

PUBLIC NOTICE

**City of Lockhart
Historical Preservation Commission
5:30 p.m. Wednesday, August 16, 2023
Municipal Building – Glosserman Room
308 West San Antonio Street**

AMENDED AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the minutes of the August 2, 2023 meeting.
4. CFA-23-28. Consider a request by Marty Spellerberg for approval of a Certificate for Alteration for various interior improvements and a new HVAC unit on the roof for a future Tax Abatement application on part of Lot 4, Block 19, Original Town of Lockhart, zoned CCB (Commercial Central Business) and located at 103 South Main Street.
5. Consider a text amendment to the Historic Districts and Landmarks Ordinance to require that all awnings be considered through the Certificate for Alteration review procedures, without a “Pre-approved” option.
6. Continue discussion of a potential amendment to Chapter 60, Article II to address the trimming and pruning of protected trees, including an amendment to the definitions section (Section 60-28).
7. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.
8. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 9:30 a.m. on the 11th day of August, 2023.

City of Lockhart
Historical Preservation Commission
August 2, 2023

MINUTES

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

Members Absent: none

Staff Present: Kevin Waller, Yvette Aguado, David Fowler

Public Present: Alexander Smith (Applicant, Agenda Item 4), William Wachel (Applicant, Agenda Item 5)

1. Call meeting to order. Chair Lairsen called the meeting to order at 5:31 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the minutes of the July 19, 2023, meeting.

Commissioner Faulstich moved to approve the minutes as presented. Commissioner Thuerwaechter seconded; the motion passed by a vote of 7-0.

4. CFA-23-26. Consider a request by Alexander Smith of 3rd Rock Electrical Contractors, LLC for approval of a Certificate for Alteration for the replacement of electrical meter cans, panels and risers on part of Lot 4, Block 22, Original Town of Lockhart, zoned CCB (Commercial Central Business) and located at 117 North Main Street.

Planning Staff Kevin Waller provided a brief overview of the proposal via PowerPoint presentation. He reported that the applicant proposes to replace the electrical paneling components visible on the north wall façade of the building. The specific components to be replaced include electrical meter cans, panels, and risers, which will slightly alter the design and overall appearance of the existing components. Staff recommends approval.

Applicant Alexander Scott, 706 Lantana St., Lockhart, came forward to answer questions from the Commission.

Chair Lairsen moved to approve CFA-23-26, with the notation that the proposal applies to 119 North Main Street and not 117 North Main Street, and with the conditions that the property owner patch any residual holes in the brick and that all new mounted components go through the mortar. Vice-Chair Reagan seconded, and the motion passed by a vote of 7-0.

5. CFA-23-27. Consider a request by William Wachel, P.E., of the City of Lockhart, for approval of a Certificate for Alteration for the Lockhart Downtown Revitalization Project.

Mr. Waller provided a brief overview of the proposed Lockhart Downtown Revitalization Project, which was presented at the Commission's July 19, 2023, meeting. The various downtown improvements include the replacement of the underground infrastructure in the downtown area, replacement of sidewalks to include the addition of curb bump-outs at intersections, and replacing the center island medians to include new landscaping. Staff recommends approval.

Mr. Sean Kelley, Public Works Director, came forward to respond to questions and provide further explanation as needed to the Commission.

Chair Lairsen moved to approve CFA-23-27, with the recommendation that the City install drainage sleeves underneath the storefront sidewalks to convey downspout capture. Vice-Chair Reagan seconded, and the motion passed by a vote of 7-0.

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

Mr. Waller stated that the next regularly scheduled meeting would be held August 16th, with one application submitted by the deadline.

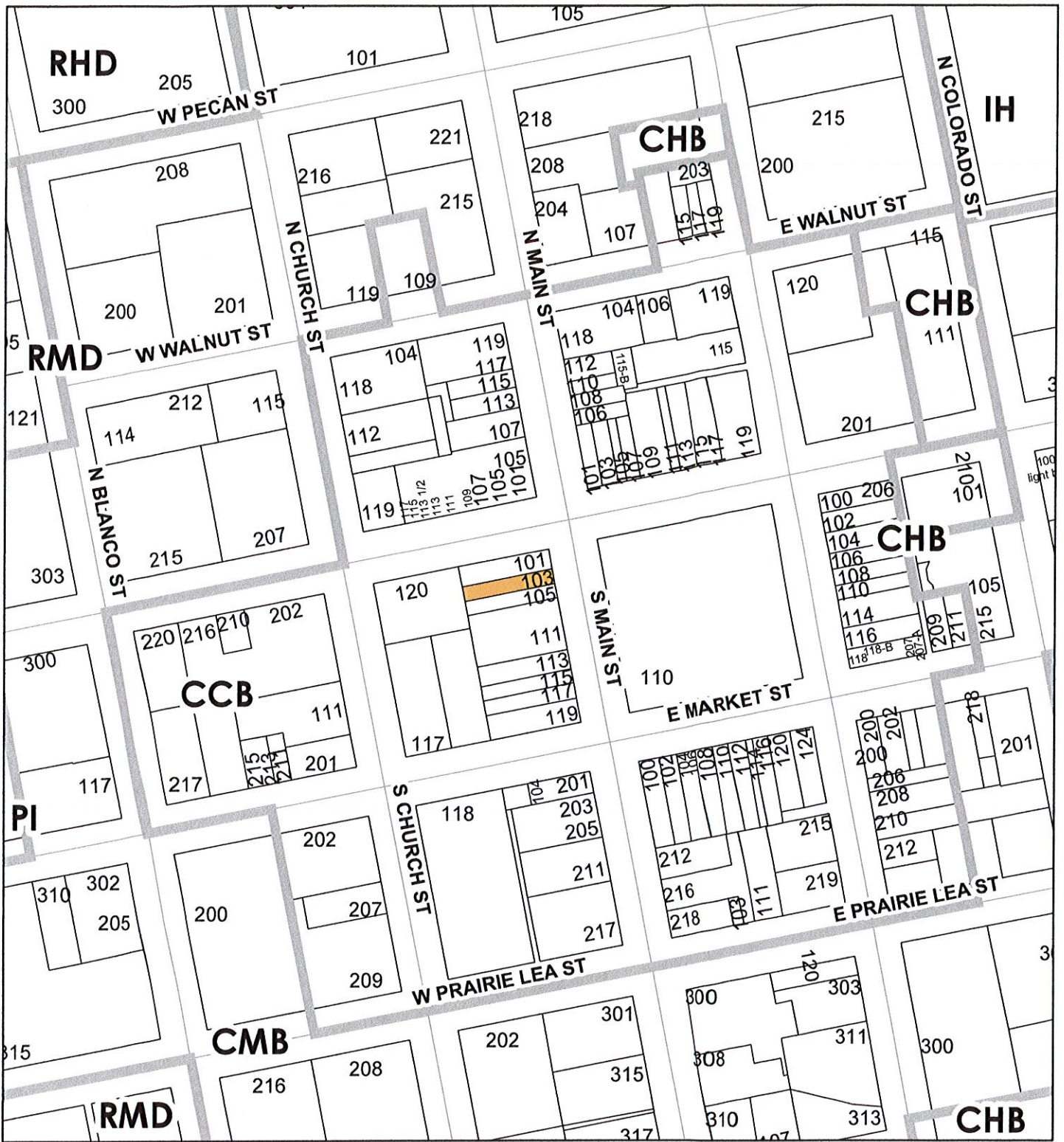
7. Adjournment.

Commissioner Faulstich moved to adjourn the meeting, and Commissioner Ohlendorf seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 6:30 p.m.

Approved: _____
(date)

Yvette Aguado, Recording Secretary

John Lairsen, Chairman



CFA-23-28

103 S MAIN ST

VARIOUS INTERIOR IMPROVEMENTS,
WITH A NEW HVAC UNIT ON THE ROOF



- Subject Property
- Zoning Boundary

scale 1" = 100'

CASE SUMMARY

STAFF: Kevin Waller, Historical Preservation Officer / Senior Planner *KW* CASE NUMBER: CFA-23-28
REPORT DATE: August 10, 2023
MEETING DATE: August 16, 2023
APPLICANT'S REQUEST: Various interior improvements, and new HVAC install on roof
STAFF RECOMMENDATION: **Approval**
CONDITIONS: None

BACKGROUND DATA

APPLICANT: Martin Spellerberg
OWNER: Spellerberg Associates, LLC, c/o Martin Spellerberg
SITE LOCATION: 103 S. Main St.
LEGAL DESCRIPTION: Part of Lot 4, Block 19, Original Town of Lockhart
EXISTING USE OF PROPERTY: Commercial
PROPOSED USE OF PROPERTY: Same as above
ZONING CLASSIFICATION: CCB (Commercial Central Business)

ANALYSIS OF ISSUES

PROJECT DESCRIPTION: The applicant proposes various interior improvements, as well as a new HVAC installation on the roof of the existing building on the property for the purposes of a future Tax Abatement application submission. According to Section 28-21(b) of the Historic Districts and Landmarks Ordinance, any enhancements qualifying for a tax abatement, whether interior or exterior, require a review and Certificate for Alteration by the Commission. The interior improvements include the reconfiguring of certain non-load bearing office partitions, electrical upgrades, the replacement of a sink on the first floor, and the removal of carpeting and certain areas of drop-ceiling. A detailed narrative and drawings are enclosed with your agenda packet materials. A Certificate for Alteration was approved by the Commission on July 19 on this property for a new rear-façade window, the re-pitching of the roof, and roof replacement with a different material, which will also be part of the future tax abatement submission.

COMPATIBILITY: Most of the proposed improvements are considered ordinary maintenance, so no compatibility issues or changes to the character of the downtown Historic District are expected from the overall project.

COMPLIANCE WITH STANDARDS: Although there are no design guidelines for the proposed improvements in the Historic Districts and Landmarks Ordinance, the improvements are subject to approval of this Certificate for Alteration due to the tax abatement proposal, as well as the issuance of building permits, electrical permits, and any other necessary permits.

ALTERNATIVES: None necessary.

Spellerberg Associates

Art Studios at 103 S Main St

Description of Interior Work Re: Historical Preservation

Project Summary

We will perform needed building maintenance including a new roof and repair the HVAC systems. We will perform non-structural interior work to reconfigure certain office partitions and convert an existing storage space into usable workspaces. We will complete the work in one phase, scheduled to take place in 2023.

Feature: Foundation / Floor, First Story

The front (east-facing) area of the first floor features a pressed metal ceiling and a staircase with wooden handrail, balusters, and box newel. Under the carpet in this portion of the building are masonite panels, and under those there appears to be a softwood floor. These are the most prominent historical features in the interior. The first-floor front and back areas also presently contain a number of offices consisting of non-load-bearing partitions and dropped-ceilings. There is a dirt pit underneath a portion of the first floor back, accessible via a hatch.

Work:

We will remove the carpet, exposing the masonite panels. We will repair the panels where they are damaged.

Feature: Walls

Load-bearing masonry walls stretch the length of the building. Additionally, the first and second floors front contain several offices consisting of non-load-bearing partitions. The second floor back room contains some shelving.

Work:

We will change the configuration of some non-load-bearing partitions to create open cubicle work spaces. We will remove the shelving from the second floor back room and add non-load-bearing partitions.

Spellerberg Associates

Art Studios at 103 S Main St

Feature: Ceiling, First Story

The first-floor front area features a pressed metal ceiling. The back half of the building features a suspended ceiling. The pressed metal ceiling in the front half of the building appears to be in good condition. The suspended ceiling in the back half of the building has sustained some water damage due to a previous roof leak.

Work:

We will make no modifications to the pressed metal ceiling. We remove the suspended ceiling where it is damaged.

Feature: Staircase

A carpeted staircase with wooden handrail, balusters, and box newel is located in the front (east-facing) area of the first floor.

Work:

We will remove the carpeting from the stair risers and treads. We will not alter the other components of the staircase.

Feature: Masonry Wall

On the interior, the building is divided, at approximately the midpoint, by a masonry wall. On the first floor, this wall takes the form of a large archway. At this point, there is also a slight ramp.

Work:

We will not alter the masonry wall.

Feature: Hand Washing Sink

A hand-washing station / kitchenette is located under the stairs. The underside of the sink was identified as having an asbestos coating.

Work:

We will work with an abatement contractor to remove the sink. We will install a free-standing 20-gallon mop sink in the same location.

Spellerberg Associates

Art Studios at 103 S Main St

Feature: Floor, Second Story

The flooring of the second story consists of softwood and is carpeted. Due to the carpeting, the condition of the softwood flooring is unknown, although the floor is structurally sound.

Work:

We will remove the carpeting, exposing the flooring underneath.

Feature: Ceiling, Second Story

The front half of the second story features a dropped ceiling, while the back is unfinished storage space, with exposed brick and roof beams. There is some water damage to the back half ceiling due to a previous roof leak.

Work:

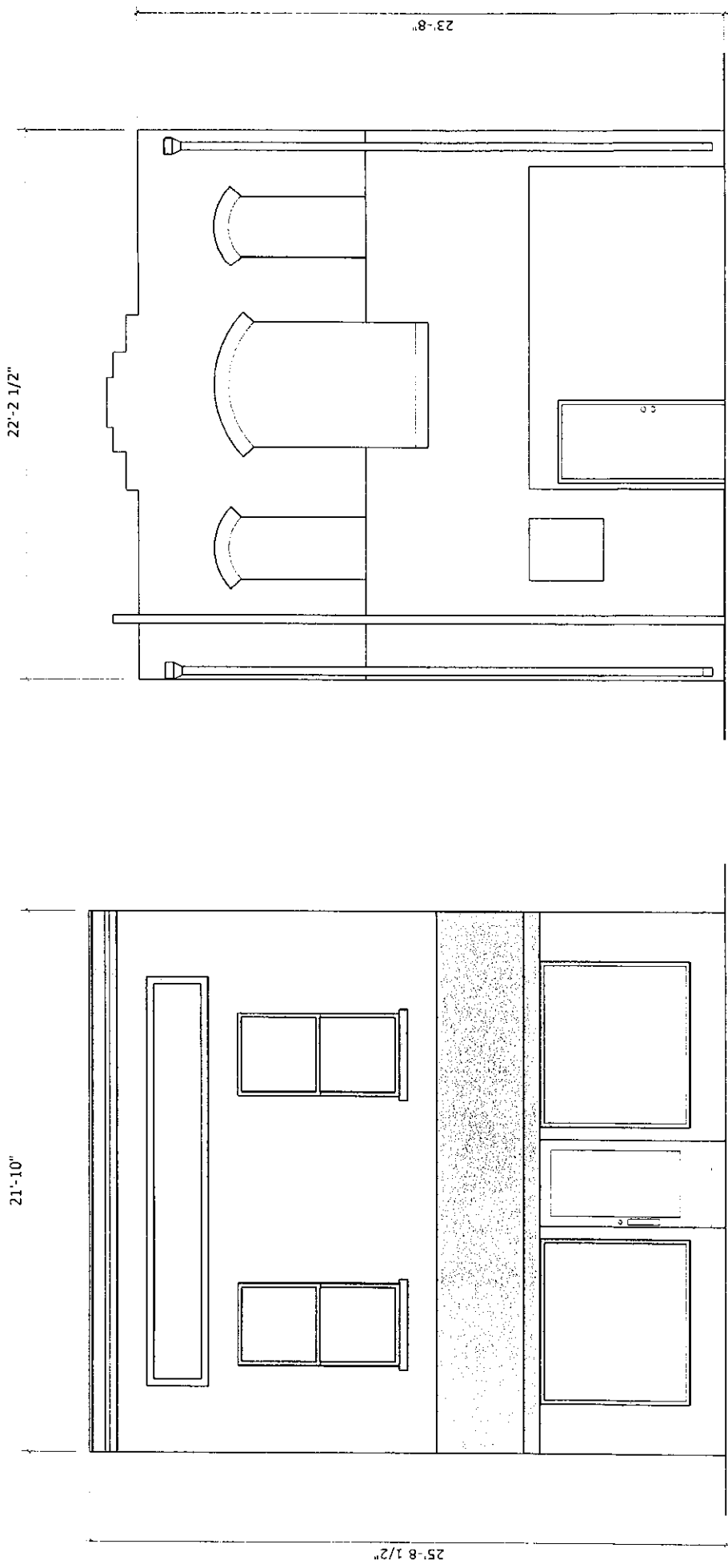
In the front, we will remove the drop ceiling. This will raise the height of the rooms and expose the old ceiling boards. In the back we will not alter the ceiling.

Feature: HVAC

The building is served by two HVAC units. A 4-ton unit serves the first floor. This unit is inoperable due to its reliance on R22 refrigerant. A 2.5-ton unit serves the front of the second floor. Both units include a gas furnace. It currently has a "red tag" indicating some improprieties in its installation. The back of the second floor is currently not air conditioned.

Work:

Regarding the first floor: We will replace the A/C unit, while retaining the connected furnace.
Regarding the second floor front: We correct the improprieties in the unit's installation. Because we are removing the drop ceiling, we will replace the current ducting with hard ducting.
Regarding the second floor back: We will add a new mini-split unit to serve this room. Per code, we will redirect the condensate run-off for all three units to the sewer line via the sink in the 1st floor bathroom.



Existing East Elevation (Front)

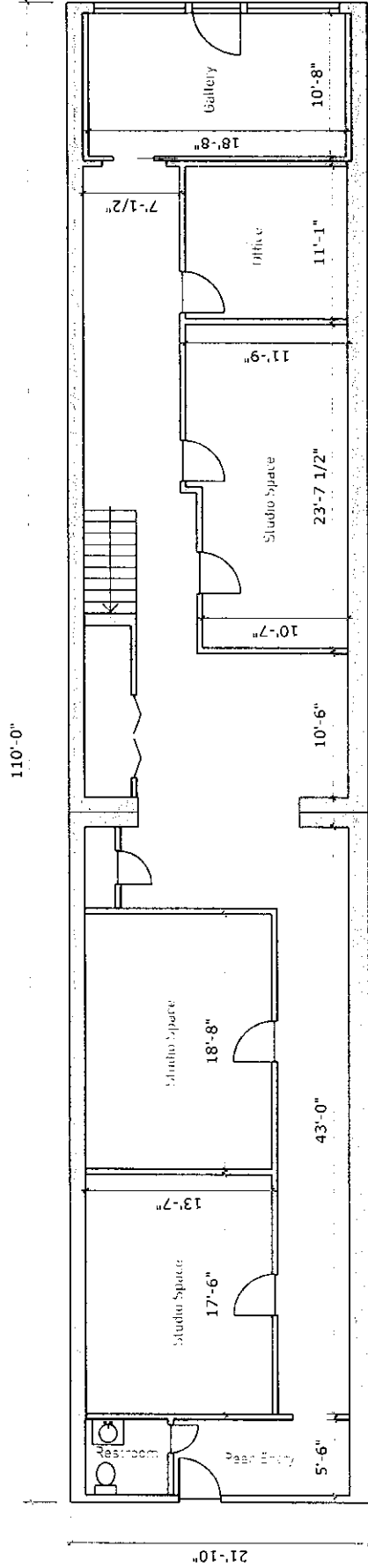
Existing West Elevation (Rear)

A M SMITH

Spellerberg Projects Gallery - 103 S Main St - Lockhart, TX - Remodel and Updates

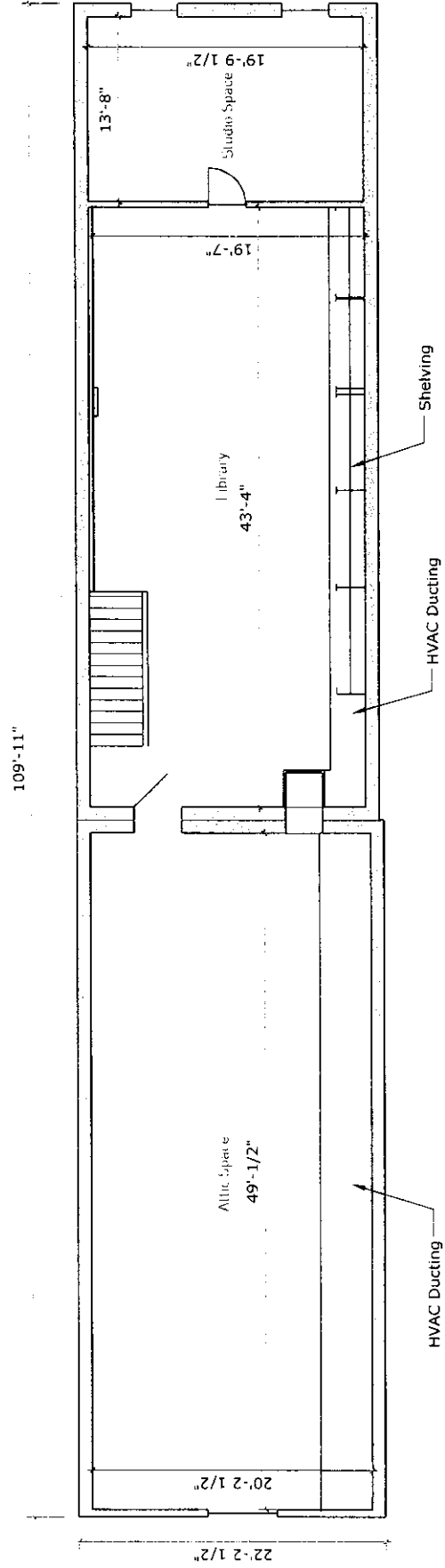
Drawing 01

06/23/2023
311 S Guadalupe, Lockhart, TX 78644 512.795-8695



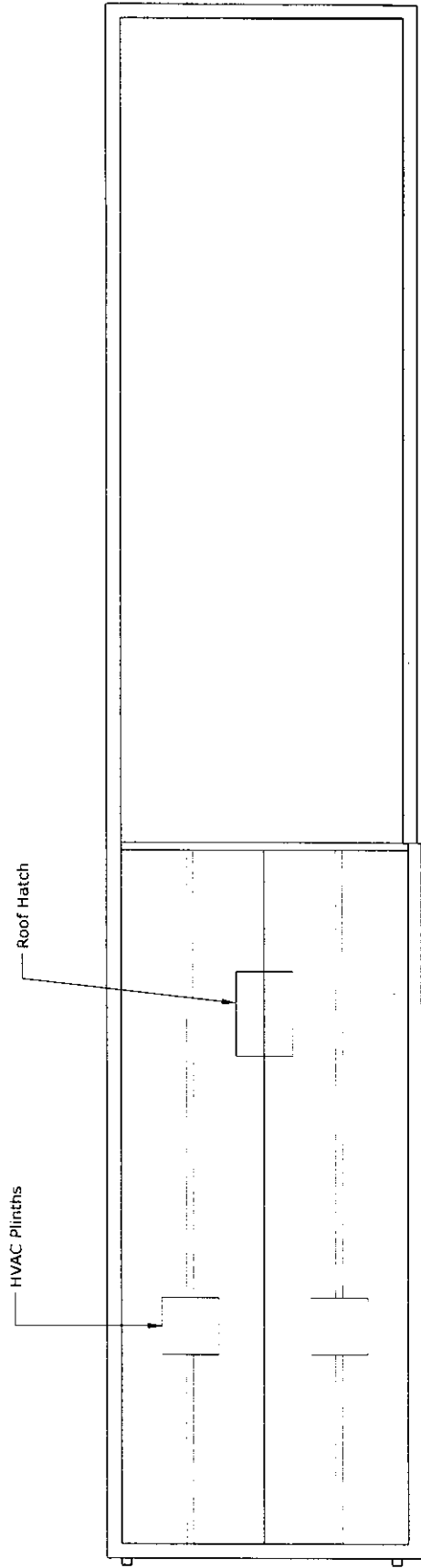
Existing Ground Floor Plan

A M SMITH



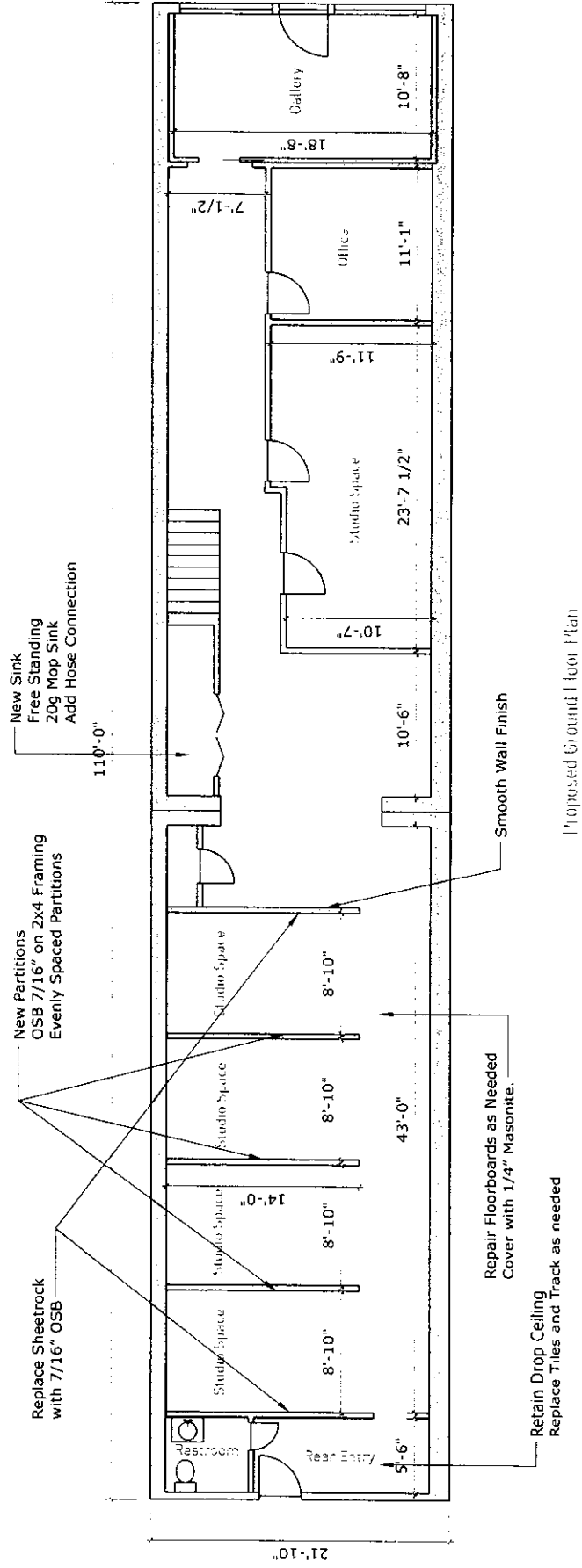
Existing Second Floor Plan

A M SMITH



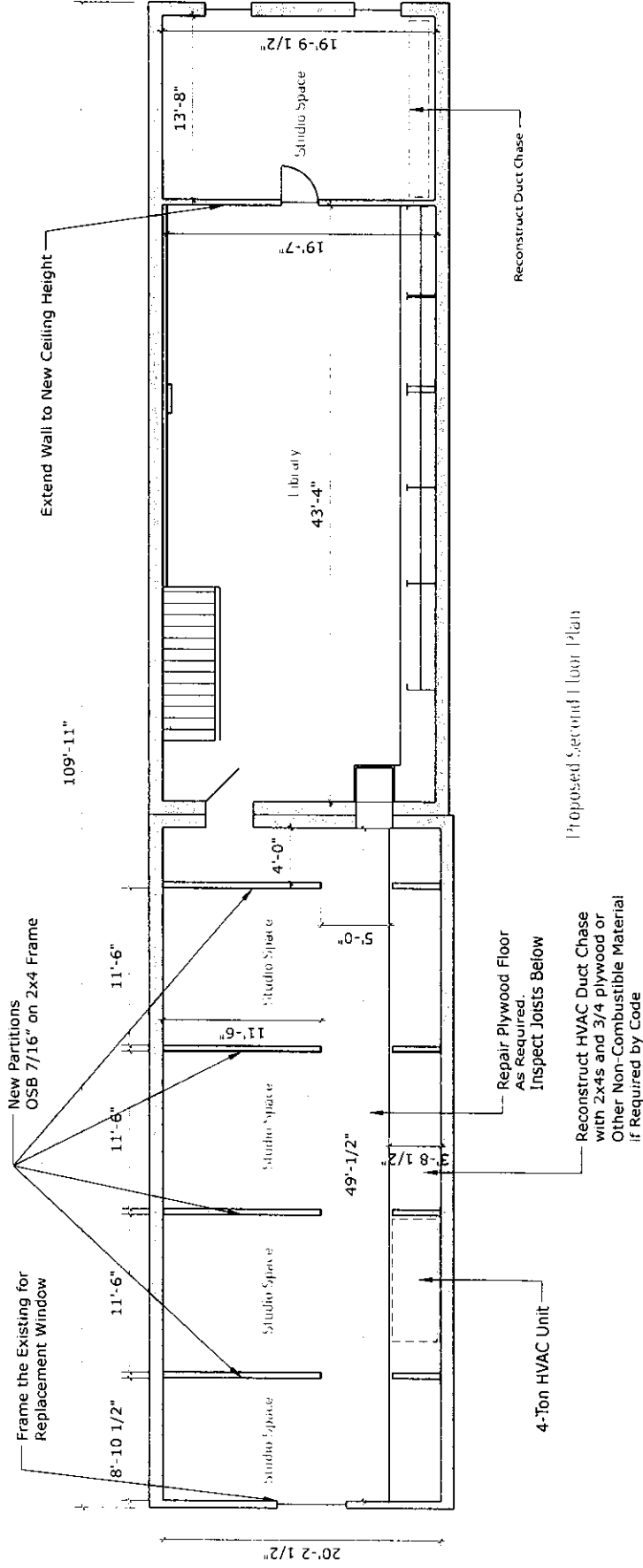
Existing Roof Plan

A M SMITH



Proposed Ground Floor Plan

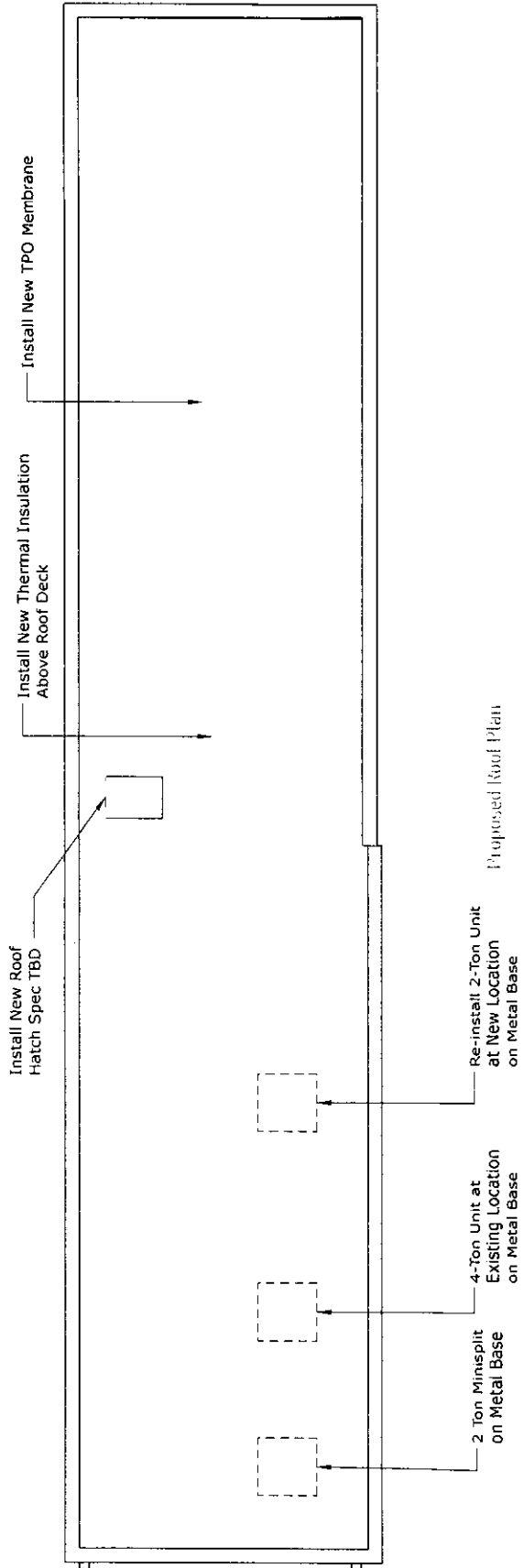
A M SMITH



Proposed Second Floor Plan

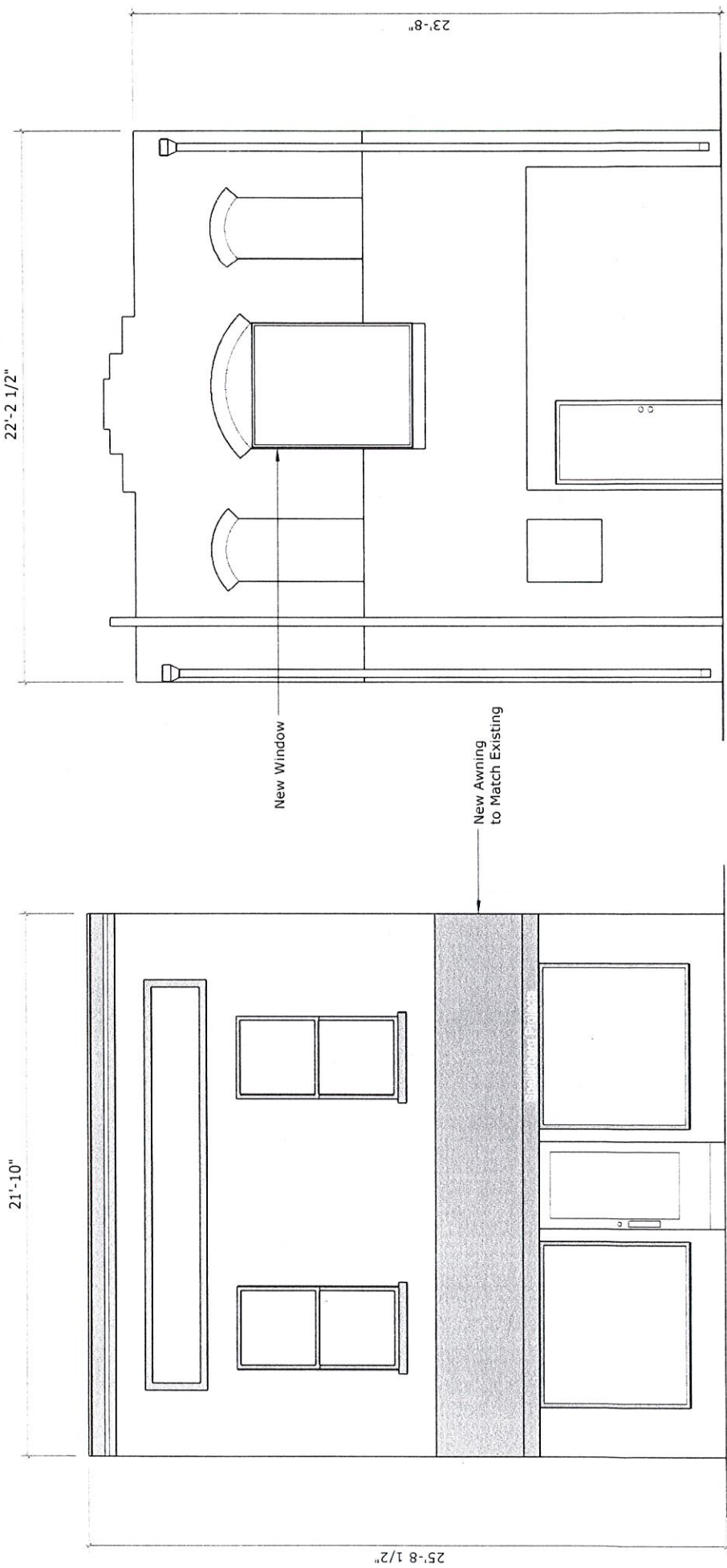
A M SMITH

Re-slope Roof from Front to Back (E to W)



A M SMITH

Approved through CFA-23-25
(This Sheet Only)

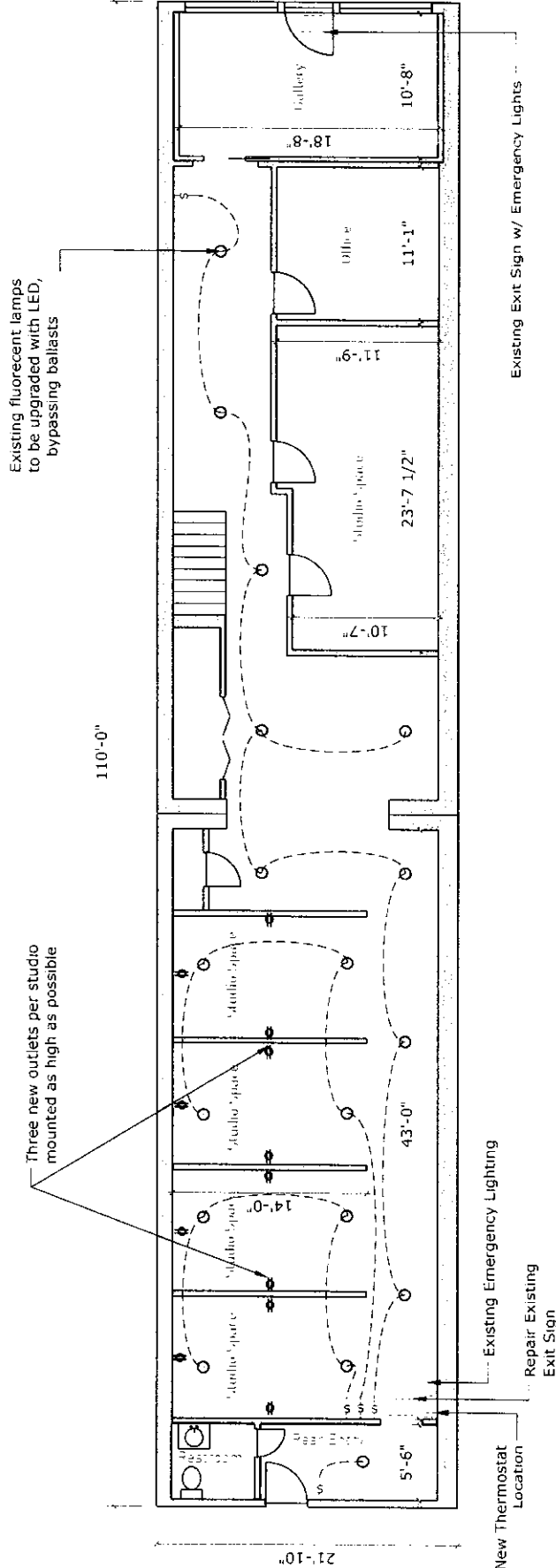


Proposed East Elevation (Front)

Proposed West Elevation (Rear)

A M SMITH

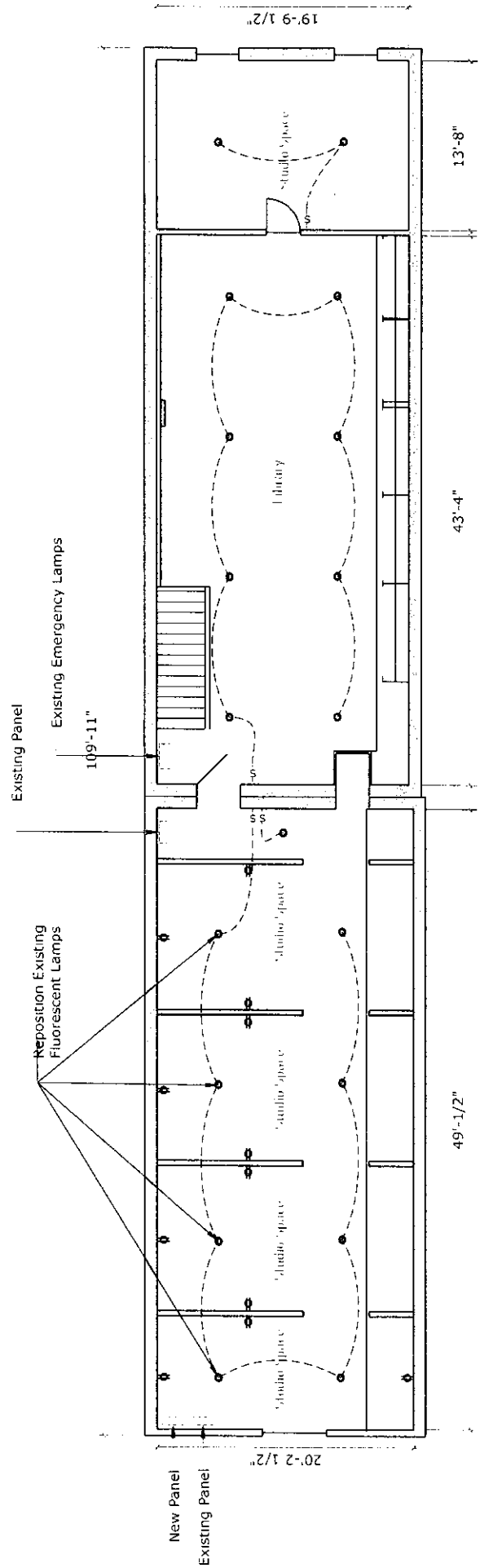
- Replace fluorescent and lamp throughout
- Repair emergency lighting rest of building
- Add forced-air smoke & carbon monoxide detectors per code
- Add additional emergency lighting & exit signage per code



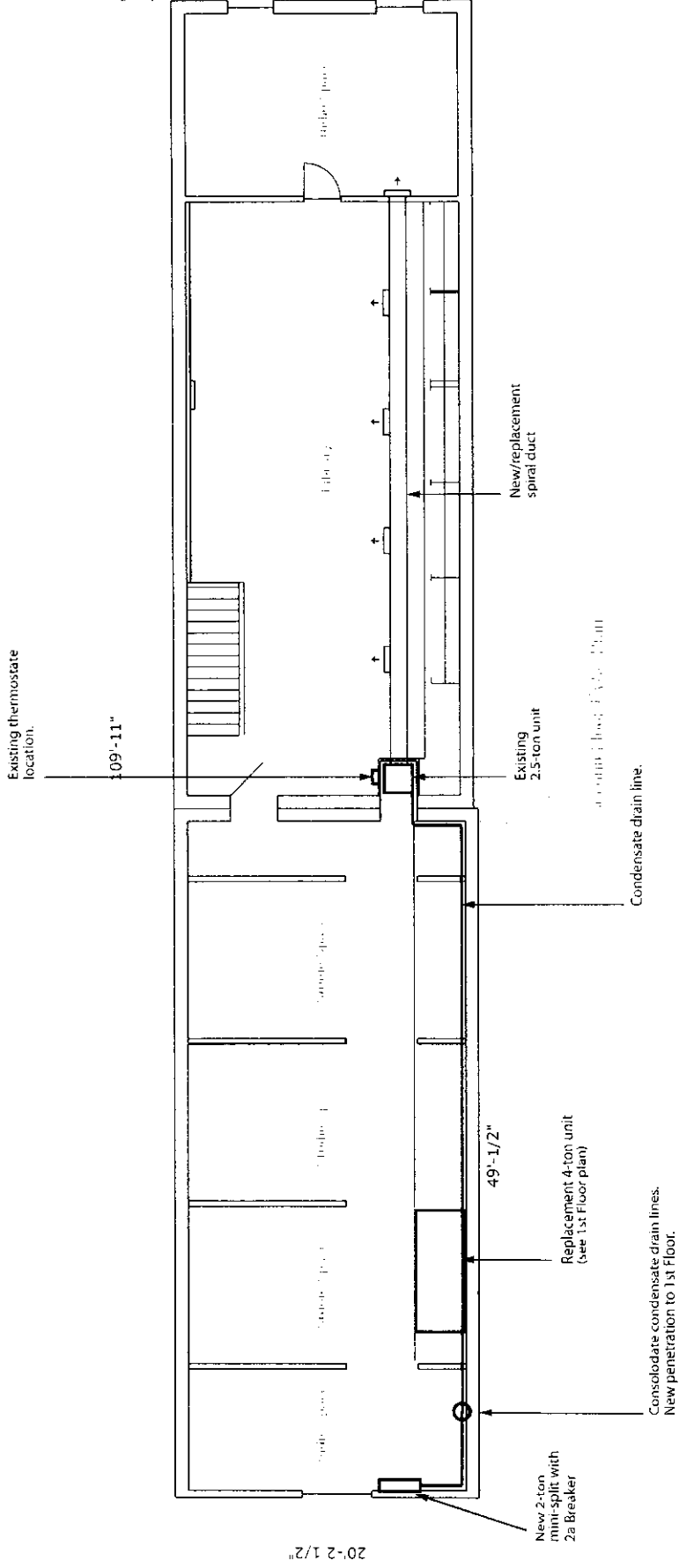
Ground Floor Electrical Plan

A M SMITH

- Replace fluorescent lamps throughout
- Repair emergency lighting throughout
- Add smoke detectors throughout
- Add additional emergency lighting throughout



Second Floor Electrical Plan



20'-2 1/2"

A M SMITH

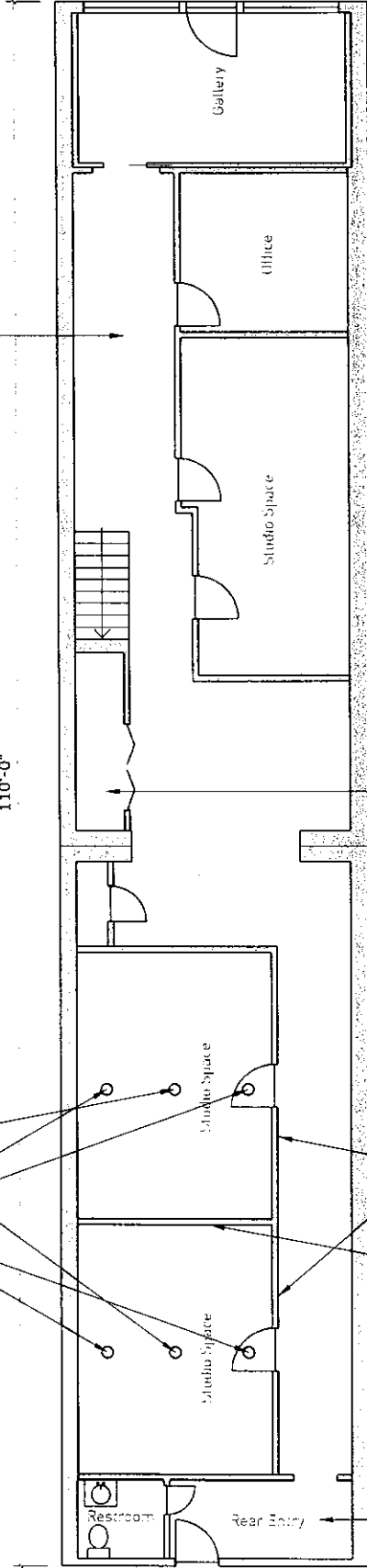
Remove Four Fluorescents
From the Center of the Rooms
Leave Other Fixtures.

Remove Ceiling Fans

Asbestos Removal?

Remove Carpet & Pad

110'-0"



21'-10"

Gallery

Office

Studio Space

Studio Space

Studio Space

Restroom

Rear Entry

Remove existing stainless steel sink
and cabinet at the head-washing station
below stairs in the downstairs front room
** Work conducted with an asbestos abatement contractor

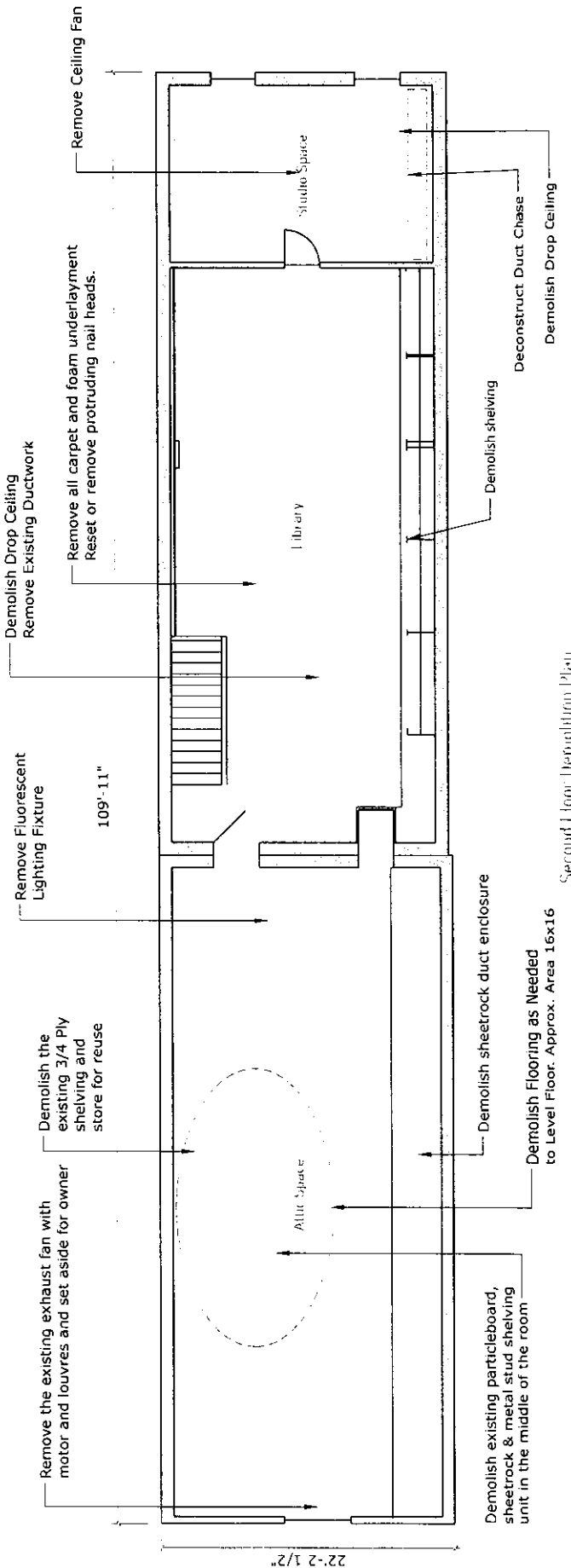
Demo The Hallway Wall and Doorways

Demolish Wall Between
These Rooms

Demo and Replace
Drop Ceiling Panels
and Rails.

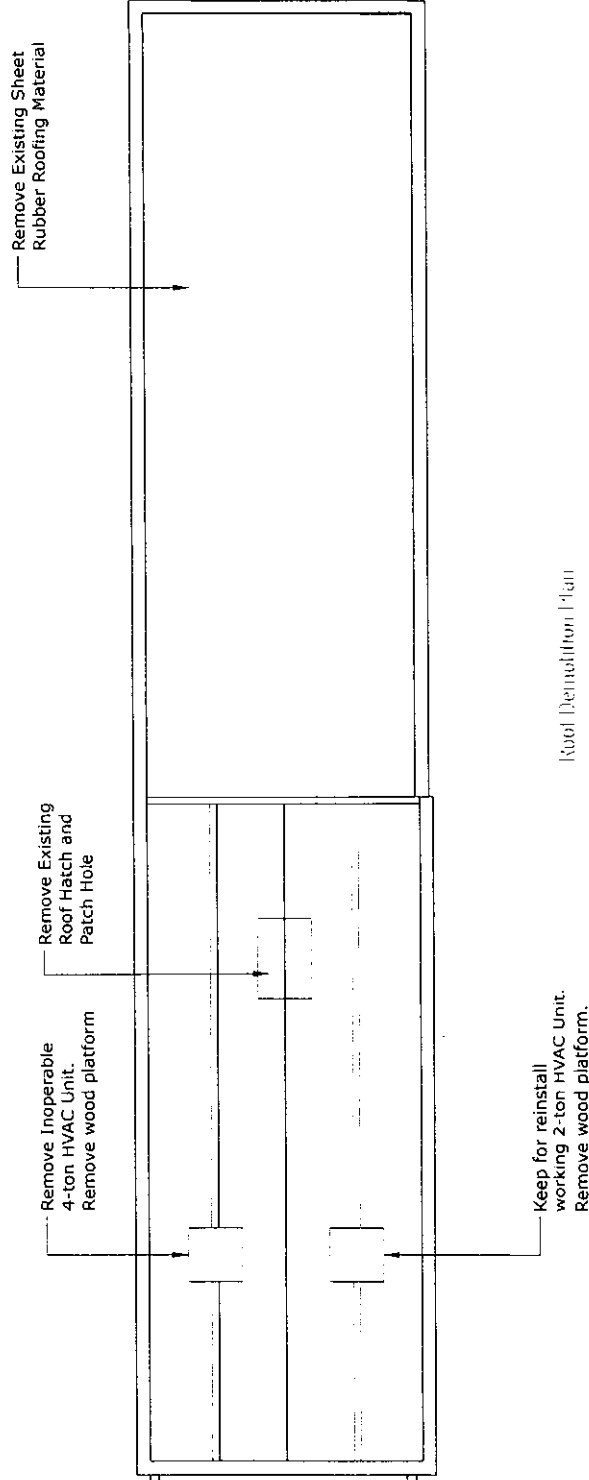
Ground Floor Demolition Plan

A M SMITH



Second Floor Demolition Plan

A. M. SMITH



Remove Existing Sheet
Rubber Roofing Material

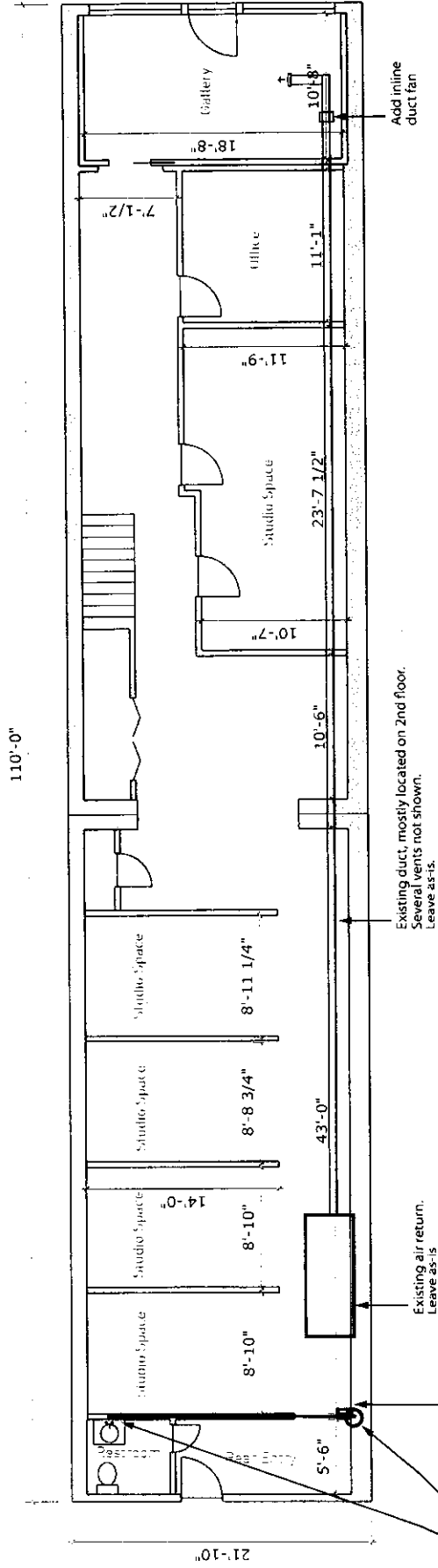
Remove Existing
Roof Hatch and
Patch Hole

Remove Inoperable
4-ton HVAC Unit.
Remove wood platform

Keep for reinstall
working 2-ton HVAC Unit.
Remove wood platform.

Roof Demolition Plan

A M SMITH



Ground Floor HVAC Plan

Condensate drain line.
 New 2nd floor penetration.
 Connects to sewer line
 via restroom sink.

CERTIFICATE FOR ALTERATION
SCOPE OF WORK QUESTIONNAIRE

Certificate No. CFA-28-23
Page 2 of ___ Reviewed: KW

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

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

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

Applicant Signature: [Signature] Date: 8/11/2023

Verified By: Kevin Walker Date: 8/9/23 Action: _____ Date: _____

TO: Lockhart Historical Preservation Commission

FROM: Kevin Waller, Historical Preservation Officer / Senior Planner



SUBJECT: Agenda Item 5

DATE: August 10, 2023

Agenda Item 5: Consider a text amendment to the Historic Districts and Landmarks Ordinance to require that all awnings be considered through the Certificate for Alteration review procedures, without a "Pre-approved" option.

During a previous Commission meeting, members expressed a desire that all awnings and suspended canopies, no matter the design or materials used, require Commission review through the Certificate for Alteration review procedures, due to their impact and relevance to the downtown Historic District. Currently, certain types of awnings/canopies can be considered to be "pre-approved", which is an administrative Staff review that is not subject to the Commission's consideration. Section 28-11(c) of the Historic Districts and Landmarks Ordinance provides further details on the pre-approval process and is enclosed with your agenda packet materials, as well as subsection (4), which specifically addresses pre-approved awnings and suspended canopies. If the Commission prefers that all awnings/canopies require a Certificate for Alteration, the needed ordinance amendment would simply involve removing Section 28-11(c)(4), which would then remove the pre-approved option and effectively send all proposals through the Commission for review. The replacement of awnings/canopies with those of identical design and materials is considered ordinary maintenance, and would continue to be exempt from Commission review. The Commission can make a recommendation for this text amendment to City Council at the August 16th meeting.

Sec. 28-11. - Certificate for alteration for historic landmarks or historic districts.

(a) A certificate for alteration is required to carry out construction or relocation on property designated as historic (H and HL) if such construction will change the exterior architecture, design, finishes or outward appearance of a building, structure, object, site, area or district.

(b) A certificate for alteration (CFA) is not required for the following construction activities and work. However, no exempted construction shall involve the drilling, cutting, covering or painting of virgin or unpainted masonry and/or removal of same:

(1) Any interior or exterior construction activities, which do not make a physical change to the exterior elements, design features, finishes or appearance of the property designated historic.

(2) In-kind replacement or repair of any exterior element or for the ordinary maintenance of an historic landmark or property within an historic district as provided in [section 28-10](#).

(3) Exterior wood. Replacement of existing painted wood on the exterior of a building with a durable cementitious wood material is exempt if the material is painted and does not make a physical change to the exterior elements, design features, finishes or appearance of the property.

(4) Roofs. Replacement of existing roofing material with like or similar material and same design, slope and elevation is exempted. However, if the roof structure is clearly visible from a public street, replacement of existing roofing material with a different design, slope, elevation or material, such as replacing wood or slate roofing with metal roofing, does require a CFA approval by the commission, as provided in [section 28-12](#).

(5) Utility installations on the rear and/or alley side of buildings which do not abut or are not clearly visible from a public street and do not alter, damage or obscure the architectural design, fabric (composition) or appearance, as provided in subsection [28-11\(a\)](#) are exempted. Any such exempted utility work shall not involve the drilling, cutting, covering or painting of virgin or unpainted masonry or removal of same.

(c) A certificate for alteration (CFA) may be "pre-approved" for the following construction activities and work. Any qualifying activities and work pre-approved by the commission shall be listed and described in a "Pre-Approved Certificate for Alteration Guideline" developed by the commission, maintained and published by the city. An application for a CFA for any construction or activity that is determined "pre-approved" shall be made by the owner as provided in subsection [28-12\(a\)](#) prior to conducting the work. The historical preservation officer (HPO) shall promptly review the application and determine if the construction or activity complies with the "pre-approved" criteria. The HPO has the authority to approve the CFA only for construction or activities, which qualify as "pre-approved." Any construction activity that qualifies as pre-approved as determined by the HPO does not require any further approval of the commission, and may proceed according to normal city policies and procedures. Any "pre-approved" construction or activity shall not involve the drilling, cutting, covering or painting of virgin or unpainted masonry or removal of same. Types of alterations included in the Pre-Approved Certificate for Alteration Guideline follow:

(1) Signs as provided for in "Pre-Approved Certificate for Alteration Guideline," signs that do not alter, damage or obscure a building's architectural design, historic fabric or appearance as otherwise provided in subsection [28-11\(a\)](#) are "pre-approved." No sign may be painted on a previously unpainted masonry wall. Business signs suspended from canopies over the public sidewalk or attached to the exterior of buildings may be "pre-approved," as provided in "Pre-Approved Certificate for Alteration Guideline." All signs shall comply with chapter 46 "Signs." Signs that are exempt and do not require a CFA include: Temporary banners suspended over streets and temporary signs on public rights-of-way or public property advertising noncommercial special events and festivities as provided in chapter 46, subsection [46-7\(15\)](#); and banner signs on private property as provided in chapter 46, subsection [46-10\(g\)](#).

(2) Window replacement may be "pre-approved" only as provided in the "Pre-Approved Certificate for Alteration Guideline." Generally, the replacement of existing windows with historically appropriate designed painted wood single or 2-over-2 divided-light windows matched to the size of the historic window openings may be "pre-approved." Any other type of window replacement or closure of windows requires CFA approval by the commission as provided in [section 28-12](#).

(3) Door replacement may be "pre-approved" only as provided in "Pre-Approved Certificate for Alteration Guideline." Generally, the replacement of an existing front entry door with a historically appropriate designed wood door is "pre-approved." Replacement of a side or rear door with exterior grade, solid core, smooth slab doors is "pre-approved." Any other type of entry door replacement requires CFA approval by the commission as provided in [section 28-12](#).

(4) Awnings and suspended canopies that do not alter, damage or obscure the architectural design, fabric (composition) or appearance as provided in subsection [28-11\(a\)](#) may be "pre-approved" only as provided in "Pre-Approved Certificate for Alteration Guideline." Generally, a new awning or canopy or the replacement of an awning or canopy qualifies as "pre-approved" when constructed of an aluminum framework with a flame-retardant canvas covering or light-gauge metal tubing with standing seam metal roofing, installed without drilling or alteration to the existing formed masonry (e.g., brick). All CFA applications shall include a detailed design and attachment plan sealed by a professional engineer describing and attesting to all means of attachment and alteration to the building, masonry wall and/or surface. Any other type of new or replacement awning or canopy requires CFA approval by the commission as provided in [section 28-12](#).

(5) (4) Exterior fire-safety stairs constructed to meet city codes which do not alter or damage the architectural design, fabric (composition) or appearance as provided in subsection [28-11\(a\)](#), may be "pre-approved" if located on the rear or non-street side of a building. The owner, designer and/or contractor are encouraged to meet with the Lockhart Historical Preservation Commission to discuss alternatives in location, placement and design prior to requesting an opinion or directive from the city fire marshal. Installation of exterior fire-safety stairs shall not alter or damage the architectural design, fabric (composition) or appearance as provided in subsection [28-11\(a\)](#).

(d) A certificate for alteration is not required for the following:

(1) Signs that are not visible from a public street;

(2) Signs that are indoors and visible through a window from a public street, except for signs painted or affixed to the inside of the window glass;

(3) Banners suspended over streets;

(4) Temporary signs on public rights-of-way or public property advertising noncommercial special events and festivities as provided in chapter 46, subsection [46-7\(15\)](#); or

(5) Banner signs on private property as provided in chapter 46, subsection [46-10\(g\)](#).

(e) The commission and historical preservation officer shall process each application for a certificate for alteration as expeditiously as possible.

(f) Special considerations and provisions shall be made for emergency repair of sudden, accidental, and unforeseen damage to buildings by acts of God or man which shall endanger a building, business, owner or the public. Immediate temporary repair of damage shall be encouraged with only notification of the historical preservation officer that such work is taking place. If a certificate for alteration is required for permanent repairs of damage which will change the exterior appearance of the building or structure, a special rapid review and approval may be requested. The historical preservation officer shall immediately contact the commission chairman for action.

(g) Special consideration and provisions shall be made for temporary alteration of the appearance of historic landmarks or property located in an historic district for a special event or occurrence (e.g., a movie, fundraiser, etc.). The commission may grant one certificate for alteration to the responsible organization to approve all of the temporary work anticipated, conditional upon the organization returning the property to its original condition. The commission shall require photographic documentation of existing conditions prior to issuance of the certificate for (temporary) alteration. An individual "permanent" certificate for alteration is required for each property which wishes to retain the "temporary" alterations after the special event.

(h) The commission and/or the historical preservation officer shall not unreasonably withhold any certificate for alteration.

(i) A certificate for alteration shall be obtained prior to the issuance of a city building permit, if such permit is required. A certificate shall not be issued in lieu of a required city building permit. Approval and issuance of a certificate for alteration by the commission qualifies as "other zoning action required to effect the issuance of a city building permit" as specified in the Lockhart Code, subsection [64-126\(b\)\(3\)](#), or as may be hereafter amended.

(Ord. No. 93-19, pt. 11, 9-21-93; Code 1982, § 12.5-11; Ord. No. 00-30, § I, 10-3-00; Ord. No. 2010-16, § II, 6-15-10; [Ord. No. 2020-13](#), § I, 5-19-20)

TO: Lockhart Historical Preservation Commission

FROM: Kevin Waller, Historical Preservation Officer / Senior Planner

KW

SUBJECT: Agenda Item 6

DATE: August 10, 2023

Agenda Item 6: Continue discussion of a potential amendment to Chapter 60, Article II to address the trimming and pruning of protected trees, including an amendment to the definitions section (Section 60-28).

During a previous Commission meeting last year, members expressed a desire for a Historic Tree Preservation Ordinance, similar to other nearby cities, to ensure that large, ornate trees are not pruned in such a way that creates blight to the neighborhood. More recently, the Commission discussed with Staff the possibility of amending Code of Ordinances Chapter 60 – Vegetation, specifically Article II – Trees (enclosed), in order to restrict pruning only to that authorized by the Building Department. However, during a recent review of Article II, Staff found that Section 60-28 (Definitions) currently addresses the pruning of protected trees in the definition of “removal”. According to this section, “removal” can also be defined as “excessive pruning”. Section 60-26 establishes that a protected tree cannot be removed without first securing approval from the inspection department. A protected tree, therefore, already has restrictions in place for pruning, and it is Staff’s position that no Ordinance revisions are necessary. Staff does propose, however, the amendment of Section 60-28, specifically the “tree” definition, to also include Class II trees as protected trees in addition to the Class I category, as that class is defined in the “Evaluation of Shade Trees” article (enclosed). The Commission is encouraged to consider making a recommendation for this amendment to City Council at the August 16th meeting, as the Class II list, in addition to Class I, seems to embody those trees which are worthy of protection.

Chapter 60 - VEGETATION^[1]

Footnotes:

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Cross reference— Buildings and building regulations, ch. 12; environment, ch. 18; fire safety standards for removal of brush, leaves and weeds in manufactured home parks, § 34-247; parks and recreation, ch. 40; streets, sidewalks and other public places, ch. 50; subdivision regulations, ch. 52; zoning, ch. 64.

ARTICLE I. - IN GENERAL

Secs. 60-1—60-25. - Reserved.

ARTICLE II. - TREES

Sec. 60-26. - Removal of protected trees.

No person or corporation shall remove or cause to be removed any protected tree without first securing approval from the inspection department.

(Ord. No. 86-3, pt. 1, 1-28-86; Code 1982, § 18.25-1)

Sec. 60-27. - Exceptions.

(a) No approval for removing a protected tree shall be necessary when a protected tree sustains damage in the form of a broken trunk, broken limbs or uprooting, which creates a hazard to life or property.

(b) No approval for removing a protected tree shall be necessary when the actual or schematic locations of existing protected trees are shown on site plans submitted for approval by the city council, and the site plan clearly indicates which protected trees are proposed to be removed. Under these circumstances, final approval of the site plan by the city council shall constitute approval for tree removal as to any protected tree indicated on the final approved site plan as being removed by the approved development.

(Ord. No. 86-3, pt. 1, 1-28-86; Code 1982, § 18.25-2)

Sec. 60-28. - Definitions.

For the purposes of this article, the following terms shall have the special meaning respectively ascribed to them below, which special meanings shall govern in case of any conflict with other definitions set forth in this Code:

Approval: "Approval" means written approval from the inspection department pursuant to a duly executed application for approval made on a form promulgated by the inspection department.

Owner: "Owner" shall mean the person who has legal title to the property or a lessee, agent, employee or other person acting on behalf of the titleholder with authorization to do so.

Protected tree: A "protected tree" means any tree having a trunk circumference of 72 inches or more, measured 4½ feet above natural grade level.

Removal: "Removal" as applied to protected trees means uprooting, severing the main trunk of the tree or any act which causes, or may reasonably be expected to cause, the tree to die, including but not limited to damage inflicted upon the root system by machinery, storage of materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.

Tree: A "tree" shall be defined and will qualify as such if it is a tree listed in class I or class II in an article entitled "Evaluation of Texas Shade Trees" by Robert S. Dewers and Alan D. Dreesen, which will be on file in the City of Lockhart Inspection Department.

(Ord. No. 86-3, pt. 1, 1-28-86; Code 1982, § 18.25-3)

Cross reference— Definitions generally, § 1-2.

Sec. 60-29. - Application for removal.

(a) Application for the removal of a protected tree located on public property or in any public street, alley, right-of-way or easement shall be made by any City of Lockhart municipal department or any public utility or political subdivision of the state with authority to install utility lines or other public facilities in or above the property, street, alley, right-of-way or easement on which such tree is located, or by the owner of real property abutting upon the site of the tree or its crown.

(b) Application for the removal of a protected tree located on privately owned property shall be made by the owner of the property on which such tree is located, except that any appropriate city official may make application to remove a tree that constitutes a hazard to the safety of persons or property, or that is seriously diseased, if the owner thereof cannot be located or if he fails to remove the protected tree within a reasonable time after notice to do so.

(c) An application for the removal of a protected tree shall specify:

(1) The location of the tree.

(2) The circumference of the trunk of the tree, as measured 4½ feet above natural grade level.

- (3) The approximate crown size of the tree.
- (4) The species and/or common name of the tree.
- (5) The approximate size of the lot, tract, or parcel on which it is located.
- (6) The reason for the proposed removal.
- (7) Such other information as may be reasonably required by the inspection department.

(Ord. No. 86-3, pt. 1, 1-28-86; Code 1982, § 18.25-4)

Sec. 60-30. - Action on application.

(a) Upon receipt of any application to remove a protected tree the inspection department shall promptly inspect the subject tree and shall approve or deny the application in accordance with the provisions of this article. Approval is automatically granted ten working days after application therefor if not denied during such interval; provided, that if a variance or special exception from the board of adjustment is required for approval of the application as provided by subsection (b) of this section, then the inspection department shall have an additional 45 days to process the application; provided further, that the applicant must be notified of the 45-day extension prior to the expiration of ten days from the date of application.

(b) The inspection department shall approve an application for the removal of a protected tree located on privately owned property when a valid application therefor is received and a showing is made that the tree is so located as to prevent reasonable access to the property or as to preclude reasonable and lawful use of the property. Where removal of the tree would become unnecessary if a variance or special exception were granted by the board of adjustment in the application of the zoning ordinance, no application shall be approved except where such application for a variance or special exception is denied.

(c) The inspection department shall approve an application for the removal of a protected tree in connection with construction, maintenance, or repair of public facilities in or above a public street, alley, right-of-way or easement, or other public land under one or more of the following conditions:

- (1) The location of the tree prevents the opening of reasonable and necessary vehicular traffic lanes in a street or alley;
- (2) The location of the tree prevents the construction of utility lines or drainage facilities which may not feasibly be rerouted;
- (3) The location of the tree prevents all reasonable access to the property; or
- (4) The denial of approval of such application would deny a political subdivision of the state the reasonable use of public property for the achievement of its public purpose.

(d) Notwithstanding any of the foregoing provisions of this section, the inspection department shall approve an application for the removal of a protected tree under the following circumstances:

(1) The City of Lockhart inspector determines that the tree constitutes a hazard to life or property which cannot reasonably be mitigated without removing the tree; or

(2) The City of Lockhart inspector determines that the tree is dying/dead or is diseased to the point that its restoration to sound condition is not practicable, or that its disease can be expected to be transmitted to other trees and to endanger their health.

(e) No approval, except an approval to remove a dead, badly diseased or hazardous tree, shall become effective until the third working day after it is granted. Every approval for removal shall automatically expire one year from its effective date.

(f) The inspection department, board of adjustment or city council, as the case may be according to this article, may require as a condition for approval that a replacement tree be planted. Any such condition must be met within 12 months after the removal of the protected tree.

(Ord. No. 86-3, pt. 1, 1-28-86; Code 1982, § 18.25-5)

Sec. 60-31. - Appeals.

(a) If a protected tree removal application is denied, the applicant therefor may appeal such action to the board of adjustment by filing written notice of such appeal with the city secretary within ten days of notice to such applicant of the denial of the application. The board shall have 30 days from the date of appeal to review the denial. The board may affirm or reverse the determination of the inspection department. If the board fails to act within 30 days, the appeal shall be automatically granted per the original application. The board shall adopt written findings of fact for every appeal authorized hereunder.

(b) An applicant for a protected tree removal who is aggrieved at any determination or ruling of the board of adjustment on a matter before it under this article may appeal such action to the city council by filing written notice of such appeal with the city secretary within ten days of the action of the board. The city council shall act on the appeal within 30 days from the date of the filing of the appeal. If the city council fails to act within 30 days, the appeal shall be automatically granted and the approval shall be granted per the original application. The city council may affirm or reverse the determination of the board and shall either adopt or modify the findings of fact of the board, which findings may be reduced to writing or may be entered in the minutes.

(Ord. No. 86-3, pt. 1, 1-28-86; Code 1982, § 18.25-6)

[Secs. 58-615—58-640. - Reserved.](#)

FACT SHEET

EVALUATION OF TEXAS SHADE TREES

Robert S. Dewers and Alan D. Dreesen*

In recent years emphasis has been greater on the value and function of the shade tree in America. Because this valuable resource performs a number of environmental functions in our ecosystem, any damage to this resource means monetary loss. The first formula for determining a dollar value on shade trees was presented by the National Shade Tree Conference in 1947. Since then, several revisions have made the formula more acceptable to insurance companies, courts and the Internal Revenue Service.

Two approaches to determine the monetary value of shade and ornamental trees are the replacement value and the formula.

The Replacement Value

The value of many shade trees in Texas can be determined by finding the fair market value (planted and guaranteed) from tree nurseries. Larger tree companies sell and plant several species of trees up to 8 inches in diameter. The value of trees larger than available sizes can be estimated by the formula. Some species may not be found in tree nurseries regardless of size. Because the formula usually underestimates the value of small trees, it may be valid to determine the fair market value of similar species of comparable size.

*Professor of Urban Forestry, Dept. of Forest Science, Texas A&M University and Area Forestry Specialist, Texas Agricultural Extension Service

The Formula

Four factors are considered in the formula: size, species, condition and location.

Size. The shade tree evaluation committee determined that the cross-section area of the trunk should express shade tree size. The American Association of Nurserymen's approach in measuring tree diameter is generally followed: for 4-inch trees and smaller, the area is determined at a height of 6 inches. For trees with a diameter of 4 to 8 inches, the area is determined 12 inches above ground level. For trees of 8 inches and larger the area is determined at diameter breast height (4.5 feet). Exceptions to these rules would occur where low branches cause trunk swell. For multi-trunk trees, full diameter of the largest trunk plus half the diameter of the other trunks determine the correct diameter for computing the cross-section area. The cross-section area is determined by the formula $0.7854D^2$ where D equals the diameter measured. The current value of a perfect specimen shade tree, in the committee's opinion, is \$15 per square inch of trunk cross-section. Thus a 10-inch Class I tree in perfect condition and location would be worth \$1178.00 [$0.7854D^2 = 0.7854(10)^2 = 78.54 \text{ in.}^2$ ($\$15/\text{in.}^2$) = \$1178.00]

Species. Not all species and varieties of trees are of equal value. Permanence, maintenance needs, landscape quality and site adaptability influence the relative value of a species. Grouping tree species into value classes, one job of tree specialists, is subject to

judgment and may vary from one part of the state to another. The following list may serve as a guide; the appraiser, however, must use his own judgment based on experience with the species in changing classes.

Class I — 100 Percent

Carya spp. — Hickories
Carya illinoensis — Pecan
Cornus florida — Flowering Dogwood
Diospyros texana — Texas Persimmon
Fagus grandifolia — American Beech
Ilex opaca — American Holly
Ilex vomitoria — Yaupon Holly
Juglans nigra — Black Walnut
Liquidambar styraciflua — Sweet Gum
Magnolia grandiflora — Southern Magnolia
Magnolia virginiana — Sweetbay
Nyssa sylvatica — Tupelo
Picea pungens — Colorado Blue Spruce
Pinus edulis — Pinon Pine
Pinus ponderosa — Ponderosa Pine
Pinus taeda — Loblolly Pine
Pithecellobium flexicaule — Texas Ebony
Quercus alba — White Oak
Quercus falcata — Southern Red Oak
Quercus macrocarpa — Bur Oak
Quercus muhlenbergii — Chinkapin Oak
Quercus nigra — Water Oak
Quercus shumardii — Shumard Oak
Quercus texana — Spanish Oak
Quercus virginiana — Live Oak
Sophora secundiflora — Mescal Bean Sophora
Taxodium distichum — Bald Cypress
Ulmus crassifolia — Cedar Elm

Class II — 80 Percent

Acer grandidentatum sinuosum — Bigtooth Maple
Arbutus texana — Texas Madrone
Ehretia anacua — Anacua
Fraxinus velutina (Select Male) — Velvet Ash
Fraxinus velutina 'glabra' — Modesto Ash
Ginkgo biloba — Ginkgo
Gymnocladus dioica — Kentucky Coffeetree
Koelreuteria bipinnata — Southern Golden Raintree
Koelreuteria paniculata — Panicked Golden Raintree
Lagerstroemia indica — Crepe Myrtle
Linodendron tulipifera — Tulippoplar
Olea manzanilla — Manzanilla Olive
Pinus elliotti — Slash Pine
Pinus halepensis — Aleppo Pine
Pinus nigra — Austrian Pine
Pinus thumbergii — Japanese Black Pine
Pistacia chinensis — Chinese Pistachio
Quercus phellos — Willow Oak
Quercus stellata — Post Oak
Quercus velutina — Black Oak
Sophora japonica — Japanese Pagodatree
Ulmus americana — American Elm

Class III — 60 Percent

Acacia farnesiana — Huisache
Acer rubrum — Red Maple
Betula nigra — River Birch
Broussonetia papyrifera — Paper Mulberry
Bumelia lanuginosa — Gum Elastic
Cedrus deodara — Deodar Cedar
Celtis occidentalis — Common Hackberry

Cercis spp. — Redbud
Chilopsis linearis — Desert Willow
Cupressus arizonica — Arizona Cypress
Eriobotrya japonica — Loquat
Fraxinus pennsylvanica lanceolata — Green Ash
Fraxinus velutina (seedling) — Arizona Ash
Gleditsia triacanthos inermis — Thornless Honeylocust
Juniperus spp. — Junipers, Cedar
Leucaena pulverulenta — Great Lead-tree
Malus species and varieties — Flowering Crab
Morus alba (fruitless) — Fruitless Mulberry
Persea americana — Avocado
Persea borbonia — Redbay
Pinus echinata — Shortleaf Pine
Pinus pinea — Italian Stone Pine
Platanus occidentalis — American Planetrees, Sycamore
Prosopis glandulosa — Honey Mesquite
Prunus mexicana — Mexicana Plum
Pyrus calleryana — Callery Pear
Sabium sebiferum — Chinese Tallow
Sapindus drummondii — Western Soapberry
Ulmus parvifolia — Chinese Elm
Ulmus parvifolia sempervirens — Evergreen Elm

Class IV — 40 Percent

Acer negundo — Boxelder
Acer saccharinum — Silver Maple
Ailanthus altissima — Tree of Heaven
Aibizia julibrissin — Silktree
Catalpa spp. — Catalpa
Celtis laevigata — Sugarberry
Crataegus spp. — Hawthorns
Eleagnus angustifolia — Russian Olive
Firmiana simplex — Chinese Parasol Tree
Maclura pomifera — Bois d'Arc
Melia azedarach — Chinaberry
Morus rubra — Red Mulberry
Parkinsonia aculeata — Palo Verde
Populus spp. — Cottonwood and Poplars
Prunus bhirainana — Ornamental Plum
Robinia pseudoacacia — Black Locust
Salix spp. — Willows
Tamarix spp. — Tamarisk
Thuja spp. — Arbor Vitae
Ulmus pumila — Siberian Elm
Zizyphus jujube — Jujube

The current International Shade Tree formula recognizes five tree classes. Because many of the lower rated species perform well in drier sites of western Texas, it is more difficult to rate them at 20 percent of a top-quality species. For these reasons, all species listed here are grouped into four classes.

Condition. Very few shade trees are perfect specimens. As trees become large and old they often become defective through decay, broken limbs, man-caused damage or poorly proportioned growth. The specialist making the appraisal must consider the tree condition and judge it on a percentage basis. For example, a 10-inch tree in Class I might be a poorly proportioned tree or display symptoms of heart rot. Instead of being worth \$1178.00 it would be appraised at 60 percent or \$707.00. Obviously a knowledge of tree pathology, entomology and physiology is important to professional evaluation in this category. A diagnostician should, in many situations, be consulted before deciding a tree's condition percentage.

As a guide, the following condition ratings based on life expectancy are offered:

Excellent (over 30 years)	75-100 percent
Good	50-75 percent
Fair	25-50 percent
Declining	0-25 percent

Location. Location is based on benefits from the tree. This factor fortifies the formula by recognizing the position of the tree relative to its function in the landscape. An understanding of the specific tree's role is helpful in applying this factor. The following conditions are outlined for guidance:

Memorial or historical trees	95-100 percent
Residential landscape trees	85-95 percent
Commercial and public area trees	70-85 percent
Windbreak and screening trees	60-70 percent
General park and highway trees	40-50 percent
Native wooded specimen trees contributing to aesthetics	20-40 percent

For example, a 15-inch American elm of good form, without signs of disease, has been growing in a city park in Central Texas. It has shaded a picnic area. This tree was vandalized by girdling the tree with an axe. What was the monetary damage to the tree assuming it has no chance of survival?

The formula:

$$\begin{array}{r}
 \text{(Size)} \quad \text{(15 dollars)} \quad \text{(Class)} \quad \text{(Condition)} \quad \text{(Location)} \quad = \text{Value} \\
 [0.7854(15)^2] \quad (15) \quad (80\%) \quad (100\%) \quad (50\%) \quad = \$1060.00
 \end{array}$$

For insurance companies and the courts, shade tree evaluation *should be attempted only by a professional tree specialist*. The Internal Revenue Service has a different approach to tree appraisal. Any casualty loss claimed must show that the value of the property must have been reduced by the amount of the claim. However, if the outlined procedures are followed, using qualified appraisers, these principles of shade tree evaluation can well apply in tax losses. For example, the cost of repairing damage to property may serve as evidence of the property loss. Thus, replacement costs are acceptable as evidence of reduction of property value. To back up tree casualty loss, claims with IRS rulings by reviewing officers of tree and shrub losses of a similar nature may be used. In addition, the attitude of regional reviewing officials toward shade trees and their legal standing or value may determine the extent of the casualty loss.

The formula description of shade tree evaluation is not intended to help determine the value of fruit and nut bearing trees when their value might be more appropriately determined by crop yield. Neither is it intended as a basis for evaluation of palm trees, since palms do not expand in diameter as do the species listed here. Fair market value or a dollar value per foot of height growth are the valid means of determining the worth of palm trees.

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