

## PUBLIC NOTICE

City of Lockhart  
Planning and Zoning Commission  
7:00 PM, Wednesday, November 17, 2021  
Municipal Building – Glosserman Room  
308 W. San Antonio St.

### AGENDA

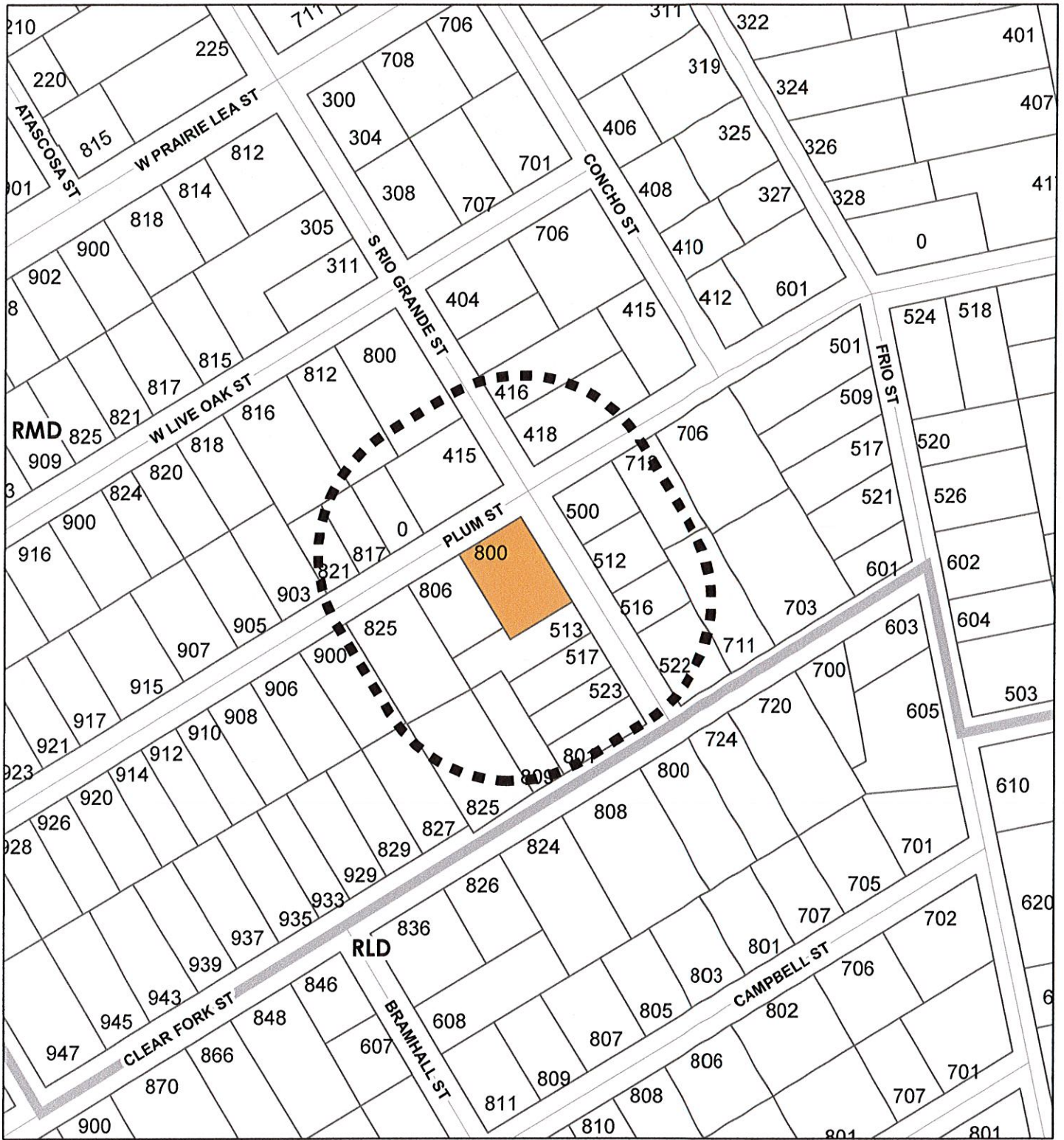
1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the October 27, 2021, meeting.
4. SUP-21-09. Hold a PUBLIC HEARING and consider a request by Ron Peterson on behalf of Bashaboom Properties, LLC, for a **Specific Use Permit** to allow an existing house at 800 Plum Street to be designated as an *Accessory Dwelling Unit–General* upon construction of a new single-family dwelling at 511 South Rio Grande Street on the same property described as Part of Lots 5 and 6, Block 1, Mathis Addition, consisting of 0.321-acre zoned RMD Residential Medium Density District
5. ZC-21-19 and PDD-21-02. Hold a PUBLIC HEARING and consider a request by Keith Schauer, P.E., on behalf of Jesco Construction, Inc., for a **Zoning Change** from *RMD Residential Medium Density District* to *PDD Planned Development District*, including a **PDD Development Plan** for the Jesco Subdivision, on 9.186 acres in the James George Survey, Abstract No. 9, located at 920 Trinity Street. [WITHDRAWN]
6. FP-21-07. Continue consideration of a request by Skylar Reeves for approval of a **Final Plat** for *Biggie Sky Subdivision*, consisting of 0.921 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned CHB Commercial Heavy Business District, and located at 735 South Colorado Street, including a **Variance** to *waive the requirement in Section 52-77(b) of the Subdivision Regulations for a four-foot wide public sidewalk along the South Commerce Street frontage*. [Tabled 10-27-21]
7. FP-21-08. Consider a request by Paul Leventis for approval of a **Final Plat** for *Lockhart Farms Addition, Phase 1*, consisting of 22.44 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned RMD Residential Medium Density District and RHD Residential High Density District, and located at 1911 West San Antonio Street (SH 142), including a **Variance** to *waive the requirement in Section 52-35(a) of the Subdivision Regulations that the plat be accepted for consideration only if the engineering plans have been approved by the city engineer*.
8. Discuss the date and agenda of next meeting, including Commission requests for agenda items.
9. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 10:30 AM on the 9<sup>th</sup> day of November, 2021.

**TO:** Planning and Zoning Commission  
**FROM:** Dan Gibson, City Planner  
**SUBJECT:** October 27 minutes  
**DATE:** November 12, 2021

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

The minutes for the October 27 Commission meeting were not ready for inclusion in this packet before it had to be sent. We will e-mail them separately when available, and/or distribute hardcopies at your meeting.






**SUP-21-09**

800 PLUM ST

ACCESSORY DWELLING UNIT  
GENERAL TYPE



-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  200 FT. BUFFER

scale 1" = 200'

## CASE SUMMARY

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STAFF CONTACT: Dan Gibson, City Planner  
REPORT DATE: November 12, 2021  
PUBLIC HEARING DATE: November 17, 2021  
APPLICANT'S REQUEST: Accessory Dwelling Unit – General  
STAFF RECOMMENDATION: **Approval**  
SUGGESTED CONDITIONS: None

CASE NUMBER: SUP-21-09

## BACKGROUND DATA

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APPLICANT(S): Ron Peterson, DC  
OWNER(S): Same  
SITE LOCATION: 800 Plum St.  
LEGAL DESCRIPTION: Part of Lots 5 and 6, Block 1, Mathis Addition  
SIZE OF PROPERTY: 0.321 acre  
EXISTING USE OF PROPERTY: Single-family dwelling, detached garage/storage building  
ZONING CLASSIFICATION: RMD Residential Medium Density District

## ANALYSIS OF ISSUES

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**CHARACTERISTICS OF PROPOSED USE:** The applicant proposes to construct a second single-family dwelling on the subject property that will have a larger floor area than the existing house, while designating the existing house as an Accessory Dwelling Unit -- General. The RMD district allows the Accessory Dwelling Unit – General use upon approval of a Specific Use Permit. The maximum floor area allowed for an ADU-General is 1,000 square feet. The existing house is 851 square feet, and the proposed new house is 999 square feet, so both are under 1,000 square feet. Generally, the ADU would be the smaller of the dwellings on the property, so the new dwelling would be considered the primary residence. The property is a corner lot with the existing house addressed on Plum Street, while the new house will be addressed on South Rio Grande Street.

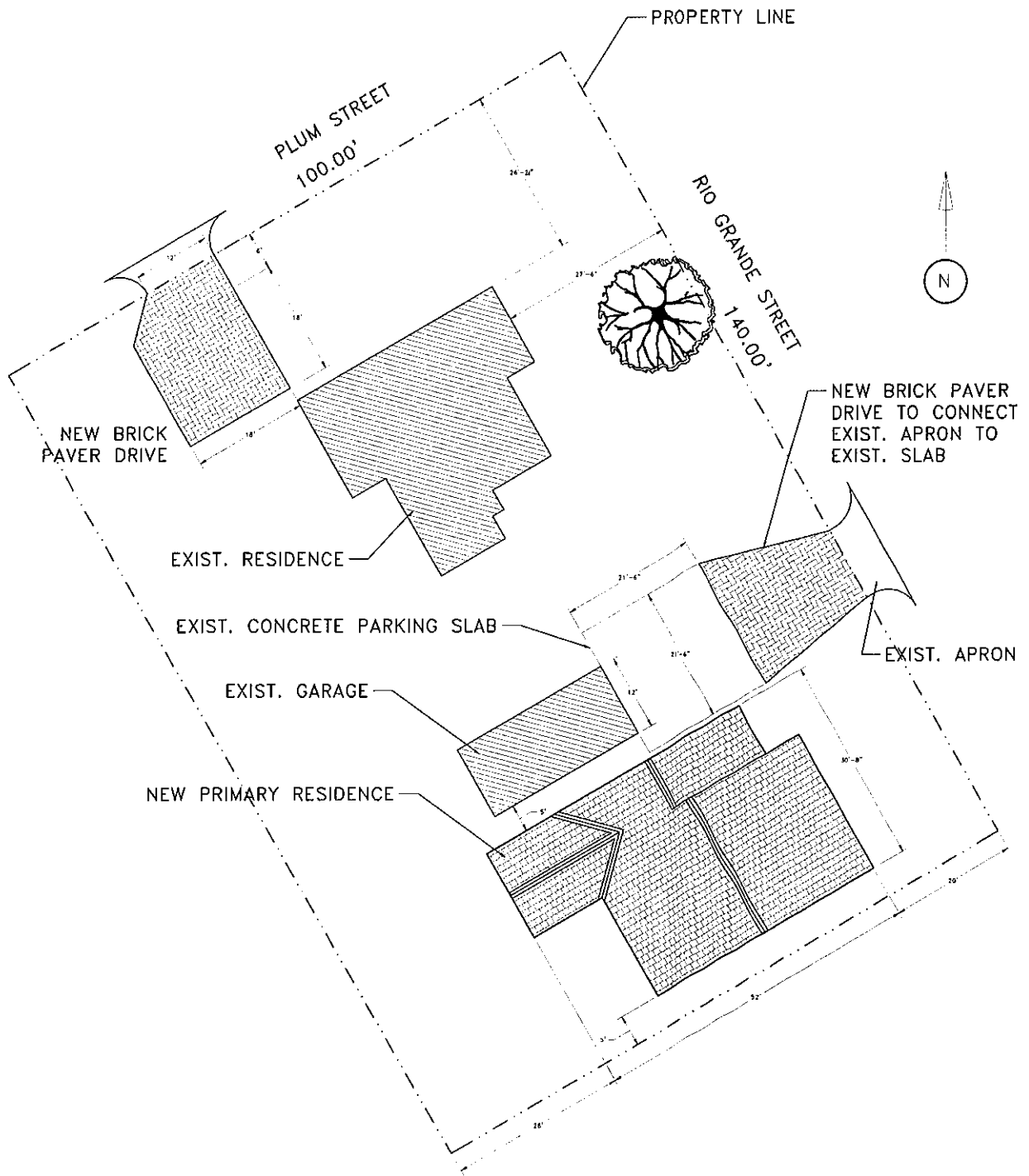
**NEIGHBORHOOD COMPATIBILITY:** The surrounding area is zoned RMD, and the neighborhood consists generally of modest homes of varying sizes and ages, although there are some larger and newer houses, including directly across South Rio Grande Street from the subject property. There appears to be a garage apartment at 513 South Rio Grande Street, which abuts the south side of the subject property. Because the property is larger than many others in the area, having the two dwellings on the property, with each facing a different street, would look much like other corner lot development in the area and most people passing by would assume that they are on separate lots.

**COMPLIANCE WITH STANDARDS:** Accessory Dwelling Unit – General is allowed only on lots having at least the minimum size and dimensions as is required for a duplex. The subject property exceeds that standard. The ADU is also required to have at least two off-street parking spaces in addition to the required parking for the principal dwelling. The existing house, which will become the ADU – General, already has a driveway of sufficient size, but will be improved with a new surface. The new house will also have a driveway meeting City standards constructed in front of the existing old garage.

**ADEQUACY OF INFRASTRUCTURE:** Existing utilities are existing and adequate for the proposed use.

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

**STAFF RECOMMENDATION:** Approval. An alternative would be an Accessory Dwelling Unit – Limited, which would be allowed by-right, but the maximum allowed floor area of 600 square feet is not enough to accommodate either the existing house or the proposed new dwelling.



SITE PLAN

NTS

**SPECIFIC USE PERMIT APPLICATION**

CITY OF  
**Lockhart**  
TEXAS

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

**APPLICANT/OWNER**

APPLICANT NAME Ron Peterson, DC ADDRESS 800 Plum St.  
DAY-TIME TELEPHONE 512-213-5418 Lockhart TX 78644  
E-MAIL Pete1667@gmail.com

OWNER NAME Ron Peterson, DC ADDRESS 712 Lantana  
DAY-TIME TELEPHONE \_\_\_\_\_ Lockhart TX 78644  
E-MAIL \_\_\_\_\_

**PROPERTY**

ADDRESS OR GENERAL LOCATION 800 Plum St  
LEGAL DESCRIPTION (IF PLATTED) Mathis Block, Part of Lots 5 & 6  
SIZE 140X100 ACRE(S) ZONING CLASSIFICATION Medium Residential Density  
0.3249  
EXISTING USE OF LAND AND/OR BUILDING(S) Residential Dwelling

**REQUESTED SPECIFIC USE**

PROPOSED USE REQUIRING PERMIT Special use Permit - Accessory Dwelling Unit (General)

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

998 square foot single-family house as a rental /  
house for grandparents. Also 200 square foot covered /  
screened-in porch. Accessory Unit will be fenced-in  
and separated from primary 800 Plum Street residence.

**SUBMITTAL REQUIREMENTS**

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

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

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

APPLICATION FEE OF \$ 150 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 acre 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 10/8/21

**OFFICE USE ONLY**

ACCEPTED BY Kevin Walker

RECEIPT NUMBER 1034405

DATE SUBMITTED 10/8/21

CASE NUMBER SUP - 21 - 09

DATE NOTICES MAILED 11-1-2021

DATE NOTICE PUBLISHED 11-4-2021

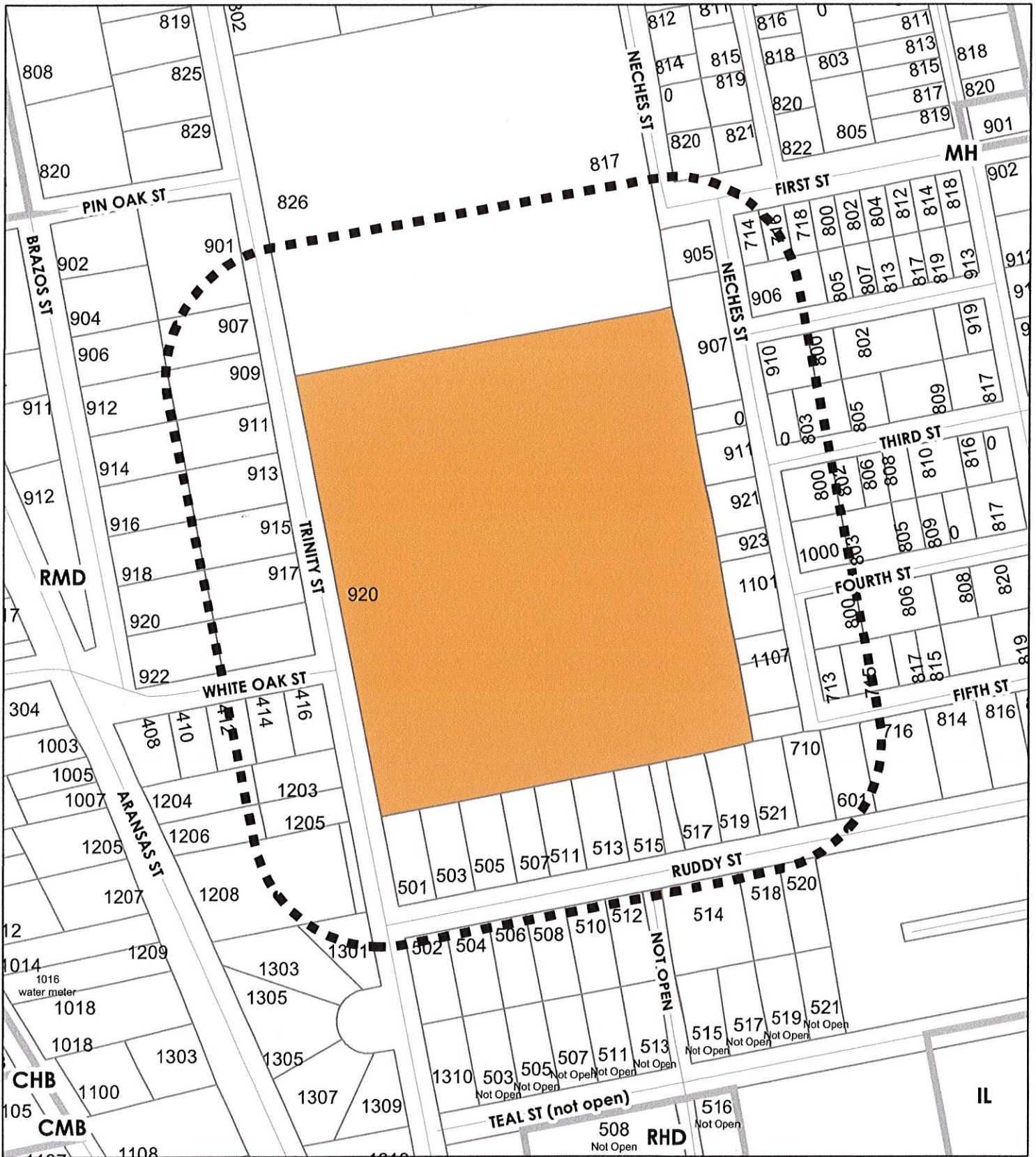
PLANNING AND ZONING COMMISSION MEETING DATE 11/17/21

DECISION \_\_\_\_\_

CONDITIONS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**ZC-21-19 & PDD-21-02**

JESCO SUBDIVISION

RMD TO PDD

920 TRINITY 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-21-19

REPORT DATE: November 12, 2021

PLANNING AND ZONING COMMISSION HEARING DATE: November 17, 2021

CITY COUNCIL HEARING DATE: December 1, 2021

REQUESTED CHANGE: RMD to PDD

STAFF RECOMMENDATION:

PLANNING AND ZONING COMMISSION RECOMMENDATION:

**BACKGROUND DATA**

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APPLICANT: Keith Schauer, P.E.

OWNER: Jesco Construction, Inc.

SITE LOCATION: 920 Trinity Street

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 9.186 acres

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Parks and Open Space***ANALYSIS OF ISSUES**

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This zoning case, and PDD-21-02 for the accompanying PDD development plan, were WITHDRAWN after the public hearing notices were sent. Therefore, the items must still be listed on the agenda, but there should be no action other than the Chair announcing that they were withdrawn. The applicant intends to resubmit these applications, along with a revised final plat, soon.

Staff's review of the PDD development plan revealed changes that would require revising the previously approved final plat, and there was insufficient time for that process before the agenda packet deadline. Planned Development Districts require that the zoning change, PDD development plan, and subdivision plat be considered and approved together.



829 Saint Joseph Street  
Gonzales, Texas 78629  
Office: 512.583.2600  
Fax: 512.583.2601  
DoucetEngineers.com

November 12, 2021

Mr. Dan Gibson  
City of Lockhart  
308 W. San Antonio Street  
Lockhart, Texas 78644

Re: Withdrawal of Jesco Subdivision PDD and Zoning Applications

Dear Mr. Gibson,

This letter is to inform you we wish to formally withdraw the PDD Planned Development Application and Zoning Change Application signed and dated October 8, 2021 for the Jesco Subdivision.

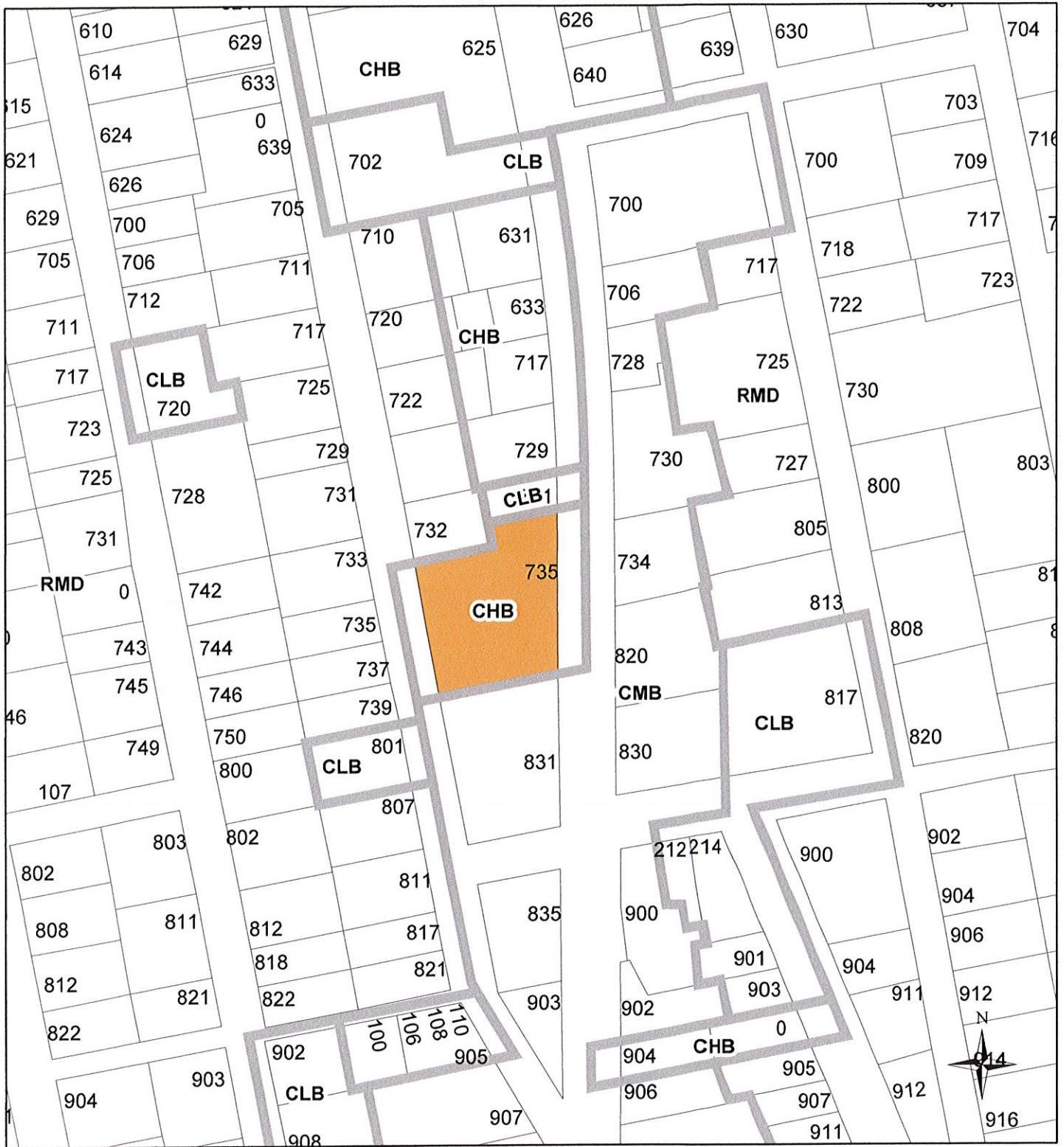
We will resubmit these applications on or prior to November 17, 2021.

Please let me know if there are any questions, or if additional information is required.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Schauer".



Keith Schauer, P.E.  
Vice President  
Doucet



**FP-21-07**

**BIGGIE SKY SUBDIVISION**

**FINAL PLAT**

-  SUBJECT PROPERTY
-  ZONING

scale 1" = 200'

**CASE SUMMARY**

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STAFF CONTACT: Kevin Waller, Assistant City Planner *KW* CASE NUMBER: FP-21-07  
REPORT DATE: October 22, 2021  
PLANNING & ZONING COMMISSION DATE: November 17, 2021  
STAFF RECOMMENDATION: Approval of both the Plat and requested Variance  
SUGGESTED CONDITIONS: None

**BACKGROUND DATA**

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SURVEYOR: Jerry Hinkle, P.L.S., Hinkle Surveyors  
APPLICANT AND OWNER: Skylar Reeves  
SITE LOCATION: 735 S. Colorado Street, 734 S. Commerce Street, and 738 S. Commerce Street  
SUBDIVISION NAME: **Biggie Sky Subdivision**  
SIZE OF PROPERTY: 0.921 acre  
NUMBER OF PROPOSED LOTS: One  
EXISTING USE OF PROPERTY: Office building and two single-family dwellings  
ZONING CLASSIFICATION: CHB (Commercial Heavy Business District)

**ANALYSIS OF ISSUES**

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PROPOSED DEVELOPMENT: The applicant proposes to aggregate three unplatted properties into one. A Zoning Change (ZC-21-09) was approved by the City Council for the properties on July 6, 2021, at the Commission’s recommendation, from the Commercial Light Business and Commercial Medium Business (CLB and CMB) zoning designations to the CHB classification. The Commission subsequently approved a Specific Use Permit (SUP-21-05) on August 11, 2021, to allow a bar and commercial outdoor entertainment venue. The subdivision proposal would normally allow a minor plat. However, a variance to the sidewalk requirement along South Commerce Street is requested, further discussed below, which requires review by the Commission and the final plat designation. The plat was originally to be considered at the October 27 meeting, but was tabled at that meeting at the applicant’s request, since she was unable to attend.

NEIGHBORHOOD COMPATIBILITY: The properties to the west of the subject properties, across South Commerce Street, are in single-family residential use, and a combination of single-family residential and commercial uses occur to the north. Commercial uses are located across South Colorado Street to the east, as well as on the adjacent property to the south. Neighborhood compatibility was addressed during the Commission’s consideration of the Specific Use Permit, which was conditionally approved subject to certain business hours and sound baffling for the outdoor entertainment venue.

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 a public sidewalk along the properties’ South Commerce Street frontage. The applicant has requested a variance to the sidewalk requirement along South Commerce Street, 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 properties’ South Commerce Street frontage. The applicant states that she would like to wait on constructing the sidewalk until such time as the City requires that sidewalks be constructed in the area. Further, the applicant believes that a sidewalk along the South Commerce Street frontage, surrounded by properties without sidewalks on both sides of the street, would look out of place. Staff supports the variance, as there are no vacant

properties nearby where the City would require sidewalks on future development of those properties. A sidewalk does currently exist along the property's South Colorado Street frontage.

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.

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

I, the undersigned owner of the tract(s) of land shown on this plat designated as Tract 1 called 0.413 acres and Tract 2 called 0.213 acres and Tract 3 and recorded in Instrument # 2021-006179 of the Official Public Records of Caldwell County, Texas and described and designated as BIGGIE SKY SUBDIVISION in the City of Lockhart, Caldwell County, Texas do hereby subdivide such property and further reserve to the public all easements for the mutual 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 \_\_\_\_\_

SKYLAR REEVES  
454 HOBBY HORSE ROAD  
LOCKHART, TEXAS 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 she executed the same for the purpose and considerations stated herein.

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, 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 WHEREOF, my hand and seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOT FOR PUBLIC RELEASE

Jerry L. Hinkle  
Registered Professional  
Land Surveyor #5459

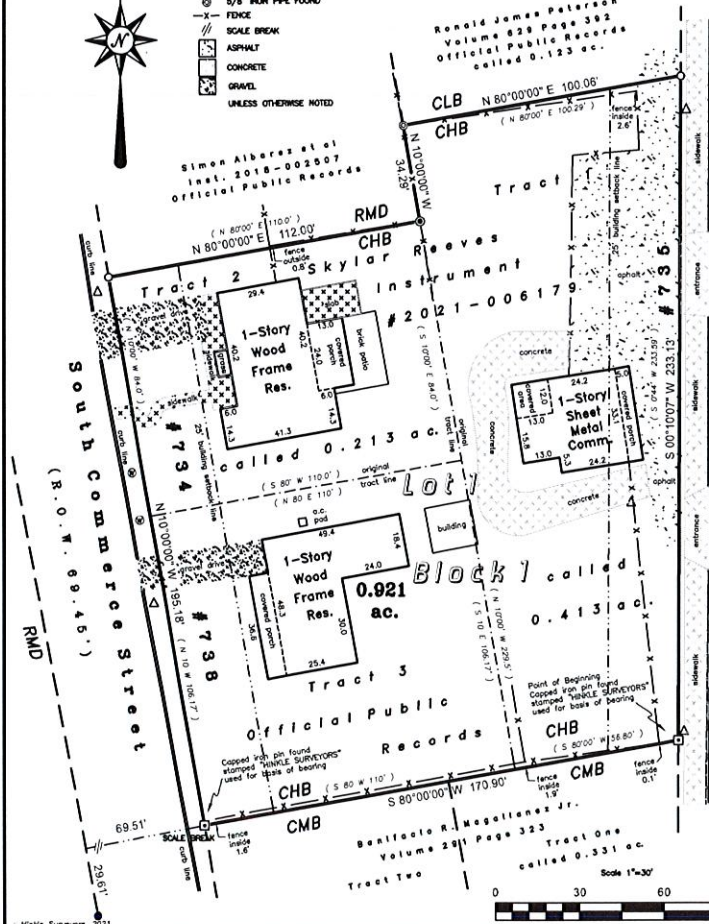
STATE OF TEXAS  
COUNTY OF CALDWELL

I, Philip Ruiz, 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 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CHAIRMAN

LEGEND

- 1/2" IRON PIN FOUND
- CAPPED 1/2" IRON PIN SET
- STAMPED "HINKLE SURVEYORS" IN CONCRETE
- CAPPED IRON PIN FOUND
- STAMPED "HINKLE SURVEYORS" ON CONCRETE
- CHAIN LINK FENCE POST FOUND
- WATER METER
- EL POLE
- 5/8" IRON PIPE FOUND
- X- FENCE
- SCALE BREAK
- /// ASPHALT
- ▒ CONCRETE
- ▒ GRAVEL
- UNLESS OTHERWISE NOTED



# BIGGIE SKY SUBDIVISION

A subdivision of 0.921 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 a part of the Byrd Lockhart Survey A-17 and being also all of three tracts of land designated as Tract 1 called 0.413 acres and Tract 2 called 0.213 acres and Tract 3 and conveyed to Skylar Reeves by deed recorded in Instrument # 2021-006179 of the Official Public Records of Caldwell County, Texas and being more particularly described as follows:

**BEGINNING** at a capped iron pin found stamped HINKLE SURVEYORS used for basis of bearing in the SE corner the above mentioned 0.413 acre tract and in the West line of S. Colorado Street (US Highway #183) and in the apparent NE corner of a tract of land called 0.331 acres designated as Tract One and conveyed to Bonifacio R. Magalanes Jr. by deed recorded in Volume 291 Page 323 of the Deed Records of Caldwell County, Texas for the SE corner this tract.

**THENCE S 80 degrees 00 minutes 00 seconds W** with the South line the said 0.413 acre tract in the South line the above mentioned Tract 3 and the apparent North line the above mentioned 0.331 acre tract and the apparent North line of a tract of land designated as Tract Two and conveyed to the said Bonifacio R. Magalanes Jr. in the said Volume 291 Page 323 170.90 feet to a capped iron pin found stamped HINKLE SURVEYORS used for basis of bearing in the SW corner the said Tract 3 and in the East line of S. Commerce St. in the apparent NW corner the above mentioned Tract Two for the SW corner this tract.

**THENCE N 10 degrees 00 minutes 00 seconds W** with the West line the said Tract 3 and the West line the above mentioned Tract 2 called 0.213 acres and the East line of S. Commerce Street 195.18 feet to a capped 1/2" iron pin set in concrete stamped HINKLE SURVEYORS in the NW corner the said 0.213 acre tract and the apparent SW corner of a tract of land conveyed to Simon Albaraz by deed recorded in Instrument # 2018-002397 of the said Official Public Records for a reentrant corner this tract.

**THENCE N 80 degrees 00 minutes 00 seconds E** with the North line the said 0.213 acre tract and the apparent South line the above mentioned Albaraz tract 112.00 feet to a chain link fence corner post found in the SE corner of the said Albaraz tract and the NE corner of the said 0.213 acre tract and the West line of the said 0.413 acre tract for an ell corner this tract.

**THENCE N 10 degrees 00 minutes 00 seconds W** with the East line of the said Albaraz tract and the West line of the said 0.413 acre tract 34.29 feet to a 5/8" iron pipe found in the NW corner the said 0.413 acre tract and the apparent SW corner of a tract of land called 0.123 acres and conveyed to Ronald James Peterson by deed recorded in Volume 629 Page 392 of the said Official Public Records for the most northerly NW corner this tract.

**THENCE N 80 degrees 00 minutes 00 seconds E** with the North line the said 0.413 acre tract and the apparent South line the above mentioned Peterson tract 100.06 feet to a capped 1/2" iron pin set in concrete stamped HINKLE SURVEYORS in the NE corner the said 0.413 acre tract and the SE corner the said Peterson tract and the West line of South Colorado Street for the NE corner this tract.

**THENCE S 00 degrees 10 minutes 07 seconds W** with the East line the said 0.413 acre tract and the West line of South Colorado Street 233.13 feet the place of BEGINNING containing 0.921 acres of land more or less.

STATE OF TEXAS  
COUNTY OF CALDWELL

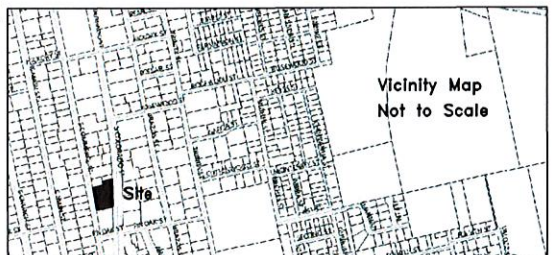
I, Teresa Rodriguez, County Clerk in and for Caldwell County, Texas do hereby certify that the foregoing Instrument with its certificates of authentication was filed for record in my office the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded on the \_\_\_\_\_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

Teresa Rodriguez  
County Clerk, Caldwell County, Texas

### SURVEYORS NOTES:

- 1) The Lots shown lie in Flood Zone "X" according to FEMA Panel #48055C0120E effective date June 19, 2012. FLOOD ZONE "X" is areas determined to be outside the 0.2% annual chance floodplain.
- 2) Lot 1, Block 1 is currently zoned Commercial Heavy Business (CMB) as shown on the plat drawing. Surrounding lots are zoned Commercial Light Business (CLB), Commercial Medium Business (CMB) and Residential Medium Density (RMD).
- 3) RECORD OWNERS OF LAND: Skylar Reeves  
DESIGNER OF PLAT: Hinkle Surveyors, PO Box 1027, Lockhart TX 78644 (512) 398-2000  
DATE OF PREPARATION: September 2021  
SURVEYOR: Jerry L. Hinkle, R.P.L.S. #5459 PO Box 1027, Lockhart TX 78644 (512) 398-2000
- 4) Boundary Closure and Lot Closure: 1' in 311754'

(80' R.O.W.) South Colorado Street (U.S. Highway #103)



Field Book: 4-6	Drawn by: J.H. LH
Job No: 20212571	Drawing: 20212571.dwg
Date: September 2021	Word Date: 09/01/2021
Surveyed by: J.H. JOB	AutoCAD Date: 09/01/2021

**HINKLE SURVEYORS**  
P.O. Box 1027 1109 S. Main Street Lockhart TX 78644  
Ph (512) 398-2000 Fax (512) 398-7683 Email contact@hinklesurveyors.com Firm Registration No. 100886-00

I'd like to request to wait on building the sidewalk until the city requires everyone around us to do the same so it doesn't look out of place or odd.

**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  
DAY-TIME TELEPHONE 512.398.2000 Lockhart, 78644  
E-MAIL contact@hinklesurveyors.com

ENGINEER NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_  
DAY-TIME TELEPHONE \_\_\_\_\_  
E-MAIL \_\_\_\_\_

OWNER NAME Skylar Reeves ADDRESS 458 Hobby Horse  
DAY-TIME TELEPHONE 713.305.7917 Lockhart, tx  
E-MAIL Skylar@skylarreeves.com 78644

**TYPE OF APPLICATION**

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

**PROPERTY**

SUBDIVISION NAME Biggie Sky Subdivision  
ADDRESS OR GENERAL LOCATION 734 S. Commerce, 738 S. Commerce,  
735 S. Colorado St.  
LOCATED IN  CITY LIMITS    \_\_\_\_ ETJ (COUNTY)    \_\_\_\_ PDD  
TOTAL LAND AREA 0.921 ACRE(S)    PROPOSED NUMBER OF LOTS 1  
ZONING CLASSIFICATION(S) CHB  
PROPOSED USE OF LAND Commercial



# **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 9.23.21

PRINTED NAME Skylar Reeves

TELEPHONE 713.305.7917

# 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)

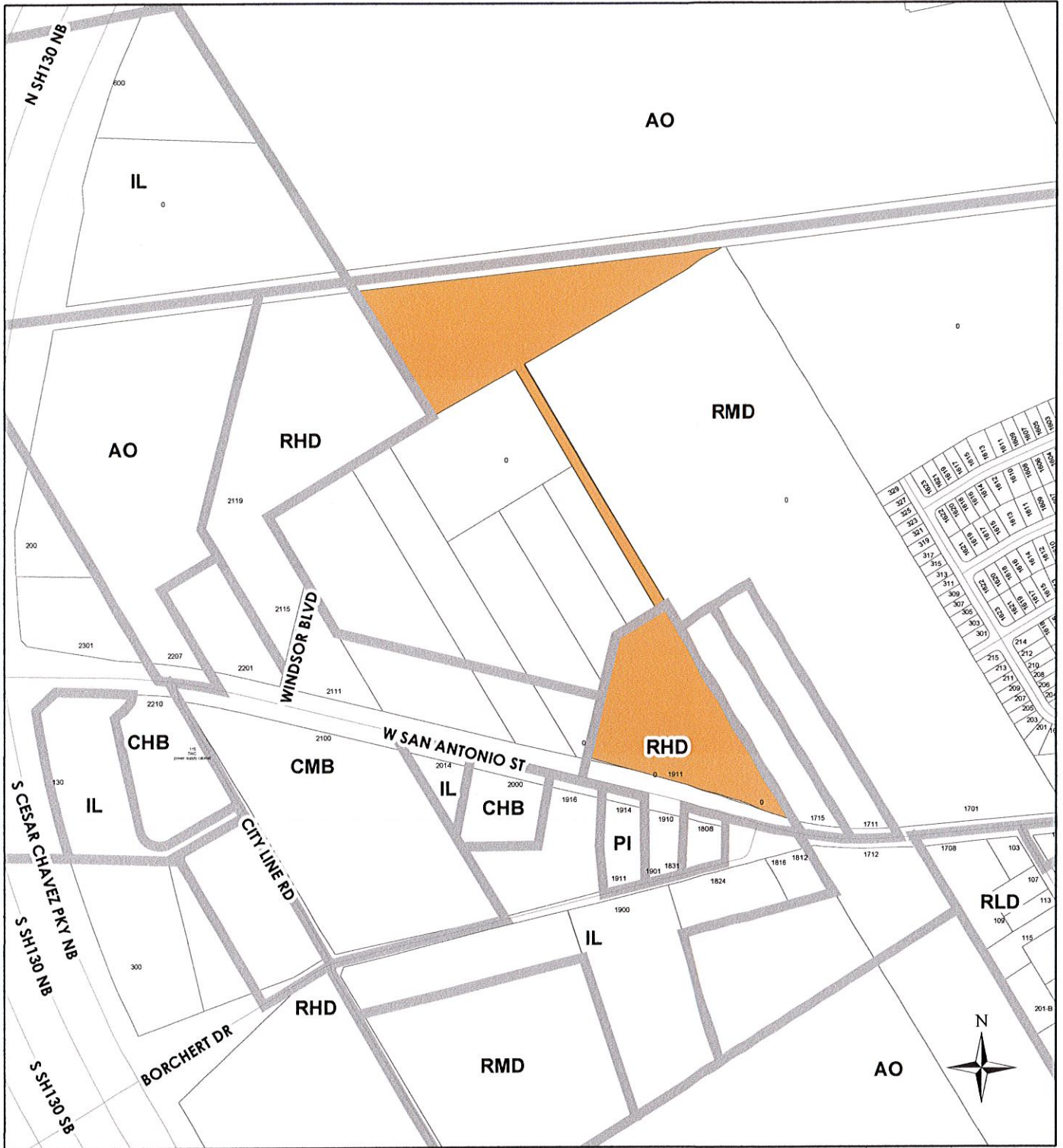
VARIANCE TO SECTION(S) 52-77(b) OF THE SUBDIVISION REGULATIONS  
CURRENT ORDINANCE REQUIREMENT(S) Four-foot<sup>wide</sup> public sidewalk required along S. Commerce St. property frontage. Sidewalk existing along S. Colorado St. frontage.  
REQUESTED VARIANCE(S) requesting to wait on the sidewalk (for S. Commerce St.) until city requires everyone for sidewalk - so it doesn't look

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 01031122  
DATE SUBMITTED 9/23/21 CASE NUMBER FP-21-07  
DATE APPLICATION IS DEEMED COMPLETE 10/7/21  
DATE NOTICES MAILED N/A DATE NOTICE PUBLISHED N/A  
(For certain Replats/Resubdivisions without vacating preceding plat)  
PLANNING AND ZONING COMMISSION MEETING DATE 10/27/21  
DECISION - Table until 11/17/21 meeting -  
CONDITIONS \_\_\_\_\_



**FP-21-08**

LOCKHART FARMS ADDN PHASE 1

FINAL PLAT

- SUBJECT PROPERTY
- ZONING

scale 1" = 600'

## CASE SUMMARY

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STAFF CONTACT: Kevin Waller, Assistant City Planner *KW* CASE NUMBER: FP-21-08  
REPORT DATE: November 12, 2021  
PLANNING & ZONING COMMISSION DATE: November 17, 2021  
STAFF RECOMMENDATION: ***Approval of both the Plat and requested Variance***  
SUGGESTED CONDITION: Identification of the correct right-of-way width for West San Antonio Street abutting the southeast property corner on the plat drawing

## BACKGROUND DATA

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APPLICANT AND OWNER: Paul Leventis, Lockhart Land Group, LLC  
ENGINEER: Tim Wolff, P.E., Bleyl Engineering  
SURVEYOR: Nathan Kerr, P.L.S., Kerr Surveying, LLC  
SITE LOCATION: North side of 1800 to 2000 Block West San Antonio Street  
SUBDIVISION NAME: **Lockhart Farms Addition Phase 1**  
SIZE OF PROPERTY: 22.44 acres  
NUMBER OF PROPOSED LOTS: Four lots (see description below)  
EXISTING USE OF PROPERTY: Vacant/Seasonal Agricultural Use  
ZONING CLASSIFICATION: RHD (Residential High Density District) and RMD (Residential Medium Density)

## ANALYSIS OF ISSUES

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PROPOSED DEVELOPMENT: The Lockhart Farms Addition Preliminary Plat and Subdivision Development Plan (PP-21-06) was conditionally approved by the Commission on October 27, 2021, and the current proposal is for approval of the Final Plat of Phase 1. Located between the proposed Hansford Subdivision to the east and the Stanton Development to the west, the proposal includes one multifamily lot, two drainage lots, and one lot comprised of regional stormwater detention and private parkland with a trail network. Although the trail will be located within the physical boundaries of the first phase, it will serve the future single-family development in Phase 2 and also connect to Windsor Boulevard and tie into the sidewalk that will connect with the Hansford Subdivision. Since the trail is not required by the Subdivision Regulations and is offered as an extra amenity, it need not be developed with Phase 1 and will instead be constructed during Phase 2. The regional detention pond is proposed to also serve the Hansford development and a future phase of the Stanton Development. Although the parkland meets the minimum-required 8 percent of total land area, it does not abut a public street and will not provide parking, and is therefore proposed to be private with ownership and maintenance by a Homeowners' Association. As such, a fee in lieu of public parkland dedication is proposed to be paid, as reflected in a plat note. The subdivider has proposed to construct a playscape in the private park area, however, no note appears on the plat. A Specific Use Permit was approved by the Commission on September 8, 2021 to allow for the multifamily lot to achieve a density of 13.38 units per acre with the MF-2 development type. In addition, a Variance has been requested by the applicant to allow recordation of the final plat prior to approval of the engineering plans by the City Engineer, as outlined below.

NEIGHBORHOOD COMPATIBILITY: The subject property is bordered to the east by the future Hansford Subdivision. The properties to the south, across West San Antonio Street, include commercial uses and the municipal court building. The properties to the west include the Stanton Development and the future Lockhart Farms Phase 2. The property to the north, across the railroad

tracks, includes vacant land in agricultural use. The greatest impact of the proposed development would be increased traffic on abutting West San Antonio Street. However, the proposed subdivision at build-out, including Phase 2, will provide connectivity to The Stanton Development and the future Hansford Subdivision via the Windsor Boulevard extension. TxDOT will require a Traffic Impact Analysis, and depending upon the outcome of the review, may require a left-turn lane into the development from West San Antonio Street. Any turning lane improvements required by TxDOT must be constructed with the subdivision improvements of either Phases One or Two, as prescribed by TxDOT.

**FORM AND CONTENT:** With the recommended condition of approval to identify the correct right-of-way width for West San Antonio Street, the plat will conform to all minimum requirements for form and content.

**COMPLIANCE WITH STANDARDS:** The plat complies with all applicable standards, including the provision of public sidewalks, utilities, and stormwater drainage. The applicant has requested a variance to the requirement that the engineering plans be approved prior to consideration and recordation of the final plat, as detailed below.

**CONCURRENT VARIANCE REQUESTED:** A variance is requested to the requirement that the engineering plans be approved by the City Engineer, prior to consideration of the final plat (Section 52-35(a) of the Subdivision Regulations). The applicant explains that the HUD financing of the proposed apartment complex on the multifamily lot requires that the plat be recorded by the month of December, in addition to the delay in TxDOT's review of the Traffic Impact Analysis. The applicant's written statement addressing the four variance criteria below is attached to your packet materials.

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.

**Variance for Approval of the Final Plat prior to Construction Plan Approval**

- 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.

We are asking that the Final Plat for the Multifamily tract (Phase1) be approved and recorded by the City prior to full approval of the construction plans. The construction plans have been delayed due to timing issues with TxDOT in obtaining driveway permits. This delay can be attributed to several factors: 1) Traffic Counts to perform the Traffic Impact Analysis had to be delayed in order to obtain count during the current school year. This approach yields the most accurate counts for the future use of the entire project and ensures the Traffic Impact Analysis (TIA) is of a conservative nature thus minimizing the traffic impact on the City regardless of school traffic being present or not. The traffic counts for the Multifamily Phase I are insignificant and will not require any special analysis but had to be included in the overall traffic study for the entire project Phase I and II. The TxDOT Access Management Manual lists other circumstances that may trigger a Traffic Impact Analysis including a variance from driveway spacing, the need for an acceleration or deceleration lane, physical obstructions that present a safety concern, sight distance obstructions, or special environmental or hydraulic issues. None of these additional triggers apply to the proposed multifamily development. Due to the pandemic and the current demand of projects in the area, TxDOT does not have the staff or the resources to get the drive permits done in time for this plat approval. We understand that the issuance of a final Certificate of Occupancy for the project will not be issued for the development until all City and TxDOT requirements have been fully satisfied.

- 2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

The applicant is under a strict timeline to obtain Final Plat approval for its financing to allow the project to move forward. The applicant will not be able to move forward or complete this phase of the project without this variance. The project benefits the City by providing much needed housing to support the area's growing population and by combining several surrounding developments into one more efficient and properly functioning regional detention pond.

- 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,

This will not be detrimental to the public health, safety, or welfare. Driveway permits are currently at the correct spacing per the City of Lockhart and TxDOT. In addition, the Traffic Impact Analysis has been performed by a Licensed Professional Engineer of the State of Texas who is required by law and licensure to ensure the driveways are designed in accordance with the public health, safety, and welfare of the public. In fact, the reason we have been delayed was to obtain the increased traffic counts during the current school year to ensure a safe and conservative design.

- 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.

This variance will not have the effect of preventing the orderly subdivision of the other lands because it will comply with all the requirements within the local and state ordinances and laws. This is just a timing issue to allow the project to move forward.

# 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 KERR Surveying

DAY-TIME TELEPHONE 979-268-3195

E-MAIL surveys@kerrsurveying.com

ENGINEER NAME Bleyl Engineering

DAY-TIME TELEPHONE 979-268-1125

E-MAIL twolff@bleylengineering.com

OWNER NAME Lockhart Land Group, LLC

DAY-TIME TELEPHONE 979-255-2407

E-MAIL paul@brazostrace.com

ADDRESS 409 N. Texas Ave.

Bryan, Texas 77803

ADDRESS 1722 Broadmoor Dr.

Suite 210

Bryan, Texas 77802

ADDRESS 1722 Broadmoor Dr.

Suite 220

Bryan, Texas 77802

### TYPE OF APPLICATION

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

### PROPERTY

SUBDIVISION NAME Lockhart Farms Addition Phase 1 *1800-2000 Block W. San Antonio St.*

ADDRESS OR GENERAL LOCATION Cornelius Crenshaw Survey, Abstract 68

LOCATED IN  CITY LIMITS     ETJ (COUNTY)     PDD

TOTAL LAND AREA 22.44 ACRE(S)    PROPOSED NUMBER OF LOTS 1

ZONING CLASSIFICATION(S) RHD and RMD

PROPOSED USE OF LAND Multi-family 1 lot and Drainage (3 drainage lots)



# 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	<i>Ph 2 - Preliminary</i> \$600.00 payable to the City of Lockhart
Final Plat or Replat/Resubdivision	<i>Ph 1 - Prelim. &amp; Final</i> \$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 *Paul J. Leventis*

DATE 10/18/21

PRINTED NAME Paul J. Leventis

TELEPHONE (979) 255-2407

## 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) 52-35(a) OF THE SUBDIVISION REGULATIONS  
CURRENT ORDINANCE REQUIREMENT(S) Plat is accepted for consideration by the Commission only if the engineering plans have been approved by the City Engineer.  
REQUESTED VARIANCE(S) Ability to record the final plat, to prior the City Engineer's approval of the engineering plans.

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;
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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 01036223  
DATE SUBMITTED 10/19/21 CASE NUMBER FP-21-08  
DATE APPLICATION IS DEEMED COMPLETE 11/5/21  
DATE NOTICES MAILED X DATE NOTICE PUBLISHED X  
(For certain Replats/Resubdivisions without vacating preceding plat)  
PLANNING AND ZONING COMMISSION MEETING DATE 11/17/21  
DECISION \_\_\_\_\_  
CONDITIONS \_\_\_\_\_