

1. Agenda

Documents:

[2023-02-09-PZ-REG-AGN.PDF](#)

[PANDZ 02-09-2023 PACKET.PDF](#)

Chairman
Tom Monahan

Vice-Chairman
Don Johndrow



Commission Members

Thomas Burlew
Julie Davis
Larry Hagler
Kathy Koza
Norma Owen

**AGENDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING**

NOTICE IS HEREBY GIVEN that the Lago Vista Planning and Zoning Commission will hold a regular meeting on Thursday, February 9, 2023, beginning at 6:30 p.m. in City Council Chambers at 5803 Thunderbird, Lago Vista Texas, as prescribed by Government Code Section §551.041 to consider the following agenda items.

This meeting will be held in the City Council Chambers at 5803 Thunderbird, Lago Vista, Texas and utilizing an online videoconferencing tool (GoToMeeting).

You may join the meeting from your computer, tablet or smartphone using the following link: <https://meet.goto.com/597935277>

You can also dial in using your phone to the following number and access code:

United States: +1 (408) 650-3123
Access Code: 597-935-277

For supported devices, you can also use the following one-touch number to join:

One-touch: <tel:+14086503123,,597935277#>

To download and install the GoToMeeting application prior to the start of the meeting, please use the following link: <https://meet.goto.com/install>

To participate in the citizens comment portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Chair prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the following address:

[Citizen Participation Registration Form](#)

CALL TO ORDER, ROLL CALL

CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any item not on the agenda.

BUSINESS ITEMS

1. Comments from the Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

2. **22-2282-R-REZ:** Consideration of a recommendation regarding a zoning district change request from TR-1 ("Temporary Restricted") to R-1D ("Single-Family Residential") adjacent to 20700 Northland Drive and from R-1D ("Single-Family Residential") and TR-1 ("Temporary Restricted") to C-2 ("Commercial: Large Scale") with design approval for that property and the existing lot located at 7600 Lohman Ford Road and a zoning district and Drive (Lago Vista Estates, Section 6, Lot 1873, 1874 and a portion of the property platted as Tract A).

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Recommendation

Note: this item was deferred, and the public hearing continued at the January 12, 2023 Planning and Zoning Commission regular meeting.

3. **23-2304-SP-E:** Consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 20.5 feet for a single-family residence at 20801 McKinley Cove (Highland Lake Estates, Section 15, Lot 15164).

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Decision

4. **23-2309-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend a portion of the existing "Montechino Planned Development District" (PDD) to approve a new detail plan and configuration of single-family residential lots (Lot 9, 10, 13, 14, 15, 16, 17 and 18 of the Marshall's Harbor Subdivision and portions of Lot 19, 20, 21, 22, 23, 24 and 26 of the Marshall's Harbor Subdivision, said portions being the balance of the lots vacated by the Montechino Phase 1, Section 1 Subdivision recorded in Document No. 201300161 of the O.P.R.T.C.T.).

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Recommendation

5. **23-2314-PDD-MOD:** Consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as “The Peninsula” regarding the list and description of permitted uses for the “Condominiums Parcels.” The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Recommendation

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

6. Reconsideration of a previous recommendation to amend Section 6.65 of Chapter 14 of the Lago Vista Code of Ordinances to limit the storage and parking of various types of vehicles outside of an enclosure and visible from a public right-of-way.

- A. Staff Presentation
- B. Open Public Hearing
- C. Close Public Hearing
- D. Discussion
- E. Recommendation

7. Consideration of a recommendation to amend Section 2.15 of Chapter 10 to reduce the number of lots that result in a requirement for a concept plan and to clarify that the property on subdivision plats that are considered lots for the purpose of determining that requirement does not include divisions such as private drives that are specifically designated as commonly owned and prohibited as building sites by restrictions or other encumbrances on that plat or by a referenced recorded instrument.

- A. Staff Presentation
- B. Open Public Hearing
- C. Close Public Hearing
- D. Discussion
- E. Recommendation

CONSENT AGENDA

All matters listed in the Consent Agenda are to be considered routine by the Commission and will be enacted by one motion without discussion. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

8. Consider Approval of the Following Minutes:

January 12, 2023, Regular Meeting

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located in City Hall in said City at 10:25am on the 6th day of February 2023.



Lucy Aldrich, City Secretary

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

Meeting Packet
Planning and Zoning Commission Regular Meeting

February 9, 2023

Chairman
Tom Monahan

Vice-Chairman
Don Johndrow



Commission Members

Thomas Burlew
Julie Davis
Larry Hagler
Kathy Koza
Norma Owen

**AGENDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING**

NOTICE IS HEREBY GIVEN that the Lago Vista Planning and Zoning Commission will hold a regular meeting on Thursday, February 9, 2023, beginning at 6:30 p.m. in City Council Chambers at 5803 Thunderbird, Lago Vista Texas, as prescribed by Government Code Section §551.041 to consider the following agenda items.

This meeting will be held in the City Council Chambers at 5803 Thunderbird, Lago Vista, Texas and utilizing an online videoconferencing tool (GoToMeeting).

You may join the meeting from your computer, tablet or smartphone using the following link: <https://meet.goto.com/597935277>

You can also dial in using your phone to the following number and access code:

United States: +1 (408) 650-3123
Access Code: 597-935-277

For supported devices, you can also use the following one-touch number to join:

One-touch: <tel:+14086503123,,597935277#>

To download and install the GoToMeeting application prior to the start of the meeting, please use the following link: <https://meet.goto.com/install>

To participate in the citizens comment portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Chair prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the following address:

[Citizen Participation Registration Form](#)

CALL TO ORDER, ROLL CALL

CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any item not on the agenda.

BUSINESS ITEMS

1. Comments from the Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

2. **22-2282-R-REZ:** Consideration of a recommendation regarding a zoning district change request from TR-1 ("Temporary Restricted") to R-1D ("Single-Family Residential") adjacent to 20700 Northland Drive and from R-1D ("Single-Family Residential") and TR-1 ("Temporary Restricted") to C-2 ("Commercial: Large Scale") with design approval for that property and the existing lot located at 7600 Lohman Ford Road and a zoning district and Drive (Lago Vista Estates, Section 6, Lot 1873, 1874 and a portion of the property platted as Tract A).

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Recommendation

Note: this item was deferred, and the public hearing continued at the January 12, 2023 Planning and Zoning Commission regular meeting.

3. **23-2304-SP-E:** Consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 20.5 feet for a single-family residence at 20801 McKinley Cove (Highland Lake Estates, Section 15, Lot 15164).

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Decision

4. **23-2309-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend a portion of the existing "Montechino Planned Development District" (PDD) to approve a new detail plan and configuration of single-family residential lots (Lot 9, 10, 13, 14, 15, 16, 17 and 18 of the Marshall's Harbor Subdivision and portions of Lot 19, 20, 21, 22, 23, 24 and 26 of the Marshall's Harbor Subdivision, said portions being the balance of the lots vacated by the Montechino Phase 1, Section 1 Subdivision recorded in Document No. 201300161 of the O.P.R.T.C.T.).

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Recommendation

5. **23-2314-PDD-MOD:** Consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as “The Peninsula” regarding the list and description of permitted uses for the “Condominiums Parcels.” The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Recommendation

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

6. Reconsideration of a previous recommendation to amend Section 6.65 of Chapter 14 of the Lago Vista Code of Ordinances to limit the storage and parking of various types of vehicles outside of an enclosure and visible from a public right-of-way.

- A. Staff Presentation
- B. Open Public Hearing
- C. Close Public Hearing
- D. Discussion
- E. Recommendation

7. Consideration of a recommendation to amend Section 2.15 of Chapter 10 to reduce the number of lots that result in a requirement for a concept plan and to clarify that the property on subdivision plats that are considered lots for the purpose of determining that requirement does not include divisions such as private drives that are specifically designated as commonly owned and prohibited as building sites by restrictions or other encumbrances on that plat or by a referenced recorded instrument.

- A. Staff Presentation
- B. Open Public Hearing
- C. Close Public Hearing
- D. Discussion
- E. Recommendation

CONSENT AGENDA

All matters listed in the Consent Agenda are to be considered routine by the Commission and will be enacted by one motion without discussion. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

8. Consider Approval of the Following Minutes:

January 12, 2023, Regular Meeting

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located in City Hall in said City at 10:25a on the 6th day of February 2023.



Lucy Aldrich, City Secretary

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

February 9, 2023

Agenda Item 2
22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Zoning District Change

TR-1 to R-1D / TR-1 and R-1D to C-2 (with Design Review)

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – FEBRUARY 9, 2023**



P&Z CASE NO:	22-2282-R-REZ: 20700 Northland Drive
APPLICANT:	Vista Planning & Design (Mitch Wright)
LANDOWNER:	Sikota, LLC (Shyam Patel)
LOCATION:	Northwest corner of Lohman Ford Road and Northland Drive
ZONING:	R-1D / TR-1 to C-2 (w/ design review) and TR-1 to R-1D
PROPOSED USE:	General Commercial / Retail and Single-Family Residence

UPDATE:

- The applicant's representative seems to have addressed all the concerns raised in the previous design review staff report. Moreover, in the process, it appears that they have verified that they can do without the additional approximately 20 feet of depth that was originally proposed to be changed from the R-1D single-family residential zoning district to C-2 commercial zoning district. Instead they are now only seeking "permanent" zoning for the "strip" of property (referred to as "Tract A" by their surveyor) that was acquired from the City of Lago Vista that is currently in the TR-1 ("temporary restricted") zoning district. Nonetheless, before forwarding a recommendation to the City Council for their consideration, we will need the surveyor to make the corrections to the legal descriptions to be used in a potential ordinance. The staff has marked those changes in red on the previously submitted documents (located immediately following the application form in this packet).
- As pointed out in the previous staff report, the Comprehensive Plan does not include any parcel lines or consistently define land use designations in accordance with existing parcel lines. The designation of this approximately 15-foot deep strip of land as "estate residential" rather than "regional retail" is an assumption of the former GIS technician, even if the location of that "boundary" between the two designations was erroneously deemed to be significant. As such, there is no reason to assert that this portion of the request is in conflict with the Comprehensive Plan, notwithstanding the fact that this application was submitted prior to the adoption of Ordinance No. 23-01-19-03, requiring a separate amendment as a prerequisite to an inconsistent zoning change request.
- Moreover and as mentioned in the previous staff report, the designation of any of this same "strip" or the adjacent single-family residential property as "estate residential" is difficult to explain. That designation requires lots with average size range of between 1 and 3.33 acres. Only one lot that includes that designation meets that description and it predates the incorporation of the City and includes a barn. The balance typically includes lots that range in area from one-third or an acre to one-half of an acre. All are in the R-1D or R-1A zoning district, which are more consistently described in the Comprehensive Plan as having a "low density" residential designation.
- As such, the staff is of the opinion that the designation of any property in this general area as "estate residential" is an apparent error or based on an unrealistic desired outcome. However, because this error is fairly widespread, the staff is of the opinion that an amendment beyond this small strip of land is warranted. The only negative impact to the applicant's client would be that this relatively small portion of property seeking a change into the R-1D district would be delayed until a more appropriate comprehensive amendment was approved by the City Council, without regard to who might initiate the request. It would not preclude the approval of any desired plat amendment involving either existing lot. Even if the issue was deferred for correction as part of the anticipated update to the Comprehensive Plan, the only delay would involve improvements on that same small portion of the residential lot. For example, a fence could not be permitted on that property until the TR-1 designation was replaced by some "permanent" zoning district.
- The staff is particularly pleased that any potential service area or drive-thru window has been eliminated or relocated to the smaller building that will better protect the existing residential property to the west and south. The current site plan does not include any drive-thru service and instead the smaller building is designated as a potential car wash, a use with more limited operating hours.

- The applicant seems to be aware of the pending recommendation by the Commission to amend the uses permitted or requiring a “special use approval” (SUP) in the C-2 zoning district. However, that potential ordinance approval has not yet been considered by the City Council and both the effective date of any amendment and what it might include remains unknown. Instead, this property owner will vest use rights in accordance with state statutes at the time of the first relevant development application. If a drive-thru service window requires a “special use approval” at that time and is desired instead of the indicated “car wash,” it is far more likely to be approved without onerous conditions if located as part of the smaller building adjacent to the AT&T equipment facility.
- The elimination of that same service drive within “Tract A” will allow the property owner to leave the existing water main within that area intact and to dedicate a utility easement rather than to bear the expense of relocation. While a relocation of that water main is not absolutely cost prohibitive, the staff would certainly prefer that investment be available for more apparent improvements. At the same time, the Public Works staff will likely pay particularly close attention to the exact location and type of landscaping proposed at or near that existing water main or within the required easement.
- The indicated monument sign includes a display area that exceeds the maximum permitted by the current ordinance. However, the pending recommended amendments to the sign regulations would allow increases to the display area for this type of multi-tenant sign without a variance approval.

POTENTIAL ALTERNATIVE RECOMMENDATIONS / DECISION:

- A. Recommend the C-2 zoning district change within “Tract A” only, along with the required design approval subject to the following conditions (the Commission will consider initiating a change to the R-1D district for the balance of “Tract A” following a Comprehensive Plan amendment:
1. submittal of a revised legal description for the C-2 change prior to forwarding the recommendation for consideration by the City Council;
 2. the proposed monument sign shall comply with the regulations applicable at the time when the required permit is sought;
 3. absent the relocation of the existing water main from within “Tract A,” all landscaping within or adjacent to the associated utility easement shall be subject to that which is approved during the required site development review application;
 4. the required traffic impact analysis (TIA) shall be submitted as part of the required site development plan review and prior to the approval of a subdivision plat amendment involving the commercial property; and
 5. all improvements identified in the TIA as being the responsibility of this development, including improvements to Lohman Ford Road and Northland Drive; shall be completed prior to the issuance of a certificate of occupancy for any commercial use of the property, except as otherwise might be provided for in a subsequent development agreement approved by the Lago Vista City Council.
- B. Recommend approval of the requested commercial zoning change (TR-1 to C-2) and the required design review subject to the same conditions enumerated above, along with a recommendation to amend the Comprehensive Plan for the balance of “Tract A” to “low density residential” as part of the requested zoning change from TR-1 to R-1D.
- C. Recommend approval of all requests with no additional conditions related to the required design review.
- D. Recommend denial of all requests.
-

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – JANUARY 12, 2023**



P&Z CASE NO:	22-2282-R-REZ: 20700 Northland Drive
APPLICANT:	Vista Planning & Design (Mitch Wright)
LANDOWNER:	Sikota, LLC (Shyam Patel)
LOCATION:	Northwest corner of Lohman Ford Road and Northland Drive
ZONING:	R-1D / TR-1 to C-2 (w/ design review) and TR-1 to R-1D
PROPOSED USE:	General Commercial / Retail and Single-Family Residence

GENERAL INFORMATION / LOCATION:

- The properties that are the subject of the current zoning change requests consists of a relatively small portion of an existing single-family residential lot (20700 Northland Drive) and a “strip” of vacant land that was previously owned by the City of Lago Vista. They are located to the west of the property addressed as 7600 Lohman Ford Road and opposite the existing Phoenix Automotive facility on Northland Drive. They are also located to the south of an existing building owned by AT&T that is used to enclose switching equipment.
- The “strip” of vacant land is a portion of the property that was conveyed to the City in the 2009 settlement judgment that resolved ownership of property originally owned by NRC, Inc. Both the “strip” of vacant land and the single-family residential lot were acquired by the previous property owner (Temple Ventures LLC) in 2019 to accommodate their desired use of the adjacent commercial lot (7600 Lohman Ford Road) for a convenience store. Consideration of an application seeking that approval was deferred by the Planning and Zoning Commission at several public hearings in late 2020 and early 2021, but ultimately withdrawn by the former property owner in the face of vocal opposition. That opposition seemed focused on an objection to fuel sales.
- Aware of that opposition, the current owners purchased the property with the intent to abandon the pursuit of a convenience store and to instead develop the property for retail use only. They also seek to complete the required design review for the commercial component of this application. Although there is no design review required for the zoning change from TR-1 to R-1D for the single-family residential lot, the property owner has confirmed the intent to design and construct a residence similar to the one depicted in this application in association with the retail establishment.

SITE PLAN / CONTEXT CONSIDERATIONS:

- It is arguable that the residential zoning change is not required given that no improvements seem necessary on that portion of the property. An amended subdivision plat does not preclude multiple zoning districts within one legally described lot. In fact, it is a common tool to create desired buffers or transitions to strengthen a zoning change application. However, in this case it seems warranted as a potential future fence permit could not be approved on property in the TR-1 zoning district.
- A similar argument could be made that the commercial zoning change would not be required, absent the improvements that are specifically related to commercial use of the property such as the service drive and dumpster enclosure. While the TR-1 district precludes the approval of any permit, a different zoning designation would still allow for its use as a setback and for the desired screening wall or fence. Nonetheless, in the absence of a specific need for this property to serve as a buffer, the staff is not aware of any independent basis to preclude the change. The design review issues and Future Land Use Map will be addressed separately.
- The staff normally recommends that site development plan review required by Chapter 10.5 of the Lago Vista Code of Ordinances achieves a reasonable amount of progress toward completion before an applicant seeks design review approval. This tends to minimize the need for a subsequent revised design review application. However, this applicant chose to seek the desired zoning change and design review approval in the absence of a current site development review application as there is no ordinance provision that precludes it.

- There is also the very reasonable assumption that their current design review application could be informed by the previous site development plan review for a convenience store that was nearing completion when withdrawn. Although that proposed use required more paving and presumably generates much more traffic, a concerted effort to analyze those greater requirements could yield reasonable results. However, it not clear that the current application is sufficient in that regard.
- Perhaps the most glaring questions relate to the ability of the proposed driveways to accommodate the necessary traffic movements. The designated fire lane does not appear to be compliant with the International Fire Code as it exceeds the permitted maximum slope of ten percent and the locally permitted slope of twelve percent. As the access to the one-way drive behind the larger building does not include sufficient width or the minimum turning radius, an emergency vehicle would be required to travel in reverse against an excessive slope approximately 125 feet in order to exit the property. A solid waste contractor would have similar problems accessing the required dumpster enclosure at the proposed location.
- In multiple pre-application meetings, this one-way drive was identified as potentially accommodating some form of drive-thru service. The current application does not include anything that would suggest that such an operation is being proposed, but it also does not specifically exclude it. The failure to include a similar drive behind the smaller building would suggest that both buildings will be serviced from the front parking area and that the purpose of the drive behind one building only is to preserve or accommodate this option. As the location of both the amplified menu board and pick-up window is relevant to the design review (lighting and noise), information about a potential drive-thru service seems essential.
- This drive-thru service might also prove more efficient as an option at the smaller building, requiring only minor modifications to the dimensions and location of that structure. It would also seemingly serve to eliminate the traffic movement problems referenced above with careful grading of the drives that will accommodate emergency services or solid waste collection vehicles. In addition, the noise and lighting associated with the amplified menu-board and pick-up window will have no appreciable negative impact to the Lohman Ford Road frontage or to the adjacent AT&T facility.
- Although typically not part of this review, the applicant submitted what is described as a utility plan. However, it seems to omit an existing public water main that is installed in the portion of “strip” of vacant land (‘Tract A’) that was previously owned by the City of Lago Vista. While this main might be allowed to remain in place pursuant the dedication of a public utility easement, the Public Works Department would not allow a driveway to completely cover that main like the one currently shown behind the larger of the two buildings. It would instead have to be rerouted or abandoned in place at the cost of the property owner, as shown on the previous site development plan submittal.
- There is also a lack of specific or detailed information about some of the primary elements such as the building elevations, the proposed screening wall, and the dumpster enclosure. In lieu of elevations of either of the proposed buildings, we have photographic images of a presumably similar building. While it might be argued that the notes commit to a similar treatment for all eight building elevations, the staff would prefer more explicit. We are similarly concerned about the durability and ability of a fence to effectively block both light and sound without any information about the proposed materials or construction details. Although less critical, the durability of the material proposed for the required dumpster enclosure is also a concern.
- There is also no explicit information about the height and size of the proposed monument sign noted to be located at the Lohman Ford Road entry on the landscape plan. The design review ordinance provisions make it clear that the purpose is to identify potential safety hazards, yet the information required for that evaluation is not provided. In addition, while serval different plans indicate the location of protected trees, the landscape does not include information about the proposed landscaping material or a calculation of the tree preservation requirements.

- Nonetheless, there are solutions to these concerns. Given the failure to adequately address them in this application, it is still possible to alleviate the staff concerns through a deferral that accommodates a revised submittal or an explicit list of approval conditions. The latter only prejudices the applicant by precluding an opportunity for consideration of other alternative solutions that could occur during the preferred site development plan review opportunity that was rejected.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Although the GIS-based depiction of a portion of the Future Land Use Map prepared by the IT Department staff that is part of this packet includes existing parcel data (i.e. property lines), the official version adopted by the City Council in Ordinance No. 17-04-20-01 (and the only one that counts) does not. It is found on pages 32 and 33 of the Comprehensive Plan or page 38 of 197 of the file available on the City website. As such, there is no reason to conclude that the zoning change request involving the commercial zoning change is inconsistent with the Comprehensive Plan as it preserves the same relationship between commercial and residential uses and it remains speculative that the line between the two requires adjustment.
- Land use reports from highly respected municipal planning staffs in Texas are available that conclude that a proposed shift in the boundary between commercial and residential designations for an entire parcel or lot remains consistent with the Comprehensive Plan because the request does not disturb any recommended land use relationships. That conclusion is consistent with the statutory mandate that a Comprehensive Plan serves as a guideline for zoning decisions and is not intended to include the level of detail associated with a boundary survey or design plans.
- Ironically, the component of the zoning change request that is questionable in that regard is the proposed change from the TR-1 zoning district to the R-1D zoning district. The resulting lot size, as well as the size of all existing platted lots in this area is significantly smaller than the minimum mandated by their designation on the Future Land Use Map as “estate residential” (an area of between 1 acre and 3.33 acres). That appears to be the type of “demonstrable error, oversight, or omission” that is addressed in the recently amendment to Section 13.20(d) of Chapter 14 recommended by the Planning and Zoning Commission. Moreover, as the staff has repeatedly pointed out, there is no existing zoning district that is consistent with that “estate residential” designation, or most of the land use designations within the Comprehensive Plan. Because the existing zoning district prohibits any permit until a zoning district change is approved, a denial of any change would result in a constitutionally prohibited “regulatory taking.”
- However, that does not preclude this “demonstrable error, oversight, or omission” from being addressed comprehensively rather than limiting the correction to this extremely small tract (0.031 acres of 1,369 square feet). The City should consider initiating an amendment to the Comprehensive Plan that addresses all the contiguous property in this area that is currently designated as “estate residential.” Some of those existing platted lots at or near the intersection of Dodge Trail and Peacemaker Trail include less than one-quarter acre of land. Pending amendments to the current zoning districts and the associated minimum development standards, lots that small would require a future land use designation as “medium-density residential.”

POTENTIAL ALTERNATIVE RECOMMENDATIONS / DECISION:

- A. Defer the application without continuing the public hearing in order to give the applicant to opportunity to address the deficient design review related elements and ordinance requirements prior to forwarding a recommendation to the City Council.
- B. Recommend approval of the requested zoning changes and the required design review subject to the following conditions (reviewed by staff prior to forwarding the recommendation to the City Council):

1. submittal of a revised site plan that is compliant with the International Fire Code, local access management requirements, and relocates any proposed drive-thru lane adjacent to the north property line;
 2. submittal of a revised landscape plan that calculates the tree preservation obligations and shows the size and location of the proposed monument sign at the Lohman Ford Road entry;
 3. exterior building materials visible from any residentially zoned property shall be limited to plaster and stone as indicated on the submitted "architectural examples;"
 4. both the screening wall and dumpster enclosure shall be constructed of materials that resist decay, preclude the penetration of light, reflect or absorb sound, and includes a finish that is commonly included for residential development; and
 5. an amendment of the Future Land Use Map for the property seeking a change from the TR-1 zoning district to the R-1D zoning district from the "estate residential" designation to the "low-density residential" designation.
- C. Recommend approval of the requested commercial zoning change and the required design review subject to the same conditions enumerated above (reviewed by staff prior to forwarding the recommendation to the City Council), but defer or recommend a denial of the residential zoning change pending approval of an amendment to the Future Land Use Map from the "estate residential" designation to a designation consistent with the size of the existing platted lots.
- D. Recommend approval of all requests with no additional conditions related to the required design review.
- E. Recommend denial of all requests.
-

Approval Standards and Criteria. Issues to be adequately addressed and resolved by the applicant in order to receive design review approval include, but are not limited to the following:

- (1) Conformity with all applicable regulations within the Code of Ordinances, the current Lago Vista Comprehensive Master Plan and any other adopted land use policies.
- (2) The location, arrangement, size, design and general site compatibility of structures and other improvements such as parking, landscaping, fences, lighting, signs and driveway locations to mitigate and otherwise avoid unreasonable negative impact to adjacent property (including public property or a public right-of-way) due to:
 - (A) Reduced privacy;
 - (B) Reduced use, utility or property rights;
 - (C) Avoidable light and sound trespass; or
 - (D) Unwarranted reductions in the visual or aesthetic quality of views beyond that which is an inherent result of development.
- (3) Landscaping, the location and configuration of required offsite parking and the arrangement of open space or natural features on the site shall:
 - (A) Minimize the visual and environmental impact of large expanses of uninterrupted paving;
 - (B) Create a desirable and functional open space environment for all intended site patrons, including pedestrians, bicyclists, and motorists; and
 - (C) Provide buffers and attractive screening to minimize the functional or visual impact of certain uniquely non-residential or multifamily site elements to help create a more logical and natural transition to dissimilar developments.
- (4) Circulation systems, transportation components and off-street parking shall integrate to:
 - (A) Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians, bicyclists, and any potential public transit users;
 - (B) Eliminate or reduce dangerous traffic movements;
 - (C) Minimize driveway or curb cuts by using cross-access servitudes and shared parking whenever possible and appropriate;
 - (D) Accommodate sign locations that do not create sight-obstructions that are potentially hazardous to any transportation mode; and
 - (E) Clearly define a network of pedestrian connections in and between parking lots, sidewalks, open spaces, and structures that is visible, identifiable, and safe.
- (5) Building facades visible from a public right-of-way shall avoid large expanses or massive amounts of unarticulated exterior finish surfaces or that are otherwise lacking in elements that relate to pedestrian or human scale.

22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 1

Applications



CITY OF LAGO VISTA • DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET • P.O. BOX 4727 • LAGO VISTA, TX 78645

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR ZONING DISTRICT CHANGE

Contact Person: Mitch Wright **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: 512 673-8274 **Contact Email:** vistaplanning@sbcglobal.net
Property Owner(s):* Sikotar, LLC
Owner's mailing address: 3565 Route 9W; Highland, New York 12528

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*

Lago Vista Estates Section Six Vol. 49, pg. 5; Lots 1874 and 1873

Municipal Address(es)* if applicable: 7600 Lohman Ford Road

NATURE OF REQUEST

Current Zoning District(s): R-1D, TR-1 **Requested District:** C-2, R-1D

Purpose or Basis of Request* (if PDD, include whether concept and/or detail plan approval is sought):

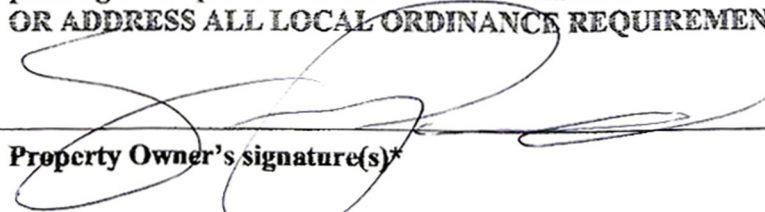
Please see attached cover letter and exhibits

Additional individual(s) authorized to act on behalf of the property owner(s)* regarding this application:

Name of Agent: Shyam Patel **Email:** syp247@gmail.com

Mailing Address: 3565 Route 9W; Highland, New York 12528 **Phone:** 845 389-8641

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required drawings or documentation. All applications are accepted provisionally pending a completion review. **PLEASE TAKE SPECIFIC NOTICE AND INCORPORATE OR ADDRESS ALL LOCAL ORDINANCE REQUIREMENTS IN YOUR APPLICATION.**


Property Owner's signature(s)*

10/11/22
Date

***Attach additional sheets as required**

0.111 ACRE
LAGO VISTA ESTATES SEC. 6
TRAVIS COUNTY, TX

PROJECT: 617.012001
DATE: 12/13/2022

DESCRIPTION

0.111 ACRE BEING A PORTION OF TRACT A, LAGO VISTA ESTATES SECTION SIX, A SUBDIVISION OF RECORD IN VOLUME 49, PAGE 5, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.111 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at a 1/2-inch iron rod found at a point of curvature in the north right-of-way line of Northland Drive (50' r.o.w.), being the south line of Lot 1873, of said Lago Vista Estates Section Six;

THENCE, along said north right-of-way line, being the south line of said Lot 1783, along a curve to the right, having a radius of 342.39 feet, a central angle of 21°20'34", an arc length of 127.54 feet, and a chord which bears N77°26'16"W, a distance of 126.80 feet to a calculated point at the common south corner of said Lot 1873 and said Tract A, for the **POINT OF BEGINNING** and southeasterly corner hereof;

THENCE, continuing along said north right-of-way line, being the south line of said Tract A, along a curve to the right, having a radius of 342.39 feet, a central angle of 2°30'50", an arc length of 15.02 feet, and a chord which bears N65°30'34"W, with a distance of 15.02 feet to a calculated point at the common south corner of said Tract A and Lot 1874, of said Lago Vista Estates Section Six, for the southwesterly corner hereof;

THENCE, leaving said north right-of-way line, along the line common to said Lot 1874 and said Tract A, the following two (2) courses and distances:

1. N24°59'51"E, a distance of 277.74 feet to a calculated point at the northeast corner of said Lot 1874, for an angle point;
2. N61°09'34"W, a distance of 20.05 feet to a calculated point, for an angle point, from which a 1/2-inch iron rod found at the northwest corner of said Lot 1874 bears N61°09'34"W, a distance of 94.93 feet;


THENCE, N24°59'51"E, leaving the north line of said Lot 1874, over and across said Tract A, a distance of 14.92 feet to a calculated point in the north line of said Tract A, being the south line of that certain tract conveyed to Southwestern Bell Telephone Company, by Deed of record in Volume 2754, Page 607, of the Deed Records of Travis County, Texas, for the northwesterly corner hereof;

THENCE, S61°12'02"E, along the south line of said Southwestern Bell Telephone Company tract, being the north line of said Tract A, a distance of 36.00 feet to a calculated point at the common north corner of said Tract A and said Lot 1873, for the northeasterly corner hereof;

THENCE, S25°10'29"W, along the line common to said Lot 1873 and said Tract A, a distance of 291.49 feet to the **POINT OF BEGINNING**, containing 0.111 acre (4,819 square feet) of land.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83 (2011), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF JULY, 2022, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.



ABRAM C. DASHNER
TEXAS RPLS 5901
MANHARD CONSULTING
TBPLS FIRM NO. 10194420

SOUTHWESTERN BELL
TELEPHONE COMPANY
VOL. 2574, PG. 607

Appears intended to
be removed from the
C-2 zoning district
change request



N61°09'34"W 94.93'

TRACT A

LOT 1874

LAGO VISTA ESTATES
SECTION SIX
VOL. 49, PG. 5

LOT 1873

LOHMANS FORD RD.
(R.O.W. VARIES)

N24°59'51"E 277.74'
S25°10'29"W 291.49'

0.111 ACRE
(4,819 SQ. FT.)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N61°09'34"W	20.05'
L2	N24°59'51"E	14.92'
L3	S61°12'02"E	36.00'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	2°30'50"	342.39'	15.02'	N65°30'34"W	15.02'
C2	21°20'34"	342.39'	127.54'	N77°26'16"W	126.80'

P.O.C.

P.O.B.

NORTHLAND DR.
(50' R.O.W.)



LEGEND

- = FOUND 1/2-INCH IRON ROD
- △ = CALCULATED POINT
- = PROPERTY LINE
- - - = ADJOINING PROPERTY LINE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (NAD 83), AS ESTABLISHED BY A REAL-TIME KINEMATIC (RTK) GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) UTILIZING THE TRIMBLE VRS NOW NETWORK.

©2022 MANHARD CONSULTING, ALL RIGHTS RESERVED



6448 E Highway 290, Ste. B-105, Austin, TX 78723 ph:512.244.3395 manhard.com
Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers
Construction Managers | Environmental Scientists | Landscape Architects | Planners
Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194754 (Surv), F-21732 (Eng)

Khodiyar LLC

7600 Lohman Ford Rd., Lago Vista, TX 78645

Zoning Exhibit

DATE:

12/13/22

DRAWN BY:

PWP

SCALE:

1"=50'

CODE:

617.012001

0.128 ACRE
LAGO VISTA ESTATES SEC. 6
TRAVIS COUNTY, TX

PROJECT: 617.012001
DATE: 12/13/2022

DESCRIPTION

0.128 ACRE BEING A PORTION OF LOT 1874, LAGO VISTA ESTATES SECTION SIX, A SUBDIVISION OF RECORD IN VOLUME 49, PAGE 5, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.128 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at a 1/2-inch iron rod found at a point of curvature in the north right-of-way line of Northland Drive (50' r.o.w.), being the south line of Lot 1873, of said Lago Vista Estates Section Six;

THENCE, along said north right-of-way line, being the south line of said Lot 1873 and Tract A, of said Lago Vista Estates Section Six, along a curve to the right, having a radius of 324.39 feet, a central angle of 23°51'24", an arc length of 142.56 feet, and a chord which bears N76°10'51"W, a distance of 141.54 feet to a calculated point at the common south corner of said Tract A and said Lot 1874, for the **POINT OF BEGINNING** and southeasterly corner hereof;

THENCE, continuing along said north right-of-way line, being the south line of said Lot 1874, along a curve to the right, having a radius of 342.39 feet, a central angle of 3°21'01", an arc length of 20.02 feet, and having a chord which bears N62°34'38"W, with a distance of 20.02 feet to a calculated point at the end of said curve, for the southwesterly corner hereof;

THENCE, N24°59'51"E, leaving said north right-of-way line, over and across said Lot 1874, a distance of 278.24 feet to a calculated point in the north line of said Lot 1874, being a west line of said Tract A, for the northwesterly corner hereof, from which a 1/2-inch iron rod found at the northwest corner of said Lot 1874 bears N61°09'34"W, a distance of 94.93 feet;

THENCE, along the line common to said Tract A and said Lot 1874, the following two (2) courses and distances;

1. S61°09'34"E, a distance of 20.05 feet to a calculated point at the northeast corner of said Lot 1874, for the northeasterly corner hereof;

2. S24°59'51"W, a distance of 277.74 feet to the **POINT OF BEGINNING**, containing 0.128 acre (5,562 square feet) of land.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83 (2011), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF JULY, 2022, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

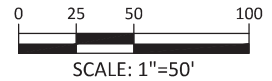


ABRAM C. DASHNER
TEXAS RPLS 5901
MANHARD CONSULTING
TBPLS FIRM NO. 10194420



SOUTHWESTERN BELL
TELEPHONE COMPANY
VOL. 2574, PG. 607

Appears to no longer require
a zoning district change



N61°09'34"W 94.93'

L1

TRACT A

LOT 1874

LOT 1873

LOHMANS FORD RD.
(R.O.W. VARIES)

LAGO VISTA ESTATES
SECTION SIX
VOL. 49, PG. 5

LINE TABLE		
LINE	BEARING	LENGTH
L1	S61°09'34"E	20.05'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	3°21'01"	342.39'	20.02'	N62°34'38"W	20.02'
C2	23°51'24"	342.39'	142.56'	N76°10'51"W	141.54'

0.128 ACRE
(5,562 SQ. FT.)

N24°59'51"E 278.24'

S24°59'51"W 277.74'

P.O.C.



NORTHLAND DR.
(50' R.O.W.)

LEGEND

- = FOUND 1/2-INCH IRON ROD
- △ = CALCULATED POINT
- = PROPERTY LINE
- - - = ADJOINING PROPERTY LINE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (NAD 83), AS ESTABLISHED BY A REAL-TIME KINEMATIC (RTK) GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) UTILIZING THE TRIMBLE VRS NOW NETWORK.

©2022 MANHARD CONSULTING, ALL RIGHTS RESERVED



6448 E Highway 290, Ste. B-105, Austin, TX 78723 ph:512.244.3395 manhard.com
Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers
Construction Managers | Environmental Scientists | Landscape Architects | Planners
Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194754 (Surv), F-21732 (Eng)

Khodiyar LLC

7600 Lohman Ford Rd., Lago Vista, TX 78645

Zoning Exhibit

DATE:	DRAWN BY:	SCALE:	CODE:
12/13/22	PWP	1"=50'	617.012001

ABRAM DASHNER RPLS, LLC

TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR 5901

TBPLS FIRM NO. 10194420

abe@rpls5901.com 512-244-3395

1,369 SQUARE FEET
LAGO VISTA ESTATES SEC. 6
TRAVIS COUNTY, TEXAS

FILE NO. 2022.128
PROJECT: 295-019(EX2)
DATE: 07/19/2022

DESCRIPTION

1,369 SQUARE FEET OUT OF TRACT A, LAGO VISTA ESTATES SECTION SIX, A SUBDIVISION OF RECORD IN VOLUME 49, PAGE 5, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1,369 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found in the south line of said Tract A, being the north common corner of Lot 1874 and 1875, of said Lago Vista Estates Section Six, for the southwesterly corner hereof;

THENCE, N46°05'47"E, over and across said Tract A, a distance of 15.52 feet to a calculated point in the north line of said Tract A, being the south line of that certain tract conveyed to Southwest Bell Telephone Company, by Deed of record in Volume 2754, Page 607, of the Deed Records of Travis County, Texas, for the northwesterly corner hereof;

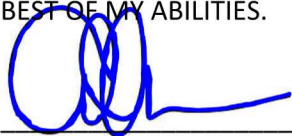
THENCE, S61°12'02"E, along the south line of said Southwestern Bell Telephone Company tract, being the north line of said Tract A, a distance of 89.32 feet to a calculated point, for the northeasterly corner hereof;

THENCE, S24°59'51"W, leaving the south line of said Southwestern Bell Telephone Company tract, over and across said Tract A, a distance of 14.92 feet to a calculated point in a common line of said Lot 1874 and said Tract A, for the southeasterly corner hereof;

THENCE, N61°09'34"W, along the line common to said Lot 1874 and said Tract A, a distance of 94.93 feet to the **POINT OF BEGINNING**, and containing 1,369 square feet (0.031 acre) of land, more or less.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83(2011), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED BY CRICHTON AND ASSOCIATES, INC., DURING THE MONTH OF MAY, 2018, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

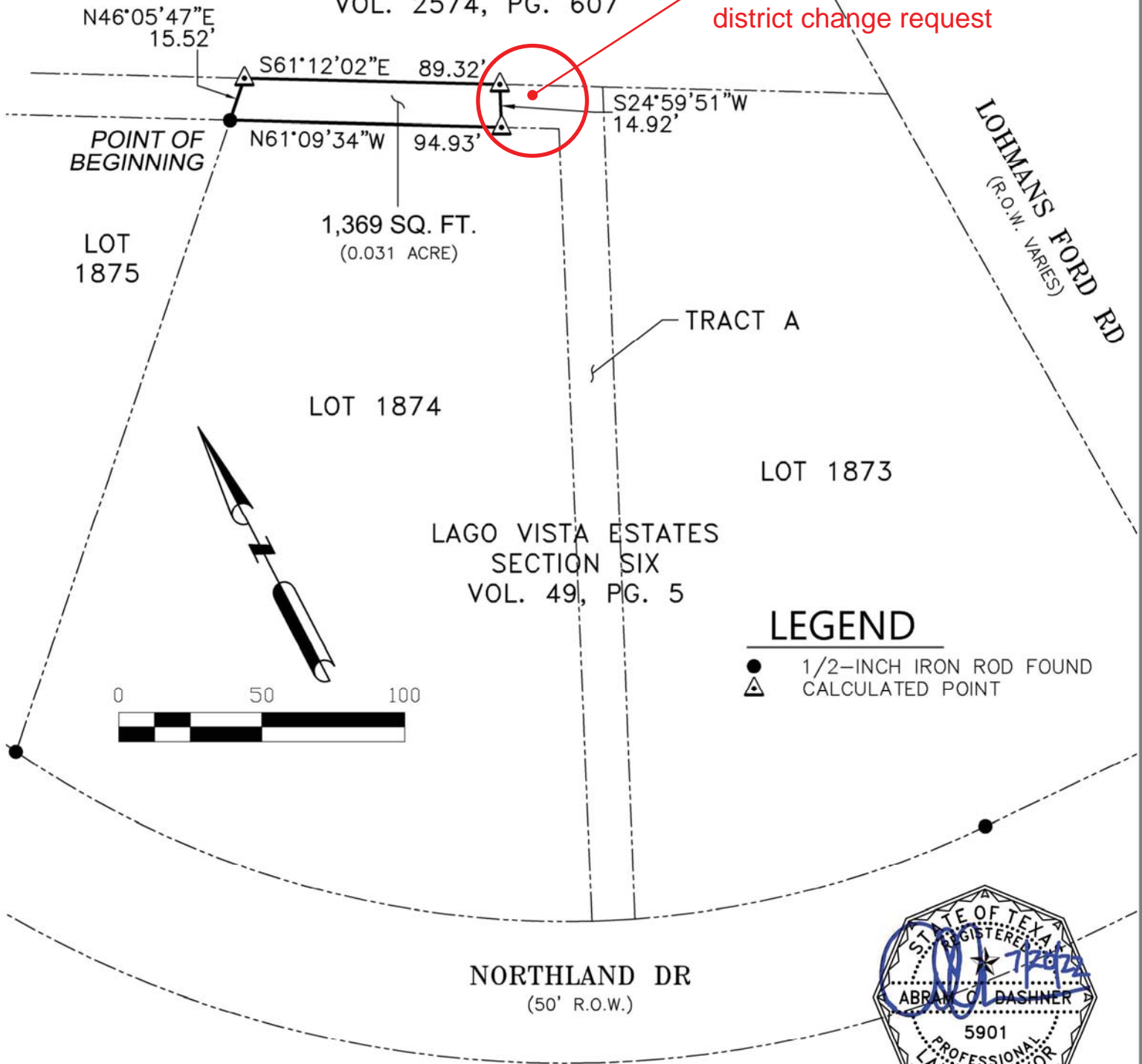


ABRAM C. DASHNER
TEXAS RPLS 5901
TBPLS FIRM NO. 10194420



SOUTHWESTERN BELL
TELEPHONE COMPANY
VOL. 2574, PG. 607

Appears intended to be
added to the R-1D zoning
district change request



BEARING BASIS:

THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM, NAD83(2011), CENTRAL ZONE

CHECKED BY: AD		1,369 SQUARE FEET BEING A PORTION OF TRACT A, LAGO VISTA ESTATES SECTION SIX, A SUBDIVISION OF RECORD IN VOLUME 49, PAGE 5, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.	ABRAM DASHNER RPLS, LLC	CLIENT INFORMATION DARREN WEBBER
JOB NUMBER: 295-01(EX2)	ISSUE DATE: 07/19/22			
SHEET: 1 OF 1		BOUNDARY EXHIBIT	abe@rpls5901.com 512-244-3395 TBPLS FIRM NO. 10194420	

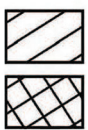
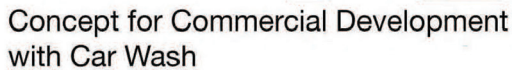
22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 2

Amended Site and Landscaping Plans

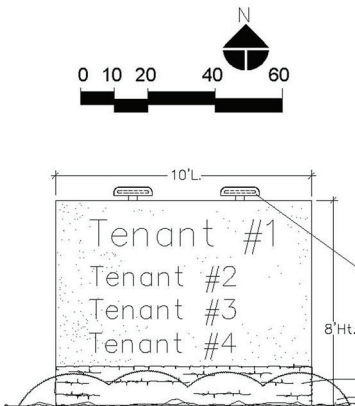
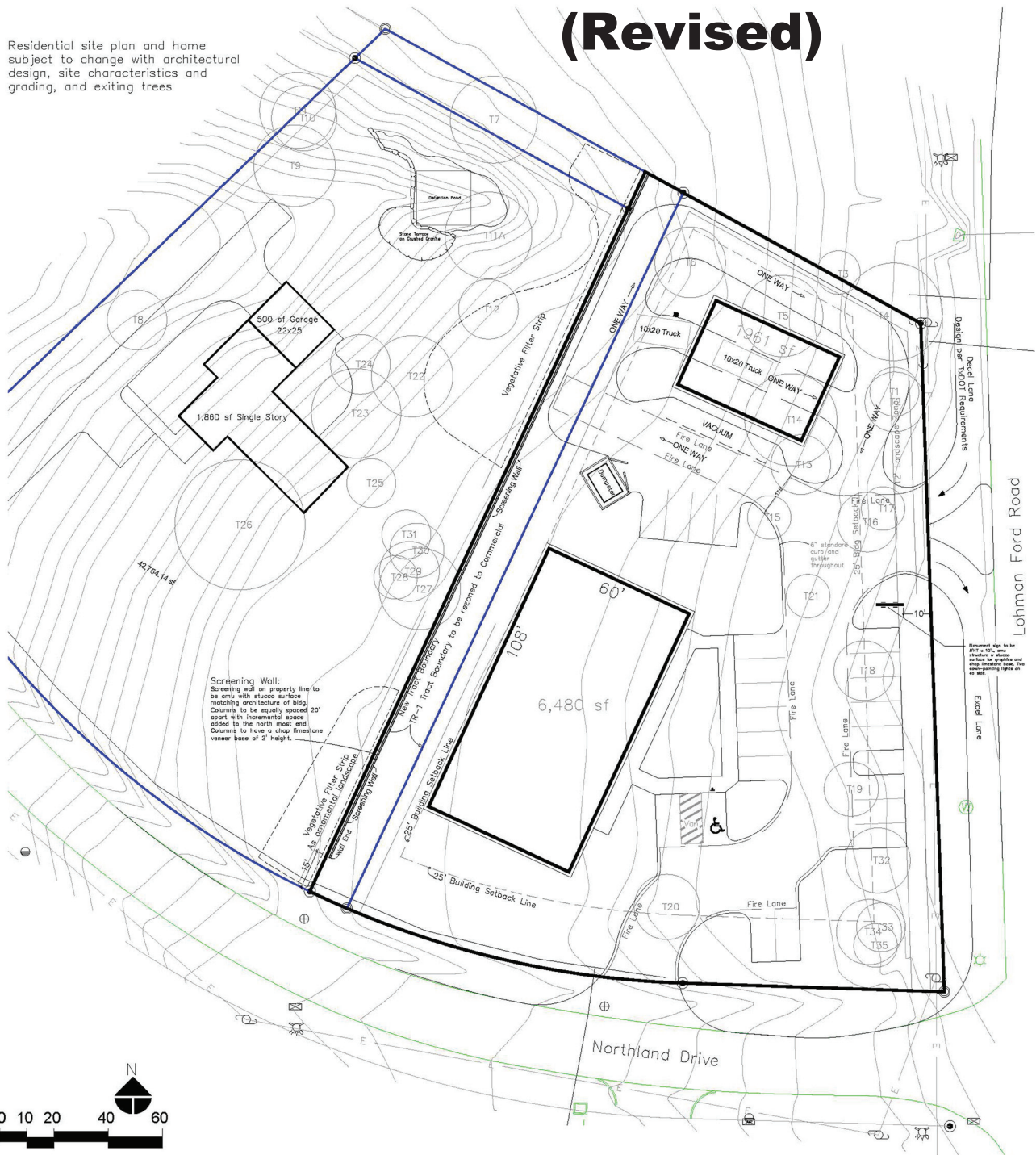
Residential site plan and home subject to change with architectural design, site characteristics and grading, and existing trees



Rezone to Commercial C-2



Residential site plan and home
subject to change with architectural
design, site characteristics and
grading, and existing trees



Sign concept is conceptual only in size and shape. Actual design will represent architectural style, Final design will not exceed overall sq ft.

Tenant #1 letters at 12" ht. Tenants
#2-#4 letters at 9" ht.

- Two down-pointing lights on each side

Compliant with Dark Skies and Lago Vista Ordinances, not to exceed 117 lumens per square foot

10'x 6'x 1' CMU block wall with stucco and chop limestone veneer

- Chop Limestone veneer
- landscape

Total Lot	44,421.40 sf	
50% IC Max	22,210.70 sf	
Actual IC	5,956.10 sf	13.4%
Home		
Living Space	1,860 sf	One Story
Garage (2 cars)	500 sf	22'x25'
Total Home Construction	2,360 sf	

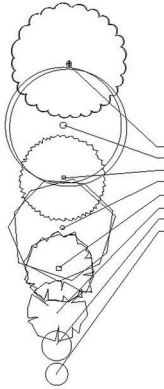
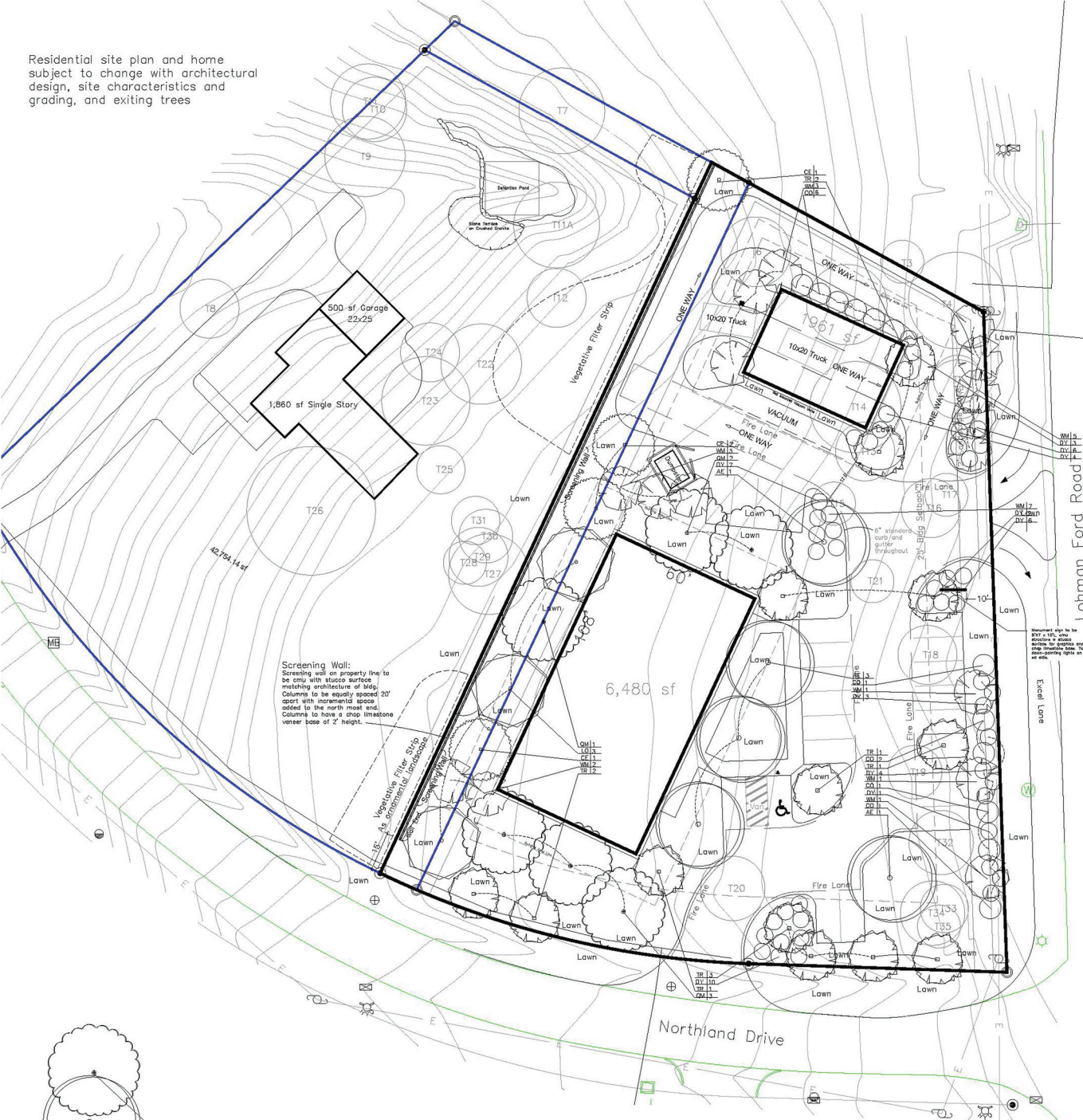
- Commercial buildings subject to change with architectural design, site characteristics and grading, and existing trees. Calculations shown will not be exceeded.

Total Lot	47,696.35 sf	
60% IC Max	26,617.81 sf	
Actual IC	28,640.99 sf (55.5% IC)	
Parking: 1sp/300sf		
Building 1	6,480 sf	22 Spaces
Car Wash	1,961 sf	0 Spaces
Total Spaces Required		22 Spaces
Total Spaces Proposed		22 Spaces

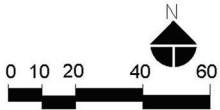
Land Use Summary 01 20 23

Landscape Plan (Revised)

Residential site plan and home subject to change with architectural design, site characteristics and grading, and existing trees



Common Name	Common Name	Common Name	Quan
QM Chinquapin Oak	Quercus muhlenbergii	3" cal. 6'-7'-27" min B&B	6
AE American Elm	Ulmus americana	3" cal. 6'-7'-12" min B&B	5
CE Cedar Elm	Ulmus crassifolia	3" cal. 6'-7'-12" min B&B	4
LO Live Oak	Quercus virginiana	3" cal. 6'-7'-27" min B&B	3
TR Texas Redbud	Cercia canadensis var. texensis	3" cal. 6'-7'-12" min B&B	11
WM Wax Myrtle	Morrellia cerifera	3'-4', 13 min B&B	23
CO Cenizo	Leucophyllum frutescens	3'-4', 13 min B&B	11
DY Dwarf Yaupon	Ilex vomitoria 'Nana'	18"-24", 5 gal	46
Lawn Buffalo Grass	Buchloe dactyloides		



Tree Preservation & Replacement Calculations													
Tree Survey							total Caliper Inc	Total Protected Inches	Protected Saved Inches	Protected Removed-Site	Bldg Site	Caliper Inches Replaced	
R	T1	CO	CEDAR										
R	T2	CO	LIVE OAK	8	6		14						
R	T4	CO	LIVE OAK	10	9	7	26	10		10		10	
R	T5	CO	LIVE OAK	15			15	15		15	BA	15	
R	T6	CO	LIVE OAK	9	8		17						
	T7	RE	SPANISH OAK	11	10		21	21	21				
	T8	RE	ASH	11			11	11	11				
	T9	RE	SPANISH OAK	15			15	15	15				
	T10	RE	SPANISH OAK	12			12	12	12				
	T11	RE	SPANISH OAK	14			14	14	14				
	T11A	RE	SPANISH OAK	11	10		21	21	21				
	T12	RE	LIVE OAK	11			11	11	11				
O	T13	CO	LIVE OAK	11			11	11	11		BA		
R	T14	CO	LIVE OAK	17			17	17		17	BA	17	
R	T15	CO	CEDAR										
R	T16	CO	LIVE OAK	11			11	11		11		11	
R	T17	CO	CEDAR										
R	T18	CO	LIVE OAK	11			11	11		11		11	
R	T19	CO	LIVE OAK	10			10	10		10		10	
R	T20	CO	LIVE OAK	12			12	12		12		12	
R	T21	CO	CEDAR										
	T22	RE	SPANISH OAK	10	10		20	20	20				
	T23	RE	SPANISH OAK	11	11		22	22	22				
	T24	RE	LIVE OAK	11			11	11	11				
	T26	RE	SPANISH OAK	16	16	13	45	45	45				
	T27	RE	LIVE OAK	11	8		19	11	11				
	T29	RE	LIVE OAK	11			11	11	11				
	T30	RE	CEDAR										
	T31	RE	CEDAR										
O	T32	CO	LIVE OAK	12			12	12	12				
	T34	CO	LIVE OAK	12			12	12	12				
	T35	CO	CEDAR										
							401	346	260	86		86	Total Caliper Inches to be planted
									65%	21%	% Removed/saved from total caliper inches		
C	Cluster of Trees						<div>Note: The tree calculation assumes 3" trees so that all tree replacement inches are at a 1:1 ratio</div>						
R	Removed Trees												
O	Option to Explore with architecture												
RE	Residential Lot												
CO	Commercial Lot						<div><div>28.67</div>3" trees to be planted</div> <div><div>7,166.67</div>Fee in Lieu of planing trees</div>						

**P
R
O
T
E
C
T
E
D

T
R
E
E**

Note: When measuring caliper inch of 3" trees selected, be sure to measure at 40" HT according to Lago Vista Ordinance; Chp 14, Exh. A, Part IV, Sec. 20 (e)(3)

Mulch: Stone mulch to be 4"–6" crushed limestone

Woody mulch to be Texas Hardwood, twice grind minimum, 3" depth after settling

All tree rings are woody mulch unless indicated otherwise.

Mulch edges to have trench-cut edge, no steel or plastic edging

TREE LIST

TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION
R T2)	(M)8",6" LIVE OAK	R T16)	11" LIVE OAK
R T4)	(M)10",9",7" LIVE OAK	R T18)	11" LIVE OAK
R T5)	15" LIVE OAK	R T19)	10" LIVE OAK
R T6)	(M)9",8" LIVE OAK	R T20)	12" LIVE OAK
T7)	(M)11",10" SPANISH OAK	T22)	(C)10",10" SPANISH OAK
T8)	11" ASH	T23)	(M)11",11" SPANISH OAK
T9)	15" SPANISH OAK	T24)	11" LIVE OAK
T10)	12" SPANISH OAK	T26)	(M)16",16",13" SPANISH OAK
T11)	14" SPANISH OAK	T27)	(M)11",8" LIVE OAK
T11A)	(C)11",10" SPANISH OAK	T29)	11" LIVE OAK
T12)	11" LIVE OAK	O T32)	12" LIVE OAK
O T13)	11" LIVE OAK	T34)	12" LIVE OAK
R T14)	17" LIVE OAK		

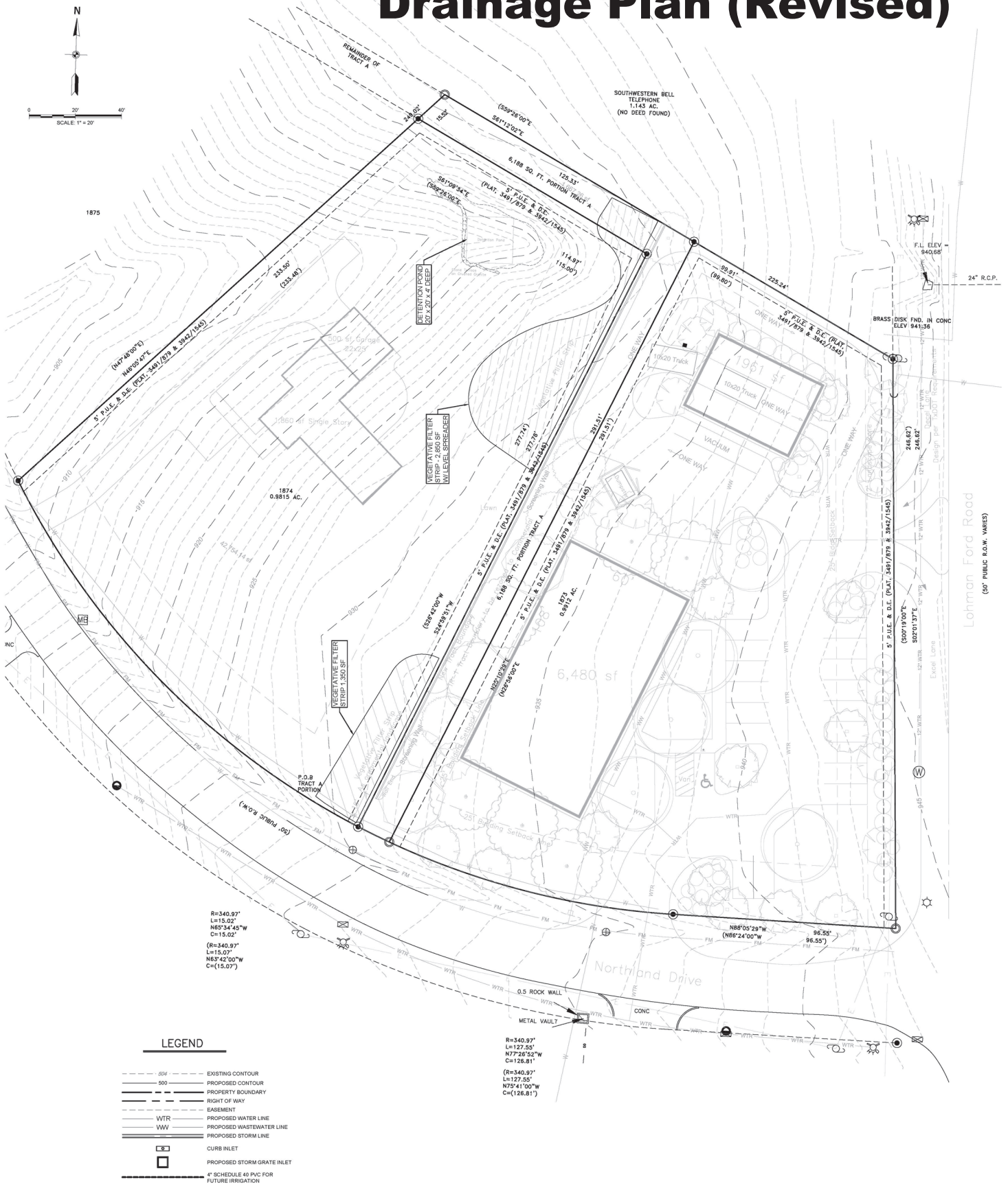
R Remove

O Options for saving

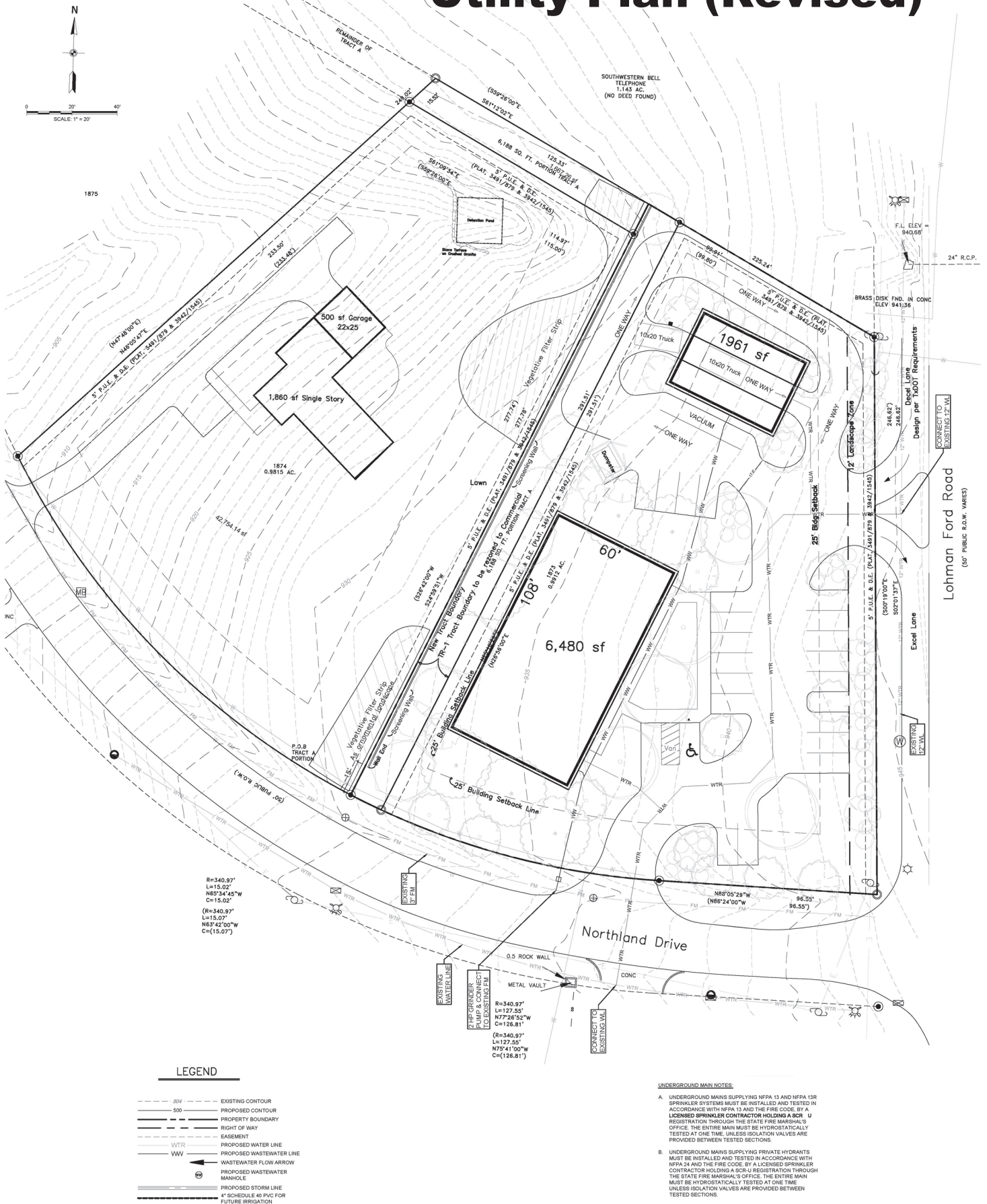
(C) = CLUSTER OF TREES

(M) = MULTI TRUNK TREE

Drainage Plan (Revised)



Utility Plan (Revised)



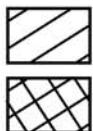
22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 3

Previous Site and Landscaping Plans

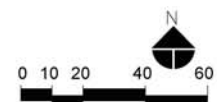
Proposed Zoning Changes



Rezone to Residential R-1D



Rezone to Commercial C-2



Site Plan

Residential site plan and home subject to change with architectural design, site characteristics and grading, and existing trees

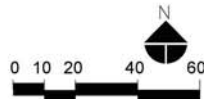
Stormwater pond as ornamental feature



TREE LIST

TAG NO.	DESCRIPTION
T2)	(M)8",6" LIVE OAK
T4)	(M)10",9",7" LIVE OAK
R T5)	15" LIVE OAK
R T6)	(M)9",8" LIVE OAK
T7)	(M)11",10" SPANISH OAK
T8)	11" ASH
T9)	15" SPANISH OAK
T10)	12" SPANISH OAK
T11)	14" SPANISH OAK
T11A)	(C)11",10" SPANISH OAK
T12)	11" LIVE OAK
O T13)	11" LIVE OAK
O T14)	17" LIVE OAK
R T16)	11" LIVE OAK
R T18)	11" LIVE OAK
R T19)	10" LIVE OAK
R T20)	12" LIVE OAK
T22)	(C)10",10" SPANISH OAK
T23)	(M)11",11" SPANISH OAK
T24)	11" LIVE OAK
T26)	(M)16",16",13" SPANISH OAK
T27)	(M)11",8" LIVE OAK
T29)	11" LIVE OAK
R T32)	12" LIVE OAK
T34)	12" LIVE OAK
(C)	= CLUSTER OF TREES
(M)	= MULTI TRUNK TREE

R Remove
O Options for saving



Impervious Cover-Residential Lot			
Total Lot	38,262.54 sf		
50% IC Max	19,131.27 sf		
Actual IC	5,956.10 sf	15.6% IC	
Home			
Living Space	1,860 sf One Story		
Garage (2 cars)	500 sf 22'x25'		
Total Home Construction	2,360 sf		

Note: Commercial Lot and residential lot are the same owner

Land Use Summary 11 30 22

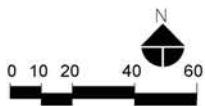
Impervious Cover			
Total Lot	53,555.09 sf		
60% IC Max	32,133.05 sf		
Actual IC	31,576.93 sf (58.96% IC)		
Parking: 1sp/300sf			
Building 1	7,080 sf	24 Spaces	
Building 2	2,600 sf	9 Spaces	
Total Spaces Required		33 Spaces	
Total Spaces Proposed		35 Spaces	

Landscape Plan

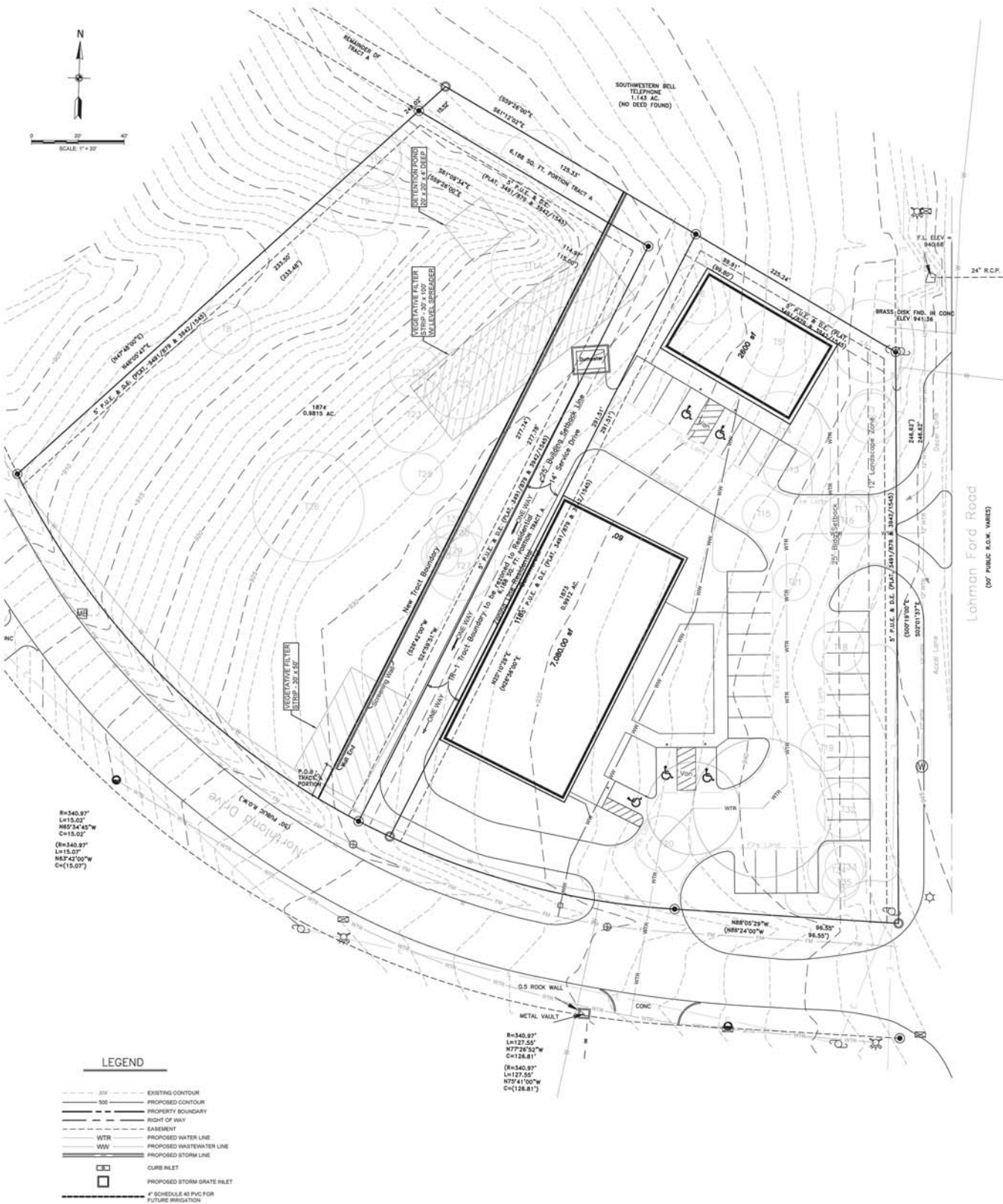


- Shade Tree (Diverse Species)
- Ornamental Tree (Crape Myrtle, Red Bud)
- Large Shrub/Small Tree (Yucca, Wax Myrtle)
- Large Shrub 4' spacing
- Small Shrub 3' spacing
- Ground Cover
- Existing Trees to be preserved as much as possible and treated with organic compost
- All lawn areas to be Palisades Zoysia
- All tree wells and shrub beds to have 3" organic hardwood mulch
- Irrigation to be automatic with rain sensors
- Shrub beds to have drip irrigation
- Lawns to have spray, head to head coverage

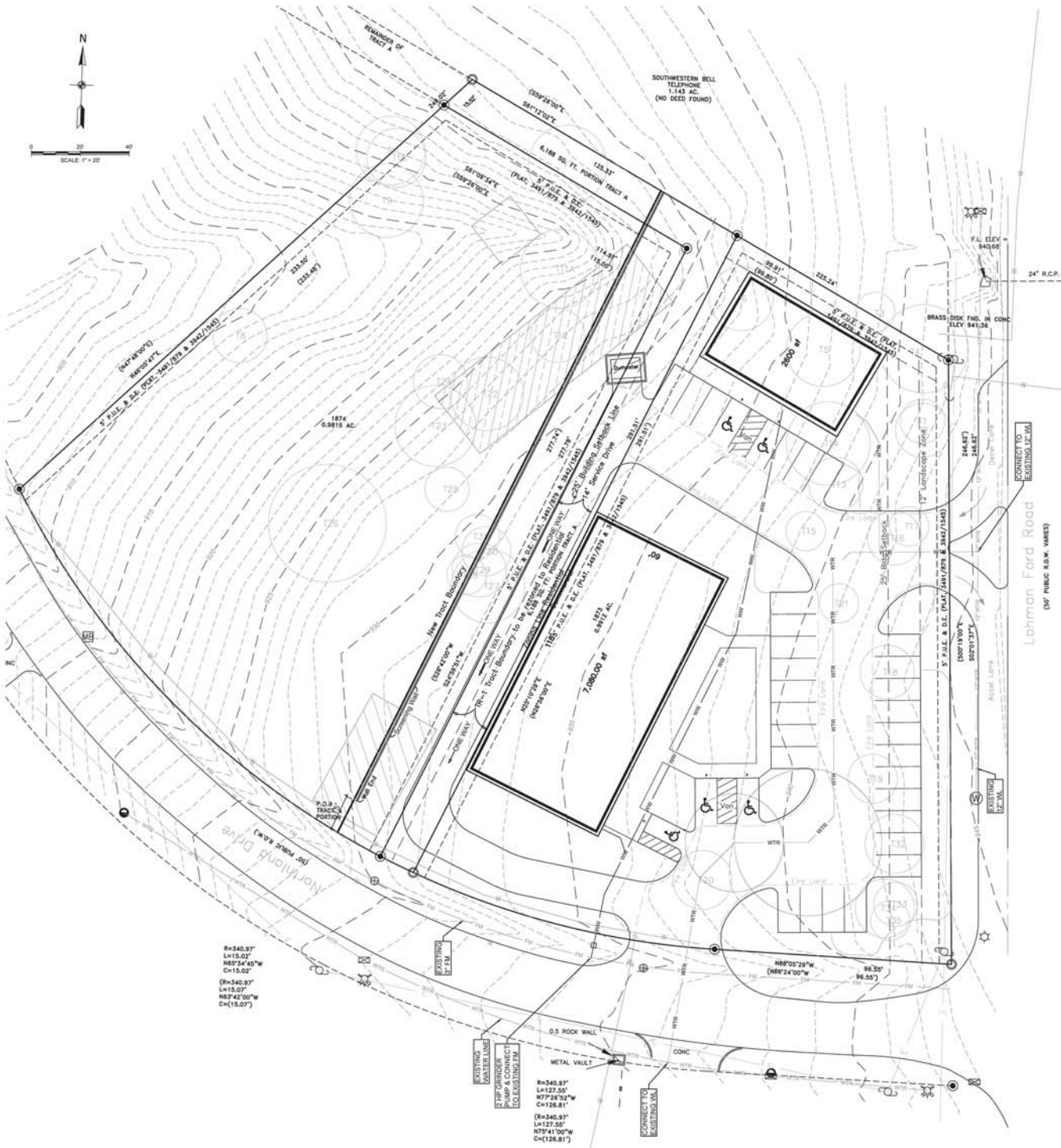
Upon detailed grading and site plan review, ornamental fence on west side will jog at intervals for trees and landscape on both sides.
Signage to be low monument signs at entry point on Lohman Ford Road



Drainage Plan



Utility Plan



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPERTY BOUNDARY
- RIGHT OF WAY
- EXISTENT
- PROPOSED WATER LINE
- PROPOSED WASTEWATER LINE
- WASTEWATER FLOW ARROW
- PROPOSED WASTEWATER MANHOLE
- PROPOSED STORM LINE
- 4" SCHEDULE 40 PVC FOR FUTURE IRRIGATION

UNDERGROUND MAIN NOTES

- UNDERGROUND MAINS SUPPLYING NFPA 13 AND NFPA 12R SPRINKLER SYSTEMS MUST BE INSTALLED AND TESTED IN ACCORDANCE WITH NFPA 13 AND THE FIRE CODE, BY A LICENSED SPRINKLER CONTRACTOR HOLDING A SOR. U REGISTRATION THROUGH THE STATE FIRE MARSHAL'S OFFICE. THE ENTIRE MAIN MUST BE HYDROSTATICALLY TESTED AT ONE TIME, UNLESS ISOLATION VALVES ARE PROVIDED BETWEEN TESTED SECTIONS.
- UNDERGROUND MAINS SUPPLYING PRIVATE HYDRANTS MUST BE INSTALLED AND TESTED IN ACCORDANCE WITH NFPA 24 AND THE FIRE CODE, BY A LICENSED SPRINKLER CONTRACTOR HOLDING A SOR-U REGISTRATION THROUGH THE STATE FIRE MARSHAL'S OFFICE. THE ENTIRE MAIN MUST BE HYDROSTATICALLY TESTED AT ONE TIME, UNLESS ISOLATION VALVES ARE PROVIDED BETWEEN TESTED SECTIONS.

22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 4

Building Design (Revised Notes)

Architectural Points of Commitment:

Compliance with all building code and style requirements
Modern lines and styling
Substantial glazing on front of buildings
Stone and stucco veneer
Rear property screening with solid wall and landscape
All exterior lighting to be compliant with Dark Skies and Lago Vista ordinances

Building Exteriors:

The architectural materials and style to reflect the image examples above.

The buildings will be a combination of stucco and limestone veneers with limestone being more accents and wainscoting of the two buildings.

The proposed south building is a single story building that will be divided for commercial uses in conformance to the proposed allowable land use chart provided. The north building is an automated car wash.

Accessory Structures:

Monument sign, screening wall, and dumpster enclosure will all be of similar style of exterior building materials. In general this refers to stucco wall surfacing with accents of split faced limestone veneer bases and column base accents.



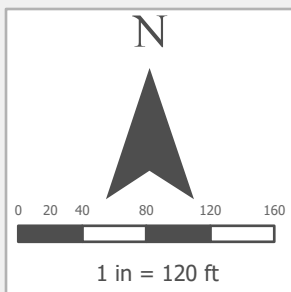
**ARCHITECTURAL
EXAMPLES**

22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 5

Maps



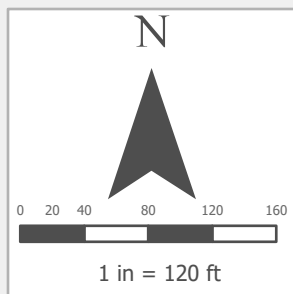
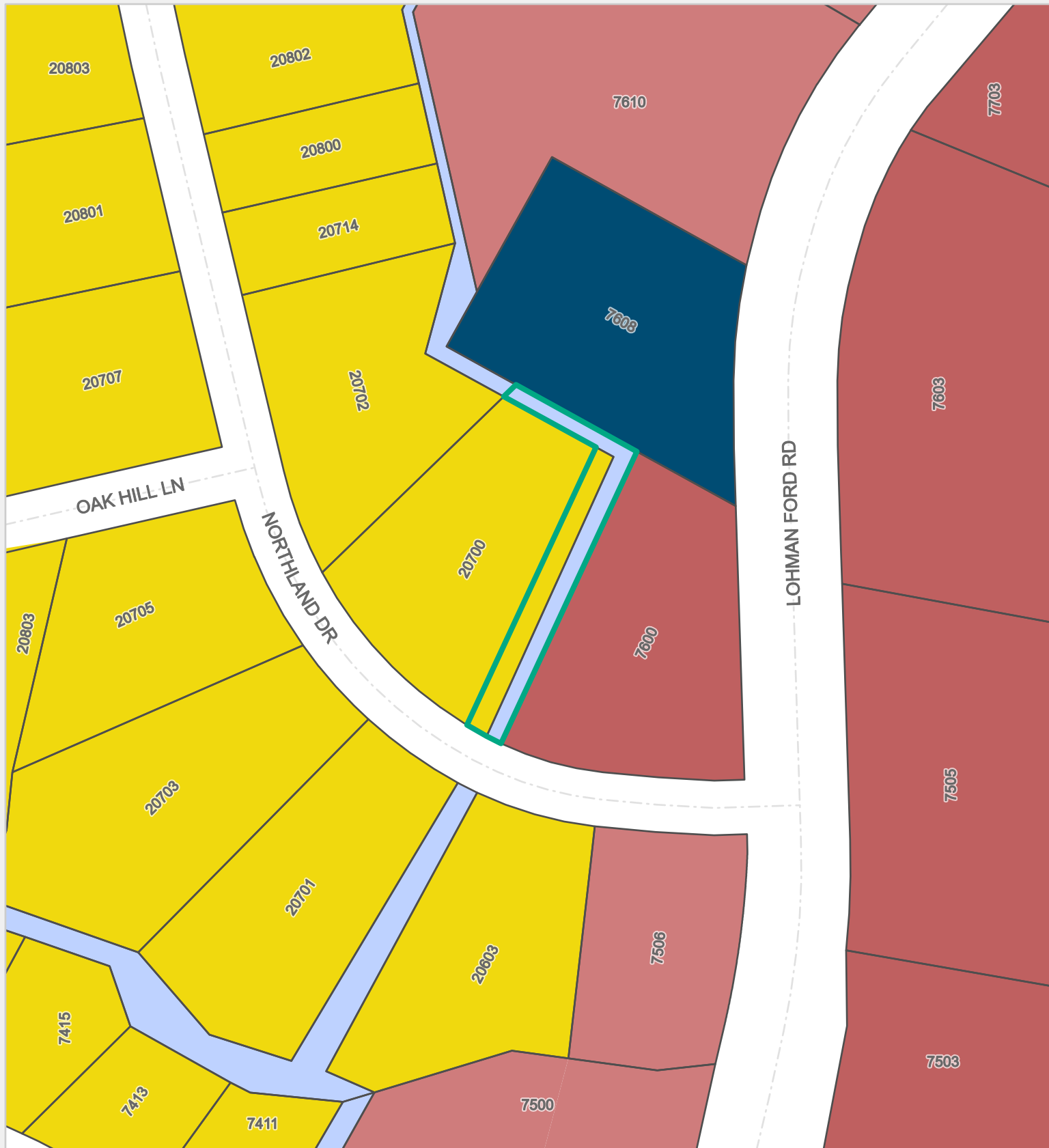
20700 Northland Dr

Request Type	Zoning Change	Project	22-2282-R-REZ
Change Requested	TR-1 to R-1D & TR-1 to C-2	Date	12/14/2022
Map Purpose	Aerial & Topo Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared 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.

Contours

- 10 ft
- 50 ft
- Street
- Project Area
- TaxParcel

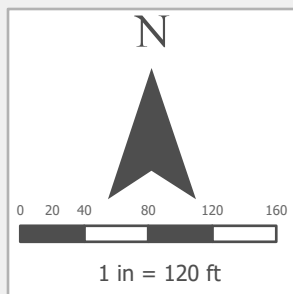
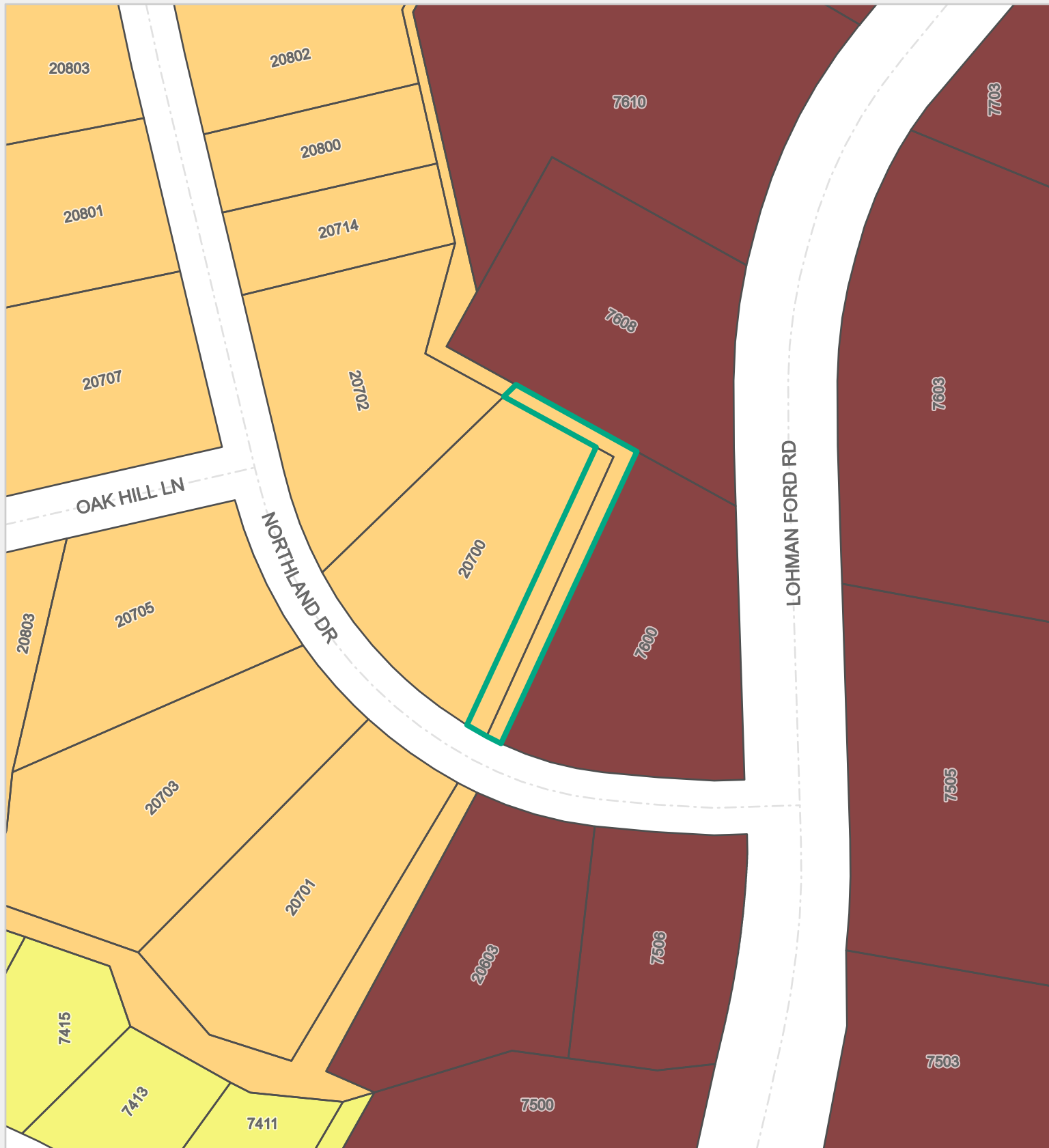


20700 Northland Dr

Request Type	Zoning Change	Project	22-2282-R-REZ
Change Requested	TR-1 to R-1D & TR-1 to C-2	Date	12/14/2022
Map Purpose	Zoning Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared 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.

- Street
- ▬ Project Area
- ▬ TaxParcel
- Zoning Districts**
- C-1C
- C-2
- R-1D
- TR-1
- U-1



20700 Northland Dr			
Request Type	Zoning Change	Project	22-2282-R-REZ
Change Requested	TR-1 to R-1D & TR-1 to C-2	Date	12/14/2022
Map Purpose	Future Land Use Map	Drawn By	chris.martinez
This product is for informational purposes and may not have been prepared 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.			

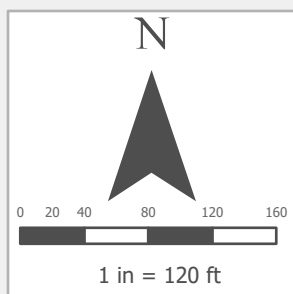
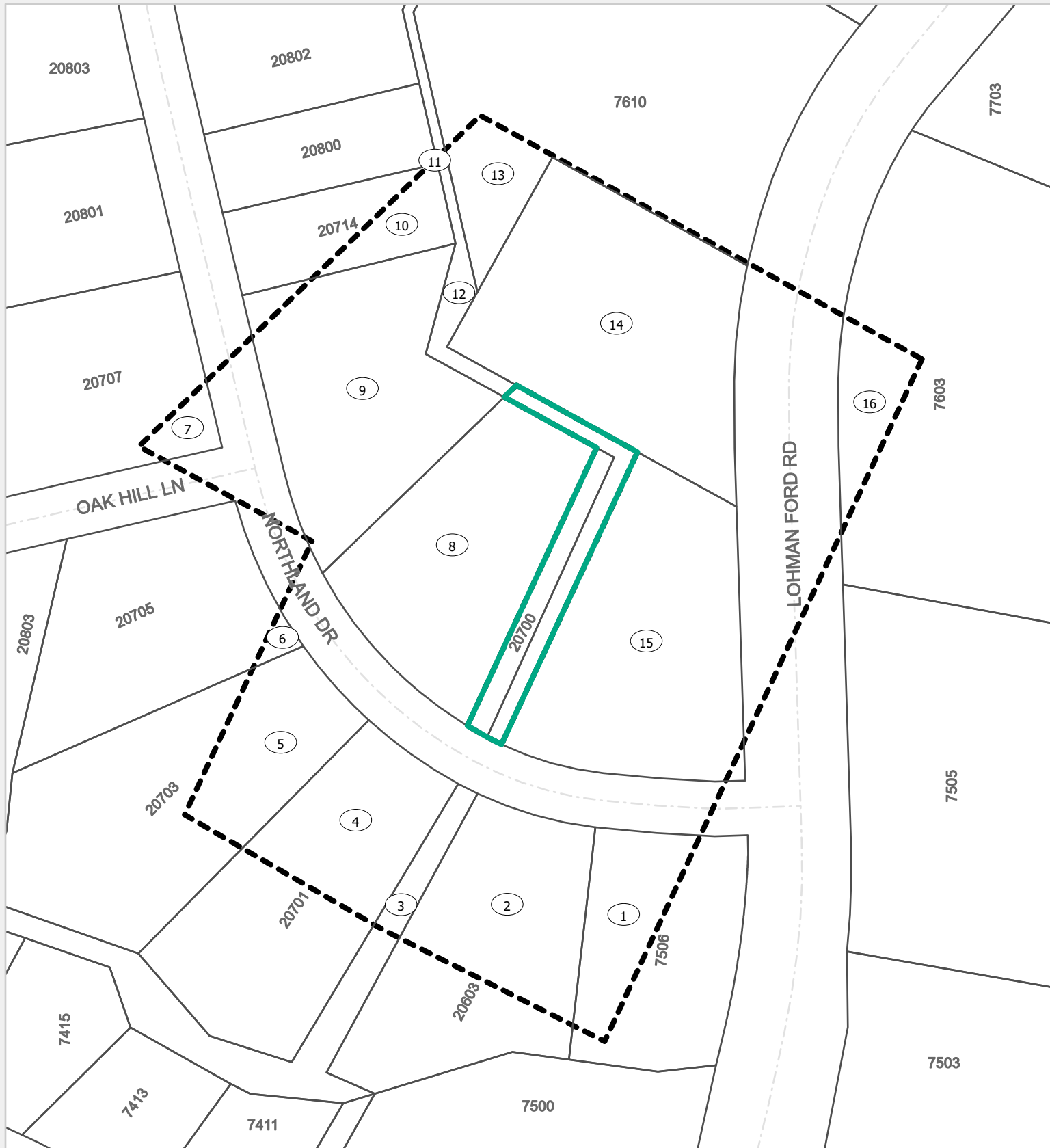
---	Street
	Project Area
	TaxParcel
	Estate Residential
	Low Density Residential
	Regional Retail/Office/Commercial

22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 6

Notice Comments



20700 Northland Dr

Request Type	Zoning Change	Project	22-2282-R-REZ
Change Requested	TR-1 to R-1D & TR-1 to C-2	Date	12/14/2022
Map Purpose	Notification Boundary Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared 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.

- Street
- Project Area
- 200ft Notice Boundary
- TaxParcel



Notice of Public Hearing

Project #: 22-2282-R-REZ

Hearing Date and Time: Thursday, January 12, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 7600 Lohman Ford Road (Lago Vista Estates, Section 6, Lot 1873, 1874 and a portion of the property platted as Tract A, with that legal description available on request)

200' Notification Mailing ID: 4

December 20, 2022

PEREZ LENNIS & SCOTT SULLIVAN
2022 LAKELINE OAKS DR
CEDAR PARK, TX 78613

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning district change request from TR-1 ("Temporary Restricted") to R-1D ("Single-Family Residential") adjacent to 20700 Northland Drive and from R-1D ("Single-Family Residential") and TR-1 ("Temporary Restricted") to C-2 ("Commercial: Large Scale") with design approval for that property and the existing lot located at 7600 Lohman Ford Road (Lago Vista Estates, Section 6, Lot 1873, 1874 and a portion of the property platted as Tract A, with that legal description available on request).

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lagovistatexas.gov
Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

we own 20701 Northland Dr. & are very
AGAINST A COMMERCIAL PROPERTY BEING DEVELOPED
ACROSS THE STREET. WILL BRING A LOT OF TRAFFIC & NOISE TO
OUR PEACEFUL RETIREMENT PLACE

Signed: Scott Sullivan Lennis Perez

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
Postal Address: City of Lago Vista, Development Services Dept., P.O. Box
4727, Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.

February 9, 2023

Agenda Item 3
23-2304-SP-E

20801 McKinley Cove

Special Exception Approval
Additional Height (5.5 Feet)

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – FEBRUARY 9, 2023**



P&Z CASE NO:	23-2304-SP-E: 20801 McKinley Cove
APPLICANT:	MonDel Homes (Jessica Jordan)
LANDOWNER:	Chitrang and Rima Bhavsar
LOCATION:	Southwest corner of McKinley Cove at MacArthur Avenue
ZONING:	R-1C (single-family residential): 15-foot maximum height
PROPOSED USE:	New single-family residence 5.5 feet above height limit

GENERAL INFORMATION / LOCATION:

- McKinley Cove is a relatively short street that terminates in a cul-de-sac with lots that front on the east side of the fifteenth fairway of the former Highland Lakes Golf Course. The original subdivision plat included four golf course frontage lots on this street in addition to the four lots that front on McKinley Cove. However, because of purchases and amended plats, only five of those original lots still have their primary frontage on McKinley Cove. Of those five total lots, only the two corner lots that also front on MacArthur Avenue remain vacant. One of them is the subject property, located on the southwest corner of the intersection.
- A residential contractor is the applicant that seeks approval to construct a “split-level” two-story residence on behalf of the property owner. Despite taking advantage of the topography which slopes away from the golf course toward MacArthur Avenue, the application seeks an increase to the maximum height of five and one-half feet beyond what is otherwise permitted by ordinance.
- The application form asserts: 1) that the additional height is part of a passive solar design strategy that is more energy efficient; 2) that the property owner has already invested in design plans which would result in a financial hardship if the request is denied; and 3) that the additional height will not block any existing significant views because the residence is located on a corner lot.

SITE PLAN / CONTEXT CONSIDERATIONS:

- Most, if not all of the additional height does appears to be the result of a vaulted ceiling in the living area that culminates in a clerestory window at the peak, directly over the exterior wall that includes sliding glass doors that lead to a covered deck. These elements can be most easily identified on the left or southeast building elevation and the main level floor plan. This opening should increase the amount of natural light that will be introduced into the space, reducing the reliance on artificial light. Moreover, the overhang should shade these windows to prevent direct sunlight and the resulting heat gain during the late summer, while allowing direct morning sun during the winter months when the solar angles are much lower in the southern sky.
- However, anything related to design fees expended toward construction plans that are not compliant with our zoning ordinance has no apparent relevance. The staff is also unimpressed by any reduced impact on the views of other property owners because the subject property is a corner lot and has one less shared property line than an interior lot. Instead the very significant view to the southeast, particularly from the adjacent lot at 20803 McKinley Cove (notification ID 10) must be specifically and carefully considered.
- While a written comment from that specific property owner or others further to the northwest with a similar view will be particularly relevant, one has not yet been received. Mail delivery this past week could easily have been even more delayed or erratic than normal. However, other factors might also discount the importance of the views from that direction. The view across a side property line as opposed to the view from either the front or rear property line is typically considered less important as windows are typically more limited because of the reduced privacy associated with lesser minimum building setbacks. In addition, those same properties have an equally impressive hill country view to the southwest toward their rear property line without similar concerns.

- A search of the Development Services Department records revealed a limited number of applications in very close proximity to the subject property. In addition, most of those were not directly analogous. The closest was a recently approved request for an additional six feet at 20902 Monroe Cove. However, that was an accessory building that only impacted the view of the same property owner from their principal residence. The next closest was a request for an additional twelve feet at 2303 MacArthur Avenue that was denied in 2018. A request at 3400 MacArthur Avenue for an additional six and one-half feet for a duplex was also recently denied. The same identical request for an additional nine and one-half feet at 20700 Harding Cove was denied twice in 2018 before the ordinance was amended to require a minimum twelve month delay between applications. However, a request for an additional seven feet at 20706 Harvard Cove was approved a second time in 2021 after it was allowed to expire in 2019.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Although the number of nearby special exception applications for additional height is very limited, that is not to say that they are not a significant number of other “split level” or “full” two-story residences in the area. In most cases, the “split level” residences appear to have taken advantage of the significantly sloped property that is common in this area to meet the ordinance requirements without a special exception application.
- In other cases, such as at 2905 MacArthur Avenue (notification ID 6), the existing residences appear to be a non-conforming structure that either predates the City or was constructed in defiance of local ordinances and perhaps applicable deed restrictions. As we have had to report before, residences that were permitted and constructed with excessive heights are far more common than our citizens seem to appreciate. In this case, all we are certain of is that this residence was not constructed after December of 2011 when we began storing permit records digitally. Even the TCAD website no longer includes ownership information or a tax account number for this property.
- Like the street that includes the subject property (McKinley Cove), the entire area includes far less vacant lots than otherwise similar areas within “old Lago.” While almost all of the residential structures include pitched roofs, there remains a vast range in heights, mass, and other architectural elements and styles. In order to approve the application, the Commission must also find that there is “no significant adverse impact” on the “architectural context of the surrounding neighborhood created by the proposed additional height.” The staff feels strongly that the intent of that language in the ordinance favors a broad impression from the Commission rather than a technical analysis from a professional planner that also happens to be a registered architect. While the clerestory window would be somewhat unique to the immediate area, the “eclectic” nature of this general neighborhood would seemingly protect a design proposal that does not radically disrupt the existing architectural context.

POTENTIAL ALTERNATIVE DECISIONS:

- A. Approve the request for 5.5 feet of additional height.
 - B. Deny the request for additional building height.
-

23-2304-SP-E
20801 McKinley Cove

Attachment 1

Application



CITY OF LAGO VISTA • DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET • P.O. BOX 4727 • LAGO VISTA, TX 78645

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR SPECIAL EXCEPTION

Date submitted: 11/4/22 **Fee:** \$250.00

Applicant's name: Chitrag & Rima Bhavsar/MonDel Homes, Inc.

Applicant's mailing address: 2911 S. AW Grimes Blvd, Ste 320, Pflugerville, TX 78660

Subject property address: 20801 McKinley Cove, Lago Vista, TX 78645

Applicant's email: cabhavsar8@gmail.com; rima@archomzz.com; jessica@mondelhomes.com

Applicant's authorized representative (if any): MonDel Homes, Inc

Applicant's phone numbers: 512-595-5302
Mobile Day Evening

Explain the nature or basis of the special exception request (attach additional pages if necessary)

The home was designed to fit the existing slope countours of the site and maximize use of passive solar heating and cooling. The reduces energy requirements and increases efficiency. It is a corner lot and will not block the views of any adjacent lots or existing homes. The homeowner has already invested a lot of money into the architectural and engineering plans as they are now and revisions would pose financial hardship.

Highest existing grade elevation on the property: 843'
(above MSL, use 723' if property is in the 100-year flood plain)

Primary finish first floor elevation: 844'
(above MSL or relative to the highest existing grade elevation)

Elevation of highest ridge or peak: 863.5'
(above MSL or relative to the highest existing grade elevation)

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required drawings or documentation. All applications are accepted provisionally pending inspection of the required ridgepole. See attached ordinance provisions.

Digitally signed by Jessica Jordan
Date: 2022.11.04 08:26:59 -05'00'

11/4/22

Applicant's signature(s)

Date

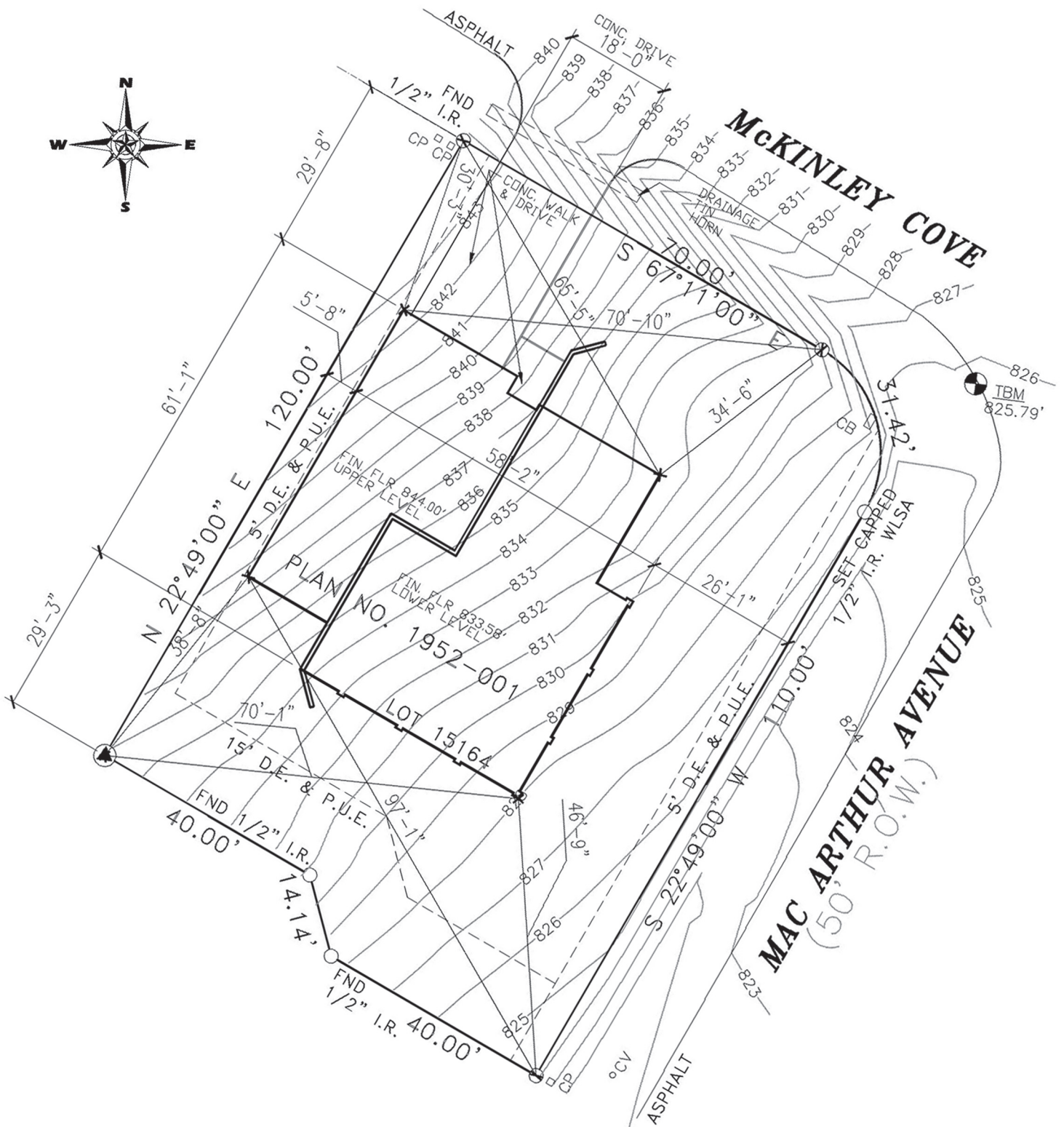


23-2304-SP-E

20801 McKinley Cove

Attachment 2

Site, Floor, and Roof Plans



20801 MCKINLEY COVE
 LOT - 15164
 BLOCK - SEC. 15
 HIGHLAND LAKE ESTATES

Site Plan

SCALE:	1"=20'-0"
PLAN NO:	1952-001
DATE:	08/11/22
DWN BY:	TDJ
SITE NO:	

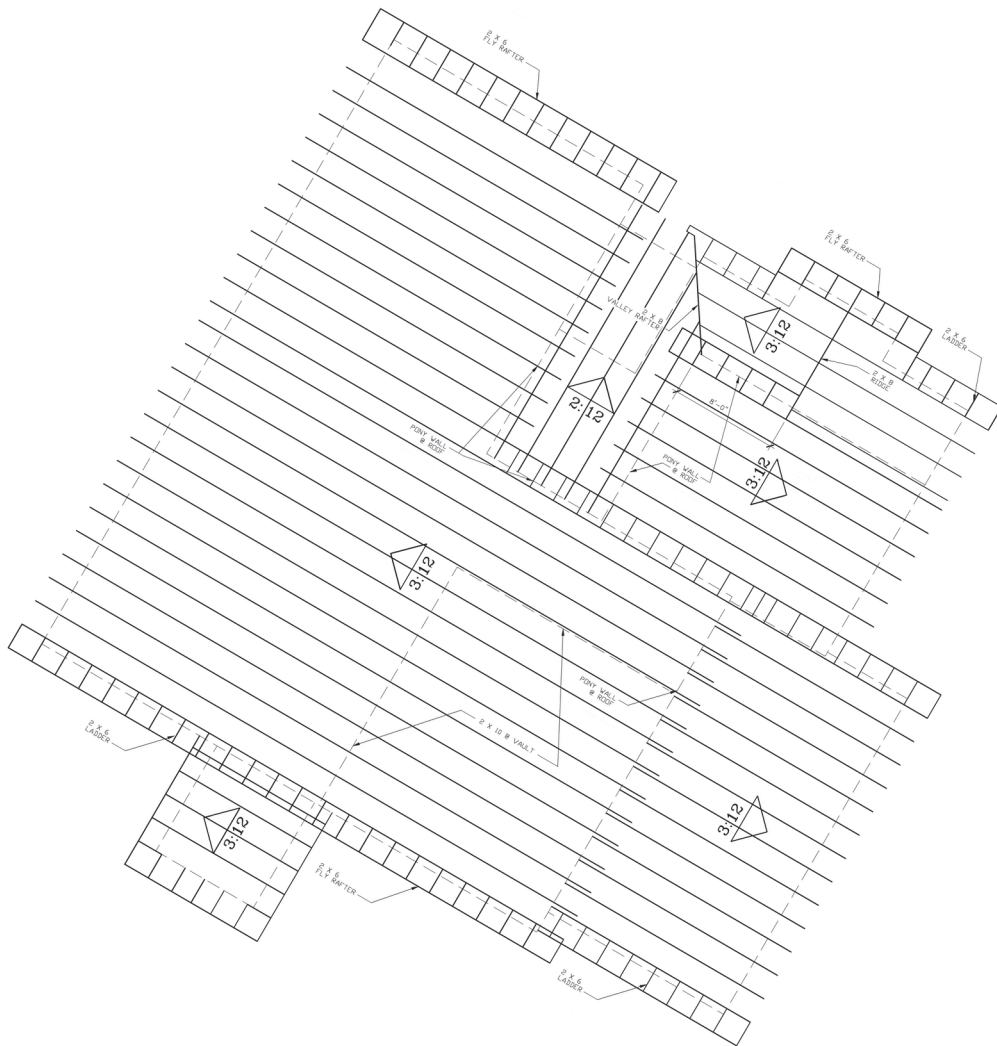
Upper (Main) Level Floor Plan



Lower Level Floor Plan



Roof Plan



NOTE: #3 SP. FOR SPANS UNDER 6' UNLESS NOTED OTHERWISE
#2 SP. FOR SPANS OVER 6' UNLESS NOTED OTHERWISE
RAFTERS 2 X 6 @ 24" O.C. UNLESS NOTED OTHERWISE
HIPS, VALLEYS, & RIDGES PER FRAMING DETAILS
ROOF SHEATHING 7/16" O.S.B. PANEL
ALL FRAMING WILL CONFORM TO 2012 IRC SPAN TABLE REQUIREMENTS

23-2304-SP-E

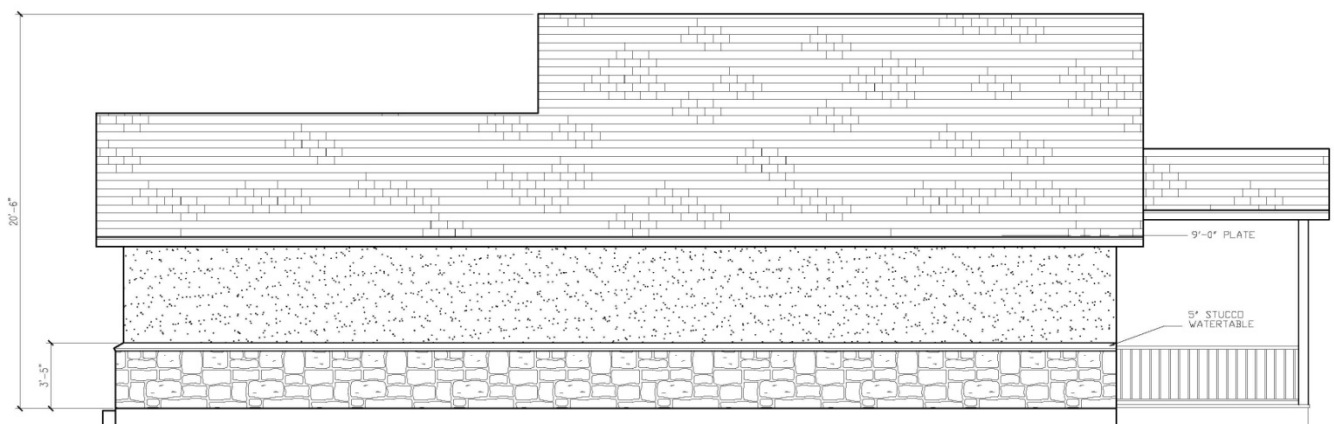
20801 McKinley Cove

Attachment 3

Building Elevations



Rear (Southwest) Elevation



Right (Northwest) Elevation

23-2304-SP-E

20801 McKinley Cove

Attachment 4

Maps

20801 McKinley Cove

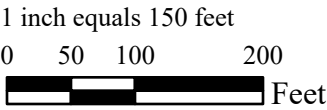


20801 McKinley Cove - Zoning



Legend

TCAD Parcels	G-1	R-4
200ft Parcel Selection	R-1C	TR-1
20801 McKinley Cove	R-2	



20801 McKinley Cove - Future Land Use



Legend

TCAD Parcels	Low Density Residential
200ft Parcel Selection	Medium Density Residential
20801 McKinley Cove	POA Park

1 inch equals 150 feet

0 50 100 200

Feet



23-2304-SP-E

20801 McKinley Cove

Attachment 5

Notice Comments

20801 McKinley Cove





Notice of Public Hearing

Project #: 23-2304-SP-E

Hearing Date and Time: Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 20801 McKinley Cove (Highland Lake Estates, Section 15, Lot 15164)

200' Notification Mailing ID: 5

January 25, 2023

CHIAPPE GLENN R
330 FLIGHTLINE RD
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 20.5 feet for a single-family residence at 20801 McKinley Cove (Highland Lake Estates, Section 15, Lot 15164).

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lagovistatexas.gov

Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.

☒ In Favor; ☐ Opposed

Comments: Probably time to Allow some reasonable
2-story Homes - OK w/ me

Signed: _____

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov

Postal Address: City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645

In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.



Notice of Public Hearing

Project #: 23-2304-SP-E

Hearing Date and Time: Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 20801 McKinley Cove (Highland Lake Estates, Section 15, Lot 15164)

200' Notification Mailing ID: 10,. 12

January 25, 2023

RICHEY CHARLES T & REBECCA NOELKE-RICHEY
2905 BRYCO CV
ROUND ROCK, TX 78681

The Planning and Zoning Commission will make a consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 20.5 feet for a single-family residence at 20801 McKinley Cove (Highland Lake Estates, Section 15, Lot 15164).

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lagovistatexas.gov
Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

Introducing a taller building in the midst of where single-story homes are situated is obstructive and removes an open air view from the surrounding homes. I strongly ask that you oppose this rezoning application and keep the current guidelines in place so current residents can maintain our scenic views. If you allow one variance there will more.

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
Postal Address: City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.

Charles T. Richey



Notice of Public Hearing

Project #: 23-2304-SP-E

Hearing Date and Time: Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 20801 McKinley Cove (Highland Lake Estates, Section 15, Lot 15164)

200' Notification Mailing ID: 16

January 25, 2023

STASNY RYAN T
20803 MCCORMICK CV
LAGO VISTA, VISTA 78645

The Planning and Zoning Commission will make a consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 20.5 feet for a single-family residence at 20801 McKinley Cove (Highland Lake Estates, Section 15, Lot 15164).

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

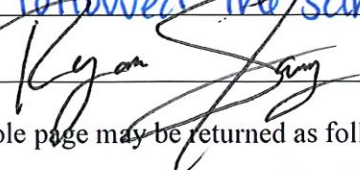
E-mail: development@lagovistatexas.gov
Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

This rise in 5.5 ft compromises our view, which also will decrease our value if we were to sell. All the houses built followed the same guidelines, as should they.

Signed: 

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
Postal Address: City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.

February 9, 2023

Agenda Item 4
23-2309-PDD-MOD

Various Lots and Portions of Lots within
Marshall's Harbor Subdivision

“Montechino PDD” Modification

Amended Detail Plan Approval

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – FEBRUARY 9, 2023**



P&Z CASE NO:	23-2309-PDD-MOD: See attached legal description
APPLICANT:	Montechino Ventures Group LLC (Ravi Polishetty)
LANDOWNER:	Same (Muthaheer Dawood)
LOCATION:	Between Veranda Walk (private) and Austin Boulevard
ZONING:	"Montechino PDD" (Ord. Nos. 15-11-19-01 and 19-10-17-01)
PROPOSED USE:	Amended PDD Detail Plan

GENERAL INFORMATION / LOCATION:

- This application involves a portion of the property that was included in application 21-1910-PDD-MOD submitted by JDT, LLC that was originally scheduled for consideration on the October 14, 2021 agenda until a deferral was requested by the applicant. It was subsequently scheduled for consideration on the January 13, 2022 agenda until the authorization for that application was withdrawn by one of the then current owners of that property.
- That same property owner that withdrew the authorization for application 21-1910-PDD-MOD subsequently submitted application 22-2036-PDD-MOD that included all but approximately 5.40 acres of the current application (Lot 13 of Marshall's Harbor Subdivision). That application was considered by the Planning and Zoning Commission on March 10, 2022. Five of the six members present at that meeting voted to recommend approval of that application, subject to some conditions that related to the proposed landscaped buffer between Austin Boulevard and the private drive used to access the new lots at that location. However, that request was formally withdrawn in writing by the applicant prior to the June 2, 2022 City Council meeting after appearing on all of their following agendas: April 7, 2022; April 21, 2022; May 5, 2022, May 19, 2022; and June 2, 2022.
- Although the current property owner was involved in that previous application, they are now the applicant of record. They had previously submitted an application for a preliminary subdivision plat (22-2255-PR-PLA) for some of the property within the "Montechino PDD" that is part of the current amendment application (Lot 9 and Lot 10 of Marshall's Harbor Subdivision). That application originally appeared on the November 10, 2022 agenda of the Planning and Zoning Commission that was unable to be convened due to the lack of a quorum. That application contained a number of inconsistencies with the approved PDD that were pointed out in the staff report for that application. It was subsequently withdrawn and did not appear on any subsequent agendas.
- The current application consists of approximately 85.79 acres within the existing "Montechino PDD" approved in Ordinance Number 15-11-19-01, but as amended by Ordinance Number 19-10-17-01. Although those ordinances were all provided to one of the applicant's consultants (the Moore Group), the more recent amendment is not mentioned in their narrative. For similar reasons, the narrative also incorrectly asserts that this application was recommended by the Commission in November of 2022. By including Lot 13 and reducing the size of the amenity center approved in Ordinance Number 19-10-17-01, three lots were added to the current application that were not included in the recommendation related to 22-2036-PDD-MOD that was subsequently withdrawn. The current application seeks to increase the number of lot within this specific area from 89 to 156, while the withdrawn application sought an increase from 89 lots to 153 lots for a slightly smaller area (the approximately 5.40 acres within the existing Lot 13 which was formerly reserved in its entirety for the amenity center).

SITE PLAN / CONTEXT CONSIDERATIONS:

- Perhaps more importantly, the density analysis and the narrative submitted by the applicant each distort the proposal by segregating this application from the balance of the previously approved entitlements (PDD Ordinances). In short, they propose a significant increase in the number of lots in the least dense area of the previous approvals, while retaining but failing to include in the analysis the high-density approvals and subsequent density increases in the balance of the areas.

- Moreover, they analyze only the area currently proposed for change for average density, while ignoring the total average density for the entire original PDD approval. While it is appropriate to again point out this same flaw in the submitted site plans that was identified in some manner in the staff reports of other recent applications, the results of an accurate analysis relate more to a discussion of the relevant ordinance provisions and the considerations related to the current Comprehensive Plan. Those averages will therefore be presented below.
- The staff also fears that some of the newly configured Type 2 lots do not comply with the minimum lot size requirements (8,400 square feet) of the applicable PDD approval. Lots that front on a cul-de-sac within area 'G' as designated in the current application are of the greatest concern. Since there is no request to amend any of the existing development standards within Ordinance Number 15-11-19-01, the staff would recommend that a verification of the size of each Type 2 lot indicated on the amended detail plan seeking approval be provided. Otherwise, the staff may face the same dilemma on a future subdivision application that was presented by 22-2255-PR-PLA.
- As we pointed out in the staff report for the previous application that was ultimately withdrawn, the narrative also fails to request the elimination of the Type 1 lots that were originally displaced by Ordinance Number 19-03-07-01. The development standards were specifically designated to be retained by the previous property owner, yet they no replacement Type 1 lots have ever been proposed in several subsequent zoning change applications. While they are no specific or significant negative consequences from a failure to eliminate those associated development standards, it can potentially lead to future confusion.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- The application asserts to seek both a concept and detail plan approval for the area within the application (approximately 85.79 acres). As mentioned previously however, that includes the entirety of Lot 13 that was previously approved for use exclusively as an amenity center in Ordinance Number 19-10-17-01. The staff is of the opinion that the current information submitted regarding the proposed amendment to the size and design of the amenity center does not meet the ordinance requirements for a "detail plan" approval. For example, compare the level of detail required for the design review approval in 22-2282-R-REZ that appears on this same agenda. The detail plan for the residential components of a PDD can defer certain considerations to the eventual homeowner seeking a building permit instead of the developer. Conversely the "detail plan" requirements for a commercial or multifamily component of a PDD intended to answer all the same questions raised by the design approval required by Section 6.105 of Chapter 14.
- As suggested above, the current application seeks a density increase of over 75 percent for just the 85.79 acres within the total area covered by Ordinance Number 15-11-19-01 (189.0907 acres), the comprehensive amendment that significantly increased the density of the original "Marshall's Harbor PDD." That often quoted maximum of "262 dwelling units" included in that approval equated to an average density of 1.88 units per acre, including associated infrastructure (right-of-way) as specified in our current Comprehensive Plan.
- Ordinance Number 19-03-07-01 followed shortly thereafter by Ordinance Number 19-10-07-91 increased that average density to 2.9575 units per acre, based on an increase to a maximum of 425 dwelling units over a total of 143.7007 acres. The increase consisted of the 230 units within the "retirement center" less the 67 units that were displaced by the "retirement center" and the amenity center (Ordinance Number 19-10-07-01). However, the total still remained with the maximum average density (3 units per acre) for the "low density residential recommended by the current Comprehensive Plan.
- The current application seeks to add an additional 67 lots within the 62.27 acres devoted to residential development. However, the number of Type 3 lots (with a minimum area of 20,000

square feet) within that same acreage was reduced to 23 lots from a previous total of 66 lots, a total decrease of 43 of the largest lots. Conversely the Type 2 lots (with a minimum of 8,400 square feet) within that same acreage is proposed to increase from a previous total of 26 lots to a proposed new total of 133 lots, a total increase of 107 of the smallest lots proposed within this application.

- Perhaps most importantly, the total average density for the area covered by the original and entire “Montechino PDD” is proposed to add these 67 new units to the original 425 while only adding 1.11 acres to the total residential area. That equates to a total of 492 units over a total of 144.8107 acres, or an average of 3.3975 units per acre. That exceeds the limit of 3 units per acre established in the current Comprehensive Plan which designates this same acreage as “low density residential” with the exception of a portion of the area within the “retirement center” that is designated as “regional retail, office or commercial.”
- This application predates the effective date of Ordinance Number 23-01-19-03 that prohibits an application that is inconsistent with the Comprehensive Plan by exactly one week. As such, the staff did not have the authority to refuse the application, even if the submitted material accurately analyzed the entire area within the existing “Montechino PDD” approval that the City Council is being urged to amend. However, the staff is also unaware of any basis to amend the existing Comprehensive Plan, such as an unanticipated change, a clear and identifiable error, or a change that yields a demonstrable public benefit to the surrounding area.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend denial of the proposed amended concept and detail plan as it would yield an average density that exceeds the maximum 3 units per acre designated in the current Comprehensive Plan.
 - B. Defer consideration of the application to accommodate an amended submittal that is consistent with the current Comprehensive Plan.
 - C. Recommend approval of the request as meeting the requirements of a concept and detail plan with the exception of the amenity center which is recommended as meeting the requirements of a concept plan only; with the inconsistency between the application and the current Comprehensive Plan being the result of an unanticipated change as required by the former provisions within Section 13.20 (d) of Chapter 14 with findings as articulated by the Commission at the meeting that yielded the recommendation.
-

23-2309-PDD-MOD

Lots 9, 10, 13, 14, 15, 16, 17, 18 and portions of Lots
19, 20, 21, 22, 23, 24 and 26 of Marshall's Harbor

Attachment 1

Application



CITY OF LAGO VISTA • DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET • P.O. BOX 4727 • LAGO VISTA, TX 78645

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR ZONING DISTRICT CHANGE

Contact Person: Ravi Polishetty **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: 920-309-6667 **Contact Email:** polishettyravi@gmail.com
Property Owner(s):* Montechino Ventures Group LLC
Owner's mailing address: P.O.Box 2289, Frisco, TX-75034

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*
LOTS 9 & 10, LOTS 13-18 & PORTIONS OF LOTS 19-24 & LOT 26 OF THE MARSHALLS HARBOR SUBD. DOC. NO.
200000248, O.P.R.T.C., SAID PORTIONS BEING THE BALANCE VACATED PER DOC. NO. 201300161 O.P.R.T.C.

Municipal Address(es)* if applicable: N/A

NATURE OF REQUEST

Current Zoning District(s): PDD **Requested District:** PDD

Purpose or Basis of Request* (if PDD, include whether concept and/or detail plan approval is sought):

The attached includes a narrative and exhibits detailing the request and its purpose.

Additional individual(s) authorized to act on behalf of the property owner(s)* regarding this application:

Name of Agent: Muthaheer Dawood **Email:** md@texassparksconstructions.com

Mailing Address: P.O.Box 2289, Frisco, TX-75034 **Phone:** 682-556-7760

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required drawings or documentation. All applications are accepted provisionally pending a completion review. **PLEASE TAKE SPECIFIC NOTICE AND INCORPORATE OR ADDRESS ALL LOCAL ORDINANCE REQUIREMENTS IN YOUR APPLICATION.**

DocuSigned by:

Ravi Polishetty

871DACBF9B3F4BE...

1/12/2023

Property Owner's signature(s)*

Date

***Attach additional sheets as required**

Montechino Ventures Group is seeking a PDD amendment to allow for a total of 262 single family residential homes in the portion of the Montechino development located south of Shoreline Ranch Boulevard, between Lohman Ford Road and Austin Boulevard.

The proposed application seeks to amend the current PDD (15-11-19-01) with an updated detail plan shown in the exhibits. This proposal was previously reviewed and recommended for approval by the Lago Vista Planning and Zoning Commission in April of 2022.

For numerous reasons, the applicant chose to pull the application prior to receiving council action. After careful consideration, discussions with home builders, additional engineering, and help from staff we are seeking approval on a very similar proposal as was previously reviewed. Additional specifics are included herein.

Transportation

This project appears to be well served by Austin Boulevard and Shoreline Ranch Road. The traffic signal at Lohman Ford and Shoreline Ranch had included the background traffic from a full buildout of the Montechino project when the signal warrants were being evaluated. This PDD amendment will add 60 additional units to the current entitled project, which would have a negligible effect on the flow of traffic from the condition already included in the traffic models.

In addition, as a part of the Phase 2 buildout, the developer would be responsible for the upgrading of Austin Boulevard to City of Lago Vista standards.

Utilities

Our team understands that utility capacity is an important consideration for staff, planning and zoning administrators, and City Council members. At the direction of multiple parties, we have drafted a Development Agreement which is being considered at the City Council level which states the requested LUE total, as well as the timing for construction, as well as a sunset clause for the utility availability.

Buffering and Neighboring Uses

We recognize it is important to preserve the natural features of the site, but also enhance a landscape buffer in areas which may impact neighboring properties. This proposal incorporates the Austin Boulevard Buffer which was previously discussed at the planning and zoning commission meeting. In addition, the developer will construct an 8 foot tall masonry wall on the property lines abutting our neighbors to the southeast.

Conformance with Existing Planning Efforts

The proposed project consist of 262 Total Single Family Lots, of which 5 have already been sold by the previous owner. This is approximately 2.51 Units per acre, less than the 3 units per acre found in the future land use guidance.

The average proposed lot is 17,374 square feet, which is larger than the average lot within the City of Lago Vista. We understand the council has had previous discussions which indicated a preference for larger lots.

Phasing

The current plan is to develop the lots to the west of the ravine as a Phase 1 of the project. Phase 2 would be the lots that back onto the ravine, along with the amenity center. Phase 3 would be the remaining lots in the southeast portion of the project area.

As mentioned in the Developer Agreement, we intend to move fairly quickly on the horizontal development of the project in the hopes to maintain builder interest. The Phase 1 lots have a preliminary plat ready to file should the Council approve this PDD request.

At this time, there are no imminent plans for developing the remaining lots owned by Montechino Ventures.

The new owner of Montechino has made improvements to the property in the short time he has owned it. A significant cleanup of the existing amenity building, as well as other landscaping cleanup has been completed in an effort to improve our relationships with our neighbors. Additionally, architectural plans are currently being developed for the first amenity building.

23-2309-PDD-MOD

Lots 9, 10, 13, 14, 15, 16, 17, 18 and portions of Lots
19, 20, 21, 22, 23, 24 and 26 of Marshall's Harbor

Attachment 2

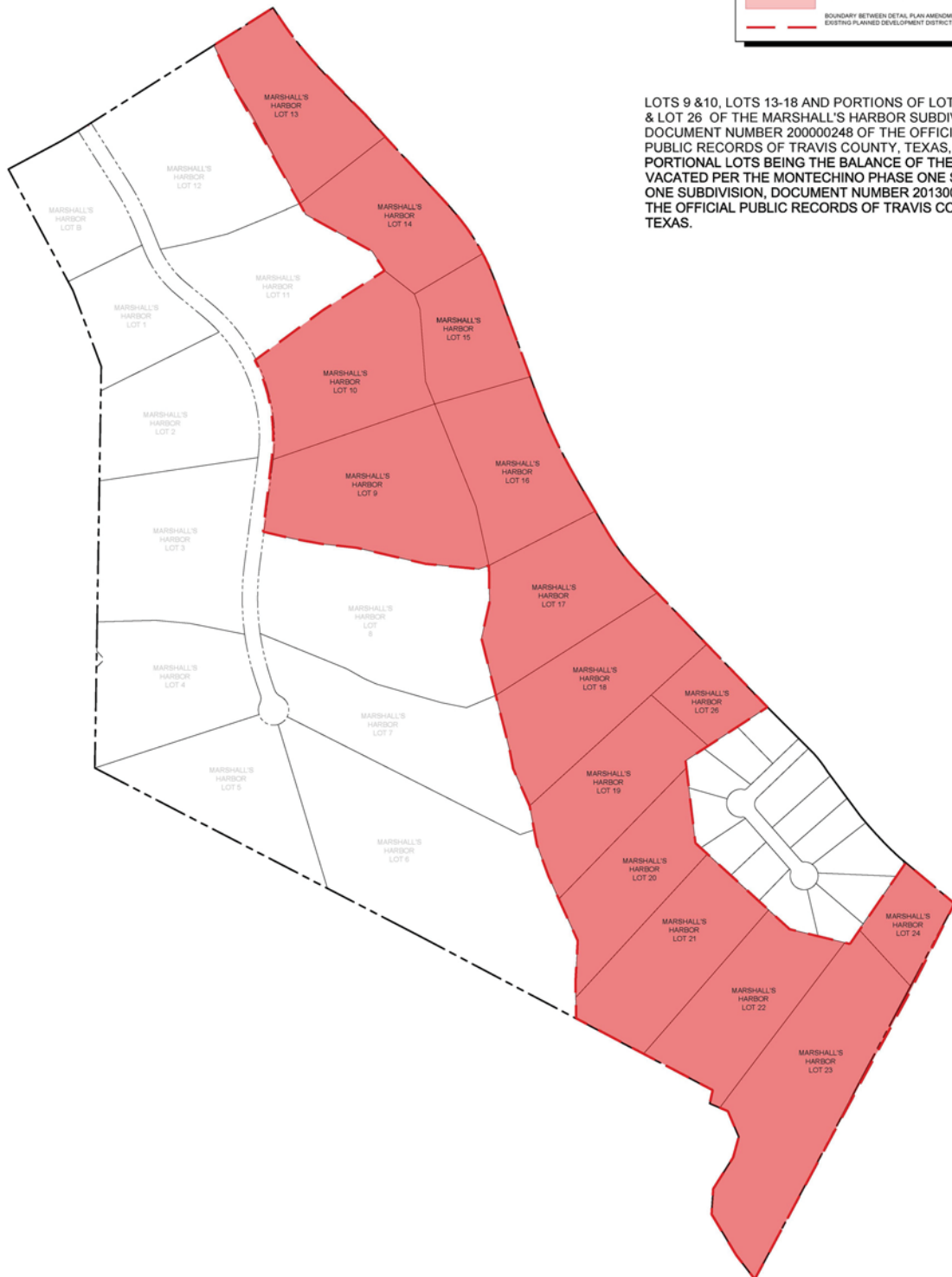
Proposed Amendment



0 200' 400'
GRAPHIC SCALE 200'



LOTS 9 & 10, LOTS 13-18 AND PORTIONS OF LOTS 19-24 & LOT 26 OF THE MARSHALL'S HARBOR SUBDIVISION DOCUMENT NUMBER 200000248 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID PORTIONAL LOTS BEING THE BALANCE OF THE LOTS VACATED PER THE MONTECHINO PHASE ONE SECTION ONE SUBDIVISION, DOCUMENT NUMBER 201300161 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

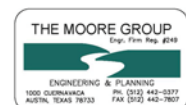


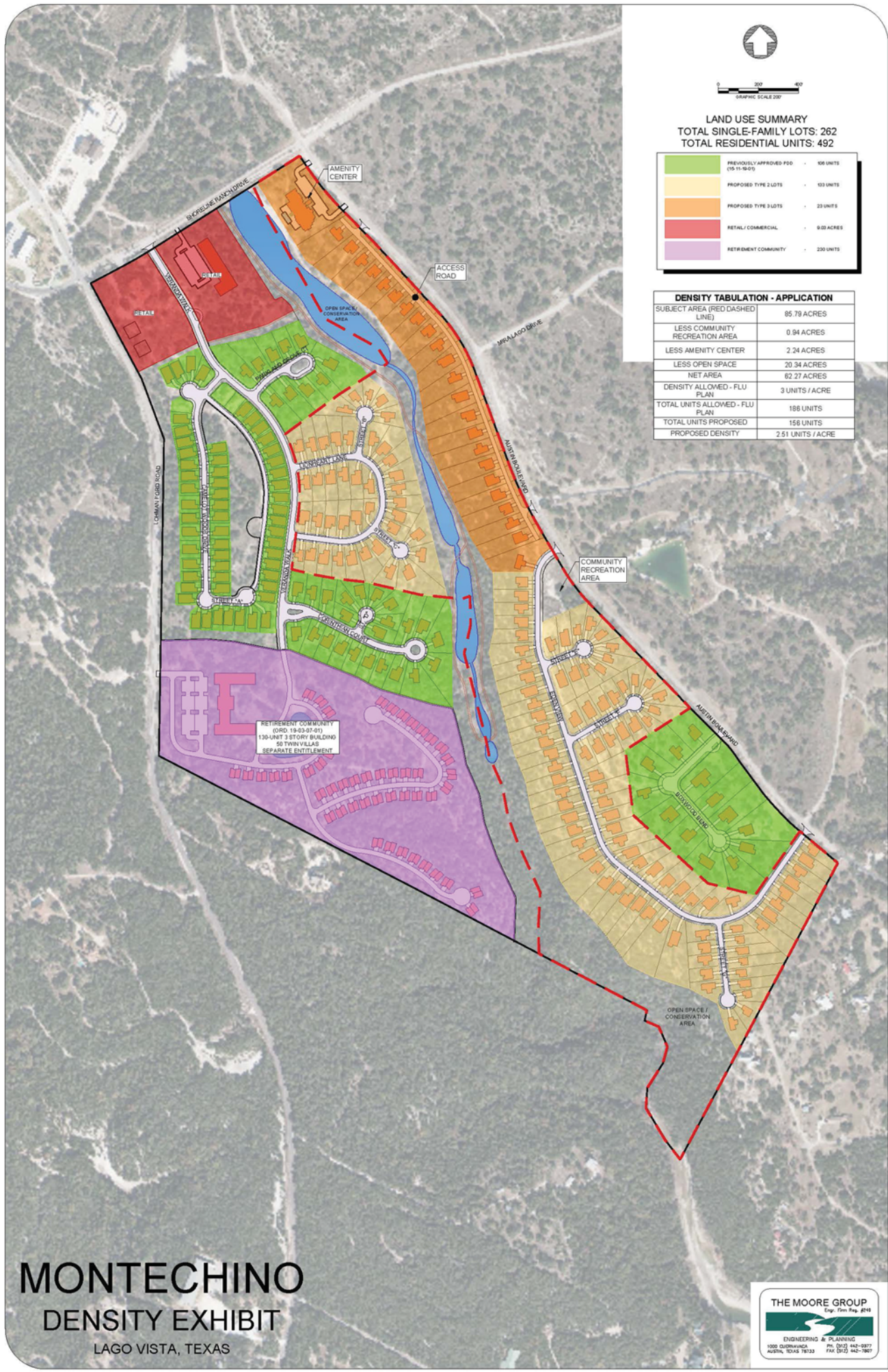
MONTECHINO

DETAIL PLAN AMENDMENT

BOUNDARY EXHIBIT

LAGO VISTA, TEXAS





0 200 400
GRAPHIC SCALE 200'

LAND USE SUMMARY
TOTAL SINGLE-FAMILY LOTS: 262
TOTAL RESIDENTIAL UNITS: 492

PREVIOUSLY APPROVED PDD (05-11-0425)	106 UNITS
PROPOSED TYPE 2 LOTS	103 UNITS
PROPOSED TYPE 3 LOTS	23 UNITS
RETAIL / COMMERCIAL	9.02 ACRES
RETIREMENT COMMUNITY	230 UNITS

DENSITY TABULATION - APPLICATION

SUBJECT AREA (RED DASHED LINE)	85.78 ACRES
LESS COMMUNITY RECREATION AREA	0.94 ACRES
LESS AMENITY CENTER	2.24 ACRES
LESS OPEN SPACE	20.34 ACRES
NET AREA	62.27 ACRES
DENSITY ALLOWED - FLU PLAN	3 UNITS / ACRE
TOTAL UNITS ALLOWED - FLU PLAN	186 UNITS
TOTAL UNITS PROPOSED	156 UNITS
PROPOSED DENSITY	2.51 UNITS / ACRE

MONTECHINO
DENSITY EXHIBIT
LAGO VISTA, TEXAS



0 200 400
GRAPHIC SCALE 200'



**LOTS OF AMENDED
PLANNED DEVELOPMENT
DISTRICT**

SECTION	QUANTITY	TYPE
G	41	2
P	23	3
N	26	2
S	38	2
T	14	2
V	14	2
TOTAL	156	

MONTECHINO
DETAIL PLAN AMENDMENT
BOUNDARY EXHIBIT
LAGO VISTA, TEXAS



23-2309-PDD-MOD

Lots 9, 10, 13, 14, 15, 16, 17, 18 and portions of Lots
19, 20, 21, 22, 23, 24 and 26 of Marshall's Harbor

Attachment 3

Currently Applicable PDD Plans / Ordinances

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 15-11-19-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE NO. 01-01-18-01 WHICH ESTABLISHED THE MARSHALL'S HARBOR PLANNED DEVELOPMENT DISTRICT ("PDD") AS AMENDED BY ORDINANCE NO. 13-06-06-02 (ZONE-1045) ESTABLISHING THE ZONING REQUIREMENTS FOR THE MONTECHINO PLANNED DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED MATTERS

WHEREAS, Montechino, LP, owner of the property known as Lots 1 through 26, Lots 67 through 74, Lots 34, 45, 48, 49AA, 49BB, 50, 52, 57, 60, 61, 68, 70-72 and Lot B, Marshall's Harbor Subdivision (the "Subdivision") according to the map or plat recorded in Document #200000248, Official Public Records of Travis County, Texas (the "Property") has requested certain amendments to the Marshall's Harbor PDD as it would affect Lots 1 through 26 and Lot B to accommodate the planned development on Lots 1-26 as the same may be replatted in the future; and

WHEREAS, after giving fifteen (15) days written notice to the owners of land within 200-feet of the Property, the Planning and Zoning Commission held a public hearing on the proposed re-zoning and forwarded its recommendations on the proposed amendment to the Montechino PDD Ordinance to the City Council; and

WHEREAS, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, the City Council at a public hearing has reviewed the requests and circumstances of the Property and finds that a substantial change in circumstances of the Property is sufficient to warrant a change in the zoning of the Property as provided below has transpired; and

WHEREAS, the applicant has requested a modification to the current PDD, adopted under Ordinance No. 13-06-06-02, to generally improve the functionality and marketability of the development by increasing uses and lot development standards; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the PDD Modification requested herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base; and

WHEREAS, the City desires to control the development standards for the Property and protect third party property owners in the city and/or abutting said Property, and to ensure the benefits of planned development and enhanced tax base that are achieved through the PDD Modification to the Property; and

WHEREAS, the City, entered into a Subdivision Construction Agreement dated November 30, 2006 which controls the construction within the Marshall's Harbor Subdivision, the terms of which still control development of the Property and the Parties agree to have such Agreement remain in full force and effect unless at a future date the Parties agree to new or amended development controls; and

WHEREAS, the City also approved a Settlement Agreement dated September 5, 2007 which also addresses various aspects of the plans and development within the Marshall's Harbor Subdivision, the terms of which also still control various aspects of development of the Property and the Parties agree to have such Settlement Agreement remain in full force and effect unless at a future date the Parties agree to new or amended development controls.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

Section I. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Commission, City Manager and City Council find that the PDD in this Ordinance satisfies the requirements of the City of Lago Vista Zoning Ordinance.

Section II. Revocation and Replacement and Conflict. Ordinance No. 13-06-06-02 is hereby revoked and replaced with this Ordinance, provided that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements for the individual lot set forth herein and as depicted on the map exhibits attached hereto as Exhibit "A", the requirements set forth herein shall control.

Section III. Rezoned Property. The Zoning Ordinance and the current Montechino Planned Development District ("PDD") are hereby amended by changing the zoning district to a revised PDD zoning designation subject to this ordinance (this "Ordinance") for the land described as:

All that certain real property included in and described on the map or plat of the Marshall's Harbor Subdivision according to the map or plat recorded in Document #200000248, Official Public Records of Travis County, Texas, described as LOTS 1-26 AND COMMERCIAL LOT B.,

Section IV. Identification of the Parcels within the PDD: The Property consists of the following parcels of land which are also depicted in Exhibit "A" attached hereto and incorporated herein for all purposes:

- Area 1- Single Family Type 1 Lots (SF Type 1)
- Area 2- Single Family Type 2 Lots (SF Type 2)
- Area 3- Single Family Type 3 Lots (SF Type 3)
- Area 4- Garden Homes
- Area 5- Commercial Lots
- Area 6- Residential Community Center Area
- Area 7- Open Space

Section V. Zoning Requirements: The zoning requirements established for the Property (hereinafter referred to as "Montechino PDD") shall be those as established and adopted by Ordinance No. 98-04-27-03, as amended, except as specifically set forth below.

1. Zoning for the Single Family Type 1 Lots
 - A. The residential lot areas identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "SF Type 1" lots shall comply with the zoning requirements and development standards for Single Family Zoning "R-1(G)", except as hereinafter modified.
 - B. Maximum Building Heights: 35 feet as measured from the highest point on the lot.
 - C. Minimum lot size: 8,000 square feet
 - D. Building setbacks generally:
 - (i). Minimum front yard setback: 25 feet
 - (ii). Minimum rear yard setback: 15 feet
 - (iii). Minimum any side yard setback: 5 feet each side. Minimum total side yard setback: 15 feet.
 - (iv). Minimum corner setback: 15 feet
 - E. Additional setbacks along the southern and eastern external boundaries of the subdivision property:
 - (i). Minimum undisturbed, vegetated buffer as measured from the property line: 20 feet
 - (ii). Minimum building structure setback line as measured from the internal edge of the vegetated buffer: 30 feet.
 - F. Building exteriors must be a minimum of 100 percent masonry.
 - G. Construction of residential units in the SF Type 1 area shall be permitted on slopes up to 35 percent.
 - H. Utility service connections constructed to serve residential lots accessed via joint use driveways shall have meters located at the public/private ROW.

2. **Zoning for the Single Family Type 2 Lots**
 - A. The residential lot areas identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "SF Type 2" lots shall comply with the zoning requirements and development standards for Single Family Zoning "R-1(G)", except as hereinafter modified.
 - B. Maximum Building Heights: 35 feet as measured from the highest point on the lot
 - C. Minimum lot size: 8,400 square feet
 - D. Minimum living area: 2,000 square feet
 - E. Building setbacks generally:
 - (i). Minimum front yard setback: 25 feet
 - (ii). Minimum rear yard setback: 15 feet
 - (iii). Minimum any side yard setback: 5 feet each side. Minimum total side yard setback: 15 feet.
 - (iv). Minimum corner setback: 15 feet
 - F. Additional setbacks along the southern and eastern external boundaries of the subdivision:
 - (i). Minimum undisturbed, vegetated buffer as measured from the property line: 20 feet
 - (ii). Minimum building structure setback line as measured from the internal edge of the vegetated buffer: 30 feet.
 - G. Building exteriors must be a minimum of 100 percent masonry.
 - H. Construction of residential units in the SF Type 2 area shall be permitted on slopes up to 35 percent.
3. **Zoning for the Single Family Type 3 Lots**
 - A. The residential lot areas identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "SF Type 3" lots shall comply with the zoning requirements and development standards for Single Family Zoning "R-1(G)", except as hereinafter modified.
 - B. Maximum Building Heights: 35 feet as measured from the highest point on the lot
 - C. Minimum lot size: 20,000 square feet
 - D. Minimum living area: 3,000 square feet
 - E. Required setbacks along the southern and eastern external boundaries of the subdivision:
 - (i). Minimum undisturbed, vegetated buffer as measured from the property line: 20 feet
 - (ii). Minimum building structure setback line as measured from the edge of the vegetated buffer or, if a road exists along the property boundary, from the internal edge of the road ROW: 30 feet
 - F. All structures on lots adjacent to Austin Blvd. shall have minimum building structure setbacks of 30 feet from the Austin Blvd. edge of pavement and 25 feet from the Austin Blvd. ROW line.
 - G. Lots located in the SF Type 3 category shall not have direct driveway access to Austin Blvd. Access to lots along Austin Blvd. shall occur from joint use driveways.
 - H. All residences accessed from joint access driveways shall have a minimum 20 foot building setback from the joint use driveway internal edge of pavement.
 - I. Building exteriors must be a minimum of 100 percent masonry.
 - J. Construction of residential units in the SF Type 3 area shall be permitted on slopes up to 35 percent.
 - K. Utility service connections constructed to serve residential lots accessed via joint use driveways shall have meters located at the public/private ROW.
4. **Zoning for Area 4 Garden Homes**
 - A. Construction of multi-family residential units in Area 4 identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "Area 4 – Garden Homes" shall comply with the zoning requirements and development standards for the R-0 Single-family Residential District, except as hereinafter modified.
 - B. Maximum building height: 35 feet above highest point on lot
 - C. Minimum living area square footage: 1,000 square feet
 - D. Building setbacks generally:
 - (i). Minimum front yard setback: 10 feet
 - (ii). Minimum rear yard setback: 0 feet

- (iii.) Minimum any side yard setback: 5 feet each side or 10 feet one side in zero-lot line configuration.
 - (iv.) Minimum corner setback: 10 feet
 - (v.) Minimum garage setback: 20 feet.
 - E. Maximum Lot Coverage: 75%
 - F. Building exteriors must be a minimum of 80% masonry
 - G. The maximum total number of residential townhomes, condominiums and casitas in Area 4 shall not exceed 60 units.
5. Zoning for the Commercial Parcel - Area 5
- A. The parcel identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "Area 5 - Commercial Lots", shall be retail/office, commercial, hotel, restaurant, community center, and exhibition ground use and comply with the zoning requirements and development standards of the "C-1C" Commercial zoning category except as hereinafter modified:
 - B. Building exteriors must be a minimum of 75% masonry.
 - C. A temporary construction/sales trailer or temporary building shall be permitted in Area 5. This structure shall be permitted to exist at the site for a period no longer than 12 months. The City Manager shall approve the site plan for this structure.
 - D. Minimum building setback from the Lohmans Ford Road ROW (after expansion of 15 feet per separate agreement between the developer and the city): 25 feet.
 - E. Maximum building height: 35 feet as measured from the high point on the lot with provision for no more than six (6) tower or cupola architectural features which may extend to 45 feet vertically above the high point on the lot.
 - F. Maximum Lot Coverage: 60 percent.
 - G. Additional setbacks along the southern external boundaries of the subdivision property:
 - (i). Minimum undisturbed, vegetative buffer as measured from the property line: 20 feet.
 - (ii). Minimum building structure setback line as measured from the internal edge of the vegetative buffer: 30 feet.
 - H. The restaurant will have an outdoor area. Entertainment and/or musical groups performing at the restaurant facility shall comply with the City of Lago Vista noise ordinance.
6. Zoning for the Residential Community Center - Area 6
- A. The parcel identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "Area 6 - Residential Community Center Area", shall comply with the zoning requirements and development standards of the "P-1A" Park, except as hereinafter modified.
 - B. A pavilion, tennis courts, and a fire pit are permitted.
 - C. Maximum Building Height: 35 feet above the highest point on the lot.
7. Zoning for Open Space -Area 7
- A. The parcel identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "Area 7- Open Space", shall comply with the zoning requirements and development standards for the "P2 Park" zoning category, except as hereinafter modified:
 - B. This area may contain disc golf, lakes, waterfalls, dams/berms, trails/walkways, and benches.
8. The total number of living units shall not exceed two hundred sixty-two (262).
9. The lot frontage at the ROW line within the Single Family Type 1 area shall not be less than 20 feet. The lot frontage at the ROW line within the Single Family Type 2 and Type 3 areas shall not be less than 30 feet. Lots frontage for all lots with joint use driveways shall have a minimum of 30 feet when measured at the internal edge of the pavement of the joint use driveway.
10. Joint use driveway building setback. Building setback from the edge of the pavement of a joint use driveway shall be at least 20 feet.

11. The City of Lago Vista shall have a public safety and utility easement over all private streets and roadways and all easements and green belts dedicated for general community use by the Montechino Subdivision as currently platted or replatted in whole or in part.
12. Each developed lot within the PDD shall be served by the City of Lago Vista water and wastewater utility services after having been constructed by the Developer and accepted by the City of Lago Vista. Wastewater utilities located within this Subdivision are public utilities up to the point of connection to each lot's lot line. Water utilities are part of the public system up to the point of construction to a private service meter.
13. Water and wastewater service shall not be provided by the City to any lot or development within the jurisdictional area of this zoning ordinance unless and until the terms of such service have been approved by the City Council by development agreement or as part of final plat approval.
14. No sidewalks shall be required for any lots.
15. No street lights will be allowed until approved by the City (City Manager and City Council through subdivision and site development processes). Prior to installation of any street lights, the Developer shall submit lighting physical appearance documentation and technical specifications including brightness characteristics to the City Manager for review and approval.
16. Cut and/or fill slopes on the Property shall not exceed 4 feet in height without a variance. All cut and fill variances on the Property may be approved administratively by the City Staff and City Engineer provided the cut and fill slopes greater than 4 feet are appropriately sloped or terraced, or, through installation of retaining walls, are considered adequate to control erosion and sedimentation. All cut slopes shall be stable based upon geotechnical analyses provided to the City by a Professional Engineer. Site grading shall comply with accepted engineering practices and any other applicable federal, state, or regional regulations.
17. No oil drilling, extraction or removal of stone, gravel, caliche, minerals, earth or other natural material for commercial purposes shall be permitted.
18. No building or other structure other than a marina structure and boat docks and their necessary access and appurtenances may be constructed within the CWQZ.
19. Except for conditions specifically set forth in this ordinance, the Zoning Ordinance and other City ordinances, as amended from time to time, shall apply.
20. Off street parking for each single family dwelling in areas 1, 2 and 3 shall be provided by an enclosed garage capable of parking two (2) automobiles and having a minimum floor area of 400 square feet.
21. Private street rights-of-way (ROW) shall be a minimum of fifty feet (50') wide and have a minimum paved width of twenty four feet (24') with an eighteen inch (18") concrete ribbon curb on each side of the pavement. For any existing roadways which will be included within the subdivision and do not currently have ribbon curb, the Developer shall provide for at his own expense design and construction of ribbon curb.
22. All fences, walls, hedges and other similar structures shall comply with the fencing provisions of the City of Lago Vista fence ordinance except that chain link and barbed wire fences shall be prohibited. Upon review and approval by the City Manager, eight (8') foot fences constructed of iron, stucco, or stone may be allowed.
23. No boats or recreational vehicles may be parked on any residential lots within the Montechino PDD unless fully screened and not visible from the street.
24. The Property within the Montechino PDD shall be re-platted subject to compliance with City subdivision and development regulations except as modified herein. The 30 foot wide conservation easement shown on recorded plats shall not be vacated. There shall be a 30 foot wide area along

Austin Blvd. that shall not be built upon except for driveways and mail boxes. All trees in this area shall be protected except where there are driveways or private streets.

25. The Property, as a condition of approval of plats, must have a funded Home Owners Association obligated to maintain within the boundaries of the Property all open space, private roads and community amenities.
26. Prior to approval of a preliminary plat for any part of the PDD, the City shall approve a Traffic Impact Analysis (TIA), the extent of which shall be determined by the city engineer, that includes any improvement or cost sharing required of the developer to mitigate any adverse impact. All preliminary and final plats on Lohman's Ford or Austin shall show lot driveway and street intersection locations. All lots on Lohman's Ford shall be required to have interconnecting parking lots, unless a variance is granted by the City Council during site development permit review.
27. Within multi-family and commercial/office site development areas, no ash-juniper tree 14 inches in caliper or greater and no other tree 10 inches in caliper or greater as measured 40 inches above the ground shall be removed unless approved by City Council through the site development permitting process. Replacement of trees approved for removal shall occur on a caliper inch for caliper inch basis. Replacement tree species shall be from the City's approved replacement tree list in effect at the time of site development. Within single family residential areas, tree protection and replacement shall conform to the tree preservation and landscape standards in effect at the time of subdivision approval.
28. No building permit shall be issued prior to satisfying terms of separate agreement(s) between the Developer and the City of Lago Vista.
29. Improvements required for conformance with Highland Lakes Watershed Ordinance for this development are set forth in the currently approved Water Quality Master Plan for the development.

Section VI. Special Exception and Variance. To the extent any authorization or approval of this PDD is in conflict with the water quality requirements of any agreement entered into between the City of Lago Vista and any other city, such authorization or approval shall be deemed to have been granted by special exception and variance by a finding of public necessity through the duly adopted governing body of the City of Lago Vista.

Section VII. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section of part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section VIII. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

PASSED AND APPROVED on this 19th day of November, 2015.


Dale Mitchell, Mayor

ATTEST:


Sandra Barton, City Secretary

See Ordinance No. 19-10-17-01
for subsequent amendment this area

LEGAL DESCRIPTION:

THE SUBJECT TRACT IS APPROXIMATELY 183.500 ACRES OUT OF THE D & W R.R.,
CO. SURVEY NO. 89, ABSTRACT 246, IN TRAVIS COUNTY, TEXAS.

LOT SUMMARY			
LOT TYPE	MIN. S.F.	NO. OF LOTS	TOTAL ACRES
1 AREA 1 - RESIDENTIAL SF TYPE 1	8,000	11	4.05 AC
2 AREA 2 - RESIDENTIAL SF TYPE 2	8,400	105	39.50 AC
3 AREA 3 - RESIDENTIAL SF TYPE 3	20,000	86	68.03 AC
4 AREA 4 - GARDEN HOMES	N/A	60	8.88 AC
5 AREA 5 - COMMERCIAL	N/A	4	14.21 AC
6 AREAS 6 - COMMUNITY	N/A	2	4.44 AC
7 AREAS 7 - GREENBELT	N/A	3	25.31 AC
RIGHT-OF-WAY	N/A	-	19.08 AC



ORDINANCE NO. 19-10-17-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP AND ORDINANCE NOS. 15-11-19-01 AND 19-03-07-01 WHICH ESTABLISHED AND AMENDED THE "MONTECHINO PLANNED DEVELOPMENT DISTRICT," AS IT PERTAINS TO THE USES AND DEVELOPMENT STANDARDS PERTAINING TO LOT 13 ONLY OF MARSHALL'S HARBOR SUBDIVISION, LOCATED AT 4709 SHORELINE RANCH ROAD; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; SEVERABILITY; REPEALER; PENALTY; PUBLICATION; EFFECTIVE DATE; AUTHORIZING THE CITY MANAGER TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; PROPER NOTICE AND MEETING.

WHEREAS, the owner of Lot 13 of Marshall's Harbor Subdivision, located at 4709 Shoreline Ranch Road has filed an application requesting a modification to the existing approved "Planned Development District" (PDD) applicable to that specific property only; and

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearing(s), the Planning and Zoning Commission and City Council each held a public hearing on the proposed re-zoning; and

WHEREAS, the Planning and Zoning Commission at its public hearings on the zoning of this property held on October 10, 2019, reviewed the request and the circumstances of the area to be modified within the existing "Planned Development District" (PDD), and found the requested zoning change of the property to be warranted; and

WHEREAS, the City Council at its public hearings on the zoning of this property held on October 17, 2019, reviewed the request and the circumstances of the area to be modified within the existing "Planned Development District" (PDD), and found the requested zoning change of the property with the conditions specified to be warranted; and

WHEREAS, the City, by and through its legislative discretion has adopted and may amend a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning being requested as described herein is consistent with the comprehensive plan as well as the surrounding uses; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The City Council find that this Ordinance satisfies the requirements of Section 13 and Section 10 of the City of Lago Vista Zoning Ordinance.

Section 2. Enactment. The Zoning Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended by rezoning Lot 13 of the Marshall's Harbor Subdivision, located at 4709 Shoreline Ranch Road from the existing "Planned Development District" (PDD) to an amended "Planned Development District" (PDD).

Section 5. Zoning Requirements. The development standards established herein shall only apply to Lot 13 of the Marshall's Harbor Subdivision, located at 4709 Shoreline Ranch Road, with all other existing use and development standards established in Ordinance Nos. 15-11-19-01 and 19-03-07-01 for the Montechino "Planning Development District" (PDD) to remain intact.

The following provision is added to those established in Section V. Zoning Requirements of Ordinance No. 15-11-19-01:

30. Zoning for the Community Center – Lot 13.

- A. The parcel described as Lot 13 in **Exhibit "A"** attached hereto and incorporated herein by reference and identified alternatively as "Community Center" and "Lakehouse Community Center" shall comply with the use restrictions and development standards of the "P-1B" Park zoning district, except as hereinafter modified.
- B. A pavilion, tennis courts, and a fire pit are permitted.
- C. Maximum Building Height: 35 feet above the highest point on the lot.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. Repealer. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 6. Penalty. Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 7. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 8. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

Section 9. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

Section 10. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, *Texas Local Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 17th day of October 2019.



ATTEST:



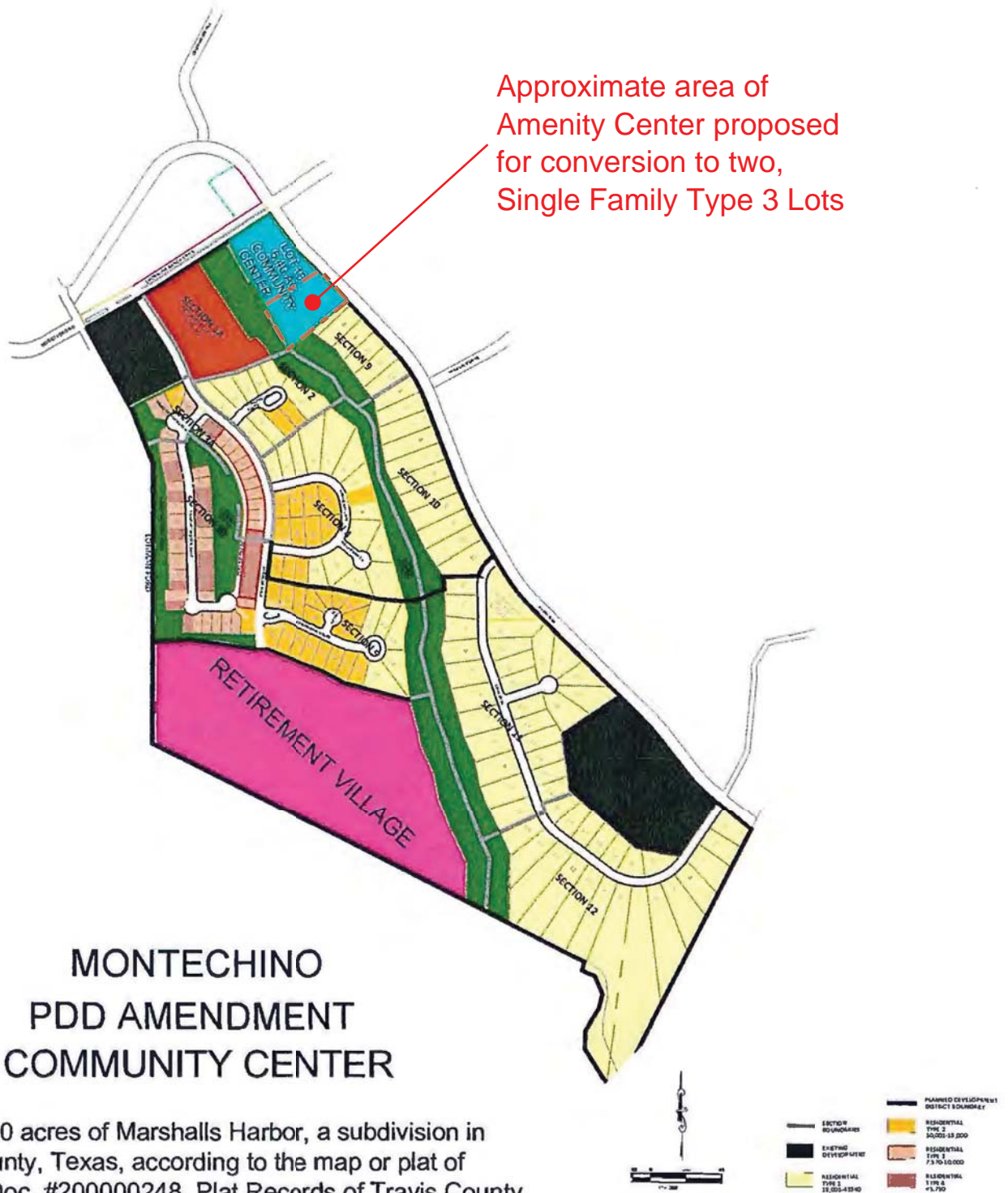
Sandra Barton, City Secretary



Ed Tidwell, Mayor

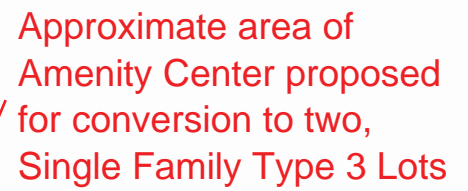
On a motion by Mayor Pro Tem Williams, seconded by Councilman Robbins, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"



Lot 13, 5.40 acres of Marshalls Harbor, a subdivision in Travis County, Texas, according to the map or plat of record in Doc. #200000248, Plat Records of Travis County, Texas.

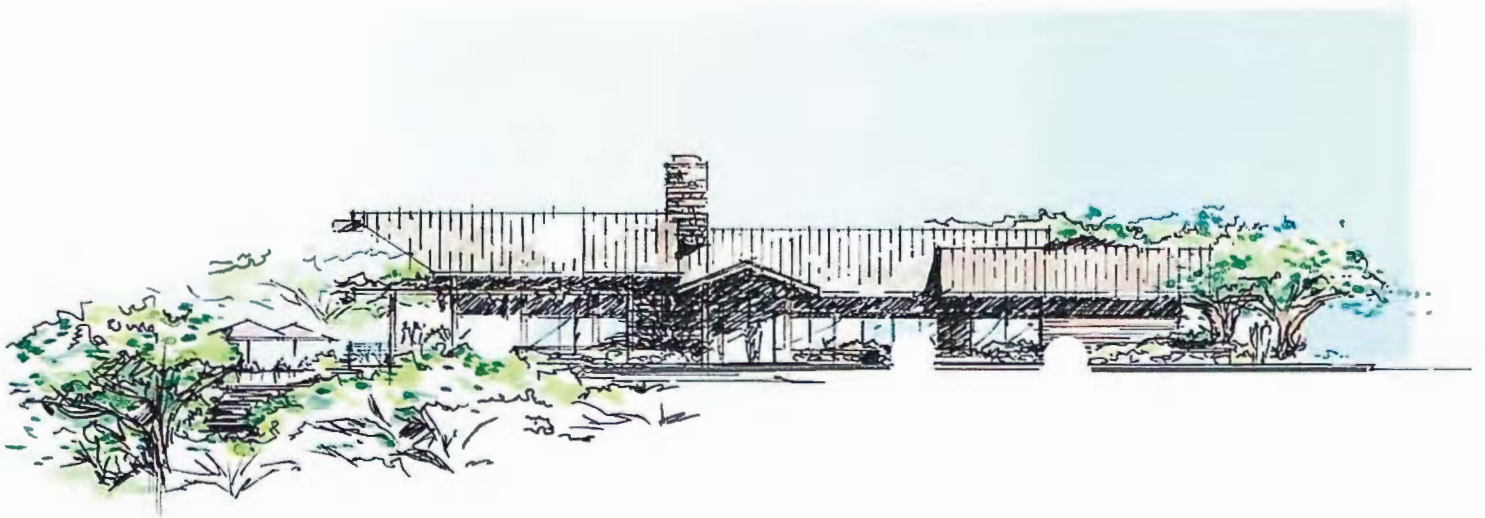
EXHIBIT "A"



LAND USE SUMMARY

- 1 COMMUNITY CENTER
- 2 GUEST ARRIVAL
- 3 OUTDOOR POOL
- 4 RETENTION POND
- 5 NATURE TRAILS
- 6 OUTDOOR FUNCTION AREAS
- 7 TRAILHEAD
- 8 GUEST PARKING

EXHIBIT "A"



LAKEHOUSE COMMUNITY CENTER
WATERLOO, ONTARIO
Lakefront, Inc.

NORD: architects

Luxury Wellness

CONCEPT DESIGN
22 September 2019
108110 2019039

ARRIVAL ENTRY ELEVATION



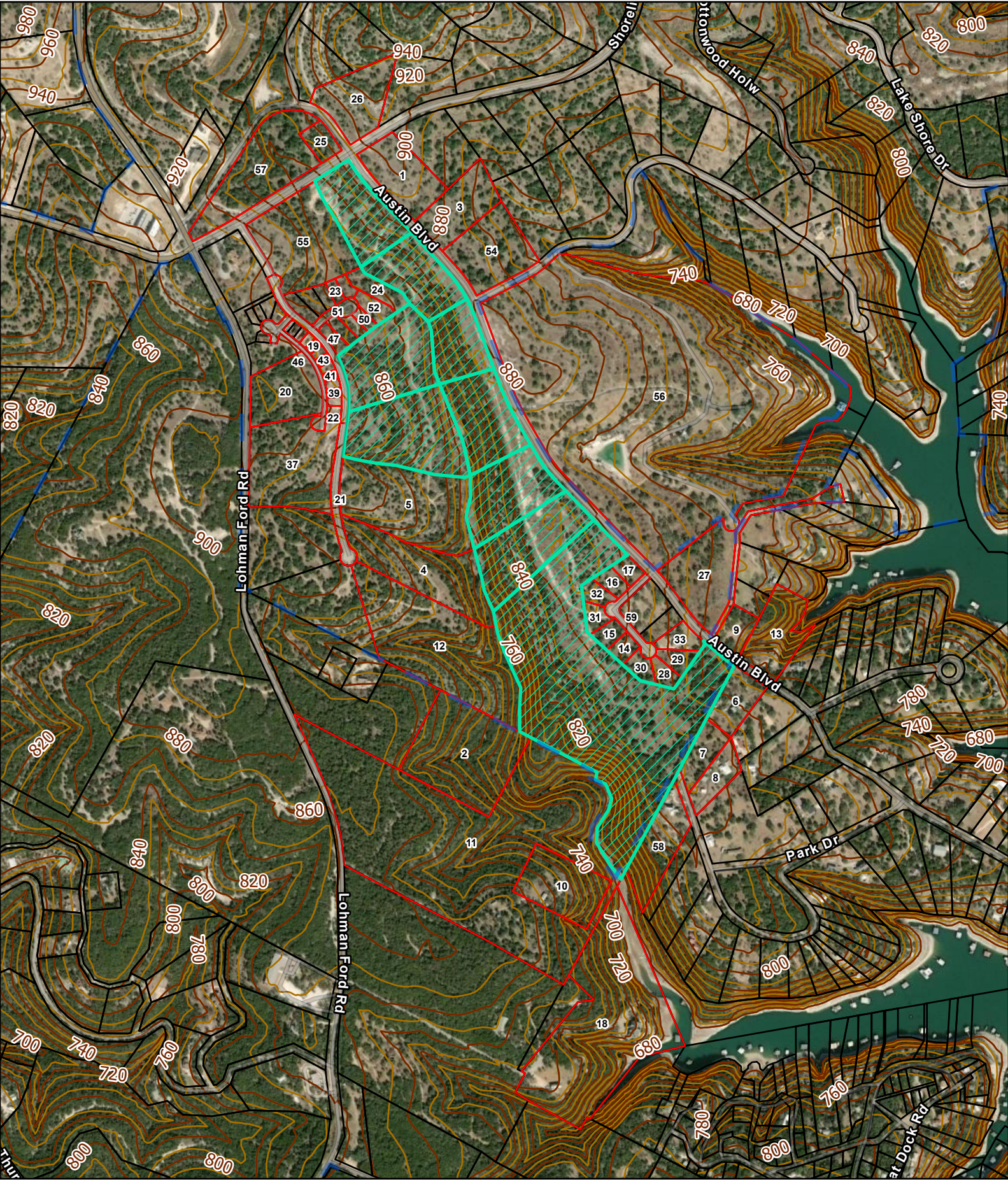
23-2309-PDD-MOD

Lots 9, 10, 13, 14, 15, 16, 17, 18 and portions of Lots
19, 20, 21, 22, 23, 24 and 26 of Marshall's Harbor

Attachment 4

Maps

Montechino



Legend

TCAD Parcels	200ft Parcel Selection
City of Lago Vista	10 ft Contour
Montechino Boundary	20 ft Contour

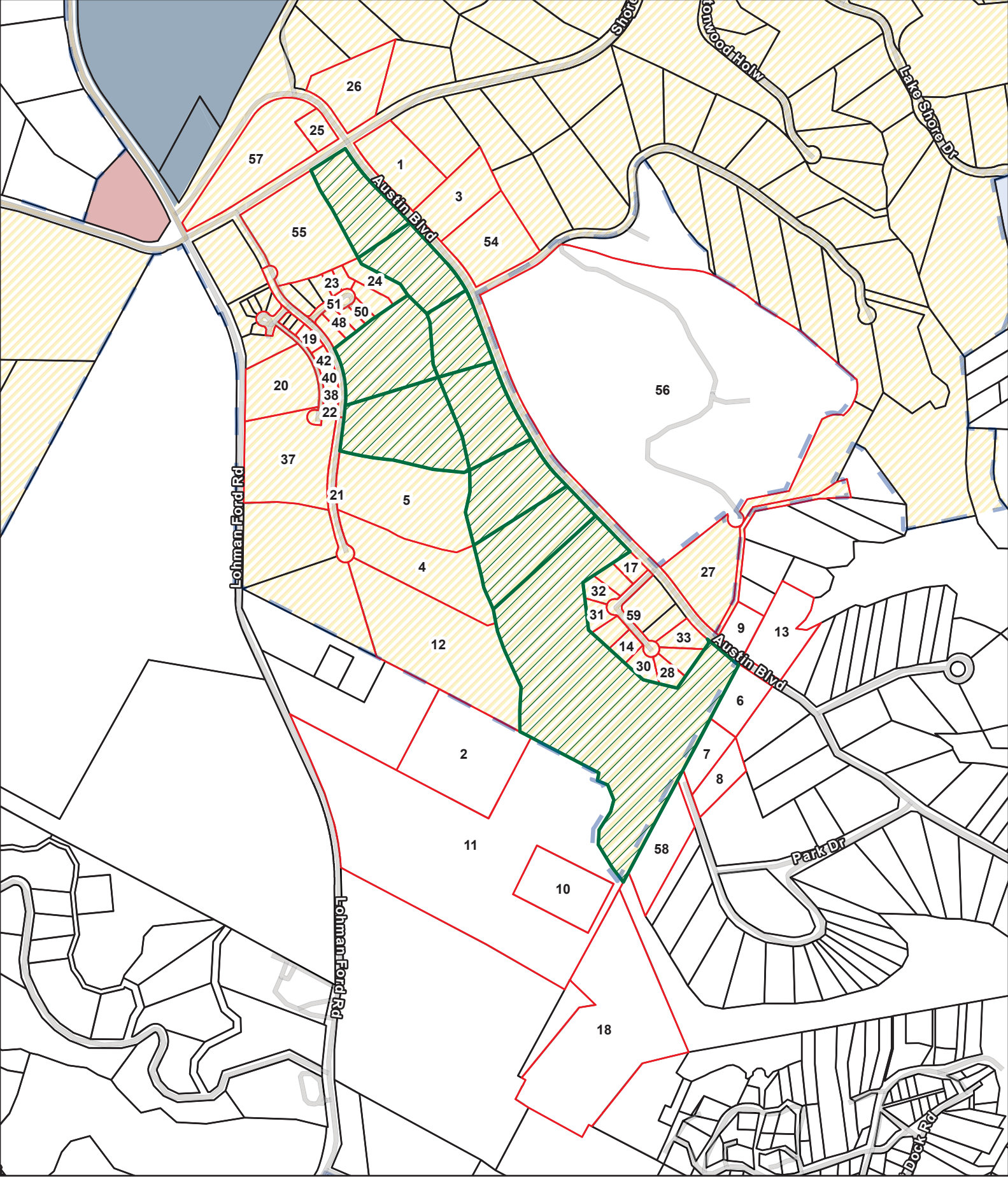
1 inch equals 850 feet

400 200 0 400 800 1200

Feet

N

Montechino - Zoning



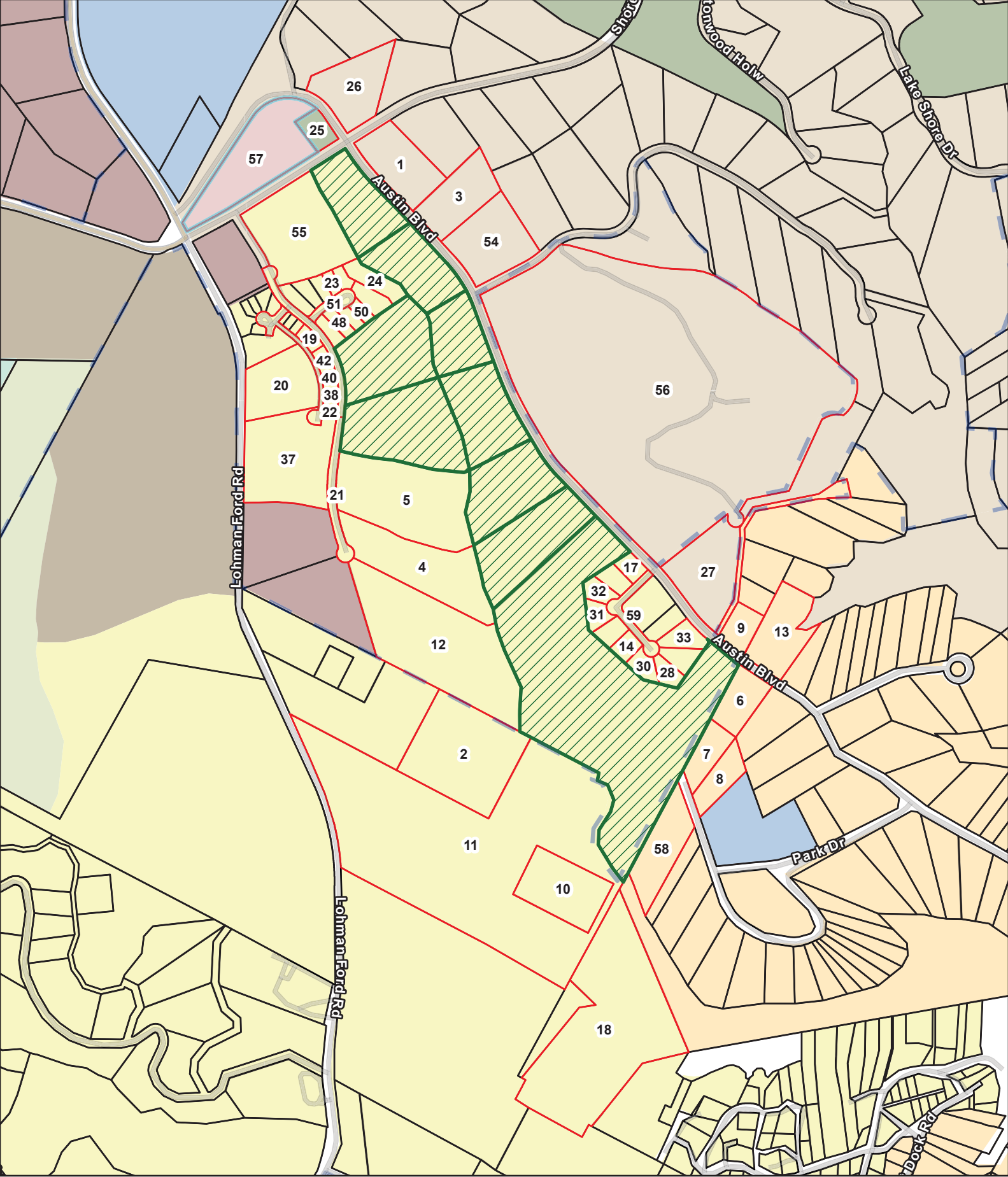
Legend

TCAD Parcels	200ft Parcel Selection	TR-1
CITY OF LAGO VISTA	C-2	U-1
Montechino Boundary	PDD	

1 inch equals 833 feet

0 200 400 800 1200 1600 Feet

Montechino - Future Land Use



Legend

TCAD Parcels	Estate Residential	POA Park
CITY OF LAGO VISTA	High Density Residential	Public Semi-Public
Montechino Boundary	Low Density Residential	Regional Retail/Office/Commercial
200ft Parcel Selection	Mixed Use	Rural Residential
City Park	Neighborhood Retail/Office/Commercial	

1 inch equals 833 feet

0 250 500 1000 Feet



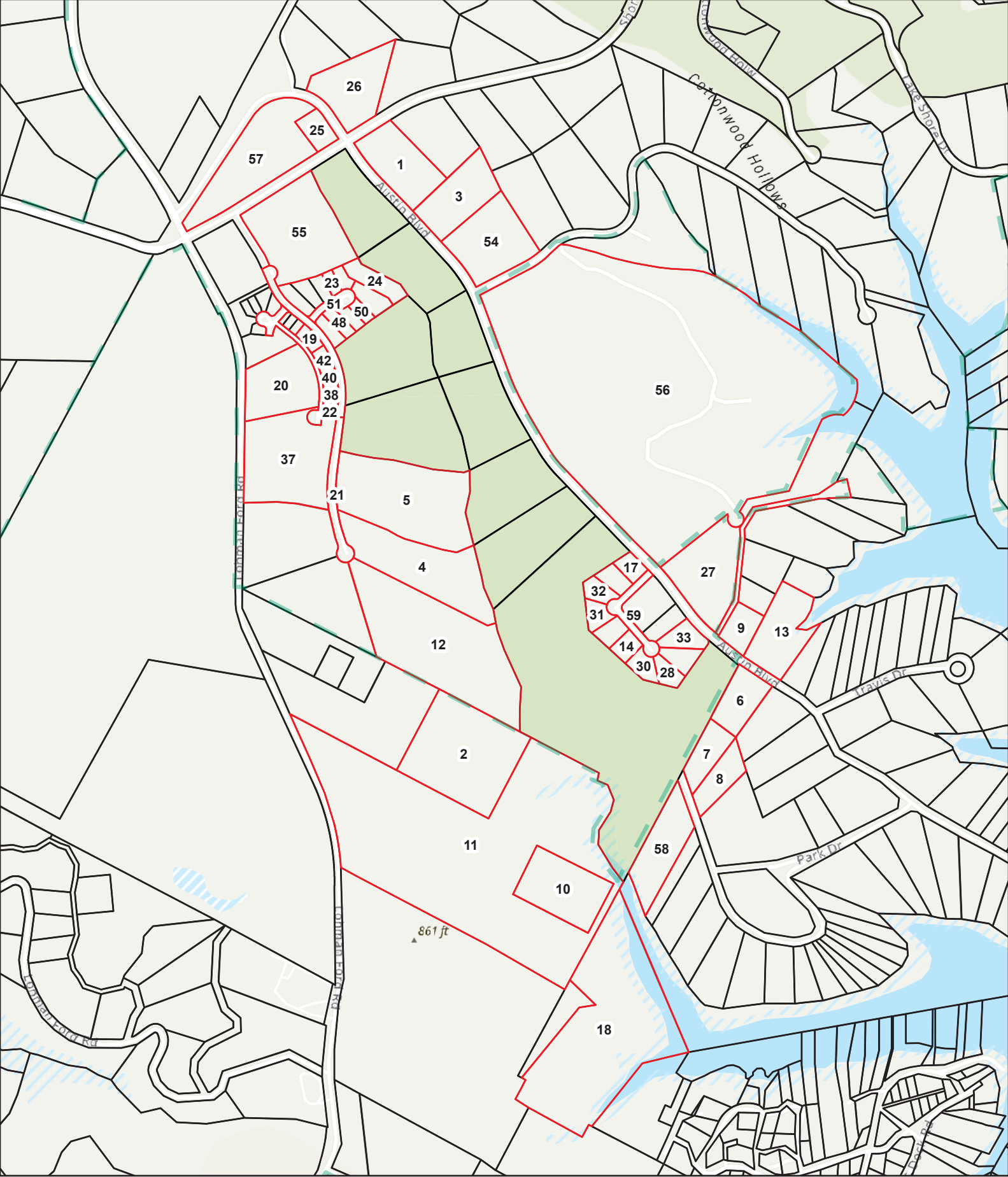
23-2309-PDD-MOD

Lots 9, 10, 13, 14, 15, 16, 17, 18 and portions of Lots
19, 20, 21, 22, 23, 24 and 26 of Marshall's Harbor

Attachment 5

Notice Comments

Montechino



Legend

 TCAD Parcels


 Montechino Boundary

 CITY OF LAGO VISTA

 200ft Parcel Selection

1 inch equals 833 feet

0 200 400 800 1200 1600

 Feet





Notice of Public Hearing

Project #: 23-2309-PDD-MOD

Hearing Date and Time: Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: Lot 9, 10, 13, 14, 15, 16, 17 and 18 of the Marshall's Harbor Subdivision and portions of Lot 19, 20, 21, 22, 23, 24 and 26 of the Marshall's Harbor Subdivision, said portions being the balance of the lots vacated by the Montechino Phase 1, Section 1 Subdivision recorded in Document No. 201300161 of the O.P.R.T.C.T.

200' Notification Mailing ID: 2, 10, 11

January 25, 2023

TORRES/INGLIS FAMILY TRUST
PO BOX 5590
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning change request to amend a portion of the existing "Montechino Planned Development District" (PDD) to approve a new detail plan and configuration of single-family residential lots (Lot 9, 10, 13, 14, 1, 16, 17 and 18 of the Marshall's Harbor Subdivision and portions of Lot 19, 20, 21, 22, 23, 24 and 26 of the Marshall's Harbor Subdivision, said portions being the balance of the lots vacated by the Montechino Phase 1, Section 1 Subdivision recorded in Document No. 201300161 of the O.P.R.T.C.T.).

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lagovistatexas.gov
Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments: *We vehemently oppose this zoning change request.*
Signed: *[Signature]* *(See attachment)*

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
Postal Address: City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.

Property in ETJ - comment will not impact City Council approval requirements

February 6, 2023

For February 9, 2023 hearing

project 23-203-PDD-MOD

Montechino Planned Development District

OPPOSED

Thank you for the opportunity to comment on project 23-203-PDD-MOD. We vigorously OPPOSE the zoning change request. I would have responded sooner but only today heard back from the development office about proposal details.

POOR AND INCORRECT COMMUNICATION

When I received the Notice of Public Hearing dated January 25, 2023, I noticed immediately that the enclosed map showed lot 10 as being on our property and lot 18 on the Lacour's property. So I emailed development@lagovistatexas.gov right away January 27 to ask about the **blatant discrepancy**. I also looked on the city website for the agenda but did not see the packet. Why was it not yet posted?

Today I finally heard back from Jillian Dougherty and "development" with a link to the agenda which now shows the packet.

Scrolling about halfway down the huge packet, I found the project. I saw a **long and vague word salad description** of the history and problems with the proposal. Fortunately, lots 10 and 18 are indeed on the Montechino property and not on ours. Why would the map mailed to us show something very different than what's in the packet?

Moreover, the description in the notice mailed to us was extremely **vague**. Now I see in the packet that the plan is for **even more density and development** than I've seen in any proposal so far, nothing like that map or description that was mailed.

I'm very concerned about the accuracy and timeliness of communications presumably from the development office. I worry that my property and quality of life are at stake in the hands of a **system quite prone to errors**.

NO CHANGE IN PUBLIC NOTICE SIGNS ON LOHMAN FOR MONTHS

When I saw Public Notice signs on Lohman Ford Rd last October and had not received a mailing, I asked Roy Jambor about it.

Property in ETJ - comment will not impact City Council approval requirements

My email to Roy Jambor Roy.Jambor@lagovistatexas.gov

Fri, Oct 28, 2022, 4:27 PM

Hi, I just saw a Public Notice sign on the east side of Lohman Ford Rd just south of Boggy. I can't find on the city website what the notice is about. And it's unsafe for me to slow down enough to read the sign that's hidden in the grass with tiny writing. Would you please tell me about it? I haven't received a notice. Thanks, Adrienne

He replied right away and copied Jillian Dougherty Jillian.Dougherty@lagovistatexas.gov:

Fri, Oct 28, 2022, 4:34 PM

It is not a zoning change request. It is a preliminary subdivision plat that divides some of the property consistent with the existing zoning approval that dates back many years. The new owner has abandoned the notion of seeking any zoning changes related to the property known as Montechino (to our knowledge).

The signs, as best as I can tell, are still there and haven't changed. But it's unsafe for me to slow down to actually read them. **Unreadable public notice signs are a poor way to communicate.**

EVEN MORE DENSITY THAN PREVIOUS PROPOSALS

I am horrified to see the huge number of tiny lots on the proposal in the packet. This is a drastic zoning change and massive amount of impervious cover and would have **a huge negative impact on wildlife habitat, endangered species, wildfire evacuation, water quality, traffic, light pollution, noise pollution, and general quality of life.**

STILL NO WATER QUALITY OR FLOOD CONTROL

ALL of the area drains DIRECTLY onto our property—car oil, fertilizer, trash, pool chemicals, pet waste, and more. All of it drains into Lake Travis, an important regional water supply and recreational lake. I still see absolutely no flood control, no water quality control, no storm drainage, no detention ponds, nothing to prevent flooding and polluted water from draining off of much expanded impervious cover and **polluting our land and our creek and Lake Travis.**

I regret that I will miss the February 9 hearing due to work commitments.

Thank you for considering my remarks.

Adrienne Inglis
3805 Lohman Ford Rd

February 9, 2023

Agenda Item 5
23-2314-PDD-MOD

1900 American Drive (\pm 40.64 Acres)

“Peninsula PDD”

Use Description Amendment

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – FEBRUARY 9, 2023**



P&Z CASE NO:	23-2314-PDD-MOD: 1900 American Drive
APPLICANT:	Laci Ehlers (McLean & Howard LLP)
LANDOWNER:	SGB Development Corp. (David Rulien)
LOCATION:	End of American Drive ± 1,300' south of Highland Lake Drive
ZONING:	"Peninsula PDD" (Ordinance Number 08-08-21-02)
PROPOSED USE:	PDD Use Description Amendment

UPDATE:

- On August 11, 2022 the Planning and Zoning Commission originally considered this application. Five of the seven members present at the meeting voted to recommend approval of an amendment to the PDD, subject to enumerated conditions which included a correction to the current Comprehensive Plan. The Lago Vista City Council unanimously adopted Ordinance Number 22-09-01-01 at their September 1, 2022 meeting. The approval included a reminder that a traffic impact analysis (TIA), required by both Chapter 10 and Chapter 10.5 would determine what improvements to American Drive and Highland Lake Drive would be the responsibility of the developer.
- However, it was subsequently determined that the original notification map prepared by the Lago Vista IT Department staff (specifically the GIS technician) contained an error and did not include the 200 feet to the east of the subject property as required by both local ordinance and state statutes. This error resulted in the omission of 13 required notifications, consisting largely of property owners within the development known as "the Cove at Lago Vista."
- That previous notification drew two written comments, one of which was in favor of the previous application (22-2169-PDD-MOD). However, the second comment was a written objection from the individual who represented the 2,346 fractional owners of the development that markets itself as "the Shores at Lake Travis" (a California entity known as Vacation Village Association). That single objection exceeded the threshold (20 percent) that required Ordinance Number 22-09-01-01 be approved by at least three-fourths of the Council members.
- Regardless, the interim City Attorney has determined that pursuant to the objection of at least one of those property owners with standing that should have, but were not sent a mailed notice, that the notification error would have to be corrected and a new draft ordinance considered by the City Council, following a recommendation from the Planning and Zoning Commission. It is less clear whether the amendment to the Comprehensive Plan included in the previous ordinance is considered valid. Regardless, the staff will seek that determination before the application is considered again by the Council. In addition, the original application date (July 13, 2022) predates the effective date of the recent ordinance amendment that requires modifications to the Comprehensive Plan to be pursued prior to an associated zoning change application.
- The staff subsequently received written objections from property owners with standing. The maps and notification mailing lists were corrected and the statutory notification process repeated. To date, we have received no written comments as a result of the notification. We will nonetheless continue to account for written objections up until the time that a new ordinance is considered by the City Council in early March. In addition to the corrected maps and the applicant's original submission, this packet also includes the Ordinance that was originally adopted by the Council on September 1, 2022 and the original staff report prepared for the Planning and Zoning Commission. Both are found immediately following this update to the original staff report.
- Prior to the recently adopted amendment to Chapter 14, there was no local ordinance notice requirement for a Comprehensive Plan amendment. Nonetheless, pending a determination by the interim City Attorney that the component of the previous ordinance amending the Comprehensive Plan as it relates to this property remains valid, we urge the Planning and Zoning Commission to include that condition as a component of any approval recommendation.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approval of the application as meeting the requirements of a concept and detail plan, subject to the following conditions:
 - 1. the number of units and total area of the development shall be limited as required for compliance with the applicable edition of the International Fire Code at the time of the site development plan and building permit approval; and
 - 2. the land use designation for this property in the current Comprehensive Plan is erroneously inconsistent with the official zoning map that was applicable at the time of its adoption and should be amended to reflect a "POA Park" at the location of parcels 'A,' 'E,' and 'F' of the existing PDD ordinance and "Mixed Use" at the location of the balance of the subject property.
 - B. Recommend denial of the application for either a concept plan only approval or a concept and detail plan approval.
-

ORDINANCE NO. 22-09-01-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE EXISTING PLANNED DEVELOPMENT DISTRICT KNOWN AS “THE PENINSULA” APPROVED BY ORDINANCE NO. 07-02-15-01 AND AS AMENDED BY ORDINANCE NO. 08-08-21-02 REGARDING THE LIST AND DESCRIPTION OF PERMITTED USE FOR THE “CONDOMINIUM PARCELS.”

WHEREAS, the owner of approximately 40.60 acres of land, as more particularly described in the attached **Exhibit “A”** (referred to hereinafter as the “Property”), has filed an application requesting an amendment to the existing Planned Development District (PDD) known as “The Peninsula” approved by Ordinance No. 07-02-15-01 and as amended by Ordinance No. 08-08-21-02; and

WHEREAS, the Property currently resides within the corporate limits of the City of Lago Vista;

WHEREAS, the amended list and description of permitted uses for the Property is set forth in Section 4 below, which modifies the designated land uses and restrictions applicable to the Property previously established in Ordinance No. 07-02-15-01 as amended by Ordinance No. 08-08-21-02, with all other aspects of the approval remaining intact; and

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on August 11, 2022 and the City Council at its public hearing held on September 1, 2022, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan except as specifically described and amended in Section 6 below, which shall not otherwise be interpreted as inconsistent with this rezoning; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City’s tax base; and

WHEREAS, the City desires to control the development standards for the Property, protect third party property owners in the City, and to ensure the benefits of planned development and an enhanced tax base that are achieved through rezoning the Property; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 10 as a “concept plan only” and Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”).

Section 2. Enactment. The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Ordinance is hereby amended by zoning the approximately 40.60 acres of land, more particularly described in **Exhibit “A”** as an update to “The Peninsula Planned Development District” (PDD) and Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02, with the use of individual land areas as set forth in this Ordinance.

Section 4. Zoning Requirements. All applicable use restrictions and development requirements in the existing Planned Development District” (PDD) known as “The Peninsula” as established in Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02 shall remain intact except for the following provisions of Section 4 of Ordinance No. 08-08-21-02 which shall be repealed and re-enacted as follows:

4. **Zoning for the Condominiums Parcels – Parcels D1, D2 and D3:**

- C. The Condominium Parcels shall be developed only as any one or a combination of the following uses: residential condominiums or apartments, including privately owned or leased units; accessory uses as defined and limited in Item H below; and all uses specified in parcel E including parking except as limited in Item 4.L below;

- F. Up to one hundred percent (100%) of the residential condominiums or apartments may consist of rental units, which may not be leased for less than thirty days;
24. The developer agrees to fund design and construction of all off-site improvements, including but not limited to surface improvements and widening of American Drive between the project site and Boggy Ford Road as identified in a Traffic Impact Analysis (TIA) to be completed and approved as part of the required “detail plan” and “design review” required by the Lago Vista zoning ordinance.

Section 5. Amendment of Applicable Zoning Ordinances. The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

Section 6. Amendment of Future Land Use Map. To the extent that the Future Land Use Map adopted in 2016 by Ordinance No. 16-05-05-02 as amended is inconsistent with the official Zoning Map of the City of Lago Vista, Texas as it relates to the Property as established in Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02, it is hereby amended as follows: the area corresponding to parcels ‘A,’ ‘E,’ and ‘F’ shall be designated as “POA Park;” and the area corresponding to parcels ‘B,’ ‘C,’ and ‘D’ shall be designated as “Mixed Use.”

Section 7. Repealer. The Zoning Ordinance and all other applicable portions of the Lago Vista Code of Ordinances are amended as required to incorporate the amendment to “The Peninsula Planned Development District” (PDD) as described herein. Any portion of the Zoning Ordinance, Comprehensive Master Plan or any applicable ordinance in conflict with this Ordinance is hereby repealed or amended to the extent of such conflict only.

Section 8. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 10. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 11. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

Section 12. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

Section 13. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Local Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 1st day of September 2022.

Ed Tidwell

Ed Tidwell, Mayor



ATTEST:

Lucy Aldrich
Lucy Aldrich, City Secretary

On a motion by Councilman Sullivan, seconded by Councilman Prince, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

Legal Description

40.60 ACRES OUT OF THE JAMES K. BALDWIN SURVEY (ABSTRACT NO. 609) , CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, BEING COMPOSED OF A 16.84 ACRE TRACT CONVEYED TO G&G / PENINSULA, LP BY DEED RECORDED IN DOCUMENT NO. 2005114201, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR), AND A 23.76 ACRE TRACT CALLED 23.72 ACRES IN A DEED TO G&G / PENINSULA, LP RECORDED IN DOCUMENT NO. 2005114202, SAID 40.60 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a "X" in concrete found on the west side of a concrete electric transformer pad, at the northwest corner of said 16.84 acre tract, in the north right-of-way (ROW) line of American Drive; also the northeast corner of Lot 30001-C, **A RESUBDIVISION OF A PORTION OF HIGHLAND LAKE ESTATES SECTION 26 AND HIGHLAND LAKE ESTATES SECTION 30**, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for the northwest corner hereof;

THENCE S75°36'00"E 190.00 feet, with the south ROW line of American Drive, to a 1/2" steel pin with plastic orange cap set at the start of a curve;

THENCE along said ROW curve to the left with chord of N78°12'56"E 118.35 feet and radius of 60 feet, to a 1/2" steel pin found at a southerly corner of said 23.76 acre tract, for a point on curve hereof;

THENCE along said ROW curve to the left with chord of N66°05'56"W 107.89 feet and radius of 60 feet, to a 1/2" steel pin found at end of ROW curve, for corner hereof;

THENCE N75°38'49"W 189.94 feet along the north ROW of American Drive to a 1/2" steel pin found at the westerly southwest corner of said 23.76 acre tract, also the southeast corner of Lot 30078, Highland Lake Estates Section 30, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for westerly corner hereof;

THENCE N14°27'32"E 530.95 feet to a 1/2" steel pin found at the northwest corner of said 23.76 acres, also the southwest corner of a 18.23 acre tract recorded in Doc. 2003186577, TCOPR, for the northwest corner hereof;

THENCE S75°36'E 538.64 feet along the south line of said 18.23 acre tract to a submerged point in the southwest line of The Cove At Lago Vista, a subdivision recorded in Book 84, Page 163B, Travis County Plat Records, for angle point hereof;

THENCE S38°13' E 1103.20 feet to a submerged angle point in said subdivision, for angle point hereof;

EXHIBIT "A"

Legal Description (continued)

THENCE S04°52'E 570.10 feet to a submerged point on the approximate north bank of the Colorado River, at the southeast corner of said 23.76 acres, for southeast corner hereof;

THENCE S85°08'W 696.96 feet along said north bank to a submerged point at the southeast corner of said 16.84 acre tract for angle point hereof;

THENCE S85°05'35"W 707.74 feet along said north bank to a submerged point at the southeast corner of a 3.356 acre tract conveyed to Vacation Villages Association, Inc. by deed recorded in Book 12607, Page 2822, TCOPR, for southwest corner hereof;

THENCE along the east line of said 3.356 acres the following 2 courses:

- 1) N04°51'08"W 843.32 feet to a 1/2" steel pin found, for angle point;
- 2) N14°25'32"E 205.77 feet to a 1/2" steel pin found at the northeast corner of said 3.356 acre tract, for angle point hereof;

THENCE N14°21'58"E 69.15 feet along the east line of said Lot 30001-C to the **POINT OF BEGINNING**, containing 40.60 acres of land.

LAGO VISTA PLANNING AND ZONING COMMISSION
ORIGINAL STAFF LAND USE REPORT – FEBRUARY 9, 2023 / AUGUST 11, 2022



P&Z CASE NO:	22-2169-PDD-MOD: 1900 American Drive
APPLICANT:	Laci Ehlers (McLean & Howard LLP)
LANDOWNER:	SGB Development Corp. (David Rulien)
LOCATION:	End of American Drive ± 1,300' south of Highland Lake Drive
ZONING:	"Peninsula PDD" (Ordinance Number 08-08-21-02)
PROPOSED USE:	PDD Use Description Amendment

GENERAL INFORMATION / LOCATION:

- American Drive is a street that winds predominately in a north-south direction through the southwest portion of Lago Vista. The extreme extents of this residential street terminate in two prominent lakefront properties. The north property is developed and referred to as the "Island on Lake Travis." This application relates to the south property which remains vacant but is referred to in the existing PDD approval as "the Peninsula." The staff has been told that it was the former location of a demolished development that predates the incorporation of the city.
- "The Peninsula" PDD was originally approved by the Lago Vista City Council in Ordinance Number 07-02-15-01 for a maximum of 225 condominium units within a development that includes the type of accessory uses normally associated with a lakeside resort. Restrictions related to the public use of some of the resort amenities were subsequently modified in Ordinance Number 08-08-21-02.
- The Planning and Zoning Commission considered an application (21-1867-PDD-MOD) at their July 8, 2021 meeting that proposed a significant reduction in the improvements, including the number of residential dwelling units. The application also sought modifications that would balance the heights of the buildings within the "condominium parcels." With six of the seven members present, the Planning and Zoning Commission forwarded a unanimous recommendation to the City Council that the change be approved.
- However, this represented an increase to the heights of the buildings on the east side of the subject property, closest to an existing residential development known as "the Cove of Lago Vista." Those property owners strenuously objected to the approval at the City Council meeting on August 5, 2021 at which the application was being considered. This caused the applicant to withdraw the application during the meeting and prior to any action by the Council.
- As a result, the prior approvals (Ordinance Number 07-02-15-01 as amended by Ordinance Number 08-08-21-02) remain intact. As explained in the letter included in the packet from the representative of the property owners, the application seeks to modify the current provisions that relate to the rental of the dwelling units within the "condominium parcels." Rentals are currently limited to thirty percent of the maximum 225 units specified in the zoning approval, although all could be offered for short-term occupancy. The proposed change would preclude the possibility of any short-term occupancy, but eliminate any restriction on long-term leases or rentals (defined as thirty days or longer by the Lago Vista zoning ordinance).

SITE PLAN / CONTEXT CONSIDERATIONS:

- The above referenced letter from the applicant's representative mentions the need to amend Section 6.4.C and Section 6.4.F of Ordinance Number 08-08-21-02. However, that appears to be a simple typographic error likely caused by the discrepancy in the Section numbers employed in the original approval (Ordinance Number 07-02-15-01) and the currently applicable approval. The correct references in Ordinance Number 08-08-21-02 are Section 4.4.C and Section 4.4.F which we have marked for convenience.
- The area surrounding the subject property south of Highland Lake Drive consists of uses that are somewhat similar in nature. Waterside Oaks Condominiums is on the west side of this portion of

American Drive while Aloha Suites of Lake Travis and the Shores of Lake Travis are on the east side. On the opposite side of the adjacent Lake Travis inlet to the east is a series of lots fronting on Highland Lake Drive and Highland Lake Loop in a subdivision platted as “the Cove of Lago Vista” and described above. While it consists primarily of single-family (R-1C) residential property, there are four R-2 (two-family) residential lots that are inconsistent with that pattern. They seem to include non-conforming attached units that span across the property lines.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- The applicant requests the uses permitted in Section 4.4.C of Ordinance Number 08-08-21-02 be expanded to add “apartments” as well as “residential condominiums” to the list of approved uses. The staff does not disagree as both uses are defined separately in the Lago Vista zoning ordinance. However, we would also note that there is nothing in the ordinance that would prevent a “residential condominium” from being rented or leased for long-term occupancy any more than there is a restriction on the long-term rent or lease of a single-family residence.
- Instead, it is the language within Section 4.4.F of Ordinance Number 08-08-21-02 that necessitates this application. A permissible mechanism in a “Planned Development District” (PDD), Section 4.4.F “voluntarily” imposes a restriction on both long-term and short-term occupancy that otherwise does not exist in the zoning ordinance. The current PDD provision treats long-term and short-term occupancy as indistinguishable.
- The proposed net result of this application is to remove any restriction in the PDD for long-term leases or rentals, but to also completely eliminate the possibility of any short-term occupancy. Absent any mention in the applicable zoning approval, there is no limit on the percentage of short-term occupancy in a PDD or the CR and R-4 zoning districts. Even the current draft amendment to Section 23 of Chapter (later on this same agenda) does not contemplate any limit on the percentage of short-term occupancy for this housing form (“multifamily” dwelling units).
- The more interesting analysis is related to the change in the zoning ordinance provisions since approval of the currently applicable PDD in 2008 rather than the nature of this application. The current requirement for both a “concept and detail plan” approval was adopted by ordinance in 2020. The 2007 and 2008 PDD ordinances applicable to the subject property do not meet those current requirements, yet those entitlements nonetheless remain valid. The much more developed plans that were presented for comparison during the most recent application that was ultimately withdrawn (21-1867-PDD-MOD) were the result of an administrative site development plan review.
- As those documents propose development that have been subsequently confirmed by the staff to be substantially consistent with those PDD approvals, there is a reasonable basis for accepting them as adequate supplements to meet the current requirements for both a “concept and detail plan” approval. However, that same review is unable to meet the current requirements for a valid site development plan review. As that review is not a permit, that approval is not vested and most development ordinances have undergone substantial change in the interim.
- Perhaps most notably, that review did not include the analysis for compliance with the currently adopted version of the International Fire Code that would presumably have occurred during the subsequent building permit review. As there is only one common path of emergency egress or fire safety apparatus access (i.e. only one way in or out), there is a limit on both the area of improvements and the maximum number of dwelling units that can be permitted. Those limits vary in accordance with a number of factors (such as the inclusion of an automatic fire suppression system, more commonly referred to as fire sprinklers). Nonetheless, the maximum number of dwelling units and the total size of the development will likely be somewhat less than permitted by the current zoning entitlement (contrary to the smaller development proposed in the 2021 application that was ultimately withdrawn).

- Another new ordinance provision adopted subsequent to the most recent applicable PDD approval requires design review approval for any multifamily or non-residential development. Section 6.105 of Chapter 14 was adopted in 2019 by Ordinance Number 19-11-07-03. While the approval is an integral component of a new “concept and detail plan” PDD application and approval, that requirement remains outstanding as it relates to the subject property.
- While the required documents might have been included as part of the current application, the procedure outlined in Section 6.105(b)(2) seems preferable. It provides the opportunity for the review by the Planning and Zoning Commission (which does not require a public hearing) to benefit from the site development plan review required by Chapter 10.5. This would allow that review to incorporate compliance with the International Fire Code as it relates to the maximum area of improvements and the maximum number of dwelling units.
- In one sense, it is arguable that the Comprehensive Plan is not particularly relevant to the current proposed amendments as the land use designations within it do not distinguish between long or short-term rental units and owner occupied residences. Nonetheless, this property is currently designated as “low density residential” despite its historic use as a resort hotel prior to the incorporation of the City of Lago Vista or the adoption of either of the two earlier PDD approvals. Like a handful of other instances, it seems likely that the consultant team that prepared the Future Land Use Map were not provided a complete list of existing PDD approvals that accurately described the entitled uses. It seems appropriate to take this opportunity to correct that oversight as part of the ordinance sought by the applicant. The appropriate land use designations (before and after any potential approval of this application) are “POA Park” for parcels ‘A,’ ‘E,’ and ‘F’ and “Mixed Use” for parcels ‘B,’ ‘C’ and ‘D.’

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approval of the application as meeting the requirements of a concept and detail plan, subject to the following conditions:
 - 1. the number of units and total area of the development shall be limited as required for compliance with the applicable edition of the International Fire Code at the time of the site development plan and building permit approval; and
 - 2. the land use designation for this property in the current Comprehensive Plan is erroneously inconsistent with the official zoning map that was applicable at the time of its adoption and should be amended to reflect a “POA Park” at the location of parcels ‘A,’ ‘E,’ and ‘F’ of the existing PDD ordinance and “Mixed Use” at the location of the balance of the subject property.
 - B. Recommend denial of the application for either a concept plan only approval or a concept and detail plan approval.
-

23-2314-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 1

Application



CITY OF LAGO VISTA • DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET • P.O. BOX 4727 • LAGO VISTA, TX 78645

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR ZONING DISTRICT CHANGE

Contact Person: David Rulien **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: 954-646-8457 **Contact Email:** drulien@sgblocks.com
Property Owner(s):* SGB Development Corp
Owner's mailing address: 17 State Street, Floor 19, New York, NY 10004

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*
40.60 acres of land out of the James K. Baldwin Survey, Abstract 609, Travis County, Texas
(metes & bounds attached)

Municipal Address(es)* if applicable: _____

NATURE OF REQUEST

Current Zoning District(s): PDD **Requested District:** PDD

Purpose or Basis of Request* (if PDD, include whether concept and/or detail plan approval is sought):

Minor amendment to The Peninsula PDD to allow up to 100% of the condominiums to be rental units.

Additional individual(s) authorized to act on behalf of the property owner(s)* regarding this application:

Name of Agent: McLean & Howard LLP (Jeff Howard or Laci Ehlers) **Email:** lehlers@mcleanhowardlaw.com

Mailing Address: 4301 Bull Creek Road, Ste 150, Austin, TX 78731 **Phone:** 512-328-2008

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required drawings or documentation. All applications are accepted provisionally pending a completion review. **PLEASE TAKE SPECIFIC NOTICE AND INCORPORATE OR ADDRESS ALL LOCAL ORDINANCE REQUIREMENTS IN YOUR APPLICATION.**

SGB Development Corp
[Signature]
Property Owner's signature(s)*

7-13-22

Date

***Attach additional sheets as required**

Roy Jambor

From: Laci M. Ehlers <lehlers@mcleanhowardlaw.com>
Sent: Wednesday, August 10, 2022 3:56 PM
To: Roy Jambor
Cc: Erin Selvera
Subject: Peninsula - FLUM Amendment

Roy,

Please accepted this request on behalf of SGB Development Corp, as owner of that certain 40.60 acre tract in Lago Vista locally known as The Peninsula PDD, to amend the Future Land Use Map to align with uses provided in the Peninsula PDD. We request that the amendment to the FLUM be considered by Planning & Zoning Commission and Council concurrently with the submitted PDD amendment request (City Case File No. 22-2169-PDD-MOD).

Please let me know if you need any further information.

Thank you,
Laci

Laci Ehlers

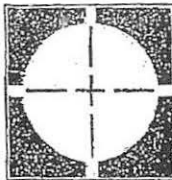
lehlers@mcleanhowardlaw.com

4301 Bull Creek Road | Ste 150
Austin, Texas 78731
512.328.2008 office
737.309.0651 direct
512.328.2409 fax
www.mcleanhowardlaw.com

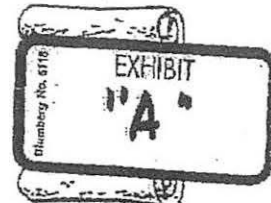
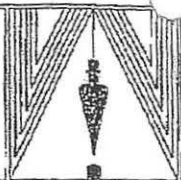


*******We've moved*****Please note our new address.**

CONFIDENTIALITY NOTICE: This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient of this information, you are notified that any use, dissemination, distribution, or copying of the communication is strictly prohibited.



WATSON SURVEYING
9501 CAPITAL OF TEXAS HWY.
SUITE 303 AUSTIN, TX 78759
346-8566 FAX 346-8568



FIELD NOTES FOR 40.60 ACRES OUT OF THE JAMES K. BALDWIN SURVEY (ABSTRACT NO. 609), CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, BEING COMPOSED OF A 16.84 ACRE TRACT CONVEYED TO G&G/PENINSULA, LP BY DEED RECORDED IN DOCUMENT NO. 2005114201, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR), AND A 23.76 ACRE TRACT CALLED 23.72 ACRES IN A DEED TO G&G/PENINSULA, LP RECORDED IN DOCUMENT NO. 2005114202, SAID 40.60 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a "X" in concrete found on the west side of a concrete electric transformer pad, at the northwest corner of said 16.84 acre tract, in the north right-of-way (ROW) line of American Drive, also the northeast corner of Lot 30001-C, A RESUBDIVISION OF A PORTION OF HIGHLAND LAKE ESTATES SECTION 26 AND HIGHLAND LAKE ESTATES SECTION 30, a subdivision recorded in Book 81, Page 35B, Travis County Plat Records, for the northwest corner hereof;

THENCE S75°36'00"E 190.00 feet, with the south ROW line of American Drive, to a ½" steel pin with plastic orange cap set at the start of a curve;

THENCE along said ROW curve to the left with chord of N78°12'56"E 118.35 feet and radius of 60 feet, to a ½" steel pin found at a southerly corner of said 23.76 acre tract, for a point on curve hereof;

THENCE along said ROW curve to the left with chord of N66°05'56"W 107.69 feet and radius of 60 feet, to a ½" steel pin found at end of ROW curve, for corner hereof;

THENCE N75°38'49"W 189.94 feet along the north ROW of American Drive to a ½" steel pin found at the westerly southwest corner of said 23.76 acre tract, also the southeast corner of Lot 30078, Highland Lake Estates Section 30, a subdivision recorded in Book 81, Page 35B, Travis County Plat Records, for westerly corner hereof;

THENCE N14°27'32"E 530.95 feet to a ½" steel pin found at the northwest corner of said 23.76 acres, also the southwest corner of a 18.23 acre tract recorded in Doc. 2003186577, TCOPR, for the northwest corner hereof;

THENCE S75°36'E 538.64 feet along the south line of said 18.23 acre tract to a submerged point in the southwest line of The Cove At Lago Vista, a subdivision recorded in Book 84, Page 163B, Travis County Plat Records, for angle point hereof;

THENCE S38°13'E 1103.20 feet to a submerged angle point in said subdivision, for angle point hereof;

THENCE S04°52'E 570.10 feet to a submerged point on the approximate north bank of the Colorado River, at the southeast corner of said 23.76 acres, for southeast corner hereof;

THENCE S85°08'W 696.96 feet along said north bank to a submerged point at the southeast corner of said 16.84 acre tract for angle point hereof;

THENCE S85°05'35"W 707.74 feet along said north bank to a submerged point at the southeast corner of a 3.356 acre tract conveyed to Vacation Villages Association, Inc. by deed recorded in Book 12607, Page 2822, TCOPR, for southwest corner hereof;

THENCE along the east line of said 3.356 acres the following 2 courses:

- 1) N04°51'08"W 843.32 feet to a $\frac{1}{2}$ " steel pin found, for angle point,
- 2) N14°25'32"E 205.77 feet to a $\frac{1}{2}$ " steel pin found at the northeast corner of said 3.356 acre tract, for angle point hereof;

THENCE N14°21'58"E 69.15 feet along the east line of said Lot 30001-C to the POINT OF BEGINNING, containing 40.60 acres of land.

Surveyed 1 September 2005 by:


Stuart Watson, RPLS 4550



23-2314-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 2

Proposed Use Description Amendment / Draft Ordinance

July 13, 2022

Roy Jambor, Director
Development Services Department
City of Lago Vista
5803 Thunderbird Street
Lago Vista, Texas 78645

RE: **Zoning Amendment Application for The Peninsula Planned Development District** (the "Application") Located at the South Terminus of American Drive, Lago Vista, Texas (the "Property")

Dear Mr. Jambor:

This firm represents, and this letter is submitted on behalf of, SGB Development Corp. (the "Applicant") as the owner of the undeveloped Property in the above-referenced Application. The Property is 40.60 acres in size and is bounded by condominiums and vacation rentals to the west, undeveloped property owned by the Applicant to the north, and Lake Travis to the south and east. The Property is currently zoned as The Peninsula Planned Development District ("The Peninsula PDD") based on Ordinance No. 07-02-15-01 ("PDD Ordinance"). The purpose of this Application is to request minor amendments to The Peninsula PDD to permit apartments, increase the limitation on rental units, and limit the ability to use the units for short term rentals ("PDD Amendments").

To appropriately react to current market conditions and provide a market-rate, rental residential product to the community, the Applicant is requesting the PDD Amendments as further detailed below:

Zoning for the Condominiums Parcels – Parcels D1, D2 and D3.

- Amend Section 6.4.C to include "apartments" as a use permitted for development in the Condominium Parcels.
- Amend Section 6.4.F. to read "Up to one hundred percent (100%) of the apartments or condominiums may consist of rental units, which may not be leased for less than thirty days."

On behalf of the Applicant, we look forward to working with the City on approval of these proposed PDD Amendments. If you have any questions or comments, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,



Laci Ehlers

ORDINANCE NO. 23-03-02-0 🗳️

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE EXISTING PLANNED DEVELOPMENT DISTRICT KNOWN AS “THE PENINSULA” APPROVED BY ORDINANCE NO. 07-02-15-01 AND AS AMENDED BY ORDINANCE NO. 08-08-21-02 REGARDING THE LIST AND DESCRIPTION OF PERMITTED USE FOR THE “CONDOMINIUM PARCELS.”

WHEREAS, the owner of approximately 40.60 acres of land, as more particularly described in the attached **Exhibit “A”** (referred to hereinafter as the “Property”), has filed an application requesting an amendment to the existing Planned Development District (PDD) known as “The Peninsula” approved by Ordinance No. 07-02-15-01 and as amended by Ordinance No. 08-08-21-02; and

WHEREAS, the Property currently resides within the corporate limits of the City of Lago Vista;

WHEREAS, the amended list and description of permitted uses for the Property is set forth in Section 6 below, which modifies the designated land uses and restrictions applicable to the Property previously established in Ordinance No. 07-02-15-01 as amended by Ordinance No. 08-08-21-02, with all other aspects of the approval remaining intact; and

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on February 9, 2023 and the City Council at its public hearing held on March 2, 2023, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan except as specifically described and amended in Section 5 below, which shall not otherwise be interpreted as inconsistent with this rezoning; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City’s tax base; and

WHEREAS, the City desires to control the development standards for the Property, protect third party property owners in the City, and to ensure the benefits of planned development and an enhanced tax base that are achieved through rezoning the Property; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 10 as a “concept plan only” and Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”).

Section 2. Enactment. The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Ordinance is hereby amended by zoning the approximately 40.60 acres of land, more particularly described in **Exhibit “A”** as an update to “The Peninsula Planned Development District” (PDD) and Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02, with the use of individual land areas as set forth in this Ordinance.

Section 4. Zoning Requirements. All applicable use restrictions and development requirements in the existing Planned Development District” (PDD) known as “The Peninsula” as established in Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02 shall remain intact except for the following provisions of Section 4 of Ordinance No. 08-08-21-02 which shall be repealed and re-enacted as follows:

4. **Zoning for the Condominiums Parcels – Parcels D1, D2 and D3:**

- C. The Condominium Parcels shall be developed only as any one or a combination of the following uses: residential condominiums or apartments, including privately owned or leased units; accessory uses as defined and limited in Item H below; and all uses specified in parcel E including parking except as limited in Item 4.L below;

- F. Up to one hundred percent (100%) of the residential condominiums or apartments may consist of rental units, which may not be leased for less than thirty days;
- 24. The developer agrees to fund design and construction of all off-site improvements, including but not limited to surface improvements and widening of American Drive between the project site and Boggy Ford Road as identified in a Traffic Impact Analysis (TIA) to be completed and approved as part of the required “detail plan” and “design review” required by the Lago Vista zoning ordinance.

Section 5. Amendment of Applicable Zoning Ordinances. The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

Section 6. Amendment of Future Land Use Map. To the extent that the Future Land Use Map adopted in 2016 by Ordinance No. 16-05-05-02 as amended is inconsistent with the official Zoning Map of the City of Lago Vista, Texas as it relates to the Property as established in Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02, it is hereby amended as follows: the area corresponding to parcels ‘A,’ ‘E,’ and ‘F’ shall be designated as “POA Park;” and the area corresponding to parcels ‘B,’ ‘C,’ and ‘D’ shall be designated as “Mixed Use.”

Section 7. Repealer. The Zoning Ordinance and all other applicable portions of the Lago Vista Code of Ordinances are amended as required to incorporate the amendment to “The Peninsula Planned Development District” (PDD) as described herein. Any portion of the Zoning Ordinance, Comprehensive Master Plan or any applicable ordinance in conflict with this Ordinance is hereby repealed or amended to the extent of such conflict only.

Section 8. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 10. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 11. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

Section 12. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

Section 13. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Local Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this ____ day of September 2022.

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilman _____, seconded by Councilman _____, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

Legal Description

40.60 ACRES OUT OF THE JAMES K. BALDWIN SURVEY (ABSTRACT NO. 609) , CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, BEING COMPOSED OF A 16.84 ACRE TRACT CONVEYED TO G&G / PENINSULA, LP BY DEED RECORDED IN DOCUMENT NO. 2005114201, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR), AND A 23.76 ACRE TRACT CALLED 23.72 ACRES IN A DEED TO G&G / PENINSULA, LP RECORDED IN DOCUMENT NO. 2005114202, SAID 40.60 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a "X" in concrete found on the west side of a concrete electric transformer pad, at the northwest corner of said 16.84 acre tract, in the north right-of-way (ROW) line of American Drive; also the northeast corner of Lot 30001-C, **A RESUBDIVISION OF A PORTION OF HIGHLAND LAKE ESTATES SECTION 26 AND HIGHLAND LAKE ESTATES SECTION 30**, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for the northwest corner hereof;

THENCE S75°36'00"E 190.00 feet, with the south ROW line of American Drive, to a 1/2" steel pin with plastic orange cap set at the start of a curve;

THENCE along said ROW curve to the left with chord of N78°12'56"E 118.35 feet and radius of 60 feet, to a 1/2" steel pin found at a southerly corner of said 23.76 acre tract, for a point on curve hereof;

THENCE along said ROW curve to the left with chord of N66°05'56"W 107.89 feet and radius of 60 feet, to a 1/2" steel pin found at end of ROW curve, for corner hereof;

THENCE N75°38'49"W 189.94 feet along the north ROW of American Drive to a 1/2" steel pin found at the westerly southwest corner of said 23.76 acre tract, also the southeast corner of Lot 30078, Highland Lake Estates Section 30, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for westerly corner hereof;

THENCE N14°27'32"E 530.95 feet to a 1/2" steel pin found at the northwest corner of said 23.76 acres, also the southwest corner of a 18.23 acre tract recorded in Doc. 2003186577, TCOPR, for the northwest corner hereof;

THENCE S75°36'E 538.64 feet along the south line of said 18.23 acre tract to a submerged point in the southwest line of The Cove At Lago Vista, a subdivision recorded in Book 84, Page 163B, Travis County Plat Records, for angle point hereof;

THENCE S38°13' E 1103.20 feet to a submerged angle point in said subdivision, for angle point hereof;

EXHIBIT "A"

Legal Description (continued)

THENCE S04°52'E 570.10 feet to a submerged point on the approximate north bank of the Colorado River, at the southeast corner of said 23.76 acres, for southeast corner hereof;

THENCE S85°08'W 696.96 feet along said north bank to a submerged point at the southeast corner of said 16.84 acre tract for angle point hereof;

THENCE S85°05'35"W 707.74 feet along said north bank to a submerged point at the southeast corner of a 3.356 acre tract conveyed to Vacation Villages Association, Inc. by deed recorded in Book 12607, Page 2822, TCOPR, for southwest corner hereof;

THENCE along the east line of said 3.356 acres the following 2 courses:

- 1) N04°51'08"W 843.32 feet to a 1/2" steel pin found, for angle point;
- 2) N14°25'32"E 205.77 feet to a 1/2" steel pin found at the northeast corner of said 3.356 acre tract, for angle point hereof;

THENCE N14°21'58"E 69.15 feet along the east line of said Lot 30001-C to the **POINT OF BEGINNING**, containing 40.60 acres of land.

23-2314-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 3

Previously Approved PDD Plans / Ordinances

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 07-02-15-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING THE LAND KNOWN AS *THE PENINSULA* FROM DISTRICT "CR RESORTS" APPLICABLE TO SUCH PROPERTY IN EFFECT PURSUANT TO ORDINANCE NO 00-12-14-02 TO A "PLANNED DEVELOPMENT DISTRICT"; ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner of the property known as The Peninsula described hereinafter (the "Property") has requested that the Property be rezoned;

WHEREAS, after giving ten days' notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendations on the rezoning to the City Council;

WHEREAS, after publishing notice to the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

Section 1. Findings: The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Zoning Ordinances: Ordinance No. 98-04-27-03, as amended, the City of Lago Vista Zoning Ordinance (the "Zoning Ordinance" or "Code"), Ordinance No. 00-12-14-02 (the "Zoning Overlay District"), Ordinance No. 00-12-14-02 (the "Resorts Master Plan") are hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property: The Zoning Ordinance, the Zoning Overlay District, and the Marina Ordinance are hereby amended by changing the zoning district from the current zoning district of "CR Resorts" to zoning district "PDD", subject to this ordinance (this "Ordinance") for the land described as

40.60 acres of land out of the JAMES K. BALDWIN SURVEY, ABSTRACT NO. 609, in the City of Lago Vista, Travis County, Texas, being composed of a 16.84 acre tract of land conveyed to G&G/Peninsula, L.P. by warranty deed recorded in Doc. No. 2005114201, Official Public Records of Travis County, Texas, and a 23.76 acre tract of land conveyed to G&G/Peninsula, L.P., by warranty deed recorded in Doc. No. 2005114202, Official Public records of Travis County, Texas, said 40.60 acres being described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes (collectively, the "Property")

The Property is accordingly hereby rezoned to Planned Development District- "PDD", with the uses as set forth in Section 4 of individual parcels identified hereinbelow.

Section 4. Amendment and Modification of Applicable Zoning Ordinances:

The zoning requirements established herein shall apply to the Planned Development District ("PDD") known as The Peninsula Planned Development. The comprehensive zoning requirements of Ordinance No. 00-12-14-02 related to a Resorts Master Plan shall be of no further force or effect as to the Property. The comprehensive zoning requirements of Ordinance No. 98-04-27-03, as amended, shall apply to each individual Parcel as identified below; provided that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements for the individual Parcels set forth herein, the requirements set forth herein shall control. The Marina Ordinance, as amended, is hereby amended to the extent of any conflict herewith; provided that should a conflict appear between the requirements of the Marina Ordinance and the requirements herein for a marina, the requirements set forth herein control.

Section 5. Identification of Parcels within the PDD: The Property consists of the following parcels of land which are also depicted in Exhibit "B" attached hereto and incorporated herein for all purposes:

- a. Parcel A, the "Recreational Area Parcel";
- b. Parcel B, the "Dry Boat Storage Facility Parcel";
- c. Parcel C, the "Marina Parcel";
- d. Parcels D1, D2 and D3, the "Condominiums Parcels";
- e. Parcel E, the "Garden Areas Parcel"; and
- f. Parcel F, the "Cove Parcel".

Section 6. Zoning Requirements: The following zoning requirements established herein shall apply to the Parcels identified in Section 5, as follows:

1. **Zoning for the Recreational Area Parcel - Parcel A:**
 - A. Construction in Parcel A shall comply with the zoning requirements and development standards for Developed Park District P-1B except as hereinafter modified.
 - B. No off-street parking will be required for Parcel A.
 - C. The Recreational Area Parcel shall be developed exclusively for outdoor recreational areas including, specifically, tennis courts, indoor and outdoor swimming pools, children's playground, volleyball courts, and other similar conventional recreational uses associated with the project. No residential living quarters or public recreational water parks or commercial or community marina or private boat docks or slips shall be constructed on any portion of Parcel A.
 - D. The Recreational Area Parcel shall not be made available to the general public, but shall exclusively be reserved for the use of the condominium association and its members.

- E. Lighting for recreational uses shall conform to Retail Center Lighting provisions which require downcasting lights, minimum wattage, and dimming after 11:00 p.m.
 - F. Construction and operation of a snack bar shall be permitted on Parcel A.
 - G. There shall be no setback requirements in Parcel A internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property boundary of the project site.
2. Zoning for the Dry Boat Storage Facility Parcel - Parcel B:
 The Dry Boat Storage Facility Parcel shall be designed, constructed and operated subject to the following conditions:
- A. Construction in Parcel B shall comply with the zoning requirements and development standards for Commercial District C-2 except as hereinafter modified:
 - B. No off-street parking will be required for Parcel B.
 - C. Any development or use permitted on Parcel E, the Garden Areas Parcel, with the exception of parking shall be permitted on Parcel B;
 - D. The Dry Stack Boat Storage Facility Parcel shall be limited to the lesser of the following: (1) two hundred (200) dry stack slips with trailer storage facility or, (2) a number of dry stack slips equal to the total number of condominium units constructed in Parcels D1, D2 and D3.
 - E. The dry boat storage facility shall be constructed and designed in a manner clearly consistent with the architectural style of the condominium buildings.
 - F. The dry boat storage facility shall not exceed a height of 745 feet msl.
 - G. Boat loading and unloading operations shall employ fork lifts and other equipment capable of the proposed load conveyance and equipped with noise suppression equipment and quiet technologies which will yield the lowest commercially available decibel measurements.
 - H. Dry boat loading and unloading operations shall be restricted to times between the hours of 7:00 am and 10:00 pm.
 - I. The dry boat storage loading ramp shall be constructed directly between the opening of the boat storage building and the nearest appropriate location of Lake Travis as defined by the site design engineer subject to City approval.
 - J. Dry stack boat storage facilities shall not be made available to the general public, but shall exclusively be reserved for the use of the condominium association and its members. This requirement shall be codified as a deed restriction on the property.
 - K. There shall be no setback requirements in Parcel B internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.
3. Zoning for the Marina Parcel-Parcel C:
- A. Construction in Parcel C shall comply with the zoning requirements and development standards for commercial zoning designation C-1C except as hereinafter modified:
 - B. One publicly-available parking spot shall be provided for every two publicly-available marina slips.

- C. The Marina Parcel, including any inundated lands forming part of such Parcel, shall be developed only as condominium marina, private boat docks, wet slips, and/or dockominiums.
 - D. All development of marinas and boat docks shall be subject to approval by the Lower Colorado River Authority.
 - E. Condominium Marina or Boat Docks shall mean any type of floating marina facility or boat dock as defined by the LCRA in which individual permanent floating slips are owned or available for sale or lease to individual owners of The Peninsula condominiums project only and in which common areas such as roofs, gangways, decks, anchoring facilities, and other appurtenances are owned and maintained by the Condominium Owners Association or other similar such entity.
 - F. Boat rental to the owners of the condominiums units but not to the public at large is an approved use to be located in Parcel C.
 - G. The Condominium Marina and Boat Docks shall be limited to a combined maximum of fifty (50) permanent wet slips plus the number of courtesy slips and tie-up docks appropriate for operation of the dry boat storage facility, an on-the-water restaurant, if constructed, and a boat rental facility but under no circumstances to exceed ninety-six (96) total wet slips and tie-up locations.
 - H. The Condominium Marina Parcel may include development and construction of a ship's store and a floating restaurant not to exceed 3,500 square feet in size.
 - I. The playing of music associated with operation of the floating restaurant shall be restricted based on applicable City of Lago Vista curfew and City code requirements. The playing of amplified music outdoors is prohibited after 10:00 p.m.
 - J. There shall be no marine fueling facilities constructed in Parcel C.
 - K. No more than one (1) restaurant, including restaurants serving alcoholic beverages, may be constructed at the floating marina facility. This restaurant may be open to the general public.
 - L. A floating Ship's Store may be constructed in Parcel C.
 - M. Development and construction of boat launch facilities, including ramps, appurtenances, ancillary mechanical equipment, and access driveways to provide ingress and egress to Lake Travis for watercraft shall be permitted on Parcel C.
 - N. There shall be no setback requirements in Parcel C internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.
4. Zoning for the Condominiums Parcels - Parcels D1, D2 and D3:
- A. Construction in Parcels D1, D2 and D3 shall comply with the zoning requirements and development standards for zoning designation CR/Condominiums except as hereinafter modified:
 - B. Building exterior materials shall be limited to white limestone rock with 100 percent masonry coverage unless otherwise approved by the City Council.
 - C. The Condominium Parcels shall be developed only as any one or a combination of the following uses: residential condominiums, including privately owned or leased units; accessory uses as defined and limited in

- Item H below; and any and all uses specified in Parcel E including parking except as limited in Item 4.L below;
- D. A maximum of two hundred and twenty-five (225) units may be constructed on the combined areas of Condominium Parcels D1, D2 and D3;
 - E. All combined construction of residential and accessory uses on Parcels D1, D2 and D3 shall be subject to a maximum aggregate of two hundred and seventy thousand (270,000) square feet of heated and air-conditioned space not including the dry stack boat storage facility. If future market conditions warrant an increase in the size of the meeting and conventions facility over and above the 5,000 square feet minimum starting size, the final maximum size of the meetings and conventions facility will be up to 20,000 square feet and the final maximum size of the entire heated and air conditioned space collectively on the Condominiums Parcels, excluding the dry stack boat storage facilities, will not exceed two hundred and eighty-five thousand (285,000) square feet.
 - F. Up to thirty percent (30%) of the condominiums may consist of rental units, which, when leased nightly, weekly or monthly for a term of less than thirty days, will be subject to applicable hotel occupancy taxes due the City of Lago Vista from such use;
 - G. There shall be no use of any condominium units as time share properties.
 - H. Accessory uses shall be permitted on the Condominiums Parcels as follows: meeting room (no less than 5,000 sf total and no more than 20,000 sf total), one restaurant/bar/commercial kitchen/dining room/private club (not to exceed 6,000 sf total), health and exercise facilities (not to exceed 2,000 sf total), spa/beauty and retail shops (not to exceed 2,000 sf total), medical facilities (not to exceed 2,000 sf total), offices/lobby (not to exceed 3,000 sf total), and any and all recreational uses and facilities as permitted on Parcel A. The total area of accessory uses in Parcels D1, D2 and D3 shall not exceed in total thirty-five thousand (35,000) square feet;
 - I. Construction of accessory uses is not limited to either Zone D1, D2 or D3.
 - J. The maximum height for any structure located on Parcel D1 shall be 776 feet msl (approximately 48 feet above the maximum elevation on the tract). The maximum height for any structure located on Parcel D2 shall be 755 feet msl (approximately 26 feet above the maximum elevation on the tract). The maximum height for any structure located on Parcel D3 shall be 755 feet (approximately 26 feet above the maximum elevation on the tract).
 - K. The maximum number of stories dedicated to residential use located in Parcel D1 shall be four. The maximum number of stories dedicated to residential use located in Parcel D2 shall be two. The maximum number of stories above elevation 723 located in Parcel D3 shall be two. In addition to the residential stories, one or two parking levels may be located below the residential levels.
 - L. Surface and enclosed parking facilities may be constructed with minimum parking ratios for each use contained within Parcels D1, D2 and D3 to comply with City of Lago Vista Code as of the date of adoption of this Ordinance;

- M. Boat Launch Facilities, including ramps, appurtenances, equipment and driveways, may be constructed across Parcel D1 to provide access and ingress and egress for to-be-stored or launched personal watercraft to and from Parcel B and Parcel C.
 - N. There shall be no setback requirements in Parcels D1, D2 and D3 internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.
5. Zoning for the Garden Areas Parcel - Parcel E:
- A. Construction in Parcel E shall comply with the zoning requirements and development standards for park zoning designation P-1B except as hereinafter modified:
 - B. The Garden Areas Parcel shall be developed only as a combination of one or more of the following uses: gardens, garden appurtenances such as gazebos and walkways, water features, driveways, entrance features, fire lanes, garbage truck access lanes, and surface parking areas limited to a maximum of 150 parking spaces.
 - C. There shall be no setback requirements in Parcel E internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.
6. Zoning for the Cove Parcel - Parcel F:
- A. Construction in Parcel F shall comply with the zoning requirements and development standards for park zoning designation P-2 except as hereinafter modified:
 - B. The Cove Parcel shall be developed exclusively for pedestrian trails and walkways and non-structural recreational facilities such as picnic areas or volleyball. No residential living quarters or commercial or community marina or private boat docks or slips or parking areas or structural recreational facilities such as tennis courts or swimming pools shall be constructed on any portion of Parcel F. Subsurface anchoring systems required for construction of floating marina facilities located in Parcel C (the "Marina Parcel") shall be allowed in Parcel F.
 - C. No off-street parking will be required for Parcel F.
7. The City of Lago Vista shall have a public safety easement over all private streets and roadways and all easements and any greenbelts dedicated to the homeowner's association.
8. Each developed Parcel within the PDD shall be served by City of Lago Vista water and wastewater utility services. Wastewater utilities located within this Planned Development are public utilities up to the point of connection to each Tract's lot line. Water utilities are part of the public system up to the point of connection to a private service meter.
9. No street lights shall be required on private streets. Street lights shall be installed by the declarant under the to-be-formed condominium regime ("Declarant") on all new public streets constructed by Declarant, not less frequently than every

800 lineal feet. All street lights shall be downcasting type capable of dimming after 11:00 p.m.

10. Save and except in case of excavations for construction of structures, boat storage facilities and subsurface parking, cut and fill shall be limited to a maximum of 4 feet above or below grade; provided, however, that cut or fill in excess of 4 feet shall be permitted if the cut or fill slope is terraced to control erosion and sedimentation. Cut or fill in excess of 4 feet for construction of boat launching and conveyance facilities shall be permitted provided such cut or fill shall be subject to recommendations from a licensed geotechnical engineer as to safe slope stability and erosion controls.
11. No oil drilling, extraction or removal of stone, gravel, caliche, minerals, earth or other natural material for commercial purposes shall be permitted.
12. No building or other structure other than a marine structure, boat ramp or associated appurtenances may be constructed below the 681 foot mean sea level contour line of Lake Travis.
13. No barbed wire shall be allowed in the construction of any fence on the Property. Any fence, wall, hedge or other similar structure shall not exceed 6-feet in height nor be composed of a material other than 14 gauge or heavier wire or wrought iron or masonry
14. No livestock, horses or exotic animals shall be allowed on any Parcel.
16. Building Setbacks shall also serve as conservation and Non-Point Source("NPS") vegetative buffer strips unless otherwise designated on the Site Plan.
17. Except for conditions specifically set forth in this ordinance, the Zoning Ordinance 98-04-27-03 and other City ordinances, as amended from time to time, shall apply.
18. All of the Property shall be subject to a Critical Water Quality Zone beginning at the 681-ft contour and extending 75 feet horizontally inland.
19. Impervious cover on the property shall not exceed seventy (70) percent of the gross area of the tract located above the 681' contour.
20. The developer agrees that a fair and objective appraisal will be performed on the area currently designated as public ROW at The Peninsula property, and that the developer will pay the City of Lago Vista the value determined in this appraisal for purchase of this public ROW area.²¹ Upon approval of this PDD document, the developer agrees to commence subdivision and final platting for the subject property. The developer further agrees to submit a site plan application with construction documents to the City of Lago Vista. No issuance of building permits for the proposed project will occur without a City of Lago Vista approved Site Plan and Final Plat. The City of Lago Vista agrees that a condominium regime will be permitted on the subject property.
22. The following facilities will be open to the public:

- Residential condominiums which may be rented out as described in Section 4.D above
 - Meeting rooms including the initial 5,000 sf and any additional meetings and convention space which is added to the project
 - On-shore restaurant including bar, dining room, outdoor decks, commercial kitchen and private club
 - Floating restaurant including bar, dining room, outdoor decks, commercial kitchen and private club
 - Ship's store at the floating marina
 - Spa/beauty facilities
 - Medical offices
 - Retail facilities
 - Easements for walking on private streets, sidewalks and common areas without use of the Parcel A recreational facilities
23. The following facilities will not be open to the public but will be reserved exclusively for condominium owners/renters and their guests:
- Residential condominiums reserved for ownership only
 - Dry stack marina
 - Floating marina slips
 - Boat rentals at the floating marina
 - Parcel A recreational facilities
 - Parcel A snack bar
 - Parcel D office facilities
 - Health and exercise areas
24. The developer agrees to fund design and construction of improvements to American Drive between the project site and Boggy Ford Road including roadway overlay and widening.
25. The developer agrees to fund design and construction of all lift station improvements at the American Drive lift station site necessary to serve increased densities at the project site. The developer will also fund design and construction of a portion of the total length of force main improvements necessary to convey wastewater effluent to the City of Lago Vista's municipal wastewater treatment system.
26. The developer agrees to fund design and construction of all water line improvements along American Drive between the project site and Highland Lake Blvd necessary to serve increased densities at The Peninsula.

Section 7. Amendment of Ordinances. Ordinance No. 98-04-27-03 and Ordinance No. 00-12-14-02 are hereby amended to add the above-described Planned Development District.

Section 8. Severability. Should any section or part of this Ordinance be held unconstitutional illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions

thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

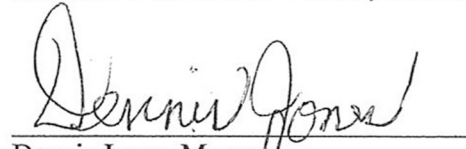
Section 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

PASSED AND APPROVED on this 15th day of February, 2007.

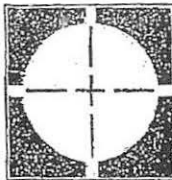
ATTEST:

THE CITY OF LAGO VISTA, TEXAS

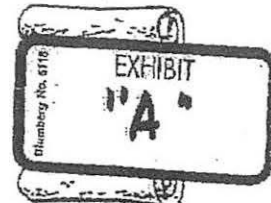
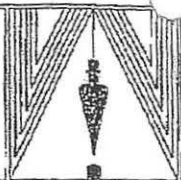

Christina Buckner, City Secretary


Dennis Jones, Mayor

On a motion by Mike Thornton, seconded by Fred Harless, the above and foregoing instrument was passed and approved.



WATSON SURVEYING
9501 CAPITAL OF TEXAS HWY.
SUITE 303 AUSTIN, TX 78759
346-8566 FAX 346-8568



FIELD NOTES FOR 40.60 ACRES OUT OF THE JAMES K. BALDWIN SURVEY (ABSTRACT NO. 609), CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, BEING COMPOSED OF A 16.84 ACRE TRACT CONVEYED TO G&G/PENINSULA, LP BY DEED RECORDED IN DOCUMENT NO. 2005114201, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR), AND A 23.76 ACRE TRACT CALLED 23.72 ACRES IN A DEED TO G&G/PENINSULA, LP RECORDED IN DOCUMENT NO. 2005114202, SAID 40.60 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a "X" in concrete found on the west side of a concrete electric transformer pad, at the northwest corner of said 16.84 acre tract, in the north right-of-way (ROW) line of American Drive, also the northeast corner of Lot 30001-C, A RESUBDIVISION OF A PORTION OF HIGHLAND LAKE ESTATES SECTION 26 AND HIGHLAND LAKE ESTATES SECTION 30, a subdivision recorded in Book 81, Page 35B, Travis County Plat Records, for the northwest corner hereof;

THENCE S75°36'00"E 190.00 feet, with the south ROW line of American Drive, to a ½" steel pin with plastic orange cap set at the start of a curve;

THENCE along said ROW curve to the left with chord of N78°12'56"E 118.35 feet and radius of 60 feet, to a ½" steel pin found at a southerly corner of said 23.76 acre tract, for a point on curve hereof;

THENCE along said ROW curve to the left with chord of N66°05'56"W 107.69 feet and radius of 60 feet, to a ½" steel pin found at end of ROW curve, for corner hereof;

THENCE N75°38'49"W 189.94 feet along the north ROW of American Drive to a ½" steel pin found at the westerly southwest corner of said 23.76 acre tract, also the southeast corner of Lot 30078, Highland Lake Estates Section 30, a subdivision recorded in Book 81, Page 35B, Travis County Plat Records, for westerly corner hereof;

THENCE N14°27'32"E 530.95 feet to a ½" steel pin found at the northwest corner of said 23.76 acres, also the southwest corner of a 18.23 acre tract recorded in Doc. 2003186577, TCOPR, for the northwest corner hereof;

THENCE S75°36'E 538.64 feet along the south line of said 18.23 acre tract to a submerged point in the southwest line of The Cove At Lago Vista, a subdivision recorded in Book 84, Page 163B, Travis County Plat Records, for angle point hereof;

THENCE S38°13'E 1103.20 feet to a submerged angle point in said subdivision, for angle point hereof;

THENCE S04°52'E 570.10 feet to a submerged point on the approximate north bank of the Colorado River, at the southeast corner of said 23.76 acres, for southeast corner hereof;

THENCE S85°08'W 696.96 feet along said north bank to a submerged point at the southeast corner of said 16.84 acre tract for angle point hereof;

THENCE S85°05'35"W 707.74 feet along said north bank to a submerged point at the southeast corner of a 3.356 acre tract conveyed to Vacation Villages Association, Inc. by deed recorded in Book 12607, Page 2822, TCOPR, for southwest corner hereof;

THENCE along the east line of said 3.356 acres the following 2 courses:

- 1) N04°51'08"W 843.32 feet to a $\frac{1}{2}$ " steel pin found, for angle point,
- 2) N14°25'32"E 205.77 feet to a $\frac{1}{2}$ " steel pin found at the northeast corner of said 3.356 acre tract, for angle point hereof;

THENCE N14°21'58"E 69.15 feet along the east line of said Lot 30001-C to the POINT OF BEGINNING, containing 40.60 acres of land.

Surveyed 1 September 2005 by:


Stuart Watson, RPLS 4550





	APPROXIMATE SIZE
Ⓐ RECREATION AREA PARCEL	1.0 Ac.
Ⓑ DRY BOAT STORAGE FACILITY PARCEL	0.8 Ac.
Ⓒ MARINA PARCEL	11.6 Ac.
Ⓓ CONDOMINIUM PARCELS	6.0 Ac.
Ⓔ GARDENS PARCEL	4.3 Ac.
Ⓕ COVE PARCEL	16.9 Ac.

AREAS SUBJECT TO CHANGE FOR FINAL DESIGN AND GRADING.

THE PENINSULA
PDD ZONE MAP
JANUARY, 2007

**LOOMIS
AUSTIN**

ENGINEERING, LAND SURVEYING &
ENVIRONMENTAL CONSULTING
3103 Bee Cave Road • Suite 225 • Austin Texas 78746
Phone: (512) 327-1180 • Fax: (512) 327-4062 • www.loomisaustin.com



- D. All development of marinas and boat docks shall be subject to approval by the Lower Colorado River Authority.
- E. Condominium Marina or Boat Docks shall mean any type of floating marina facility or boat dock as defined by the LCRA in which individual permanent floating slips are owned or available for sale or lease to individual owners of The Peninsula condominiums project only and in which common areas such as roofs, gangways, decks, anchoring facilities, and other appurtenances are owned and maintained by the Condominium Owners Association or other similar such entity.
- F. Boat rental to the to the public at large is an approved use to be located in Parcel C.
- G. The Condominium Marina and Boat Docks shall be limited to a combined maximum of fifty (50) permanent wet slips plus the number of courtesy slips and tie-up docks appropriate for operation of the dry boat storage facility, an on-the-water restaurant, if constructed, and a boat rental facility but under no circumstances to exceed ninety-six (96) total wet slips and tie-up locations.
- H. The Condominium Marina Parcel may include development and construction of a ship's store and a floating restaurant not to exceed 3,500 square feet in size.
- I. The playing of music associated with operation of the floating restaurant shall be restricted based on applicable City of Lago Vista curfew and City code requirements. The playing of amplified music outdoors is prohibited after 10:00 p.m.
- J. There shall be no marine fueling facilities constructed in Parcel C.
- K. No more than one (1) restaurant, including restaurants serving alcoholic beverages, may be constructed at the floating marina facility. This restaurant may be open to the general public.
- L. A floating Ship's Store may be constructed in Parcel C.
- M. Development and construction of boat launch facilities, including ramps, appurtenances, ancillary mechanical equipment, and access driveways to provide ingress and egress to Lake Travis for watercraft shall be permitted on Parcel C.
- N. There shall be no setback requirements in Parcel C internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.

4. Zoning for the Condominiums Parcels - Parcels D1, D2 and D3:

- A. Construction in Parcels D1, D2 and D3 shall comply with the zoning requirements and development standards for zoning designation CR/Condominiums except as hereinafter modified:
- B. All building exterior materials shall be limited to white limestone rock; or masonry coverage unless otherwise approved by the City Council.
- C. The Condominium Parcels shall be developed only as any one or a combination of the following uses: residential condominiums, including privately owned or leased units; accessory uses as defined

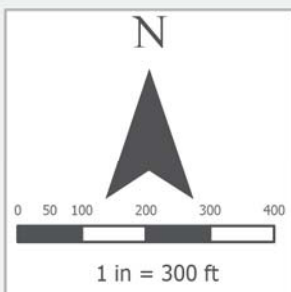
- and limited in Item H below; and any and all uses specified in Parcel E including parking except as limited in Item 4.L below;
- D. A maximum of two hundred and twenty-five (225) units may be constructed on the combined areas of Condominium Parcels D1, D2 and D3;
- E. All combined construction of residential and accessory uses on Parcels D1, D2 and D3 shall be subject to a maximum aggregate of two hundred and seventy thousand (270,000) square feet of heated and air-conditioned space not including the dry stack boat storage facility. If future market conditions warrant an increase in the size of the meeting and conventions facility over and above the 5,000 square feet minimum starting size, the final maximum size of the meetings and conventions facility will be up to 20,000 square feet and the final maximum size of the entire heated and air conditioned space collectively on the Condominiums Parcels, excluding the dry stack boat storage facilities, will not exceed two hundred and eighty-five thousand (285,000) square feet.
- F. Up to thirty percent (30%) of the condominiums may consist of rental units, which, when leased nightly, weekly or monthly for a term of less than thirty days, will be subject to applicable hotel occupancy taxes due the City of Lago Vista from such use;
- G. There shall be no use of any condominium units as time share properties.
- H. Accessory uses shall be permitted on the Condominiums Parcels as follows: meeting room (no less than 5,000 sf total and no more than 20,000 sf total), one restaurant/bar/commercial kitchen/dining room/private club (not to exceed 6,000 sf total), health and exercise facilities (not to exceed 2,000 sf total), spa/beauty and retail shops (not to exceed 2,000 sf total), medical facilities (not to exceed 2,000 sf total), offices/lobby (not to exceed 3,000 sf total), and any and all recreational uses and facilities as permitted on Parcel A. The total area of accessory uses in Parcels D1, D2, D3, and B shall not exceed in total thirty-five thousand (35,000) square feet;
- I. Construction of accessory uses is not limited to either Zone D1, D2 or D3.
- J. The maximum height for any structure located on Parcel D1 shall be 776 feet msl (approximately 48 feet above the maximum elevation on the tract). The maximum height for any structure located on Parcel D2 shall be 755 feet msl (approximately 26 feet above the maximum elevation on the tract). The maximum height for any structure located on Parcel D3 shall be 755 feet (approximately 26 feet above the maximum elevation on the tract).
- K. The maximum number of stories dedicated to residential use located in Parcel D1 shall be four. The maximum number of stories dedicated to residential use located in Parcel D2 shall be two. The maximum number of stories above elevation 723 located in Parcel D3 shall be two. In addition to the residential stories, one or two parking levels may be located below the residential levels.

23-2314-PDD-MOD

Existing “Peninsula PDD” Amendment

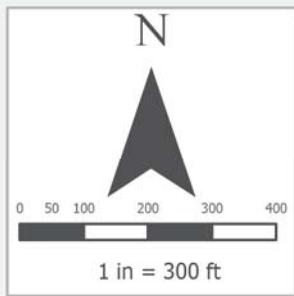
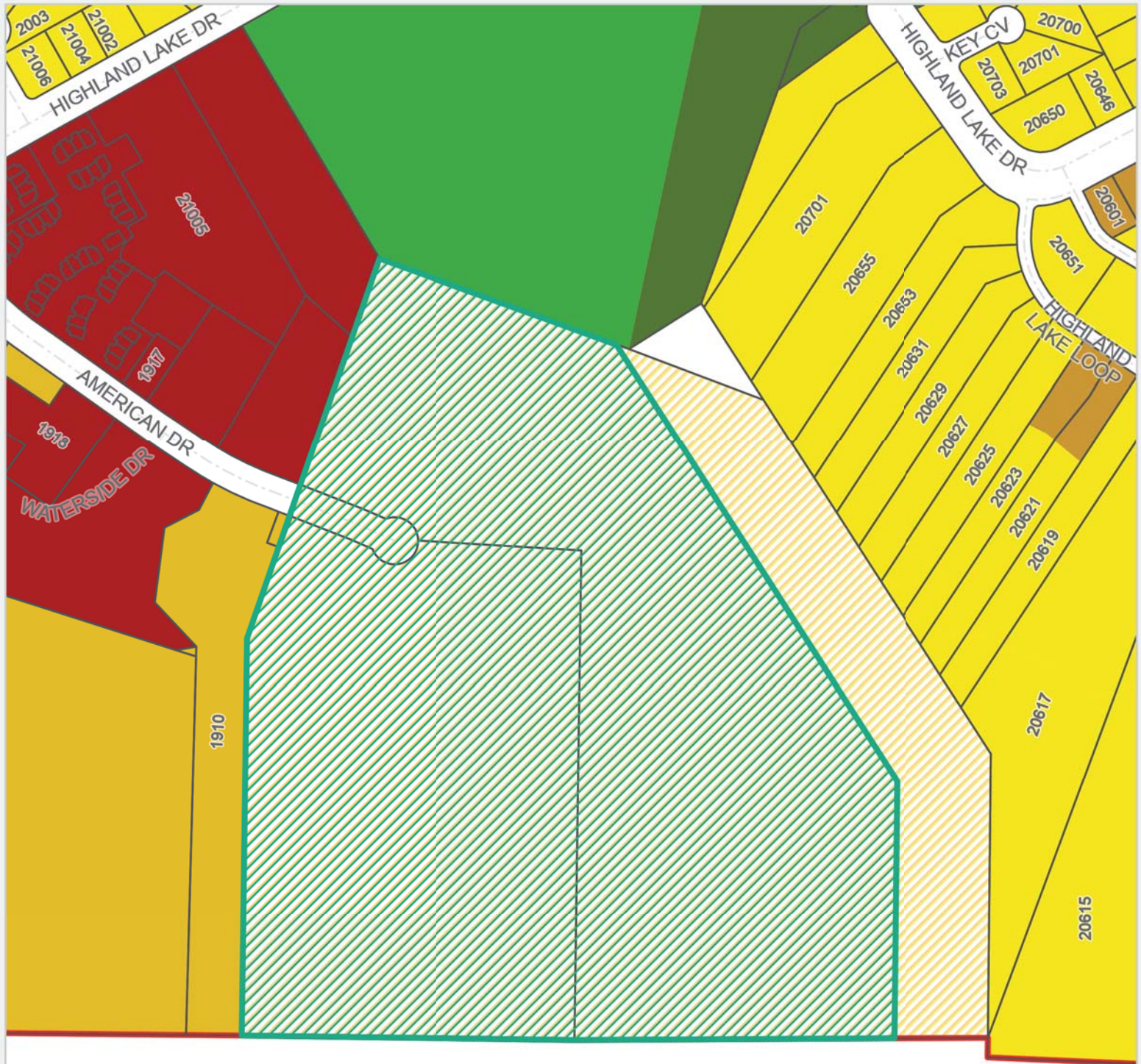
Attachment 4

Maps



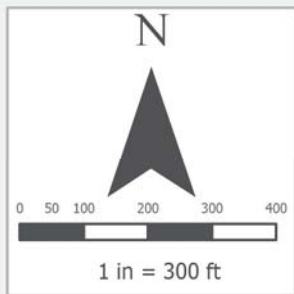
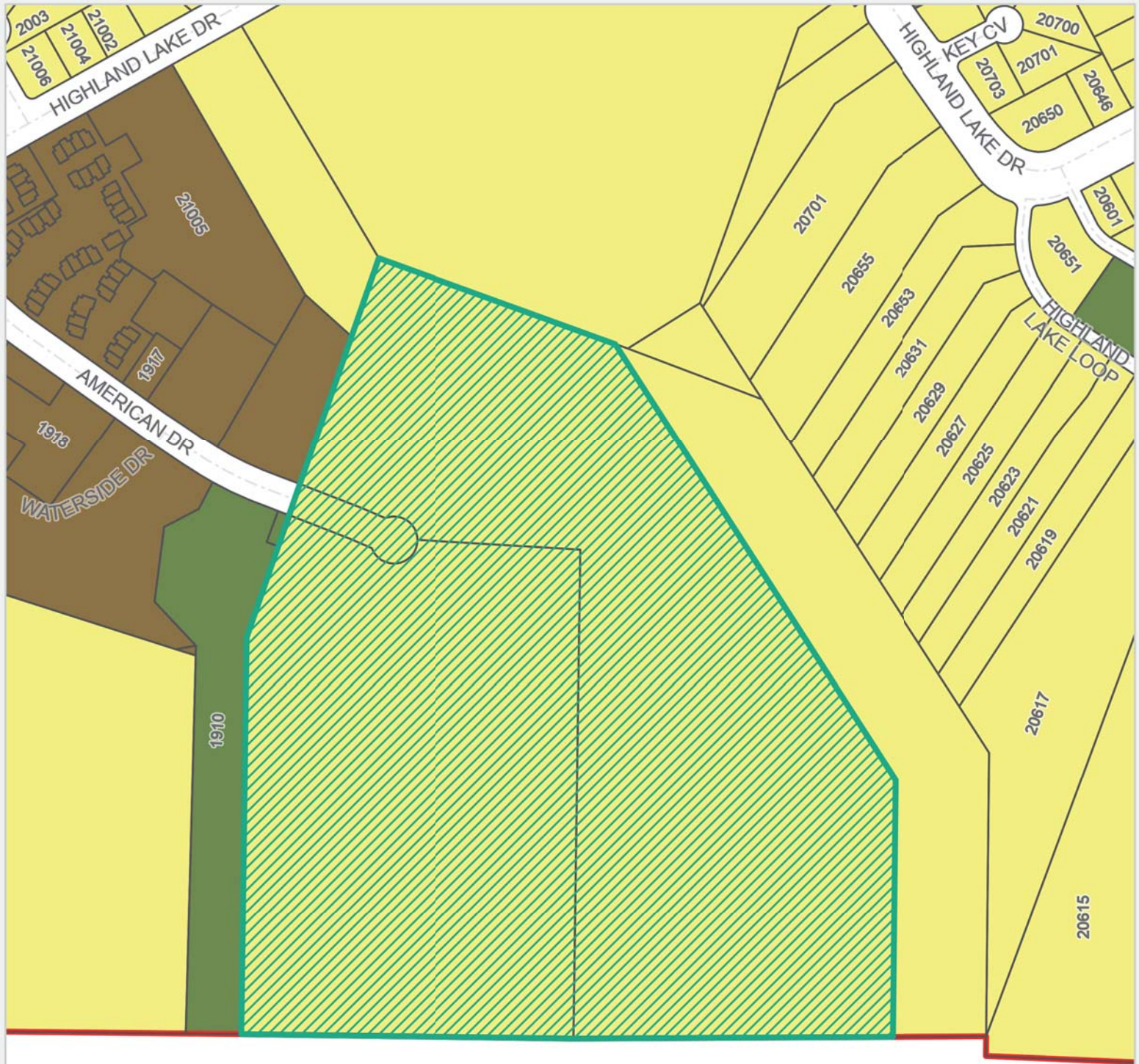
1900 American Drive			
Request Type	Existing PDD Amendment	Project	23-2314-PDD-MOD
Change Request	Amend Permitted Uses	Date	01/24/2023
Map Type	Aerial Image and Topography	Drawn By	RJambor
This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.			

Contours	
	10 ft
	50 ft
	Street
	Project Area
	TaxParcel
	City Limits



1900 American Drive			
Request Type	Existing PDD Amendment	Project	23-2314-PDD-MOD
Change Request	Amend Permitted Uses	Date	01/24/2023
Map Type	Existing Zoning Districts	Drawn By	RJambor
This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.			

— Street	G-1
— Project Area	P-1A
— TaxParcel	P-1C
— City Limits	PDD
Zoning Districts	
CR	R-1C
	R-1G
	R-2



1900 American Drive			
Request Type	Existing PDD Amendment	Project	23-2314-PDD-MOD
Change Request	Amend Permitted Uses	Date	01/24/2023
Map Type	Future Land Use	Drawn By	RJambor
This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.			

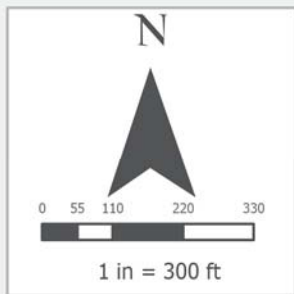
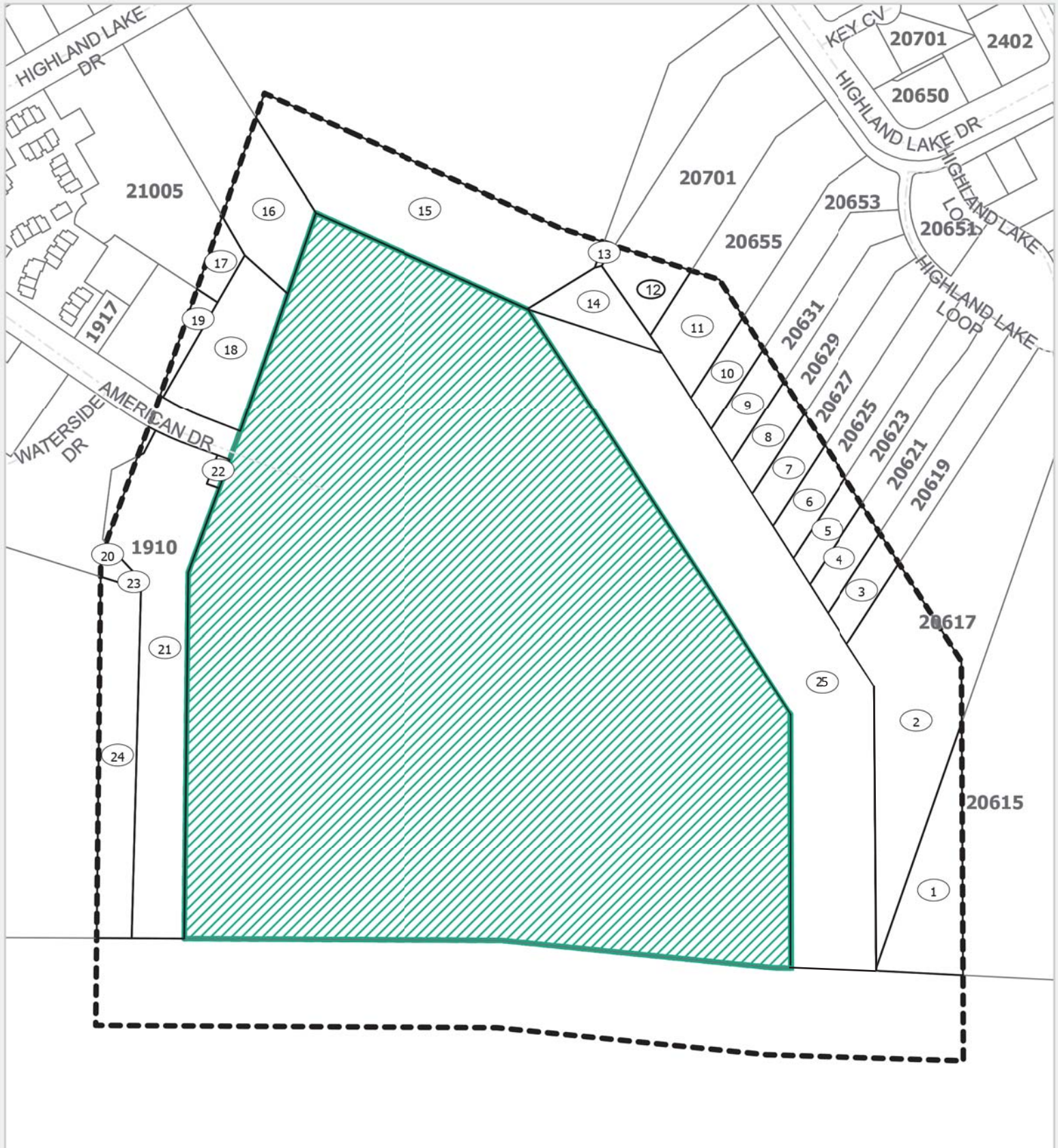
Street
Project Area
TaxParcel
City Limits
High Density Residential
Low Density Residential
POA Park

23-2314-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 5

Notice Comments



1900 American Drive			
Request Type	Existing PDD Amendment	Project	23-2314-PDD-MOD
Change Request	Amend Permitted Uses	Date	01/24/2023
Map Type	Notification Boundary	Drawn By	RJambor
This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.			

	Requestor Property
	200ft Notice Boundary
	Street
	Tax Parcels (TCAD)



Notice of Public Hearing

Project #: 23-2314-PDD-MOD

Hearing Date and Time: Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

200' Notification Mailing ID: 2

January 25, 2023

PIASECKI RICHARD F & JILL C
LIVING TRUST
20617 HIGHLAND LAKE LOOP
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lagovistatexas.gov
Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

see attached

Signed: *John Rich Piasecki*

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
Postal Address: City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.

The Peninsula Project, 1900 American Drive, Lago Vista, TX

Project # 23-2314-PDD-MOD

We are **OPPOSED** to Applicant's requested amendment to the existing PDD known as 'The Peninsula'.

The "**MINOR**", "**SMALL**", "**STRAIGHT-FORWARD**" change requested by Applicant is anything but minor, small and straight-forward. What was touted by the original applicant back in 2007-2008 --- an upscale amenity-rich condominium complex --- and again in 2021 by this Applicant --- upscale market-rate condominiums, health club, marina and other amenities making Lago Vista an 'eco-chic alternative in the housing market' --- will be reduced to a stripped-down version of one- and two-bedroom units if allowed to be re-zoned for apartments. (Applicant has declined to provide information on market-rate until they complete their studies but is requesting this amendment nonetheless.) The listed amenities in the existing PDD simply don't jive with an apartment complex. The character and use of the property will be totally changed.

This request to amend the PDD to add "apartments" and delete "STR" in lieu of "LTR" is a smoke screen and not the real issue at hand. This is not about STR vs. LTR. I sincerely doubt that the Applicant is concerned about what is "right for the community" (words of Dave Rulien/SGB). Condos and apartments may be the same under the zoning ordinance, but they are very different animals. It goes much deeper than Mr. Jambor said --- having a "unit above you" as opposed to a townhouse. We are talking about owner vs. renter and the ramifications thereof.

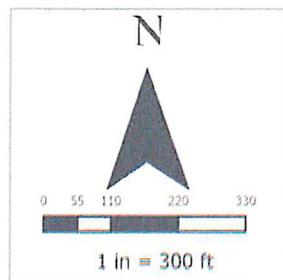
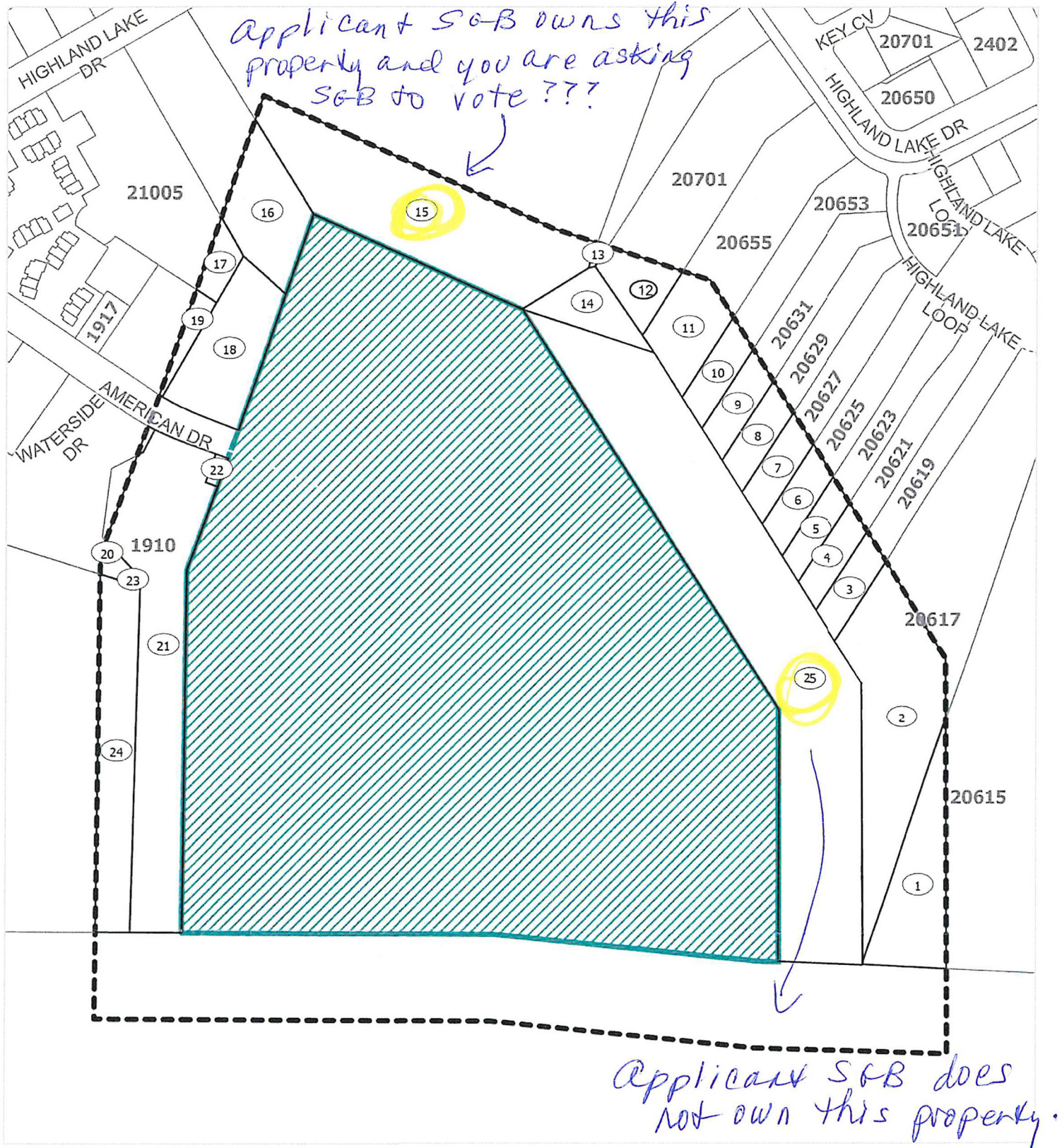
This property and its incredible location deserve better.

Thank you for listening.



Jill & Rich Piasecki

Notification Mailing ID #2



1900 American Drive

Request Type	Existing PDD Amendment	Project	23-2314-PDD-MOD
Change Request	Amend Permitted Uses	Date	01/24/2023
Map Type	Notification Boundary	Drawn By	RJambor

This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.

- Requestor Property
- 200ft Notice Boundary
- Street
- Tax Parcels (TCAD)



Notice of Public Hearing

Project #: 23-2314-PDD-MOD

Hearing Date and Time: Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

200' Notification Mailing ID: 4

January 25, 2023

YATES JOHN T
20621 HIGHLAND LAKE LOOP
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lagovistatexas.gov
Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

see attached letter

Signed:

John Yates

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
Postal Address: City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.

Feb 5, 2023

Development Services And the Planning & Zoning Committee

Re 23-2314-PDD-MOD, The Peninsula

To whom it may concern:

I am a long term Lago Vista Resident, since August 2001.

I am against the current Zoning request in front of the P&Z Commission.

First the Developer has it listed for sale, The City should not grant zoning adjustment to allow a developer merely a greater sales profit. SGB purchased years ago and has nothing to improve the property. The city is responsible to its citizens not Developer Profits.

Second this property is worth more than being just a rental place. We should ensure private ownership in an effort to help ensure the property is maintained.

Third, We still haven't seen the traffic or fire impact study. American can not handle the traffic the their isn't really a road between Highland Lake Drive and the Peninsula, Its more of a parking lot.

Fourth the property has minimal buildable acreage. Attached is a photo of the property during the 2018 flood.



Sincerely

John Yates
John Yates

20621 Highland Lake Loop



Notice of Public Hearing

Project #: 23-2314-PDD-MOD

Hearing Date and Time: Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

200' Notification Mailing ID: 5

January 25, 2023

SMITH WELTON C & NANCY L FOSTER SMITH
20623 HIGHLAND LAKE LOOP
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lagovistatexas.gov

Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments: *Reasons to appose:*
1. Lower property values *4. Destruction of roads*
2. Additional crime. *to Peninsula.*
3. more noise *5. Breaks our view of the lake*
Signed: *Nancy L. Smith* *6. Probably will have open door of renters and of owners.*
Welton C. Smith

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov

Postal Address: City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645

In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.



Notice of Public Hearing

Project #: 23-2314-PDD-MOD

Hearing Date and Time: Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

200' Notification Mailing ID: 7

January 25, 2023

DUNLAP KAREN JOLENE &
PECK WAYNE CODY
20627 HIGHLAND LAKE LOOP
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lagovistatexas.gov
Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

Why not wait to see what the new owner wants to do. They may be opposed to this change. We don't think this additional change to the 2007/2008 PDD adds any value.

Signed:

Karen Jolene Dunlap & Wayne Cody

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
Postal Address: City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.

Feb. 8, 2023

City of Lago Vista
Development Services
Planning and Zoning Committee

Re: Project 23-2314-PDD-MOD

Hearing Date and Time: Thursday, Feb. 9, 2023 at 6:30 PM

Project Property Location: 1900 American Drive

200' Notification Mailing ID: 8 **Verified**

Richard and Julie Wolf / 20629 Highland Lake Loop

Regarding item #5 on the P&Z agenda of Feb. 9, 2023

5. 23-2314-PDD-MOD: Consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

As a property owner within the 200 foot radius of the proposed zoning change – we are **OPPOSED** to this request.

We are long term residents of Lago Vista, having lived at our residence for over 20 years.

We have seen many PDD proposals / modifications for the subject property 'The Peninsula' over the years. We are OPPOSED to the current request to modify the PDD.

Per my understanding, SGB wants to allow apartments instead of being restricted to condominiums. In my research the primary difference comes down to ownership. Apartments are never "owned" by the residents, they are owned by corporations. This would certainly change the resulting development - which was originally marketed as an upscale amenity rich condominium complex - complete with health spa, marina, restaurants and other amenities to make it a destination on the north shore of Lake Travis.

The Peninsula PDD has undergone revision after revision. Each time a new owner comes into play, there are changes. SGB has tried to sell this property multiple times since they withdrew their original PDD modification / application and abruptly left the City Council meeting on Aug. 5, 2021. Currently SGB has this property set to be auctioned off.

I believe we should spare Planning and Zoning, the City Council, and residents of Lago Vista the extra work and confusion that will be added to an already multi-layer of changes in this PDD. It will certainly be modified again once the auction has been completed and there is a new owner. Let the new owner come up with their vision for the property and make application for amendment as they see appropriate.

Regards,

Julie and Richard Wolf / 20629 Highland Lake Loop / Lago Vista, TX



Notice of Public Hearing

Project #: 23-2314-PDD-MOD

Hearing Date and Time: Thursday, February 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 1900 American Drive (a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.)

200' Notification Mailing ID: 10

January 25, 2023

LADNER GARY L & LYNDIA S
20653 HIGHLAND LAKE LOOP
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as "The Peninsula" regarding the list and description of permitted uses for the "Condominiums Parcels." The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lagovistatexas.gov
Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

We do not think that this change is necessary. The current owner has made it known that they plan to sell the property. Last notice in The American Statesman says an on-line auction will happen in the near future. Why not wait to see what the next owner wants? This does not have to be added to the 2007/2008 PDD to muck more things up. It adds no value.

Signed:

Lyndia S Ladner Gary L Ladner

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
Postal Address: City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.

February 9, 2023

Agenda Item 6
Visible Vehicle Parking / Storage

Public Hearing

Draft Ordinance Amendment Recommendation

Section 6.65 of Chapter 14

February 9, 2023

Agenda Item 7
Subdivision Regulations

Public Hearing

Draft Ordinance Amendment Recommendation

Section 2.15 of Chapter 10

Consent Agenda
Planning & Zoning Commission Regular Meeting

February 9, 2023

Draft Minutes

January 12, 2023, Regular Meeting

Agenda Item 8

MINUTES
City of Lago Vista
Planning and Zoning Commission
Thursday, January 12, 2023
Regular Meeting

Chair Tom Monahan called the meeting to order at 6:32 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, TX. Other members present were Larry Hagler, Kathy Koza, Julie Davis, and Norma Owen. Development Services Director Roy Jambor, City Attorney Joseph Crawford and Councilman Paul Prince. Don Johndrow and Thomas Burlew were absent.

CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA

There were no public comments.

BUSINESS ITEMS

1. Welcome of new members.

Tom welcomed Norma Owen, a new member, and discussed the duties of the Commission.

2. Election of officers (Chair and Vice-Chair) for the coming year.

Kathy nominated Tom for Chair and noted he has done a good job.

On a motion by Kathy Koza, the Commission voted all in favor to elect Tom as Chair

Larry nominated Don for Vice-Chair.

On a motion by Larry Hagler, seconded by Kathy Koza, the Commission voted all in favor to elect Don Johndrow for Vice-Chair.

3. Comments from the Council Liaison.

Paul welcomed Norma Owen to the Commission and spoke about the member training that recently took place.

PUBLIC HEARING AND ACTION (APPLICATIONS)

4. 22-2260-R-REZ: Consideration of a recommendation regarding a zoning district change request from the U-1 (“Utility, Governmental, Educational, and Institutional”) zoning district to the R-2 (“Two-Family Residential”) district and a corresponding amendment to the Future Land Use Map designation in the current Comprehensive Plan from “Public / Semi-Public” to “Medium Density Residential” at 3605 Allegiance Avenue (Highland Lake Estates, Section 11, Lot 11083 less and except the North 73 feet).

Tom announced this item is being withdrawn because the property has been sold to a gentleman who wants to convert it to an office building. Tom mentioned the applicant formally withdrew his application in an email to Roy.

Note: The staff was contacted by an individual who asserts to be the current owner of the property who declared his intent to use it in a manner that would be precluded by the approval of this request. We immediately contacted the applicant (alleged previous property owner) by email requesting the withdrawal of this request (included in this packet) but have received no reply. As a result, the staff recommends deferring consideration of this application or completion of the technical summary until factual documentation related to

these questions are resolved.

5. **22-2275-CO-U:** Consideration of a recommendation regarding a conditional use permit application pursuant to Section 17 of Chapter 14 of the Lago Vista Code of Ordinances to allow for an accessory building that includes more than one-half of the floor area of the principal residence at 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A).

A. Staff Presentation

Roy spoke about the details of the residence and the proposed accessory building. He commented he didn't get a reply from the applicant when asked about the justification for the size issue for the accessory building. He discussed the size of the residence stating past permit records show the total square footage is larger than what the applicant reported and therefore the accessory building may not require a conditional use permit depending on how much higher it will be compared to the residence. He also noted there were some accessory buildings on the site plan that were potentially removed when the driveway was built, but that would need to be determined and a violation might be issued if that is the case. Roy discussed the requirements needed for a conditional use permit and noted a special exception application would be needed if the building is found to be higher than the existing residence.

Roy and the Commission discussed the issues with the application.

Tom noted that they may not be able to approve the request since he saw two existing accessory buildings already on the property when he visited it.

B. Applicant Presentation

Sharon Lyell spoke about her plans in the past to build an accessory building for a family member and said she decided not to do it. She said her current plans are to build a garage and said it's not taller than her residence. She said she didn't do the construction to enlarge her residence and said it's a total of 1,400 square feet.

Tom asked what her plans are for the two existing accessory buildings if she builds the garage. Ms. Lyell replied, those buildings would be demolished.

Roy requested the removal of the existing accessory buildings and asked that the height of the proposed garage be included in the conditions for the application approval. He noted if the proposed garage is found to be higher than the existing residence, a special exception application would be required.

Larry asked Ms. Lyell if the foundation for the proposed garage would be at the same level as the residence. Roy explained that the construction plans indicated the garage would be higher than the existing residence. Ms. Lyell said she will be getting a different architect to do the plans. Roy spoke to her about what she needed for the building permit.

C. Open Public Hearing

The public hearing was opened at 6:53 P.M.

There were no public comments.

D. Close Public Hearing

The public hearing was closed at 6:53 P.M.

E. Discussion

Kathy suggested deferring the application until the construction plan issues have been corrected.

Norma commented she agreed with Kathy and said more accurate plans are needed.

Roy suggested that conditions can be made to have the correct construction plans complete before it goes to the City Council.

Larry commented it's more of a building permit issue than a zoning issue.

Roy and the Commission discussed the inconsistencies with the construction plans.

Julie commented she would like to see the corrected construction plans before it goes to the City Council.

Tom spoke about the neighborhood and how the proposed building would fit into it. He discussed their options for their decision with Roy and Kathy.

F. Decision

On a motion by Kathy Koza, seconded by Larry Hagler, the Commission voted three to two (3-2) to recommend approval of the application with the condition that they get accurate drawings of the main residence to note the actual size of it, that they get accurate height information with the drawings, noting the removal of the out buildings, and all of this information should be received by staff before it is forwarded to the City Council. (Julie Davis and Norma Owen were opposed.)

APPLICATIONS (NO PUBLIC HEARING)

6. **22-2282-R-REZ:** Consideration of a recommendation regarding a zoning district change request from TR-1 ("Temporary Restricted") to R-1D ("Single-Family Residential") adjacent to 20700 Northland Drive and from R-1D ("Single-Family Residential") and TR-1 (Temporary Restricted") to C-2 ("Commercial: Large Scale") with design approval for that property and the existing lot located at 7600 Lohman Ford Road and a zoning district and Drive (Lago Vista Estates, Section 6, Lot 1873, 1874 and a portion of the property platted as Tract A).

A. Staff Presentation

Roy spoke about a recent application for this location that was withdrawn. He discussed the details of the application and the issues with it.

Roy discussed the issues and the request with the Commission. They also spoke about the changes needed on the Future Land Use Map; the details in the staff report; and what to consider for their decision.

B. Application Presentation

Mitch Wright with Vista Planning and Design said he is accompanied by the Engineer for the project. He discussed the objections from the past withdrawn application and commented on

the details of the drive-through for the project stating that it's strictly for deliveries and discussed the design and proposed location of it on the property. He also discussed potential traffic hazards, tree removal, the design of the proposed building and the fence, the zoning and permitting process and taking the surrounding neighborhood into consideration in their design. He went over the comments outlined in the staff report and spoke about how they will be accommodating them.

Roy discussed the details of the drive-through window, what it will be used for and potential issues with it with Mr. Wright and the Commission.

Darren Webber spoke about the concerns brought up with the fire lane and drive-through and discussed them with Roy and the Commission.

Tom discussed the details of the rezoning request with Roy.

C. Open Public Hearing

The public hearing was opened at 7:40 P.M.

Karen Todd, 20702 Northland Drive, spoke about traffic, noise, lighting, stormwater runoff and drive-through concerns and was against the request.

The Commission discussed the required TIA for the project with Roy.

Balla had some questions about the notification boundary map and discussed it with Roy.

Sherry Jander at 20802 Northland Drive spoke about the heavy traffic in her neighborhood and was against the item.

Tom Thompson spoke about his concerns with traffic in the area and commented the roads need to be widened.

Julia Anderson at 20801 Northland Drive spoke about the traffic issues and required barriers for the project.

Nichole Mancuso at 20707 Northland Drive discussed the traffic issues in the area, reduction of property values in her neighborhood, and noise and light issues. She also spoke about the TIA saying it should be redone.

D. Close Public Hearing

The public hearing was closed at 7:57 P.M.

E. Discussion

Julie commented about the automotive business in the neighborhood and compared it to the application and said they don't want a business that is too big for the area.

Kathy spoke about her concerns with the traffic in the area and said it would affect the neighborhood.

Larry discussed the exit on Northland with Mr. Wright and wanted to know if it could be eliminated from the project.

Norma discussed potentially redesigning the project and commented since it's a commercial project, the traffic issues will still be there.

Tom discussed the lighting and traffic issues and the required retention pond with Roy. Tom also discussed the details of the rezoning request with Roy.

Tom commented they need more time to think about the application and suggested it be deferred to the next meeting.

Mr. Wright spoke with the Commission and said he can have the changes ready for the next meeting in February.

Tom discussed the corrections that need to be made with Mr. Wright.

F. Recommendation

On a motion by Tom Monahan, seconded by Kathy Koza, the Commission voted all in favor to defer the application until the next regular meeting on February 9, 2023.

7. **22-2286-SP-E:** Consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 22.7 feet for a single-family residence at 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126).

A. Staff Presentation

Roy spoke about two properties that would have impacted views and discussed the notice comments that were received. He also discussed the context issue and noted the proposed house is being built for the views.

B. Applicant Presentation

The applicant was not present at the meeting.

C. Open Public Hearing

The public hearing was opened at 8:25 P.M.

Perla Balaraju at 20000 Calhoun spoke about living in the city and was concerned that the proposed building would block his view of the lake. He said he submitted his comments about a week ago.

D. Close Public Hearing

The public hearing was continued at 8:31 P.M.

E. Discussion

Tom commented the architectural context is not an issue since there isn't much built in the neighborhood.

Kathy commented she is concerned that granting the special exception would allow others to also apply. She spoke about the blocked view for the adjacent property.

Julie spoke about the homes on Constitution and commented the homes are built high in that area.

The Commission discussed the notice comments received for the application.

F. Decision

On a motion by Tom Monahan, seconded by Julie Davis, the Commission voted all in favor to deny the application.

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

8. Consideration of a recommendation to amend Table A, Table B, and Section 4 of Chapter 14 to address various provisions that are contrary to current best zoning practices and inconsistencies between our existing zoning districts and the future land use designations within the current Comprehensive Plan.

A. Continue Public Hearing

The public hearing was opened at 8:51 P.M.

Rachel Rich who lives on Surrey Lane spoke about the Commission meetings and said they have learned a lot by attending them and appreciated all of the work they do.

The public hearing was continued until the next meeting.

B. Discussion

Tom spoke about Table B in the meeting packet and the list of questions that Roy compiled for discussion by the Commission. Tom said that they will be discussing this at the next meeting so that Roy can finish the proposed changes to Table B.

The Commission discussed the tasks that need to be completed for the amendment with Roy.

C. Recommendation

Tom announced that consideration of this amendment will be continued to the next meeting on the 26th.

Note: This item will be included on future agendas pending completion of the recommended draft ordinance amendment.

CONSENT AGENDA

9. Consider Approval of the Following Minutes:

December 8, 2022, Regular Meeting

On a motion by Larry Hagler, seconded by Norma Owen, the Commission voted all in favor to approve the minutes for December 8, 2022.

ADJOURNMENT

On a motion by Tom Monahan, the Commission voted unanimously to adjourn at 8:54 P.M.

Tom Monahan, Chair

Alice Drake, Administrative Assistant

On a motion by _____, seconded by _____, the foregoing instrument was passed and approved this _____ Day of _____, 2023.