

## 1. Agenda

### Documents:

[2023-03-09-PZ-REG-AGN.PDF](#)

[PANDZ 03-09-2023 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, March 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/179039949>

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

United States: +1 (872) 240-3412  
Access Code: 179-039-949

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

One-touch: <tel:+18722403412,179039949#>

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**[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.

## STAFF AND COUNCIL LIAISON REPORTS

1. Comments from the Council Liaison

## PUBLIC HEARING AND ACTION (APPLICATIONS)

2. **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).

**Note: this item was deferred at the February 9, 2023, meeting due to an inaccurate ridgepole. The staff was advised that the error was corrected.**

- A. Staff Update
- B. Continue Public Hearing
- C. Close Public Hearing
- D. Discussion
- E. Decision

## PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

3. 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.

**Note: this item was deferred at the February 9, 2023, meeting due to delays related to the recent winter storm.**

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

4. Consideration of a recommendation to amend Section 1.12 and 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.

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- A. Staff Presentation
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- E. Recommendation

5. Consideration of a recommendation to amend Chapter 3 of the 2030 Comprehensive Plan adopted by Ordinance No. 16-05-05-02 to amend the definitions of various land use types also employed in the Future Land Use Map.

**Note: this item was deferred at the January 26, 2023, meeting for additional work by the staff.**

- A. Staff Update
- B. Continue Public Hearing
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#### **DISCUSSION AND POSSIBLE ACTION**

6. Discussion about potential proposed ordinance amendments and other aspects of the Commission's future work plan, including coordination with the Building and Standards Commission to resolve inconsistencies and duplications between Chapter 3 and Chapter 14 of the Lago Vista Code of Ordinances.

#### **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.

7. Consider Approval of the Following Minutes:

January 26, 2023, Special Call Meeting  
February 9, 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 4:54pm on the 2nd day of March 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

March 9, 2023

Chairman  
Tom Monahan

Vice-Chairman  
Don Johndrow



Commission Members

Thomas Burlew  
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March 9, 2023

Agenda Item 2

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 – MARCH 9, 2023**



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

---

**UPDATE:**

- The staff was informed that the ridgepole inaccuracies were corrected and documented the changes in the photographs included in the packet. However as before, the staff inspection is limited to whether the pole is sufficiently erect (within five degrees of vertical) and includes the markings prescribed by the ordinance. There is no attempt to determine the accuracy.
  - The ordinance instead delegates the determination of sufficient accuracy to the decision making entity, which at the time of this application was the Planning and Zoning Commission. In addition to the correction requested at the meeting on February 9, 2023, the Commission (or the Board of Adjustment going forward) has the authority to require additional ridgepoles to aid the required determination, and to require that the accuracy of both the height and location of the ridgepoles be certified by a registered professional land surveyor.
- 

**POTENTIAL ALTERNATIVE DECISIONS:**

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

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



<b>P&amp;Z CASE NO:</b>	<b>23-2304-SP-E:</b> 20801 McKinley Cove
<b>APPLICANT:</b>	MonDel Homes (Jessica Jordan)
<b>LANDOWNER:</b>	Chitrang and Rima Bhavsar
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**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.

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#### **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**



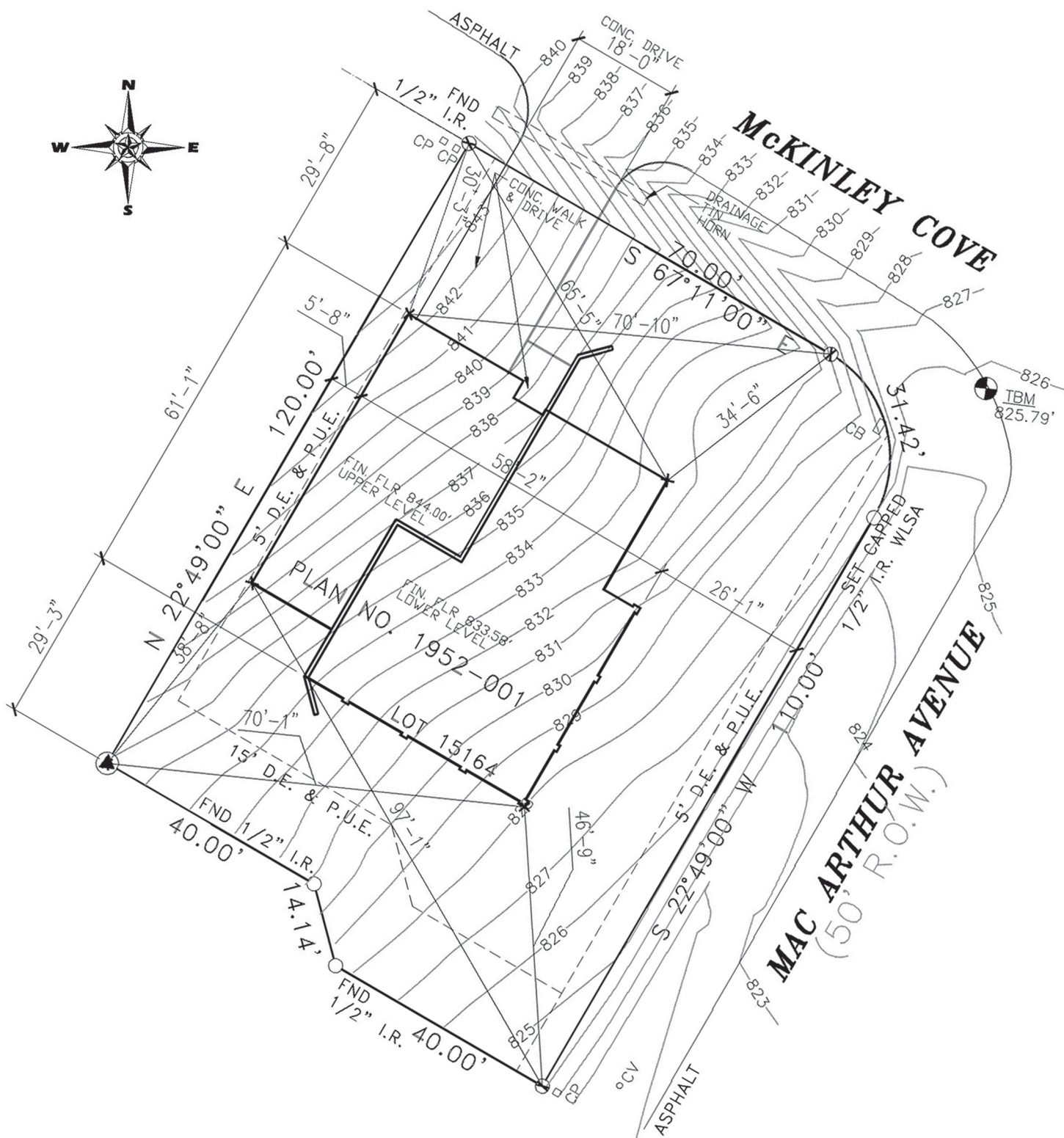


23-2304-SP-E

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



Architectural floor plan of a three-bedroom house. The plan includes the following rooms and features:

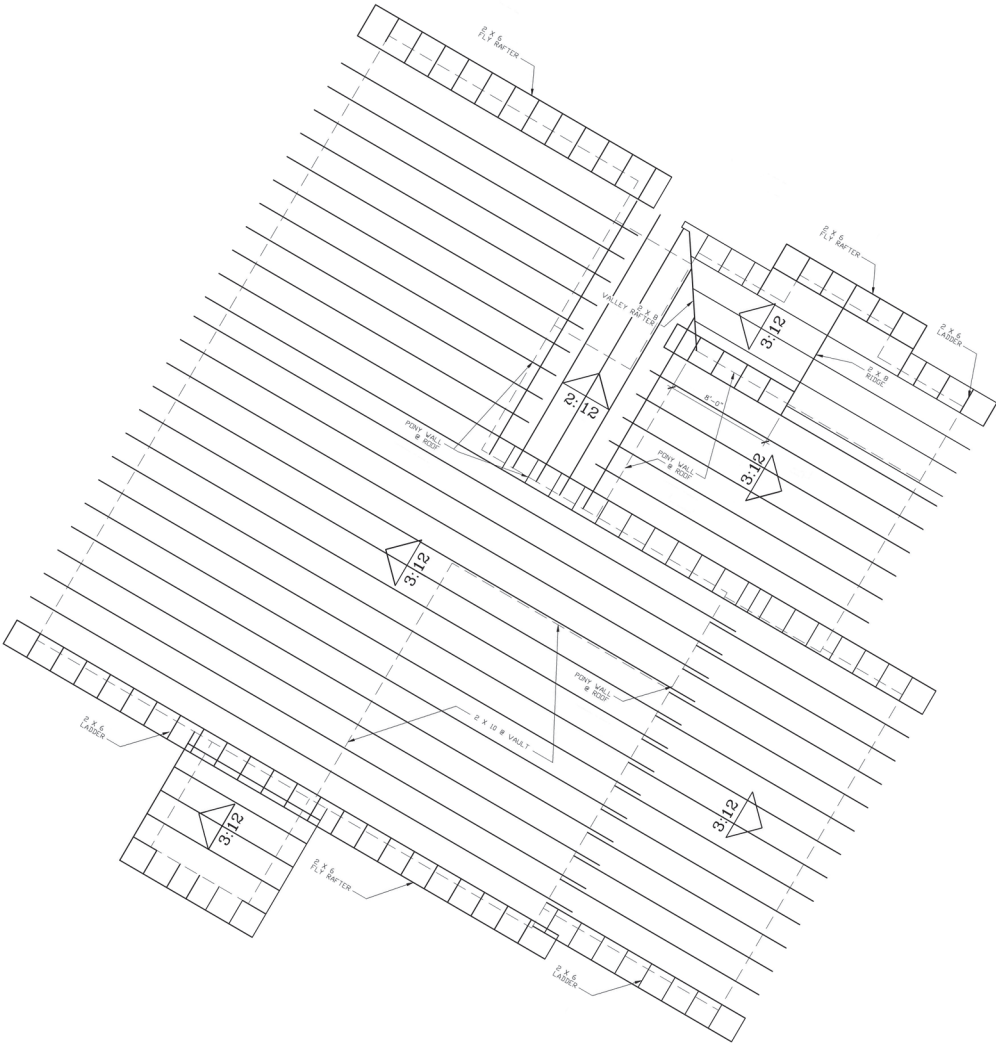
- Bedrooms:** Br. 2 (10'-6" x 10'-6"), Br. 3 (11'-3" x 11'-3"), Br. 4 (11'-0" x 11'-0").
- Bathrooms:** Bath 2 (5'-8" x 7'-7"), Bath 3 (5'-4" x 7'-6").
- Porch:** Lower Porch (7'-11" x 14'-1").
- Hallway:** Central hallway connecting the rooms.
- Dimensions:** Numerous dimensions are provided for room sizes, wall thicknesses, and overall exterior measurements. For example, the overall width is 43'-9" and the overall depth is 27'-11".
- Notes:**
  - NOTE: 9'-0" CEILING TYPICAL UNLESS NOTED OTHERWISE.
  - WINDOW HEADERS @ 7'-10" A.P.F. UNLESS NOTED OTHERWISE.
  - WINDOWS ARE SINGLE HUNG UNLESS NOTED OTHERWISE.

**NOTE:** 9'-0" CEILING TYPICAL UNLESS NOTED OTHERWISE.

WINDOW HEADERS @ 7'-10" A.F.F. UNLESS NOTED OTHERWISE.

WINDOWS ARE SINGLE HUNG UNLESS NOTED OTHERWISE.

# 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

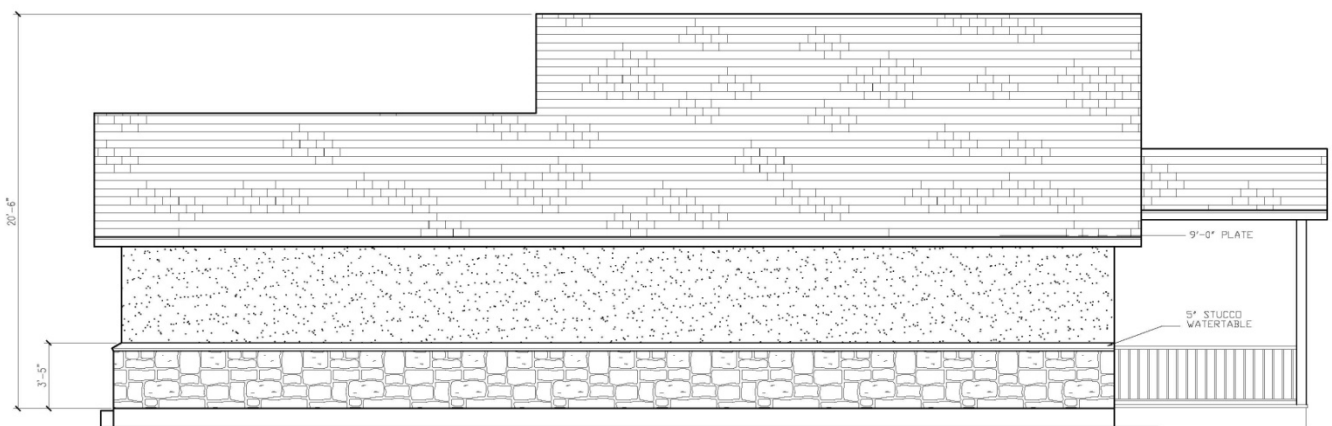
23-2304-SP-E  
20801 McKinley Cove

Attachment 3  
Building Elevations





**Rear (Southwest) Elevation**



**Right (Northwest) Elevation**

23-2304-SP-E






20801 McKinley Cove

Attachment 4

Maps




**Legend**

	TCAD Parcels		10 ft Contour
	200ft Parcel Selection		20 ft Contour
	20801 McKinley Cove		

1 inch equals 150 feet

0 50 100 200

 Feet



# 20801 McKinley Cove - Zoning



**Legend**

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

1 inch equals 150 feet

0    50    100    200

Feet

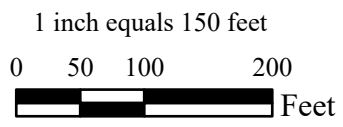


# 20801 McKinley Cove - Future Land Use



**Legend**

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



23-2304-SP-E

20801 McKinley Cove

Attachment 5

Notice Comments

# 20801 McKinley Cove

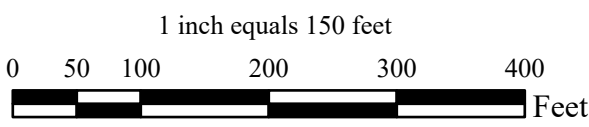


Legend

TCAD Parcels

20801 McKinley Cove

200ft Parcel Selection





## 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](mailto: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](mailto: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.



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**200' Notification Mailing ID:** 10,. 12

January 25, 2023

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

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**E-mail:** [development@lagovistatexas.gov](mailto: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](mailto: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](mailto: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](mailto: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.

March 9, 2023

Agenda Item 3  
Visible Vehicle Parking / Storage

Public Hearing

Draft Ordinance Amendment Recommendation

Section 6.65 of Chapter 14

# CHAPTER 14

## ZONING

\*\*\*\*\*

### **6.65 Storage and Parking of All Vehicles, Including Boats, Trailers, and Recreational Vehicles.**

- (a) Storage of junked or unlicensed vehicles, including recreational vehicles, boats, and trailers, outside a building that completely screens it from view from any direction except from above, on any lot or parcel is prohibited. Covering the vehicle with any material is not screening.
- (b) ~~All vehicles, including but not limited to recreational vehicles, boats, trailers, commercial vehicles, and trailers, that are not involved in permitted or authorized construction or development activity parked in front of the building setback line or in front of the rear yard in the side setback shall be on a concrete or asphalt driveway or parking apron, or an improved surface capable of supporting the vehicle such as concrete, asphalt, pavers, or similar material.~~

~~A maximum of one recreational vehicle or trailer designed for use by a boat, jet skis, or motorcycles may be parked or stored on a residential property other than within a fully enclosed garage or accessory building, or behind a fence that is no less than ninety-five (95) percent solid and no less than six (6) feet in height in a location permitted by Section 22.30 of this chapter or an approved variance.~~

- (1) ~~Such improved surface shall be located inside the property line of property with a principal (not accessory) use building. When such vehicles or trailers are parked or stored outside of a fully enclosed garage or accessory building, an improved surface capable of supporting the vehicle shall be required such as concrete, asphalt, or pavers approved by the Building Official or Development Services Director.~~
- (2) ~~Such improved surface shall at all times be free of weeds, grass, refuse, debris, or standing water. When partially concealed by a fence in accordance with the requirements above rather than a fully enclosed garage or accessory building, the improved parking or storage surface must be located on the same lot as the primary residence.~~
- (3) ~~Such improved surface shall be calculated as part of the lot's impervious cover, which shall not exceed 50%. The degree to which a parking surface is pervious shall be determined by the building official. The building official may require a registered professional engineer to certify that the improved surface is pervious or the degree to which the improved parking surface is pervious. The impervious surface limitation within Table A, Table of Development Standards shall include all improvements required by this section.~~

~~No vehicles shall be parked or stored in the front yard or corner side yard facing a street not an alley unless the vehicle is parked or stored on a driveway.~~

- (4) ~~For purposes of this section, the front yard and corner side yard facing a street shall be the area between the building facing the street and the street, excluding the area outside lines drawn from the side of the building perpendicular to and extending to the street.~~

~~(5) Access to the improved parking surface need not be improved.~~

- (c) ~~Vehicles parked in front of the setback building line or in front of the rear yard in the side setback by occupants or their guest are prohibited unless such parking is of a temporary nature to accommodate vehicles, including recreational vehicles, boats, and trailers belonging to a guest attending a function or visiting the occupants on an overnight type basis for a brief period of time (not to exceed 72 hours). Extended parking of guest vehicles may be authorized by permit issued by the Chief of Police.~~

Passenger vehicles with a load capacity more than two and one-half (2-1/2) tons and all trailers other than the recreational trailers specified in the subsection directly above are permitted to be parked or stored on residential property only within a fully enclosed garage or accessory building, or behind a fence that is no less than ninety-five (95) percent solid and no less than six (6) feet in height in a location permitted by Section 22.30 of this chapter or an approved variance.

- (1) When such vehicles or trailers are parked or stored outside of a fully enclosed garage or accessory building, an improved surface capable of supporting the vehicle shall be required such as concrete, asphalt, or pavers approved by the Building Official or Development Services Director.
  - (2) When partially concealed by a fence in accordance with the requirements above rather than a fully enclosed garage or accessory building, the improved parking or storage surface shall be located on the same lot as the primary residence.
  - (3) The access route to the parking or storage locations do not require similar improvements unless used by a passenger vehicle.
  - (4) The impervious surface limitation within Table A, Table of Development Standards shall include all improvements required by this section.
  - (5) These requirements do not apply to the temporary storage or parking of vehicles or trailers used to complete work authorized by active permits at this same location.
- (d) ~~Commercial vehicles and trailers of all types shall not be parked or stored on any lot in any residential district except in accordance with the following provision(s): No more than one (1) commercial vehicle, which does not exceed one and one half (1 1/2) tons rated capacity, per family living on the premises shall be permitted, except when the vehicle or trailer is involved in construction, moving, or delivery of a product or service to the residence. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products or earth moving equipment or vehicles be permitted.~~

~~For purposes of this section a commercial vehicle is a motorized vehicle or trailer with a load capacity greater than 1 1/2 tons that is used in a commercial enterprise, or has a business or service or product sign on the vehicle, or whose principal use is to carry equipment or material.~~

Passenger vehicles with a load capacity of two and one-half (2-1/2) tons or less that are parked or stored on a residential property outside of a required garage or an approved accessory building shall be located on an improved surface that is accessed by a driveway that is continuously connected to a public or private street and meets all applicable local requirements including Chapter 11 of the Lago Vista Code of Ordinances.

- (1) Both the parking surface and the access driveway shall be constructed of a surface capable of supporting the vehicle such as concrete, asphalt, or pavers approved by the Building Official or Development Services Director.
- (2) Both the parking surface and the access driveway shall be located on the same lot as the primary residence.
- (3) The impervious surface limitation within Table A, Table of Development Standards shall include all improvements required by this section.

\*\*\*\*\*

March 9, 2023

Agenda Item 4  
Subdivision Regulations

Public Hearing

Draft Ordinance Amendment Recommendation  
Section 1.12 and 2.15 of Chapter 10

# CHAPTER 10

## SUBDIVISION REGULATION

\*\*\*\*\*

### **1.12 Definitions**

For the purpose of this Ordinance, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with customary usage in municipal planning and engineering practices.

\*\*\*\*\*

Extraterritorial jurisdiction (ETJ): That territory outside the corporate limits of the City which is within the jurisdiction of the City by virtue of the Municipal Annexation Act, Chapter 42, Texas Local Government Code or which is subject to the City's authority due to an agreement with another municipality.

Flag Lot: An existing or proposed division of property that abuts a street only by means of a strip of land that does not comply with the requirements of this chapter or the zoning ordinance for minimum lot width. For one-or two-family residential development, a flag lot shall also include any lot that does not allow the width of the principal structure to be visible and oriented approximately parallel to the street frontage.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

\*\*\*\*\*

Living unit equivalent (LUE): An LUE is the typical water or wastewater flow that would be produced by a single family. For nonresidential uses, flows based on design data should be calculated and converted to LUEs.

Lot: ~~Either:~~

- (a) A ~~parcel~~ division of real property ~~shown as a distinct and separate parcel~~ with a unique designation ~~shown~~ on a plat, record of survey, parcel map, or subdivision map recorded in the office of the Travis County Clerk (also see Sections 2.15 and 4.21 below); or
- (b) A ~~parcel~~ division of real property ~~exempted from the requirement to plat under~~ established by a provision of the Lago Vista zoning ~~or ordinance~~, subdivision regulations, or applicable state statutes.

Lot area: The total area within the ~~lot lines~~ boundaries of the lot excluding any street rights-of-way.

Lot, corner: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

\*\*\*\*\*

## **2.15 Concept Plan**

- (a) Purpose. The purpose of the Concept Plan (Plan) is to demonstrate conformance with the Comprehensive Plan, compatibility of the proposed development with this and other applicable City ordinances, and the coordination of improvements within and among individually platted ~~parcels~~ divisions of property, sections, or phases of a development, prior to the consideration of a Preliminary Plat.
- (1) A Plan shall be required for all subdivisions of land that propose ~~to subdivide the land into at least twenty (20)~~ ten (10) or more lots, except for subdivisions eligible for ~~the approval as an Minor Plats procedure or the Amending Plats procedure Plat, Lot Consolidations, subdivisions that do not require Construction Plans,~~ and any property ~~zoned~~ designated as a Planned Development District (PDD) on the official Lago Vista zoning map. For the purposes of determining whether a concept plan is required, the divisions of property to be included in the total number of lots, regardless of the designation used on the plat, shall be limited to those that allow residential and commercial buildings or structures, and shall not include divisions of property on which commercial and residential structures are precluded by language on the proposed plat or by applicable regulations. For example, private drives or streets and common lots preserved as open space shall not be included in the total regardless of how they might be designated on a proposed plat.
- (2) It shall not be necessary to submit a Plan on any land more than once, unless the concept changes, or approval of the Plan has expired, as set forth in subsection 2.15(i) below.

\*\*\*\*\*

## **4.21 Lots**

- (a) Area Requirements. Within the corporate limits of the City the required lot area, width, setback line, side yard and rear yard requirements shall conform to the zoning ordinance based on the zoning of the property. ~~However, divisions of property on which commercial and residential structures are precluded by language on the proposed plat are exempt from such requirements regardless of the existing zoning district.~~ The minimum lot size in the City's extraterritorial jurisdiction shall be dependent upon the availability of Central Sewage Disposal System service. Lots in the extraterritorial jurisdiction that are to be served by the central sewage system shall have a minimum of nine thousand six hundred (9,600) square feet. Lots to be served by septic systems shall have a minimum of one acre and conform to the Lower Colorado River Authority regulations based on soil classification and tests.

\*\*\*\*\*

- (g) ~~Absent a subdivision variance approved in advance by the Planning and Zoning Commission, Flag flag lots shall be prohibited from being created included on a proposed plat for use as a building site, a subdivision variance can be filed as needed.~~

\*\*\*\*\*

March 9, 2023

Agenda Item 5  
Comprehensive Plan Text Amendment

Public Hearing

Draft Ordinance Amendment Recommendation  
Chapter 3 (Description of Land Use Designations)

Note: the text in red below are amendments adopted on April 20, 2017, approximately one year after the original plan was adopted on May 5, 2016.

## Land Use Types and Projections

This section of the Future Land Use Plan reviews each type of recommended land use as shown on the Future Land Use Map. Land use types are grouped into two primary categories – residential land uses and nonresidential land uses. ~~Note that residential densities are calculated prior to removing acreage to account for floodway. Residential and Mixed Land Uses shall be calculated as follows: A = Acreage; D = Minimum or Maximum Density; R = Result; (A x D = R). Fractional answers within letter (R) are dropped from the density count.~~

### Residential Land Use Types Defined

#### Lower Density Residential

This category is ~~generally~~ representative of single family homes and some duplex units. The majority of Lago Vista's current development is of a similar density (e.g., 3 dwelling units per acre would produce lots approximately 10,000 square feet in area). The following dwelling units per acre are appropriate within the land use:

- \*Rural Residential:  $\leq 0.2$  dwelling units per acre
- \*Estate Residential: ~~0.3~~ 4 dwelling units per acre
- \*Low Density Residential: ~~2~~ 3 dwelling units per acre



#### \*Medium Density Residential

Medium Density Residential is ~~generally~~ representative of two family, attached dwelling units. The types of developments within this category include townhomes, duplexes, condominiums and apartments. This category is intended to accommodate the City's need for diversity of housing choices. ~~4 to 8 dwelling units per acre are appropriate within the land use.~~



#### \*High Density Residential

Traditional apartment- and condominium-type units in attached living complexes ~~generally~~ characterize this land use. These developments may take a variety of forms. This land use has evolved from traditional garden style apartments to courtyard apartments due to the focus upon situating dwelling units around a courtyard, pool, or other common space. About ~~9~~ 19 dwelling units per acres are ~~appropriate within the land use.~~

~~\*Lots that were platted and recorded with the County on or before May 5, 2016 and cannot meet the density standards due to lot size shall be entitled to the following density standards:~~

- ~~1) Lots with Rural, Estate, and Low Density Residential or zoned R-1-M are entitled to one (1) dwelling unit.~~
- ~~2) Lots with Medium Density Residential are entitled to two (2) dwelling units.~~
- ~~3) Lots with High Density Residential are entitled to three (3) dwelling units.~~

~~Any replat after this date nullifies this standard.~~



Note: the text in green below indicates current proposed amendments while preserving in red the unmodified amendments adopted on April 20, 2017.

## Land Use Types and Projections

This section of the Future Land Use Plan reviews each type of recommended land use as shown on the Future Land Use Map. Land use types are grouped into two primary categories – residential land uses and nonresidential land uses.

### Residential Land Use Types Defined

The residential land use designations below define both an average density that includes typical (but not extraordinary) infrastructure provisions and a minimum lot size. For example, land that will not support development because of severe topography or because of its propensity to flood shall be excluded from consideration as infrastructure, even if it is used as a component of the required drainage provisions. Nonetheless, the minimum lot size should not be interpreted as prohibiting a “planned development” that proposes “cluster housing” specifically to preserve natural and environmentally sensitive features of the property, such as the topography and vegetation, so long as appropriate buffers, transitions, and other methods to ensure compatibility with adjacent land uses are included.



#### Low-Density Residential

This category is presumably limited to single-family residences. The following density and minimum lot sizes are appropriate within the indicated land use designations:

- Rural Residential:  $\leq 0.2$  dwelling units per acre (5-acre minimum lot size)
- Estate Residential:  $> 0.2$ -1 dwelling units per acre (1-acre minimum lot size)

#### Medium-Density Residential

Much of Lago Vista’s current residential development is consistent with this category. Duplexes are the most common form of attached units in this category but can include townhomes, condominiums, or a limited number of apartment units. The following density and minimum lot sizes are appropriate within the indicated land use designations:

- Detached Medium-Density Residential:  $> 1$ -4 dwelling units per acre (8,400 square feet minimum lot size)
- Attached Medium-Density Residential:  $> 4$ -8 dwelling units per acre (5,400 square feet per unit minimum lot size)



#### High-Density Residential

Traditional apartment and condominium units in moderate or larger complexes generally characterize this land use. These developments may take a variety of forms. Greater than 8, but 19 or less dwelling units per acres are appropriate within the land use designation. The lot size will vary with the number of proposed dwelling units but shall be a minimum of 2,250 square feet per unit.



Consent Agenda

Planning & Zoning Commission Regular Meeting

March 9, 2023

## Draft Minutes

January 26, 2023, Special Call Meeting

Agenda Item 7a

MINUTES  
City of Lago Vista  
Planning and Zoning Commission  
Thursday, January 26, 2023  
Special Call Meeting

Chair Tom Monahan called the meeting to order at 6:30 P.M in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas. Other members present were, Don Johndrow, Vice-Chair, Larry Hagler, Kathy Koza, and Norma Owen. Development Services Director Roy Jambor and Council Liaison Paul Prince were also present. Tom Burlew and Julie Davis were absent.

**CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA**

Lynda Aird spoke about the property at 1900 American Dr., also called The Peninsula, and discussed the details of the property and the proposed development in the area. She also spoke about the hearings that took place regarding the development last year and the upcoming hearing on February 9<sup>th</sup> and asked the Commission to take the city into consideration.

**BUSINESS ITEMS**

**1. Comments from the Council Liaison**

Paul spoke about the training sessions that recently took place for all Commission and Board members.

**APPLICATIONS (NO PUBLIC HEARING)**

**2. 22-2288:** Consideration of a design review application pursuant to Section 6.105 of Chapter 14 for additions to Lago Vista High School at 5185 Lohman Ford Road (Lago Vista School Subdivision, Block A, Lot 1A).

**A. Staff Presentation**

Roy spoke about the issues that need to be addressed and the purpose of the application.

**B. Applicant Presentation**

Natalie Welch, the Architect, introduced Darin Webb, the Superintendent, Casey Sledge, the Program Manager, and Terry Hagood, the Civil Engineer. She spoke about the new Student Activity Center and asked if anyone had any questions.

Tom discussed the proposed golf activities that will be provided at the new center with Ms. Welch.

Kathy discussed the protected trees that will need to be replaced with Ms. Welch.

Norma discussed the outdoor lighting requirements with Ms. Welch.

**C. Public Comments**

There were no public comments.

**D. Discussion**

The Commission discussed the agreements that were made for the project.

**E. Decision**

On a motion by Norma Owen, seconded by Don Johndrow, the Commission voted all in favor to approve the application subject to the following conditions: the new outdoor lighting should comply with Article 3.800 of Chapter 3 and the protected tree replacement that is in accordance with Section 20 of Chapter 14 should be provided.

**PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)**

3. Consideration of a recommendation to amend Table A, Table B, Section 2.10, Section 3.10, and Section 4 of Chapter 14 of the Lago Vista Code of Ordinances to address various provisions that are contrary to current best zoning practices and inconsistencies between existing zoning districts and the future land use designations within the adopted Comprehensive Plan.

**A. Continue Public Hearing**

The public hearing was continued at 7:05 P.M.

There were no public comments.

The public hearing was closed at 7:06 P.M.

**B. Discussion**

Roy spoke about the subject matter that was brought up in the last City Council meeting regarding zoning issues and discussed the proposed changes needed to resolve the inconsistencies in the ordinance. He commented the changes should not cause nonconformity in the city. He spoke about establishing lot sizes and updating the Comprehensive Plan and said nothing is changing and the changes are needed for future development. He discussed the inconsistencies with commercial property in the city and the modifications needed to address the issues.

Kathy discussed cleaning up the language in the ordinance with Roy.

Tom said he liked the revised zoning district categories and spoke about the details of the uses in Table B and the commercial airport zoning with Roy.

Norma and Don discussed some of the industrial housing changes needed for the Comprehensive Plan with Roy. Roy mentioned that it's an exception to the city's zoning ordinance and is in accordance with state statutes. They also spoke about minimum lot sizes and the proposed new zoning districts.

Don spoke about his concerns with the road impact fee and discussed them with Roy.

**C. Recommendation**

On a motion by Tom Monahan, seconded by Larry Hagler, the Commission voted all in favor to recommend approval of the item to the City Council.

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

4. Consideration of a recommendation regarding a potential amendment to Sections 6.10, 11.60, and 17 of Chapter 14 of the Lago Vista Code of Ordinances to create substantive and procedural requirements for a new special exception approval for relief from the setback and size limit

requirements related to accessory buildings. (Eliminating the current conditional use approval required from that relief).

**A. Continue Public Hearing**

There were no public comments.

**B. Discussion**

Roy discussed the revisions needed to Chapter 3 and said special exceptions should be heard by the Board of Adjustment. He mentioned use approvals will still be handled by the Commission.

Tom spoke about changes that should be included in the amendment with Roy.

Roy discussed what types of applications the Board of Adjustment should hear in comparison to what applications the Commission should hear.

**C. Recommendation**

On a motion by Tom Monahan, seconded by Larry Hagler, the Commission voted all in favor to recommend approval to the City Council with the additional requirement that the proposed Section 11.60, special exception approvals, edits to paragraph 2(A), to specifically list what is going to the narrative and in paragraph B, for the site plan, that the requirements for the site plan be in this format versus a paragraph format.

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

5. Consideration of a recommendation to amend Chapter 3 of the 2030 Comprehensive Plan adopted by Ordinance No. 16-05-05-02 to amend the definitions of various land use types also employed in the Future Land Use Map.

**A. Staff Presentation**

Roy spoke about the language in the ordinance regarding the minimum lot size and not relying on the total average density and said it should be taken out and he discussed the formatting issues in the ordinance and said they need to be corrected. He mentioned language should be added to state they are not just looking at average density but that they will be looking at minimum lot sizes also. Roy spoke about cluster housing and discussed how it would benefit areas like Tessera to avoid strip mining and suggested it should be considered for the amendment.

Roy and the Commission discussed how the solution will help protect trees in developments.

Tom suggested including the definition of cluster housing and how density is calculated in the amendment and discussed it with Roy. The Commission and Roy discussed potential issues and if they should be included.

**B. Open Public Hearing**

The public hearing opened at 7:33 P.M.

Rachel Rich commented about the high number of units and the possible adverse effects of cluster housing. She also spoke about how density is determined as discussed in a recent City Council meeting and said it should be more defined.

**C. Close Public Hearing**

The public hearing was continued at 7:35 P.M.

**D. Discussion**

Kathy discussed open spaces in developments with Roy.

Norma spoke about the definition of high density for residential developments and discussed the issues with it with Roy.

Tom and Roy spoke about putting this item on the agenda in February for additional discussion.

**E. Recommendation**

On a motion by Tom Monahan, seconded by Larry Hagler, the Commission voted all in favor to move the item to the meeting in March for further discussion.

6. Consideration of a recommendation to amend Section 2.15 of Chapter 10 to clarify that the property on subdivision plats that are considered lots for the purpose of determining the requirement for a concept plan does not include certain divisions of property that are commonly owned and prohibited as building sites.

Tom announced this item will be delayed for discussion until the next meeting on February 9<sup>th</sup>.

**Note: This item was advertised for a public hearing on this date in the legal journal. However, the City Council subsequently requested consideration of an expanded scope of the potential amendment of this same section. As a result, the expanded version of this item has been advertised for a public hearing at the February 9, 2023, regular meeting of the Planning and Zoning Commission and a deferral is warranted.**

**ADJOURNMENT**

On a motion by Tom Monahan, the Commission voted unanimously to adjourn at 7:45 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.

## Draft Minutes

February 9, 2023, Regular Meeting

Agenda Item 7b

MINUTES  
City of Lago Vista  
Planning and Zoning Commission  
Thursday, February 9, 2023  
Regular Meeting

Chair Tom Monahan called the meeting to order at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, TX. Other members present were Larry Hagler, Kathy Koza, Thomas Burlew, Don Johndrow, and Norma Owen. City Attorney Joseph Crawford, Development Services Director Roy Jambor and Councilman Paul Prince were also present. Julie Davis was absent.

Tom announced that items six and seven on the agenda have been deferred to the next regular meeting since they were not able to get the information in the meeting packet in time due to inclement weather.

**CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA**

There were no public comments.

**BUSINESS ITEMS**

1. Comments from the Council Liaison.  
Paul said he didn't have any comments.

**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**

Roy discussed the changes to the application, stating that the property has been reduced. He spoke about the remaining issues with it and the impact of the surrounding property owners with the Commission.

**B. Applicant Presentation**

Mitch Wright with Vista Planning and Design said he is representing the property owner and spoke about the staff comments. He discussed the changes that were made to their plan. He also spoke about the TIA, how they are addressing the drainage issues, the landscaping plan, impervious coverage, and the reduced list of uses for the property. He spoke about the possible sign variance needed for the project with Roy.

Tom discussed the details of the proposed car wash with Mr. Wright.

**C. Open Public Hearing**

The public hearing was opened at 6:45 P.M.  
There were no public comments.

**D. Close Public Hearing**

The public hearing was closed at 6:46 P.M.

#### **E. Discussion**

Don spoke about his concerns with traffic on Northland for the project.

Norma and Kathy said they agreed with Don.

Larry spoke about his concerns with the commercial property adjacent to the residential area with Roy.

Thomas discussed the notice of opposition received from the property across the street.

Roy discussed the potential impact of the residential areas around commercial properties in the city if the concerns are not addressed.

#### **F. Recommendation**

On a motion by Tom Monahan, seconded by Thomas Burlew, the Commission voted all in favor to recommend approval of the item to the City Council according to condition A in the potential recommendations in the staff report.

**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**

Roy noted the neighborhood is highly developed and eclectic and said there might be a couple of properties that may be impacted. He commented the notices that were mailed out came back slower than usual and he said he didn't hear from a couple of key property owners in the area who are directly impacted. He noted the height is from one room in the proposed the structure.

Thomas and Roy spoke about the hearing notices that were received and what the Commission's responsibility is when considering them.

#### **B. Applicant Presentation**

The applicant said he is there to find out if his request will be accepted and spoke about the details of his request.

Tom noted the issues with the ridgepole and discussed them with the applicant.

Roy commented he has someone who looks at the ridgepoles before the Commission views them.

Larry discussed the design of the foundation for the project with the applicant asking if the building could be built lower. The applicant discussed the issues with the request with him.

#### **C. Open Public Hearing**

The public hearing was opened at 6:26 P.M.

Jeff Richey stated he lives next door and spoke about his concerns with the proposed project,

that it will obstruct his views and give him less privacy and was against the item. He said he owns the property at number 10 and 12 on the notification boundary map.

Don discussed the location of the bedroom windows with Mr. Richey.

The applicant replied, there are no windows facing Mr. Richey's house in his plans and are instead facing the lake.

Chitrang Bhavsar said he was the property owner and discussed the details of the proposed home.

#### **D. Close Public Hearing**

The public hearing was closed at 7:03 P.M.

#### **E. Discussion**

Tom said he is not ready to approve the application because of the ridgepole issues and discussed the corrections that need to be made. He suggested the item be deferred to the meeting next month so the corrections can be made.

Thomas discussed the notice comments that were received and said approved height variances create more of a demand for them.

Kathy spoke about some of the height variances they approved in the past and said they are approved on a case-by-case basis.

Paul discussed the options they have for such applications.

Norma spoke about her concerns with impacted views for the neighbors.

#### **F. Decision**

On a motion by Tom Monahan, seconded by Don Johndrow, the Commission voted all in favor to defer the application to the next regular meeting for more discussion.

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**

Roy reported the applicant sent a deferral request via email.

Tom announced a deferral has been requested. Roy discussed the details of the deferral and what might happen during the delay with the Commission.

#### **C. Open Public Hearing**

The public hearing was opened for comments.

There were no public comments.

**D. Close Public Hearing**

The public hearing was closed.

**E. Discussion**

There was no further discussion.

**F. Recommendation**

On a motion by Tom Monahan, seconded by Kathy Koza, the Commission voted all in favor to defer the application until further notice.

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**

Roy discussed the changes that are being requested by the applicant with the Commission. He also spoke about the zoning errors in the Comprehensive Plan.

Tom and the Commission spoke about the details of the application and issues with the property with Roy. They discussed issues with public hearing notices; the history and issues of the PDD; and the changes the applicant is requesting in the PDD.

**B. Applicant Presentation**

The applicant discussed the details of their request with the Commission.

**C. Open Public Hearing**

The public hearing was opened at 7:34 P.M.

John Yates, 20621 Highland Lake Loop (The Cove), spoke about his concerns with the proposed project and was against the proposal.

George Karr, 20619 Highland Lake Loop (The Cove), spoke about the requirements in the PDD and spoke about his concerns with the proposal and was against it.

Jill Broseki, 20117 Highland Lake Loop, spoke about why she is opposed to the project.

Lynda Aird spoke about the details of the property and discussed why she is opposed to the request.

**D. Close Public Hearing**

The public hearing was continued at 7:47 P.M.

**E. Discussion**

Norma discussed the details of the application and what should be included in the recommendation with Roy.

Don spoke about Ms. Aird’s comments and questioned the validity of them and discussed it with Roy. Roy discussed the definitions in the PDD and how they are defined and also discussed the issues with the request with the Commission.

Kathy and Norma discussed the changes requested for the PDD with Roy.

Laci Ehlers, representing the applicant, discussed the details of the request with the Commission.

Thomas discussed the issues that were previously pointed out with Roy and they also discussed the details of the original PDD. He said more information is needed before they make a decision.

Tom commented it has already been approved by both the Commission and the City Council and mentioned the requested changes are reasonable and said he is in favor of them.

Roy spoke about the TIA and how the area might be impacted. He also discussed what the applicant will need to do next to get their project approved.

Kathy and Norma discussed how the changes to the PDD will impact the project and what they are considering with Roy. Norma noted that it was important to get feedback from the neighborhood so they can include it in their consideration.

Don discussed the public notification that was previously done with Roy.

Thomas spoke about issues with building in the floodplain and noted a traffic study needs to be completed.

Roy commented since the project hasn't been started from scratch, there are less details in the application.

#### **F. Decision**

On a motion by Tom Monahan, seconded by Don Johndrow, the Commission voted three to three (3-3) to recommend approval of the application to the City Council according to recommendation A, one and two in the staff report which includes the same recommendation that was approved last August. (Thomas Burlew, Norma Owen, and Kathy Koza were opposed.) The motion failed.

Joseph discussed the failed motion and how to proceed with the Commission, Paul, and Roy.

On a motion by Tom Monahan, the Commission voted to approve the changes to the Future Land Use Map and the Commission cannot come to an agreed decision for the proposal since they are split in the recommendation for approving the PDD change. The motion did not pass because of a lack of a second and a vote.

Tom and the Commission discussed the motion and what they need to do to proceed with their recommendation with Roy.

On a motion by Tom Monahan, the Commission voted to recommend to City Council the Future Land Use Map changes for the parcels in recommendation A(2) of the staff report and they will leave it up to the City Council for the decision since the Commission cannot come to an agreement on a recommendation for approval. The motion did not pass because of a lack of a second and a vote.

On a motion by Tom Monahan, seconded by Don Johndrow, the Commission voted five to one (5-1) to recommend the City Council approve changes to the Future Land Use Map based on the recommendation A(2) in the staff report. (Thomas Burlew was opposed.) The motion passed.

Tom announced that items six and seven have been deferred to a future meeting for discussion.

#### **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 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**

8. Consider Approval of the Following Minutes:  
January 12, 2023, Regular Meeting

On a motion by Kathy Koza, seconded by Norma Owen, the Commission voted all in favor to approve the minutes for January 12, 2023.

#### **ADJOURNMENT**

On a motion by Tom Monahan, the Commission voted unanimously to adjourn at 8:27 P.M.