

## PUBLIC NOTICE

City of Lockhart  
Planning and Zoning Commission  
7:00 PM, Wednesday, May 26, 2021  
Municipal Building – Glosserman Room  
308 W. San Antonio St.

### **COMMISSION MEMBER AUDIO CONFERENCE PARTICIPATION**

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

### **CITIZEN AUDIO CONFERENCE PARTICIPATION**

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

### **AMENDED AGENDA**

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the Minutes of the May 12, 2021, meeting.
4. ZC-21-05. Hold a PUBLIC HEARING and consider a request by Michelle Rodriguez, on behalf of Franco Ortiz, for a **Zoning Change** from AO Agricultural-Open Space District and RLD Residential Low Density District to AO Agricultural-Open Space District on 5.1 acres in the Byrd Lockhart Survey, Abstract No. 17, located at 921 Silent Valley Road (FM 2001).
5. ZC-21-06. Hold a PUBLIC HEARING and consider a request by Keith Schauer, P. E. of Doucet & Associates, Inc., on behalf of Robert A. Schmidt, for a **Zoning Change** from AO Agricultural-Open Space District to CHB Commercial Heavy Business District and RMD Residential Medium Density District on 101.71 acres in the Esther Berry Survey, Abstract No. 1, located at 2300 South Colorado Street (US 183).

6. PV-21-02. Consider a request by Jose Carillo on behalf of Jaime Estrada Portillo and Roxana Rodriguez for a **Variance** to *Chapter 52 "Subdivision Regulations", Section 52-31(a) "Plat Required"* to waive the subdivision plat requirement for a family land grant dividing a 10.3388-acre tract into two parcels in the Francis Berry Survey, Abstract No. 2, and located at 1589 Boggy Creek Road (CR 218) in the Lockhart Extraterritorial Jurisdiction.
7. PV-21-03. Consider a request by Jose Carillo on behalf of Pedro Oropeza for a **Variance** to *Chapter 52 "Subdivision Regulations", Section 52-31(a) "Plat Required"* to waive the subdivision plat requirement for a family land grant dividing a 10.2652-acre tract into two parcels in the Francis Berry Survey, Abstract No. 2, and located at 1529 Boggy Creek Road (CR 218) in the Lockhart Extraterritorial Jurisdiction.
8. PV-21-04. Consider a request by Jose Carillo on behalf of Angel and Maria Alvarez, Gerardo Sandoval, and Araseli Llamas for a **Variance** to *Chapter 52 "Subdivision Regulations", Section 52-31(a) "Plat Required"* to waive the subdivision plat requirement for a family land grant dividing a 10.2896-acre tract into two parcels in the Francis Berry Survey, Abstract No. 2, and located at 1541 Boggy Creek Road (CR 218) in the Lockhart Extraterritorial Jurisdiction.
9. Discuss the date and agenda of next meeting, including Commission requests for agenda items.
10. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 2:00 PM on the 21<sup>st</sup> day of May, 2021.

**City of Lockhart**  
**Planning and Zoning Commission**  
**May 12, 2021**

**MINUTES**

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

**Member Absent:** Chris St. Leger, Rick Arnic

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

**Visitors/Citizens Addressing the Commission:** None

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 April 28,2021.

*Commissioner McBride moved to approve the April 28, 2021 minutes. Commissioner Peterson seconded, and the motion passed by a vote of 4-0.*

Commissioner Oliva arrived after the vote was taken for the previous meeting minutes.

4. ZC-21-04. Hold PUBLIC HEARING and consider a request by Cristina Hernandez for a Zoning Change from CLB Commercial Light Business District to RMD Residential Medium Density District, on Lot 13, Block 1, Trinity Addition Revised, consisting of 0.197 acre located at 601 Ruddy Street.

Mr. Gibson explained that the applicant wishes to build a home on the vacant lot, but the existing CLB zoning does not allow residential uses. Therefore, they applied to change the zoning to RMD Residential Medium Density District, which is consistent with the zoning of the surrounding neighborhood. He used maps and photos in discussing the subject property and adjacent lots.

Chari Ruiz opened the public hearing and asked if the applicant or anyone else in favor of the zoning change was present to speak. There were no speakers, so he closed the public hearing and asked for the staff recommendation.

Mr. Gibson said that Christine Banda received three phone inquiries about the case, but none of them indicated any specific objections. He said that staff recommended approval.

The commissioners commented that they prefer that the applicant be present in support of their request.

*Commissioner McBride moved to recommend approval of ZC-21-04 to City Council. Commissioner Oliva seconded, and the motion passed by a vote of 5-0.*

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

Mr. Gibson stated that the next regular meeting would be held on May 26<sup>th</sup>, with two zoning changes and several plats on the agenda.

6. Adjourn.

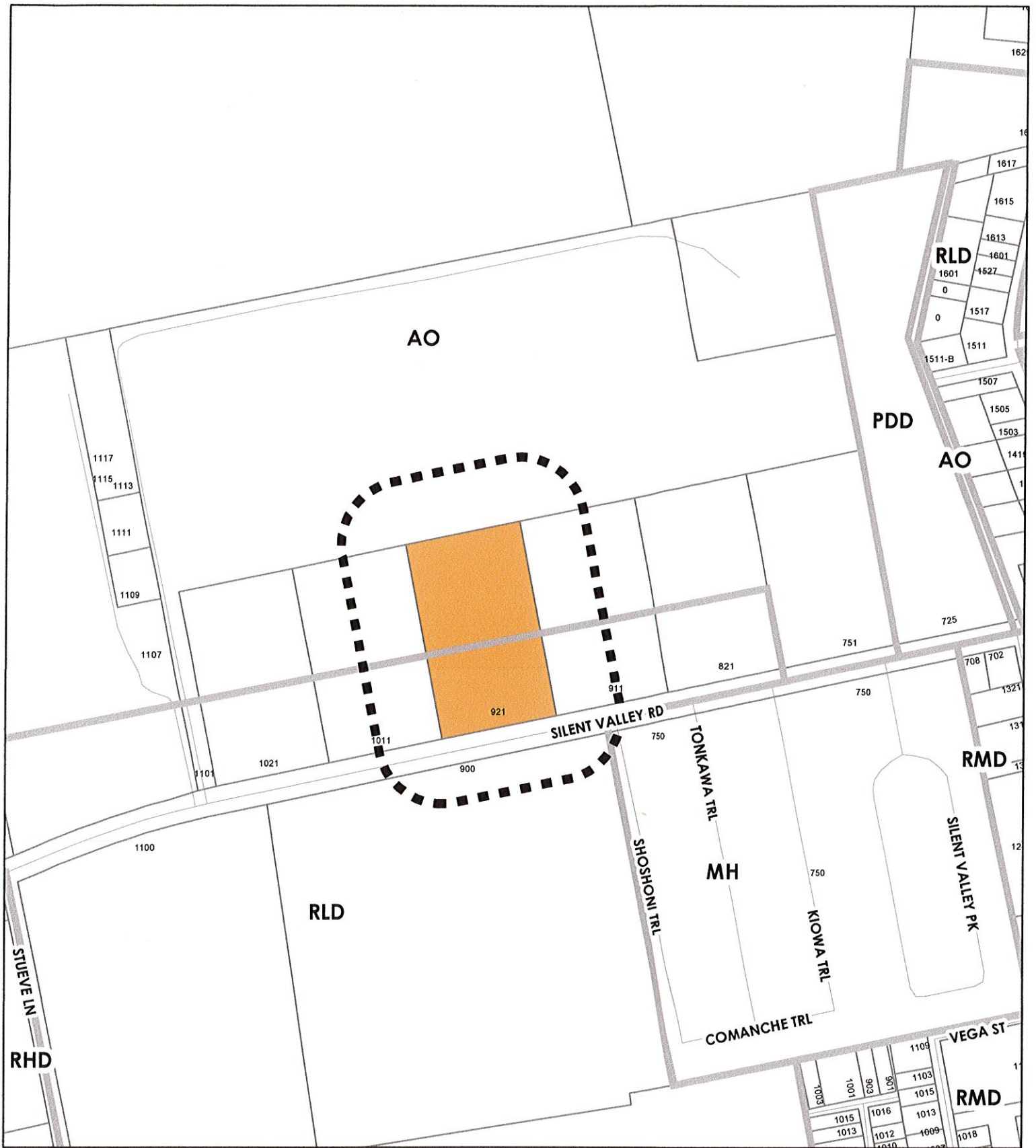
*Commissioner Lingvai moved to adjourn, and Commissioner Peterson seconded. The motion passed by a unanimous vote, and the meeting adjourned at 7:16 p.m.*

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

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

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





**ZC-21-05**

AO & RLD TO AO

921 SILENT VALLEY RD



scale 1" = 400'

- SUBJECT PROPERTY
- ZONING BOUNDARY
- 200 FT BUFFER

**CASE SUMMARY**

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STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-21-05

REPORT DATE: May 20, 2021

PLANNING AND ZONING COMMISSION HEARING DATE: May 26, 2021

CITY COUNCIL HEARING DATE: June 1, 2021

REQUESTED CHANGE: AO and RLD to AO

STAFF RECOMMENDATION: **No objection**

PLANNING AND ZONING COMMISSION RECOMMENDATION:

**BACKGROUND DATA**

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APPLICANT: Michelle Rodriguez

OWNER: Franko Ortiz

SITE LOCATION: 921 Silent Valley Road (FM 2001)

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 5.1 acres

EXISTING USE OF PROPERTY: Vacant

LAND USE PLAN DESIGNATION: Low Density Residential

**ANALYSIS OF ISSUES**

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REASON FOR REQUESTED ZONING CHANGE: The south portion of the subject property is zoning RLD, and the rear portion is zoned AO. The applicant proposes to develop the property as an RV park consisting of towable tiny homes. The merits of an RV park in this location will be addressed when the required application is submitted to allow the RV park as a specific use. Before that occurs, the zoning must be changed so that the entire parcel is zoned AO, which is one of only two zoning classifications that allow RV parks. RV parks are allowed as a specific use in the AO district, but are not allowed at all in the RLD district.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Vacant, Commercial	AO	Low Density Residential
East	Vacant, Single-family dwellings	RLD, AO	Low Density Residential
South	Vacant, Manufactured home park	RLD, MH	Low Density Residential, High Density Residential
West	Single-family dwellings, Vacant	RLD, AO	Low Density Residential, Medium Density Residential

TRANSITION OF ZONING DISTRICTS: More than half of the subject property is already zoned AO, so the proposed zoning change will simply expand that classification to include the area currently zoned RLD.

**ADEQUACY OF INFRASTRUCTURE:** There is a 12-inch water main along the Silent Valley Road frontage. It is adequate to serve the proposed development. The nearest wastewater line of sufficient size is approximately 1,500 feet to the east on the opposite side of Silent Valley Road. The property owner would be responsible for the necessary off-site extension to serve the proposed development. The existing houses on the north side of Silent Valley Road in that area are on septic tanks, which is fine for one dwelling unit per large lot or parcel. However, the higher residential density of an RV park, with each tiny home being a dwelling unit, requires connection to the City wastewater system.

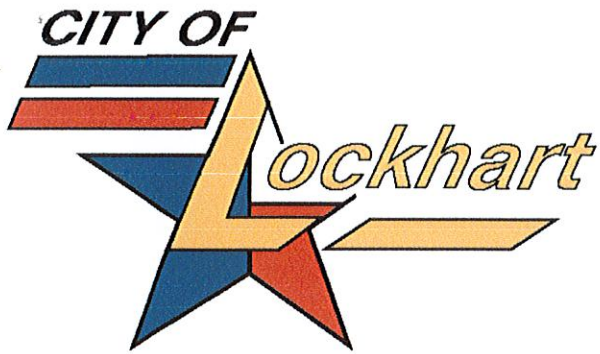
**POTENTIAL NEIGHBORHOOD IMPACT:** Most uses allowed by-right in the AO district are low intensity and would be compatible with the existing and potential future single-family dwellings in the area. Therefore, expanding the existing AO zoning to include the entire parcel has no obvious adverse impact. However, specific uses such as the proposed RV park could possibly be incompatible with existing low density housing. The merits of that use are more appropriately considered when the Planning and Zoning Commission considers the specific use permit application.

**CONSISTENCY WITH COMPREHENSIVE PLAN:** The proposed AO zoning classification would normally be considered consistent with the Land Use Plan map designation of Low Density Residential because the AO district allows only one dwelling unit per acre by-right.

**ALTERNATIVE CLASSIFICATIONS:** RV parks are also allowed as a specific use in the CHB district, but that classification would be far less consistent with the surrounding zoning or future land use designations than AO. The zoning classification that would be most consistent with the future land use plan map, however, is RLD, which already exists on the front portion of the subject property.

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

**STAFF RECOMMENDATION:** Staff doesn't have any specific objection because the proposed zoning change to AO clears up the split zoning condition that currently exists on the subject property, and because the AO district is considered a low-impact classification. However, if the entire parcel were rezoned to RLD instead of AO, it would also clear up the split zoning condition and be even more consistent with the future land use plan map.



## ZONING CHANGE APPLICATION

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

### APPLICANT/OWNER

APPLICANT NAME Michelle Rodriguez  
DAY-TIME TELEPHONE 512-731-7934  
E-MAIL michelle@nativetinyhomes.com

ADDRESS 10503 La Costa Dr.  
Austin, TX 78747

OWNER NAME Franco Ortiz  
DAY-TIME TELEPHONE 512-965-3855  
E-MAIL carlosporteny@gmail.com

ADDRESS c/o Carlos Porteny  
589 N FM 1626 #102  
Buda, TX 78640

### PROPERTY

ADDRESS OR GENERAL LOCATION 921 0 Silent Valley Road, Lockhart, TX  
LEGAL DESCRIPTION (IF PLATTED) A017 Lockhart, Byrd  
SIZE 5.10 ACRE(S) LAND USE PLAN DESIGNATION RLD  
EXISTING USE OF LAND AND/OR BUILDING(S) North half is AO. South half is RLD.  
PROPOSED NEW USE, IF ANY Rezone south half from RLD to AO.

### REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION AO / RLD  
North half is AO. South half is RLD.  
TO PROPOSED ZONING CLASSIFICATION Make entire lot AO.  
REASON FOR REQUEST Development of tiny home village. Since homes are constructed as RV's, the village will be classified as an RV park. RV parks are allowed in the AO Agricultural—Open Space District and CHB Commercial Heavy Business District. We are aware of the wastewater extension needed at our expense and are currently working with Sean Kelley for best mutual solution.



## SUBMITTAL REQUIREMENTS

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

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

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

APPLICATION FEE OF \$ 252.<sup>00</sup> PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

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

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE \_\_\_\_\_



DATE \_\_\_\_\_

4/22/21

## OFFICE USE ONLY

ACCEPTED BY Christine Bander

RECEIPT NUMBER 1001483

DATE SUBMITTED 4-22-2021

CASE NUMBER ZC - 21 - 05

DATE NOTICES MAILED 5-10-2021

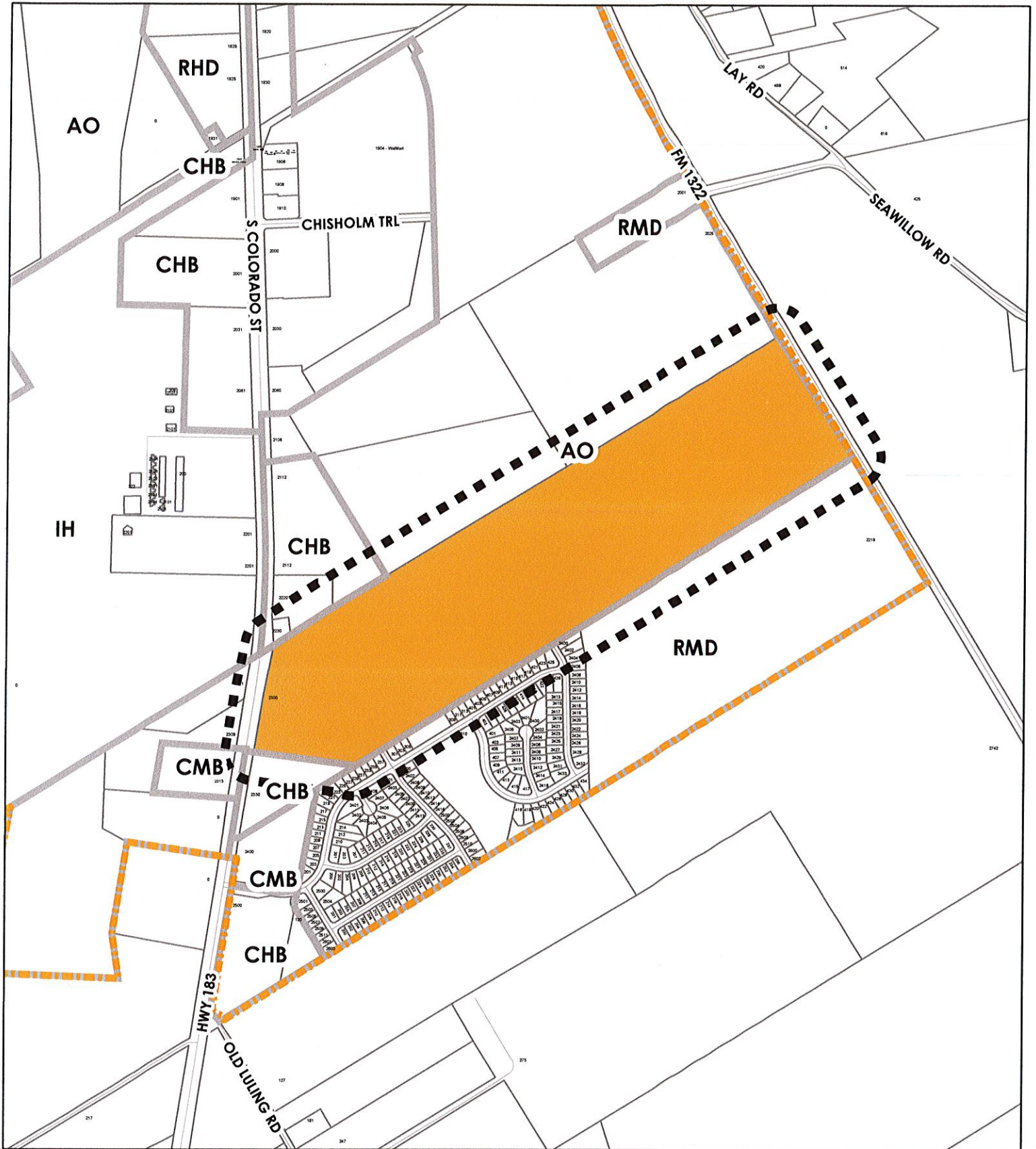
DATE NOTICE PUBLISHED 5-13-2021

PLANNING AND ZONING COMMISSION MEETING DATE 5-26-2021

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

CITY COUNCIL MEETING DATE June 1, 2021

DECISION \_\_\_\_\_



**ZC-21-06**

AO TO CHB & RMD

2300 S COLORADO ST



scale 1" = 900'

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

# PLANNING DEPARTMENT REPORT

# ZONING CHANGE

## CASE SUMMARY

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STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-21-06

REPORT DATE: May 20, 2021

PLANNING AND ZONING COMMISSION HEARING DATE: May 26, 2021

CITY COUNCIL HEARING DATE: June 1, 2021

REQUESTED CHANGE: AO to CHB and RMD

STAFF RECOMMENDATION: **Approval**

PLANNING AND ZONING COMMISSION RECOMMENDATION:

## BACKGROUND DATA

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APPLICANT: Keith Schauer, P.E.

OWNER: Robert A. Schmidt

SITE LOCATION: 2300 South Colorado Street (US 183).

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 101.71 acres

EXISTING USE OF PROPERTY: Vacant

LAND USE PLAN DESIGNATION: General-Heavy Commercial, Medium Density Residential

## ANALYSIS OF ISSUES

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REASON FOR REQUESTED ZONING CHANGE: The owner proposes an expansion of the existing Summerside Subdivision into the adjacent property to the north, which will include four commercial lots at the west end, with the remainder being 365 single-family residential lots. The pattern of development will be similar to the existing Summerside Subdivision, and the developments will be internally connected where existing streets are stubbed out.

### AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Tire shop, Funeral home, Vacant/Agriculture	AO, CHB	Medium Density Residential, General-Heavy Commercial
East	Agriculture	Outside city limits	Agricultural/Rural Dev. General-Heavy Commercial
South	Single-family dwellings, Subdivision construction	RMD	Medium Density Residential
West	Ford dealership, Tractor Supply, Church	AO, CMB, CHB, IL	General-Heavy Commercial, Public and Institutional

TRANSITION OF ZONING DISTRICTS: The subject rezoning is simply an expansion of the RMD zoning of the existing Summerside Subdivision, and will move the transition line between RMD and AO northward.

**ADEQUACY OF INFRASTRUCTURE:** The internal street network of the subdivision will have access to both South Colorado Street and FM 1322. Existing water and wastewater mains in the area are adequate to serve the proposed subdivision.

**POTENTIAL NEIGHBORHOOD IMPACT:** This is a large subdivision of similar size as the existing Summerside Subdivision. The major impact will be traffic generated by the four commercial lots and the 365 homes. It's likely that a right-turn deceleration lane will be required where the primary subdivision street intersects FM 1322, and a center left-turn lane in Colorado Street at the primary subdivision entrance. Similar road improvements are planned for the existing Summerside Subdivision.

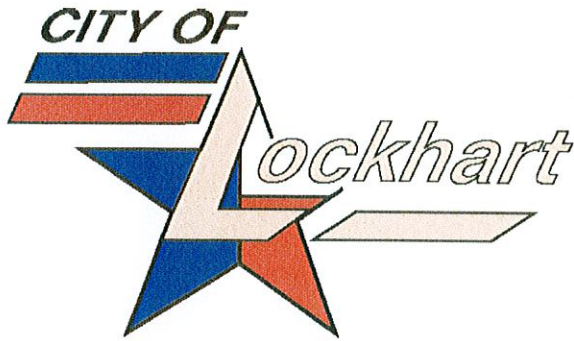
**CONSISTENCY WITH COMPREHENSIVE PLAN:** The proposed CHB and RMD zoning classifications are consistent with the corresponding Land Use Plan map designations of the subject property.

**ALTERNATIVE CLASSIFICATIONS:** None more appropriate.

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

**STAFF RECOMMENDATION:** Approval as submitted.





## ZONING CHANGE APPLICATION

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

### APPLICANT/OWNER

APPLICANT NAME Keith Schauer, P.E.

DAY-TIME TELEPHONE 512-583-2672

E-MAIL kschauer@doucetengineers.com

OWNER NAME Robert A. Schmidt

DAY-TIME TELEPHONE \_\_\_\_\_

E-MAIL bobby@schmidtranch.net

ADDRESS Doucet & Associates, Inc.

829 N. St. Joseph Street

Gonzales, TX 78629

ADDRESS \_\_\_\_\_

3595 Schuelke Road

Niederwald, TX 78640

### PROPERTY

ADDRESS OR GENERAL LOCATION <sup>2300</sup> S. Colorado Street, north of Summerside Subdivision

LEGAL DESCRIPTION (IF PLATTED) \_\_\_\_\_

SIZE 101.71 ACRE(S)

LAND USE PLAN DESIGNATION General-Heavy Commercial and Residential, Medium Density

EXISTING USE OF LAND AND/OR BUILDING(S) Agriculture

PROPOSED NEW USE, IF ANY commercial and residential

### REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Agricultural Open Space

TO PROPOSED ZONING CLASSIFICATION Commercial Heavy Business (10.62 Ac) and Residential Medium Density (91.09 Ac)

REASON FOR REQUEST To allow subdivision and development the of property in conformance with the City's Comprehensive Plan.

**SUBMITTAL REQUIREMENTS**

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

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

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

APPLICATION FEE OF \$ 2,184.46 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

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

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE 

DATE 4-30-21

**OFFICE USE ONLY**

ACCEPTED BY Don Gibson

RECEIPT NUMBER 01003166

DATE SUBMITTED 4-30-21

CASE NUMBER ZC - 21 - 06

DATE NOTICES MAILED 5-10-21

DATE NOTICE PUBLISHED 5-13-21

PLANNING AND ZONING COMMISSION MEETING DATE 5-26-21

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

CITY COUNCIL MEETING DATE 6-1-21

DECISION \_\_\_\_\_

March 29, 2021

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

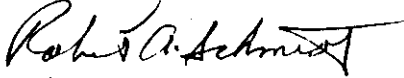
RE: 101.723 Acre Tract of Land, Property ID: 17196

Dear Dan,

As owner of the 101 acres of land situated east of and along S. Colorado Street (US Hwy 183), north of the Summerside Subdivision and west of FM 1322, I hereby authorize Keith Schauer, P.E. of Doucet & Associates, Inc. to act as agent in submitting and processing both zoning and subdivision applications as needed for the continued development of this property.

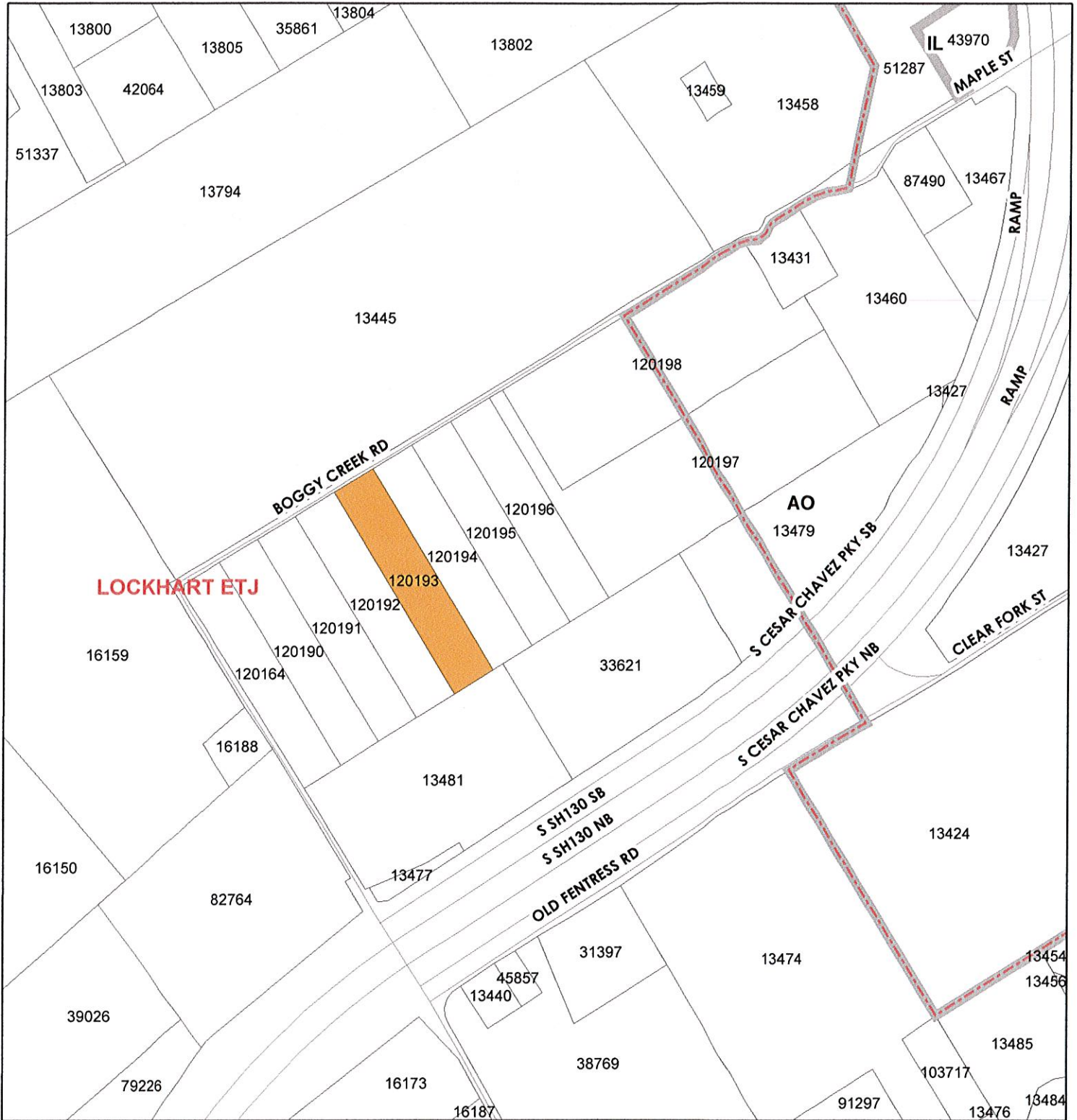
If you should have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Robert A. Schmidt, Owner  
3595 Schuelke Road  
Niederwald, TX 78640





**PV-21-02**

1589 BOGGY CREEK RD



PLAT VARIANCE TO ALLOW CALDWELL COUNTY TO PROCESS FAMILY LAND GRANT

-  Subject Property
-  Zoning
-  Lockhart City Limits

scale 1" = 900'

**CASE SUMMARY**

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STAFF CONTACT: Kevin Waller, Assistant City Planner

KW

CASE NUMBER: PV-21-02

REPORT DATE: May 20, 2021

PLANNING &amp; ZONING COMMISSION DATE: May 26, 2021

APPLICANT'S REQUEST: Waive the requirement to submit a subdivision plat for a Family Land Grant dividing a 10.3388-acre parcel into two parcels in the Lockhart ETJ

STAFF RECOMMENDATION: ***Approval, if the Commission finds that all Subdivision Variance Criteria are met.*****BACKGROUND DATA**

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APPLICANT: José Carillo

SURVEYOR: Jerry Hinkle, Hinkle Surveyors

OWNERS: Jaime Portillo and Roxana Rodriguez

SITE LOCATION: 1589 Boggy Creek Rd.

SUBDIVISION NAME: N/A

SIZE OF PROPERTY: 10.3388 acres

NUMBER OF PROPOSED LOTS: Two

EXISTING USE OF PROPERTY: Undeveloped

ZONING CLASSIFICATION: Outside City limits – no zoning, but AO District standards apply to lots

**ANALYSIS OF ISSUES**

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PROPOSED VARIANCE: 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, both of which are less than 10 acres. Rather than go through the City's subdivision platting process, the applicant proposes to pursue a Family Land Grant procedure through Caldwell County. The owner is conveying one of the resulting parcels to Xochitl Portillo, sister of property owner Jaime Portillo, as shown on the attached site plan. Once approvals are secured from both the City and County, a single-family dwelling will be constructed on each of the two resulting parcels.

AREA CHARACTERISTICS: The property is located in a rural residential area, approximately ½ mile west of the Lockhart City limits. Allowing smaller parcels without requiring a subdivision plat sets a precedent for higher intensity development without the City having the opportunity to enforce any applicable subdivision standards.

SPECIAL CIRCUMSTANCES: The property's lack of municipal water and sewer service, combined with its location in the ETJ and a rural residential area, might be considered a special circumstance such that requiring a subdivision plat would create a burdensome process for the applicant. Were the platting procedures applied, variances to multiple subdivision standards would be required, similar to other subdivisions in the ETJ.

**PRESERVATION OF SUBSTANTIAL PROPERTY RIGHT:** The proposed variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant. Nothing prevents the applicant from proposing a subdivision through the platting process, nor from potentially receiving approval through that process.

**EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY:** The planned construction of a single-family dwelling on each of the proposed parcels will have negligible impacts in a rural residential area outside the City limits.

**EFFECT ON ORDERLY SUBDIVISION OF OTHER LAND:** Since the proposed land division will not create any landlocked parcels, the variance will not limit the potential for subdivision or development of other land in the area.

**ALTERNATIVES:** The applicant could submit a subdivision plat as an alternative to the proposed variance. The subdivision standards would require the paving of Boggy Creek Road, a public sidewalk along the road, parkland obligation, and a water supply that meets City fire flow requirements. However, variances to some of these requirements would be likely for the proposed land division, which would make the platting process onerous for an otherwise straightforward, rural two-lot division.



NOTES:

- SITE ADDRESS: BOGGY CREEK ROAD, LOCKHART, TEXAS 78644.
- GF NO.:
- PROPOSED INSURED:
- THE SUBJECT PROPERTY IS SITUATED WITHIN FLOOD ZONE "X", KNOWN AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS INDICATED ON FEMA FIRM COMMUNITY PANEL NUMBER: 4805500250E, MAP REVISED DATE: JUNE 19, 2012, FOR CALDWELL COUNTY, TEXAS.
- \*SURVEYOR DOES NOT GUARANTEE OR WARRANT THE ACCURACY OR CORRECTNESS OF FEMA FIRM MAPS.
- GRID BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83, SOUTH CENTRAL ZONE 4204.
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS CALDWELL COUNTY, TEXAS.
- M.R.C.C.T. = MAP RECORDS CALDWELL COUNTY, TEXAS.
- D.R.C.C.T. = DEED RECORDS CALDWELL COUNTY, TEXAS.
- PL = DENOTES PROPERTY LINE.
- IRF = IRON ROD FOUND.
- XOS = 1/2 INCH IRON ROD WITH ORANGE PLASTIC CAP STAMPED "XOS".
- PROPERTY CORNERS NOTED.
- THE SUBJECT PROPERTY HAS ACCESS TO & FROM A PUBLIC ROADWAY.
- THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN.
- THERE MAY BE EXISTING UTILITIES & PIPELINES NOT SHOWN ON PLAT. USE THE TEXAS ONE CALL SYSTEM TO LOCATE PIPELINES BEFORE PERFORMING EXCAVATIONS ON THIS PROPERTY (<http://texas811.org/>).
- APPROXIMATE CENTERLINE PIPELINE LOCATION FOUND FROM PIPELINE MARKERS FOUND ON THE GROUND 08/27/2020.
- THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF CURRENT PARTIES, AND CONTAINS THE ORIGINAL SIGNATURE IN BLUE INK. NO EXPRESSED OR IMPLIED LICENSE HAS BEEN CREATED TO COPY THIS SURVEY EXHIBIT, EXCEPT AS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION, AND IS LIMITED TO SIX (6) MONTHS FROM THE DATE OF THIS SURVEY.
- ALL RIGHTS RESERVED © UCCT-308.



*Xavier Sandoval*

REGISTERED PROFESSIONAL LAND SURVEYOR  
 LICENSE NO. 5886, STATE OF TEXAS  
 I, XAVIER SANDOVAL, REGISTERED PROFESSIONAL LAND SURVEYOR OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT REPRESENTS AN ON THE GROUND SURVEY, PERFORMED UNDER MY SUPERVISION THIS THE 24TH DAY OF AUGUST, 2020.

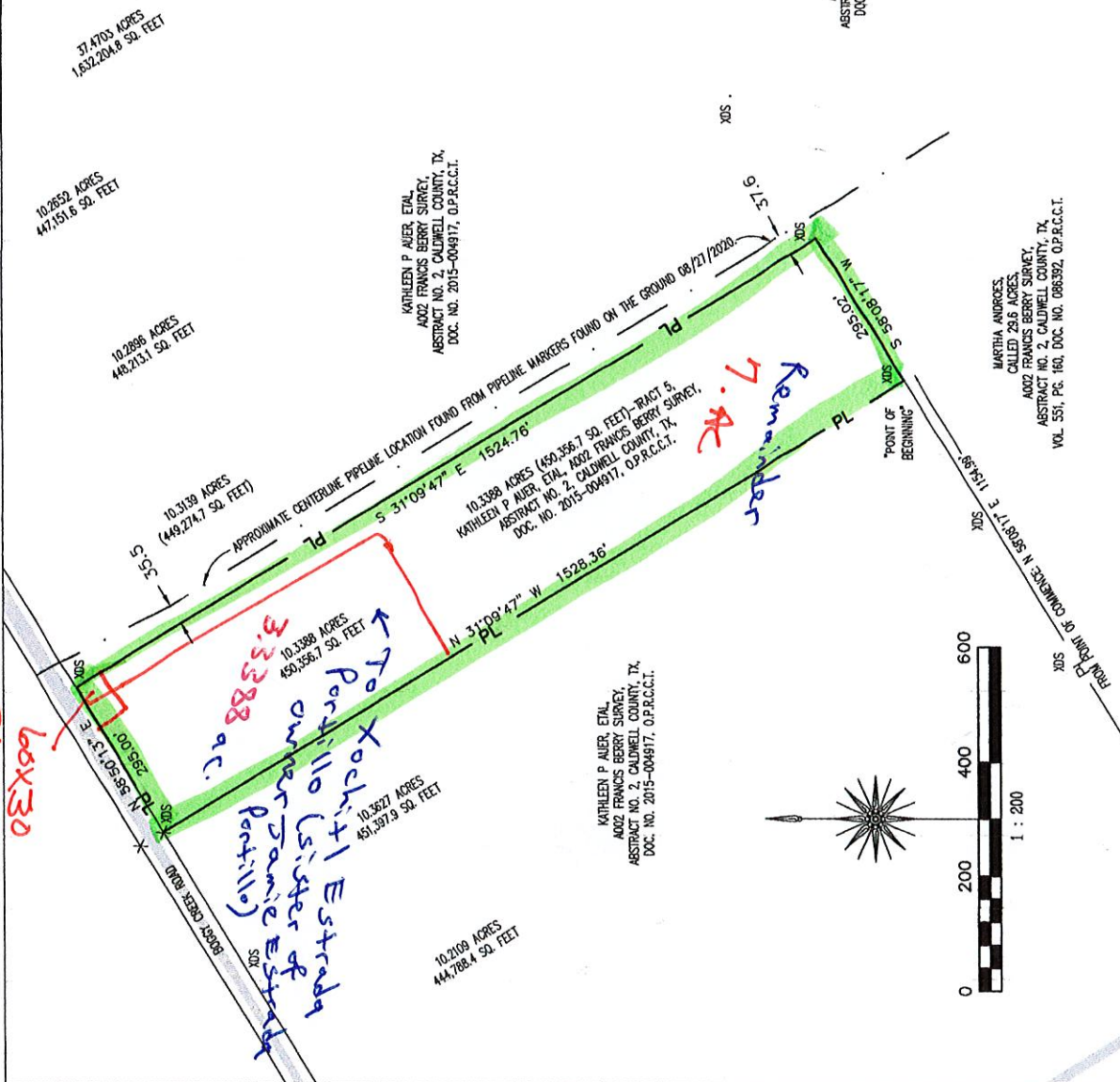
BOBBY & KAREN COX  
 CALLED 26.34  
 4002 FRANCIS BERRY SURVEY  
 ABSTRACT NO. 2, CALDWELL COUNTY, TX.  
 DOC. NO. 2017-003665, O.P.R.C.C.T.

DRAWN BY: XDS		DATE: 08/24/2020
APPROVED: XDS		DATE: 08/27/2020
SCALE: 1 : 200	PROJECT NO.:	2020-300 LOT 5

SURVEY OF 10.3388 ACRES (450,356.7 SQ. FEET)-TRACT 5,  
 KATHLEEN P AUER, ETAL, 4002 FRANCIS BERRY SURVEY,  
 ABSTRACT NO. 2, CALDWELL COUNTY, TX.  
 DOC. NO. 2015-004917, O.P.R.C.C.T.



Completed Land Services  
 301 South Loop West, Suite 100  
 Office: 936-241-8226 TX 77704  
 Land Surveyors: Xavier Sandoval, Robert Sandoval  
 Xavier D. Sandoval, B.S.L.S.  
 Robert Sandoval, B.S.L.S.  
 License: 218-178-2789



*Sha Road Easement*

*box 30*

*To Xochitl Estrada  
 (sister of Omar Javier Estrada)*

*Remainder*

0 200 400 600  
 1 : 200

***Special Circumstances to platting:***

- 1) The City of Lockhart does have a Family Land Grant process in effect at this time for family's to divide land. The applicant will be required to follow Caldwell County's procedures to the Family Land Grant process listed as Section 3.3.1(A)(1) of the Caldwell County Development Ordinance, but must obtain approval from the City of Lockhart in the ETJ. All permits will be issued by Caldwell County, driveway permits, residential permits, septic permits as well as filing for a Family Land Grant.
- 2) This land was bought to by family members with the anticipation of living next to each other.
- 3) The split 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 will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of the Code.





# 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).

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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 4-29-2021

PRINTED NAME \_\_\_\_\_

Agent: Jose Carillo

TELEPHONE \_\_\_\_\_

703-629-5831



## 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) Platting - 52-31(a) OF THE SUBDIVISION REGULATIONS

CURRENT ORDINANCE REQUIREMENT(S) Subdivision Plat required.

REQUESTED VARIANCE(S) Caldwell County allows Family Land Grants if the City of Lockhart Grants a Variance to platting in the ETJ of the City of Lockhart.

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 N/A

DATE SUBMITTED 5/4/21 CASE NUMBER PV - 21 - 02

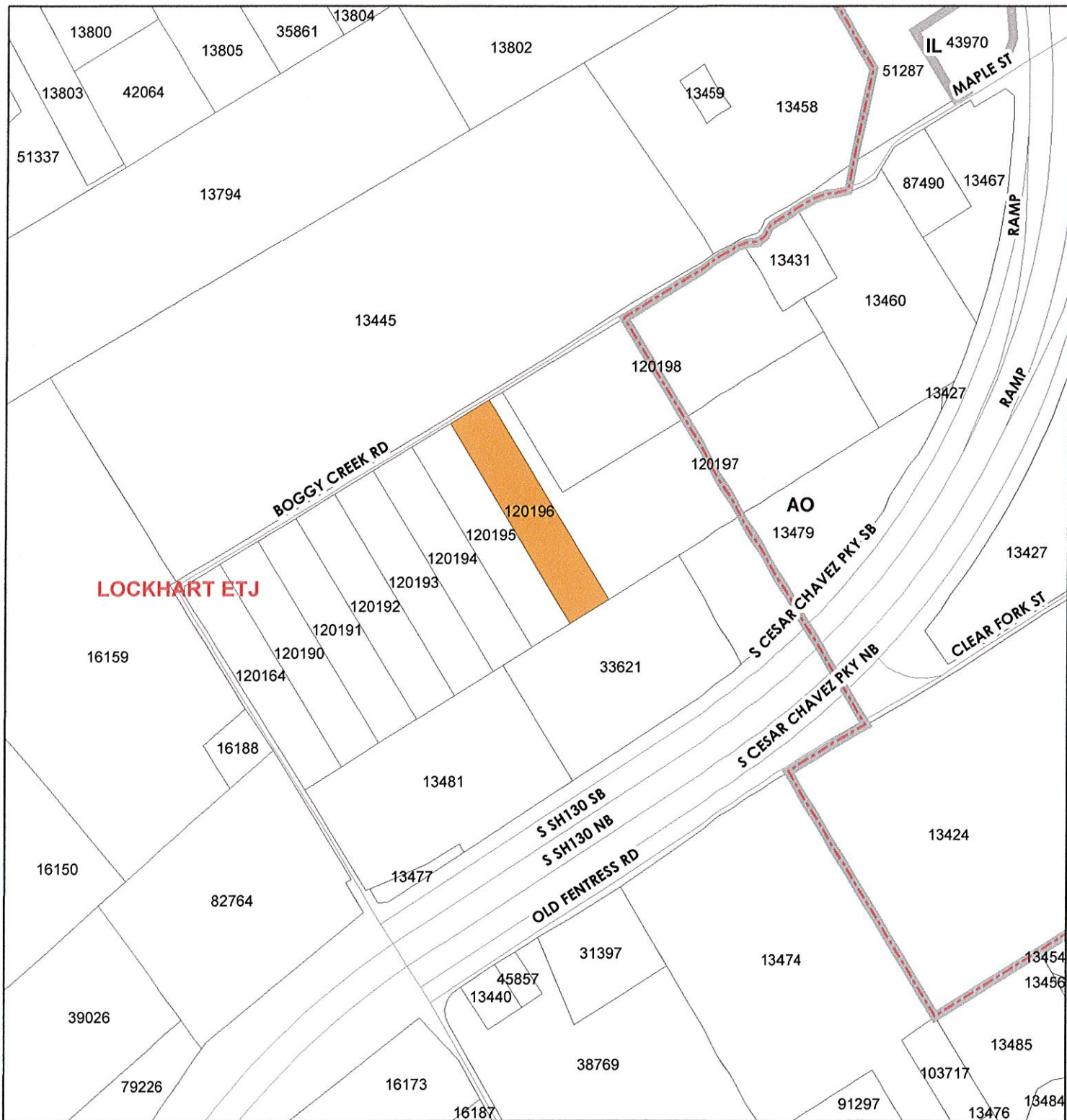
DATE APPLICATION IS DEEMED COMPLETE N/A

DATE NOTICES MAILED \_\_\_\_\_ DATE NOTICE PUBLISHED \_\_\_\_\_  
(For certain Replats/Resubdivisions without vacating preceding plat)

PLANNING AND ZONING COMMISSION MEETING DATE 5/26/21

DECISION \_\_\_\_\_

CONDITIONS \_\_\_\_\_



# PV-21-03

1529 BOGGY CREEK RD



-  Subject Property
-  Zoning
-  Lockhart City Limits

PLAT VARIANCE TO ALLOW CALDWELL COUNTY TO PROCESS FAMILY LAND GRANT

scale 1" = 900'



**CASE SUMMARY**

---

STAFF CONTACT: Kevin Waller, Assistant City Planner

KW

CASE NUMBER: PV-21-03

REPORT DATE: May 21, 2021

PLANNING &amp; ZONING COMMISSION DATE: May 26, 2021

APPLICANT'S REQUEST: Waive the requirement to submit a subdivision plat for a Family Land Grant dividing a 10.2652-acre parcel into two parcels in the Lockhart ETJ

STAFF RECOMMENDATION: ***Approval, if the Commission finds that all Subdivision Variance Criteria are met.*****BACKGROUND DATA**

---

APPLICANT: José Carillo

SURVEYOR: Jerry Hinkle, Hinkle Surveyors

OWNER: Pedro Carillo Oropeza

SITE LOCATION: 1529 Boggy Creek Rd.

SUBDIVISION NAME: N/A

SIZE OF PROPERTY: 10.2652 acres

NUMBER OF PROPOSED LOTS: Two

EXISTING USE OF PROPERTY: Undeveloped

ZONING CLASSIFICATION: Outside City limits – no zoning, but AO District standards apply to lots

**ANALYSIS OF ISSUES**

---

PROPOSED VARIANCE: 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, both of which are less than 10 acres. Rather than go through the City's subdivision platting process, the applicant proposes to pursue a Family Land Grant procedure through Caldwell County. The owner is conveying one of the resulting parcels to José Oropeza, brother of property owner Pedro Oropeza, as shown on the attached site plan. Once approvals are secured with both the City and County, a single-family dwelling will be constructed on each of the two resulting parcels.

AREA CHARACTERISTICS: The property is located in a rural residential area, approximately ½ mile west of the Lockhart City limits. Allowing smaller parcels without requiring a subdivision plat sets a precedent for higher intensity development without the City having the opportunity to enforce any applicable subdivision standards.

SPECIAL CIRCUMSTANCES: The property's lack of municipal water and sewer service, combined with its location in the ETJ and a rural residential area, might be considered a special circumstance such that requiring a subdivision plat would create a burdensome process for the applicant. Were the platting procedures applied, variances to multiple subdivision standards would be required, similar to other subdivisions in the ETJ.

**PRESERVATION OF SUBSTANTIAL PROPERTY RIGHT:** The proposed variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant. Nothing prevents the applicant from proposing a subdivision through the platting process, nor from potentially receiving approval through that process.

**EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY:** The planned construction of a single-family dwelling on each of the proposed parcels will have negligible impacts in a rural residential area outside the City limits.

**EFFECT ON ORDERLY SUBDIVISION OF OTHER LAND:** Since the proposed land division will not create any landlocked parcels, the variance will not limit the potential for subdivision or development of other land in the area.

**ALTERNATIVES:** The applicant could submit a subdivision plat as an alternative to the proposed variance. The subdivision standards would require the paving of Boggy Creek Road, a public sidewalk along the road, parkland obligation, and a water supply that meets City fire flow requirements. However, variances to some of these requirements would be likely for the proposed land division, which would make the platting process onerous for an otherwise straightforward, rural two-lot division.



Shared  
Driveway  
60x30

25.0

50.0

50.0

50.0

50.0

50.0

37.4703 ACRES  
1,632,204.8 SQ. FEET  
ABSTRACT NO. 2, CALDWELL COUNTY, TX

10.2652 ACRES  
447,151.6 SQ. FEET  
ABSTRACT NO. 2, CALDWELL COUNTY, TX

10.2886 ACRES  
448,213.1 SQ. FEET  
ABSTRACT NO. 2, CALDWELL COUNTY, TX

10.3142 ACRES  
449,286.1 SQ. FEET  
ABSTRACT NO. 2, CALDWELL COUNTY, TX

10.3198 ACRES  
450,356.7 SQ. FEET  
ABSTRACT NO. 2, CALDWELL COUNTY, TX

10.2652 ACRES (447,151.6 SQ. FEET) - TRACT B,  
KATHLEEN P AUER, ETAL, A002 FRANCIS BERRY SURVEY,  
ABSTRACT NO. 2, CALDWELL COUNTY, TX,  
DOC. NO. 2015-004917, O.P.R.C.C.T.

10.2652 ACRES (447,151.6 SQ. FEET) - TRACT B,  
KATHLEEN P AUER, ETAL, A002 FRANCIS BERRY SURVEY,  
ABSTRACT NO. 2, CALDWELL COUNTY, TX,  
DOC. NO. 2015-004917, O.P.R.C.C.T.

To Jose  
Guadalupe Carrillo  
Drapeza &  
brother of owner  
Pedro Carrillo  
Drapeza

5.2 or Remainder

NOTES:

- SITE ADDRESS: BOGGY CREEK ROAD, LOCKHART, TEXAS 78644.
- PROPOSED INSURED:
- THE SUBJECT PROPERTY IS SITUATED WITHIN FLOOD ZONE "X". KNOWN AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS INDICATED ON FEMA FIRM COMMUNITY PANEL NUMBER: 4805500250E, MAP REVISED DATE: JUNE 19, 2012, FOR CALDWELL COUNTY, TEXAS.
- \*SURVEYOR DOES NOT GUARANTEE OR WARRANT THE ACCURACY OR CORRECTNESS OF FEMA FIRM MAPS. GRID BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83, SOUTH CENTRAL ZONE 4204.
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS CALDWELL COUNTY, TEXAS.
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- PL = DENOTES PROPERTY LINE.
- IRF = IRON ROD FOUND.
- XDS = 1/2 INCH IRON ROD WITH ORANGE PLASTIC CAP STAMPED "XDS".
- PROPERTY CORNERS NOTED.
- THE SUBJECT PROPERTY HAS ACCESS TO & FROM A PUBLIC ROADWAY.
- THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN.
- THERE MAY BE EXISTING UTILITIES & PIPELINES NOT SHOWN ON PLAT. USE THE TEXAS ONE CALL SYSTEM TO LOCATE PIPELINES BEFORE PERFORMING EXCAVATIONS ON THIS PROPERTY (<http://texas811.org/>).
- PROPERTY SUBJECT TO 25' P.U.E., (2-2689 ACRES 98,835.2 SQ. FEET), ALONG BOGGY CREEK ROAD, A002 FRANCIS BERRY SURVEY, ABSTRACT NO. 2, CALDWELL COUNTY, TX.
- THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF CURRENT PARTIES, AND CONTAINS THE ORIGINAL SIGNATURE IN BLUE INK. NO EXPRESSED OR IMPLIED LICENSE HAS BEEN CREATED TO COPY THIS SURVEY EXHIBIT, EXCEPT AS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION, AND IS LIMITED TO SIX (6) MONTHS FROM THE DATE OF THIS SURVEY.
- ALL RIGHTS RESERVED © UCCI-308.



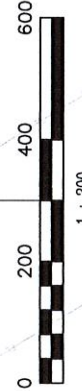
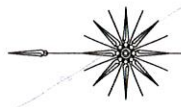
Xavier Sandoval  
REGISTERED PROFESSIONAL LAND SURVEYOR  
LICENSE NO. 5886, STATE OF TEXAS

I, XAVIER SANDOVAL, REGISTERED PROFESSIONAL LAND SURVEYOR OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT REPRESENTS AN ON THE GROUND SURVEY, PERFORMED UNDER MY SUPERVISION THIS THE 24TH DAY OF AUGUST, 2020.

DRAWN BY: XDS		DATE: 08/24/2020
APPROVED: XDS		DATE: 08/31/2020
SCALE: 1 : 200		PROJECT NO.: 2020-300 LOT 8
10.2652 ACRES (447,151.6 SQ. FEET) - TRACT B, KATHLEEN P AUER, ETAL, A002 FRANCIS BERRY SURVEY, ABSTRACT NO. 2, CALDWELL COUNTY, TX, DOC. NO. 2015-004917, O.P.R.C.C.T.		



Campbell Land Services  
303 South Madison St., Meadville, TX 77664  
www.campbellland.com  
Land Surveyors & Right of Way Professionals  
M&E: 361-787-7199



1 : 200

MARTHA ANDREES

"POINT OF BEGINNING"

BOBBY & KAREN COX,  
CALLED 26.341,  
A002 FRANCIS BERRY SURVEY,  
ABSTRACT NO. 2, CALDWELL COUNTY, TX,  
DOC. NO. 2017-003695, O.P.R.C.C.T.

KATHLEEN P AUER, ETAL,  
A002 FRANCIS BERRY SURVEY,  
ABSTRACT NO. 2, CALDWELL COUNTY, TX,  
DOC. NO. 2015-004917, O.P.R.C.C.T.

***Special Circumstances to platting:***

- 1) The City of Lockhart does have a Family Land Grant process in effect at this time for family's to divide land. The applicant will be required to follow Caldwell County's procedures to the Family Land Grant process listed as Section 3.3.1(A)(1) of the Caldwell County Development Ordinance, but must obtain approval from the City of Lockhart in the ETJ. All permits will be issued by Caldwell County, driveway permits, residential permits, septic permits as well as filing for a Family Land Grant.
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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 Jerry L Hinkle  
DAY-TIME TELEPHONE 512-398-2000  
E-MAIL contact@hinklesurveyors.com

ADDRESS 1109 S Main Street  
Lockhart TX 78644

ENGINEER NAME none  
DAY-TIME TELEPHONE \_\_\_\_\_  
E-MAIL \_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OWNER NAME Pedro Carillo Orpeza  
DAY-TIME TELEPHONE \_\_\_\_\_  
E-MAIL agent: Jose Carillo 703-629-5831  
Joseccz@comcast.net

ADDRESS 750 Silent Valley Rd.  
Trailer # 79  
Lockhart 78644

**TYPE OF APPLICATION**

\_\_\_\_ SUBDIVISION DEVELOPMENT PLAN    \_\_\_\_ REPLAT/RESUBDIVISION    <sup>- platting -</sup> X VARIANCE  
\_\_\_\_ PRELIMINARY PLAT    \_\_\_\_ AMENDING PLAT    \_\_\_\_ MINOR PLAT    \_\_\_\_ FINAL PLAT  
\_\_\_\_ DEVELOPMENT PLAT

**PROPERTY**

<sup>DN/A</sup>  
SUBDIVISION NAME Maple Ranch Unrecorded

1529 Boggy Creek Rd.  
↓

ADDRESS OR GENERAL LOCATION Boggy Creek Road Pid No: 120196

LOCATED IN    \_\_\_\_ CITY LIMITS    X ETJ (COUNTY)    \_\_\_\_ PDD

TOTAL LAND AREA .10.2652 ACRE(S)    PROPOSED NUMBER OF LOTS 2

ZONING CLASSIFICATION(S) (ETJ) - None

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.

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SIGNATURE 

DATE 4-29-2021

PRINTED NAME Agent: Jose Carillo

TELEPHONE 703-629-5831



**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.*

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**SUBDIVISION VARIANCE (for variance applications, only)**

VARIANCE TO SECTION(S) Platting 52-31(a) OF THE SUBDIVISION REGULATIONS  
CURRENT ORDINANCE REQUIREMENT(S) Plat Required.

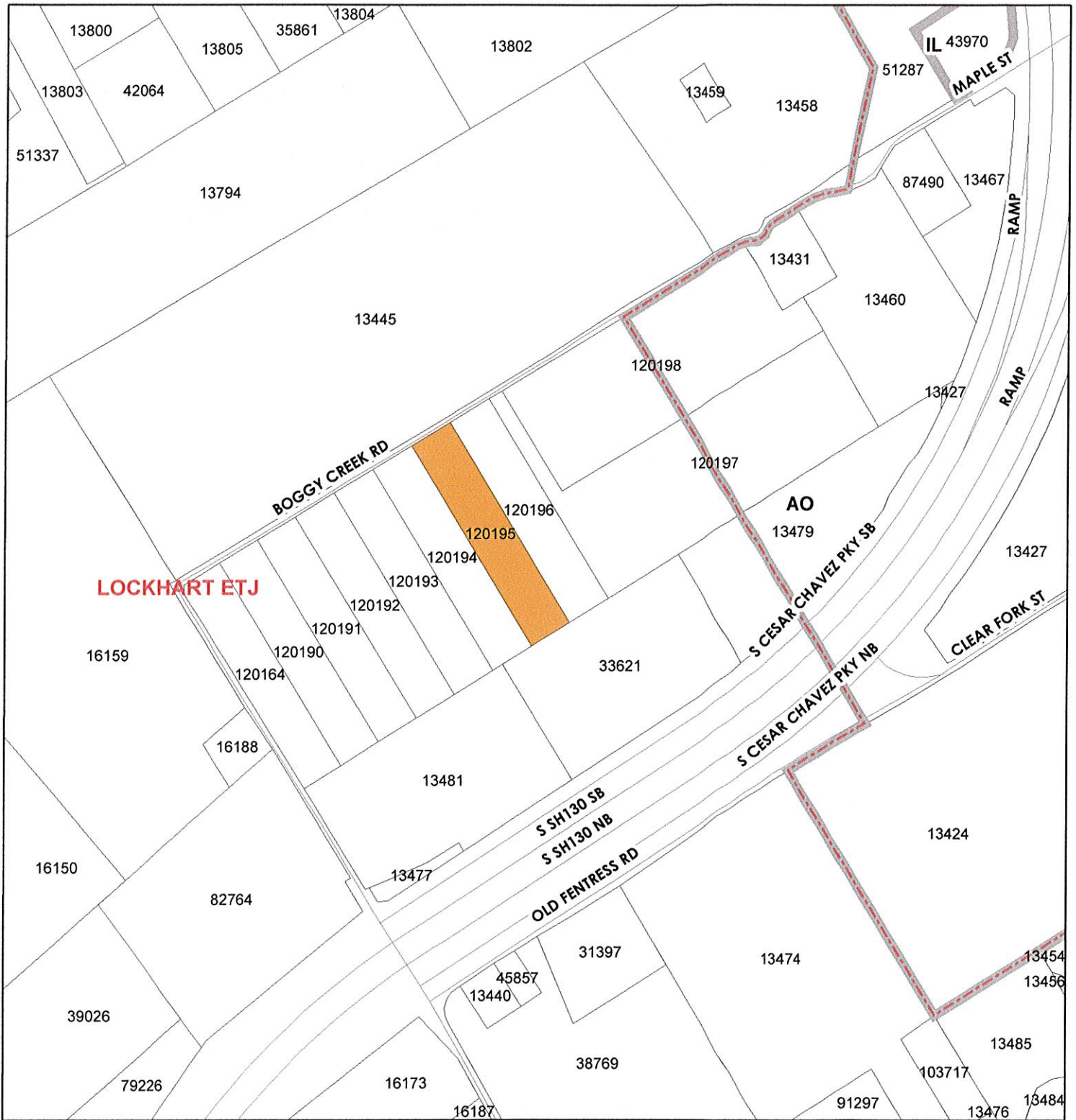
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SUBMIT A WRITTEN STATEMENT DOCUMENTING THE REASON FOR THE VARIANCE(S), INCLUDING EVIDENCE THAT THE REQUEST COMPLIES WITH THE FOLLOWING CRITERIA AS REQUIRED FOR APPROVAL OF A VARIANCE:

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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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,
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**OFFICE USE ONLY**




ACCEPTED BY Kevin Waller RECEIPT NUMBER N/A  
DATE SUBMITTED 5/4/21 CASE NUMBER PV -21 -03  
DATE APPLICATION IS DEEMED COMPLETE \_\_\_\_\_  
DATE NOTICES MAILED \_\_\_\_\_ DATE NOTICE PUBLISHED \_\_\_\_\_  
(For certain Replats/Resubdivisions without vacating preceding plat)  
PLANNING AND ZONING COMMISSION MEETING DATE 5/26/21  
DECISION \_\_\_\_\_  
CONDITIONS \_\_\_\_\_



**PV-21-04**

1541 BOGGY CREEK RD



-  Subject Property
-  Zoning
-  Lockhart City Limits

PLAT VARIANCE TO ALLOW CALDWELL COUNTY TO PROCESS FAMILY LAND GRANT

scale 1" = 900'



**CASE SUMMARY**

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

CASE NUMBER: PV-21-04

REPORT DATE: May 21, 2021

PLANNING &amp; ZONING COMMISSION DATE: May 26, 2021

APPLICANT'S REQUEST: Waive the requirement to submit a subdivision plat for a Family Land Grant dividing a 10.2896-acre parcel into two parcels in the Lockhart ETJ

STAFF RECOMMENDATION: ***Approval, if the Commission finds that all Subdivision Variance Criteria are met.*****BACKGROUND DATA**

---

APPLICANT: José Carillo

SURVEYOR: Jerry Hinkle, Hinkle Surveyors

OWNERS: Angel and Maria Alvarez, Gerardo Sandoval, and Araseli Llamas

SITE LOCATION: 1541 Boggy Creek Rd.

SUBDIVISION NAME: N/A

SIZE OF PROPERTY: 10.2896 acres

NUMBER OF PROPOSED LOTS: Two

EXISTING USE OF PROPERTY: Undeveloped

ZONING CLASSIFICATION: Outside City limits – no zoning, but AO District standards apply to lots

**ANALYSIS OF ISSUES**

---

PROPOSED VARIANCE: 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, both of which are less than 10 acres. Rather than go through the City's subdivision platting process, the applicant proposes to pursue a Family Land Grant procedure through Caldwell County. The owner is conveying one of the resulting parcels to Maria Alvarez, sister of property owner Gerardo Sandoval, as shown on the attached site plan. It should be noted that Ms. Alvarez is also shown as an owner of the subject property. Since Ms. Alvarez can't convey a new parcel to herself, a Quitclaim Deed must first be filed at the County Clerk's office removing her ownership interest from the subject property, prior to recording the deed placing ownership of the new parcel into her name pursuant to Caldwell County's Family Land Grant procedures. Once approvals are secured with both the City and County, a single-family dwelling will be constructed on each of the two resulting parcels.

AREA CHARACTERISTICS: The property is located in a rural residential area, approximately ½ mile west of the Lockhart City limits. Allowing smaller parcels without requiring a subdivision plat sets a precedent for higher intensity development without the City having the opportunity to enforce any applicable subdivision standards.

SPECIAL CIRCUMSTANCES: The property's lack of municipal water and sewer service, combined with its location in the ETJ and a rural residential area, might be considered a special circumstance such that requiring a subdivision plat would create a burdensome process for the applicant. Were the platting procedures applied, variances to multiple subdivision standards would be required, similar to other subdivisions in the ETJ.

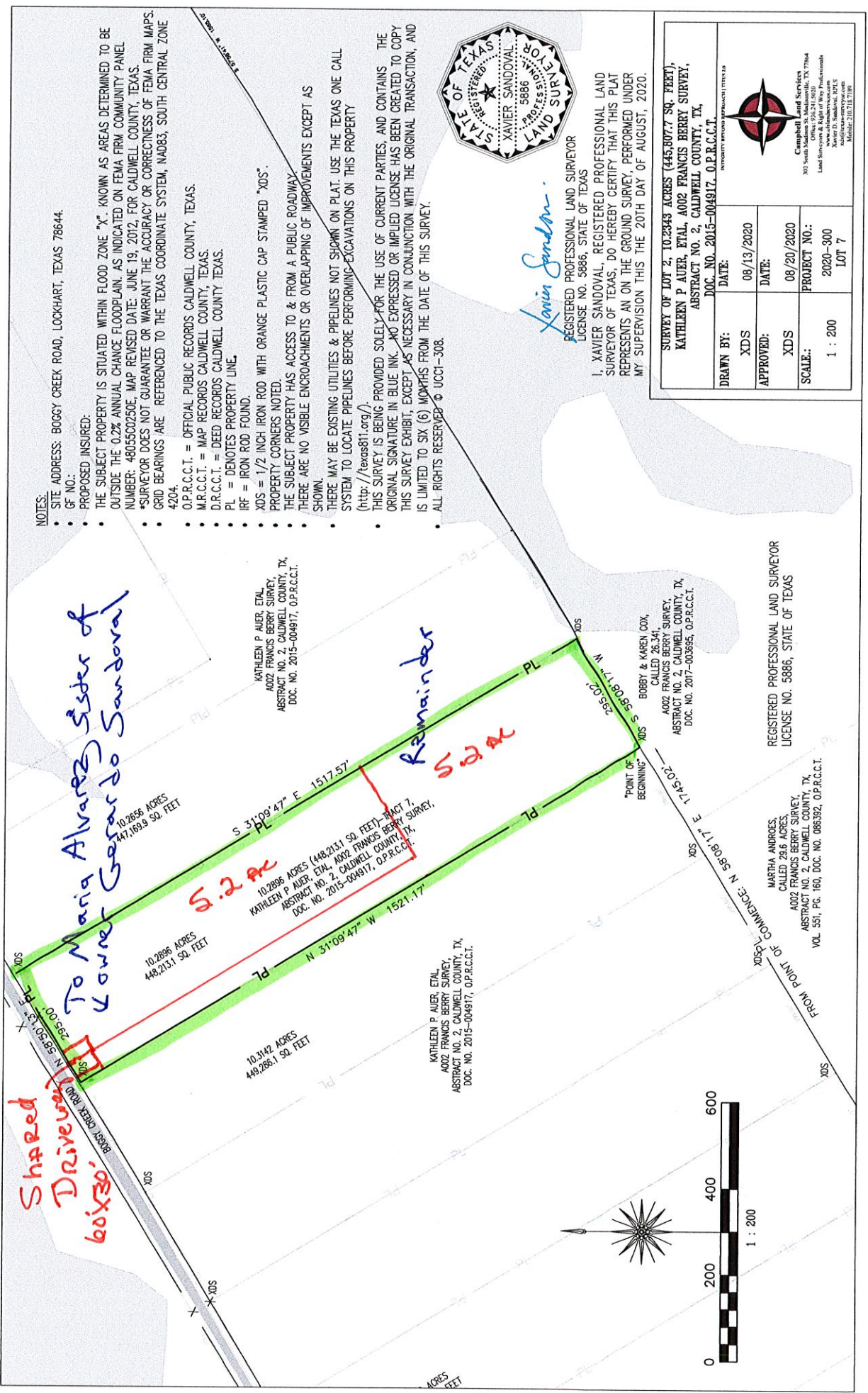
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**ALTERNATIVES:** The applicant could submit a subdivision plat as an alternative to the proposed variance. The subdivision standards would require the paving of Boggy Creek Road, a public sidewalk along the road, parkland obligation, and a water supply that meets City fire flow requirements. However, variances to some of these requirements would be likely for the proposed land division, which would make the platting process onerous for an otherwise straightforward, rural two-lot division.





**NOTES:**

- SITE ADDRESS: BOGGY CREEK ROAD, LOCKHART, TEXAS 76644.
- PROPOSED INSURED:
- THE SUBJECT PROPERTY IS SITUATED WITHIN FLOOD ZONE "X" KNOWN AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS INDICATED ON FEMA FIRM COMMUNITY PANEL NUMBER: 4805500250E, MAP REVISED DATE: JUNE 19, 2012, FOR CALDWELL COUNTY, TEXAS.
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- THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN.
- THERE MAY BE EXISTING UTILITIES & PIPELINES NOT SHOWN ON PLAT. USE THE TEXAS ONE CALL SYSTEM TO LOCATE PIPELINES BEFORE PERFORMING EXCAVATIONS ON THIS PROPERTY (<http://texas811.org/>)
- THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF CURRENT PARTIES, AND CONTAINS THE ORIGINAL SIGNATURE IN BLUE INK. NO EXPRESSED OR IMPLIED LICENSE HAS BEEN CREATED TO COPY THIS SURVEY EXHIBIT, EXCEPT AS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION, AND IS LIMITED TO SIX (6) MONTHS FROM THE DATE OF THIS SURVEY.
- ALL RIGHTS RESERVED © UCCT-308.



*Xavier Sandoval*  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 LICENSE NO. 5886, STATE OF TEXAS

I, XAVIER SANDOVAL, REGISTERED PROFESSIONAL LAND SURVEYOR OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT REPRESENTS AN ON THE GROUND SURVEY, PERFORMED UNDER MY SUPERVISION THIS THE 20TH DAY OF AUGUST, 2020.

SURVEY OF LOT 2, 10.2343 ACRES (448,807.7 SQ. FEET), KATHLEEN P. AUER, ETAL, A002 FRANCIS BERRY SURVEY, ABSTRACT NO. 2, CALDWELL COUNTY, TX, DOC. NO. 2015-004917, O.P.R.C.C.T.	
DRAWN BY:	XDS
DATE:	08/13/2020
APPROVED:	XDS
DATE:	08/20/2020
SCALE:	PROJECT NO.: 2020-300 LOT 7
	1 : 200



Christopher Land Services  
 303 South Main Street, Suite 100, TX 77864  
 Land Surveyors  
 www.christopherland.com  
 Xavier D. Sandoval, RPLS  
 License: 218,718-1819

*To Maria Alvarez Sister of  
 Owner Gerardo Sandoval*

*Remainder*

*Shared  
 Driveway  
 60x30'*

***Special Circumstances to platting:***

- 1) The City of Lockhart does have a Family Land Grant process in effect at this time for family's to divide land. The applicant will be required to follow Caldwell County's procedures to the Family Land Grant process listed as Section 3.3.1(A)(1) of the Caldwell County Development Ordinance, but must obtain approval from the City of Lockhart in the ETJ. All permits will be issued by Caldwell County, driveway permits, residential permits, septic permits as well as filing for a Family Land Grant.
- 2) This land was bought to by family members with the anticipation of living next to each other.
- 3) The split 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 will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of the Code.



**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  
**DAY-TIME TELEPHONE** 512-398-2000  
**E-MAIL** contact@hinklesurveyors.com

**ADDRESS** 1109 S Main Street  
Lockhart TX 78644

**ENGINEER NAME** none  
**DAY-TIME TELEPHONE** \_\_\_\_\_  
**E-MAIL** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OWNER NAME** Angel & Maria Alvarez & Gerardo  
**DAY-TIME TELEPHONE** Sandoval / Araseli Llamas  
**E-MAIL** agent: Jose Carillo 703-629-5831  
Josccz@comcast.net

**ADDRESS** 24 Sons Ct.  
Stafford VA 22554

**TYPE OF APPLICATION**

\_\_\_\_ SUBDIVISION DEVELOPMENT PLAN    \_\_\_\_ REPLAT/RESUBDIVISION    ~~\_\_\_\_ VARIANCE~~ <sup>-Platting-</sup>    
\_\_\_\_ PRELIMINARY PLAT    \_\_\_\_ AMENDING PLAT    \_\_\_\_ MINOR PLAT    \_\_\_\_ FINAL PLAT  
\_\_\_\_ DEVELOPMENT PLAT

**PROPERTY**

<sup>5 N/A ↓</sup> **SUBDIVISION NAME** Maple Ranch Unrecorded    <sup>1541 Boggy Creek Rd. ↓</sup>  
**ADDRESS OR GENERAL LOCATION** Boggy Creek Road Pid No: 120195  
**LOCATED IN**    \_\_\_\_ CITY LIMITS     ETJ (COUNTY)    \_\_\_\_ PDD  
**TOTAL LAND AREA** 10.2896 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 

DATE 4-29-2021

PRINTED NAME Agent: Jose Carillo

TELEPHONE 703-629-5831



## 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) Platting - Section 52-31(a) OF THE SUBDIVISION REGULATIONS

CURRENT ORDINANCE REQUIREMENT(S) Subdivision Plat Required.

REQUESTED VARIANCE(S) Caldwell County allows Family Land Grants if the City of Lockhart Grants a Variance to platting in the ETJ of the City of Lockhart.

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

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

## OFFICE USE ONLY

ACCEPTED BY Kevin Walker

RECEIPT NUMBER —

DATE SUBMITTED 5/18/21

CASE NUMBER PV - 21 - 04

DATE APPLICATION IS DEEMED COMPLETE —

DATE NOTICES MAILED —

DATE NOTICE PUBLISHED —

(For certain Replats/Resubdivisions without vacating preceding plat)

PLANNING AND ZONING COMMISSION MEETING DATE 5/26/21

DECISION —

CONDITIONS —