

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, April 4, 2022
Municipal Building — Glosserman Room
308 W. San Antonio St.**

AMENDED AGENDA

1. Call meeting to order.
2. Citizen comments not related to a public hearing item.
3. Consider the minutes of the February 7, 2022 meeting.
4. **SV-22-01.** Hold a PUBLIC HEARING and consider a request by Terry Black for a Variance to Chapter 46 "Signs", Lockhart Code of Ordinances, Sections 46-10(b)(3) and 46-10(h)(4), to reduce the required sign setback from a property line adjacent to a street from 10 feet to 5 feet, and reduce the required off-premises sign separation distance from a church building from 2,500 feet to approximately 358 feet, on property consisting of 0.414 acre in the Esther Berry Survey, Abstract No. 1, zoned CHB (Commercial Heavy Business District) and located at 2230 South Colorado Street (US 183).
5. Discuss the date and agenda of the next meeting.
6. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 12:00 p.m. on the 30th day of March, 2022.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
FEBRUARY 7, 2022**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Anne Clark, Severo Castillo, Shawn Martinez, Laura Cline, Kirk Smith

Member Absent: Lori Rangel

Staff Present: Christine Banda, Kevin Waller

Others Present: Brad Schwab (Applicant, Agenda Item 5)

1. Call meeting to order. Chair Cline called the meeting to order at 6:30 p.m.

2. Election of Officers for calendar year 2022.

Member Annas moved to elect Laura Cline as Chair. Member Clark moved to elect Mike Annas as Vice-Chair. Member Annas seconded, and the motion passed with a vote of 7-0.

3. Citizens comments not related to a public hearing item. None

4. Consider the minutes of the December 6, 2021, meeting.

Member Clark moved to approve the December 6, 2021, minutes. Member Reeder seconded, and the motion passed by a vote of 7-0.

5. SE-22-01. Hold a PUBLIC HEARING and consider a request by Brad Schwab, CHG, LLC, on behalf of Lockhart Blvd. Project, LLC, for a Special Exception as provided in Section 64-130(c)(4)(a), Chapter 64 "Zoning", Lockhart Code of Ordinances, to reduce the minimum off-street parking requirement by 33% for a Senior Housing Development on Lot 2, Block 1, Lockhart Gateway Addition, consisting of 7.5 acres zoned RHD (Residential High Density District) and located in the 2200 block of West San Antonio Street (SH 142).

Planning Staff Kevin Waller presented Staff's report. He explained that the proposed Legacy Senior Residences would be an age-restricted community, consisting of 160 apartment units with both one- and two-bedroom layouts. The normal off-street parking requirement for 160 multifamily units would be two spaces per dwelling unit, plus one space for every four units, for a total of 360 parking spaces. Combined with the 15 required ADA parking spaces, this would bring the total required spaces to 375. Mr. Waller stated that the requested Special Exception would reduce this requirement by a maximum of 33% for housing specifically designed and intended for use by the elderly, disabled, or other occupants typically having a lower expectation of automobile ownership and use (Zoning Ordinance Section 64-130(c)(4)(a)). The applicant currently proposes 266 regular

parking spaces, representing a 22% reduction from the required number of spaces, and 16 ADA spaces. However, the applicant would like the ability to potentially reduce the number of proposed spaces further, to a maximum 33% reduction, in the event that the proposed detention pond increases in size and/or additional access points into the development are secured. Waller explained that since the proposed 7.5-acre site for the senior housing facility is part of a larger, 20.5-acre lot, approval of a separate subdivision plat will be required, prior to development. The applicant has also submitted a Specific Use Permit application for the MF-2 development type (21.3 units per acre), which will be considered by the Planning and Zoning Commission at its February 9, 2022 meeting. Mr. Waller concluded by stating that Staff recommends approval of the Special Exception.

Discussion ensued amongst the Commission, including the potential need for additional ADA parking spaces for a senior housing facility.

Chair Cline opened the public hearing and asked the applicant to come forward.

Applicant Brad Schwab with Cornerstone Associates, 209 S. 19th St., Suite 100, Omaha, NE, stated that they would not provide less than the required number of ADA parking spaces, and that their facilities usually exceed the required number of spaces. The number of provided handicapped spaces can be increased, depending upon residents' needs. Mr. Schwab stated that if the Board wants to hold them to the 22% reduction currently shown on the site plan, instead of the maximum 33% reduction requested, then they are agreeable to that.

Chair Cline asked for any other speakers; seeing and hearing from none, she closed the public hearing, and asked for a motion from the Board.

Member Clark moved to approve SE-22-01 to allow a reduction in the required number of parking spaces to no fewer than 266 regular spaces and no fewer than 16 handicapped spaces, as shown on the site plan, representing a 22% reduction instead of the requested 33%. Member Reeder seconded, and the motion passed by a vote of 7-0.

6. Discuss the date and agenda of the next meeting.

Mr. Waller stated that the next regularly scheduled meeting would be held Monday, March 7, 2022, if applications are received by the February 14th deadline.

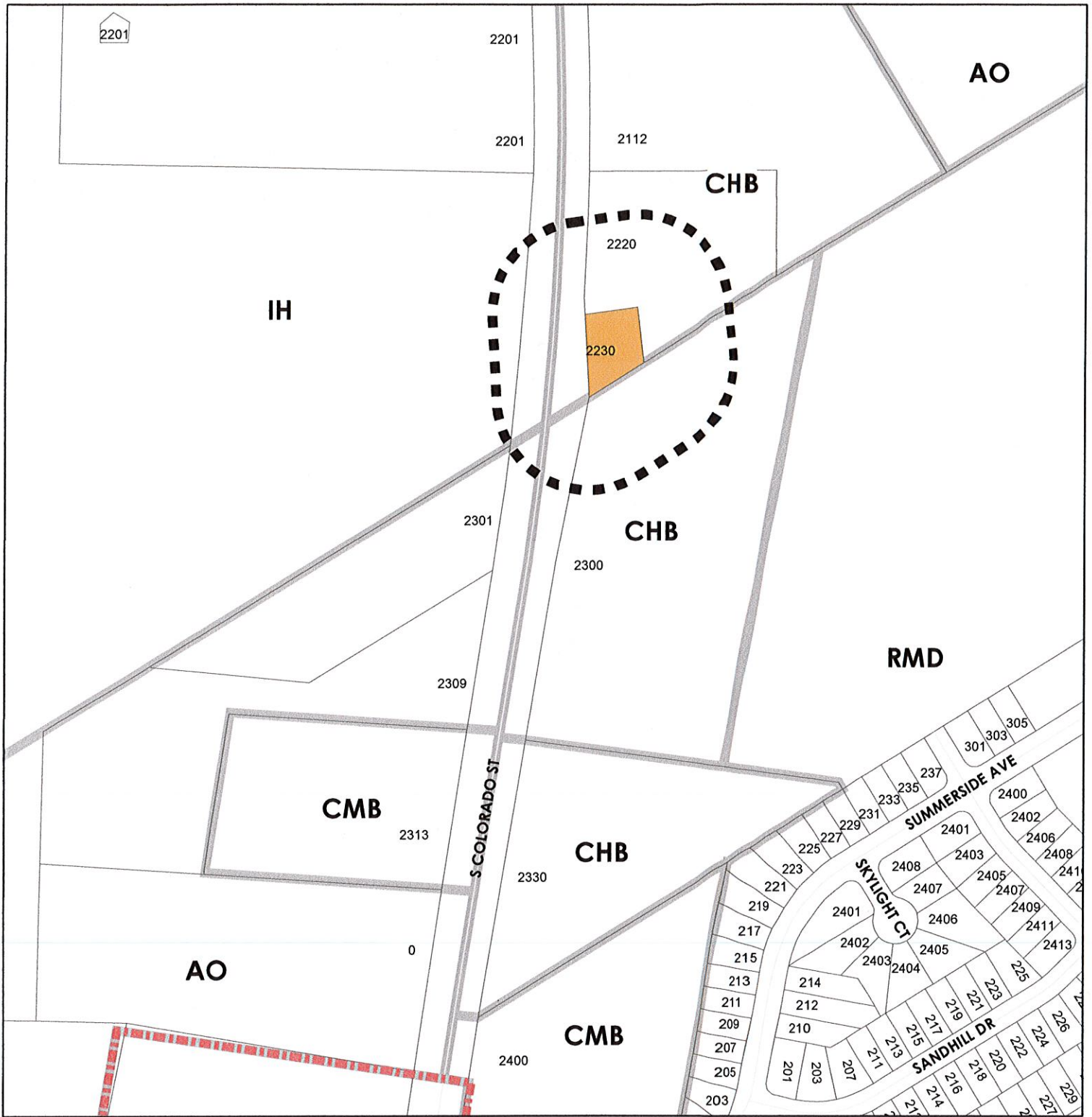
7. Adjourn.

Vice-Chair Annas moved to adjourn the meeting, and Chair Cline seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 6:56 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary




Laura Cline, Chair



SV-22-01

2230 S COLORADO ST (US 183)



-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  CITY LIMITS

TO WAIVE THE REQUIREMENT OF A 10 FT SETBACK FROM ANY PROPERTY LINE ADJACENT TO A STREET AND TO BE WITHIN 2500 FEET OF A CHURCH

scale 1" = 300'

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner *KW* CASE NUMBER: SV-22-01
 REPORT DATE: March 28, 2022
 PUBLIC HEARING DATE: April 4, 2022
 APPLICANT’S REQUEST: Variances to Sign Ordinance Sections 46-10(b)(3) and 46-10(h)(4) of Chapter 46 to allow a reduction in the minimum required sign setback adjacent to a street from 10 feet to 5 feet, and to reduce the required off-premises sign separation distance from a church building from 2,500 feet to approximately 358 feet, respectively.
 STAFF RECOMMENDATION: ***Approval of the Variance Request from Section 46-10(h)(4)***
Denial of the Variance Request from Section 46-10(b)(3)
 SUGGESTED CONDITIONS: None

BACKGROUND DATA

APPLICANT AND OWNER: Terry Black
 SITE LOCATION: 2230 South Colorado Street
 LEGAL DESCRIPTION: Esther Berry Survey, Abstract No. 1 (metes and bounds)
 SIZE OF PROPERTY: 0.414 acre
 EXISTING USE OF PROPERTY: Commercial (tire shop)
 ZONING CLASSIFICATION: CHB (Commercial Heavy Business District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes to place an off-premises sign on the property currently occupied by Rodriguez Tire Shop, which would replace a previous off-premises sign in the same location. The previous sign, according to the applicant, was either removed or destroyed by an unknown person or persons in May 2021. The applicant states that this sign was 240 square feet in area and over 20 feet tall. Due to the length of time that has elapsed since the previous sign’s removal, the original grandfathered status has been lost, and the proposed sign must either meet the City’s current standards or receive approval of a variance in order to be reconstructed. Sign Ordinance Section 46-10(b)(3) requires that high-profile, freestanding signs be set back at least ten feet from any property line adjacent to a street. According to the site plan, the sign will be placed five feet from the front property line adjacent to South Colorado Street. Section 46-10(h)(4) establishes, in part, that no off-premises sign shall be allowed within 2,500 feet of a church building. The sign will be placed approximately 358 feet from the Abundant Church across South Colorado Street to the southwest, according to measurements taken from aerial imagery. It should be noted that the church building did not exist when the original off-premises sign was constructed. The applicant proposes to decrease the area of the new sign by 40 square feet from the previous sign to a total area of 200 square feet, in order to comply with the sign area standards of Section 46-11(b). In addition, since the sign is considered a “High-Profile” sign as that term is defined in Section 46-10(b)(3) within the CHB zoning district, a Specific Use Permit (SUP) must be approved by the Planning and Zoning Commission. The SUP will be considered by the Commission in a Public Hearing on April 13, 2022.

AREA CHARACTERISTICS: The subject property is located in an area of flat terrain along South Colorado Street (U.S. Hwy. 183), transitioning from a commercial corridor to a more sparsely developed area, with the exception of Summerside Subdivision to the south. The nearest off-premises sign is located approximately 1.2 miles to the north, just north of the Bufkin Lane intersection. No off-premises signs are located to the south of the subject property either within the City limits or the City's Extraterritorial Jurisdiction (ETJ).

UNIQUE CONDITIONS OF PROPERTY: There is nothing particularly unique about the subject property in terms of measurable physical characteristics that would preclude placement of the sign within the required 10-foot setback adjacent to South Colorado Street. However, there is no location on the property that would meet the required 2,500-foot setback from the church building across the street and to the southwest.

NATURE OF HARDSHIP: Although approval of the variance would result in financial gain for the applicant through advertising, it would not be considered increased financial gain, since a sign had been in place at this location for many years until last year. No hardships, financial or otherwise, are associated with this request.

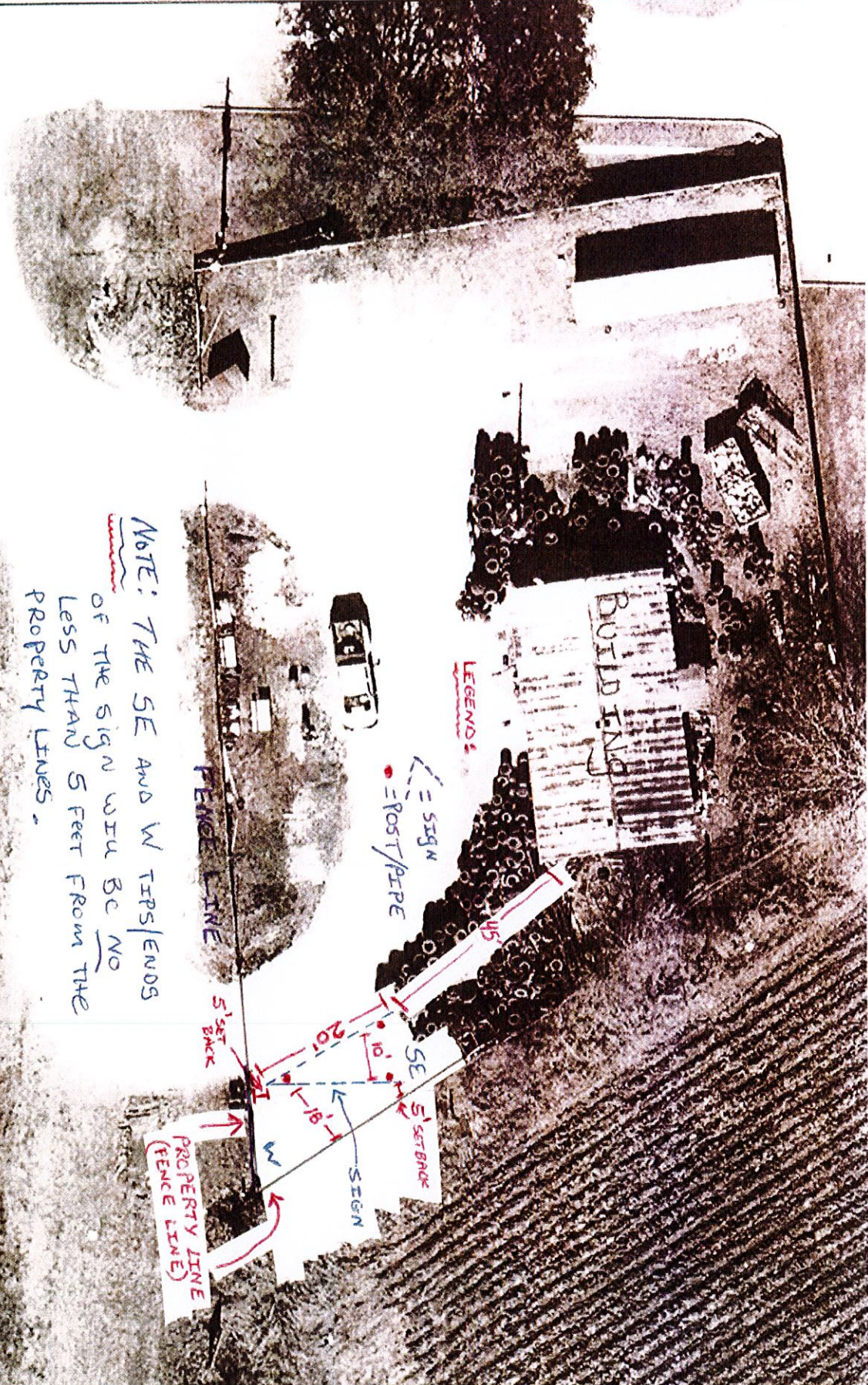
EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: With Staff's recommendation that the sign be placed at least ten feet from the front property line adjacent to South Colorado Street, consistent with the Sign Ordinance, and because of the smaller size of the new sign, adverse impacts on surrounding property and public safety will be reasonably minimized.

COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all six of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the attached written explanation as evidence in support of the variance. Staff believes that the variance request from Section 46-10(h)(4) (separation distance from a church building) warrants approval if the Board determines that all six variance criteria are met. However, there doesn't seem to be any reason that the proposed sign cannot be moved back an additional five feet from the front property line adjacent to South Colorado Street to comply with Sign Ordinance Section 46-10(b)(3).

ALTERNATIVE SOLUTIONS: An alternative solution, as recommended by Staff, would be to locate the sign such that it meets the 10-foot setback requirement from a street, which would avoid the need for a variance from Section 46-10(b)(3). A variance would still be required from the 2,500-foot church setback (Section 46-10(h)(4)), since no location on the property can meet this standard.

PRECEDENT: Approval of a variance to the separation distance requirement from a church building would not set an undesirable precedent, since there is no location on the property that could comply with the 2,500-foot standard, thereby creating a unique circumstance on the property. However, a precedent may be set with respect to the requested five-foot setback from the property line along South Colorado Street, which could encourage other applications for similar sign setback variance requests in the future.

RESPONSE TO NOTIFICATION: Staff received a telephone call from a neighboring property owner on March 24, 2022, who expressed that he was neither opposed, nor in favor of, the proposed sign, and was simply inquiring as to its location.



NOTE: THE SE AND W TIPS/ENDS OF THE SIGN WILL BE NO LESS THAN 5 FEET FROM THE PROPERTY LINES.

NORTH
 SCOLORADO ST
 HWY 183
 SOUTH

LEGEND:

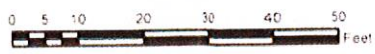
— SIGN
 ● POST/PIPE

PROPERTY LINE (FENCE LINE)

This map is being provided as a courtesy and should only be used as a general guide. It is not a guarantee of location, configuration, size or title. No warranty is expressed or implied to any user for any purpose.

This product is for informational purposes and may not have been created for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Additionally, neither this document nor any other document provided by the Caldwell County Appraisal District's purports to authorize entry onto privately owned property.



Printed by Caldwell County Appraisal District
 Date Printed: Thursday, March 17, 2022



N
W E
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32814
32813
32811
32812
32810
32809
32808

31003

31004

17199

33620

LOCKHART AUCTION

FUNERAL
Home
17189

17190

SIGN

LOCATION

2250 S. COLORADO ST.

2250 S. COLORADO ST.
2250 S. COLORADO ST.

37268

S COLORADO ST
103

61184

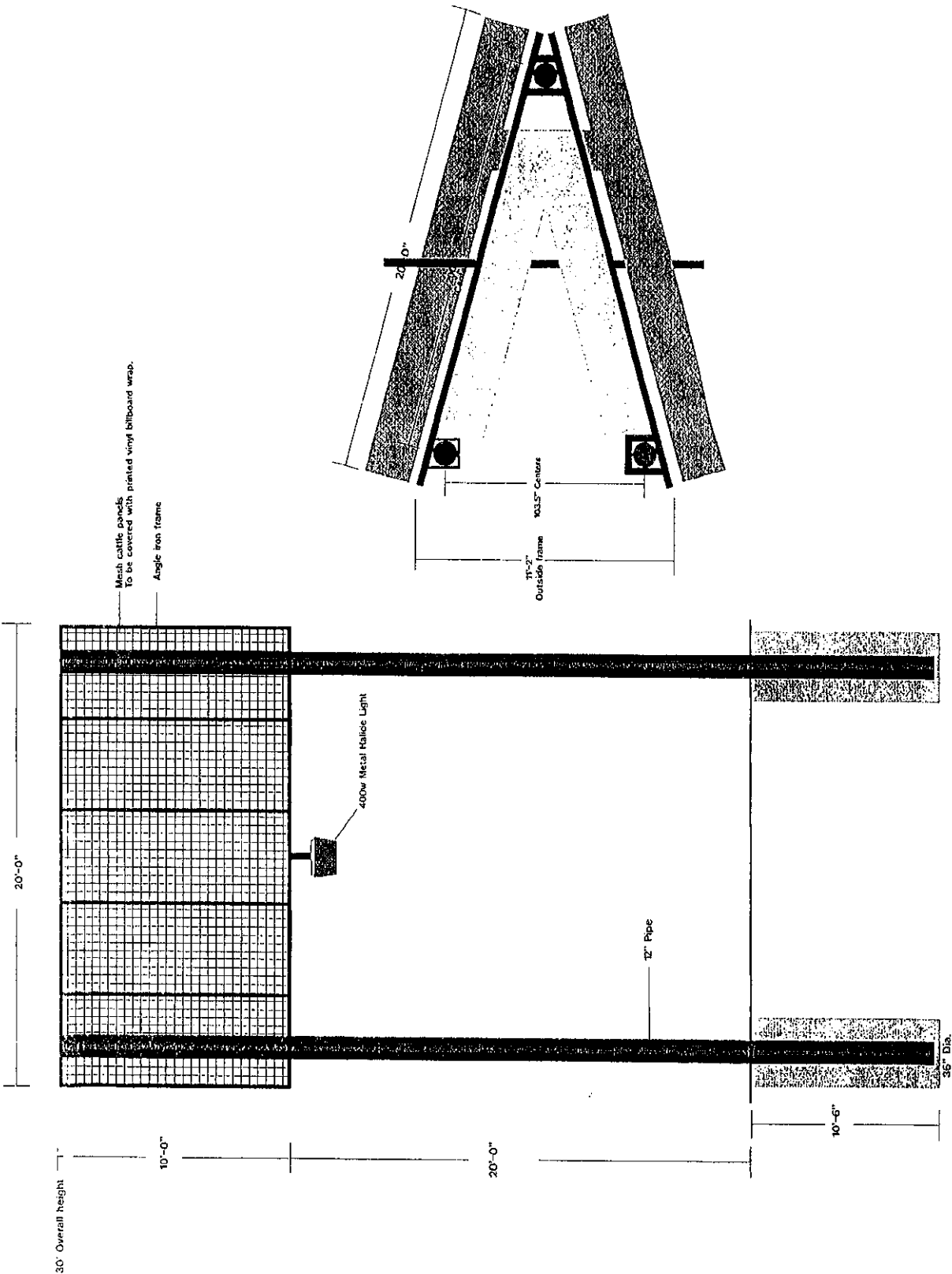
61183

LOCKHART
MOTOR CO
94837
(F.F.D.)

33641

41865

41568
41569
41570
41571
41572
41573
41574
41575
41576
41577
SUMMERSIDE AVE



30' Overall height

20'-0"

10'-0"

20'-0"

10'-6"

36" Dia.

Mesh cattle panels
to be covered with printed vinyl billboard wrap.
Angle iron frame

400w Metal Halide Light

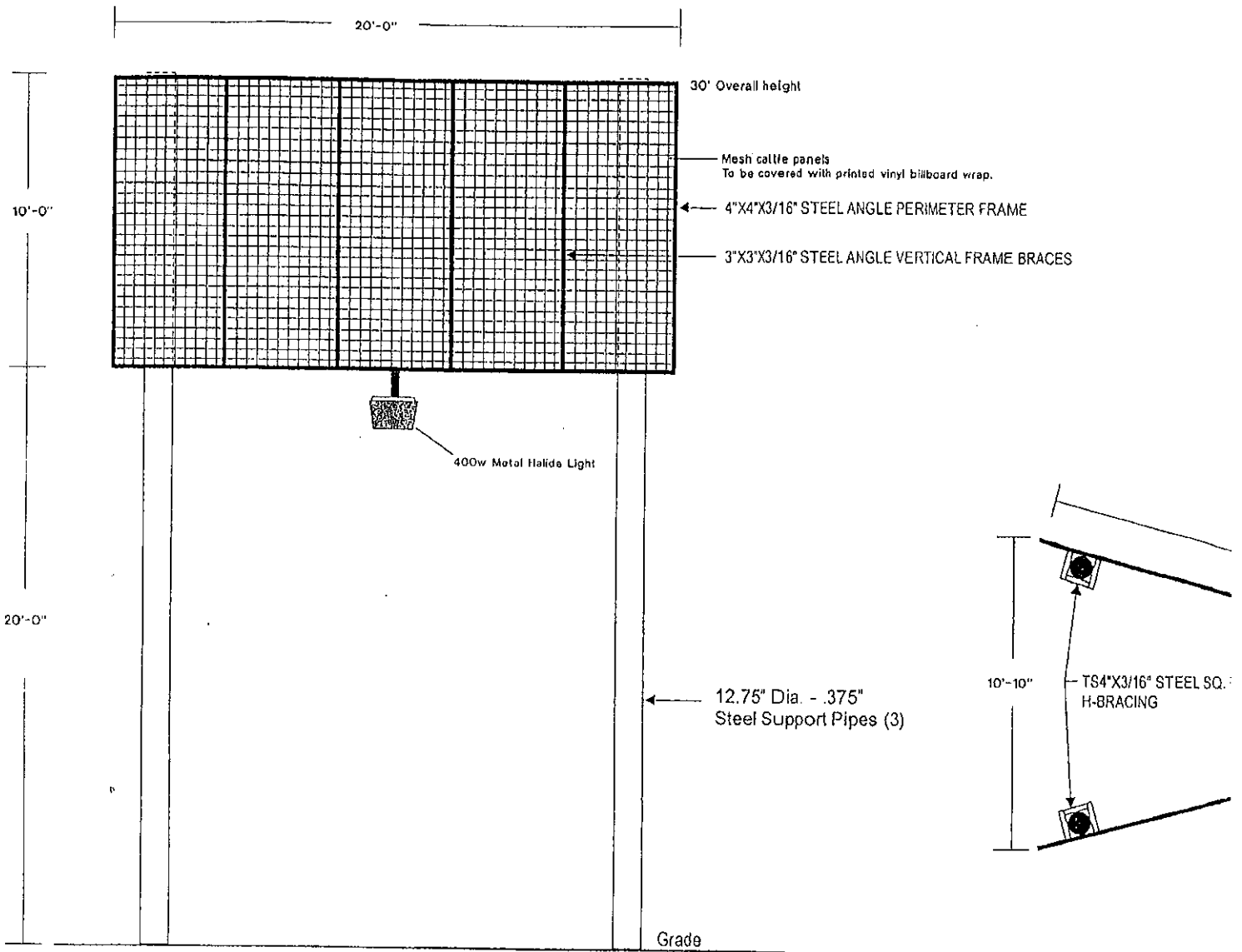
12" Pipe

11'-2" Outside frame
10LS" Centers

20'-0"

SIGN CRAFTERS 2401 J.S. S. San Marcos, TX 78666 Phone: 512-533-7537 Fax: 512-533-7538 www.signcrafters.net	CLIENT TERRY Black's Bar-B-Q APPROVAL	FILE # 11/11 / Black's BBQ Billboard SV	DATE 3/29/11 WITH CHANGES AS NOTED	SCALE N.T.S.
	TYPE OF SIGNAGE 10' x 20' V-shaped billboard structure w/ printed vinyl wrap INSTALL 10'-6" x 3' Holes with concrete / (3) 12.75" steel pipe	LOCATION San Antonio-St. Lockhart 2330 S. COLORADO		

This contract is made in full satisfaction of the contract between the undersigned and the advertiser for the erection and maintenance of the above described sign. The advertiser agrees to indemnify and hold the sign erector harmless from all claims, damages, losses or expenses, including reasonable attorney's fees, which may be incurred by the sign erector in connection with the performance of this contract. The sign erector shall not be responsible for the design, construction, installation, maintenance, or removal of the sign. The sign erector shall not be responsible for the safety of the sign or the safety of the public. The sign erector shall not be responsible for the removal of the sign or the removal of the sign structure. The sign erector shall not be responsible for the removal of the sign or the removal of the sign structure. The sign erector shall not be responsible for the removal of the sign or the removal of the sign structure.



BILLBOARD ELEVATION

SCALE: 3/16"=1'-0"

**Sean M.
McFarland, PE**

19526 Kuykendahl
Spring, TX 77379

STRUCTURAL SIGN DESIGN
&
ENGINEERING SERVICES

Ph: (281) 813-7439
Fax: (281) 528-6024
Email: sean@smcfarland.com
Web: www.SMcFarland.com

Job:
TERRY
BLACK'S BBQ

Customer: SIGN CRAFTERS

Job #: 09-15213

City/State: LOCKHART, TX

Address: ~~2039H~~ 2230 So. COLORADO ST.

Pay careful attention to all text boxes with light grey shaded backgrounds. These text boxes contain important engineering information.

Revisions:

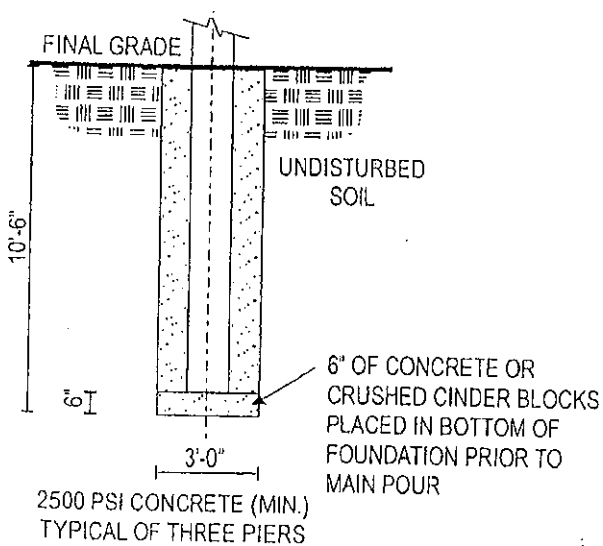
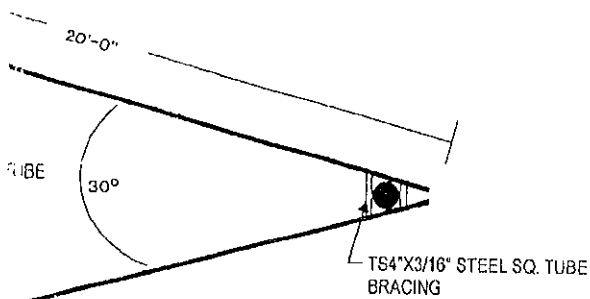
The electronic seal appearing on this document was authorized by Sean M. McFarland, PE on March 25, 2009.

MAR 25 2009



exp 6/30/2009

Date: 3-25-2009
Sheet #: 3 of 3



TERRY BLACK'S BARBECUE, LLC
208 North Main Street
Lockhart, Texas 78644-2122
(512) 398 - 9300 / (512) 398 - 6000 (Fax)
Email : black525@sbcglobal.net

February 24, 2022

ATTACHMENT

Sign Variance Application
Submittal Requirements

RE: 2230 So Colorado Sign

The Applicant and Owner are the same. Terry Black owns the LLC.

Legal Description is attached. Labeled Exhibit "A"

The old sign was removed / destroyed by a previous tenant. This was an unauthorized removal action that is currently at the Caldwell County Criminal District Attorney's office under review for possible criminal action. The two variances requested previously existed with the old sign. It was a 'grandfathered' sign.

The variances will not increase financial gain or reduce financial hardship. They will allow me to maintain the status quo since these two variances previously existed with the old sign. In fact, I am decreasing the sign face by 40 square feet to be in compliance with Chapter 46 - Signs. (From 240 SF to 200 SF)

Considering the fact that the requested variances previously existed for over forty (40) years, the variances have not and will not adversely affect the public health/safety of any person and will not interfere in any manner with the proper use of adjoining property nor will they alter the character of the zoning district. They are in harmony with the intent and purpose of the sign regulation.

Thank you for your time, service and serious consideration of my variance request.
Please call me if you have any questions.

Sincerely,

Terry Black

CITY OF
Lockhart
TEXAS

SIGN VARIANCE APPLICATION

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

APPLICANT/OWNER

APPLICANT NAME Terry Black's Barbecue *
ADDRESS 208 N. Main St.

DAY-TIME TELEPHONE 512-398-9300 P.O. Box 990

E-MAIL black525@sbcglobal.net Lockhart, TX 78644

OWNER NAME Terry Black ADDRESS same

DAY-TIME TELEPHONE same

E-MAIL same

*LOCKHART, LLC

PROPERTY

ADDRESS OR GENERAL LOCATION 2230 So. Colorado Street

LEGAL DESCRIPTION (IF PLATTED) N/A - ^{Unplatted} Esther Berry Survey, Abstract #1

SIZE .41 ACRE(S) ZONING CLASSIFICATION CHB

EXISTING USE OF LAND AND/OR BUILDING(S) Billboard location and tire shop

REQUESTED SIGN VARIANCE

VARIANCE TO SECTION(S) 46-10(b)(3) and 46-10(h)(4) OF THE SIGN REGULATIONS

CURRENT ORDINANCE REQUIREMENT(S) 10 foot set back from ROW and
a church is less than 2,500 feet from the sign across Highway 183
to the southwest.

REQUESTED VARIANCE(S) 5 foot set back from the ROW. This was the location
of the old sign and meets TXDOT requirements. Regarding the church,
TXDOT has no church distance requirement and the old sign was in place
many years before the church was built across Highway 183.

SUBMITTAL REQUIREMENTS

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

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

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. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from others similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
2. The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
3. The variance is the minimum amount necessary to allow a reasonable use of the property;
4. The *sole* reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
5. The variance will not adversely affect the general public health or safety, or persons residing or working in the vicinity of the proposed sign, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district; and,
6. The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the sign regulations.

DRAWING, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings, parking areas, and signs; 5) location and dimensions of the face and structure of the proposed sign; and, 6) any other information applicable to the requested variance.

APPLICATION FEE OF \$ 150.00 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

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

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

SIGNATURE Terry W. Black

DATE 3/14/2022

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER R0114 3118

DATE SUBMITTED 3/15/22

CASE NUMBER SV - 22 - 01

DATE NOTICES MAILED 3.21.22

DATE NOTICE PUBLISHED 3-24-22

BOARD OF ADJUSTMENT MEETING DATE 4/4/22

DECISION _____

CONDITIONS _____
