

## PUBLIC NOTICE

City of Lockhart  
Planning and Zoning Commission  
7:00 PM, Wednesday, August 10, 2022  
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 July 27, 2022, meeting.
4. FP-22-04. Consider a request by Paul Leventis on behalf of Lockhart Land Group, LLC, for approval of a **Final Plat** for *Lockhart Farms Addition, Phase 2*, consisting of 36.18 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned RMD Residential Medium Density District and CMB Commercial Medium Business District, and located in the 2000 block of West San Antonio Street (SH142).
5. FP-22-05. Consider a request by Adair Rucker for approval of a **Final Plat** for *Rucker Acres Addition*, consisting of 22.848 acres in the Francis Berry Survey, Abstract No. 2, located at 3244 Westwood Road (County Road 215) in the Lockhart Extraterritorial Jurisdiction; including **Variations** to Chapter 52, "Subdivision Regulations" waiving the requirement in *Section 52-77(b) for construction of a public sidewalk* along the abutting street (Westwood Road) designated as a future arterial street, waiving the requirements in *Sections 52-112(a)(2) and 52-113(a)(2) to dedicate or pay a fee in lieu of dedication of parkland* for a residential subdivision, and waiving the requirement in *Section 52-141(a) that public improvements be designed and constructed in accordance with City's construction standards* (specifically the minimum water flow standard for fire hydrants).
6. Discuss the date and agenda of next meeting, including Commission requests for agenda items.
7. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 11:00 AM on the 4<sup>th</sup> day of August, 2022.

**City of Lockhart**  
**Planning and Zoning Commission**  
**July 27, 2022**

**MINUTES**

**Members Present:** Philip Ruiz, Bradley Lingvai, Ron Peterson, Phil McBride, Manuel Oliva, Rick Arnic

**Member Absent:** Chris St. Ledger

**Staff Present:** Christine Banda, Dan Gibson, David Fowler, Kevin Waller (via speakerphone)

**Visitors/Citizens Addressing the Commission:** Javier Barajas

1. Call meeting to order. Chair Ruiz called the meeting to order at 7:00 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the Minutes of the July 13, 2022, meeting.

*Commissioner McBride moved to approve the July 13, 2022, minutes. Commissioner Lingvai seconded, and the motion passed by a vote of 5-0.*

Commissioner Arnic arrived at 7:03 p.m.

4. ZC-22-19. Continue a PUBLIC HEARING and consider a request by SSPC Development, LLC, for a Zoning Change from AO Agricultural-Open Space District to CHB Commercial Heavy Business District on 8.827 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 1717 North Colorado Street (US 183).

David Fowler explained that the applicant would like to rezone the property to CHB Commercial Heavy Business District to increase its value for marketing purposes. They currently do not have a specific commercial development in mind. He reviewed the zoning and land use conditions in the area around the site, and said that no objections had been reported.

Chari Ruiz open the public hearing and asked if the applicant wished to speak. No one was present to speak on this item, so he closed the public hearing and asked for the staff recommendation.

*Commissioner Lingvai moved to recommend approval of ZC-22-19 to City Council. Commissioner Oliva seconded, and the motion passed by a vote of 5-1 with Chair Ruiz against.*

5. PP-22-03. Consider a request by Javier Barajas, P.E., on behalf of Amar Gulhane, for approval of a Preliminary Plat for Ramendu Subdivision, consisting of 44.563 acres in the Francis Berry Survey, Abstract No. 2, and including Part of Lot 2, Block B, and Part of Lot 1, Block C, Plantation Park Estates, collectively zoned CLB Commercial Light Business District, RMD Residential Medium Density District, and RLD Residential Low Density District, and located at 900 State Park Road (FM 20 West).

David Fowler explained that the preliminary plat included 121 single-family lots, eight duplex lots, 16 patio home lots, four commercial lots and one joint public parkland and stormwater detention lot. There will be six new streets in addition to three existing streets that would be extended into the development. Sidewalks are proposed on both sides of all streets. Opaque perimeter fencing would be provided between the commercial and residential lots. The amount of parkland provided, its location, and the fee-in-lieu payment for a portion of the parkland obligation were approved by the Parks and Recreation director.

Chari Ruiz asked if anyone in the audience wished to speak.

Javier Barajas, of 175 Katie Drive in Austin, said he is the project engineer, and he agreed with everything stated in the staff presentation. They have begun work on the engineering plans. He said that drainage, in particular, is a challenge because the property is so flat. Underground stormwater detention is planned to be at the park location. He stated that the project is being designed in accordance with City standards, and would not increase the rate of existing runoff from the property.

Commissioner McBride asked if a children's playscape was planned to be provided in the park.

Chair Ruiz added that the Commission would hold them accountable to build a playscape.

Mr. Barajas replied that he would ask the owner if he would agree to provide a playscape in the parkland area.

Chair Ruiz said he had an issue with patio homes being proposed, and asked if the applicant would consider constructing some other residential type in that location.

Mr. Barajas said he is not sure because of the size of the area, and only patio homes would fit.

Commissioner McBride asked for the difference between a patio home, townhouse, and condominium.

Mr. Gibson explained that a patio home is a form of detached single-family dwelling where the house is simply constructed up to one side property line, with the other side having an extra wide setback to provide a more usable side yard. A condominium refers to a form of ownership where there are multiple dwelling units and the residents own their individual unit, but the land is owned and maintained as common area by management. A townhouse is an attached dwelling unit where the resident owns and maintains both the unit and the individual platted lot under the structure.

Chair Ruiz asked for the staff recommendation.

Mr. Fowler said that staff recommended approval of the preliminary plat subject to subsequent approval of a specific use permit to allow the PH-2 patio home development type, which will be possible only after Appendix I of the Zoning ordinance is amended to delete the current restriction that the PH-1 and PH-2 patio home residential development types are allowed only on lots existing prior to the date of Ordinance 90-30.

*Commissioner Oliva moved to recommended approval of PP-22-03 subject to the conditions recommended by staff. Commissioner Peterson seconded, and the motion passed by a vote of 6-0.*

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

Mr. Gibson stated that the next regular meeting date is August 10<sup>th</sup>, and that there would be

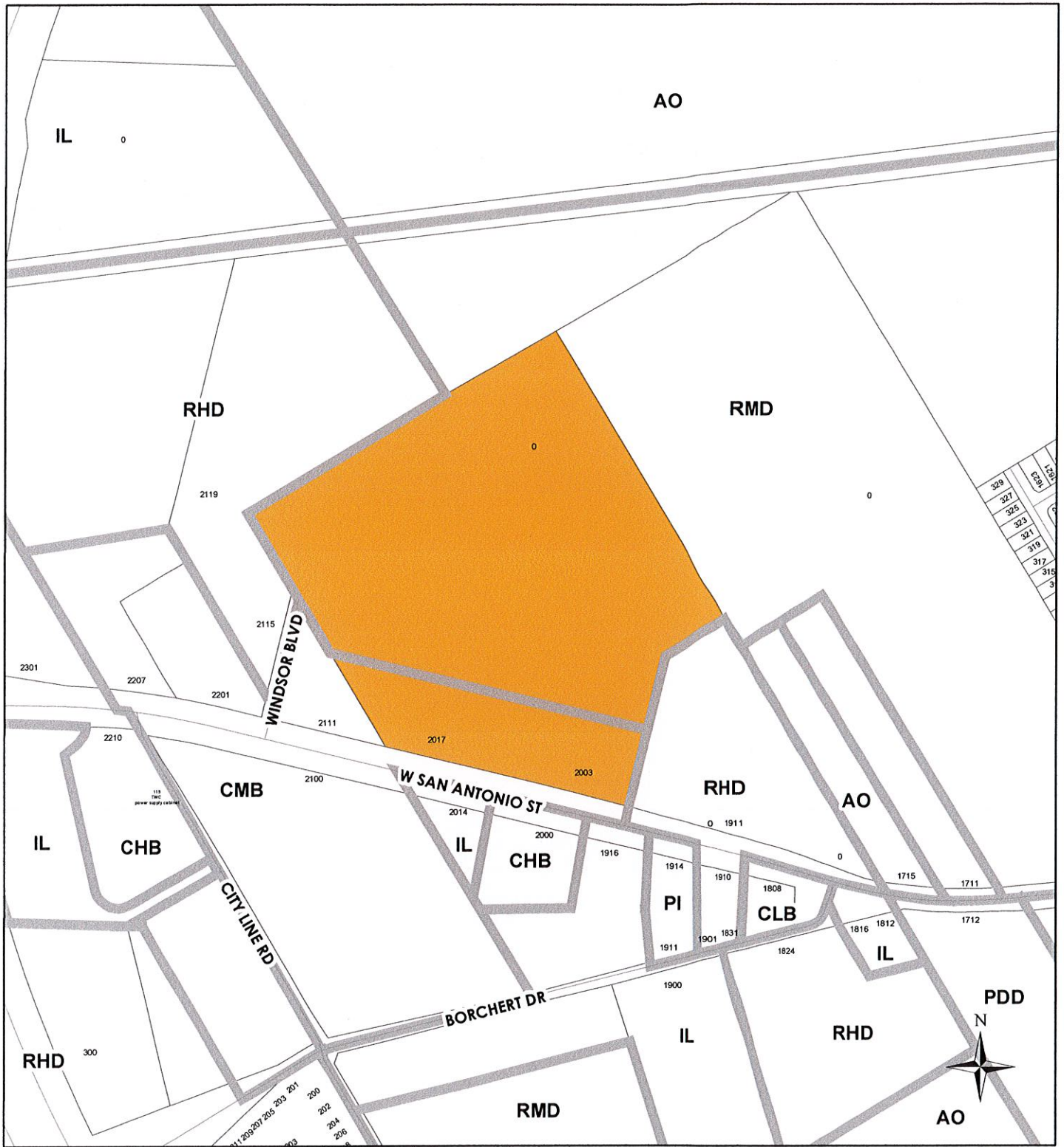
7. Adjourn.

*Commissioner McBride moved to adjourn, and Commissioner Oliva seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:45 p.m.*

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

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

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



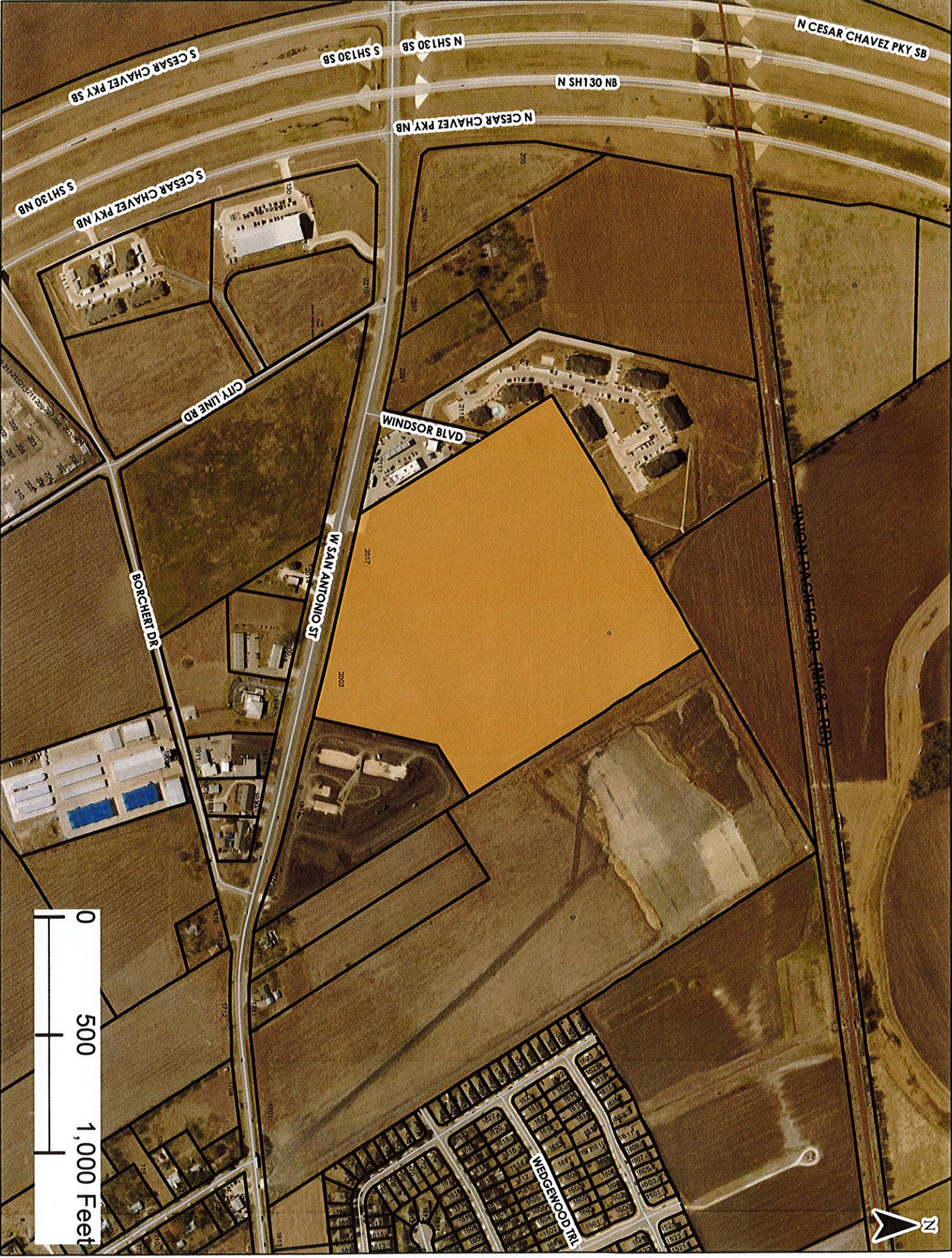
**FP-22-04**

LOCKHART FARMS PHASE TWO

2000 BLK WEST SAN ANTONIO ST

- SUBJECT PROPERTY
- ZONING

scale 1" = 500'



S CESAR CHAVEZ PKY SB

S SH130 SB

N SH130 SB

N CESAR CHAVEZ PKY SB

BN 031HS N

N CESAR CHAVEZ PKY NB

S CESAR CHAVEZ PKY NB

CITY LINE RD

WINDSOR BLVD

BORCHERT DR

W SAN ANTONIO ST

LINCOLN PK CIRCLE RD (MARKET RD)

WEDGEWOOD TRL

0 500 1,000 Feet



## CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner *KW*  
REPORT DATE: August 5, 2022  
PLANNING & ZONING COMMISSION DATE: August 10, 2022  
STAFF RECOMMENDATION: *Approval*  
SUGGESTED CONDITIONS: None

CASE NUMBER: FP-22-04

## BACKGROUND DATA

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: 2000 Block West San Antonio Street  
SUBDIVISION NAME: **Lockhart Farms Addition Phase 2**  
SIZE OF PROPERTY: 36.18 acres  
NUMBER OF PROPOSED LOTS: 156 lots (see description below)  
EXISTING USE OF PROPERTY: Vacant/Seasonal Agricultural Use  
ZONING CLASSIFICATIONS: RMD (Residential Medium Density) District and CMB (Commercial Medium Business) District

## ANALYSIS OF ISSUES

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 Final Plat of Phase 1 was conditionally approved on November 17, 2021. The current proposal is for approval of the Final Plat of Phase 2. With the proposed Hansford Subdivision and the multifamily lot of Lockhart Farms Phase 1 to the east, and the Stanton Development to the west, the proposed Phase 2 includes 147 single-family-residential lots, two commercial lots, 6 drainage lots, and one common area lot. Sidewalks will be provided on one side of the internal streets, along both sides of the Windsor Boulevard extension and Mesquite Drive, and along the property's West San Antonio Street frontage. A five-foot-wide public pedestrian trail, although primarily located within the physical boundaries of the first phase, will serve the single-family development in Phase 2 and be constructed with that phase. The trail will also connect to Windsor Boulevard and tie into the sidewalk that will connect with the Hansford Subdivision. The subdivision will be served by a regional detention pond located within Phase 1, north of Phase 2, that is proposed to also serve the Hansford development and a future phase of the Stanton Development. Parkland will be provided within the regional detention area. Although the parkland meets the minimum-required 8 percent of total land area for both phases of the subdivision, 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, prior to recordation of the final plat of Phase 1, as specified in General Note 9. The subdivider has proposed to construct a playscape in the private park area, however, no note appears on the plat.

**NEIGHBORHOOD COMPATIBILITY:** The subject property is bordered to the east by the multifamily development of Phase 1, a drainage lot extension to the regional detention/parkland area in Phase 1, and the future Hansford Subdivision. The properties to the south, across West San Antonio Street, include commercial uses and the Bluebonnet Electric Cooperative building. The properties to the west include The Stanton Luxury Apartments and the Valero gas station. The property to the north includes the regional detention pond in Phase 1 mentioned above. 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. According to the applicant, TxDOT has approved the Traffic Impact Analysis, which includes the requirement to construct a left-turn lane and right-turn/deceleration lane from West San Antonio Street into Mesquite Drive. The turning lane improvements must be constructed with the subdivision improvements of Phase Two, as prescribed by TxDOT.

**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, including construction of new streets where required, the provision of public sidewalks, utilities, stormwater drainage, and the payment of a fee in lieu of public parkland. As noted in the attached letter dated June 22, 2022, the City Engineer has approved the engineering plans.

**CONCURRENT VARIANCES REQUESTED:** None





505 East Huntland Drive  
Suite 250  
Austin, Texas 78752

T 512.454.8716  
TRCcompanies.com  
T.B.P.E. #F-8632

June 22, 2022

Mr. Dan Gibson, City Planner  
City of Lockhart  
P.O. Box 239  
Lockhart, Texas 78644

**RE: Lockhart Farms Phase 2 Construction Plans  
Engineering Plan Review**

Dear Dan:

TRC is in receipt of the following items for the above referenced project submitted by Bleyl Engineering on June 17, 2022.

1. Phase 2 Construction Plans.

Our review finds that these documents have been prepared in general conformance with the Lockhart Subdivision Code and Chapter 22 Article 3 of the City of Lockhart Drainage and Flood Control Ordinance.

As TRC did not provide the detailed design of the submitted documents, TRC and the City of Lockhart must rely on the adequacy of the Design Engineer that prepared the documents and all responsibility for the plans and submitted documents shall remain with the Design Engineer.

Approval of the construction plans is contingent upon providing approval from TxDOT for driveways and culverts within TxDOT ROW once received. Any proposed improvements related to the TxDOT ROW to include driveway, culverts and stormwater conveyance shall not commence until TxDOT approval has been received.

If you have any questions regarding this information, please feel free to contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Will Wachel".

Will Wachel, P.E.  
Deputy Director, Design Management Services

CC: John Henry, Bleyl Engineering  
Sean Kelley, Director of Public Works, City of Lockhart



FINAL PLAT OF LOCKHART FARMS ADDITION PHASE 2 36.18 ACRES, CORNELIUS CRENSHAW SURVEY, ABSTRACT 68 LOCKHART, CALDWELL COUNTY, TEXAS

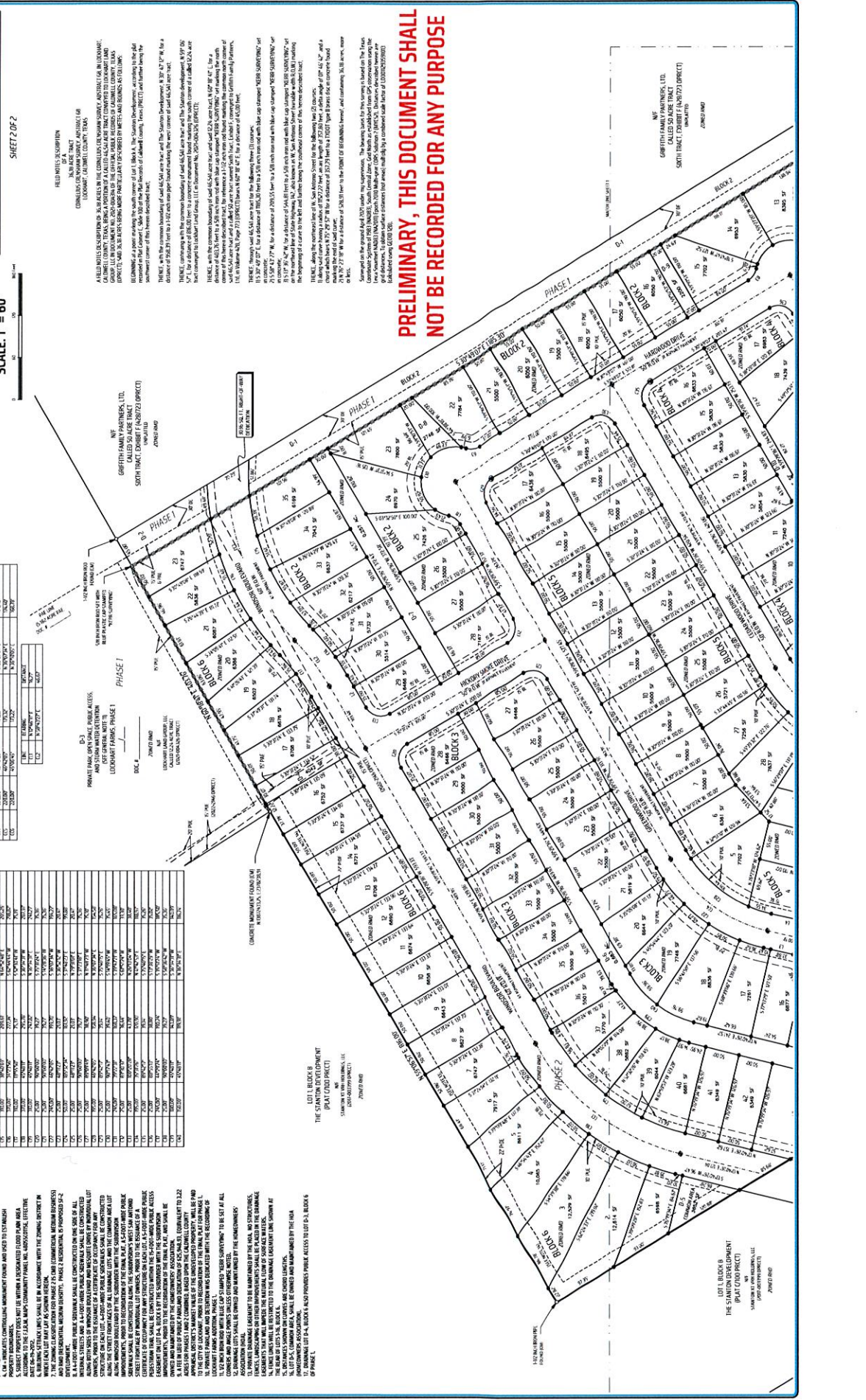
SCALE: 1" = 60' SHEET # 2 OF 2



Table with 3 columns: LOT, AREA (SQUARE FEET), and AREA (ACRES). Lists lots 1 through 11.

Table with 3 columns: LOT, AREA (SQUARE FEET), and AREA (ACRES). Lists lots 12 through 22.

Table with 3 columns: LOT, AREA (SQUARE FEET), and AREA (ACRES). Lists lots 23 through 33.



PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

FIELD NOTES & DESCRIPTION... CONTAINS A FIELD BOOK... LOCKHART, CALDWELL COUNTY, TEXAS

THESE LOTS ARE... DISTANCE OF 25.287 FEET... DISTANCE OF 45.545 FEET... DISTANCE OF 45.545 FEET...

THESE LOTS ARE... DISTANCE OF 25.287 FEET... DISTANCE OF 45.545 FEET... DISTANCE OF 45.545 FEET...

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GENERAL NOTES... 1. THE PLAT... 2. THE LOTS... 3. THE LOTS... 4. THE LOTS...

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# 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	<u>KERR Surveying</u>	ADDRESS	<u>409 N. Texas Ave.</u>
DAY-TIME TELEPHONE	<u>979-268-3195</u>		<u>Bryan, Texas 77803</u>
E-MAIL	<u>surveys@kerrsurveying.net</u>		
ENGINEER NAME	<u>Bleyl Engineering</u>	ADDRESS	<u>1722 Broadmoor Dr.</u>
DAY-TIME TELEPHONE	<u>979-268-1125</u>		<u>Suite 210</u>
E-MAIL	<u>twolff@bleylengineering.com</u>		<u>Bryan, Texas 77802</u>
OWNER NAME	<u>Lockhart Land Group, LLC</u>	ADDRESS	<u>1722 Broadmoor Dr.</u>
DAY-TIME TELEPHONE	<u>979-255-2407</u>		<u>Suite 220</u>
E-MAIL	<u>paull@brazostrace.com</u>		<u>Bryan, Texas 77802</u>

## TYPE OF APPLICATION

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

## PROPERTY

SUBDIVISION NAME Lockhart Farms<sup>Addition</sup> Phase 2

ADDRESS OR GENERAL LOCATION 2000 Block W. San Antonio St.

LOCATED IN  CITY LIMITS     ETJ (COUNTY)     PDD

TOTAL LAND AREA 36.18 ACRE(S)    PROPOSED NUMBER OF LOTS 156

ZONING CLASSIFICATION(S) RMD and CMB

PROPOSED USE OF LAND 147 SFR lots and Light Commercial (2 CMB-zoned lots)  
6 drainage lots & 1 common area lot

# 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 05.02.2022

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) 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 R01152<sup>548</sup>~~400~~

DATE SUBMITTED 5/6/22

CASE NUMBER FP-22-04

DATE APPLICATION IS DEEMED COMPLETE 6/13/22

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

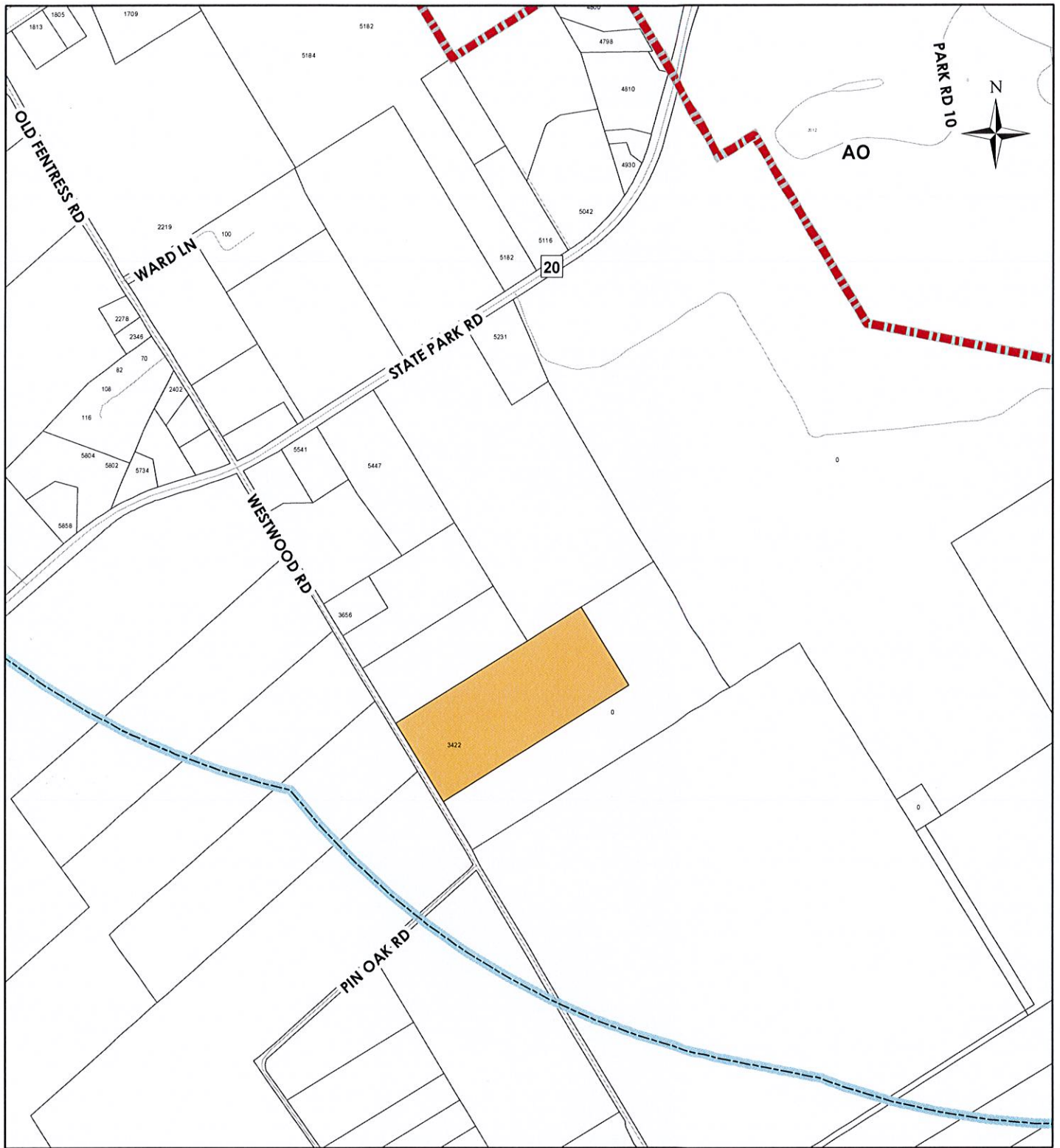
DATE NOTICE PUBLISHED \_\_\_\_\_

(For certain Replats/Resubdivisions without vacating preceding plat)

PLANNING AND ZONING COMMISSION MEETING DATE 8/10/22

DECISION \_\_\_\_\_

CONDITIONS \_\_\_\_\_



**FP-22-05**

RUCKER ACRES

3244 WESTWOOD ROAD

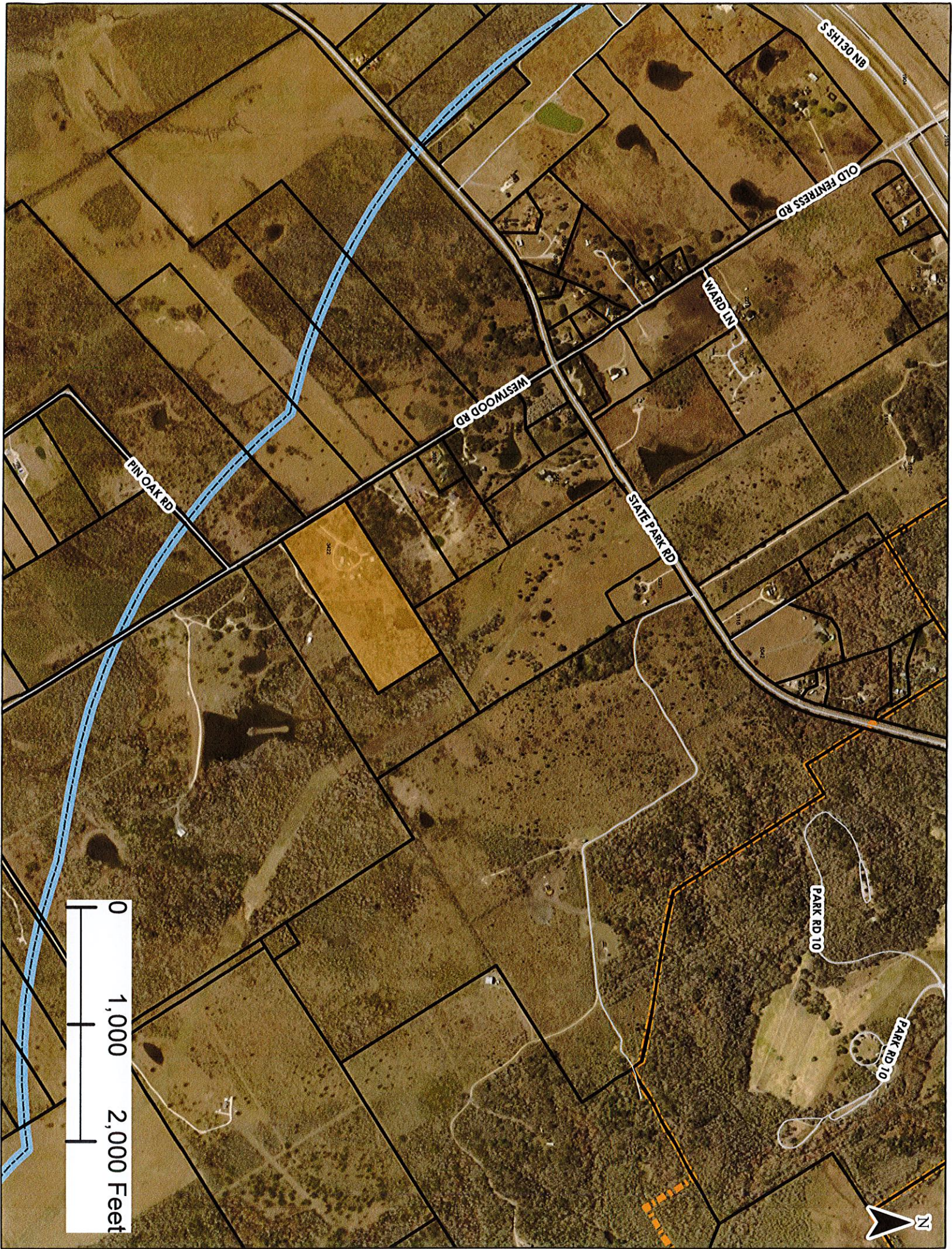
 SUBJECT PROPERTY

 ZONING

 LOCKHART CITY LIMITS

 LOCKHART ETJ

scale 1" = 1000'





**CASE SUMMARY**

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STAFF CONTACT: Kevin Waller, Senior Planner *KW* CASE NUMBER: FP-22-05  
REPORT DATE: August 5, 2022

PLANNING & ZONING COMMISSION DATE: August 10, 2022

STAFF RECOMMENDATION: ***Approval of both the Plat and two requested Subdivision Variances to the sidewalk and water flow for fire hydrant requirements; Denial of the requested Variance to waive the parkland dedication or fee in-lieu of dedication requirement.***

SUGGESTED CONDITIONS: None

**BACKGROUND DATA**

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APPLICANT AND OWNER: Adair Rucker  
SURVEYOR: Jerry Hinkle, P.L.S., Hinkle Surveyors  
SITE LOCATION: 3422 Westwood Road  
SUBDIVISION NAME: **Rucker Acres Addition**  
SIZE OF PROPERTY: 22.848 acres  
NUMBER OF PROPOSED LOTS: Two  
EXISTING USE OF PROPERTY: Single-Family Residential  
ZONING CLASSIFICATION: Outside of City limits (within one-mile statutory ETJ)

**ANALYSIS OF ISSUES**

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PROPOSED DEVELOPMENT: The property is located within the Lockhart one-mile Extraterritorial Jurisdiction (ETJ), where the City regulates subdivision activity if one or more resulting parcels are ten acres or less in size. The applicant proposes to divide the property into two parcels, one of which will be less than 10 acres. The proposed land conveyance is not eligible for Caldwell County’s Family Land Grant procedure, which is typically where a Subdivision Platting Variance is also requested from the City requirements, since the newly created parcel will not be sold or gifted to a family member of the owner. The owner proposes to create a one-acre lot from a 22.848-acre parcel, as shown on the subdivision plat, with a single-family residence to be constructed on the new, one-acre parcel (Lot 1). A single-family home and several outbuildings already exist on the proposed 21.848-acre parcel (Lot 2). The FEMA-mapped 100-year floodplain (A Zone, no elevation study) traverses a small portion of the east corner of Lot 2, which is a considerable distance away from the existing development on that lot. The applicant also proposes to dedicate additional right-of-way along the Westwood Road frontage, since the street has a substandard right-of-way width for arterial streets, as shown on the plat drawing.

NEIGHBORHOOD COMPATIBILITY: The subject property is surrounded by large, undeveloped parcels on all sides. Very little additional traffic will be generated with the addition of one new house in a rural area.

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

COMPLIANCE WITH STANDARDS: Subdivision Variances have been requested to three primary subdivision standards, including parkland dedication, sidewalks, and water flow for fire suppression, as detailed below.

CONCURRENT VARIANCES REQUESTED: Three Subdivision Variances are requested with this application, as follows: (1) To the requirement for construction of a public sidewalk along the abutting street (Westwood Road) (Section 52-77(b) of the Subdivision Regulations); (2) to the requirement to dedicate or pay a fee in lieu of parkland dedication for a residential subdivision (Sections 52-112(a)(2) and 52-113(a)(2)); and (3) to the requirement that public improvements be designed and constructed in accordance with the City's construction standards (specifically the minimum water flow standard for fire hydrants) (Section 52-141(a)).

In the applicant's attached written statement addressing the four variance criteria, it is explained that: (1) it is not feasible to construct a sidewalk along a County-maintained road outside the City limits, where no other sidewalks are present; (2) a large, existing pond on the property could assist with fire suppression in the absence of fire hydrant water flow from the existing four-inch Aqua water line; and (3) residents of the two proposed lots are not anticipated to travel into town to utilize City parks. While Staff supports the Variance requests to the sidewalk and fire flow requirements, we believe that the subdivision residents do have the option of utilizing City park facilities, and as such, the applicant should at least be subject to payment of the fee in lieu of parkland dedication.

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 \_\_\_\_\_

We, the undersigned owners of the tract(s) of land shown on this plat being a residue of 15.00 acres recorded in Volume 35 Page 578 of the Official Public Records of Caldwell County, Texas and a residue of 37.092 acres recorded in Volume 172 Page 113 of the Official Public Records of Caldwell County, Texas and described and designated as RUCKER ACRES ADDITION in the City of Lockhart, Caldwell County, Texas do hereby subscribe to this plat and further reserve to the public all easements for the widest use of all public utilities existing to use the same; that any public utility may have the right to remove and be repositioned after any part or any growth or construction for maintenance or efficient use of its respective system in such easements.

DATE \_\_\_\_\_ ADAM H. RUCKER  
3422 WESTWOOD ROAD  
LOCKHART, TEXAS 78644

DATE \_\_\_\_\_ PATTY LEE RUCKER  
3422 WESTWOOD 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 he executed the same for the purpose and considerations stated herein.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas

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

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

Given under my hand and seal of office this \_\_\_\_\_ 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 THEREOF, my hand and seal, this \_\_\_\_\_ 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

# RUCKER ACRES ADDITION

A subdivision of 22.848 acres out of the Francis  
Berry Survey A-2 Caldwell County, Texas

## LEGAL DESCRIPTION

All of a certain tract or parcel of land situated in Caldwell County, Texas and being a part of the Francis Berry Survey A-2 and being also a part of a tract of land called 15.00 acres and conveyed to a Adam H. Rucker et ux by deed recorded in Volume 35 Page 578 of the Official Public Records of Caldwell County, Texas and being also a part of a tract of land called 37.092 acres and conveyed to Patty Fogle Rucker et vir by deed recorded in Volume 172 Page 113 of the said Official Public Records and being more particularly described as follows:

**BEGINNING** at a concrete monument set in the newly dedicated NE line of Westwood Road (County Road #215) and in the NW line of the above mentioned 37.092 acre tract and the apparent SE line of a tract of land called 11.492 acres and conveyed to German H. Ramirez et ux by deed recorded in Instrument number 2019-001827 of the said Official Public Records for the West corner this tract and from which point a capped iron pin found stamped HINKLE SURVEYORS used for basis of bearing marking the West corner of the said 37.092 acre tract bears South 60 degrees 00 minutes 00 seconds W 19.25 feet.

**THENCE** North 60 degrees 00 minutes 00 seconds E with the NW line the said 37.092 acre tract and the apparent SE line the above mentioned 11.492 acre tract and partially along the apparent SE line of a tract of land designated as First Tract called 33.155 acres and conveyed to Billy Fogle et ux by deed recorded in Volume 172 Page 113 of the said Official Public Records to a capped iron pin found stamped HINKLE SURVEYORS used for basis of bearing in the apparent West corner of a tract of land called 29.000 acres and conveyed to Andrew J. Carroll et ux by deed recorded in Instrument number 2018-002950 of the said Official Public Records for the North corner this tract.

**THENCE** South 30 degrees 00 minutes 00 seconds E with the NE line the said 37.092 acre tract and the apparent SW line the above mentioned 29.000 acre tract 649.10 feet to a capped iron pin found stamped HINKLE SURVEYORS in an ell corner of the above mentioned 29.000 acre tract for the East corner this tract.

**THENCE** South 60 degrees 04 minutes 34 seconds W with a NW line of the said 29.000 acre tract and over and across the said 37.092 acre tract and over and across the above mentioned Rucker 15.000 acre tract for a distance of 1538.07 feet to a concrete monument set in the newly dedicated NE line of Westwood Road for the South corner this tract and from which point a capped iron pin found stamped HINKLE SURVEYORS marking the original most Southerly West corner of the said 29.000 acre tract bears South 60 degrees 04 minutes 34 seconds W 19.25 feet.

**THENCE** North 29 degrees 34 minutes 49 seconds West over and across the said 15.00 acre tract and over and across the said 37.092 acre tract and with the newly dedicated NE line of Westwood Road 647.07 feet to the point of beginning containing 22.848 acres of land more or less.

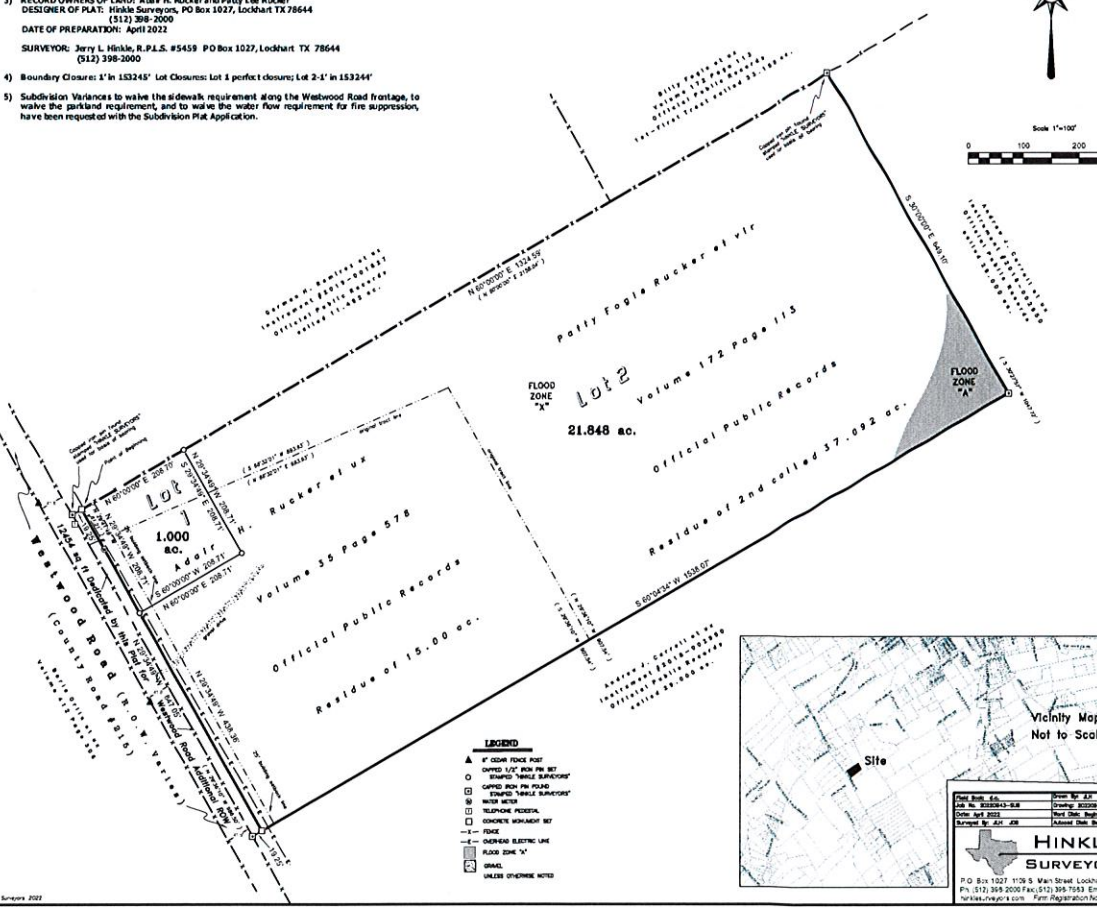
STATE OF TEXAS  
COUNTY OF CALDWELL

I, Teresa Rodriguez, County Clerk in and for Caldwell County, Texas do hereby certify that the foregoing instrument with its certificates of authentication was filed for record in my office this \_\_\_\_\_ 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 \$86\_\_\_\_\_.

Teresa Rodriguez  
County Clerk, Caldwell County, Texas

### SURVEYORS NOTES:

- 1) The Lots shown lie in Flood Zones approximately as shown according to FEMA Panel #4805C0250E effective date June 19, 2012. FLOOD ZONE "X" (AREA NOT SHADED) is areas determined to be outside the 1% annual chance floodplain. FLOOD ZONE "A" (SHADED AREA) is a special flood hazard area subject to inundation by the 1% annual chance flood. No Base Flood Elevations determined. The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood. **WARNING:** This Flood Statement, as determined by a R.L.D.-P.A., FLOOD HAZARD BOUNDARY MAP, DOES NOT IMPLY that the property or the improvements thereon will be free from flooding or flood damage. On rare occasions, Greater Floods Can and Will Occur, and Flood Heights may be increased by Man-Made or Natural Causes.
- 2) The Lots shown on this plat lie entirely within the City of Lockhart ETJ.
- 3) **RECORD OWNERS OF LAND:** Adam H. Rucker and Patty Lee Rucker  
**DESIGNER OF PLAT:** Hinkle Surveyors, PO Box 1027, Lockhart TX 78644  
(512) 398-2000  
**DATE OF PREPARATION:** April 2022  
**SURVEYOR:** Jerry L. Hinkle, R.P.L.S. #5459 PO Box 1027, Lockhart TX 78644  
(512) 398-2000
- 4) **Boundary Closure:** 1' in 153248' Lot Closure; Lot 1 perfect closure; Lot 2 1' in 153248'
- 5) **Subdivision Variances** to waive the sidewalk requirement along the Westwood Road frontage, to waive the garland requirement, and to waive the water flow requirement for fire suppression, have been requested with the Subdivision Plat Application.



**LEGEND**

- ▲ IR CEDAR POLE POST
- SAVED "H" PIN SET
- SAVED "H" SURVEYORS
- CAPTED IRON PIN FOUND
- SAVED "H" SURVEYORS
- IRON PIN
- TELEPHONE PEGS
- CONCRETE MONUMENT SET
- FENCE
- OPENED ELECTRIC LINE
- FLOOD ZONE "A"
- SHAL
- UNLESS OTHERWISE NOTED

Drawn By: J.L. Hinkle  
Date: 04/2022  
Checked By: J.L. Hinkle  
Date: 04/2022  
Designed By: J.L. Hinkle  
Date: 04/2022

**HINKLE SURVEYORS**  
P.O. Box 1027, 1136 S. West Street, Lockhart, TX 78644  
Ph: (512) 398-2000 Fax: (512) 398-7593 Email: contact@hinklesurvey.com Form Registration No. 136886-02

To whom it may concern:

- 1) **Special Circumstances or conditions:** I am requesting a variance to sidewalks, parkland fee or dedication of parkland & fire flow. We live in the ETJ of the City of Lockhart, it is not feasible to build a sidewalk on a County Road outside the City Limits, our road is going to be widen in the future to 80' and become an arterial road. I will be dedicating the right of way as required for platting, our land is more than 3,000 +/- feet from the City Limits of Lockhart and no portion of that is serviced by the City of Lockhart for utilities or fire protection, as well as parts of the City Limits on State Park Road before the ETJ. The parkland fee and or dedication is also not feasible in our area. This would affect the land involved and deprive us of reasonable use of our land.
- 2) This variance is necessary for the enjoyment of my property rights.
- 3) This variance will not be detrimental to the public safety, or welfare of my neighbors or injurious to other property in the area.
- 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.

Thanks for your time in this matter.

Adiar Rucker & Patty Rucker

## Kevin Waller

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**From:** Jerry Hinkle <contact@hinklesurveyors.com>  
**Sent:** Friday, August 5, 2022 2:07 PM  
**To:** Kevin Waller; Dan Gibson  
**Cc:** Patty Rucker  
**Subject:** Re: Rucker Acres Fire Flow

Dear Kevin,

I talked to Aidar Rucker, and he said Aqua told him that is a 4" line, they sent in their request in April for the meter. Mr Rucker, stated that they were going to try to get the letter about the line out to him. Call me Monday if you have anything else or e-mail me. We have a Volunteer Fire Department in that district, Aidar has a very large pond on his place that could be pumped if need be all fire trucks have pumps to use swimming pool, ponds, creeks, etc. available to them. This can be a topic, if need be, I know lots of Volunteer Fire Firefighters that maybe I could have come and explain how that works if need be.

Remember this is a 1-acre lot with one house being added to 20 + acres, this is personal friend of the Rucker's just wanting to be neighbors. Rucker is dedicating several feet of land up for future widening of Westwood Road for no money being paid to him, therefore the Park Land Fee should be a perfect exchange of funds for that. There should be some consideration for that in exchange for parkland fee.

If and when the Rucker's sell and the land and it is developed into real subdivision, and the City of Lockhart provides services, water, sewer, fire, police, etc then they can do all the City Ordinance's rules, the only reason we are going thru the City is due to being in the ETJ by 200 +/- feet.

See you Wednesday.

Thanks for your help,  
Linda

On Friday, August 5, 2022 at 08:51:54 AM CDT, Kevin Waller <kwaller@lockhart-tx.org> wrote:

Linda:

Could you tell me the specs on the water supply situation at this property? I know that Aqua services it, but do you know the size and/or capacity of the water line? The City Manager and Public Works Director were curious about this, with regard to the variance for fire flow.

Thanks,

Kevin

# 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** Jerry L Hinkle RPLS # 5459 **ADDRESS** PO Box 1027  
**DAY-TIME TELEPHONE** 512-398-2000 Lockhart TX 78644  
**E-MAIL** contact@hinklesurveyors.com Firm Reg. No: 100886-00  
**ENGINEER NAME** none **ADDRESS** \_\_\_\_\_  
**DAY-TIME TELEPHONE** \_\_\_\_\_  
**E-MAIL** \_\_\_\_\_  
**OWNER NAME** Adair Rucker **ADDRESS** 3422 Westwood Rd  
**DAY-TIME TELEPHONE** 512-557-2384 Lockhart TX 78644  
**E-MAIL** pattyadairgrandecom.net PO Box 31507

## TYPE OF APPLICATION

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

## PROPERTY

**SUBDIVISION NAME** Rucker Acres Addition  
**ADDRESS OR GENERAL LOCATION** 3422 Westwood Road  
**LOCATED IN** \_\_\_\_ CITY LIMITS     ETJ (COUNTY)    \_\_\_\_ PDD  
**TOTAL LAND AREA** 22.848 ACRE(S)    **PROPOSED NUMBER OF LOTS** 2  
**ZONING CLASSIFICATION(S)** none - ETJ  
**PROPOSED USE OF LAND** Residential

# 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.

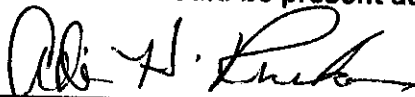
Two signed and sealed mylar reproducibles (three if applicant wants to keep one) of approved amending plat, replat/resubdivision, final plat, or minor plat, for recording. One recorded reproducible is filed at the County Clerk's office, and the other is returned to the City.

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



PRINTED NAME

Adaiar Rucker

DATE 5-2-2022

TELEPHONE

512-557-2384

**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) 52-112(a)(2) 52-77(b) 52-141(a) OF THE SUBDIVISION REGULATIONS

CURRENT ORDINANCE REQUIREMENT(S) Sidewalk 52-77(b) -- Parkland 52-112(a)(2)  
--Fire Flow 52-141(a) 52-113(a)(2)

REQUESTED VARIANCE(S) no sidewalk, no parkland dedication or fee, no fire flow.  
along Westwood Road

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:

See letter attached

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 R01156346

DATE SUBMITTED 5/26/22

CASE NUMBER FP 22 05

DATE APPLICATION IS DEEMED COMPLETE 6/21/22

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

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

(For certain Replats/Resubdivisions without vacating preceding plat)

PLANNING AND ZONING COMMISSION MEETING DATE 8/10/22

DECISION \_\_\_\_\_

CONDITIONS \_\_\_\_\_