

PUBLIC NOTICE

**City of Lockhart
Historical Preservation Commission
5:30 p.m. Wednesday, October 5, 2022
Municipal Building – Glosserman Room
308 West San Antonio Street**

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the minutes of the September 21, 2022 meeting.
4. CFA-22-14. Consider a request by Melissa Reese on behalf of Texas Monthly for approval of a Certificate for Alteration for a temporary wall mural on part of Lot 3, Block 14, Original Town of Lockhart, zoned CCB (Commercial Central Business District) and located at 200 East Market Street.
5. Consider designs and cost estimates for City-designated Historic Landmark placards for placement on officially designated Historic Landmark structures.
6. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.
7. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 3:00 p.m. on the 29th day of September, 2022.

City of Lockhart
Historical Preservation Commission
September 21, 2022

MINUTES

Members Present: Christine Ohlendorf, Ronda Reagan, Michel Royal, John Lairsen, Ron Faulstich, Ray Ramsey

Members Absent: None

Staff Present: Yvette Aguado, Kevin Waller, David Fowler, Dan Gibson

Public Present: Marcia Proctor, Melissa Reese

1. Call meeting to order. Chair Reagan called the meeting to order at 5:30 p.m.
2. Citizen comments not related to an agenda item.

Marcia Proctor, 515 S. Main St., came forward to share her thoughts regarding the proposed temporary mural design options for the Texas Monthly BBQ Fest. She suggested that the temporary timeline be specified, and that Texas Monthly and the building owner commit, in writing, to paint over the temporary mural after the timeframe expires. Mrs. Proctor suggested a banner on canvas or plastic, in lieu of a painted mural. She added that the City might consider allowing murals in the alleyways, such as in Gonzales, which would not distract from the character of the Historic District or County Courthouse.

3. Consider the minutes of the September 7, 2022, Meeting.

Chair Reagan identified an error on page 2, where she was referred to as Vice-Chair, instead of Chairwoman.

Vice-Chair Lairsen moved to approve the minutes as amended (page 2 correction to Chairwoman Reagan). Commissioner Royal seconded, and the motion passed by a vote of 6-0.

4. Consider recommending adoption of mural regulation standards and guidelines to the City Council.

Planning Staff David Fowler reported that Staff had been tasked with writing citywide mural language, most of which will involve amendments to Chapter 46 (Signs). The new language will also specify that murals are prohibited within the Courthouse Square Historic District, which will also be added to Chapter 28 (Historic Districts and Landmarks). Another change to Chapter 28 provides that all proposed changes in paint color of a previously painted brick or stone surface will require a Certificate for Alteration. While Staff intended to explicitly prohibit murals within Chapter 28, no part of this chapter contains any prohibitions of specific designs or finishes within the district. As such, the Sign Ordinance, which does contain language prohibiting several types or locations of signs, was seen as the most appropriate place to restrict murals within the Historic District. The proposed location-based restriction of murals in the sign ordinance, combined with

the requirement of a CFA for changing paint colors on previously painted surfaces, and the restriction on painting previously unpainted surfaces, will both prohibit murals within the Historic District and ensure review of future painting of surfaces for historical appropriateness. Mr. Fowler utilized a PowerPoint presentation and answered Commissioners' questions.

Discussion continued with Commissioners and Staff.

Chair Reagan moved to recommend approval of the Chapter 28 amendments to the City Council regarding mural prohibition in the Historic District, the requirement of a CFA for a change in paint colors, and the clarification of the masonry reference in Section 28-10 (e)(3). Vice-Chair Lairsen seconded, and the motion passed by a vote of 6-0. Commissioner Ohlendorf moved to recommend approval of the Chapter 46, Section 46-10 amendments to the City Council (new mural regulations and their prohibition within the Historic District). Commissioner Ramsey seconded, and the motion passed by a vote of 5-1.

5. Consider designs and cost estimates for City-designated Historic Landmark placards for placement on officially designated Historic Landmark structures.

Commissioner Faulstich shared what he found with his research regarding pricing of Historic Landmark placards.

Chair Reagan explained that she had a conversation with City Finance Director Pam Larison regarding funds for the placards, and was told none were available, but that the Commission should check with the Chamber of Commerce.

Discussion continued regarding allocating funds for the placards, creating a letter to send out to owners of City-designated Historic Landmarks as to whether a placard is desired, finalizing the design, and the language to appear on the placard.

Chair Reagan suggested to table this item to a future meeting for continuation of discussion. The tabling of the item was by Commission consensus.

6. Discuss proposed temporary mural design options for the Texas Monthly BBQ Fest for potential future consideration as a Certificate for Alteration.

Planning Staff Kevin Waller reported that the Texas Monthly Magazine proposes to paint a temporary mural on the South Commerce Street frontage of the building located at 200 East Market Street to advertise the Texas Monthly BBQ Fest that will be held in November. Texas Monthly has provided a narrative and several sample mural illustrations. The mural is to be in place approximately three months, with its removal coinciding with the time that the property owner plans to repaint the building. This agenda item is for discussion only, and voting would be conducted through the Certificate for Alteration procedures at a future meeting if the Commission wishes to consider the mural through that procedure. Mr. Waller utilized a PowerPoint presentation and answered Commissioners' questions.

Discussion ensued whether to consider the temporary mural in the Historic District.

Melissa Reese, Director of Video & Events for Texas Monthly, spoke regarding their plans for the intended mural. She added that they are open to any suggestions/changes.

Planning Staff Dan Gibson explained that the dilemma is that the proposal cannot be considered a sign, since it would exceed the seven percent wall area limitation, and that murals cannot contain advertising, which the proposed temporary mural will have. He recommended to separate the commercial advertising (Coca-Cola) section from the mural. The mural with the commercial advertising classifies it as a sign, which is not allowed due to exceeding the seven percent limitation.

Ms. Reese stated that Texas Monthly will consider submitting an application for a Certificate for Alteration at the next meeting.

7. Discuss a potential amendment to the Historic Districts and Landmarks Ordinance to prohibit the removal of original paint from brick or stone surfaces.

The Commission agreed that the Historic Districts and Landmarks Ordinance should be amended to prohibit the removal of original paint from brick or stone surfaces by means of sandblasting or pressure-washing. This will be placed on the agenda of a future meeting for an official vote of recommendation to the City Council.

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

Mr. Waller stated that no applications had been submitted for the October 5th meeting, with today being the deadline. However, Staff will contact Ms. Reese and offer them the opportunity to submit an application for a CFA for the mural for the October 5 meeting, which would be held prior to the City Council meeting on October 18 to consider the prohibition of murals downtown.

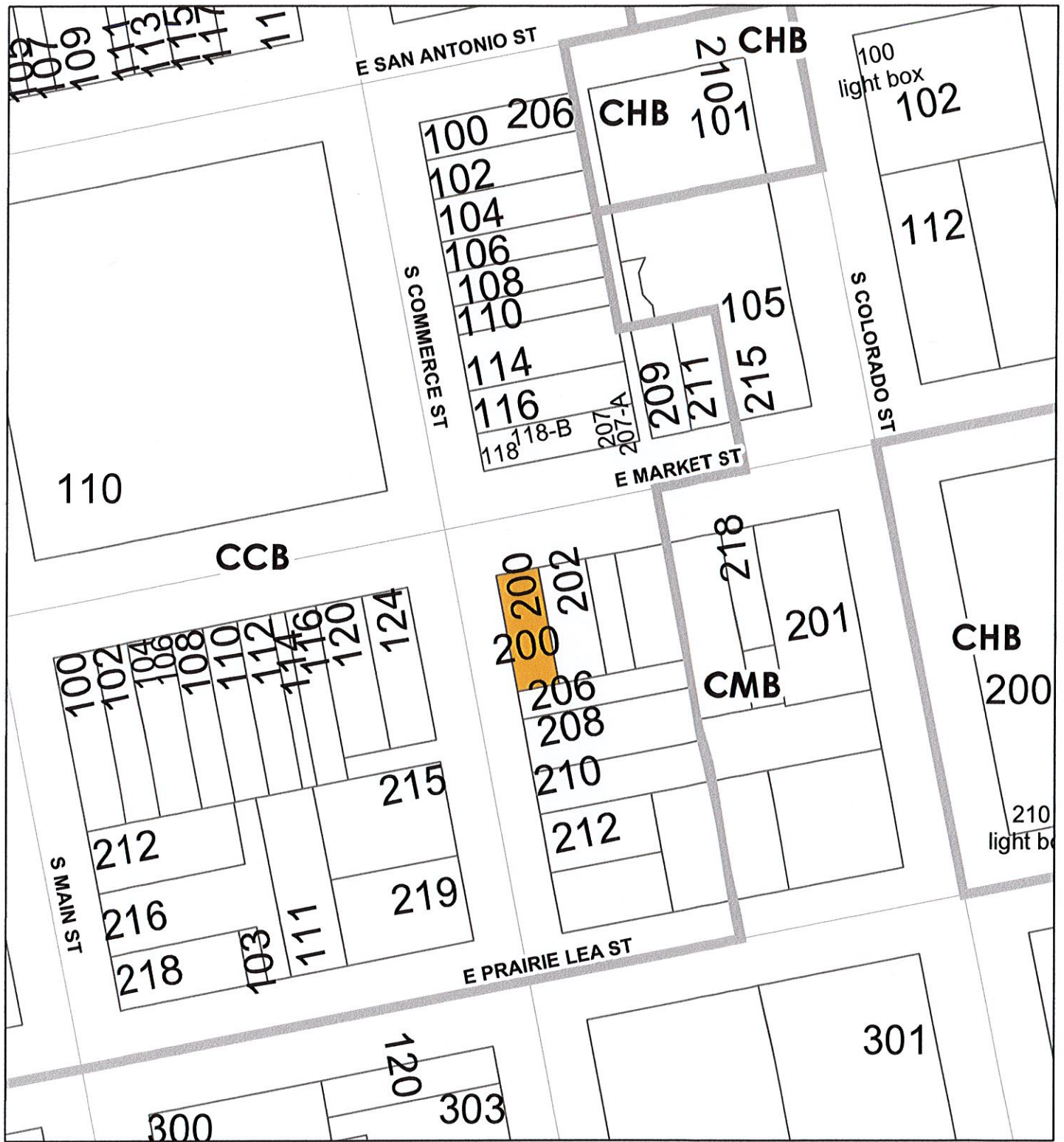
9. Adjournment.

Vice-Chair Lairsen moved to adjourn the meeting, and Commissioner Faulstich seconded. The motion passed by a vote of 6-0, and the meeting adjourned at 7:02 p.m.

Approved: _____
(date)

Yvette Aguado, Recording Secretary

Ronda Reagan, Chair



CFA-22-14



Subject Property



Zoning Boundary

200 E MARKET ST

WALL MURAL (TEMPORARY)

scale 1" = 100'

CASE SUMMARY

STAFF: Kevin Waller, Senior Planner 

CASE NUMBER: CFA-22-14

REPORT DATE: September 30, 2022

MEETING DATE: October 5, 2022

APPLICANT'S REQUEST: Temporary Wall mural

STAFF RECOMMENDATION: **Approval**

CONDITIONS: Removal of mural within 90 days from date of mural's completion, and property owner signature needed on application form.

BACKGROUND DATA

APPLICANT: Melissa Reese, Texas Monthly

OWNER: Robert Mendez Sr.

SITE LOCATION: 200 E. Market St.

LEGAL DESCRIPTION: Part of Lot 3, Block 14, Original Town of Lockhart

EXISTING USE OF PROPERTY: Commercial

PROPOSED USE OF PROPERTY: Same

ZONING CLASSIFICATION: CCB (Commercial Central Business District)

ANALYSIS OF ISSUES

PROJECT DESCRIPTION: Proposed is a temporary mural to be painted onto the west wall of the building located at 200 East Market Street that will advertise the Texas Monthly BBQ Fest in November. The mural will be located on a previously painted wall that will be visible to pedestrian and vehicular traffic along South Commerce, East Market, East Prairie Lea, and East San Antonio Streets. Measuring approximately 35 feet wide by 9 feet tall, or 315 square feet, the mural will read "Lockhart", with "BBQ Capital of Texas" beneath, in an all-caps font. The mural will also feature a man in a cowboy hat eating a rib and holding a bottle of Coca-Cola®, as depicted in the attached illustration. Since the Coca-Cola® bottle and logo are a small, incidental part of the mural, the mural will not be classified as a sign for the purposes of review. The application states that the mural will be painted in advance of the Texas Monthly BBQ Fest on November 5, and completed at the event itself. Texas Monthly has agreed to paint over the mural within 90 days of its completion, with a color matched to the current building color. The removal of the mural has been planned to coincide with the property owner's intended timeframe to repaint the building.

COMPATIBILITY: The proposed mural is in character with the State Legislature's designation of Lockhart as the "Barbecue Capital of Texas" (House Resolution No. 1024, 76th Legislature, Regular Session (1999)), and would not appear to detract from the character of the Courthouse Square. One other, barbecue-themed mural is located downtown, at the corner of South Main and West Market Streets on the north wall façade of the State Farm building.

COMPLIANCE WITH STANDARDS: The applicant plans to paint over the mural within 90 days after its completion, as noted above, which is a recommended condition of approval. The mural proposal is subject to the Certificate for Alteration review procedures at the present time, but not the Sign Ordinance, as discussed above. However, with the Commission's recent recommendation to the City Council to prohibit murals within the Historic District, any approval of the mural prior to the October 18 City Council meeting would be allowed, subject to the Certificate for Alteration review procedures.

ALTERNATIVES: Staff recommends, although not as a condition of approval, that the conceptual mural illustration be revised such that the rib in the man's hand not appear as part of his mustache, the manner in which the Coca-Cola® bottle is being held appear more realistic in how one would grasp a bottle, and that the man's wrist be shown where his hand currently appears severed from the arm.

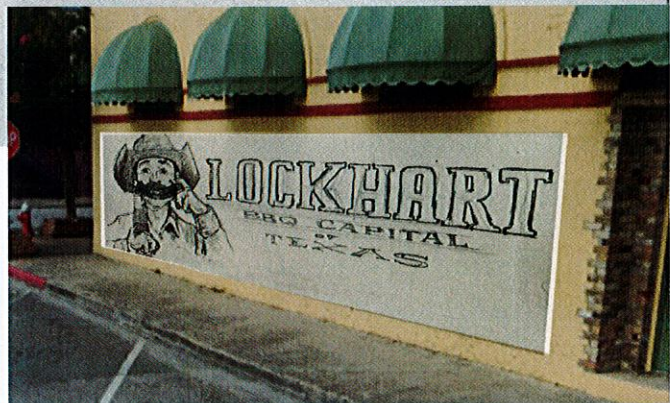
Artist's Original Sketch: Cowboy holding rib, next to large text.



Revised Sketch: Cowboy holding rib and coke bottle, next to large text.



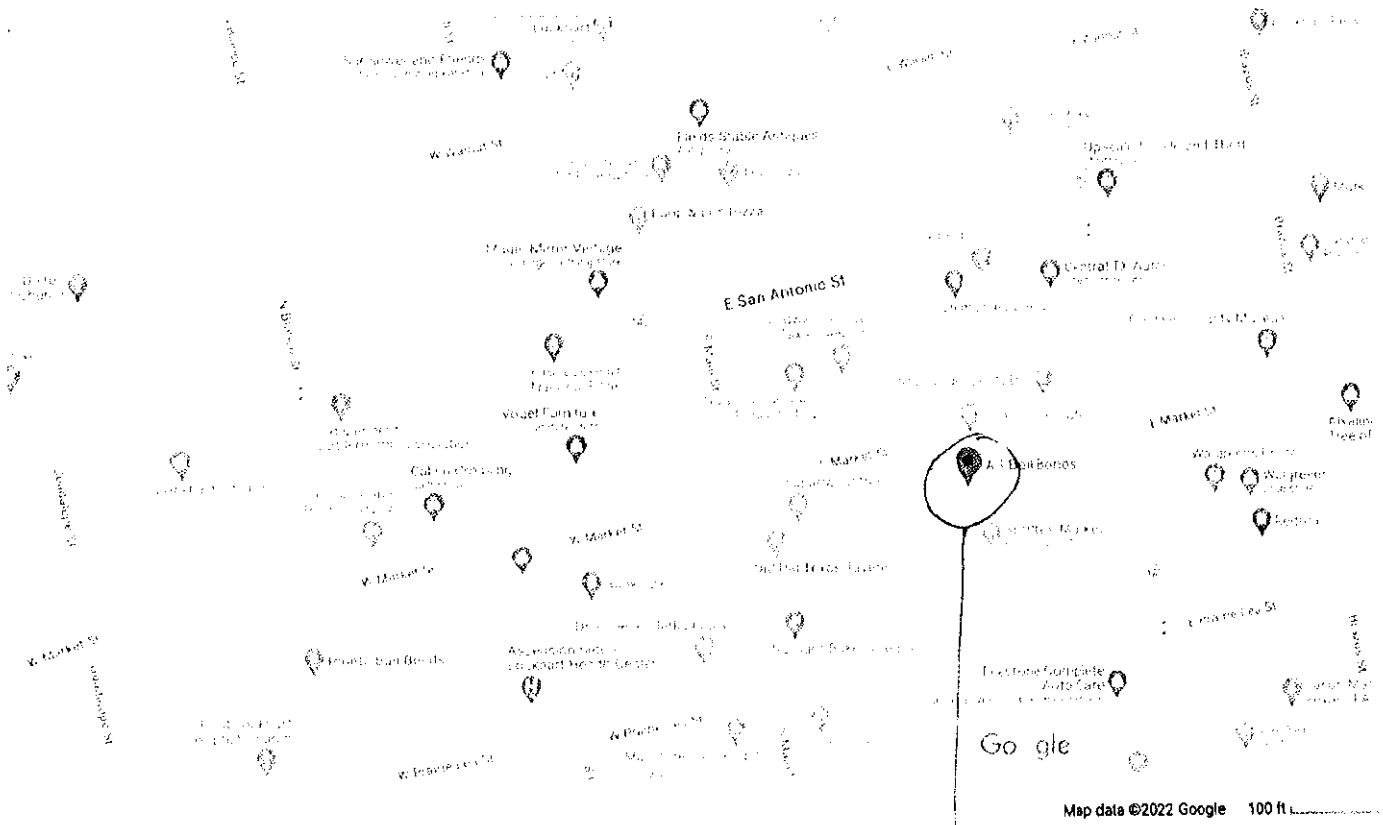
Proposed Location: West facing wall of 200 E. Market Street.
Size: Approx. 9' by 35'
Timeline: 90 days, starting 11/5/2022



Go gle Maps

A-1 Bail Bonds
Location of proposed mural

West Side of Building,
along Commerce Street.



A-1 Bail Bonds

3.3 ★★★★★ 12 reviews
Bail bonds service

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Directions
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📍 200 E Market St, Lockhart, TX 78644

🕒 Open 24 hours

☎️ (512) 398-6933

📄 [View all 6 reviews](#) [Write a review](#)

CERTIFICATE FOR ALTERATION APPLICATION

DATE RECEIVED: 9/27/22 DATE APPROVED: _____ CERTIFICATE NUMBER: CFA-22-1A

NOTE: An approved Certificate For Alteration (CFA) is required by City Code for all signage, construction, alteration, or modification of property designated as Historic, if such activities will change the architecture, design, finishes or outward appearance of a building, structure, object, site, or area as viewed from the exterior. (Ord.93-19, Sec. 11 and 12). A City Sign Permit and/or City Building Permit may also be required by the City Code.

ONLY FULLY COMPLETED APPLICATIONS WILL BE ACCEPTED

Applicant Melissa Reese, Texas Monthly Property Owner Richard Merdez / ^{Robert} ~~Merdez~~ ^{Merdez} Sr.
 Mailing Address 816 Congress Ave. Mailing Address 200 E Market St.
Austin TX 78701 Lockhart TX 78644
 Telephone 972-571-2420 Telephone 512-738-0613
 Person Doing Work Matt Tumlinson Estimated Cost \$7500
 Property Legal Description D.T. Lockhart, Block 14, Lot PT3
 Property Street Address 200 E Market Street Lockhart TX 78644
 Property City Zoning Designations HD 4 CCB Location Map Attached Yes

PHOTOS ARE REQUIRED SHOWING ALL THE AREAS TO BE AFFECTED BY THE WORK DESCRIBED:
 Include photos of: Area of Work Full Elevation Showing Area Affected and/or Site

Description of Proposed Work
a temporary mural on the West facing side
of 200 E Market street; the side that
faces Commerce st. Size of mural would be
approximately 9' by 35'. Artwork to show
a cowboy holding a rib and a coke bottle
with the words: "Lockhart - the BBQ Capital of
Texas." Mural to be painted in advance of
BBQ Fest (Nov. 5) and completed at the event as part
of programming. Texas Monthly to paint over mural
after 90 days; color matched to current building color.
Please - Attach Scope of Work Questionnaire <input checked="" type="checkbox"/> Attach Sketches/Illustrations <input checked="" type="checkbox"/> Are Detailed Plans Available? <input type="checkbox"/>

REQUIRED SIGNATURES: Before me the undersigned authority, on this day appeared and solemnly swears, that the statements above and attached concerning the above-described property are true and that (s)he is authorized to act as an agent in procuring the certificate requested.

Applicant Signature: Melissa Reese Date: 9-27-2022
 Property Owner Signature: _____ Date: _____
 Historical Preservation Officer Approval: _____ Date: _____
 Historical Preservation Commission: _____ Date: _____

A Certificate For Alteration is valid for a period concurrent with the Building Permit granted for the proposed work, or a period not to exceed 18 months.

CERTIFICATE FOR ALTERATION
SCOPE OF WORK QUESTIONNAIRE

Certificate No. CFA-22-14
Page 2 of ___ Reviewed: KW

The following questions must be answered and the form completed by the applicant for a Certificate For Alteration. This questionnaire shall be attached to any application for Certificate For Alteration. The Lockhart Historical Preservation Officer shall independently verify all information provided on the application and the attached questionnaires. The Lockhart Historical Preservation Officer shall review the application and this questionnaire in an expedient manner and notify the applicant of the outcome of the review. The Lockhart Historical Preservation Officer may approve the Certificate For Alteration prior to a commission hearing, based upon adequacy of the information provided and verification of the scope of work. Additional information may be needed to complete the application and review process. Final review and action on the application for Certificate For Alteration by the Lockhart Historical Preservation Commission at a properly scheduled public hearing may be required. Any required explanations to answers given shall be in writing and attached.

Yes	No	Verified	Scope Of Work Questions
Section One			
✓		KW	1. Is this application for construction or alteration on or at a property which is in a Historic District or a designated Historic Landmark? What is its zoning designation? <u>HL</u> HL? <u>H?</u> H? ✓
✓		KW	2. Is this application for any construction or alteration work that is <u>NOT</u> described or defined as ordinary maintenance of a historic property? Is it more than limited "Ordinary Maintenance"?
✓		KW	3. Will the construction or alteration covered by this application include any work visible from the exterior of the property?
	✓	KW	4. Will the construction or alteration covered by this application remove or, physically change any structural elements of the property? (i.e. Interior or exterior: load bearing walls, columns, posts, foundations, footings, etc.)
Section Two			
	✓	KW	1. Is the construction or alteration covered by this application considered an emergency repair of sudden, accidental or unforeseen property damage? When did damage occur? _____
	✓	KW	2. Is the construction or alteration covered by this application considered necessary to correct a circumstance that endangers a building, business, owner, or the public?
	✓	KW	3. Is the construction or alteration covered by this application considered permanent, to be in place more than 90 days? (A temporary construction or alteration is required to be removed within 90 days and the property is to be returned to the original or agreed upon condition.)
	✓	KW	4. Has a permit been issued for any of the proposed work? Date: _____ Permit No. _____ Has any work actually started? _____ Describe: _____
Section Three			
✓		KW	1. Will the construction or alteration covered by this application make a physical change to any design elements, features or finishes visible from the exterior of the property?
	✓	KW	2. Will the construction or alteration covered by this application repair or replace an element of the building or property with a material different from the original material of that element?
	✓	KW	3. Will the construction or alteration covered by this application include painting exterior surfaces that have not been previously painted?
	✓	KW	4. Does the construction or alteration covered by this application include demolition or removal of any part or element of the property visible from the exterior of the property?
✓		KW	5. Will the construction or alteration covered by this application make any change in the appearance of the property as viewed from the exterior of the property?

The undersigned owner or authorized agent attests that the statements made above and on any attached explanations are true and agrees that this Scope Of Work Questionnaire and any attachments shall become a part of the application and the Certificate For Alteration cited and will be the limit of construction and/or alteration work undertaken. Further, construction will not start prior to authorization by the approval of the Certificate For Alteration.

Applicant Signature: Melissa Reese Date: 9-27-2022

Verified By: Kevin Walker Date: 9/30/22 Action: _____ Date: _____