

PUBLIC NOTICE

**City of Lockhart
Historical Preservation Commission
5:30 p.m. Wednesday, April 2, 2025
Municipal Building – Glosserman Room
308 West San Antonio Street**

AGENDA

1. Call meeting to order.
2. Citizen comments not related to an agenda item.
3. Consider the minutes of the March 5, 2025 meeting.
4. TA-23-01. Consider a request by Martin Spellerberg of Spellerberg Associates, LLC for a final site inspection and determination of substantial completion as required for certification of approved enhancements for Tax Abatement to include various interior improvements, a new HVAC unit on the roof, a new window on the rear building façade, the re-pitching of the roof from the east to west sides, and replacement of the roof with a different material, to also include consideration of the actual amount spent on the enhancements which differs from the estimated amount specified in the approved Tax Abatement Agreement, and to also include a recommendation to City Council to extend the one-year timeframe set forth in the Tax Abatement Agreement for completion of the work to the actual timeframe spent, being 17 months, to a building in the Historic District on part of Lot 4, Block 19, Original Town of Lockhart, zoned CCB (Commercial Central Business), and located at 103 South Main St.
5. Consider a recommendation to the City Council for a text amendment to Chapter 28, Historic Districts and Landmarks, to replace the one-year timeframe requirement for completion of enhancements to an approved Tax Abatement application for historic preservation with an open-ended timeframe approved by City Council.
6. Discuss the date and agenda of the next meeting, including Commission requests for agenda items.
7. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 9:00 a.m. on the 27th day of March, 2025.

**City of Lockhart
Historical Preservation Commission
March 5, 2025**

MINUTES

Members Present: Kevin Thuerwaechter, Christine Ohlendorf, Marcia Proctor, Ray Ramsey, Jerry Haug, Frank Gomillion, Ron Faulstich

Members Absent: None

Staff Present: David Fowler, Kevin Waller, Romy Brossman

Public Present: Rob Brown (applicant, Agenda Item 5), James Pitts (applicant, Agenda Item 6), Jennifer Lindberg

1. Call meeting to order. Chair Thuerwaechter called the meeting to order at 5:30 p.m.
2. Citizen comments not related to an agenda item. None
3. Consider the minutes of the January 15, 2025, meeting.

Commissioner Proctor moved to approve the minutes as presented. Vice-Chair Ohlendorf seconded; the motion passed by a vote of 7 - 0.

4. Consider the minutes of the February 5, 2025, meeting.

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

Planning Staff Kevin Waller noted that an extension is being sought out by Marty Spellerberg for the recent Tax Abatement approval for the property at 103 S. Main St. The work took longer than one year; therefore, an extension is being requested from City Council.

5. CFA-25-05. Consider a request by Rob Brown of Main Street Investments, LLC, for approval of a Certificate for Alteration for the replacement of an exterior staircase handrailing and handrailing support posts on part of Lot 4, Block 19, Original Town of Lockhart, on property zoned CCB(Commercial Central Business) and located at 101 S. Main St.

Mr. Waller presented the case. The applicant proposes to replace the handrailing and balusters of the exterior staircase located on the north, side wall façade of the subject property. The replacements are necessary for insurance reasons, which require that the balusters are spaced no more than four inches apart. The new railing and balusters will consist of 1.5 inch by 1.5 inch square, black, iron tubing. All other structural elements of the staircase will remain the same.

Staff recommends approval, as the proposed handrail and balusters are not out of character with the Courthouse Square Historic District. Other similar examples of exterior staircases can be found on the Square, including on the south, side wall of Commerce Café located at 118 S. Commerce Street.

Applicant Robert Brown, 8395 FM 1322, Lockhart, TX, commented the work will be done due to the request of his insurance company. He understands the reasoning but also wishes to maintain the historic appearance of the staircase. He intends to make the railing look as if it's always existed. The exterior staircase is used by the second-floor tenant to enter the office. The interior staircase is, for the most part, kept private for the first-floor tenant.

Vice-Chair Ohlendorf reported having experience with a similar situation and would share resource information with the applicant.

Commissioner Proctor moved to approve CFA-25-05. Commissioner Gomillion seconded; the motion passed by a vote of 7 - 0.

6. CFA-25-07. Consider a request by James Pitts of Yellow House Properties for approval of a Certificate for Alteration for a window sign on part of Lot 1, Block 23, Original Town of Lockhart, on property zoned CCB (Commercial Central Business) and located at 103 E. San Antonio St.

Proposed is a window sign for the Jennifer Lindberg Studio. The vinyl decal sign will be located in the main display window to the right of the front door, replacing the current sign. The proposed sign will include the updated business logo, reading "Jennifer Lindberg Studio" within an arch graphic and "The Art of Black & White" beneath the arch. All lettering will be white and in an all-caps font. Staff recommends approval.

Jennifer Lindberg, 401 S. Main St., Lockhart, TX, noted that the new logo echoes the shape of the historic building's arched windows. The business' website has already been updated with the new logo, so this approval will be congruent with the business' rebranding.

Commissioner Ramsey moved to approve CFA-25-07. Commissioner Proctor seconded; the motion passed by a vote of 7 - 0.

7. Discussion and possible action regarding Commission meeting frequency and staff reports/presentation.

Planning Director David Fowler presented the case to adjust LHPC meeting frequency to once per month. If initiated, some of the benefits would include: avoiding rushed applications, improve the quality of submissions and application review, as well as allow time for corrections. The greater potential impact of construction related applications creates another potential argument for once-monthly meetings, as applicants often seem motivated by speed of approval rather than the quality of submissions. Such applications/projects have the potential to greatly affect the future of our historic district and landmarks.

Commissioner Gomillion agreed, remarking that this will give staff more time to do their job and will provide the Commission with better information to do theirs.

The Commissioners discussed when to start the new schedule and on which day (the first or third Wednesday of the month) the LHPC meeting would be held. The Commission agreed to begin the new schedule in April, and to hold meetings on the first Wednesday of each month. In addition, a two-week deadline before an upcoming meeting for any non-construction Certificate of Alteration applications (i.e. new paint, signs, etc.) and an untimed review process for applications involving construction items will be implemented. The Commission requested that a letter be sent to property owners and businesses informing them of the changes.

Commissioner Faulstich moved to approve a change in the LHPC meeting schedule from biweekly to monthly, to the first Wednesday of the month beginning April 2025 and to initiate a two-week deadline before an upcoming meeting for any non-construction Certificate for Alteration applications and an untimed review process for applications involving construction. Commissioner Ramsey seconded; the motion passed by a vote of 7 - 0

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

Mr. Waller confirmed that the next regularly scheduled meeting (the last of the biweekly meetings) would be held March 19th, although no complete submittals have been received to date.

9. Adjournment.

Commissioner Faulstich moved to adjourn the meeting, and Commissioner Haug seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 6:37 p.m.

Approved: _____
(date)

Romy Brossman, Recording Secretary

Kevin Thuerwaechter, Chairman

TO: Lockhart Historical Preservation Commission
FROM: Kevin Waller, Historical Preservation Officer
SUBJECT: Tax Abatement Approval for 103 S. Main St.
DATE: March 26, 2025

This memo pertains to the verification of substantial completion of enhancements recently made to a commercial building on property within the Historic District, located at 103 South Main St. During the Commission's upcoming April 2, 2025 meeting, the Commission will visit the property to physically inspect the enhancements, followed by a vote and approval, which will be the Commission's certification that the enhancements were made in accordance with the approved tax abatement application (Case File #TA-23-01) for this property.

It should be noted that the estimated amount spent on the enhancements, as identified in the attached Tax Abatement Agreement, is \$145,400.00. However, in a recent discussion with the applicant, Staff was informed that the actual amount spent was \$159,420.00. A motion to approve the completed enhancements could stipulate that the actual expenditure amount noted above is approved. A similar stipulation was made for the tax abatement approval for Ronda Reagan's property at 112 N. Main St. in August 2024, in which the Commission's approval included both the estimated amount, as well as any higher amount that exceeded the estimate.

In a recent discussion with applicant Marty Spellerberg, Staff was informed that the time to complete the approved enhancements exceeded the one-year timeframe specified in the Tax Abatement Agreement. Specifically, the construction was completed in February 2025, which is 5 months beyond the one-year timeframe specified in the Tax Abatement Agreement dated September 19, 2023, with the one-year expiration being September 19, 2024. As a result, the extended timeframe for completion must be considered by the City Council for an extension. Staff suggests that the Commission vote on a recommendation to the Council to extend the one-year timeframe for completion of the enhancements at the March 26 meeting. In addition, we suggest that the Commission also vote on a recommendation to City Council to remove the general one-year timeframe in Chapter 28, and replace it with a timeframe "as approved by City Council", which would allow flexibility depending upon the scope of the project. This will require a text amendment to Chapter 28, Historic Districts and Landmarks, Sections 28-21(k) and 28-23; the proposed amendments are attached. The Commission's final inspection and approval of the enhancements for Mr. Spellerberg's property would then be conditioned upon the City Council's approval of the extended timeframe for completion at a future Council meeting.

Following approval of the City Council's extension of the one-year timeframe for the enhancements to Mr. Spellerberg's property, Staff will prepare a final approval letter for the Historical Preservation Commission Chairman's signature. The letter will be provided to Mr. Spellerberg, as well as the City Finance Department and Caldwell County Appraisal District to initiate the process of applying the tax abatement to the municipal taxes imposed on the property for the next tax year. This will then complete the tax abatement process.

CITY OF
Lockhart
TEXAS

(512) 398-3461 • FAX (512) 398-5103
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

September 20, 2023

Martin Spellerberg
Spellerberg Associates, LLC
6312 Woodhue Dr.
Austin, TX 78745
marty@spellerberg.org

Dear Mr. Spellerberg:

On September 19, 2023, the Lockhart City Council made a **determination of eligibility** by unanimous vote (6-0) for your request for a Tax Abatement (TA-23-01) pursuant to Chapter 28 "Historic Districts and Landmarks", Division 2 "Tax Abatement", of the Lockhart Code of Ordinances, for exterior and interior improvements to a commercial building in the Historic District, located at 103 South Main Street. The improvements include a new window on the rear façade of the building, the re-pitching of the roof, replacement of the roof with a different material, repairs to the roof deck as needed, a new roof hatch to replace that existing, a new HVAC installation on the roof, repair of the existing HVAC systems, replacement of the awning canvas with that of identical material and design, 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. Please consult with the Building Department regarding the necessary permits. Some of the enhancements are considered Ordinary Maintenance and do not require permits; the Building Department can explain further.

Pursuant to Sections 28-23 and 28-24, please note the following next steps:

- The certification for tax abatement shall be valid for one year.
- The City shall require the property owner and City enter into a tax abatement agreement which may set further conditions on the tax abatement authorized.
- The verification and subsequent tax abatement may carry with the property, provided the conditions of the abatement are met and the City is in agreement.
- Upon completion of all work determined eligible by the City Council for tax abatement, the owner shall submit a sworn statement of completion.
- The Commission shall physically verify completion within 30 days of the sworn statement submission.
- Following verification and approval, the Commission shall notify the City in writing of compliance.
- The City shall notify the tax authorities to apply the tax abatement.

We will be in contact with you soon regarding the above. If you have any questions, please contact me by phone at (512) 398-3461, Ext. 2400, or by email at kwaller@lockhart-tx.org.

Sincerely,



Kevin Waller
Historical Preservation Officer
Senior Planner

Cc: David Fowler, Planning Director; Kelly Stilwell, Building Official; Steve Lewis, City Manager; John Lairsen, Historical Preservation Commission Chairman

Spellerberg Associates

February 5, 2025

Kevin Waller
City of Lockhart
Historical Preservation Commission
308 W. San Antonio St.
Lockhart, TX 78644

Dear Mr. Waller:

This letter is to acknowledge that the remodel and preservation work at 103 S Main Street, Lockhart, TX., as previously certified by the Historical Preservation Commission for a tax abatement is now complete (Sec. 28-24).

I am ready for the Commission to come revisit the property to verify that the work is complete.

Sworn by and respectfully,

A handwritten signature in black ink that reads "M Spellerberg". The signature is written in a cursive style with a large, stylized "M" and a long, sweeping underline.

Martin Spellerberg

Owner, Spellerberg Associates LLC

TAX ABATEMENT AGREEMENT

THIS TAX ABATEMENT AGREEMENT is made and entered into as of the 19th day of September, 2023 (the "*Effective Date*"), by and between **Martin Spellerberg of Spellerberg Associates, LLC** (property owner), and the City of Lockhart, a Texas home rule city in Caldwell County, Texas, upon the terms and conditions set forth herein:

- A. The City Council of the City of Lockhart recognizes the importance of the preservation of historically significant structures within the city, and that historic preservation contributes to the economic development, growth, and expansion of a community.
- B. The expenses involved with the restoration and upkeep of said structures often exceeds that of newer structures.
- C. The City Council desires to encourage preservation of historically significant structures by providing the owners of said structures with property tax relief.
- D. The Historic Districts and Landmarks Ordinance, Lockhart Code of Ordinances, Sections 28-21, 28-22, 28-23, and 28-24 provide that upon application and approval by the City Council, the owner of property designated as a historic landmark or located within a historic district may receive an abatement on the municipal taxes assessed on the property.
- E. The said abatement being that the qualified property may have no assessed value for City of Lockhart ad valorem taxation for a period of five tax years after completion of the certified enhancement(s). Thereafter, the property shall be reappraised and assessed at a 50 percent rate for an additional consecutive five-year period.
- F. The property may receive an abatement of the City ad valorem taxation of the added value in the eligible property as determined by the increase in the assessed value in the property as a result of the improvements and preservation.
- G. The minimum tax abatement allowed shall be an amount equal to the previous two years of City taxes actually paid on the property. The City Council may set a different minimum abatement.
- H. The total tax abatement shall not exceed the owner's total out-of-pocket cost of the enhancement.
- I. The work which is certified for tax abatement must be completed within one year of the certification and agreement.

- J. The certified and/or verified tax abatement may carry with the property, provided the conditions of the abatement are met and the City is in agreement.
- K. Martin Spellerberg of Spellerberg Associates, LLC, owner of the property located at 103 South Main Street, Lockhart, Caldwell County, Texas, more fully described as Part of Lot 4, Block 19, Original Town of Lockhart, has applied for a tax abatement for both exterior and interior improvements to an existing commercial building in the Courthouse Square Historic District to include a new window on the rear façade of the building, the re-pitching of the roof, replacement of the roof with a different material, repairs to the roof deck as needed, a new roof hatch to replace that existing, a new HVAC installation on the roof, repair of the existing HVAC systems, replacement of the awning canvas with that of identical material and design, 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. Mr. Spellerberg has met the requirements set forth in Sections 28-21, 28-22, and 28-23 of the Lockhart Code of Ordinances, including a determination of eligibility by the City Council at its September 19, 2023 Public Hearing. Section 28-24 addresses later steps in the process, including the property owner's submission of a sworn statement of completion, final investigation of the property by the Historical Preservation Commission, and the City's notification to the Caldwell County Appraisal District to apply the tax abatement accordingly.
- L. For the tax year beginning after the completion of the certified enhancement, and continuing for a total of five tax years, Martin Spellerberg is granted a 100% abatement of the municipal taxes assessed against the property located at 103 South Main Street. Thereafter, the property shall be reappraised and assessed at a 50 percent rate for an additional consecutive five-year period. In no event shall the total tax abatement exceed the total out-of-pocket cost of the enhancements certified by the Commission, the most recent estimate of which, documented by the owner, is \$145,400.00.

DATED AND EFFECTIVE as of the Effective Date first written above.

PROPERTY OWNER:

Spellerberg Associates, LLC

By: M. Spellerberg

Name: MARTIN SPELLERBERG

Title: OWNER

CITY:

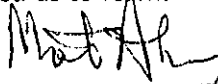
City of Lockhart, Texas

By: Lew White

Name: LEW WHITE

Title: MAYOR

Approved as to form:



Name: Monte Akers

Title: City Attorney

CHAPTER 28. HISTORIC DISTRICTS AND LANDMARKS

DIVISION 2. TAX ABATEMENT

Sec. 28-21. General criteria and guidelines of tax abatement program.

- (k) The work which is certified for tax abatement must be completed within a time period approved by the City Council ~~one year of the certification and agreement~~. The certified and/or verified tax abatement shall carry with the property. A property may be certified and verified for additional work and receive more than one tax abatement concurrently, but not to exceed the limits allowed by the tax abatement program.

Sec. 28-23. Certification for tax abatement.

Upon receipt of the sworn application, the commission shall make an investigation of the property and shall certify the facts to the city within 30 days along with the commission's documentation for approval or disapproval of the application for abatement. Upon receipt of the certified application for tax abatement as well as the recommendation of the commission, the city council shall within 30 days approve or disapprove eligibility of the property for tax relief pursuant to sections 28-21 through 28-24. In determining eligibility, the City of Lockhart shall first determine that the applicant is in compliance with all the requirements of these sections and the city Code. The certification for tax abatement for specified work shall be valid for a time period approved by the City Council ~~one year~~. The city shall require the property owners, tenants and city enter into a tax abatement agreement which may set further conditions on the tax abatement authorized. The verification and subsequent tax abatement may carry with the property provided the conditions of the abatement are met and the city is in agreement.

[Existing subsections not shown are unchanged.]