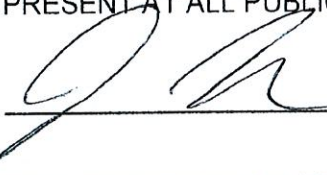
NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

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

APPLICATION FEE OF \$ 521.60 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 

DATE 12/7/2020

**OFFICE USE ONLY**

ACCEPTED BY Dan Gibson

RECEIPT NUMBER 1007231

DATE SUBMITTED 5-21-21

CASE NUMBER ZC - 21 - 08

DATE NOTICES MAILED 6-7-2021

DATE NOTICE PUBLISHED 6-10-2021

PLANNING AND ZONING COMMISSION MEETING DATE 6-23-21

PLANNING AND ZONING COMMISSION RECOMMENDATION \_\_\_\_\_

CITY COUNCIL MEETING DATE 7-6-21


DECISION \_\_\_\_\_

City of Lockhart, Texas

Re: 1107 Silent Valley Rd.

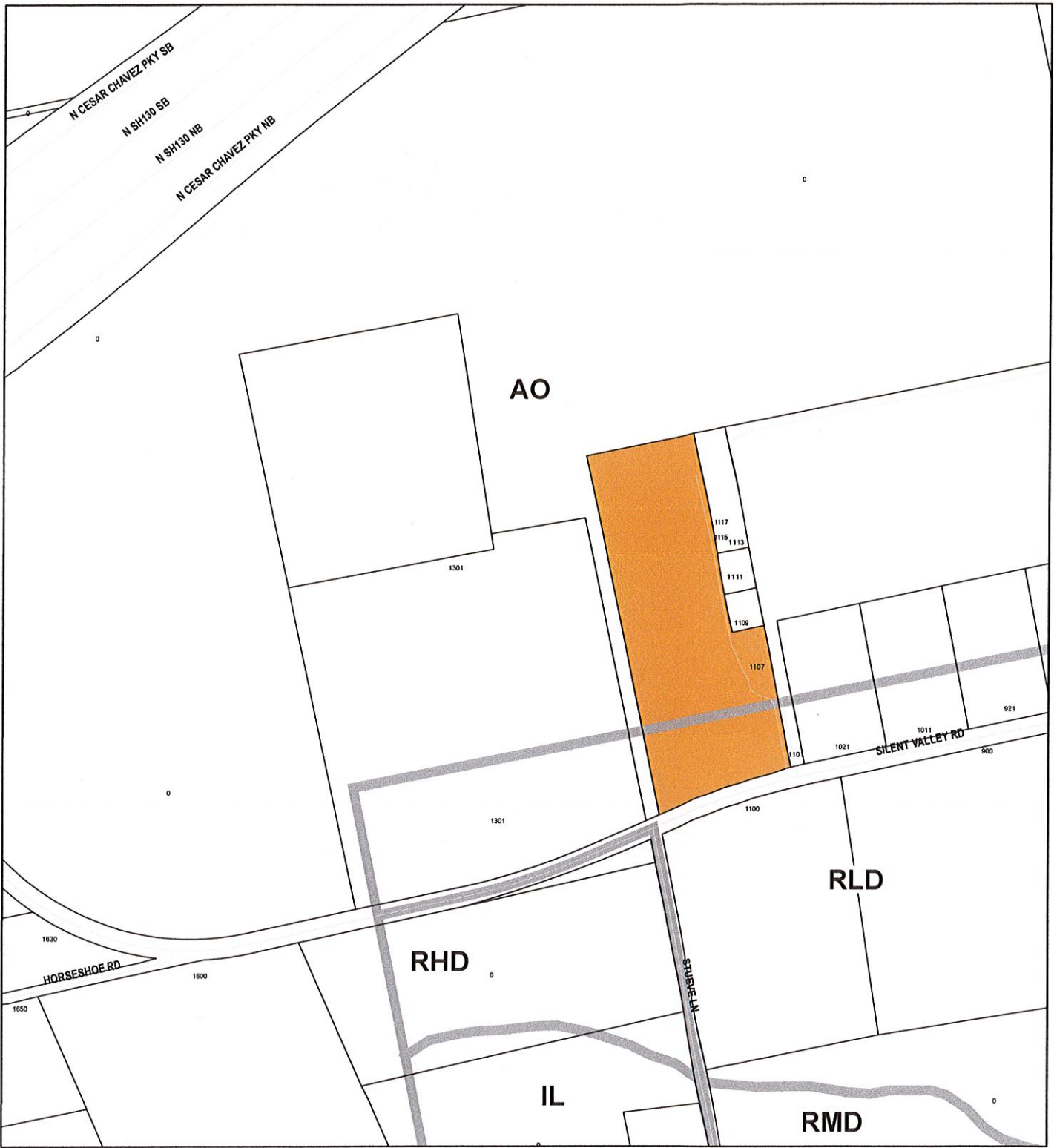
This is to authorize and acknowledge that Jason Balser is currently working with me on project for 1107 Silent Valley Road. He is authorized to represent me as needed.

Thank You,

A handwritten signature in black ink, appearing to read "Alan Wayne Balser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alan Wayne Balser





**PDD-21-01**

LOCKHART VILLAGE ADDITION  
PDD DEVELOPMENT PLAN



 Subject Property

scale 1" = 600'

**CASE SUMMARY**

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

CASE NUMBER: PDD-21-01

REPORT DATE: June 17, 2021

PLANNING &amp; ZONING COMMISSION DATE: June 23, 2021

CITY COUNCIL DATE: July 6, 2021

STAFF RECOMMENDATION: **Approval**

SUGGESTED CONDITIONS: None

PLANNING &amp; ZONING COMMISSION ACTION:

**BACKGROUND DATA**

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ENGINEER: Ken Martin, P.E., Murfee Engineering Company

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

OWNERS: Alan and Pamela Balsler

SITE LOCATION: 1107 Silent Valley Rd.

SUBDIVISION NAME: **Lockhart Village Addition**

SIZE OF PROPERTY: 18.58 acres

NUMBER OF LOTS: 60 duplex lots, one single-family residential lot, one public parkland lot, three private open space lots, and seven new street rights-of-way

EXISTING USE OF PROPERTY: Single-family residential

ZONING CLASSIFICATIONS: RLD (Residential Low Density District) and AO (Agricultural-Open Space District)

**ANALYSIS OF ISSUES**

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PROPOSED DEVELOPMENT: This development plan accompanies the Zoning Change request (ZC-21-08) from RLD and AO to PDD, as well as the Preliminary Plat (PP-21-01), for the same property. Unlike conventional zoning classifications, which cannot have conditions attached, the Planned Development District (PDD) classification is subject to the conditions represented by the development plan. The development plan is adopted with the zoning change, and thereafter cannot be changed except through the normal rezoning process. The PDD zoning classification is intended to accommodate developments that have unusual characteristics that might require deviations from the normal zoning and/or subdivision standards. In return for such flexibility, the PDD requires more of an up-front commitment on the part of the developer in terms of the site layout, land uses, and amenities. The zoning change and PDD development plan must be considered concurrently, since the zoning is conditional upon the project being developed as depicted on the plan.

The proposal is for 60 duplex lots consisting of 120 dwelling units. In addition to the new duplexes, there is one lot containing an existing single-family dwelling. The subdivision will be served by seven proposed internal streets, one of which will include the improvement of the existing, private Meadow Lake Drive to City standards. In addition, a proposed extension of Stueve Lane will provide access to the west side of the development. An off-site, variable width stormwater detention area will serve the subdivision, to be located to the west of the subject property on the opposite side of the proposed Stueve Lane extension. A public parkland lot, which is to be maintained by the City, is proposed in the subdivision's north portion. Proposed park improvements include a 16-foot high baseball backstop and two park benches behind the backstop. This could be a subject for discussion at the Commission meeting. Three private open space lots are proposed, which will contain walkways allowing pedestrians access through Blocks A and D. Masonry signage is proposed at the

subdivision's two entry points at Silent Valley Road's intersection with Meadow Lake Drive and the proposed Stueve Lane extension. The development is proposed to be screened with wolmanized wooden fencing, including masonry columns spaced approximately 90 feet apart, along the rear lot line of all perimeter lots. Please note that wolmanized wood is pressure-treated with chemicals, whereas a more natural solution would be cedar fencing. Some of the proposed lots have substandard depths and lot areas, which is the reason for the proposed PDD zoning. Extra amenities offered by the subdivider include sidewalks on both sides of the internal streets, whereas the Subdivision Regulations only require sidewalks on one side, public parkland area substantially greater than required by the regulations, and public parkland improvements. The subdivision will be governed by a Homeowners' Association, and it is recommended that a Master Covenant document be submitted at the time of final plat consideration.

**NEIGHBORHOOD COMPATIBILITY:** The adjacent property to the west and north is vacant and in the same ownership as the subject property. The properties to the east and to the south across Silent Valley Road are in residential and agricultural use. Although the density of the proposed subdivision is higher than the Future Land Use Plan designation of Low-Density Residential, the property is located adjacent to the future land use designation of Medium-Density Residential to the west, which is consistent with the 7 dwelling units per acre proposed for this development. In addition, the property is located approximately 1/3 mile south of North Cesar Chavez Parkway Northbound and SH 130, along which higher-density uses are generally anticipated. Staff believes that the proposed duplex family units will provide a type of housing that is needed in Lockhart.

**FORM AND CONTENT:** The PDD Development Plan conforms to all minimum requirements for form and content.

**COMPLIANCE WITH STANDARDS:** The proposed development will comply with all applicable subdivision standards, including construction of new streets where required, sidewalks, utilities, stormwater drainage, and parkland.

**ADDITIONAL REQUIREMENTS:** None.

**PDD DEVELOPMENT PLAN APPLICATION**

CITY OF

**Lockhart**

TEXAS

*- Resubmitted -*

**APPLICANT/OWNER**

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

APPLICANT NAME Jason Balsev AD

DAY-TIME TELEPHONE 903.752.3837

E-MAIL BalsevHomes@Suddenlink.net

P.O. Box 7012

Tyler, TX. 75711

OWNER NAME Alan Balsev

ADDRESS 12740 Hillcrest Rd.

DAY-TIME TELEPHONE 214.368.8025

Suite 220

E-MAIL ANBGPalavra.com

Dallas TX 75230

**PROPERTY**

ADDRESS OR GENERAL LOCATION 1107 Silent Valley Road

LEGAL DESCRIPTION (IF PLATTED) Byrd Lockhart A-17 (Metes and Bounds)

PROPOSED SUBDIVISION NAME, IF NOT PLATTED Lockhart Village

SIZE 18.58 ACRE(S) ZONING CLASSIFICATION PDD (proposed); RLD #A0 (current)

EXISTING USE OF LAND AND BUILDINGS One single-family residence

**PROPOSED DEVELOPMENT**

PROPOSED USE OF LAND AND BUILDINGS Duplex-based subdivision

NUMBER OF LOTS 60

TOTAL NUMBER OF DWELLING UNITS, IF ANY 120

RESIDENTIAL DENSITY 7 UNITS/ACRE

TOTAL LAND AREA ALLOCATED TO RESIDENTIAL USE, IF ANY 18.58 ACRE(S)

TOTAL LAND AREA ALLOCATED TO NON-RESIDENTIAL USE, IF ANY N/A ACRE(S)



**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.

PROPOSED DECLARATION OF COVENANTS AND RESTRICTIONS ESTABLISHING AND GOVERNING ANY LEGAL ENTITY THAT MAY BE REQUIRED TO OWN, OPERATE, AND/OR MAINTAIN PRIVATE STREETS, UTILITIES, OR OTHER FACILITIES PROVIDED FOR THE COMMON USE OF ALL PROPERTY OWNERS.

PROPOSED WRITTEN AGREEMENT BETWEEN THE CITY AND THE LEGAL ENTITY TO BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF PRIVATE STREETS AND ALLEYS, PERMITTING ACCESS AND USE WITHOUT LIABILITY BY CITY VEHICLES AND PERSONNEL ON OFFICIAL BUSINESS.

PDD DEVELOPMENT PLAN, AS FOLLOWS, INDICATING THE SCALE AND NORTH ARROW, PROPOSED USE(S) OF ALL PARTS OF THE DEVELOPMENT, BOUNDARIES OF PROPOSED PHASES, IF ANY, AND CONTAINING THE INFORMATION REQUIRED IN SECTION 64-166(b).

Four copies for initial staff review.

Ten copies after initial staff review.

One mylar reproducible (two if applicant wants to keep one), plus two copies, of approved PDD Development Plan.

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 [Signature]

DATE 5/24/21

**OFFICE USE ONLY**

ACCEPTED BY Kevin Waller

DATE SUBMITTED 5/24/21

ZONING CASE NUMBER ZC - 21 - 08

PLAN CASE NUMBER PDD - 21 - 01

PLANNING AND ZONING COMMISSION MEETING DATE 6/23/21

DECISION \_\_\_\_\_

CONDITIONS \_\_\_\_\_

February 26, 2020

Re: Re-Zoning of 1107 Silent Valley Road

To whom it may concern,

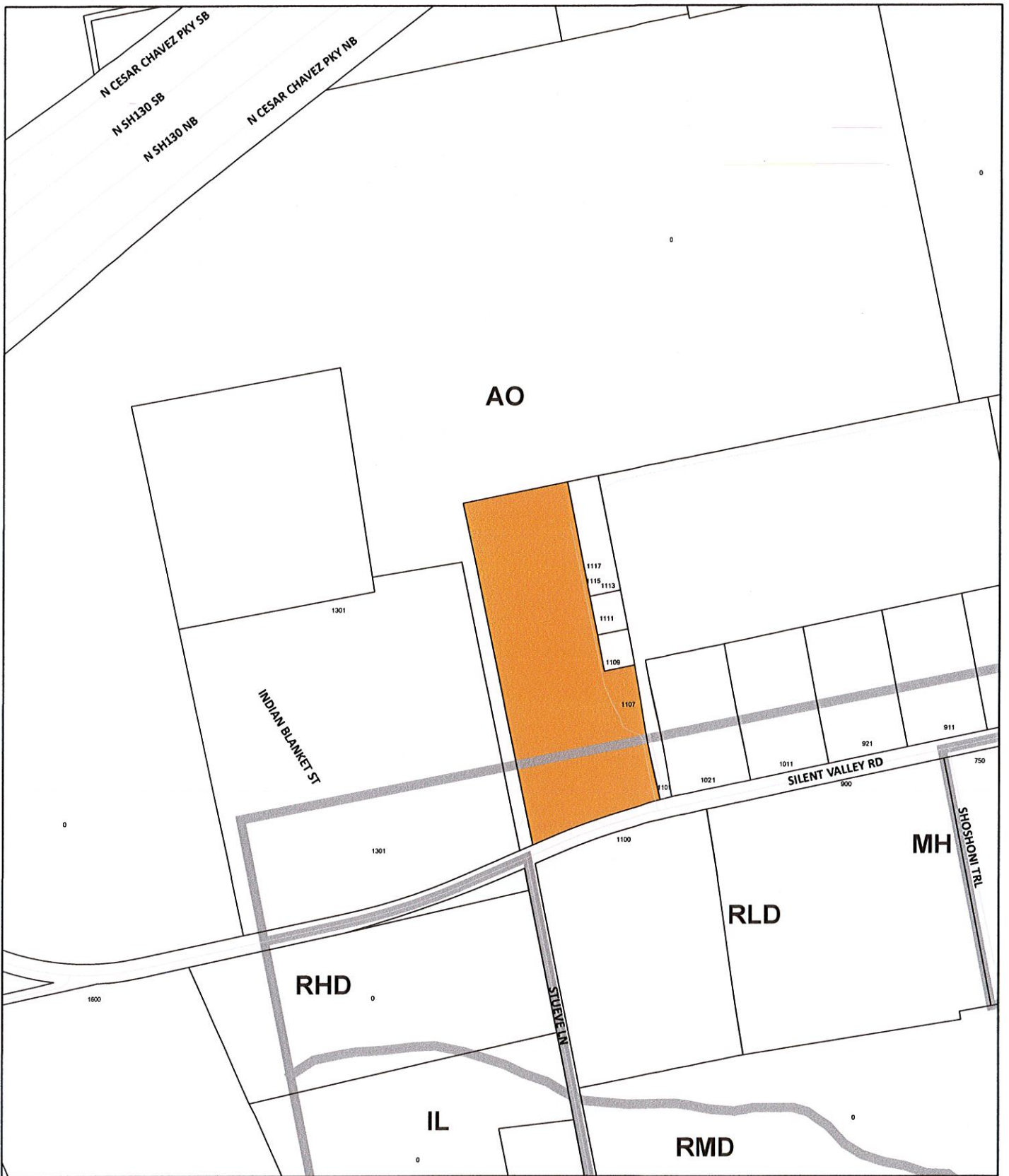
I Alan Wayne Balsler, do seek to change the zoning of my property at 1107 Silent Valley Road from Agricultural <sup>(Ao)</sup> and RLD <sup>(Residential Low Density)</sup> to PDD (Planned Development District) ~~Residential Medium Density~~. Jason Balsler will be acting as my authorized representative for contact with the city of Lockhart. I propose to construct a small luxury duplex subdivision that will complement our community. I believe it to be complementary and consistent with Lockhart's Planned Growth projections.

I look forward to helping to contribute to the growth and improvement of our community.

Thank you,



Alan Wayne Balsler



**PP-21-01**

LOCKHART VILLAGE ADDITION

1107 SILENT VALLEY ROAD



 Subject Property

scale 1" = 600'

## CASE SUMMARY

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STAFF CONTACT: Kevin Waller, Assistant City Planner *KW*  
REPORT DATE: June 16, 2021  
PLANNING & ZONING COMMISSION DATE: June 23, 2021  
STAFF RECOMMENDATION: **Approval**  
SUGGESTED CONDITIONS: None

CASE NUMBER: PP-21-01

## BACKGROUND DATA

---

ENGINEER: Ken Martin, P.E., Murfee Engineering Company  
SURVEYOR: Jerry Hinkle, P.L.S., Hinkle Surveyors  
OWNERS: Alan and Pamela Balsler  
SITE LOCATION: 1107 Silent Valley Rd.  
SUBDIVISION NAME: **Lockhart Village Addition**  
SIZE OF PROPERTY: 18.58 acres  
NUMBER OF LOTS: 60 duplex lots, one single-family residential lot, one public parkland lot, three private open space lots, and seven new street rights-of-way  
EXISTING USE OF PROPERTY: Single-family residential  
ZONING CLASSIFICATIONS: RLD (Residential Low Density District) and AO (Agricultural-Open Space District)

## ANALYSIS OF ISSUES

---

**PROPOSED DEVELOPMENT:** This plat accompanies the PDD Development Plan and concurrent Zoning Change request (PDD-21-01 and ZC-21-08, respectively) from RLD and AO to PDD for the same property. The proposal is for 60 duplex lots consisting of 120 dwelling units. In addition to the new duplexes, there is one lot containing an existing single-family dwelling. The subdivision will be served by seven proposed internal streets, one of which will include the improvement of the existing, private Meadow Lake Drive to City standards. In addition, a proposed extension of Stueve Lane will provide access to the west side of the development. An off-site, variable width stormwater detention area will serve the subdivision, to be located to the west of the subject property on the opposite side of the proposed Stueve Lane extension. Some of the proposed lots have substandard depths and lot areas, which is the reason for the proposed PDD zoning. Extra amenities offered by the subdivider include sidewalks on both sides of the internal streets, whereas the Subdivision Regulations only require sidewalks on one side, public parkland area substantially greater than required by the regulations, and public parkland improvements.

**NEIGHBORHOOD COMPATIBILITY:** The adjacent property to the west and north is vacant and in the same ownership as the subject property. The properties to the east and to the south across Silent Valley Road are in residential and agricultural use. Although the density of the proposed subdivision is higher than the Future Land Use Plan designation of Low-Density Residential, the property is located adjacent to the future land use designation of Medium-Density Residential to the west, which is consistent with the 7 dwelling units per acre proposed for this development. In addition, the property is located approximately 1/3 mile south of North Cesar Chavez Parkway Northbound and SH 130, along which higher-density uses are generally anticipated.

**FORM AND CONTENT:** The Preliminary Plat conforms to all minimum requirements for form and content.

**COMPLIANCE WITH STANDARDS:** The proposed development will comply with all applicable subdivision standards, including construction of new streets where required, sidewalks, utilities, stormwater drainage, and parkland. The final engineering design must be completed prior to the Commission's consideration of the final plat, which is the next stage after the preliminary plat process.

**CONCURRENT VARIANCES REQUESTED:** None.

# 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

*- Resubmitted -*

## APPLICANTS

SURVEYOR NAME Jerry Hinkle  
DAY-TIME TELEPHONE 512.398.2000  
E-MAIL Contact@HinkleSurveyors.com

ADDRESS P.O. Box 1027  
Lockhart, TX. 78644

ENGINEER NAME Ken Martin  
DAY-TIME TELEPHONE 512.327.9204  
E-MAIL KMartin@murfee.com

ADDRESS Murfee Engineering Co.  
1101 Capital of Texas Hwy South  
Building D, suite 110  
AUSTIN, TX. 78746

OWNER NAME Alan Balser  
DAY-TIME TELEPHONE 214.368.8025  
E-MAIL AWBC@Palavra.com

ADDRESS 12740 Hillcrest Rd.  
Suite 220  
Dallas, TX 75230

## TYPE OF APPLICATION

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

## PROPERTY

SUBDIVISION NAME Lockhart Village Addition  
ADDRESS OR GENERAL LOCATION 1107 Silent Valley Road  
LOCATED IN Lockhart  CITY LIMITS     ETJ (COUNTY)     PDD  
TOTAL LAND AREA 18.58 ACRE(S)    PROPOSED NUMBER OF LOTS 60  
ZONING CLASSIFICATION(S) PDD (Proposed); RLD & AO (Current)  
PROPOSED USE OF LAND Duplex Subdivision

# 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
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 5/21/21

PRINTED NAME Jason Balsler

TELEPHONE 903.752.3837

## 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) N/A OF THE SUBDIVISION REGULATIONS

CURRENT ORDINANCE REQUIREMENT(S) \_\_\_\_\_

REQUESTED VARIANCE(S) \_\_\_\_\_

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 Walker

RECEIPT NUMBER N/A

DATE SUBMITTED 5/21/21

CASE NUMBER PP 21 01

DATE APPLICATION IS DEEMED COMPLETE N/A

DATE NOTICES MAILED \_\_\_\_\_

DATE NOTICE PUBLISHED \_\_\_\_\_

(For certain Replats/Resubdivisions without vacating preceding plat)

PLANNING AND ZONING COMMISSION MEETING DATE 6/23/21

DECISION \_\_\_\_\_

CONDITIONS \_\_\_\_\_

February 26, 2020

Re: Re-Zoning of 1107 Silent Valley Road

To whom it may concern,

I Alan Wayne Balsler, do seek to change the zoning of my property at 1107 Silent Valley Road from Agricultural <sup>(A0)</sup> ~~to~~ <sup>and RLD (Residential Low Density)</sup> ~~Residential Medium Density~~ <sup>to PDD (Planned Development District)</sup>. Jason Balsler will be acting as my authorized representative for contact with the city of Lockhart. I propose to construct a small luxury duplex subdivision that will complement our community. I believe it to be complementary and consistent with Lockhart's Planned Growth projections.

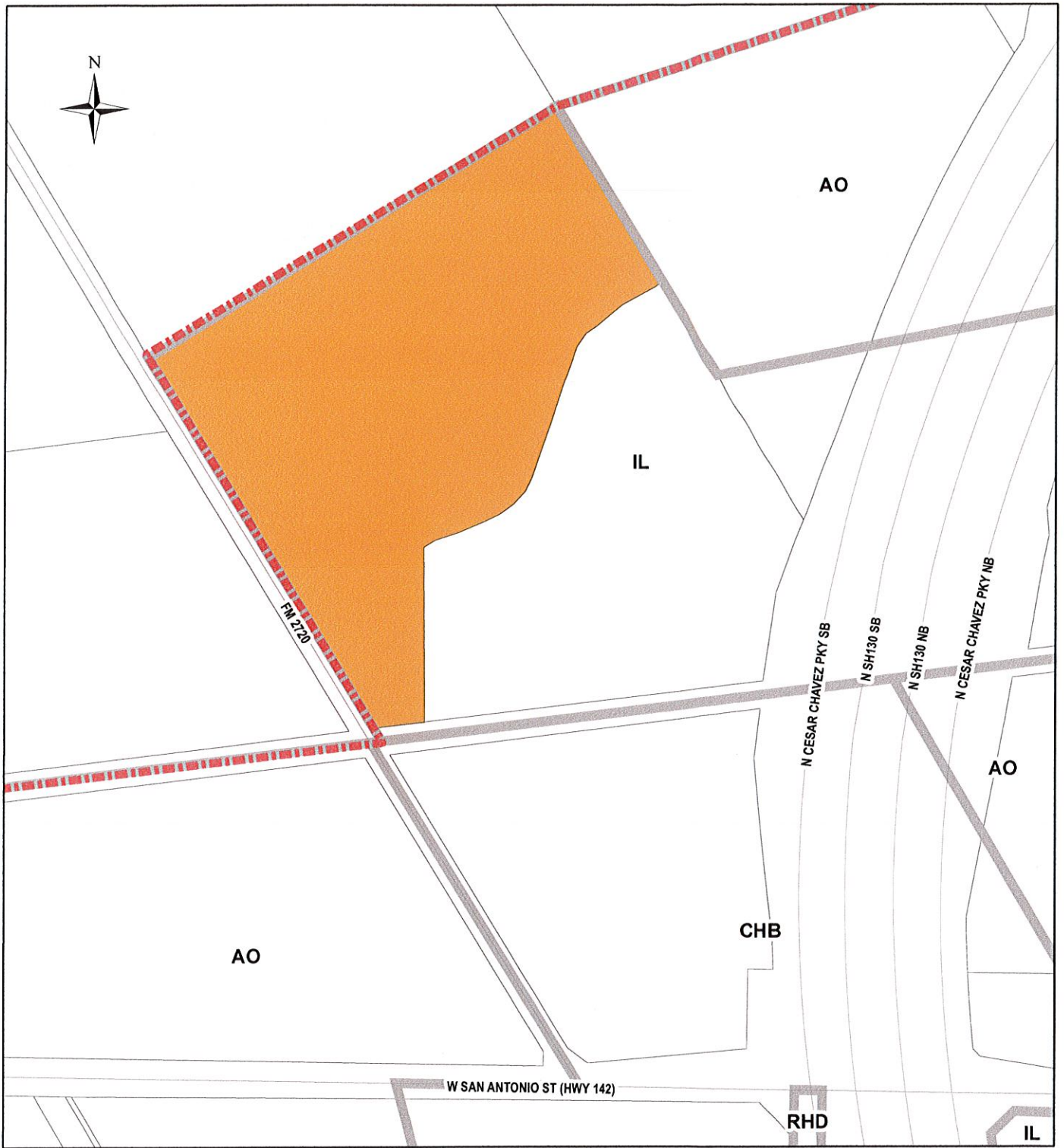
I look forward to helping to contribute to the growth and improvement of our community.

Thank you,



Alan Wayne Balsler





**FP-21-05**

LOCKHART INDUSTRIAL PARK III SECTION 1

FINAL PLAT

 SUBJECT PROPERTY

 ZONING

 LOCKHART CITY LIMITS

scale 1" = 500'

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**TO:** Lockhart Planning and Zoning Commission  
**FROM:** Kevin Waller, Assistant City Planner *KW*  
**SUBJECT:** Agenda Item 7 (Lockhart Ind. Park III)  
**DATE:** June 18, 2021

---

**City of Lockhart**  
**MEMO**

Planning Staff received the final plat application for Lockhart Industrial Park III Section One (Agenda Item 7) on June 18, 2021, five days prior to the Commission meeting. During a phone conversation between Staff and consulting engineer Doucet & Associates around the beginning of June, the completeness review, technical review, and engineering plan review processes were discussed, and it was stressed that these procedures must be exhausted within the statutory 30-day timeframe, prior to placing the plat on the agenda of the Commission. It was then Staff's understanding that the application materials would be submitted shortly after that phone call. Staff did not hear back from the engineer until June 17, at which time it was requested that the plat be placed on the agenda of the June 23 meeting. Staff then informed the engineer that no application had yet been submitted, and that placing the plat on that agenda was unrealistic, given the review procedures that had to come first.

In a discussion with Lockhart Economic Development Director Mike Kamerlander also on June 17, Mr. Kamerlander explained that it was his understanding that the consulting engineer had submitted the application materials quite some time ago. Staff explained that the application materials had not yet been submitted, and that placing the plat on the June 23 agenda was not in accordance with our normal procedures. Mr. Kamerlander then heavily stressed the need for the plat to be considered at this meeting, since a closing had already been scheduled for the first lot to be sold in Section One, and the contact is contingent upon approval of the plat. Since the parcel currently being sold is over five acres in size and has frontage on an improved public street, it can legally be sold without platting.

Staff intends to bring the plat to the Commission meeting as complete and correct as possible. Any remaining deficiencies will be addressed as recommended conditions of approval in the staff report, which, along with the plat, will be provided to you via email as soon as possible, or no later than the time of the meeting. According to City Engineer Jeff Dahm, the engineering plans for the project have not been submitted, as of the date of this memo. If the engineering plans are approved by the City Engineer by the time of the Commission meeting, the letter of approval will be provided to you at that time.

**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 Chris Terry  
DAY-TIME TELEPHONE 210-469-4564  
E-MAIL cterry@doucetengineers.com

ADDRESS Doucet & Associates  
7401 B HWY-71 STE 160  
Austin, Texas 78735

ENGINEER NAME Frank DesRoches  
DAY-TIME TELEPHONE 210-701-5927  
E-MAIL fdesroches@doucetengineers.com

ADDRESS Doucet & Associates  
7401 B HWY-71 STE 160  
Austin, Texas 78735

OWNER NAME Mike Kamerlander  
DAY-TIME TELEPHONE 512-376-0856  
E-MAIL mkamerlander@lockhart-tx.org

ADDRESS Doucet & Associates  
7401 B HWY-71 STE 160  
Austin, Texas 78735

**TYPE OF APPLICATION**

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

**PROPERTY**

SUBDIVISION NAME Lockhart Industrial Park III - Section One ↓ 500 FM 2720  
ADDRESS OR GENERAL LOCATION Between SH-130 and FM-2720, north of UP Railroad  
LOCATED IN  CITY LIMITS     ETJ (COUNTY)     PDD  
TOTAL LAND AREA 41.687 ACRE(S)    PROPOSED NUMBER OF LOTS 5  
ZONING CLASSIFICATION(S) Light-Industrial  
PROPOSED USE OF LAND Light-Industrial

# **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.

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Preliminary Plat	\$600.00 payable to the City of Lockhart
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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 Frank DesRoches

Digitally signed by Frank DesRoches  
DN: dc=com, dc=ducelandassociates, dc=print,  
ou=Users-Austin Corp, cn=Frank DesRoches  
Date: 2021.06.18 07:11:14 -0500

DATE 6/16/2021

PRINTED NAME Frank DesRoches

TELEPHONE 210-701-5927

## **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) N/A OF THE SUBDIVISION REGULATIONS

CURRENT ORDINANCE REQUIREMENT(S) \_\_\_\_\_

REQUESTED VARIANCE(S) \_\_\_\_\_

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 \_\_\_\_\_

DATE SUBMITTED 6/18/21

CASE NUMBER FP 21 05

DATE APPLICATION IS DEEMED COMPLETE \_\_\_\_\_

DATE NOTICES MAILED \_\_\_\_\_

DATE NOTICE PUBLISHED \_\_\_\_\_

(For certain Replats/Resubdivisions without vacating preceding plat) 23

PLANNING AND ZONING COMMISSION MEETING DATE 6/23/21

DECISION \_\_\_\_\_

CONDITIONS \_\_\_\_\_





# 1411 S Commerce St




- Subject Property
- Zoning Boundary

ALLOW A 4 FT CHAINLINK FENCE IN THE FRONT YARD IN CHB DISTRICT

scale 1" = 300'

---

**TO:** Planning and Zoning Commission  
**FROM:** Dan Gibson, City Planner   
**SUBJECT:** Agenda item #7, Fence in front yard  
**DATE:** June 17, 2021

**City of Lockhart**  
**MEMO**

---

Section 12-491(3) of the Lockhart Code of Ordinances (fence ordinance) requires that any fences in the minimum required front yard (building setback area) of property having a nonresidential zoning classification must be reviewed and approved by the Planning and Zoning Commission. The maximum fence height allowed is eight feet, and no more than 50 percent of the fence elevation can block the view through the fence.

The property located at 1411 South Commerce Street (FM 1322) is zoned CHB Commercial Heavy Business District, and is in an area where commercial and industrial zoning is prevalent. It previously contained a house, which was demolished, leaving only a freestanding garage in the northwest corner of the lot. The owner wishes to use the property for an "educational garden", with no new buildings planned. She has applied for a permit to construct a four-foot tall chain-link fence along the front property line, with an ungated opening for the driveway entrance. Because the proposed fence is within the minimum required front yard, the Commission's review and approval is required before the fence permit can be issued.

There are other fences along front property lines in the area, including properties adjacent to the south of the subject lot, and multiple properties on the opposite side of the street. The chain-link material will not block the view through the fence or create a safety hazard.

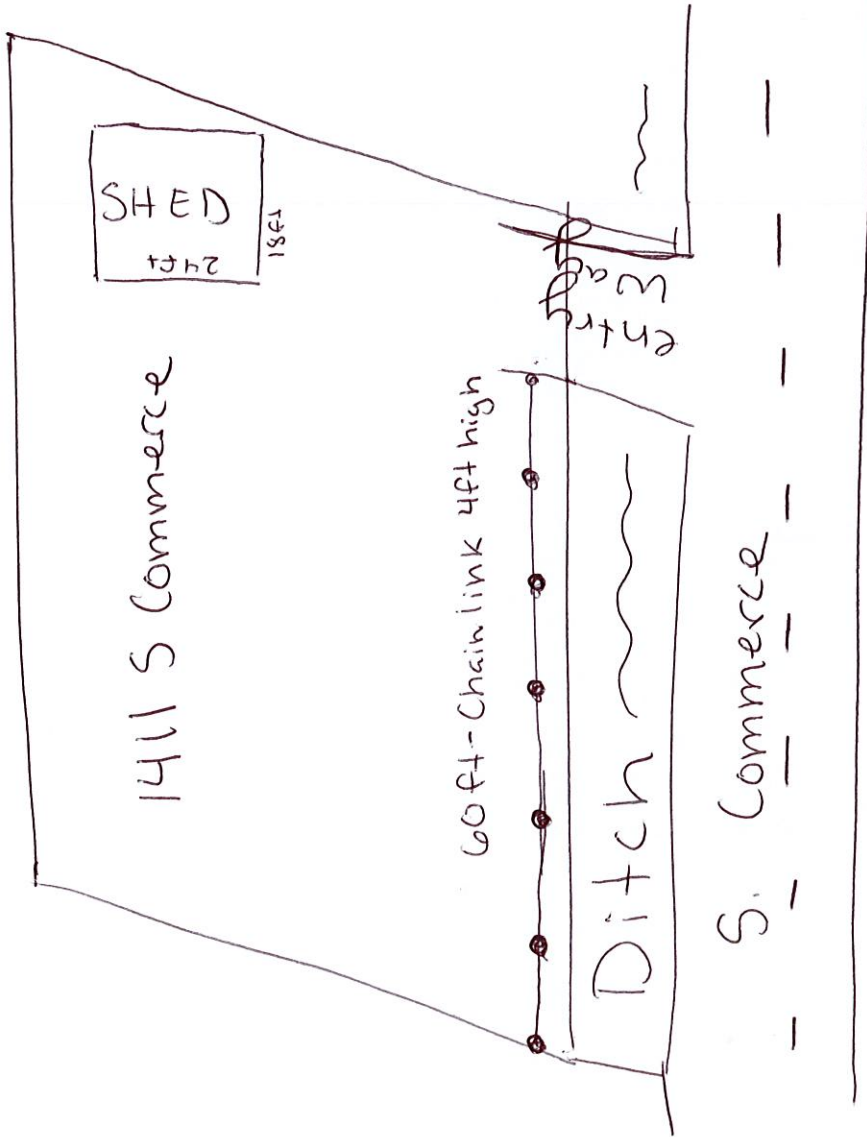
Staff recommends approval of the proposed four-foot tall chain-link fence along the front property line at 1411 South Commerce Street.



60ft - Chain link: 4ft tall

- No gate

- 8 poles - 4ft long  
2ft deep



Alexandra Walker  
(512) 97-9004

5/5/21

Dear Planning & Zoning Commission,

I seek permission to instal a  
fence on front of 1411 S

Commerce Zoned CHB

Alex Walker

Alexandre Walker

**INFORMATION FOR PERMITS**

CITY OF  
**Lockhart**  
TEXAS

Today's Date: May 5, 2021

R 17579

Permit type: Fence/chain link

Property Address: 1411 S. Commerce St. Lockhart TX.

Contractor Name: Jimmon Howard



Property Owner Name: Alexandria Walker

Phone Number & Email: 512 497-9004  
digtogetherusa@gmail.com

Job Description: #811 Ref: 2162509392  
Install 4FT chain link fence.  
60 Feet long. This will be in  
the front of the property

Commercial Project Valuation: \$2250.00

Residential Sq. Ft.: \_\_\_\_\_

Signature:  Date: 5/5/21 

**NOTE: RECEIPTS WILL BE EMAILED WITHIN 5 BUSINESS DAYS OR AS SCHEDULE  
ALLOWS IT. WE THANK YOU FOR YOUR TIME AND CONSIDERATION.**