



**AGENDA
PLANNING & ZONING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
5803 THUNDERBIRD STREET
APRIL 11, 2024 AT 6:30 PM**

JOIN MEETING VIA VIDEO CONFERENCE

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/754607821>

You can also dial in using your phone.

United States: +1 (224) 501-3412

Access Code: 754-607-821

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson

Don Johndrow, Vice-Chairperson

Adam Benefield

Kathy Koza

Norma Owen

Rachael Rich

Dave Snyder

Alternate Member: Frank Robbins

CITIZEN COMMENTS

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

To participate in the citizen comments 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 link below.

[Citizen Participation Registration Form](#)

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Routine Reports from City Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

3. **23-2584-R-REZ:** Consideration of a recommendation regarding a zoning change request from the C-1C (“Professional Office, Neighborhood Retail”) zoning district to the C-2 (“General Commercial / Retail”) zoning district with design approval for a proposed carwash at 8019 Bronco Lane (Bar-K Ranches, Section 18, Lot 18005-B).

Note: This application was deferred, and the public hearing continued at the March 14, 2024, regular meeting of the Planning and Zoning Commission.

- Staff Presentation
 - Applicant Presentation
 - Continue Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
4. **23-2603-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend the existing “Turnback Ranch Planned Development District” (PDD) established by Ordinance No. 07-04-05-03 as amended by Ordinance No. 23-09-21-01 to include a detail plan approval for the “SFD parcel” (approximately 241.541 acres of a tract within the Texas-Mexico Survey, Abstract Number 2291, the Christian Fehrenkamp Survey, Abstract Number 286, and the Lewis Goodwin Survey, Abstract Number 336).
- Staff Presentation
 - Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
5. **23-2617-R-REZ:** Consideration of a recommendation regarding a zoning change request from the TR-1 (“Temporary Restricted”) zoning district to the P-2 (“Park and Greenbelt, Passive”) zoning district at 7602 Bar-K Ranch Road, commonly referred to as the “Dodge Trail extension” (approximately 2.267 acres of a tract within the Dallas & Wichita Railroad Company Survey Number 9, Abstract Number 245).
- Staff Presentation
 - Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
6. **23-2607-R-REZ:** Consideration of a recommendation regarding a zoning change request from the C-1A “Professional Office, Neighborhood Retail” zoning district to

the C-1A (SUP) “Professional Office, Neighborhood Retail” zoning district with a special use permit approval to sell “specialty and novelty items” identified in Section 18.20(f) at 20811 Dawn Drive, Suite 100 and 150 (Lago Vista Travis Plaza, Lot 8-C, 9-C, and 10-C).

- Staff Presentation
- Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ACTION ITEMS

7. Discussion and possible action regarding prioritization of the annual work plan, including the potential appointment of members to a subcommittee and/or joint subcommittees with other regulatory boards and commissions for the purpose of discussing meeting dates in relation to application and packet publication deadlines.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 9:00 a.m. on the 27th day of March 2024.

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.



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 11, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: Routine Reports from City staff.



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 11, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: Routine Reports from City Council Liaison.

RECOMMENDATION:



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 11, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: **23-2584-R-REZ:** Consideration of a recommendation regarding a zoning change request from the C-1C ("Professional Office, Neighborhood Retail") zoning district to the C-2 ("General Commercial / Retail") zoning district with design approval for a proposed carwash at 8019 Bronco Lane (Bar-K Ranches, Section 18, Lot 18005-B).

Note: This application was deferred, and the public hearing continued at the March 14, 2024, regular meeting of the Planning and Zoning Commission.

- Staff Presentation
- Applicant Presentation
- Continue Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ATTACHMENTS:
[23-2584-R-REZ.pdf](#)

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – APRIL 11, 2024**



P&Z CASE NO:	23-2584-R-REZ: 8019 Bronco Lane
APPLICANT:	Ameritex Builders Inc. (Jimmy Taylor)
LANDOWNER:	Ameritex Builders Inc. (Melissa Sloan)
LOCATION:	East side of Bronco Ln. ± 1,250' south of Bar-K Ranch Rd.
ZONING:	C-1C to C-2 with required design review
PROPOSED USE:	Car Wash

UPDATE:

- The applicant provided an updated set of drawings and information pursuant to an email from the staff that described the comments of the Planning and Zoning Commission at the previous meeting on March 14, 2024. While they were seemingly not produced by a qualified design professional, they did in fact address in some limited fashion the primary concern related to the treatment of the rear property line that is shared with residentially zoned property. Nonetheless, there is no information about the species of the proposed row of trees which will ultimately determine their height at maturity and whether they can provide a meaningful buffer for a building that resembles the submitted images. Although we specifically mentioned concern about the durability of the required fence, no mention of either the specific material to be used (low maintenance cement-core planks for example) or the height was provided.
- The inquiry also revealed that the existing driveway serving the adjacent Dollar General Store straddles the common boundary between the two properties pursuant to a shared access easement that extends to approximately half the depth of each lot. However, the original submitted site plan and the first attempt at an update did not seem to accurately depict that existing driveway or the way it transitions into the neighboring property's existing parking lot. Pointing that out to the applicant resulted in another revision to the site plan that remains slightly inaccurate, but reasonably close. Although the revised site plan still includes new driveway intersections that are not compliant with various requirements included in the Lago Vista Code of Ordinances, that can be addressed in the site development plan review the requires administrative (staff) approval.
- Although there is no reason to assume that the "Lighted Sign Location" is drawn to scale (it would greatly exceed the size permitted by our sign ordinance), we are nonetheless concerned about the failure to include the required setback (10 feet from any property line) or the prohibition against locating any sight-obstruction within the specified "vision triangle." Those provisions are included in multiple locations throughout the Code of Ordinances. There are of course similar concerns about whether non-specific references to the lighting of a sign would be compliant with our "dark sky" regulations. However, as mentioned above and in the previous staff report, those concerns involve non-discretionary regulations that can be administratively enforced during the site development plan review and/or the sign permit review.

POTENTIAL ALTERNATIVE RECOMMENDATIONS / DECISION:

- A. Recommend approval of the requested zoning changes and the required design review subject to the following conditions:
1. vehicular entry to the property shall be limited to the existing shared access drive with new intersections at that shared access drive revised in accordance with Chapter 11 during the site development plan review;
 2. relocation of the proposed ground sign as required to remain outside of any protected "vision triangle" and lighting that is complaint with local "dark sky" ordinances; and
 3. the type of trees and proposed fence (including the height) to be constructed along the rear property line shall be as described by the Commission following the scheduled public hearing.

- B. Defer the application and continue the public hearing in order to give the applicant the opportunity to produce more accurate and detailed drawings prior to forwarding a recommendation to the City Council.
 - C. Recommend denial of both the zoning change and request for design approval.
-

23-2584-R-REZ

8019 Bronco Lane

Updated Submittal



Representative Exterior



Proposed Rear Fence

Floodplain Note:

Lot shown is located in Zone "X", and is an approximation based upon interpolating the information from a 1" = 1000' scale Federal Emergency Management Agency Flood Insurance Rate Map of Travis County, Texas Community Panel No. 651000, 000001, with an effective date of 08-15-2005, and such flood information is to be used only for the purpose of flood insurance. This Surveyor does not assume responsibility for the accuracy of said rate maps.

Surveyors' Certification:

I, Gregory E. West, a Registered Professional Land Surveyor, licensed to practice Land Surveying in the State of Texas, do hereby certify that this plat represents the results of an on-the-ground survey performed on 12-15-2018, under my direction and supervision, and is true and correct, that there are no discrepancies, boundary line conflicts, encroachments or easements, overlapping of homesteaded utility lines or roads in place except as shown.

12-15-18
101

LEGAL DESCRIPTION:

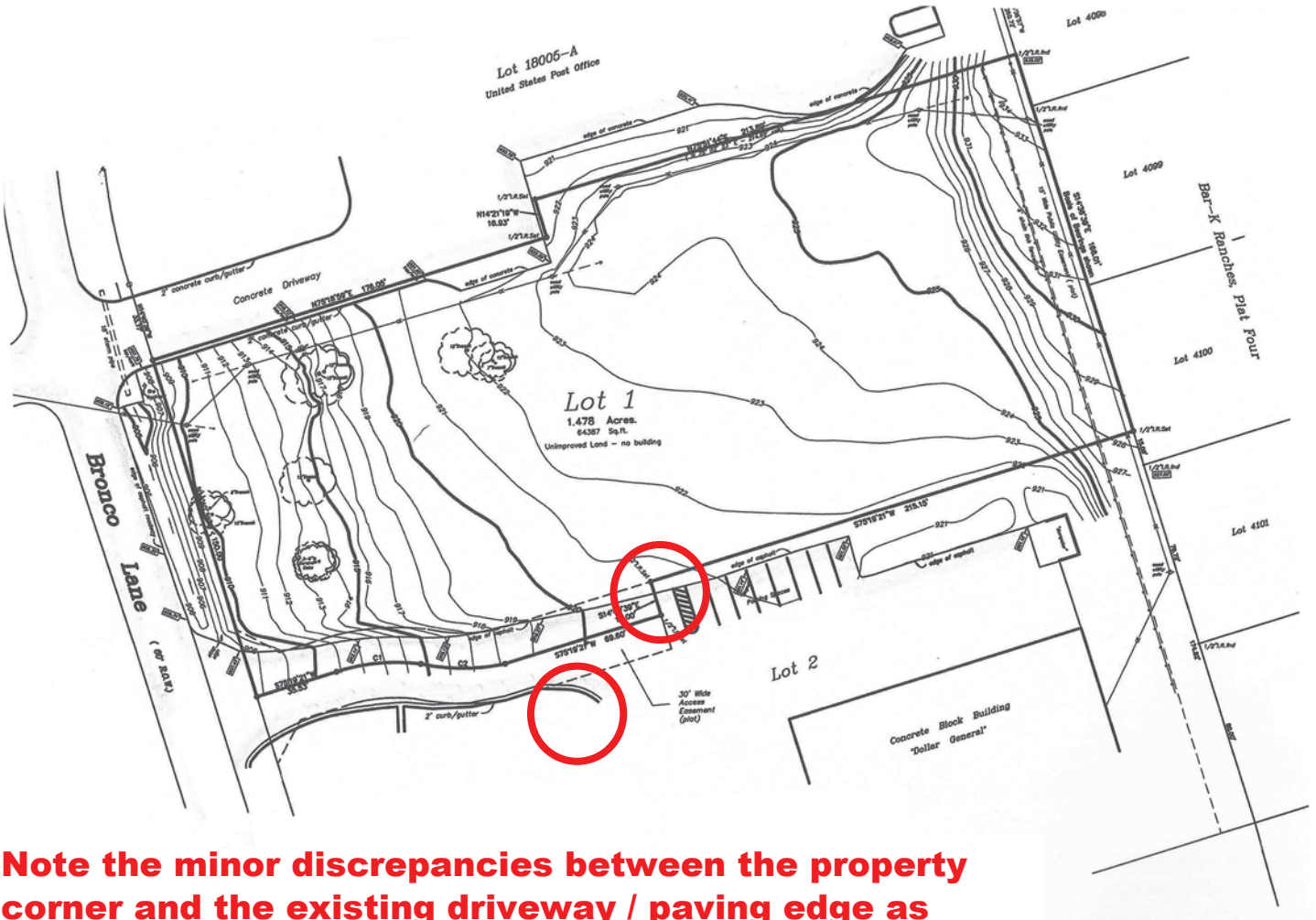
Being all of Lot 1, FINAL PLAT, RESUBDIVISION OF LOT 18005-B OF THE RESUBDIVISION OF LOT 18005, BAR-K RANCHES, SECTION EIGHTEN, recorded in Document No. 200600083, Official Public Records, Travis County, Texas.

NOTE: This survey was performed without the benefit of a title report and is subject to same as such might reflect. Only the record plat was used basis of this survey.

Please check City of Lago Restrictions for Commercial Zoning requirements such as Building Setbacks, Easements etc.

Curve Data Table

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	24°36'36"	36.51'	85.00'	S87°16'05"W	36.23'
C2	24°19'09"	35.98'	85.00'	S87°26'53"E	35.71'



Note the minor discrepancies between the property corner and the existing driveway / paving edge as shown on the 2018 survey and the updated site plan.



**Survey
(2018)**

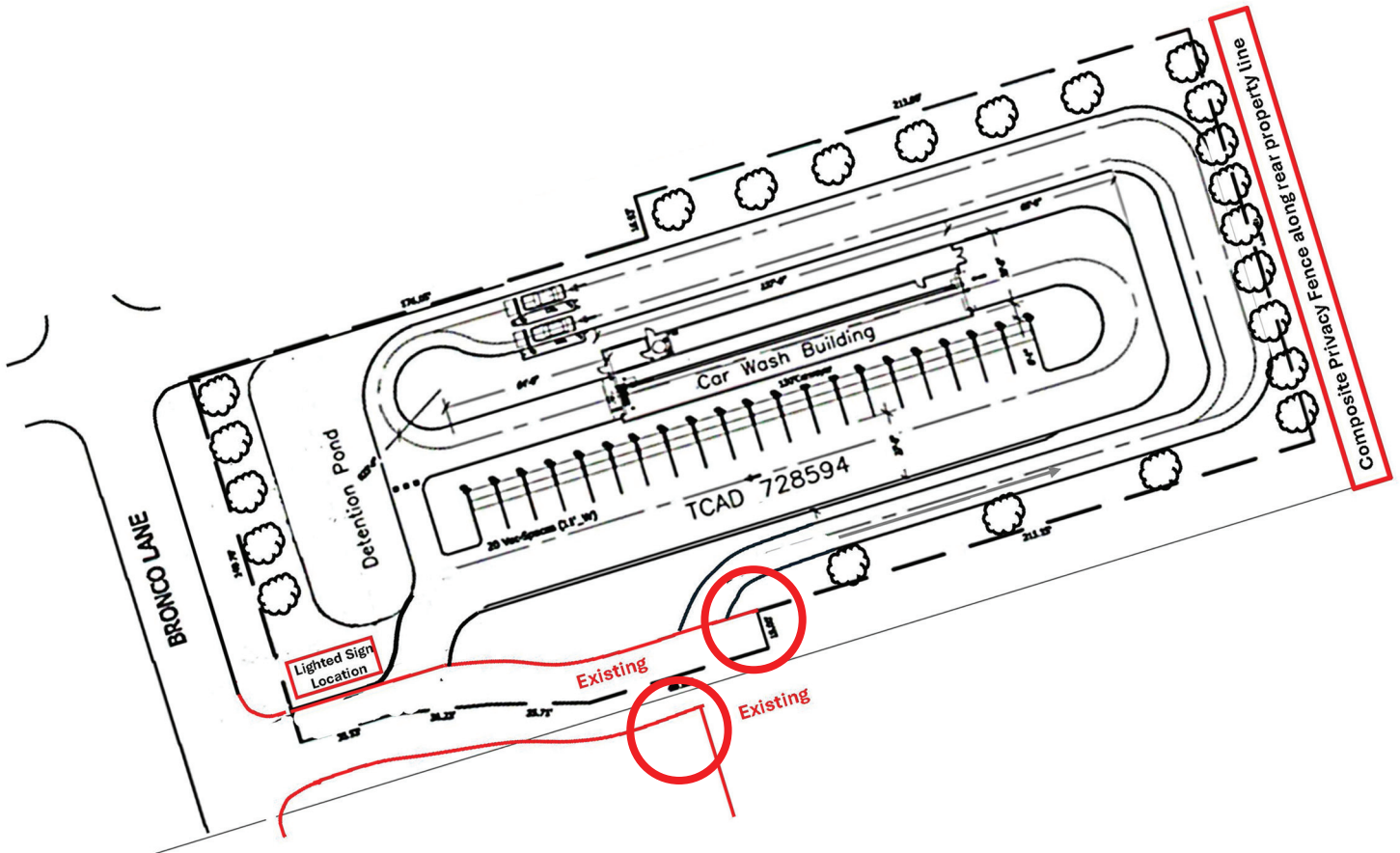


Scale: 1"=20'



DISCLAIMER

ALTHOUGH BUILDING CODES HAVE BEEN CONSIDERED IN DEVELOPING THIS DRAWING, VERIFICATION OF SITE SPECIFIC CONDITIONS AND COMPLIANCE WITH FEDERAL, STATE AND LOCAL BUILDING CODES IS THE EXCLUSIVE RESPONSIBILITY OF THE CUSTOMER AND/OR ARCHITECT AND ENGINEER. THESE DRAWINGS REFLECT REQUIREMENTS FOR SONNY'S, PRICED, VESLOCITY WATER WORKS, HYDRA-FLUX, AND JET FURNISHED EQUIPMENT ONLY UNLESS OTHERWISE NOTED. PLEASE REFER TO OTHER MANUFACTURERS, IF ANY, FOR THEIR EQUIPMENT REQUIREMENTS. THIS DRAWING IS NOT FOR CONSTRUCTION.



SITE LEGEND

Handicap Parking	♿
Proposed Curb Site Boundary	---
Line	---
Center Line of Road	---
Setbacks	---



Scale: 1"=20'

PRELIMINARY PLAN NOTE

This plan has been prepared with the best available information provided by the customer, without the benefit of a survey in some cases, the engineer has not conducted any code research regarding, but not limited to, permitted uses, setbacks, buffers, access, required parking, landscaping, fire, ISP, storm water management, utilities, right of way acquisition or easements to benefit accurate layout orientation and configuration.

Site Plan Update

GENERAL NOTES

1. All center line of road curb shall be to 2' unless otherwise noted.
2. All vacuum spaces are 11' unless otherwise noted.
3. All parking spaces are 9' unless otherwise noted.

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – MARCH 14, 2024**



P&Z CASE NO:	23-2584-R-REZ: 8019 Bronco Lane
APPLICANT:	Ameritex Builders Inc. (Jimmy Taylor)
LANDOWNER:	Ameritex Builders Inc. (Melissa Sloan)
LOCATION:	East side of Bronco Ln. ± 1,250' south of Bar-K Ranch Rd.
ZONING:	C-1C to C-2 with required design review
PROPOSED USE:	Car Wash

GENERAL INFORMATION / LOCATION:

- The subject property fronts on the northeast side of Bronco Lane approximately opposite the Lifelong Friends Pet Adoption facility that is located on the southwest side of FM 1431. It is located south of the local US Postal Service branch which is addressed as 8027 Bronco Lane and north of the retail location currently operating as Dollar General which is addressed as 8017 Bronco Lane. It shares a common rear property line with all or parts of three different vacant lots that front on the southwest side of Arapaho Trail.
- The current owner presumably has an offer from an unspecified individual who hopes to construct a car wash on the property. A car wash ("auto wash") is currently permitted by [Table B](#) in the C-1 "Professional Office, Neighborhood Retail" zoning district. However, a recommendation from the Planning and Zoning Commission to eliminate that use as well as others that are inconsistent with the description and intent of the C-1 commercial zoning district would have been forwarded to the City Council for action on September 7, 2023. However, a state statute that became effective on September 1, 2023, now requires a notification letter be sent to all existing facilities that might become legally non-conforming because of a proposed zoning ordinance amendment.
- Because of several other high priorities that are vying for a position on a future City Council meeting agenda, this recommendation has been delayed for a more convenient opportunity. In addition, the Development Services Department staff has a temporary administrative staff shortage. Nonetheless, [Section 6.105 of Chapter 14](#) requires a design review approval from the Planning and Zoning Commission as a prerequisite to development of this property notwithstanding any potential desired zoning change. As a separate application, that fee is significantly more than the fee for a zoning request for a property of this size that would simultaneously include the required design review approval request. Since much of the property in the area is already in or compatible with the C-2 "General Commercial, Retail" zoning district, it made little sense to delay a zoning change request until faced with the need to correct a non-conformity, such as one caused by a total hazard loss. The staff therefore recommended an application that included a change to the C-2 district as being in the best long-term interest of the potential future property owner.

SITE PLAN / CONTEXT CONSIDERATIONS:

- The staff provided a copy of the design review approval criteria that follows this staff report and that is included in [Section 6.105 of Chapter 14](#). However, it is clear that what was originally submitted did not seem to appreciate the requirements. It instead simply showed a prototype design of the car wash that is proposed for inclusion on the property. As a result, we also provided a list of what we thought were the minimum issues that had been ignored and that might lead to a deferral if they continued to be ignored. We received a reply that revised plans would be forthcoming, but what we received was submitted by a registered professional land surveyor instead of someone with building or site design experience.
- Moreover, the reply consisted of the addition of a few notes and the addition of a detention and water quality pond located partially in the Bronco Lane right-of-way instead of completely within the subject property as required. One of those notes was included only in the email that delivered the additional information suggesting that the protection tree replacement requirement would be "addressed as required," suggesting that was no current intent to make that effort.

- Some of the handful of notes actually raised more questions than they answered. For example, there was original anticipation by the staff that the facility would be operated at night. However, the note that was added about a sign location, which appears likely to create an encroachment into the required “sight triangle” required by several ordinance requirements, suggests that it will be provided with lighting. However, that lighting will not be allowed except during the operating hours of the facility. More importantly, there is no information about any other associated outdoor lighting or compliance with the local “dark sky” regulations that would be required if the facility is in fact going to operate beyond typical daylight hours.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Nonetheless, the staff is perfectly capable of enforcing the ordinance requirements both during the site development plan review required by [Chapter 10.5](#) and the commercial building permit review required by [Chapter 3](#). In addition to the outdoor lighting, the likely ill-conceived proposed ground sign location, and the stormwater improvements located in the public right-of-way, a number of other apparent violations are readily apparent. With existing adjacent driveways on each common side property line, the proposed entry drive does not maintain the minimum spacing requirements within [Chapter 11](#). Instead it is very likely that the entry drive will bisect the connected halves of the required detention and water quality pond. The replacement tree obligation within [Section 20 of Chapter 14](#) will be easy to determine with a more serious effort as required by the application reviews mentioned above.
- Most of those deficiencies could be covered by an atypically lengthy list of approval conditions. This would allow the expense of a more earnest effort to be deferred by the potential future owner of the property. Nonetheless, as mentioned at the outset the zoning change is required only for the purpose of avoiding a potential future non-conformity and is not currently required by [Table B of Chapter 14](#). The expense of a better effort therefore does not represent a risk unless the desire to purchase the property for this purpose remains uncertain or speculative. Under similar circumstances, previous applicants provided significantly more information to describe their intent.
- In addition, at least some of the determinations required by [Section 6.105 of Chapter 14](#) are somewhat discretionary, which is the reason that the ordinance places the responsibility on the Planning and Zoning Commission rather than the staff. As discussed in relation to similar applications on this same street, the staff does not feel it is within our legitimate authority to suggest that the property in a single-family residential zoning district that shares a rear property line with this location is unlikely to be developed in accordance with its current zoning entitlements. The designation of all the property in this area as “mixed use” in the current comprehensive plan, even if accurate, would seemingly establish a basis for discretion that is available only to the Commission.
- As such, we will simply note that [Section 6.105\(d\)\(3\)\(C\)](#) of the design review provisions requires “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 elements.” Determining the adequacy of any specific landscaping and fencing along that common property line is typically a product of the appearance of the building that was requested by the staff in the email included in the packet.
- Since this is clearly a prototype building, it would not seem to be particularly burdensome to provide photographic images of a similar car wash in an existing location as previous applicants have done in the recent past. Such images, proposed building elevations, or more detailed descriptions would provide the Commission a better opportunity to evaluate the appearance and durability of any proposed fencing and the necessity of supplementing that effort with additional specific types of landscaping that is not otherwise required along this shared property line.

POTENTIAL ALTERNATIVE RECOMMENDATIONS / DECISION:

- A. Defer the application and continue the public hearing in order to give the applicant the 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:
 - 1. provision of prototypical images of the proposed building and appropriate landscaping and fencing along the rear property line (reviewed by staff prior to forwarding the recommendation to the City Council);
 - 2. relocation of the proposed entry drive in accordance with Chapter 11 and a traffic impact analysis (TIA) if required by local ordinance for the volume potentially generated by this use;
 - 3. relocation of the required stormwater improvements and associated landscaping out of the Bronco Lane right-of-way and any existing public utility easements that would preclude the required depth;
 - 4. relocation of the proposed ground sign as required outside of any protected “vision triangle” adjacent to an existing or new driveway; and
 - 5. completion of a landscaping plan that meets all ordinance requirements and accommodates reasonable protected tree protection efforts.
 - C. Recommend approval of all requests with no additional conditions related to the required design review.
 - D. 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.

23-2584-R-REZ
8019 Bronco Lane

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: Jimmy Taylor Fee: See Ordinance Appendix A (non-refundable)
Contact Phone: 512.705.5773 Contact Email: ameritex-builders@yahoo.com
Property Owner(s):* Ameritex Builders Inc
Owner's mailing address: 420 Summit Ridge Dr. N Point Venture, TX. 78645

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

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

Lot 1, Final Plat, Resubdivision of Lot 18005-B of the Resubdivision of Lot 18005, Bar-K Ranches, Section Eighteen

Municipal Address(es)* if applicable: _____

NATURE OF REQUEST

Current Zoning District(s): C1 Requested District: C2

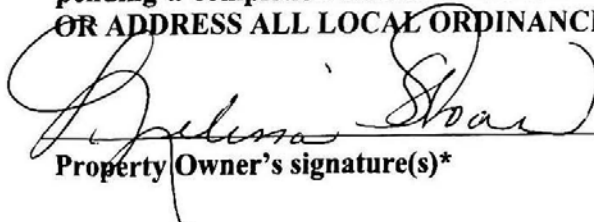
Purpose or Basis of Request* (if PDD, include whether concept and/or detail plan approval is sought):

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

Name of Agent: Owner: Melissa Sloan Email: ameritex-builders@yahoo.com

Mailing Address: 420 Summit Ridge Dr. N, Point Venture, TX 78645 Phone: 512.818.9621

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)*

01/08/2024

Date

*Attach additional sheets as required

23-2584-R-REZ

8019 Bronco Lane

Attachment 2

Survey / Originally Submitted Site Plan

Floodplain Note:

Lot shown is located in Zone "X", and is an approximation based upon interpolating the information from a 1" = 1000' scale Federal Emergency Management Agency Flood Insurance Rate Map of Travis County, Texas Community Panel No. 651005.00000, with an effective date of 08-15-2005, and such flood information is to be used only for the purpose of flood insurance. This Surveyor does not assume responsibility for the accuracy of said Rate Map.

Surveyors' Certification:

I, Gregory E. West, a Registered Professional Land Surveyor, licensed to practice Land Surveying in the State of Texas, do hereby certify that this plat represents the results of an on-the-ground survey performed on 12-13-18, under my direction and supervision, and is true and correct, that there are no discrepancies, boundary line conflicts, encroachments or easements, overlapping of known utility lines or roads in place except as shown.

12-13-18
104

LEGAL DESCRIPTION:

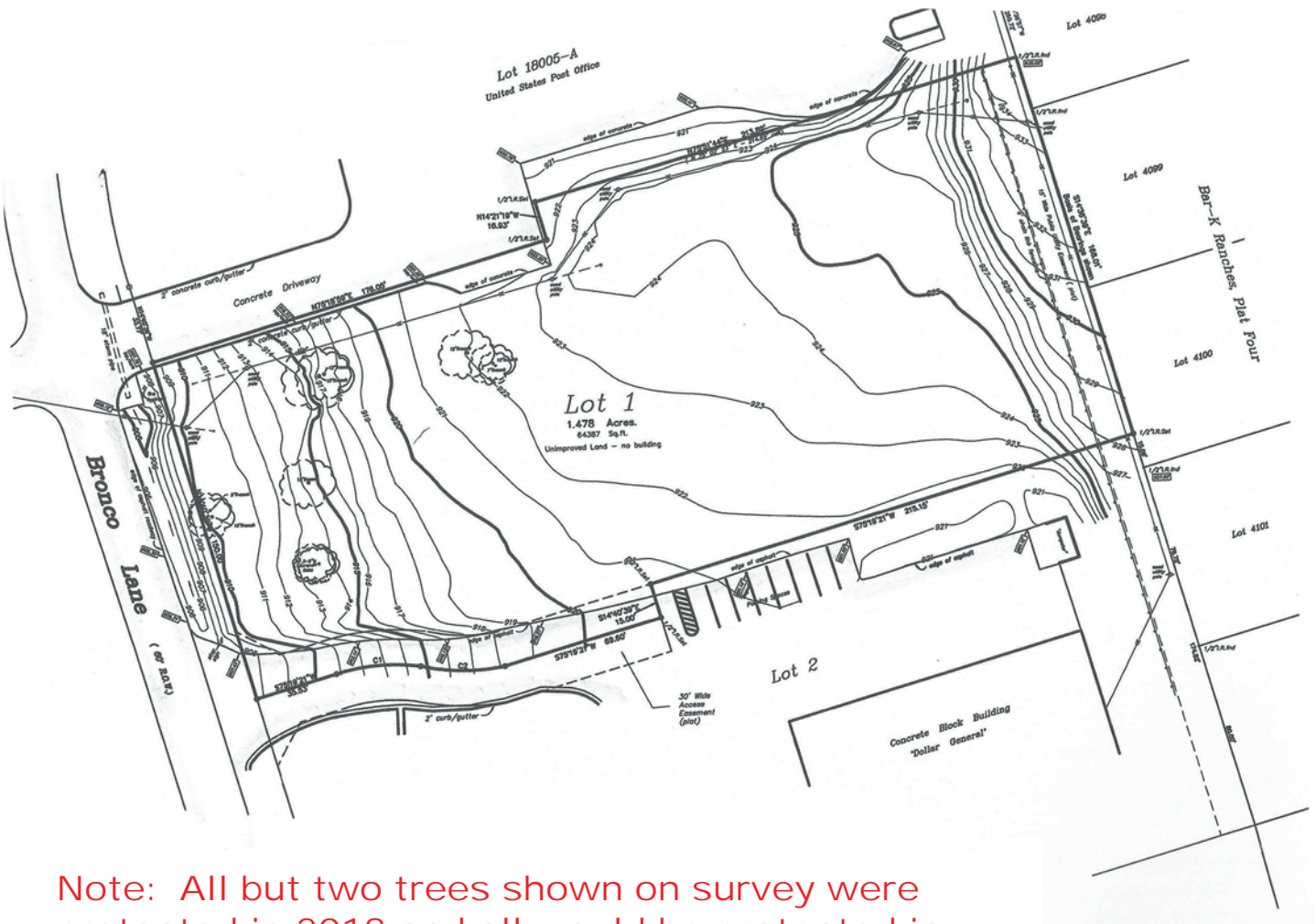
Being all of Lot 1, FINAL PLAT, RESUBDIVISION OF LOT 18005-B OF THE RESUBDIVISION OF LOT 18005, BAR-K RANCHES, SECTION EIGHTEN, recorded in Document No. 200600083, Official Public Records, Travis County, Texas.

NOTE:
This survey was performed without the benefit of a title report and is subject to same as such might reflect. Only the record plat was used basis of this survey.

Please check City of Lago Restrictions for Commercial Zoning requirements such as Building Setbacks, Easements etc.

Curve Data Table

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	24°36'36"	36.51'	85.00'	S87°16'05"W	36.23'
C2	24°15'09"	35.98'	85.00'	S87°26'53"E	35.71'



Note: All but two trees shown on survey were protected in 2018 and all would be protected in 2024 with a 2 to 3 inch increase in diameter.



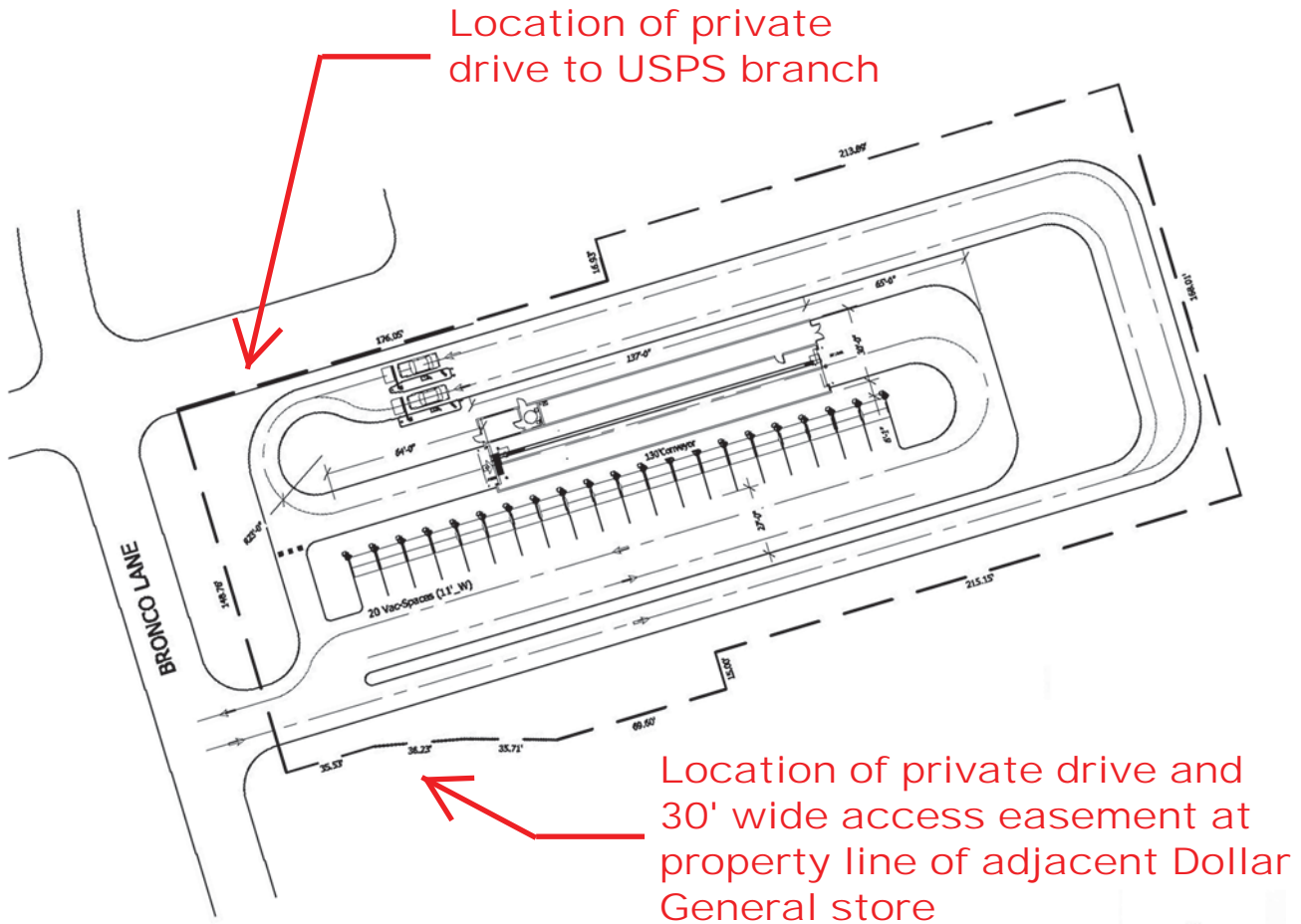
Survey
(2018)



Scale: 1"=20'

DISCLAIMER

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SITE LEGEND

Handicap Parking	
Proposed Curb Site Boundary	---
Line	---
Center Line of Road	---
Setbacks	---



Scale: 1"=20'

PRELIMINARY PLAN NOTE

This plan has been prepared with the best available information provided by the customer, without the benefit of a survey in some cases, the engineer has not conducted any code research regarding, but not limited to, permitted uses, setbacks, buffers, access, required parking, landscaping, fire, storm water management, utilities, right of way acquisition or easements to benefit accurate layout orientation and configuration.

Originally
Submitted
Site Plan

GENERAL NOTES

1. All center line of road shall be 20' unless otherwise noted.
2. All easement spaces are 12' unless otherwise noted.
3. All parking spaces are 7' unless otherwise noted.

23-2584-R-REZ

8019 Bronco Lane

Attachment 4


Request for Additional Information and Revised Site Plan

Re: Fw: Contact Info for rezoning list

Steve Womack <swrpls@gmail.com>

Wed 2/21/2024 2:17 PM

To: ameritex_builders@yahoo.com <ameritex_builders@yahoo.com>; Roy Jambor <Roy.Jambor@lagovistatexas.gov>

 1 attachments (147 KB)

24-012 Model (1).pdf;

Here is the concept plan, trees impacted by the development will be addressed as required.

Steven Warner Womack, RPLS, PLS, NCEES

National Council of Examiners for Engineering and Surveying #1928

Texas Registered Professional Land Surveyor #5025

North Carolina Professional Land Surveyor # L-5043

10703 Sierra Oaks

Austin, Texas 78759

Phone/Text: (512) 638-0220

On Wed, Feb 14, 2024 at 11:46 AM Ameritex Builders <ameritex_builders@yahoo.com> wrote:

AmeriTex Builders

512-705-5773

----- Forwarded Message -----

From: Roy Jambor <roy.jambor@lagovistatexas.gov>

To: ameritex_builders@yahoo.com <ameritex_builders@yahoo.com>

Sent: Sunday, February 11, 2024 at 09:15:56 AM CST

Subject: Re: Contact Info for rezoning list

As promised, here is the list of what I consider to be concerns that are seemingly ignored on the submitted site plan (and would likely lead to a deferral if not addressed):

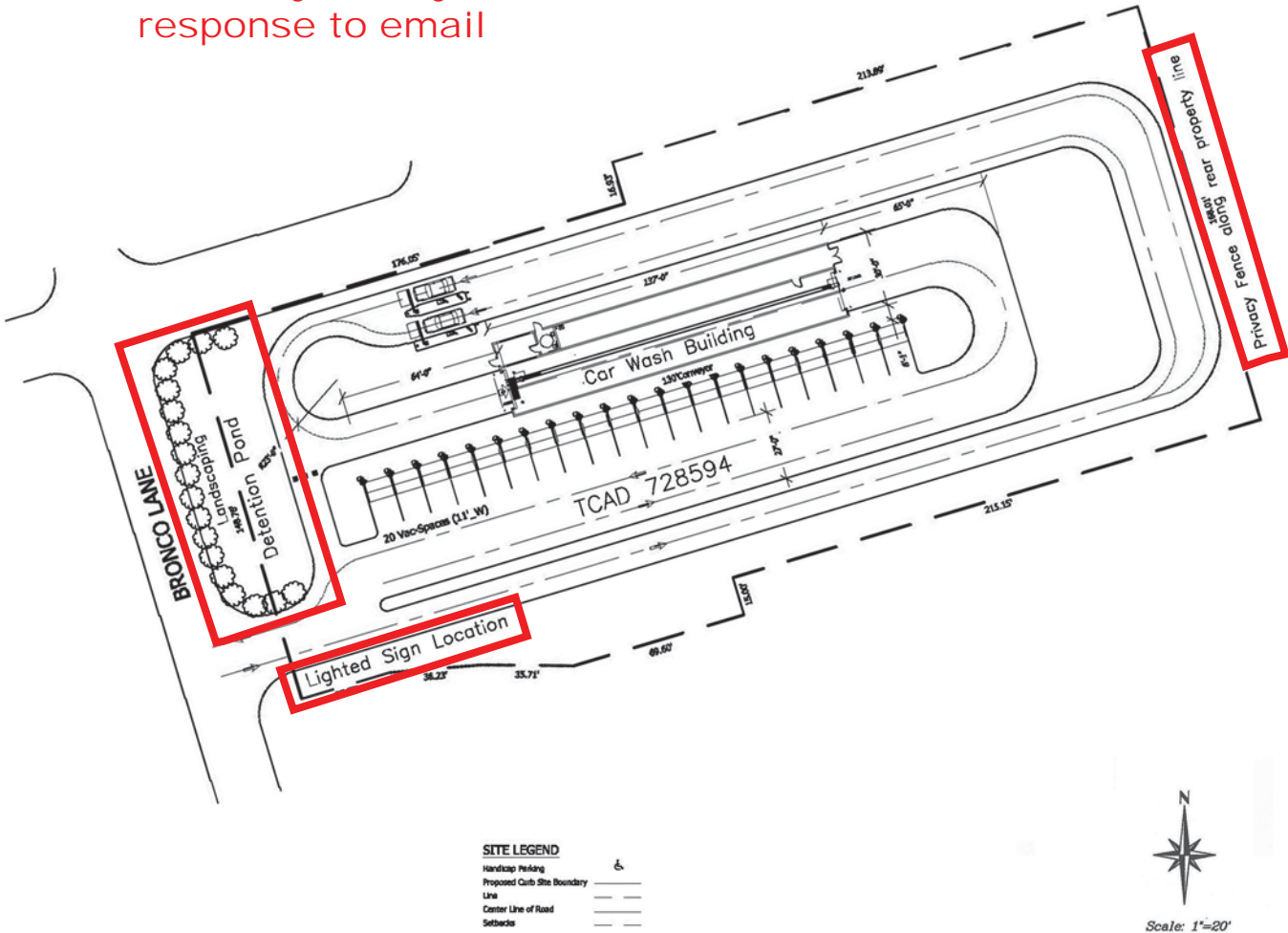
1. Where are the detention or water quality improvements to be located?
2. Tree preservation (protected tree replacement) and landscaping (including required landscaping at detention/water quality ponds) requirements need to be shown.
3. Fencing or other visual and sound buffers required at common property lines with residential zoning districts is not shown.
4. There are no notes or indications about freestanding signs or outdoor lighting, both critical local issues.
5. Building elevations or images of similar facilities (showing building height and materials) are typically submitted.



DISCLAIMER

ALTHOUGH BLUEPRINT CODES HAVE BEEN CONSIDERED IN DEVELOPING THIS DRAWING, VERIFICATION OF SITE SPECIFIC CONDITIONS AND COMPLIANCE WITH FEDERAL, STATE AND LOCAL BUILDING CODES IS THE EXCLUSIVE RESPONSIBILITY OF THE CUSTOMER AND/OR ARCHITECT AND ENGINEER. THESE DRAWINGS REFLECT REQUIREMENTS FOR PERMITS, RECORD, VOLUME, WATER WORKS, SEWER, PLANS, AND ALL PLUMBING EQUIPMENT ONLY UNLESS OTHERWISE NOTED. PLEASE REFER TO OTHER MANUFACTURING, IF ANY, FOR THEIR EQUIPMENT REQUIREMENTS. THIS DRAWING IS NOT FOR CONSTRUCTION.

Notes and landscaping
added by surveyor in
response to email



PRELIMINARY PLAN NOTE

This plan has been prepared with the best available information provided by the customer, without the benefit of a survey in some cases, the engineer has not conducted any code research regarding, but not limited to, permitted uses, setbacks, buffers, access, required parking, landscaping, fire, ISU, storm water management, utilities, right of way acquisition or easements to benefit accurate layout orientation and configuration.

Revised Site Plan

GENERAL NOTES

1. All center line of road shall be to 2' unless otherwise noted.
2. All minimum setbacks are 12' unless otherwise noted.
3. All parking spaces are 7' unless otherwise noted.

23-2584-R-REZ

8019 Bronco Lane

Attachment 5

Maps



Requestor



TCAD Parcels

TenFootContour

10 ft

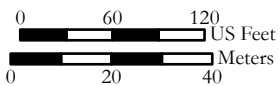
50 ft

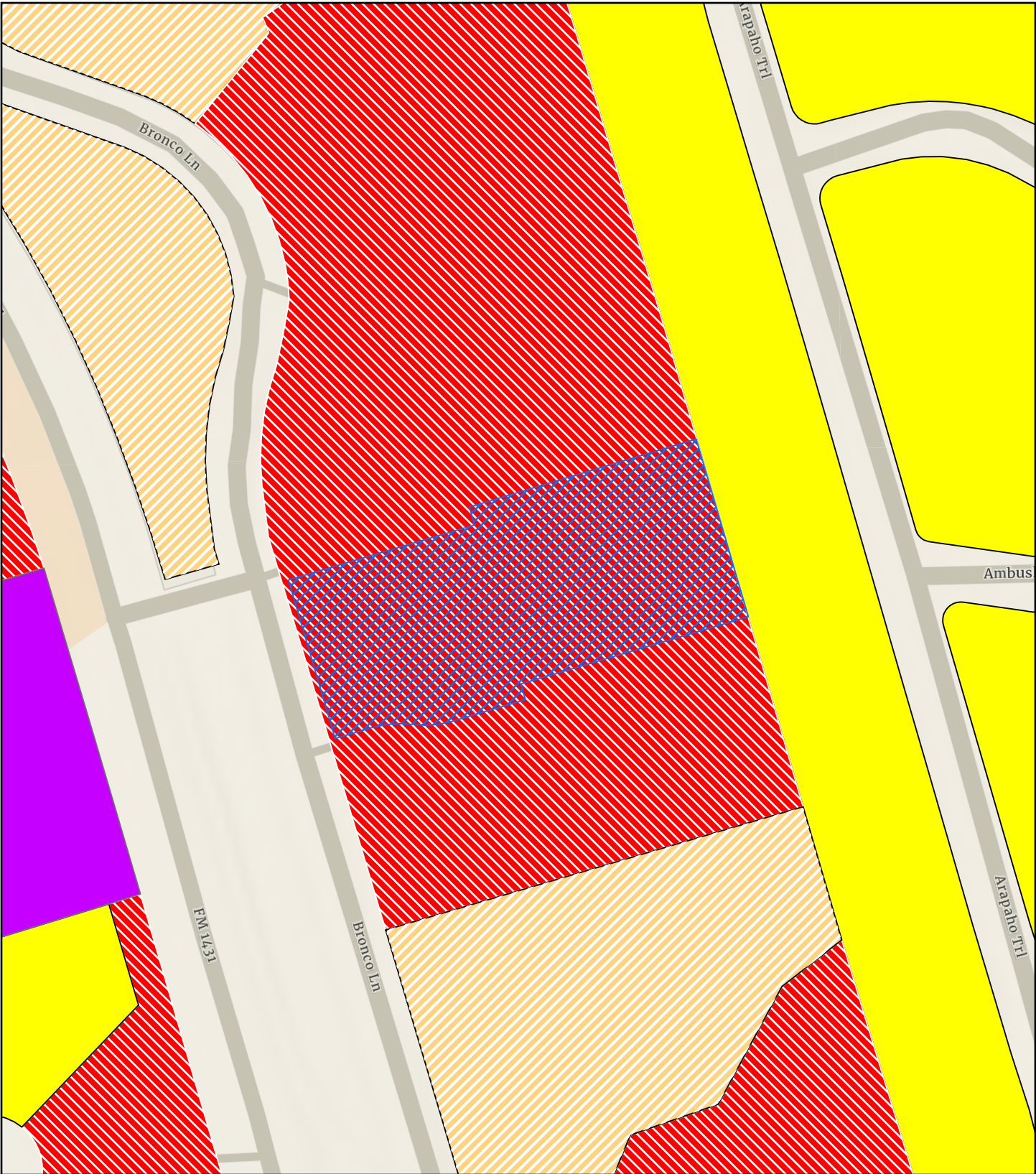
8019 Bronco LUhY

Request Type	Zoning Change	Project	23-2584-R-REZ
Change Requested	C-1C to C-2	Date	2/21/2024
Map Purpose	Aerial / Topography	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet




N





 Requestor

Zoning District

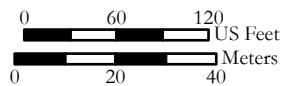
-  C-1C
-  PDD
-  R-1S,15A
-  R-1R
-  U-1

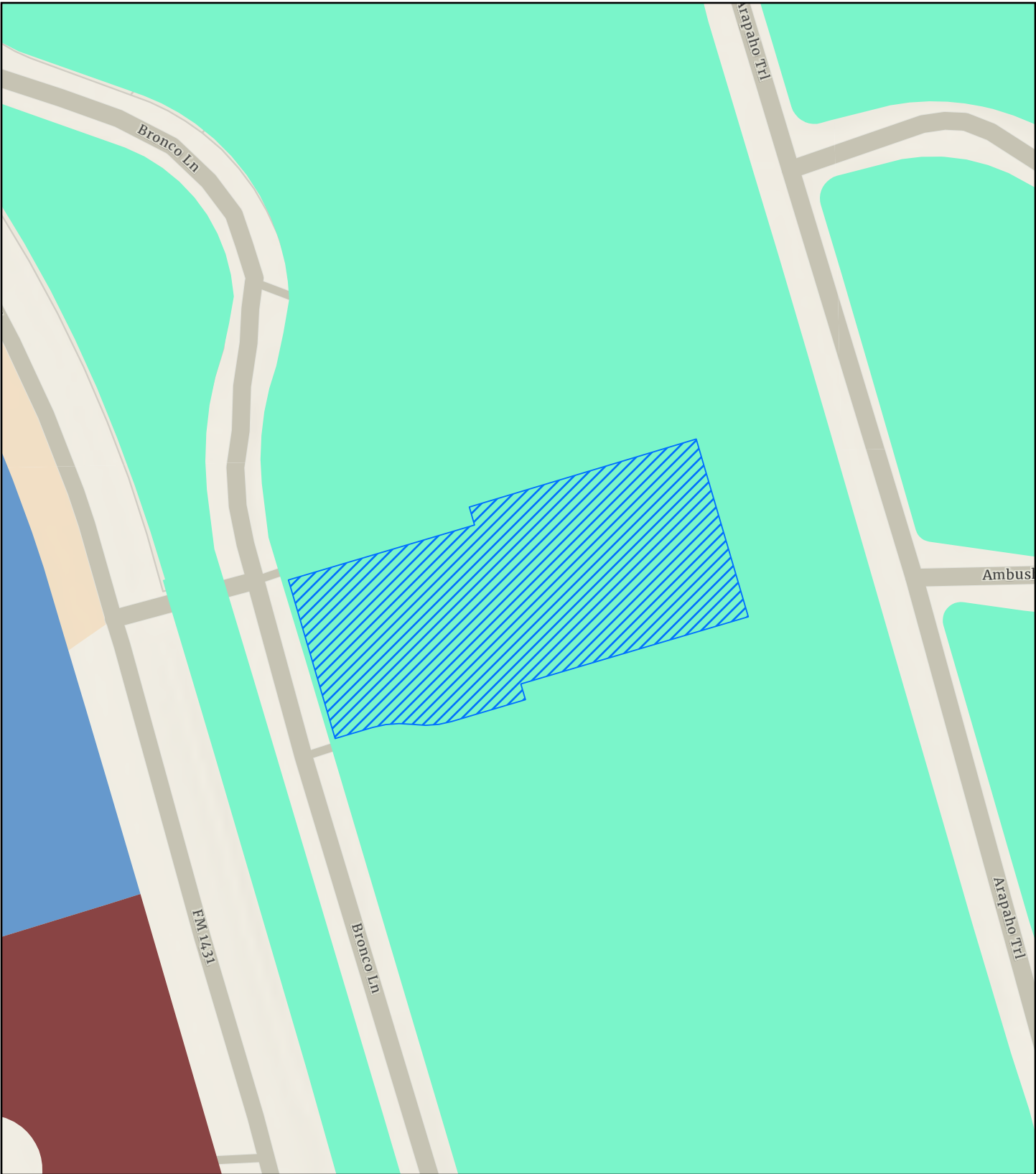
8019 Bronco Lane

Request Type	Zoning Change	Project	23-2584-R-REZ
Change Requested	C-1C to C-2	Date	2/20/2024
Map Purpose	Existing Zoning	Drawn By	D Avetian

Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US

N





 Requestor

Land Use Proposed

 Mixed Use

 Regional Retail

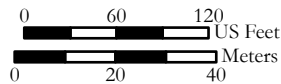
 Semi-Public

8019 Bronco Lane

Request Type	Zoning Change	Project	23-2584-R-REZ
Change Requested	C-1C to C2	Date	2/20/2024
Map Purpose	Future Land Use	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet

N

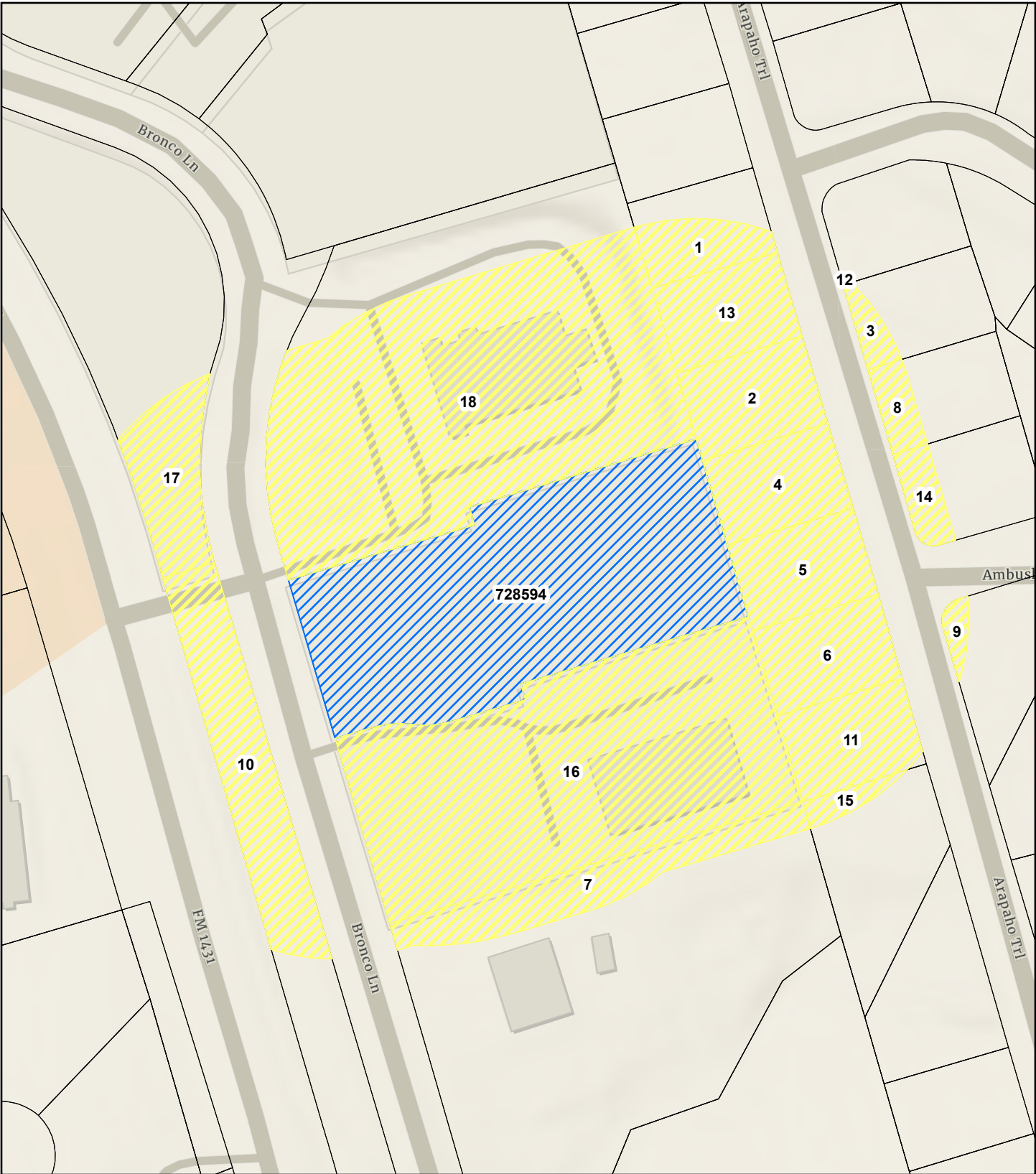





23-2584-R-REZ

8019 Bronco Lane

Attachment 6

Notice Comments

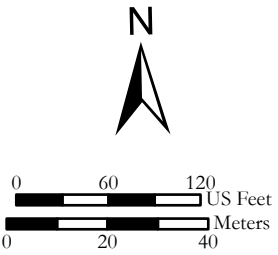


-  Notification Boundary
-  Requestor
-  TCAD Parcels

8019 Bronco Lane

Request Type	Zoning Change	Project	23-2584-R-REZ
Change Requested	C-1C to C-2	Date	2/20/2024
Map Purpose	Notification Boundary	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



23-2584-R-REZ

8019 Bronco Lane

Attachment 7

Referenced Ordinances and Statutes

TABLE B TABLE OF ALLOWED USES FOR ZONING

TABLE B TABLE OF ALLOWED USES FOR ZONING

New and unlisted uses. The city manager or their designee may permit a use in a district that is not listed on Table B if the use is reasonably similar, comparable, and compatible with other uses permitted in the district or may seek an amendment to Table B to add the unlisted use in the same manner as amendment to this chapter.

STRUCTURE/USE	R-1	R-2	R-4	R-MH	RR-A	C-1	C-2	C-M	C-A	G-1	U-1	P ¹	CR ²	C
Accessory Building or Use	v	v	v	v	v	v	v	v	v	v	v	v	v	v
Aircraft hangar, servicing, repair, operations									v					
Amphitheater						v	v						v	v
Amusement arcade							v							v
Amusement Park							v							v
Antique shop						v	v							v
Apartments			v										v	
Apartment Hotel with Commercial						v	v						v	v
Arboretums														
Arcades						SUP	SUP						SUP	S
Asphalt and concrete production														
Assisted Living			v											
Auditorium							v							v
Auto sales and service							v							v
Auto wash, tune-up, repair						v	v							v
Bakery						v	v							v
Bank, Savings and Loan						v	v							v
Barber, Beauty Shop						v	v							v
Bars, Nightclubs and Taverns							v						v	v
Bed and Breakfast Establishment	SUP	SUP	v			v	v						v	
Beverage Bottling or distribution							v							v
Bike/motorbike sales & service							v							v
Billiard/Pool Rooms							v						v	v
Boat storage (outside)							v	v					v	
Boat Sales or Service							v	v						
Boat slips/day slips								v					v	
Boat Ramp, Commercial						v	v	v				SUP	v	
Book/stationary shop						v	v							v
Bowling alley establishment							v							v
Building material sales							v							v
Bus depot							v							v
Cabinet shop/commercial							v		v					
Cafeterias						v	v							v
Camera store						v	v							v
Canvas goods fabrication							v		v					
Carpentry shop						v	v		v					
Carpet, rug cleaners						v	v							
Carting, hauling, storage warehouse							v							v
Catering establishments						v	v							
Cemetery							v				v			
Chapel						v	v				v		v	
Child care institution						v	v						v	
Churches, Temples	v	v	v	v		v	v				v		v	v
Clinics (medical)						v	v				v			v
Clothing store-men's and/or women's						v	v							v
Club, not nightclub						v	v					v	v	v
Coal, sand, soil, and gravel yards						SUP								
College or university							v				v			v
Community Home	v	v	v	v	v									
Community Center						v	v				v	v	v	v
Condominiums													v	

Contractor, Builder or Subcontractor						SUP	v		v					
Convalescent home/Nursing home			v			v								
Cottage			v										v	
Country club ⁹						v	v			v			v	
Craft, hobby shop						v	v							v
Dance halls							v							
Dept. store, sporting goods, novelty, toy shops						v	v							v
Dog and cat grooming						v	v							
Drug store, soda fountain, tobacco, candy shops						v	v							v
Dry cleaning						v	v						v	v
Dwelling-manufactured home/industrialized housing ⁸				v										
Dwelling-multifamily			v											
Dwelling-single family	v	v	v	v										
Dwelling-single family with hangar					v									
Dwelling-two-family		v	v											
Electric appliance shop/repair						v	v		v					v
Employment agency						v	v							v
Exhibition and rodeo grounds														
Expressing, baggage, delivery service							v		v					
Fabric shop						v	v							v
Family home facility	v	v	v	v	v									
Farmers markets						v	v							v
Fire Station	v	v	v	v	v	v	v	v	v	v	v	v	v	v
Florist						v	v							
Food store-convenience						v	v							v
Food store-supermarket						v	v							v
Fractional housing (time shares)													v	
Fuel storage						v	v	v	v					
Furniture, appliance store						v	v							v
Golf course (including disc golf)	v	v	v			v	v	v		v	v	v	v	
Golf course-driving range										v		v	v	
Golf course-miniature						v	v			v		v	v	
Greenhouse-wholesale							v						v	v
Greenhouse-retail						v	v							v
Hardware, paints, wallpaper						v	v							v
Health club/spa						v	v						v	v
Heliports							SUP		v		SUP			
Helistops						SUP	SUP		v		SUP			S
Hobby shop						v	v							v
Home based business or occupation	v3	v3	v3	v3	v3									
Hospital							v							
Hospice			v			v								
Hotel							v							
Ice cream store						v	v							v
Interior Decorator						v	v							v
Jewelry, optical goods						v	v							v
Junk and salvage yards, all open air storage of junk, waste and salvage material.														
Kennels						SUP	SUP							S
Laboratory							v							
Laundromat						v	v						v	v
Laundry-commercial							v							
Library	v	v	v	v		v	v				v			v
Livestock or Poultry shelter or care, Stable	SUP	SUP	SUP		SUP	SUP	SUP				SUP	SUP		
Machine shop, metal products, welding							v							
Manufactured housing sales							v							

Manufacturing and Assembly							v							
Marina								v	v				v	v
Massage establishments ⁶						v	v							
Meat markets						v	v							v
Mini warehouse (inside storage only)														
Mini warehouse (with outside storage)														
Mixed-use						SUP	SUP							S
Mortuary							v							
Motel							v						v	v
Museums						v	v		v		v			v
Office, Medical and general						v	v				v		v	v
Open storage							v							
Park-Active											v	v		
Park-passive	v	v	v	v		v	v				v	v		
Park-and-ride facilities														
Parking lot, commercial						v	v	v	v		v	v		
Pet boarding with outside run						SUP	SUP				v			
Pet store-no outside run						v	v							
Photo studio						v	v							v
Playground	v	v	v	v							v	v	v	
Plumbing, HVAC, roofing supply							v		v					
Police station	v	v	v	v		v	v		v		v	v		v
Printing shop							v							v
Public and municipal treatment plants, pump stations, lift stations, public works and related facilities, and municipal buildings and facilities	v	v	v	v	v	v	v	v	v	v	v	v	v	v
Quarry, Mining, Rock Crushing														
Radio, TV, VCR sales/service						v	v							v
Radio, TV studio						v	v							v
Realty office						v	v						v	v
Realty office-temporary ⁷	v	v	v			v	v						v	v
Recreation facility, commercial						v	v	v		SUP	v		v	v
Recreational Vehicle Park			SUP	SUP				v				v	v	
Restaurant						v	v		v				v	v
Retail store-general						v	v							v
School-public/private	v	v	v	v		v	v				v			v
School-business/commercial						v	v		v		v			v
Service station						v	v							v
Sexually-oriented business ⁵							SUP							
Short Term Occupancy	v4	v4	v										v	
Sign Shop						v	v							v
Specialty and novelty establishments						v	v							v
Storage & sale of autos, trailers, farm implements & equipment, & similar equipment on open lot							v							
Studio-artist						v	v		v					v
Studio-dance						v	v							v
Studio-health						v	v							v
Studio-music						v	v							v
Substation-public utility	v	v	v	v		v	v		v		v	v		
Swimming pool-private	v	v	v	v		v	v					v		
Swimming pool-public							v				v	v		
Tattoo Parlor or Studio						SUP	v	v						
Tailor & dressmaking shop						v	v							v
Telephone exchange	v	v	v	v		v	v		v	v	v	v		
Theater-indoor							v							v
Tinsmith & sheet metal							v		v					

Townhouse			v										v	
Trailer, truck, bus sales							v							
Upholstery shop						v	v		v					v
Veterinary hospital, no outside run						v	v							
Vocational and Private School						v	v						v	v
Warehouse							v		v					
Watercraft rental								v					v	
Water tank-surface, subsurface, public	v	v	v	v		v	v	v	v	v	v	v	v	
Wildlife sanctuaries													v	
Wireless Communications Systems, Radio, television and microwave antennae and towers ⁶						v	v		v	v	v			v
Wholesale distribution							v		v					v

V is allowed provided it is for the primary use of tenants, customers or persons associated with a primary use.

1 For permitted uses in P-1A, P-1B, P-1C and P-2, see Section 4.70.

2 All uses must be in accordance with the City Council approved CR Master Plan.

3 Permitted only in accordance with Section 16, Home Occupations.

4 Permitted only in accordance with Section 23, Short-Term Occupancy.

5 Permitted only in accordance with Section 8.20, Sexually Oriented Businesses.

6 Some require SUP's. See Section 18.

7 For additional standards, see C-A district.

8 Also see permitted uses in other zoning districts where single-family or two-family residences are allowed.

9 Clubhouse and country club facilities including associated alcoholic beverage service, parking lots, restaurants, swimming pools, tennis courts, and pickleball courts.

SUP. Permitted by special use permit only.

(Ordinance 12-12-06-01, ex. 2, adopted 12/6/12)

HISTORY

Amended by Ord. [18-12-06-03](#) on 12/6/2018

Amended by Ord. [19-08-01-04](#) on 8/1/2019

Amended by Ord. [22-10-11-03](#) on 10/11/2022

Amended by Ord. [23-09-07-04](#) on 9/7/2023

Amended by Ord. [23-11-02-01](#) on 11/2/2023

6.105 Required Design Review Approval For Multifamily And Non-Residential Buildings

Prior to the issuance of building permits on any multifamily or non-residential development, design review approval in accordance with the provisions below must be secured in addition to the site development plan approval specified by the requirements within Chapter 3, Chapter 10 and Chapter 10.5 as applicable.

Purpose. Many areas within the current municipal limits are the result of subdivision approvals that pre-date the City and any comprehensive development standards. As a result, the abundance of relatively small and inordinately small lots throughout the jurisdiction. In addition, the existing development pattern does not include locations for multifamily or non-family facilities except immediately adjacent to or very near one and two-family residences or property. Current growth trends have established a need to accommodate an increasing amount of types of facilities and an opportunity to establish a more sustainable development pattern that includes a full range of housing choices, retail services and employment opportunities. As such, the zoning district approvals alone are insufficient to accommodate this type of growth in an orderly manner and to ensure compatibility with existing use rights. The provisions below are for the purpose of mitigating the potential negative impact of otherwise incompatible development and to increase the likelihood that growth instead adds lasting value to the community and promotes long-term goals.

Procedure.

Re-zoning Applications. An applicant shall incorporate a design approval request as an integral part of a zoning district change application involving any of the applicable zoning districts within a Planned Development District. Required documentation shall include site plans and site elevation concept drawings and any other documents required to illustrate how each of the proposed improvements address the compatibility issues and approval standards identified below. No additional fee is required when the required design approval is part of a zoning district change request.

Property with Sufficient Zoning Use Rights. An application for design approval for a property that already includes the necessary zoning rights involving one of the applicable districts or within a Planned Development District shall be made on a form supplied by the City. The only exemption results from a specific and explicit request approved in the provisions of the existing zoning district change. Documentation required for design approval shall include site plans and site elevation concept drawings and any other documents required to illustrate how the proposed improvements address the compatibility issues and approval standards identified below. The application shall require a fee equal to the fee established in the ordinance for development plan approval. A pre-application conference and/or a sufficiency review with City staff is required prior to the application being placed on the next regularly scheduled or special meeting of the Planning and Zoning Commission for approval. However, staff approval resulting from these meetings is not required and the applicant can request the matter be placed on the next available agenda notwithstanding a staff recommendation to the contrary. A public hearing and notices in accordance with the requirements of Section 13.40 below is not a pre-requisite for design review approval required at the discretion of the Commission when established during any public meeting.

Site Plan Approval Amendments. Substantive discrepancies between the design approval required by this section and a permit application require an amendment following the same process as described above for property with sufficient zoning use rights. A discrepancy shall be considered substantive whenever it materially changes the impact on a particular adjacent or nearby property or a specific way and as encompassed by the approval standards and criteria enumerated below.

Appeals. An applicant or any aggrieved person, as defined in section 2.10, may appeal the final decision of the Planning and Zoning Commissions on a design review application to the Board of Adjustments in accordance with the requirements of section 11.50.

Conditions. If the Planning and Zoning Commission or the City Council incorporates conditions within their design review approval, all plans and drawings submitted as part of an application for a building permit or other similar required approvals must include compliance with those stipulations. Failure to do so shall be considered adequate basis for a denial of that permit or approval.

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:

Conformity with all applicable regulations within the Code of Ordinances, the current Lago Vista Comprehensive Master Plan and any other adopted land use policies.

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 avoid and otherwise avoid unreasonable negative impact to adjacent property (including public property or a public right-of-way) due to:

Reduced privacy;

Reduced use, utility or property rights;

Avoidable light and sound trespass; or

Unwarranted reductions in the visual or aesthetic quality of views beyond that which is an inherent result of development.

Landscaping, the location and configuration of required offsite parking and the arrangement of open space or natural features on the site shall:

Minimize the visual and environmental impact of large expanses of uninterrupted paving;

Create a desirable and functional open space environment for all intended site patrons, including pedestrians, bicyclists, and motorists; and

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.

Circulation systems, transportation components and off-street parking shall integrate to:

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;

Eliminate or reduce dangerous traffic movements;

Minimize driveway or curb cuts by using cross-access servitudes and shared parking whenever possible and appropriate;

Accommodate sign locations that do not create sight-obstructions that are potentially hazardous to any transportation mode; and

Clearly define a network of pedestrian connections in and between parking lots, sidewalks, open spaces, and structures that is visible, identifiable, and safe.

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 are appropriate to the pedestrian or human scale.

HISTORY

Amended by Ord. [19-11-07-03](#) on 11/7/2019

CHAPTER 10.5 SITE DEVELOPMENT
ARTICLE 10.5.100 SITE DEVELOPMENT PLAN
EXHIBIT A SITE DEVELOPMENT PLAN SUBMISSION REQUIREMENTS
EXHIBIT B-I ENGINEER'S SUMMARY LETTER
EXHIBIT B-II GEOTECHNICAL INVESTIGATION REPORT
EXHIBIT B-III CONSTRUCTION PLAN CHECKLIST

ARTICLE 10.5.100 SITE DEVELOPMENT PLAN

Sec 10.5.101 Definitions

Sec 10.5.102 Site Development Plan Required

Sec 10.5.103 Purpose And Applicability

Sec 10.5.104 Format And Content

Sec 10.5.105 Standards And Specifications

Sec 10.5.106 Procedure

Sec 10.5.107 Enforcement Provisions

Sec 10.5.101 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Word used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this article. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Berm. A landscaped strip of ground used as a visual screen, constructed so that it is no more than six (6) feet above grade with a minimum of three (3) feet of horizontal distance for each one (1) foot of height.

Bluff. An abrupt vertical change in topography of more than twenty (20) feet with an average slope steeper than three (3) feet of rise for one (1) foot of horizontal travel.

Centerline of Waterway. The centerline of the waterway refers to existing topographically-defined channels. If not readily discernible, the centerline shall be determined by the accepted drainage calculations.

City. The City of Lago Vista, Texas.

City Council. The city council of the City of Lago Vista, Texas.

Crest of Bluff. A line on the ground parallel to and at the top of a bluff, beyond which the average slope is no steeper than one (1) foot of rise in two (2) feet of travel, for a horizontal distance of not less than forty (40) feet.

Developer. A person who improves land, primarily through the construction of subdivision infrastructure and structures.

Development. Buildings, utilities, roads and other structures; construction; and excavation, dredging, grading, filling and clearing or removing vegetation for the purpose of constructing permanent structures on the property.

Development Plan. A scaled drawing representing an area of land to be improved/developed and indicating the legal boundary of said property and the nature and extent of all existing and proposed improvements to said project.

Easement. An interest in land granted to the city, to the public generally, and/or to utilities, for drainage ways or for installing or maintaining utilities across, over and under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said easements or utilities.

Engineer. A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

Extraterritorial Jurisdiction. That territory outside the corporate limits of the City of Lago Vista which is within the jurisdiction of the city by virtue of the Municipal Annexation Act, Vernon's Annotated Civil Statutes, Article 970a.

Impervious Cover. Roads, parking areas, buildings, and other impermeable construction covering the natural land surface including but not limited to: all streets, driveways, buildings and structures within a development.

Landscaped Area. An area which has been enhanced by the use of plant material, planters, paving blocks, landscaping rock or water but not including poured concrete or asphalt.

Lot. Any legally platted lot, tract or parcel of land situated wholly or partially within the corporate limits of the City of Lago Vista, Texas.

Multi-family. Any development having more than two residential units on a single lot.

Plant Material. Grass, trees, shrubs, flowers, vines, groundcover or any other living matter.

Setback Distance. The minimum horizontal distance between the prop line and the front wall of any projection of a building, excluding uncovered steps, uncovered balconies, uncovered porches, and roof overhangs.

Shoreline. The edge of the water during normal level or flow conditions. In the case of Lake Travis, it is the six hundred eighty-one (681) foot MSL contour. In the case on intermittent streams, it is the centerline of the waterway.

Site. Any legally platted lot situated wholly or partially within the corporate limits of the City of Lago Vista, Texas.

Street. The entire width between the boundary lines of every way publicly or privately maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Structure. Anything constructed or erected which requires location on or in the ground or attached to anything having a location on or in the ground that is of a permanent nature and such is a constructed or an erected object that is positioned on private property or in street right-of-way of the city.

Wastewater Disposal System. Any publicly or privately owned system for the collection, treatment, and disposal of sewage that is operated in accordance with the terms and conditions of a valid waste discharge permit issued by the Texas Natural Resource Conservation Commission or appropriate regulatory agency.

Water Supply System. The water facility infrastructure for the collection, treatment, storage and distribution of potable water from the source of supply to one or more consumers. The water system shall be designed in accordance with and approved by the Texas Natural Resource Conservation Commission and the City of Lago Vista.

Sec 10.5.102 Site Development Plan Required

A site development plan as provided for here and meeting the requirements of this article is required prior to the development or construction of any improvements on any lot that is zoned other than single-family residential or two-family residential, or that is intended for any use for any purpose or occupancy other than for single-family or two-family residential occupancy. A site development plan meeting the requirements of this article is not required in situation in which a single-family residential or two-family residential structure is to be constructed on any lot or other parcel of land that is zoned other than single-family residential or two-family residential.

Sec 10.5.103 Purpose And Applicability

Purpose. The site development plan provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, off-street signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

Applicability. This article shall apply to every person owning and/or proposing to develop a legally platted lot for any development other than single-family or residential duplex within Vista. Water quality and detention requirements shall not apply to property in the C-4 zoning classification which are being developed for the lot owner's own use and is not part

Subdivisions within the C-4 zoning classification shall be subject to the water quality and detention requirements of this article. Water duality and detention requirements shall not apply to commercially-zoned lots in the Travis Plaza subdivision which are being developed for the lot owner's own use. Resubdivision of the commercially zoned property within the Travis Plaza at the city council's discretion, subject the property to the water quality and detention requirements of this article. Recreational and recreation related facilities constructed on publicly owned property shall be exempt from this article at the discretion of the city council. Multifamily or commercial lots located within planned development districts shall not be exempt from the requirements of this article.

Other Requirements. Additional and related local ordinance requirements include, but are not limited to, the provisions within Chapter 3, Chapter 10, Chapter 11, Chapter 13, Chapter 14 Construction Standard Specifications (TCSS) adopted as Ordinance Number 19-02-21-02 as amended. The TCSS is incorporated by reference herein and shall be deemed to have the same effect as if set forth in full herein.

HISTORY

Amended by Ord. [22-07-07-04](#) on 7/7/2022

Sec 10.5.104 Format And Content

Format. The site development plan shall be drawn on twenty-four inch by thirty-six inch (24"x36") sheets of paper at an engineering scale sufficient to thoroughly meet the informational requirements of this article.

Content. The site plan shall include all of the land proposed to be developed or improved, and any off-site improvements required to accommodate the project. The site development plan shall also include the following information:

A cover sheet showing:

Names, addresses and phone numbers of the record owner or developer, and authorized agents including the architect, engineer, landscape architect, and surveyor (those applicable);

The proposed name of the project;

A location map showing the relation of the project to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1"=2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended;

The owner's name, address (including city, state and zip code), deed or plat reference and property lines of property within two hundred (200) feet of the lot boundaries as determined by the most recent tax rolls;

Certifications and signature blocks as required by the city;

The total acreage of the property to be developed;

Current zoning district as defined by the current city zoning ordinance.

An existing conditions plan, showing:

Boundary of existing zoning districts, if applicable;

The existing property lines, including bearings and distances, of the land being developed or improved. Property lines shall be drawn sufficiently wide to provide easy identification;

The location of existing structures and improvements, if applicable;

Significant trees of 12-inch caliper and larger, within the limits of the proposed on-site and/or off-site improvements;

Centerline of water courses, creeks, existing drainage structures and other pertinent data shall be shown;

Lines delineating the regulatory one hundred (100) year floodplain, if applicable;

Topographic data indicating one (1) foot contour intervals. The contoured area shall extend outward from the property boundary for a distance equal to twenty-five percent (25%) of the distance across the tract, but not fewer than fifty (50) feet nor more than two hundred (200) feet;

The locations, sizes and descriptions of all existing utilities, including but not limited to: sewer lines, lift stations, sewer and storm sewer manholes, water lines, water storage tanks, and wells within the property, and/or adjacent thereto. Existing overhead and underground electric utilities shall also be shown;

The location, dimensions, names and descriptions of all existing or recorded streets, alleys, easements, building setbacks or other public rights-of-way within the property intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The existing rights-of-way width, street pavement width, and ditches, driveways on adjacent property and driveways located across the street of any boundary street to the property shall also be shown;

Location of city limit lines and/or outer border of the city's extraterritorial jurisdiction, as depicted on the city's most recent base map, if either traverse the lot or is contiguous to the lot boundary.

An Erosion and Sedimentation Control Plan, showing:

Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities;

Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument;

The location, size, and character of all temporary and permanent erosion and sediment controls with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction;

Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas;

A plan for restoration for the mitigation of erosion in all areas disturbed during construction;

All temporary and permanent erosion and sedimentation controls within the city shall be designed in accordance with the LCRA Lake Travis Nonpoint Source Pollution Control Ordinance Technical Manual, as amended.

A site plan, showing all visible improvements to the land, including:

The location, dimensions, square footage, height, and intended use of existing and proposed buildings on the site;

Location, number and dimensions of existing and proposed parking spaces, distinguishing between standard, handicap and van handicap spaces, and calculation of applicable minimum requirements;

The location, type and dimensions of proposed driveways, signs and traffic control devices.

A grading and drainage plan, showing:

A drainage area map delineating areas to be served by proposed drainage improvements;

Detailed design of all drainage facilities, including typical channel or paving section, storm sewers, detention ponds and other stormwater control facilities;

Accurate cross-sections, plan and profiles of every drainage improvement proposed in a public utility easement and/or public right-of-way;

Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument;

Attendant documents containing design computations in accordance with the city subdivision ordinance and this article, and any additional information required to evaluate the proposed drainage improvements;

The City of Austin Drainage Criteria Manual, as amended (hereinafter the “Manual”) is hereby adopted, save and except the following:

Preface;

Paragraphs 1.2.4.E.2 and 1.2.4.E.11;

Paragraphs 1.2.7;

Paragraphs 1.4.0;

Paragraphs 1.5.0.3, 1.5.0.1, 1.5.0.5 and 1.5.0.6;

Paragraphs 8.2;

Appendix D; and

All references to the City of Austin, including its departments, boards or divisions shall be the same departments, boards or divisions with the City of Lago Vista. Where such departments, boards or divisions do not exist within the City of Lago Vista, such references shall be construed to mean the city engineer of Lago Vista or other representative authorized by the city council of the city to perform such functions for the city.

All drainage systems and improvements shall conform to the provisions and requirements of the manual and good engineering practices and shall show conveyance to off-site drainageways (for example, continuation of street bar ditch or natural drainageway);

The site grading plan shall show and include the existing ground elevations and finish construction grades, including existing ground elevations for a minimum of 100' onto adjoining property, width of existing street right-of-way and existing pavement width;

Drainage reports as shown in Exhibit “A” on file in the office of the city secretary. (**Editor’s note**– Exhibit A is now on file in the office of the Development Services Division.)

A utility plan showing:

The layout, size and specific location of proposed water mains and other related structures and in accordance with all current city standards, specifications and criteria for construction of water mains;

The location of proposed fire hydrants, valves, meters and other pipe fittings;

Design details showing the connection with the existing city water system;

The layout, size and specific location of the proposed wastewater lines, lift stations, and other related structures, and in accordance with all current city standards, specifications and criteria for construction of wastewater systems;

Plan and profile drawings for each line in public rights-of-way or public utility easements, showing existing ground level elevation at centerline of pipe, pipe size and flow line elevation at all bends, drops, turns, station numbers at fifty-foot intervals;

Detailed design for lift stations, special wastewater appurtenances, if applicable;

Utility demand data, and other attendant documents, to evaluate the adequacy of proposed utility improvements, and the demand on existing city utilities.

A landscape plan showing:

Compliance with all ordinances requiring landscaping;

The layout size and specific location of proposed sprinkler systems as designed by a licensed landscape irrigator;

The following maintenance note: The developer and subsequent owners of the landscaped property, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of the subdivision regulations.

Construction details, showing (when applicable):

Structural retaining walls and/or detention outlet structures;

Storm sewer manhole and covers, typical channel sections, inlets, safety end treatments and headwalls;

Wastewater manholes and covers, cleanouts, grease traps, pipe bedding and backfill;

Water valves, water meters, fire hydrants, thrust blocks, backflow prevention and concrete encasement;

Driveways, curb and gutter, sidewalks, curb ramps, pavement sections and pavement repair;

Silt fence, rock berms, stabilized construction entrance, inlet protection;

Traffic controls when working in the public rights-of-way that comply with the Uniform Standards for Traffic Control Devices; and

Illumination structures.

Each sheet shall have a legend identifying symbols, lines or other graphic representations.

Sec 10.5.105 Standards And Specifications

Cuts and Fills Less Than Four (4) Feet. Cuts and fills of less than four (4) feet may be subject to the approval of the city manager or his/ her designee. No fill material of less than four (4) feet shall be placed or be in such an amount so as to restrict the city from being able to access utility lines within an easement. Any cut more than three (3) feet in depth shall install a fence or screen in accordance with the zoning ordinance.

Cuts and Fills of Four (4) Feet or More. No fill on any building site shall exceed a maximum of eight (8) feet of depth, except for landscaping purposes. No cut of any building site shall be more than eight (8) feet, except for structural excavation. Cuts and fills of four (4) feet or more shall require a soils report, prepared by a geo-technical engineer, with recommended embankment slope stabilization such as retaining walls. The geo-technical report shall also address that the adjacent property will not be impacted negatively by a cut or fill. The civil engineer shall address that the fill from the site and any permanent erosion controls required for the slope stability. Any cut more than three (3) feet in depth shall install a fence or screening device in accordance with the zoning ordinance. No fill material of less than four (4) feet in depth shall be placed or be in such an amount so as to restrict the city from being able to access utility lines within an easement.

Streets, Driveways, Roadways, Parking Areas, Alleys and Sidewalks. Streets, roadways, alleys, and sidewalks shall conform to standards contained in the city’s standards of construction for drainage in subdivisions as shown in exhibit “B” on file in the office of the city secretary. *

Vehicular Access.

Vehicular access to property from the public right-of-way shall be controlled in such a manner as to protect the traffic-carrying capacity and safety of the street upon which the property abuts and access is taken, ensuring that the public use and purpose of public rights-of-way is unimpaired as well as protect the value of the public infrastructure and adjacent property.

The city manager may require the developer to submit a traffic impact analysis conducted by a qualified transportation engineer to determine the impact of a development on roads or streets.

On arterial and collector streets, or if necessary for the safe and efficient movement of traffic, all accesses shall be designed and constructed with physical improvements and appropriate traffic control measures to assist or restrict turning movements, including, without limitation, acceleration or deceleration lanes, access islands, street medians, and signage, as may be required of the development if the city manager or his/her designee finds that they are necessary to preserve the safety or the traffic carrying capacity of the existing street. The city manager or his/her designee shall determine the length and degree of the required access restriction measures for the property.

If a traffic impact analysis is required, the site development plan must ensure that:

Proposed access and egress points have reasonable sight distances;

No inordinately adverse impact will result on the nearest intersections;

No unsafe traffic circulation or pedestrian problems will result;

Surrounding land uses and driveways are not inordinately adversely affected;

Rights-of-way width, pavement width, and street design are adequate for the number of vehicle trips projected per day, so as not to overburden the street system.

Driveways and Parking Areas.

The slope of a driveway shall not exceed twelve percent (12%) measured between the street end of the apron and the opposite end of the driveway.

Driveways shall not be located within two hundred (200) feet from the intersection of a collector street and an arterial street, or two (2) collector streets that are identified in the city's master plan.

Driveways and parking areas shall have an adequate base of compacted granular material and a wearing surface of hot mix asphalt, concrete, brickpavers, or reinforced concrete.

Driveway and pavement designs shall be determined by a qualified soils testing and pavement design registered professional engineer. Total flexible thickness design shall be based on soil type, traffic loading and a twenty (20) year minimum design life.

The number of parking spaces required shall conform to standards contained in the latest version of the zoning ordinance.

The number of off-street loading spaces shall conform to the latest version of the zoning ordinance.

Parking areas for bicycle racks shall be at the discretion of the developer.

Parking areas which necessitate backing out onto arterial streets or collector streets shall be prohibited.

On-street parking shall not be allowed.

Water and Wastewater Systems. Water and wastewater systems shall conform to the latest versions of the subdivision ordinance.

Landscaping. Landscaping shall conform to the following requirements:

All plant materials used for landscaping shall be of healthy stock, preferably native or naturalized, with low water requirements.

All areas which are not impervious cover shall be landscaped and a landscaping shall extend to the property lines.

Grass or groundcover may be installed in the rights-of-way contiguous to the site with the permission of the city or other relevant governmental authority. The owner of the site contiguous right-of-way shall be responsible for maintaining the grass or groundcover in the right-of-way.

Trees.

All trees required to be planted to meet the minimum tree requirement shall be at least two (2) inches in diameter and located at least three (3) feet from any impervious cover.

The site shall meet the type and number of trees to be planted, replaced or retained on the lot according to the latest version of the zoning ordinance.

All traffic islands or peninsulas shall be landscaped. Grass or ground [ground] cover shall not exceed eighteen (18) inches in height.

Except for landscaping in the rights-of-way, landscaped areas which are located adjacent to pavement shall be protected from vehicles with concrete curbs or concrete tire stops.

Existing oak trees shall be preserved to the extent reasonable and feasible. A list of the trees to be planted, replaced, retained or removed shall be submitted with the site plan and must be by the city manager or his/her designee.

Fifty percent (50%) of the landscaped areas must include living material. All disturbed areas must be re-seeded with grass, groundcover or similar living matter.

All retaining walls, including but not limited to detention and/or filtration ponds, of three (3) feet or more shall require shrubbery and/or vines of healthy stock and of a minimum of two feet height immediately after planting in front of the retaining wall. All shrubbery and/or vines shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which to the same height or more of the retaining wall.

Drainage and Erosion Control. Drainage improvements and erosion control measures shall comply with applicable provisions of Articles 3.1100 and 3.1400 of Chapter 3 and Section 4.11 of the Code of Ordinances.

Fences and Screening Devices. Fences and screening devices shall be installed, repaired and maintained according to the latest version of the zoning ordinance.

Illumination. All outdoor or exterior lighting shall comply with Article 3.800 of Chapter 3.

Pollution. Unless authorized by an appropriate governmental agency with powers superseding those of the city, there shall be no dumping or discharge of any waste, wastewater, chemical, toxic material, or any other substance which constitutes a known hazard to humans or animals, onto any property or into any waterway or stream, pond, or detention pond, during the development after its completion. During the development process, all developments shall have on-site, rigid, tamper-proof containers for the disposal of nonhazardous solid waste.

Trash Storage and Recycling Areas. Trash storage and recycling areas for attached dwellings and all business and industrial buildings or uses shall be accommodated within the structure shall be included on site and indicated on a site plan. All outdoor trash recycling storage and containers shall be placed on hot mix asphalt, concrete, brickpavers or reinforced concrete and screened from public view by a solid fence of no more than six (6) feet in height.

Fire Hydrants. Fire hydrants shall conform to standards contained in the city's standards and location of fire hydrants shall be approved by the Travis County Fire Marshal.

Prohibitions. Construction shall not be allowed in the street rights-of-way, public utility easements, drainage easements or other easements, or within the setback distance except for landscape irrigation, or fences that are in accordance with the city's fence regulations.

Special Planning Area (Property Located in the Former Austin ETJ).

All subdivisions located in the special planning area, as defined in an interlocal agreement (the “agreement”) between the City of Lago Vista and the City of Austin shall also meet the requirements and should there be a conflict between the following requirements and the standards and specifications in this article, the more restrictive requirement shall apply:

All single-family development will be set back at least seventy-five (75) feet from the 681-foot contour line above mean sea level, as established by the United States Geological Survey in effect as the date of the agreement between the City of Lago Vista and the City of Austin. All condominium units and commercial buildings (excluding marinas) will be set back at least 10 feet from said 681-foot contour line.

Temporary erosion and sedimentation controls as required by the LCRA under Chapter 13, Article 13.600, Section 13.605(3) of the Lake Travis Nonpoint Source Pollution Control Ordinance in effect as of the date of the agreement will be implemented, designed, constructed and maintained according to the City of Austin Environmental Criteria Manual as determined by comparing calculations under the City of Austin’s requirements with those under the proposed controls.

Impervious cover will be limited to twenty percent (20%) of the total site area over the property for any lot developed with any retail, condominium, apartment or office commercial uses provided that Lago Vista may approve impervious cover up to twenty-five percent (25%) of the total site area for those lots that are connected to Lago Vista’s centralized wastewater system. Total site area includes only those portions of a site that lie above the 681-foot contour line above mean sea level, as established by the United States Geological Survey in effect as of the date hereof.

For residential lots in the planning area, density shall be subject to the following requirements:

A minimum average lot size of one acre shall be maintained on all lots that are served by on-site septic systems.

Density of clustered lots served by on-site septic systems may not exceed one single-family unit per acre, provided that a minimum of 40% of the total site area is open space.

Lago Vista may approve density not to exceed 1.5 single-family units per acre for lots that are connected to Lago Vista’s centralized wastewater system, provided that a minimum of 40% of the total site area is open space.

Lago Vista may approve additional density not to exceed 2 single-family units per acre for lots that are connected to Lago Vista’s centralized wastewater system and for which a minimum of 40% of the total site area is open space according to the following requirements:

One additional single-family unit for every two acres of land dedicated by instrument acceptable to Lago Vista for irrigation of wastewater effluent;

One additional single-family unit for each acre of land permanently preserved by instrument acceptable to the city as undeveloped open space; or

One additional single-family unit for each living unit equivalent (LUE) of wastewater treatment capacity in excess of that required to serve the development that is used to disconnect existing on-site septic systems.

Cut and fill is limited to four feet (4') maximum, provided that cut and fill over four feet (4') shall be permitted if the cut/fill slope is terraced to control erosion and sedimentation.

Detention of the two-year storm for erosion control or, as an alternative, nonerosive conveyance of stormwater to Lake Travis, will be provided as required under City of Austin Land Development Code Chapter 25-7 drainage, and the City of Austin Drainage Criteria Manual.

A building envelope that encompasses the limits of building disturbances will be established and required for residential construction on any lot.

All of the 100-year floodplain located within the planning area shall be dedicated to the City of Lago Vista as a drainage easement in accordance with the City of Lago Vista’s development rules.

Development shall comply with the 2006 LCRA Highland Lakes Ordinance and the City of Austin’s regulations regarding the Lake Travis Critical Water Quality Zone (LTWQZ), an area along the shoreline of Lake Travis, coinciding with the 681.0-foot contour line. Within the LTWQZ development is prohibited, except that a boat dock, pier, wharf, or marina and necessary access and appurtenances is allowed. Within the LTWQZ, approval by Lago Vista or an agency designated by the Lago Vista city council of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released.

Lago Vista shall provide an annual status report to the director of the City of Austin Watershed Protection and Development Review Department of the options used by developers to obtain additional density, which report shall include the following:

Developments that have connected to Lago Vista’s wastewater system;

The number of septic systems that have been disconnected in the release area;

The number of acres dedicated for irrigation of wastewater effluent; and

The number of acres permanently preserved for open space.

HISTORY

Amended by Ord. [20-09-17-05](#) on 9/17/2020

Sec 10.5.106 Procedure

Procedure. All required site development plans shall be submitted to the city for approval.

Submission. All submission for site plan approval shall conform to the following requirements:

A site development plan shall be submitted to the city manager or his/her designee at any time prior to the issuance of a building permit, subject to the provisions of this article, and along with the following:

Completed application forms and the payment of all applicable fees;

A letter requesting any variances from the provisions of this article;

Any attendant documents needed to supplement the information provided on the site development plan.

City staff shall review all site development plan submittals for completeness within thirty (30) days of the receipt of the application. If, in the judgment of city staff, the site development plan substantially fails to meet the minimal informational requirements as outlined above, the applicant will be notified of any additional information required. Once the application and submittals meet minimal informational requirements the application shall be declared administratively complete and the technical review process will commence.

City staff and the city engineer shall complete the technical review process within thirty (30) days. If, in the judgment of the city staff and city engineer, the site development plan fails to meet technical standards for the city, the applicant will be notified of the deficiencies. Once the site development plan and related submittals are deemed to meet all technical standards, the plan will be declared technically complete.

Once the site development plan is determined to be technically complete, city staff and the city engineer shall review the plan for consistency with city codes, policies and plans. Should the city staff and the city engineer determine that the site development plan is in compliance with city codes, policies and plans and the applicant has made no requests for variances from the city codes and plans, the site development plan shall be approved.

Should the city staff and/or city engineer determine that the site development represents a deviation from city codes, policies or plans, the site development plan shall not be considered approved until the city staff shall notify the applicant of the need to revise the site development plan or submit a request for variances for each item which deviates from city code, policies or plans.

Site development plan approval by the city staff and engineer, as authorized herein, shall be evidenced by the authorized signature of the city manager and city engineer on the site development plan. Approval by the city staff and city engineer shall become effective immediately.

Should the applicant request a variance or variances from city codes, policies or plans, the site development plan with the requested variances shall be scheduled for a public hearing for consideration before the city council. City staff or the city engineer shall prepare a report analyzing the site development plan submittal, and recommending either approval or disapproval of the development plan and the requested variances. This report shall be available at least five (5) working days prior to the city council meeting.

If the developer chooses to withdraw the site development plan, in writing to the city manager, by more than seventy-two (72) hours preceding the city council meeting, it will not be considered for submittal may appear on a future city council agenda after repayment of the applicable fees.

It shall be the right of the applicant seeking site development plan approval, to appeal a decision of the city staff, for any reason whatsoever to the city council and have a final decision rendered by the city council.

A site development plan may be rejected at any time subsequent to submittal and prior to final written approval for failure to meet the minimum informational requirements of this article.

Notification. In all cases in which a site development plan is to be considered by the city council all owners of property (as determined by the most recent tax rolls from the Travis County Assessor's Office) any part of which is located within two hundred (200) feet of the perimeter of the land to be developed, shall be notified by mail of the requested site development plan consideration. The city shall

Post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners;

Publish a public notice at least once in a newspaper of general circulation in the city not fewer than fifteen (15) not more than thirty (30) days prior to said public hearing; and

Mail public notification forms, postmarked no fewer than fifteen (15) days prior to the appropriate city council hearing, to the owners of all property, a part of which is located within two hundred (200) feet of the perimeter of the property included within the site development plan.

Approval. The city council, after holding a public hearing shall act on the request for site development plan approval in accordance with the following:

The failure of the city council to act within sixty (60) calendar days from the date that the site development plan was declared technically complete shall result in automatic approval of the plan except as otherwise agreed to by the developer.

Zoning of the tract that shall permit the uses proposed by the site development plan, or any pending zoning amendment necessary to permit the proposed uses shall have been adopted by the city council prior to approval of the site development plan.

Site development plan approval by the city council, as authorized herein, shall be evidenced by the authorized signature of the mayor, city manager and city engineer on the site development plan. Approval by the city council shall become effective immediately.

Upon disapproval of a site development plan, no application for site development plan approval for the same or substantially the same site development plan, on the same or substantially the same land proposed to be developed, shall be filed within one (1) year from the date of city council disapproval.

A site development plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.

The developer shall be responsible for specific approvals from other agencies as required.

Approval of a site development plan shall authorize a developer to begin constructing site improvements. However, no building shall be constructed until a building permit has been issued.

Expiration. Unless a longer time shall be specifically established as a condition of approval, a site development plan approval shall lapse and become void twelve (12) months following such approval became effective, unless prior to the expiration, building permit is issued and construction is commenced and diligently pursued toward completion.

Revision. If a revision to the approved site development plan becomes necessary, whether requested by the city staff, the city council or the developer, then the site development plan shall be resubmitted and approved by city staff for compliance with this article.

Extension. Site development plan approval subject to lapse may be extended if the developer submits a written request for extension to the city council thirty (30) days prior to the expiration of the approval. At its sole discretion, the city council may or may not approve an extension of up to one hundred and eighty (180) days after the original expiration date.

(Ordinance 07-06-21-02 adopted 6/21/07; Ordinance 09-05-21-02, sec. 1, adopted 5/21/09)

Sec 10.5.107 Enforcement Provisions

Any person violating any provision of this article within the corporate limits of the City of Lago Vista, Texas, shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding two thousand dollars (\$2,000.00). Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this article.

(Ordinance 02-04-18-01 adopted 4/28/02; Ordinance 09-05-21-02, sec. 1, adopted 5/21/09)

EXHIBIT A SITE DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

B.10 Variances

B.11 Tag Plats

B.12 Tax Certificate

B.13 Engineer's Summary Letter - See Exhibit A-I

B.14 Geotechnical Investigation Report - See Exhibit A-II

B.15 Construction Plans - See Exhibit A-III

B.16 Pavement Striping Plan

B.17 Drainage Report

Editor's Note—Ordinance 02-04-18-01, as adopted on April 28, 2002, is printed in this exhibit as amended. The original numbering system, titles, catchlines and subsection catchlines have been retained. Any material appearing in brackets has been added by the editor for clarity. Obviously misspelled words have been corrected. Amendments have been designated in the history note following the amended provisions. Sections not followed by a history note remain as originally enacted in Ordinance 02-04-18-01.

B.10 Variances

When requesting a variance, a letter addressed to the City Manager which includes the subdivision name, address of the site, description of the variance and justification, and the applicable ordinance and section, should accompany the application.

B.11 Tag Plats

If a variance is being requested, provide one blue line copy of each of the current tax plats, showing all properties within 300 feet of the tract. Include all maps referenced within the 300 feet. Outline the tract in red (DO NOT SPLICE MAPS TOGETHER). Tax plats are available at the Travis County Tax Appraisal District, Walnut Creek Business Park, 8314 Cross Park Drive (Hwy 290 East and Cross Park Drive, phone 834-9318).

B.12 Tax Certificate

Tax certificates must be submitted with all subdivision and construction plan applications. These may be obtained from the County Tax Office located in the Courthouse Annex (N.W. corner of 10th and Guadalupe) and should indicate there are no taxes owing.

B.13 Engineer's Summary Letter - See Exhibit A-I

Provide an original and three copies.

B.14 Geotechnical Investigation Report - See Exhibit A-II

Submit two copies. This report may be submitted at a later date but no later than the submittal of construction plans for the second review.

B.15 Construction Plans - See Exhibit A-III

Three complete, folded sets of construction plans are required. Four sets are required if the project is on a State Highway. The construction plans shall consist of the following (see requirements below for each Plan):

Cover Sheet
Final Plat
Erosion and Sedimentation Controls
Drainage and Utility Layout
Street Plan and Profile
Drainage Plan and Profile Sheets
Detention, Filtration and/or Sedimentation Ponds
Construction Details

B.16 Pavement Striping Plan

If pavement striping is proposed, three copies of a striping plan are required. Four copies if the project is on a State Highway.

B.17 Drainage Report

Two copies shall be submitted with the application and shall include the following:

source of floodplain information (calculations where applicable)
calculations supporting adequacy of existing and proposed on-site channels, storm sewers, and drainage structures
calculations supporting adequacy of detention pond size
calculations for floodplain modifications and cross-sections
summary assessment of impact on adjacent properties and drainage structures
signature and seal of professional engineer on report
calculations of existing and fully developed flows
calculations of off-site flows
calculations of capacity of drainage facilities on adjacent properties affecting hydraulic performance in the subdivision

EXHIBIT B-I ENGINEER'S SUMMARY LETTER

BIA Acceptance Of Plans

BIA Acceptance Of Plans

No construction plans will be accepted unless accompanied by a summary letter signed and sealed by the same registered Texas professional engineer who sealed the construction plans. The summary letter should describe the proposed development and might include, but not limited to, the following:

Acreage to be developed.
Type of development.
Explanation of any proposed project phasing.
Methods to be used for handling storm water runoff, i.e., drainage easements, channels, curb inlets, storm sewers, detention, sedimentation and filtration ponds, water quality control methods.
Effect the proposed development will have on existing and future drainage systems in the area and on the natural and traditional character of the land and waterways.
Justification for exemption from the City's ordinances and standards.

EXHIBIT B-II GEOTECHNICAL INVESTIGATION REPORT

BII.1 Number Of Copies

BII.2 Pavement Design

BII.3 Seal And Signature

BII.1 Number Of Copies

Two copies of the Geotechnical Investigation Report shall be furnished prior to the second review of the plans.

BII.2 Pavement Design

Pavement design shall be based on City of Austin Procedures for Street Paving Thickness Design (Subdivision Memorandum E-78-3 from DPWT) or the Municipal Pavement Structural Design and Life-Cycle Cost Analysis System (MFPS-1 S-I).

BII.3 Seal And Signature

Show legible professional engineer's seal and signature.

EXHIBIT B-III CONSTRUCTION PLAN CHECKLIST

BIII.1 Cover Sheet

BIII.2 Notes

BIII.3 Approval Blocks

BIII.4 General Construction Notes

BIII.5 Special Notes

BIII.6 Construction Sequencing

BIII.7 Drainage Layout

BIII.8 Street Plan

BIII.9 Street Profile

BIII.10 Drainage Plan

BIII.11 Drainage Profile

BIII.12 Detention Pond

BIII.13 Construction Detail

BIII.1 Cover Sheet

Show the following on the cover sheet:

Subdivision name on cover sheet in ½ inch or larger letters (use same name as on the final plat).
Legal description of property (lots, block, subdivision name).
Name, address and telephone number of owner and engineering firm preparing plans.
Project location map that clearly indicates precise location of the tract (4" x 4" minimum) with north arrow.
State Department of Highways and Public Transportation Stationing, for streets intersecting or adjacent to state maintained roadways.
Tabulation sheet index.
Legible professional engineer’s seal and signature.

BIIL.2 Notes

Show the following:

One of the following notes:

This project complies with the Lower Colorado River Authority Non-Point Source Pollution Control Ordinance, as approved by the City of Lago Vista, or
This project is EXEMPT from the Lower Colorado River Authority Non-Point Source Pollution Control Ordinance, as approved by the City of Lago Vista.

The following note: “All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans the City of Lago Vista must rely upon the work of the Design Engineer.”

Applicable City of Lago Vista General Construction Notes for subdivision construction.

Tabulation of applicable Special Notes.

Construction Sequencing.

BIIL.3 Approval Blocks

Show the following approval blocks:

Signature block for TX DOT, if applicable

Texas Department of Transportation Date

Signature blocks
Approved by:

Review Engineer for the City of Lago Vista Date

Approved by:

Travis County Fire Marshal Date

A revision block:

No.	Revision Description	Approved By	Date

BIIL.4 General Construction Notes

All construction shall be in accordance with the City of Austin Standard Specifications, as adopted and approved by the City of Lago Vista.

Design Procedures are in complete compliance with the City of Austin Drainage Criteria Manual; or

Design procedures are in general compliance with the City of Austin Drainage Criteria Manual and all variances to the manual are noted.

A minimum of one benchmark per site development to include description, location, and elevation. Tie to State Plane Coordinate System, when possible.

Prior to beginning construction, the owner or his authorized representative shall convene a Pre-Construction Conference between the City of Lago Vista, consulting engineer, contractor and affected parties. Notify the Public Works Director, 267-1155, at least 48 hours prior to the time of the conference and 48 hours prior to the beginning of construction.

The contractor shall give the City a minimum of 48 hours notice before beginning each phase of construction, call the Public Works Director, 267-1155.

Barricades, built to City of Lago Vista Standard Specifications, shall be constructed on all dead-end streets and as necessary during construction to maintain job safety. (Streets, etc. may be added to or instead of note).

No blasting is permitted.

Any existing pavement, curbs, and/or sidewalks damaged or removed will be repaired by the contractor at his expense before acceptance of the site development.

The location of any water and/or wastewater lines shown on the plans must be verified by the City of Lago Vista Utility Crews.

Locate Existing Utilities, 48 hours BEFORE you dig. Local Utilities as follows:

SWB (Telephone) 512-870-5217

Heartland Wireless (Cable) 512-833-6299

Time Warner Communications (Cable) 512-485-4000

Pedernales Electric Cooperative (PEC) Engineering 512-331-992

Underground Utility Locator 1-800-669-8344 or Fax 1-800-999-2344

All storm sewer pipes to be Class III RCP unless noted otherwise.

BIIL.5 Special Notes

Notes for Plans where applicable:

The subgrade material in (name of subdivision) was tested by (name of professional soil lab) in (day, month, and year) and the street section designed according to current City of Austin D street sections are to be constructed as follows (Give street names, width of R.O.W., or other methods to identify proposed design of different pavement thickness. In writing or graphically, section(s) to be constructed):

Manhole frames, covers, and water valve covers will be raised to finished pavement grade at the owner's expense by a qualified contract with City Inspection. All utility adjustment completed prior to final paving construction.

At intersections which have valley drainage, the crowns of the intersecting streets will culminate in a distance of 40' from the intersecting curb line unless otherwise noted. Inlets on the in street shall not be constructed within 40 feet of the valley gutter.

Sidewalk requirements (give street name and location of required sidewalk, i.e., north, south, east, or west side).

A curb lay down is required at all points where the proposed sidewalk intersects the curb.

When using lime stabilization of sub grade, it shall be placed in slurry form.

Inside the city limits, sidewalks shall be completed prior to acceptance of any Type I or Type II driveway approaches and/or issuance of a Certificate of Occupancy. Sidewalks adjacent to areas," parkways, or other locations on which no building construction will take place, must be constructed prior to final acceptance of the subdivision.

A storm water management facility maintenance agreement for single family and duplex residential lots will be executed and recorded prior to final acceptance of this subdivision.

A license agreement for landscaping maintenance and irrigation in street R.O.W. shall be executed by the developer in party with the City prior to final acceptance of the subdivision.

BIII.6 Construction Sequencing

Call City of Lago Vista, Public Works Director, 267-1155, 48 hours prior to beginning any work. Call the appropriate.

Install temporary erosion controls and tree protection fencing prior to any clearing and grubbing. Rough grade streets. No development of embankment will a permitted at this time.

Install all utilities to be located under the proposed pavement.

Begin installation of storm sewer lines. Upon completion, restore as much disturbed area as possible, particularly channels and large open areas.

Regrade streets to sub grade.

Insure that all construction site improvements and underground utility crossings are completed. Lay first course base material on all streets and parking areas.

Install curb and gutter.

Lay final base course on all streets.

Lay asphalt.

Complete all underground installations within the R.O.W.

Complete final grading and restoration of detention, sedimentation/filtration ponds.

Complete permanent erosion control and restoration of site vegetation.

Remove and dispose of temporary erosion controls.

BIII.7 Drainage Layout

Show the following:

Drainage layout of subdivision (scale: 1" = 100') with north arrow to top or right of sheet and show limits of construction as a distinguishable line.

Existing adjoining street layout or other property adjacent to protect (show adjacent subdivision names).

Street names, lot and block numbers and R.O.W. lines.

Location of all existing drainage structures on or adjacent to project.

Existing contours at two-foot minimal intervals.

Individual drainage areas and upstream drainage areas based on improvements and final grading (distinguish these areas by heavy dashed lines).

Size in acres, C,I, tc, and Q for 25- and 100-year storm for each specific drainage area.

Arrows indicating flow direction for streets and lots.

Summation of Q's at pertinent points (street intersections, inlets, passing inlets, headwalls, control outlet structures, etc.)

All low and high points.

All street and lot fill areas (usually done by shading).

Proposed drainage facilities (identify route of drainage from site to nearest waterway).

All existing and proposed drainage easements as per final plat or by separate instrument.

Q's leaving proposed streets onto surrounding property and Q's entering proposed streets from surrounding property.

Existing and proposed 100-year floodplains for all waterways.

Minimum building slab elevations for lots on which the 100-year floodplain encroaches (only if elevations are not shown on approved/released final plat included with plans).

The name of the engineering firm who prepared plans, the subdivision title and the name or initials of the design engineer and checking engineer.

Provide the following for each drainage area (see following pages for standard form of calculations tables):

Runoff Calculations: Flow distribution and percent (%) that flows on street, over land and in gutter; tc (time of concentration-in minutes); A (drainage area); I 25; C25; Q25; I100; C100; Q

For inlet design: Clogging factor required inlet type (i.e. 10' TYPE I or I-R) as per detail; Y (depth of flow in gutter); a (gutter depression @ inlet throat); Q Cap (inlet capacity); inlet area tc; composite "C" value used; Q @ inlet.

For storm sewer design: tc's, areas, composite "C" value (if a uniform time of concentration for the system is not used); clearly show limits of construction.

Legible professional engineer's seal, signature, and date of signing.

All variances to City of Austin Drainage Criteria Manual and other policies.

The following note on all sheets: "All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans, the City of Lago Vista r adequacy of the work of the Design Engineer."

BIII.8 Street Plan

Show the following:

The street name and sheet number in the right corners.

North arrow to top and right of sheets.

Stationing south to north or west to east with street layout directly over the profile stationing.

Scale: 1"=20', or 1"=40' for very large projects and paving dimensions (face to face of curb).

Lot numbers, block numbers and frontage dimensions (dimensions required only if approved/released final plat is not included with the review plans).

Street names within respective R.O.W.

Existing or proposed easements and intersecting R.O.W.

Sidewalks and assignments as per City of Lago Vista and final plat requirements.

Centerline "TIC" marks, every 50 feet.

Drainage facilities within or intersecting R.O.W. and indicate stationing on both sides of inlets (show inlet type and label storm sewer lines, i.e. LINE "A", M.H., etc.)

Existing drainage facilities as dashed lines.

Drainage flow arrows, high and low points.

Match lines on street plan sheets for continuation of streets on other streets.

As a minimum, a 50-foot extension of proposed streets and show proposed tie-in to existing streets.

Sheet numbers for intersecting streets, and show full intersection, provide dimensions, and give street names.

Stations equation along CL (centerline) intersections of streets.

Barricades if required.

Plan view must transpose directly above profile stationing when possible (otherwise, center the midpoint of the curve on the sheet) (limits shown on the plan view must be the same as the profile).

Labeled asphalt valley gutter or concrete valley gutter (required if % grade <1.2%) at intersections where appropriate.

Clearly show the beginning and ending of project.

Limits of gutter depression by shading and showing stationing or dimensioning.

Clearly show all PC, PT, CC, or PRC stations.

All fill areas.

Horizontal curves conforming to the most recent City of Lago Vista Street Standards.

Legible professional engineer's seal, signature, and date of signing.

BIII.9 Street Profile

Show the following:

Legend and scale (scale: 1"=2', or 4' Vertical, usually 1/10th of Horizontal).

Even stations on heavy vertical division lines.

Even elevation heavy vertical division lines.

Even elevation in right and left margins.

Street profile for minimum of 50 feet beyond end of project (include property lines and proposed future grade and/or existing street grade).

Existing left and right R.O.W. profiles.

Proposed top curb (TC) profiles a minimum of two line widths to stand out from other profile lines.

Proposed TC elevations (clearly identify right and left).

Identify and give elevations at all PC, PT, PRC, PCC, PVC, PVI, or DVT stations (show by circle or heavy dot).

Vertical curves with the following information: curve length, PVI stations and elevation, tangent intercept, tangents and tangent grades (show elevations every 25 feet maximum along vertical curve).

Curb returns PC, MID PT, PT, with tangent and grade past point of return.

Elevations every 50 feet (i.e. +00 and +50) along the street profile.

Maximum curb split of 2% (30' street = 0.60', 44' street = 0.88') if applicable.

Vertical curves conforming to latest City of Lago Vista Street Standards, or AASHTO Green Book Criteria.

Submit letter of understanding for street lighting in sag curves and confirmation of availability of fixed source lighting when applicable.

BIII.10 Drainage Plan

(Plan view must transpose directly above profile stationing). Show the following:

Street layout and name, lot layout and numbers (where storm drainage occurs).

Drainage easements.

Storm drainage facilities. Label and give sizes [i.e.: line "A-18" RCP, channel "B"-r' FB(Flat bottom), 2-10' x G MBC, etc.]

All horizontal PI PC, PT, BEGIN and END stations and pipe and/or channel intersection equations.

All inlets, Q at inlets, Q passing inlets, and flow lines.

PI deflection angle in degrees.

North arrow to top or right of sheet and show scale (scale: 1"=50").

Any storm sewer assignments off R.O.W. or centerline.

Channel and/or pipe riprap and type of headwalls (show erosion control measures (dissipater blocks, rock riprap, etc.)

Beginning, end stations, for erosion control material used for channels (label type of material to be used, i.e. dry stacked or mortared rock, etc.)

Bottom width, side slopes, concrete trickle or pilot channel, height of channel lining if used, maximum and minimum depth of channel, Manning's "n" valve used, and station to station channels/scale section.

Note 100-year overflow swales over pipe system (when used) and give typical detail.

Open channels with a minimum flat bottom width of six feet.

Legible professional engineer's seal and signature.

All variances to City of Austin drainage Criteria Manual and other policies.

The following note on all sheets: "All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans, the City of Lago Vista r adequacy of the work of the Design Engineer."

BIII.11 Drainage Profile

Show the following:

Scales: horizontal (same as Plan, Vertical, 1/10th of horizontal scale).

Stationing proceeding from low end to high end from left to right for channels or storm sewer lines.

Existing ground profile at proposed channel locations.

Top of bank left and right, and fill areas for channels.

All stations and elevations at points of intersecting drainage lines, grade breaks, riprap, drop sections, toe of splash pads, toe of slope, beginning of slope, and beginning of riprap.

Q25, V25, HGL25, depth (d25), Q100, V100, HGL100, depth (d100), and Head losses (H), for each segment of channel.

Clearly show the beginning and end of construction and show stations or channels.

Flow line elevation every 50 feet maximum (i.e. +00, +50).

Elevations at inlets on storm sewer lines.

Grade of flow line (in %), and pipe sizes (label all pipes as RCP for storm sewer lines).

Q25, V25, HGL25, depth (d25), Q100, V100, HGL100, depth (d100), and Head losses (H), and df (when pipe is flowing full) for storm sewer lines.

Stations and elevations at PI, PC, PT, grade breaks, intersecting lines and beginning and end of construction for storm sewer lines.

All riprap, headwalls, etc. at pipe ends.

Full channel section at pipe ends when appropriate.

Existing and finished ground line and fill areas at pipe centerline for storm sewer lines.

BIII.12 Detention Pond

Show the following:

Include drainage area map for detention ponds in plans.

Typical cross-section of ponds.

Summary table of supportive calculations for hydrology, hydraulics, hydrographies, control outlet structures, etc.

Legible professional engineer's seal and signature.

BIII.13 Construction Detail

Use City of Lago Vista Typical Standards, or the equivalent, for any structures such as street inlet and sidewalks. Show the following:

Manhole or junction box detail.

Pipe end riprap or headwall details.

Channel lining.

Culvert box and headwall details to meet Texas Department of Transportation requirements for concrete strength and structural reinforcing.

Traffic/pedestrian guard railing details (when applicable).

Other details as needed for construction.

Legible professional engineer's seal and signature.

The following note on all sheets: "All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans, the City of Lago Vista r adequacy of the work of the Design Engineer."

(Ordinance 02-04-18-01 adopted 4/28/02; Ordinance 09-05-21-02, sec. 1, adopted 5/21/09)

Sec 3.110 Permits And/Or Approvals

Permits shall only be obtained under the following rules and regulations.

(a) Work Requiring Approval and/or Permit.

- (1) It is unlawful for any person or entity to erect, construct, enlarge, alter, perform repairs, move, improve, remove, convert, demolish any building, structure or mobile home, or to install plumbing, electrical, mechanical, or irrigation systems governed by the aforementioned codes or state statutes, without first obtaining a city permit. An owner may make minor improvements and repairs on any structure without a permit provided such improvements and repairs are not regulated by this section or other ordinances and/or building codes. An owner planning such improvements and/or repairs shall first contact the city to determine in each instance whether or not a permit is required. The city manager, the building official, a building inspector or their designee shall have the right to inspect all such improvements and/or repairs.
- (2) Grading/Site Development. Fill dirt may be removed from, or added to an area within the city, and grading or site development may occur only upon approval of the city manager or his/her designee in accordance with this article and/or the site development regulations. Grading plans signed and sealed by an engineer registered in the state may be required to be submitted to the city prior to obtaining such approval. Generally, no one shall be permitted to deliberately alter the topographic conditions of a lot or parcel of land in any way that would permit additional quantities of water from any source, other than what nature originally intended to flow from his property onto any adjoining property or to concentrate runoff that would cause erosion. Upon consultation and approval of the city, the owner shall direct, through the grading of the property and/or the construction of drainage facilities, drainage runoff to the nearest drainage culvert, public right-of-way with a roadside ditch, drainage easement or natural drainageway.

- (b) On-Site Sewage Facility (OSSF) Approval. Before a city building permit of any type will be issued for any construction on an unimproved lot requiring an OSSF, a permit to construct a private sewage facility from the governing agency (city or LCRA) must accompany the plans and specifications. A private sewage operating license must be presented to the city prior to scheduling an inspection for a certificate of occupancy on new construction.

(c) Application Procedures. To obtain a permit the applicant shall file an application on a form provided by the city with the city as provided hereinafter along with the required fee and shall:

(1) Request a utility extension cost estimate:

(A) Upon receipt of a building permit application for a residential dwelling or commercial structure the city manager or his/her designee will initiate the preparation of a utility extension estimate for water and sewer service for the purpose of determining the availability and cost of extending water and/or sewer service to the property described in the permit application;

(B) The cost of preparing the estimate shall be assessed to the individual or entity submitting the application at the time the application is submitted. The fee to be assessed for the estimate shall be based on the city fee schedule, unless unusual circumstances are encountered requiring professional engineering review by the city, in which case the fee shall be determined by the city manager or his/her designee based upon the actual cost of preparation plus an administrative charge designed to recover any and all costs incurred by the city for preparation of the estimate;

(C) The estimate requirement may be waived by the city at the discretion of the city manager or his/her designee on the following basis:

(i) A current and accurate estimate exists for the extension of water and/or sewer service to the property;

(ii) The applicant provides a written affidavit to the city that water and/or wastewater services will be provided to the property by other means approved by the city manager or his designee.

(2) Submit the application with two (2) sets of 1/4-inch scale plans or other scale approved by the building official and specifications as may be required by the building official;

(3) Identify and describe the work to be covered by the permit for which application is made;

(4) Describe the site on which the proposed work is to be done, by lot, section, tract, and house or structure and street address, or similar description that will readily identify and definitely relocate the proposed work;

(5) Indicate the use or occupancy for which the proposed work is intended;

(6) Be signed by the applicant or his authorized agent who may be required to submit evidence to indicate such authority;

(7) Give supplemental information as reasonably may be required by the city after preliminary review of application and plans; and

(8) Submit a statement by the owner or the owner's representative as to whether or not the property is within the one-percent annual chance floodplain.

(d) Site Plans.

- (1) Single-Family and Duplexes. All applications for single-family or duplex building permits shall be accompanied by a site plan for each set of plans, drawn to a scale of no less than one inch (1") equals twenty feet (20'). The site plan shall contain the following:
- (A) A legal description of the land included on the site plan and of the lot, the addresses and telephone numbers of the owner, builder, and the designer or architect;
 - (B) Lot, block, section and street number;
 - (C) Natural drainage features such as watercourses, springs and ponds;
 - (D) Location and dimensions of easements and setback requirements as outlined in subdivision plats, restrictive covenants and this section;
 - (E) Floodplain elevations, if the lot is subject to inundation by the one-percent annual chance storm. If such building or living unit's foundation is within the floodplain, the following procedure will apply:
 - (i) Prior to obtaining a building permit, the applicant shall furnish the city an elevation certificate and a letter from an architect, professional engineer or surveyor, stating that an elevation control point (temporary benchmark) has been established on the property, and indicate the elevation of the temporary benchmark, along with the floodplain elevation.
 - (ii) Immediately upon completion of the first habitable floor level, the applicant shall return a properly completed FEMA elevation certificate certifying that the first habitable floor elevation is one (1) foot above the base flood elevation (BFE) (the elevation inundated by the one-percent annual chance storm).
 - (iii) Any other information required by the city flood damage prevention ordinance.
Location of proposed walks, driveways and culverts.
 - (F) The shape, size and location of all buildings, including roof overhangs, decks, or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
 - (G) The site plan shall address the drainage patterns that affect the lot or any other lots or properties that may be adversely affected by the development of the lot. Drainage water leaving a site shall be directed to a roadside ditch or to a drainage easement with a defined ditch. The site plan shall verify that the runoff will not drain on to a downstream neighbor's yard uncontrolled. The site plan shall determine and show the drainage patterns coming onto the lot and leaving the lot. The drainage patterns shall be determined at least two lots away including two lots depths across the street, two lots on either side of and two lots behind the lot being developed. The drainage patterns of the roadside ditch, drainage culverts, including driveway culverts existing and proposed, shall be determined and shown on the site plan. The city manager or his designee may require a registered professional engineer provide plans and calculations for approval to ensure that there will be no adverse drainage or runoff impacts created by proposed grading or topographic change or construction.

- (H) A tree survey and landscape plan in accordance with the city landscape and tree preservation ordinance. Show which trees will be removed and trees and shrubs to be planted.
 - (I) An irrigation plan, if such is proposed.
- (2) Multifamily, Commercial and Other Development. Site plans for any development which is not either single-family or duplex shall be in accordance with the city's site plan development ordinance as amended from time to time. Required site development plan and design approvals shall be secured prior to the issuance of any individual building permits.
- (e) Construction Plans and Specifications. For all contemplated construction on the site at least two (2) sets of plans at a scale approved by the building official shall be provided to the city and such plans shall include at least the following information:
- (1) Scaled floor plan of each floor and the basement, if any, for each building;
 - (2) Plan of all attached decks, porches, covered walkways, attached garage or carport and all other structures as herein defined;
 - (3) Plan shall provide the total square footage of both subsections (e),(1) and (e),(2) above;
 - (4) Location of all permanently installed structures and equipment, such as closets, storage, plumbing, fixtures, appliances, etc.;
 - (5) Location and symbols of all electrical equipment, including switches, outlets, fixtures, etc.;
 - (6) Exterior elevations:
 - (A) All exterior elevations;
 - (B) Wall and roof finish materials;
 - (C) Dimensions of overhang;
 - (D) Finished floor elevations of the lowest floor and the maximum elevation of the roof ridge as related to the highest natural contour point of property, and a topographic map of the lot signed by a registered surveyor shall be submitted at the discretion of the city;
 - (7) Structural section:
 - (A) Cross section of typical wall construction details;
 - (B) Scales plan of foundation and pertinent section of typical beams, footings, and girders;
 - (C) Copy of specifications.
 - (8) Submit an energy compliance certificate (REScheck or COMcheck).

(f) Permit Issuance.

- (1) If the work described in an application for permit and the plans filed therewith conform to the requirements of this section and other pertinent laws, and if the required fees have been paid, the city shall conduct a plan check and if approved may issue a permit to the applicant, subject to corrections, if necessary.
- (2) Building permit issuance does not include permission to install plumbing, electrical and/or mechanical. Separate permits for that work are required.
- (3) Only state-licensed master plumbers, electricians, and state-licensed mechanical contractors or those designated in writing to the city by the master may be issued permits after or concurrent with issuance of a building permit to owner or contractor.
- (4) All plumbing, electrical and mechanical applicants are required to register with the city and provide the city with a copy of their valid state license.
- (5) When the city issues a building permit, the city shall endorse in writing and stamp on all set of plans "approved." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the city. All work shall be done in accordance with the approved plans as modified.

(g) Retention of Plans. One set of approved plans and specifications shall be retained by the city, and one (1) set of approved plans and specifications shall be returned to the applicant.

(h) Validity. The issuance or granting of a permit, or approval of plans and specifications, shall not be construed to be authority for, or an approval of, any violation of any of the provisions of this section or any other city ordinance. No permit purporting to give authority, to violate or cancel the provisions of this section, shall be valid, except insofar as the work or use which it authorized is lawful and conforms to the requirements of this section or variance or modification granted pursuant to this article. The issuance of a permit based upon plans and specifications shall not prevent the city manager or his/her designee from thereafter requiring a correction of errors in said plans and specifications or from preventing building operations being carried on hereunder when in violation of this article or of any other ordinance of the city.

(i) Representations by Applicant. All representations, whether oral or written, made by the applicant or his agent in support of an application for any permit under this article become conditions upon which such permit is issued. It shall be unlawful for any applicant to vary from such representations without first applying to amend the permit and receiving approval by the city.

(j) Permit Fees. The city manager or his/her designee may, in writing, suspend or revoke a permit used under the provisions of this section whenever the permit is issued in error, or on the basis of incorrect information or for violations of the provisions of this article or any other city ordinance.

- (1) The city has established fees to cover the costs of applications, plan review, inspections and other expenses incurred by the city in the administration of this article. Where work, for which a permit is required by this article, is commenced prior to obtaining a required permit, the fees specified shall be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this article in the execution of the work nor from any other penalties prescribed herein. The applicant will be required to comply with all ordinances.
- (2) In the event an applicant withdraws his application submission or does not construct under the issued permit, and has paid a plan review and permit fee, at the request of the applicant the city will refund the building permit fee less fifty (50) percent of the fee to cover the cost of administrative expenses incurred as a result of the submission. When a separate plan review component is established by the schedule of fees contained elsewhere herein, no portion of that plan review fee shall be returned, even if the plan review has not been completed
- (3) In the event the application and/or plans submitted for a building permit do not meet requirements and is rejected by the city for any reason the city shall not refund any portion of the fee that is designated for plan reviews.
- (4) The city may allow for the transference or credit of fees collected for a permit to a different party who might desire to exercise any portion of those same rights on the same property.
- (5) Re-inspections required as the result of incomplete or deficient work that does not otherwise meet the provisions below shall result in additional fees assessed in accordance with the schedule contained in Appendix A.
- (6) Site visits required to investigate, or document verified violations of any provision of this chapter, specifically including any regulations intended to minimize the disturbance to adjacent property owners shall be assessed at the rate established for second or subsequent re-inspections. Such fees shall be assessed against the primary building permit, regardless of whether the violation was committed by any sub-contractor, including those that might be required to take out concurrent permits as specified above.

(k) Expirations, Extensions, Renewals, Suspensions and Revocations.

- (1) Building and subcontractor permits issued under the provisions of this chapter are valid until such time as the work authorized by that permit has been satisfactorily completed in accordance with all applicable requirements, as evidenced by a Certificate of Occupancy (not a temporary Certificate of Occupancy), or for a time period as follows:
 - (A) Miscellaneous or accessory structure permits — six (6) months from the date of approval;
 - (B) Residential or site work permits — twelve (12) months from the date of approval;
 - (C) Multifamily and nonresidential permits five thousand (5,000) square feet in area and below — twelve (12) months from the date of approval; and
 - (D) Multifamily and nonresidential permits greater than five thousand (5,000) square feet in area — twenty-four (24) months from the date of approval.
- (2) The city manager or his designee may, upon written notice, suspend or revoke a permit used under the provisions of this section whenever the permit is issued in error, is based on incorrect information or for violations of the provisions of this chapter or any other city ordinance. Every permit issued under the provisions of this article shall expire and become null and void, with all permit and review fees forfeited if the work authorized by such permit is not commenced within one hundred and eighty (180) days from the date of approval. Permits shall also expire and become null and void, with all permit and review fees forfeited if the work authorized by such permit is suspended or abandoned for a period of two (2) months at any time after the work has originally commenced. Where work has stopped or been abandoned, and/or the permit has been revoked or become null and void prior to completion in accordance with all applicable requirements of this chapter, the unfinished work shall be deemed a violation of both the building and property maintenance regulations for which the permit holder and/or the property owner shall be held responsible as specified elsewhere herein..
- (3) Subject to consistent progress or documented hardship, the permit holder may apply for extensions to the time limits specified above. Pursuant to the payment of a fee in an amount equal to the original permit fee or the scheduled renewal fee, whichever is greater, the building official may authorize a six (6) month extension to satisfactorily complete the work. Extension fees shall not include any portion of the permit fee specifically identifiable as a review fee. Pursuant to the payment of additional fees in an amount equal to the original permit fee or the scheduled renewal fee, whichever is greater, the building official may authorize additional extensions in six month increments up to a maximum time limit of thirty-six (36) months to complete the work as defined above..
- (4) Any permit that has not resulted in a Certificate of Occupancy within thirty-six (36) months from the date of approval shall be considered permanently revoked. If applicable, the code enforcement authority shall pursue all appropriate remedies applicable to dangerous or unsafe structures and property. After a permit has been permanently revoked, a new application, fee and review is required, along with an updated set of documents that completely and accurately reflect the current state of completion. In addition, the approval of the City Council is required and shall be based only the basis of extraordinary hardship or circumstances. In accordance with Section 3.121 below, the City Council has the authority to require a performance bond as a prerequisite for a new permit approval.

(l) Setback Verification. A form survey, prepared by a state-licensed surveyor, is required for any new principal building, any accessory buildings over one hundred and twenty (120) square feet, additions to any principal or accessory buildings, swimming pools, and decks if the plans submitted indicate it will be closer than ten (10) feet to any building setback and/or property line. When applicable, the form survey shall be provided as a condition of the first required inspection. See Section 3.112 below.

(Ordinance O-02-15 adopted 1/15/15)

HISTORY

Amended by Ord. [20-10-01-02](#) on 10/1/2020

Sec 7 General Specifications For All Roadways

(a) Generally.

- (1) It shall be unlawful for any person to cut, break, or remove any curb along a roadway except as herein authorized.
- (2) It shall be unlawful for any person to construct, alter, or extend, or permit or cause to be constructed, altered, or extend any driveway approach which can be used as a parking space or access area to a parking space that is between the curb and private property, except as herein authorized.
- (3) No driveways, other than those required for one- and two-family residential structures on local streets, shall be constructed in such a way as to require backing maneuvers into the public right-of-way.
- (4) This section shall be deemed to be supplemental to other sections regulating the use of public property, and in case of conflict, this section shall govern.
- (5) Adequate sight distance shall be provided for a passenger motor vehicle making a left or right turn exiting from a driveway. The adequate sight distance criteria shall be made by the City Engineer.
- (6) Driveways on a one- or two-family lot or parcel of property shall be a minimum of 20 feet apart, and 20 feet from a corner on a local street, measured at the curb or shoulder line, and from the end of the corner radius and driveway radius or flare. At a collector or arterial, the minimum distance from a corner shall be 50 feet.
- (7) On one- and two-family lots or parcels, there shall be no more than three driveway approaches at a local street and no more than two driveway approaches at a collector or arterial.
- (8) Driveway approach grades shall not exceed twelve percent in order to provide for proper vehicular clearance unless otherwise approved by the City Engineer.
- (9) Driveway approaches shall not be located within 20 feet of any designated pedestrian crossing or golf cart path.
- (10) Driveway approaches shall be maintained at or near an angle of 90-degrees to the public street improvements with a maximum deviation of 10-degrees unless approved by the City Engineer.
- (11) Where side ditches exist, pipe of sufficient size and material shall be installed underneath the driveway approach. The grade and size for the pipe shall be determined by a registered engineer and approved by the City Engineer. The City will not be responsible for furnishing the pipe.
- (12) Where a driveway approach is built and sidewalks exist, sufficient sidewalk shall be removed to blend with the new approach.
- (13) Whenever the use of any driveway approach is abandoned and not used for ingress and egress to the abutting property, it shall be the responsibility of the abutting property owner to remove such abandoned approach and restore the curb, sidewalk, and/or right-of-way to a status equal to that in the general area. For the purposes of this section, "abandoned" shall be defined as stated in other provisions of the Lago Vista Code of Ordinances.
- (14) Joint driveway approaches with adjoining property holders may be permitted provided joint application is made by all interested parties.

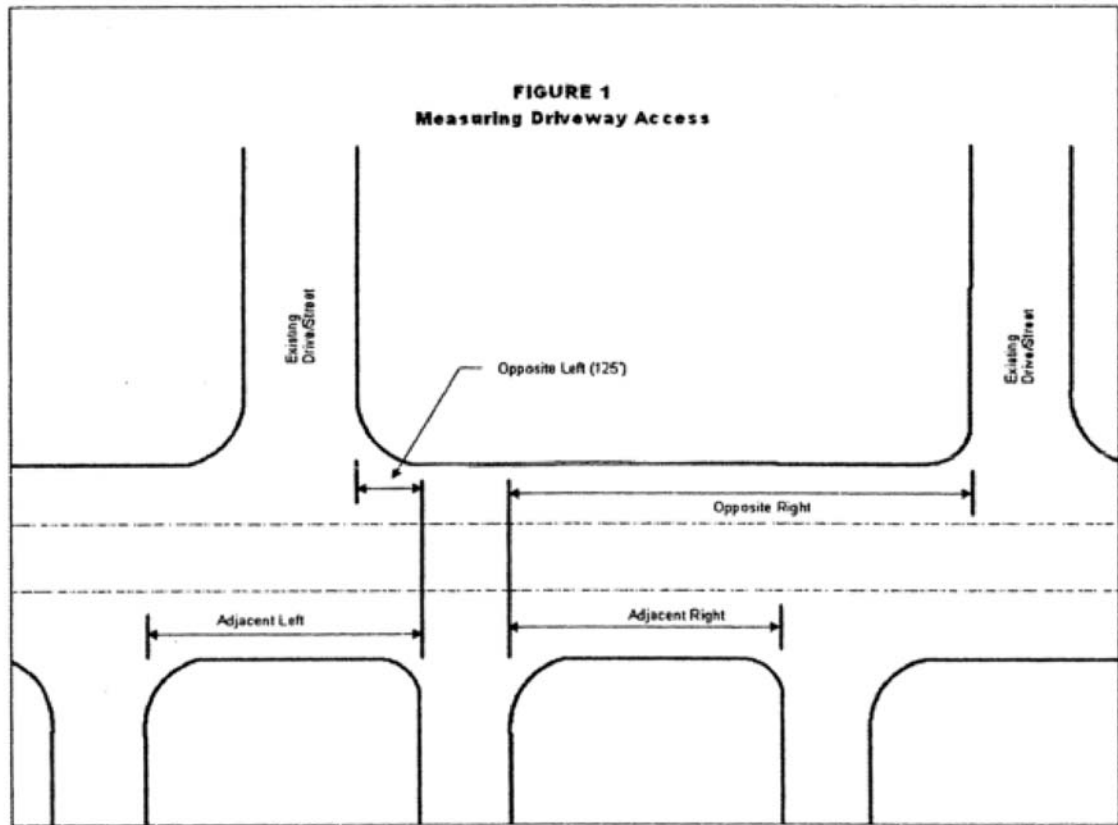
- (15) If supported by sound judgment consistent with current best technical practices, the City Engineer can approve relief from strict compliance with the dimensions in this section if deviations are warranted and safety is not compromised (See below).

(b) Location of driveway access.

- (1) Driveway access to expressway, parkway, arterial and collector roads shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way. Driveway access to streets for commercial or multifamily developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way.
- (2) No curb cuts through a left turn lane of a median shall be permitted in order to provide for left turn movements to driveway approaches.
- (3) Driveways in right turn lane transition areas shall not be permitted.

(c) Spacing of driveway access.

- (1) Application of the driveway access location and design standards requires identification of the functional classification of the street on which access is requested. Street sections are classified as local, collector, minor arterial, and major arterial.
- (2) Driveway access spacing shall be measured from the closest edge of pavement of the first access connection to the closest edge of pavement of the second access connection (Figure 1).



- (3) Opposite right driveways, for other than one- or two-family development, shall be located per the following requirements:

Street Classification	Spacing
Local	Must align or offset greater than 15 feet
Collector	Must align or offset greater than 100 feet
Minor arterial	Must align or offset greater than 225 feet
Major arterial	Must align or offset greater than 300 feet
Major arterial median	To be determined by City Engineer

- (4) Additional opposite right spacing exceeding that set forth in the above section may be required if it is determined by the City Engineer that there is insufficient left turn queue storage or weave maneuver area between the opposite right and proposed driveway. This determination shall be made under peak traffic conditions.

- (5) Opposite left driveways, for other than one- and two-family development, shall be located per the following requirements:

Street Classification	Spacing
Local	Must align or offset greater than 15 feet
Collector	Must align or offset greater than 125 feet
Minor arterial	Must align or offset greater than 125 feet
Major arterial	Must align or offset greater than 125 feet
Major arterial median	To be determined by City Engineer

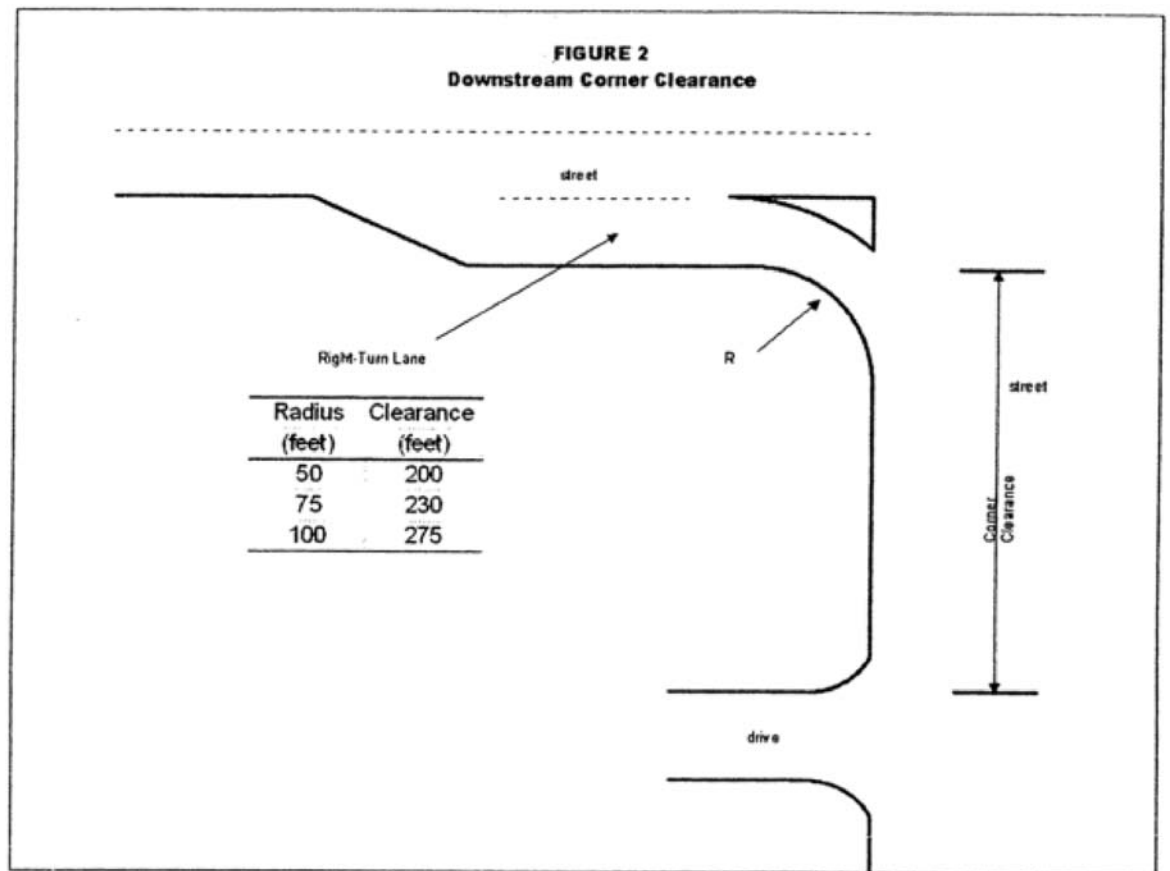
- (6) Where possible, opposite driveways for other than one or two family development shall align. These drives shall be considered as an intersection.
- (7) Adjacent driveways, for other than one- or two-family development, shall be located per the following requirements:

Street Classification	Spacing
Local	Greater than 25 feet
Collector	Greater than 100 feet
Minor arterial	Greater than 150 feet
Major arterial	Greater than 250 feet

- (8) Exceptions. Where driveway spacing according to the standards in this section may not be possible or practical, the City Engineer may require one or a combination of the following:
- (A) Where adequate access connection spacing cannot be achieved, the City Engineer may allow for a lesser spacing when shared access is established with an abutting property.
 - (B) Where no other alternatives exist, construction of an access connection may be allowed along the property line farthest from the intersection. To provide reasonable access under these conditions but also provide the safest operation, consideration shall be given to designing the driveway connection to allow only the right-in turning movement or only the right-in/right out turning movements, if feasible.

(d) Corner clearance.

- (1) Corner clearance, the distance between a street intersection and a driveway, for driveway access other than to one or two family development, shall meet or exceed the minimum driveway spacing requirements for that roadway, as shown above.
- (2) Downstream corner clearance. When minimum spacing requirements cannot be met due to lack of frontage and all means to acquire shared access drives or cross access easements have been exhausted, the following shall apply: at intersections with channelized right-turn lanes with yield control, a corner clearance as shown in the following may be approved by the City Engineer:
 - (A) Local streets. No closer than 30 feet.
 - (B) Collectors. No closer than 75 feet.
 - (C) Minor arterials. No closer than 100 feet.
 - (D) Major arterials. No closer than 120 feet.



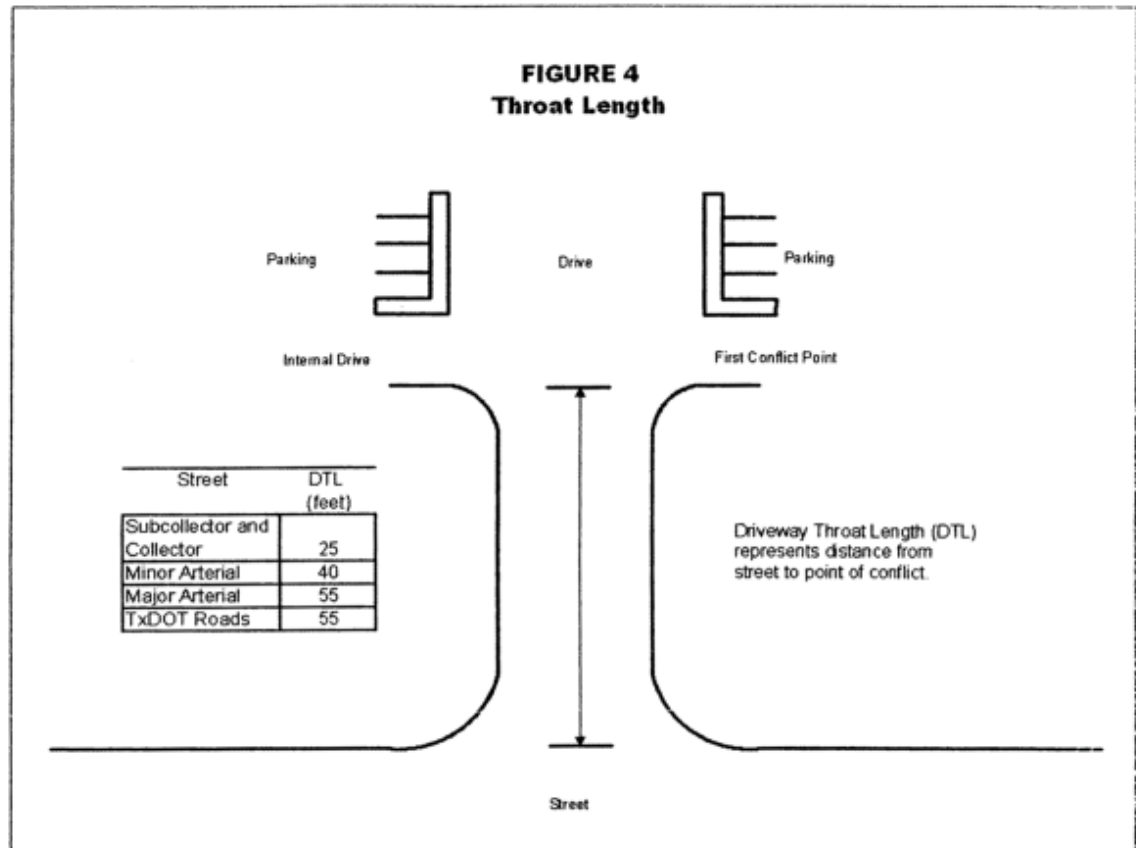
(e) Shared access.

- (1) A shared access easement may be required between adjacent lots fronting on major arterials, minor arterials, or collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The City Engineer shall determine the location and dimensions of said easement.
- (2) Private cross access easements may be required across any lot fronting on major arterials, minor arterials, or collector streets in order to minimize the number of access points and facilitate access between and across individual lots. The City Engineer shall determine the location of said easement.

(f) Geometric design of driveway access.

- (1) All driveways shall meet the City's standard specifications for street construction and construction standards.
- (2) Curb cuts for driveways shall not be permitted in the curb return of an intersection.
- (3) The curb return radii or flares for driveways intersecting at right angles with the roadway and without a deceleration lane shall be as follows:
 - (A) Curb return radii or flares for one or two family driveways shall be five feet or have a three feet flare.
 - (B) Curb return radii or flares for industrial, commercial and multi-family driveways shall be a minimum of 15 feet to a maximum of 30 feet.
 - (C) Curb return radii or flares for driveway types not included in this section shall be determined by the City Engineer.
 - (D) The City Engineer may allow a larger radii or flare in special circumstances, for instance where there will be significant large truck, bus, or shuttle traffic on a daily basis.
- (4) The tangent point of the driveway curb return at the public roadway line or flare shall be a minimum distance of one foot off the property projected perpendicular to the street centerline, except single family zero lot line lots. On single family zero lot line lots where the drive is on the zero lot line, the tangent point or flare shall be no greater than three feet beyond the adjoining property line projected perpendicular to the street centerline.
- (5) The maximum width of a one- or two-family driveway approach measured at the property line shall not exceed 30 feet in width, while the minimum width shall not be less than 12 feet in width unless the driveway is shared, in which case the driveway shall not exceed 40 feet in width (See Chapter 10 for shared driveway requirements).
- (6) The maximum width of a commercial, industrial or multifamily driveway approach for two-way operation shall not exceed 40 feet except that the City Engineer may issue permits for driveway approaches greater than 40 feet in width on major streets to handle special traffic conditions. The minimum width of a commercial and multifamily driveway approach for two-way operation shall not be less than 20 feet.
- (7) The width of a driveway approach that is a combination of two driveways for one or two family circular drives shall not exceed 40 feet.

- (8) Throat length. A minimum driveway throat length of 25 feet for sub-collectors and collector streets, 40 feet for minor arterials, and 55 feet for major arterials, as shown in figure 4, may be required as determined by the City Engineer to allow for traffic entering the site to be stored on site in order to avoid a queue of traffic from the development from being out on the roadway causing delays to the through traffic stream. The driveway throat length shall be defined as the distance from the street to the first point of conflict in the driveway.



- (9) Driveway median. On collector, minor arterials, and major arterials, access points may be required to be designed to prohibit certain types of turning movements (for example, left turns). Driveways not meeting the spacing guidelines in subsection 7(c) may be designed for limited access by the addition of a median to the driveway.
- (10) Turn lanes. Turn lanes are exclusive deceleration and storage lanes that allow for vehicles to turn left and right at intersections outside the through lane. Turn lanes requirements are provided in the subdivision and site development regulations (See Chapter 10 and 10.5).
- (11) The spacing requirements for driveways not meeting the specifications in subsection 7(c) may be lessened or waived by the City Engineer if tapered or channelized deceleration lanes are used.
- (12) Signalization. Access points on collector, minor arterials, and major arterials may be required to be signalized in order to provide safe and efficient traffic flow. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is necessitated by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria set forth by the City Engineer.

- (g) Street structures. No driveway shall interfere with nor be closer than five feet from any public, utility, or communication facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The City Engineer is authorized to order and effect the removal or reconstruction of any driveway that is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the abutting property owner.
- (h) The Americans with Disabilities Act (ADA) and the Texas Accessibility Standards. All construction related to the access of all roadways must comply with the Americans with Disabilities Act and the Texas Accessibility Standards.
- (i) Compliance with all applicable state and federal laws, rules, and regulations. Access to all roadways shall comply with applicable state and federal laws, rules and regulations.

- (j) Median openings. Median openings may be provided at intersections or at intervals for major developed areas. Spacing between median openings must be adequate to allow for the introduction of left-turn lanes and signal detection loops to operate without false calls. If medians are provided, the following standards for lengths of median turn lanes shall determine the location of median opening:

Main Design Speed	Taper Length	Deceleration Length
30 mph	50 feet	160 feet
35 mph	50 feet	215 feet
40 mph	50 feet	275 feet
45 mph	100 feet	345 feet
50 mph	100 feet	425 feet
55 mph	100 feet	510 feet
60 mph	150 feet	615 feet
65 mph	150 feet	715 feet

Design Turning ADT	Minimum Storage Length
150	50 feet
300	100 feet
500	175 feet
750	250 feet

The City Engineer may require another minimum storage length based upon results for a computer model or computational formula. The required storage may be obtained using an acceptable traffic model such as the latest version of the HCM software (HCS), SYNCHRO, or VISSIM or other acceptable simulation models. Where such model results have not been applied, the following may be used:

$$L = (V/N)(2)(S)$$

where:

L = storage length in feet (or meters)

V = left-turn volume per hour, vph

N = number of cycles

2 = a factor that provides for storage of all left-turning vehicles on most cycles; a value of 1.8 may be acceptable on collector streets

S = queue storage length, in feet (or meters), per vehicle

% of trucks	S (ft)	S (m)
<5	25	7.6
5-9	30	9.1
10-14	35	10.7
15-19	40	12.2

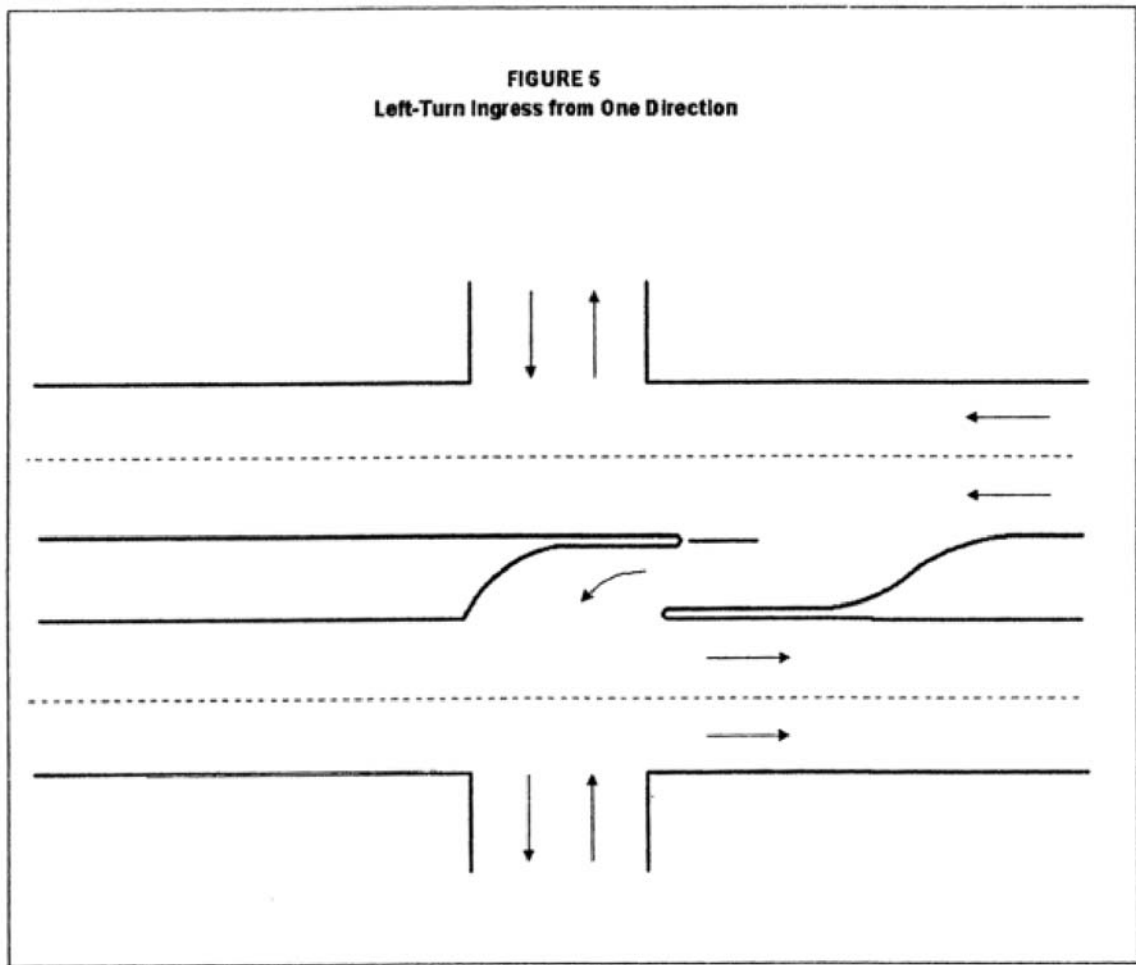
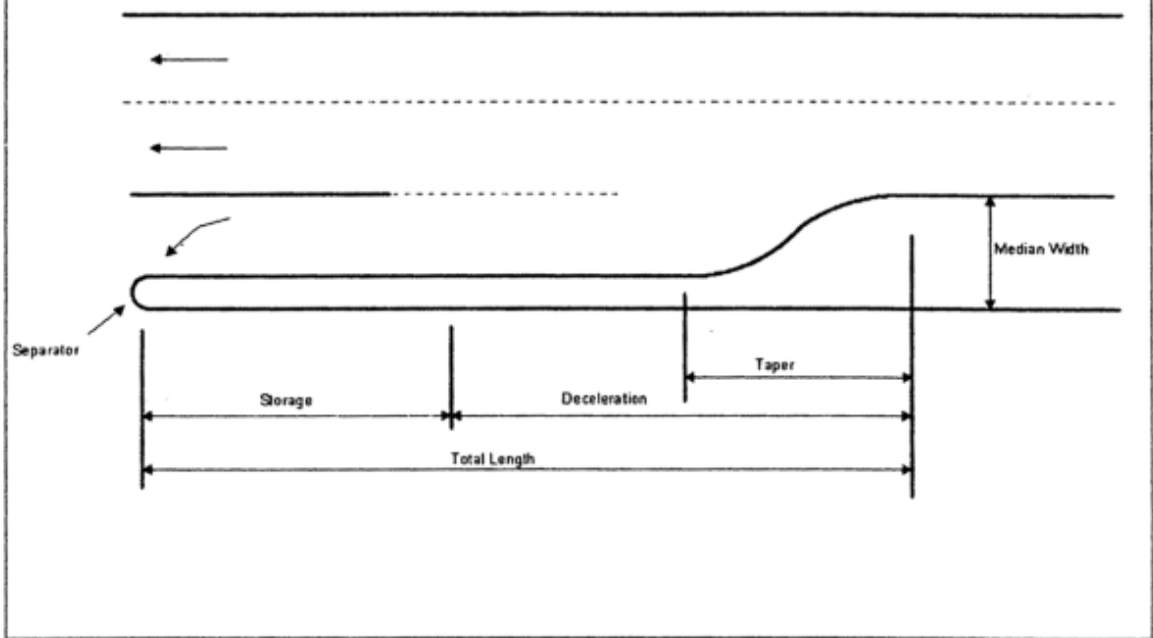


FIGURE 6
Single Left-Turn Lane



HISTORY

Adopted by Ord. [22-07-07-04](#) on 7/7/2022

Section 20 Tree Preservation And Landscaping Requirements

(a) Definitions. The following definitions shall apply to this section:

“Allowable Building Area” shall mean the area below and extending thirteen (13) feet beyond the building foundation, including any patios or porches.

“Clear cutting” shall mean the removal of substantially all trees from any property by any means other than a flood, tornado or other natural disaster.

“Native Tree” means any Live Oak, Spanish Oak, Cedar Elm, Shin Oak, Bald Cypress, Post Oak, Pecan, Bur Oak or other such tree indigenous to Central Texas.

“Permeable Surface” shall mean any ground surface that allows for the absorption of water and is not covered by a structure or materials that would prevent the absorption of water.

“Protected Tree” shall mean any tree, except an ashe juniper with a main trunk diameter of ten (10) inches or larger measured at forty (40) inches above ground.

“Shrub” shall mean a self-supporting perennial plant which has leaves.

“Small Native Tree” means Texas Madrone, Black Cherry, Texas Mountain Laurel, Evergreen Sumac, Mexican Buckeye, Flameleaf Sumac, or Texas Persimmon.

“Tree” shall mean any self-supporting woody perennial plant which has a trunk and branches. It may appear to have several stems or trunks as in several varieties of oak and ashe juniper. A tree has a more or less definitely formed crown, usually attaining a mature height of at least eight (8) feet.

“Tree Survey” shall mean a diagram or drawing, prepared by a registered professional land surveyor unless specifically exempted below, which accurately depicts the location and approximate size of all protected trees on a lot and shall include a legend that identifies and differentiates protected trees to be removed and those to be retained.

“Yard Area” shall mean the front, side and rear-yard areas as required under the zoning ordinance and the zoning district requirements applicable thereto.

(b) Clear cutting of trees and replacement of trees. Clear cutting of all trees from any property shall be restricted based upon the requirements of this section.

(c) Removal of protected trees. Permit required.

- (1) No person shall remove or cause the removal of any protected trees without first securing a separate permit or a construction permit that includes the removal of such tree or trees except as follows:
 - (A) within the “allowable building area” as noted in subsection (e)(4)(A) below, and
 - (B) as provided for in subsection (m) below.
- (2) All permits that include the removal and/or replacement of a protected tree or trees shall be issued by the City of Lago Vista through its Development Services Department. The City staff, Planning and Zoning Commission and the City Council may consider tree removal and replacement as an element of any application for development approval over which they have authority.
- (3) Applications for the tree removal and/or replacement permit that are distinct from other construction permit applications must be made in the format designated by the City and shall be signed by the owner of the affected property or their designated representative. All tree removal and/or replacement permit applications shall include a current tree survey depicting the location of all protected trees on the property on which the tree or trees to be removed are located. Subject to prior written documentation from the Development Services Department verifying the size of no more than three protected trees proposed for removal, a registered professional land surveyor shall not be required to certify the required tree survey. The fees charged for the issuance of the permit and the removal and/or replacement of protected trees shall be established by the Lago Vista City Council through its Fee Ordinance.
- (4) The approval of a site development plan or building permit for a particular tract of property may serve as the Protected Tree Removal Permit so long as the required tree survey is included along with the site development plan or the building permit application and the removal of specific protected trees is appropriately identified. All removal and/or replace fees shall be paid prior to the issuance of either a temporary or permanent certificate of occupancy.
- (5) A Protected Tree Removal Permit may include authorization for the removal of one or more protected trees on a particular lot.
- (6) A Protected Tree Removal Permit shall not be required in those instances in which the City of Lago Vista has determined that removal of the protected tree is necessary in order to prevent the spread of Oak Wilt or other disease in accordance with Subsection (m)(1) below, and/or to eliminate a hazard to public health or safety as deemed necessary by any federal, state or local authority.
- (7) The permit authority may approve the tree removal, deny the removal, approve removal with replacement, require a fee for removal in accordance with subsection (e)(6) below, or any combination thereof.

(d) Nonpoint Pollution Permit Required. In any case of tree removal involving the disturbance of soil, such as with the use of heavy equipment, stump removal, or removal/clearing of ground cover, a nonpoint source pollution permit in accordance with the Highland Lakes Watershed Ordinance adopted by the City is required.

(e) Replacement of Protected Trees Required.

- (1) Every effort shall be made to allow for as many protected trees, native trees and small native trees to remain on the property as possible. During the building design phase, courtyards, alcoves, and innovative shapes shall be considered. Winding sidewalks and driveways shall also be employed to preserve protected trees when possible. Parking lots shall be designed to incorporate and preserve as many protected trees as possible. Patios and decks shall be designed and located to avoid protected trees.
- (2) Any person removing or causing the removal of a protected tree or trees from any property within the City of Lago Vista without a permit issued in accordance with this chapter shall be required to provide for the replacement of the protected trees or otherwise comply with the provisions of this section.
- (3) Selection of replacement trees shall include trees listed in subsection (k) of this section and shall be a minimum of two (2) inches caliper measured forty (40) inches above ground level.
- (4) The cumulative total caliper inches of replacement trees shall be required to meet or exceed the cumulative total caliper inches of any and all protected trees removed from a tract or property as follows:
 - (A) Caliper inches of protected trees in the allowable building area shall be replaced or assessed fees at a ratio of 1:1;
 - (B) Caliper inches of protected trees between 10 inches and 36 inches in diameter measured at forty inches above the ground shall be replaced or assessed fees at a ratio of 1.5:1, reduced to 1:1 if minimum 3-inch caliper replacements trees are provided; and
 - (C) Caliper inches of protected trees larger than 36 inches in diameter measured at forty inches above the ground shall be replaced or assessed fees at a ratio of 2:1, reduced to 1.5:1 if minimum 3-inch caliper replacement trees are provided.
- (5) The placement of replacement trees shall not be allowed within any public utility or drainage easements, natural drainage ways or in any location which limits site distances for vehicular traffic along roadways, rights-of-way, or driveway/roadway intersections.
- (6) Replacement trees for nonresidential and multifamily development shall be located as follows:
 - (A) within a buffer area between the development and one- or two-family zoned property or residences;
 - (B) in an area between parking lots and a street;
 - (C) in an area between building(s) and a street; and/or
 - (D) within parking lots.
- (7) If it is not possible or feasible to provide for the replacement of the total number of inches of protected trees to be removed, the owner or controlling agent of the property shall pay a fee to the City of Lago Vista in lieu of tree replacement in accordance with Appendix A, Fee Schedule. Any such fees collected by the City shall be placed in a special fund and the use of these funds shall be restricted for the planting of trees or other greenery, for development or improvements of trails, or for development or improvement of pocket parks as determined by the City Council.

- (8) In addition to the required tree survey, all protected trees to be removed shall be depicted on the site plan for the project, including those in the allowable building area. The fee for any removed protected tree that can be detected on aerial or other available imagery, but not documented on the required tree survey shall be assessed as if 36 caliper inches, measured 40 inches above the ground.

(f) Multifamily and Nonresidential Development. All multifamily and nonresidential developments within the City are required to submit a Landscape Plan as part of the Site Development Plan and Design Review required for obtaining a permit. While the City encourages the use of native vegetation, xeriscaping and other forms of landscaping to promote water conservation and to retain the natural appearance of the community, all landscape plans and the resulting landscape shall meet the minimum standards of this section.

- (1) Landscaping in multifamily and non-residential areas shall be in compliance with the landscape plan approved by the City of Lago Vista and in accordance with this section.
- (2) Areas of permeable surface, except the areas of retention and/or detention ponds, shall be landscaped with areas designated as lawn, rock garden or plant bedding area. All such area shall have sufficient topsoil to support indicated plant life and comply with the erosion control requirements within Chapter 3. The City encourages the use of grasses such as buffalo grass to promote water conservation. Areas designated plant bedding shall have sufficient topsoil and other required materials to support the scheduled plants. The landscaped areas shall be separated from parking and other paved areas by concrete, stone or brick curbing.
- (3) A minimum number of trees and their location shall be according to the following:
 - (A) Within parking lots: One shade (not ornamental) tree for every eight parking spaces. Trees may be clustered and uniform planting is not required.
 - (B) Within areas between a parking lot and a street: One tree for every 40 linear feet of street. Planted trees shall be at least 20 feet from another tree. Trees under existing power lines shall be ornamental trees.
 - (C) Within residential buffers: Where the development adjoins land used or zoned for one- or two-family development: one shade (not ornamental) tree for every 25 linear feet uniformly spaced.
 - (D) Planted trees shall be in planting area of at least 64 square feet and no dimension shall be less than eight feet.
- (4) Trees required by this section shall be a minimum caliper of two (2) inches measured forty (40) inches from the ground and six (6) feet in height when planted, and shall be one of the species listed in subsection (k), or any other ornamental trees approved by the City.
- (5) Retention and Detention Ponds. Exterior walls of retention and/or detention ponds above grade level shall be faced with stone, brick or similar decorative facing, or screening by planting of shrubbery or vines of a type suitable for this area, and as approved by the City.
- (6) An owner shall maintain required landscaped areas in a healthy condition, free from diseases, pests, weeds and litter in accordance with generally accepted horticultural practices. An owner who receives notification from the City that plants on site are dead, diseased or severely damaged shall remove the plants within sixty (60) days from receipt of such notification and shall replace the plants within six (6) months after notification or within the next planting season whichever comes first. Any owner who is required to replace plants must use the same species and size of plants shown on the approved landscaping plan or equivalent quality and size.

(g) Landscaping in One- and Two-Family Residential Areas.

- (1) Prior to the issuance of a Certificate of Occupancy, area of permeable surface within the boundaries of a one- or two-family residential property shall be landscaped with front and side areas designated as lawn, rock garden or plant bedding area. All such areas shall have sufficient topsoil to support indicated plant life and comply with the erosion control requirements within Chapter 3. The City encourages the use of grasses such as buffalo grass in order to promote water conservation. The areas designated plant bedding shall have sufficient topsoil and other required materials to support the provided plants. At least six (6) shrubs will be required to be located on the property preferably in the plant bedding area.
- (2) A minimum number of trees per lot are required as provided in the following:

Lot Size	Number of trees required
1–8000 square feet	2
8,001–10,000 square feet	3
10,001–14,000 square feet	4
14,001–18,000 square feet	5
18,001 square feet or more	6

- (3) An owner shall maintain:

- (A) required landscaped areas in a healthy condition, free from diseases, pests, weeds and litter in accordance with generally accepted horticultural practices;
- (B) the required number of shrubs and trees; and
- (C) required accessory building screening and landscaping.

- (4) An owner who receives notification from the City that plants on site are dead, diseased or severely damaged or missing shall remove the plants within sixty (60) days from receipt of such notification and/or shall replace required plants within six (6) months after notification or within the next planting season whichever comes first. Any owner who is required to replace plants must use the same species and size of plants shown on the approved landscaping plan of equivalent quality and size.

- (h) Alternative Landscape Plan. In lieu of meeting the requirements of this section, an applicant may submit an alternative landscape plan to the approving authority. The plan should be superior to what could be achieved from following the specifications of this section.
- (i) Certificate of Occupancy. Prior to the issuance of a Certificate of Occupancy, properties will be inspected to ensure compliance with any approved landscape plan for the development and with this section. Failure to comply with the approved landscape plan and/or the provisions of this section may result in a denial of the Certificate of Occupancy by the City.

(j) Tree Protection During Construction and Tree Protection Zone.

- (1) During any construction or land development, the developer or property owner shall take reasonable care to avoid damaging any trees that are to remain on the lot or site. The developer or property owner shall not allow any cleaning of equipment or tools nor the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc, under the canopy of any tree or groups of trees. Trees to remain after construction is complete should be protected from possible injury during construction. Tree protection measures shall be shown on the required landscape plan.
- (2) For trees that are to be preserved, a root protection zone according to the following shall be established. The area of the root protection zone shall be at least an area with a radius of six inches for each inch of main trunk measured 40 inches above the ground. The area need not be uniform and can be at no point closer than five feet from the trunk. There shall be no disturbance in the root protection zone. The root protection zone of more than one tree may overlap. The maximum size of the root protection zone shall be 1,000 sq. ft.

- (k) Preferred Trees. Replacement trees required by the provisions above and any new required trees to be planted shall be a minimum of two (2) inches caliper measured forty (40) inches from the ground and six (6) feet in height when planted, and shall be one of the following species of tree or any other ornamental trees approved by the City. Planting shall be completed in accordance with best practices established in the Tree Care Kit published by the Texas A&M AgriLife Extension Service and the Native Tree Growing Guide for Central Texas available from the City of Austin.

American Elm	American Smoketree	Bald Cypress
Big tooth Maple	Blanco crab apple (ornamental)	Bur Oak
Carolina Buckthorn	Cedar Elm	Chinese Flame
Chinese Pistachio	Chinquapin Oak	Crape Myrtle (ornamental)
Chitalpa	Deciduous Holly (ornamental)	Desert Willow (ornamental)
Elm	Flame leaf Sumac	Lacebark
Live Oak	Mexican Buckeye	Mexican Plum
Monterey Oak	Montezuma Cypress	Pecan
Rough Leaf Dogwood	Texas Persimmon	Texas Red Bud (ornamental)
Western Soapberry		

(l) Removal/Eradication of stumps required.

- (1) In the event that any trees of any kind are cut on a lot, the owner of the lot or the owner's agent will be required to remove, grind or otherwise eradicate the stump of the cut trees in a manner in which the stump will not be noticeable from surrounding properties or the street right-of-way. Stump removal shall occur within 60 days of cutting.
- (2) For purposes of this section, a stump will not be considered visible if the top of the stump does not exceed two (2) inches above the surface of the lot at location of the stump.
- (3) Removal of one or more stumps from a lot through excavation or bulldozing will require the installation of temporary and permanent erosion and sedimentation controls as deemed necessary by the City of Lago Vista and compliant with the requirements within Chapter 3. Re-vegetation of any area disturbed by the removal of trees or stumps must be accomplished with sixty (60) days of the removal absent the express written permission of the permitting authority. Erosion and sedimentation controls must be maintained in an appropriate manner to ensure their effectiveness and aesthetic appearance until such time as new vegetation is permanently established in the disturbed area(s).

(m) Exceptions. The following shall be exemptions to this section.

- (1) Trees certified as dead or diseased by an arborist or registered landscape architect at the time of a tree survey required by any permit shall not result in a replacement obligation under the provisions of this section. In addition, any or all trees on a property that are infested with a contagious disease, such as oak wilt, shall be promptly removed in accordance with the requirements of other chapters within the Lago Vista Code of Ordinances. When certified by an arborist or registered landscape architect, removal of trees with a contagious disease shall not result in a replacement obligation. However, any dead or dying tree not caused by a contagious disease but required as a result of permitted improvements shall be replaced as specified herein. The City may require certification by an arborist or licensed landscape architect to verify that a tree is dying.
- (2) During the state of an emergency, as declared by the City, the requirements of this chapter may be temporarily waived for a period of time as may be deemed necessary by the City.
- (3) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this chapter only in relation to those trees planted and growing on the premises of said licensee, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.
- (4) Utility companies franchised by the City may not remove trees without a permit, except in emergency situations which endanger public safety and welfare by interfering with utility service that is contained within rights-of-way or easements.
- (5) Fire department personnel actively engaged in fighting a fire may remove as many trees as necessary to aid in containment or suppression of the fire.
- (6) Any lot which does not have, as of the effective date of this chapter, the minimum number of required trees or shrubs shall be exempt from any requirement to add trees or shrubs unless a building permit, design review or site development plan review is requested for that property. However, this exception shall not exempt a property owner from the requirement to replace dead or diseased trees under the provisions of (m)(1) above.

(n) Failure to Comply.

- (1) Failure to obtain a permit prior to the removal of a protected tree will result in a permit fee which is double the fee per caliper inch as the fee established in the Fee Ordinance for the City of Lago Vista.
- (2) Failure to comply with this chapter may result in the imposition of additional fees and penalties as contained in this section.
- (3) In those cases in which a tree is removed without permit and that tree may have been a protected tree under this chapter the City will rely on any and all available evidence to determine if a violation of this chapter has occurred. For enforcement purposes the City will consider that any stump remaining on the property which is ten (10) inches or more in diameter measured at ground level or higher was a stump of a protected tree as defined by this chapter. See also Section (e)(7) above.
- (4) Failure to install landscaping as required by this chapter shall be considered a violation of the building permit and a violation of this chapter. The construction shall not be considered complete until all landscaping is installed as required.

HISTORY

Amended by Ord. [20-06-04-01](#) on 6/4/2020

Amended by Ord. [23-08-03-03](#) on 8/3/2023



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 11, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: **23-2603-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend the existing "Turnback Ranch Planned Development District" (PDD) established by Ordinance No. 07-04-05-03 as amended by Ordinance No. 23-09-21-01 to include a detail plan approval for the "SFD parcel" (approximately 241.541 acres of a tract within the Texas-Mexico Survey, Abstract Number 2291, the Christian Fehrenkamp Survey, Abstract Number 286, and the Lewis Goodwin Survey, Abstract Number 336).

- Staff Presentation
- Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ATTACHMENTS:
[23-2603-PPD-MOD.pdf](#)

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – APRIL 14, 2024**



P&Z CASE NO:	23-2603-PDD-MOD:	See attached legal description
APPLICANT:	Laci Ehlers (McLean & Howard LLP)	
LANDOWNER:	Turnback Development LLC (Strategic Real Estate Group)	
LOCATION:	± 1,125 feet west of Bar-K Ranch Road at Dodge Trail	
ZONING:	"Turnback Ranch PDD" (Ordinance Number 23-09-21-01)	
PROPOSED USE:	SFD Parcel (Tract B) Detail Plan Approval	

GENERAL INFORMATION / LOCATION:

- The "Turnback Ranch PDD" approved by Ordinance Number 07-04-05-03 and amended by Ordinance Number 23-09-21-01 includes an approximately 241.541-acre tract of land that is occasionally identified on historic documents as "Mahogany on Lake Travis," an alternative brand used by Ventana Capital, the parent ownership entity. "Turnback Ranch" appears to be related to the historic description of various portions of the north shore as "Turnback Canyon" by the Austin Yacht Club beginning sometime in the 1950s.
- The "Turnback Ranch PDD" is located east of "Lakeside of Tessera," separated from that development by a cove that extends north across the entire depth of the subject property when the level of Lake Travis reaches a certain depth. It is bounded on the north by the subdivision known as Bar-K Ranches, Plat 8, with its nearest public street being Surrey Lane. It is bounded by the east by various developments, including property owned by the Lago Vista POA such as Bar-K Park and the facility known as K-Oaks. However, the residential property on the east consists of two portions of two distinct subdivisions. Furthest north is Section 7 of Lago Vista Estates with its nearest public street being Horseshoe Loop. The remaining residential property to the east consists of Bar-K Ranches, Plat 3, located north of K-Oaks and east of Bar-K Ranch Road.
- As can be seen by an examination of Ordinance Number 23-09-21-01 which is included in this packet for convenience, the "detail plan" approval the SFD Parcel, also identified as Tract B, was deferred to a future date. That approximately 15-acre portion of the legal description was originally conceived as either single-family detached lots or higher density attached units. However, during that application, which was initially considered in August of 2022, it was instead approved as single-family residential lots consistent with the balance of the development, with the detail plan to be completed and submitted for approval in a future application. The current application seeks that anticipated "detail plan" approval.

SITE PLAN / CONTEXT CONSIDERATIONS:

- The density and development standards for the SFD Parcel (Tract B) were established in Ordinance Number 23-09-21-01 and have been marked for convenience. The maximum number of lots permitted within that approximately 15-acre portion of the development by the previous approval was 39, unless there was a commensurate reduction in the number of lots within the balance of the development to ensure that the total number of dwelling units did not exceed 349.
- The proposed "detail plan" depicts exactly 39 single-family residential lots which for single-family residential lots, all of which exceed the minimum frontage specified in Ordinance Number 23-09-21-01. Like the balance of the "detail plan" that was approved in that ordinance, a "detail plan" for any portion of a development that consists solely of single-family residential lots consists primarily of identifying the lots, the street network, and associated buffers and open space.
- As identified in Ordinance Number 23-09-21-01, the SFD Parcel (Tract B) includes the "secondary entrance" through property owned by the LVPOA that aligns with the existing termination of Paseo de Vaca Street on the east side of Bar-K Ranch Road. The south side of that "secondary entrance" through the SFD Parcel includes an additional buffer at the rear property line of the four adjacent double frontage lots. Presumably that buffer will include a continuous wall or fence to help visually

screen those residential rear yards from that slightly elevated “secondary entrance.” Except for the specifically required buffer that surrounds the bulk of the development, the remaining open space depicted on the SFD Parcel “detail plan” appear intended to provide access to the HOA amenities and the public park from these 39 residential lots.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Although Ordinance Number 23-09-21-01 describes improvements to be constructed along the “secondary entrance” on property owned by the LVPOA, that language ostensibly describes an anticipated private agreement. That property was not within the legal description of Ordinance Number 23-09-21-01 or Ordinance Number 07-04-05-03. Similarly, the primary entry road, often referred to as the “Dodge Trail extension” on property currently owned by the City of Lago Vista is not included in the legal description of either ordinance, but coincidentally appears as a separate application on this same agenda.
- There is no current ordinance explicitly requiring notification for the entire 241.541-acre tract rather than the approximately 15 acres within the SFD Parcel (Tract B). However, such an amendment is likely to be considered soon. A PDD is by nature a comprehensive development that should only be amended when considering any specific portion in the context of the entire plan. As such, the applicant did not object to a notification boundary that includes the entire legal description as opposed to only the SFD Parcel. In the interest of maximizing transparency, the City Manager also requested the inclusion of the “Dodge Trail extension” for the notification boundary and the use of this “expanded notification area” for both related applications that appear on this same agenda. Absent the consequences of significant written opposition, there does not appear to be an ordinance provision that precludes an “expanded notification area.”
- Although the failure to include the “detail plan” for the SFD Parcel (Tract B) in Ordinance Number 23-09-21-01 resulted from an application that was amended during the pursuit of an approved amendment, it is nonetheless implicitly authorized by the language in Section 10.20(e) of Chapter 14. “At the option of the applicant and in lieu of a separate concept and detail plan, a detail plan that also includes all the information required of a concept plan may be submitted for approval. Such a combined concept and detail plan shall be considered at the same time by both the Planning and Zoning Commission and the City Council. However, such an election by the applicant does not preclude the City Council from adopting an ordinance that approves only the concept plan due to an insufficient detail plan, deferring approval of the detail plan for an additional application.” This deferral of a “detail plan” approval for a specific limited portion of a PDD has occurred on other recent occasions within the jurisdiction.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approval of the application as meeting the requirements of a “detail plan” approval for the SFD Parcel as being consistent with the provisions of Ordinance Number. 23-09-21-01.
 - B. Recommend deferral of the application to address any concerns identified by the Planning and Zoning Commission following the scheduled public hearing.
 - C. Recommend denial of the application as failing to meet the requirements of a “detail plan” approval for the SFD Parcel or an inconsistency with the provisions of Ordinance Number 23-09-21-01.
-

23-2603-PDD-MOD

“Turnback Ranch PDD” SFD Parcel (Tract B) Detail Plan Approval

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: Laci Ehlers **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: 512-328-2008 **Contact Email:** lehlers@mcleanhowardlaw.com
Property Owner(s):* Turnback Development LLC c/o Darwin Horan
Owner's mailing address: 8678 Concord Center Drive, #200, Englewood, CO 80112

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*
241.541 acres being a tract of land located in the Texas-Mexico Railroad Survey, Abstract No. 2291, Christianfehrenkamp Survey, Abstract No. 286, and the Lewis Goodwin Survey, Abstract No. 336, Travis County, Texas

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):

Approval of Detail Plan (only) for 15 acres of the property included in the Turnback Ranch PDD.

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.**



Property Owner's signature(s)*

2/6/2024

Date

***Attach additional sheets as required**

EXHIBIT "A"

Legal Description

BEING a tract of land of approximately 231.541 acres located in the TEXAS-MEXICO RAILROAD SURVEY, ABSTRACT NO. 2291, CHRISTIAN FEHRENKAMP SURVEY, ABSTRACT NO. 286, and the LEWIS GOODWIN SURVEY, ABSTRACT NO. 336, Travis County, Texas and being all of those tracts of land described as Tracts 1-7 in Deed to Vol H. Montgomery, recorded in Document No. 1999-148851, Deed Records, Travis County, Texas and being part of a 10.81 acre tract of land described in Deed to Vol H. Montgomery, recorded in Document No. 1999-148850, Deed Records, Travis County, Texas and being part of a tract of land described in Deed to RP1-P2A Partnership, recorded in Volume 9113, Page 300, Deed Records, Travis County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the East line of said Tract 2 at the Northwest corner of said Tract 7;

THENCE South 72 degrees 36 minutes 49 seconds East, along the North line of said Tract 7, a distance of 497.02 feet to a 1/2 inch iron rod with an aluminum cap stamped "CHAPARRAL" found at the most Northeast corner of said Tract 7 and said Tract 5;

THENCE South 13 degrees 31 minutes 35 seconds West, along the East line of said Tract 5, passing at a distance of 60.13 feet the Southeast corner of said Tract 7, and continuing for a total distance of 282.10 feet to a 1/2 inch iron rod with an aluminum cap stamped "CHAPARRAL" found for corner;

THENCE South 15 degrees 26 minutes 33 seconds West, continuing along the East line of said Tract 5, a distance of 90.41 feet to an "X" set in concrete for corner in the West right-of-way line of Bar-K Ranch Road, a variable width right-of-way, at the South corner of said Tract 5;

THENCE North 13 degrees 36 minutes 15 seconds East along said West right-of-way line and the West line of said Tract 5, a distance of 312.51 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set in the South line of said Tract 7;

THENCE North 72 degrees 35 minutes 06 seconds West, leaving said West right-of-way line and said West line of Tract 5 and along the South line of said Tract 7, a distance of 508.72 feet to a 1/2 inch iron rod found in the East line of said Tract 2 at the Southwest corner of said Tract 7;

THENCE South 27 degrees 07 minutes 37 seconds West, along the East line of said Tract 2, a distance of 1,157.48 feet to a 1/2 inch iron rod found;

THENCE South 30 degrees 29 minutes 52 seconds West, a distance of 212.31 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found at the Southeast corner of said Tract 4;

THENCE along the South line of said Tract 4 the following twenty-three (23) courses and distances:

South 75 degrees 31 minutes 34 seconds West, a distance of 372.92 feet to a point for corner;

North 57 degrees 02 minutes 33 seconds West, a distance of 114.31 feet to a point for corner;

North 74 degrees 29 minutes 21 seconds West, a distance of 132.94 feet to a point for corner;

South 57 degrees 14 minutes 10 seconds West, a distance of 166.72 feet to a point for corner;

South 75 degrees 22 minutes 03 seconds West, a distance of 147.89 feet to a point for corner;

South 82 degrees 36 minutes 45 seconds West, a distance of 107.60 feet to a point for corner;

North 65 degrees 07 minutes 30 seconds West, a distance of 186.14 feet to a point for corner;

North 19 degrees 11 minutes 13 seconds West, a distance of 140.45 feet to a point for corner;

North 11 degrees 16 minutes 02 seconds West, a distance of 174.21 feet to a point for corner;

North 61 degrees 12 minutes 46 seconds West, a distance of 107.16 feet to a point for corner;

North 23 degrees 24 minutes 37 seconds East, a distance of 108.08 feet to a point for corner;

North 59 degrees 45 minutes 10 seconds East, a distance of 71.76 feet to a point for corner;

North 65 degrees 43 minutes 16 seconds East, a distance of 242. 14 feet to a point for corner;

North 62 degrees 47 minutes 27 seconds West, a distance of 167.68 feet to a point for corner;

North 01 degrees 23 minutes 12 seconds West, a distance of 152.53 feet to a point for corner;

South 61 degrees 04 minutes 13 seconds West, a distance of 70.03 feet to a point for corner;

North 60 degrees 25 minutes 41 seconds West, a distance of 101.88 feet to a point for corner;

South 08 degrees 28 minutes 27 seconds West, a distance of 141.00 feet to a point for corner;

South 53 degrees 12 minutes 27 seconds West, a distance of 54.67 feet to a point for corner;

South 70 degrees 06 minutes 27 seconds West, a distance of 51.82 feet to a point for corner;

North 70 degrees 51 minutes 22 seconds West, a distance of 55.90 feet to a point for corner;

North 27 degrees 22 minutes 10 seconds West, a distance of 150.67 feet to a point for corner;

North 19 degrees 29 minutes 33 seconds West, a distance of 77.43 feet to a point for corner in the East line of said Tract 1;

THENCE South 28 degrees 33 minutes 24 seconds West, leaving the South line of said Tract 4 and along the East line of said Tract 1, a distance of 128.11 feet to a point at the South corner of said Tract 1;

THENCE North 26 degrees 06 minutes 08 seconds West, along the South line of said Tract 1, passing at a distance of 1351.89 feet a point in the common line of said Tract 1 and said RPI-P2A Partnership tract, and continuing for a total distance of 1,579.19 feet to a point at the most Southerly corner of a Boundary Line Agreement recorded in Document No. 2006102847, Deed Records, Tarrant County, Texas;

THENCE Northerly and Easterly, along the lines of said Boundary Line Agreement, the following twenty-seven (27) courses and distances:

North 17 degrees 58 minutes 41 seconds East, a distance of 278.70 feet to a point for corner;

North 01 degrees 38 minutes 28 seconds East, a distance of 190.86 feet to a point for corner;

North 11 degrees 37 minutes 39 seconds East, a distance of 163.43 feet to a point for corner;

North 47 degrees 55 minutes 52 seconds East, a distance of 192.93 feet to a point for corner;

South 88 degrees 12 minutes 56 seconds East, a distance of 139.55 feet to a point for corner;

South 81 degrees 37 minutes 44 seconds East, a distance of 143.11 feet to a point for corner;

North 88 degrees 02 minutes 58 seconds East, a distance of 261.75 feet to a point for corner;

North 85 degrees 17 minutes 39 seconds East, a distance of 89.08 feet to a point for corner;

North 61 degrees 29 minutes 04 seconds East, a distance of 125.04 feet to a point for corner;

North 40 degrees 01 minutes 31 seconds East, a distance of 287.20 feet to a point for corner;

North 44 degrees 55 minutes 48 seconds East, a distance of 245.57 feet to a point for corner;

North 25 degrees 29 minutes 17 seconds East, a distance of 222.75 feet to a point for corner;

North 14 degrees 55 minutes 59 seconds East, a distance of 425.83 feet to a point for corner;

North 31 degrees 51 minutes 34 seconds East, a distance of 220.08 feet to a point for corner;

North 31 degrees 19 minutes 46 seconds East, a distance of 127.39 feet to a point for corner;

North 15 degrees 26 minutes 15 seconds East, a distance of 103.23 feet to a point for corner;

North 04 degrees 14 minutes 17 seconds East, a distance of 86.39 feet to a point for corner;

North 19 degrees 09 minutes 00 seconds West, a distance of 68.81 feet to a point for corner;

North 19 degrees 00 minutes 57 seconds East, a distance of 71.63 feet to a point for corner;

North 71 degrees 19 minutes 54 seconds East, a distance of 79.91 feet to a point for corner;

South 76 degrees 28 minutes 07 seconds East, a distance of 221.73 feet to a point for corner;

North 88 degrees 37 minutes 19 seconds East, a distance of 92.92 feet to a point for corner;

North 68 degrees 35 minutes 11 seconds East, a distance of 82.77 feet to a point for corner;

North 60 degrees 49 minutes 17 seconds East, a distance of 44.03 feet to a point for corner;

North 75 degrees 04 minutes 08 seconds East, a distance of 78.77 feet to a point for corner;

South 88 degrees 19 minutes 06 seconds East, a distance of 88.90 feet to a point for corner;

North 75 degrees 46 minutes 12 seconds East, a distance of 421.27 feet to a 1 1/4 inch iron rod found at the most Northerly corner of said Boundary Line Agreement and the most Northerly corner of said 10.81 acre tract;

THENCE South 28 degrees 33 minutes 28 seconds West, leaving the lines of said Boundary Line Agreement, passing at a distance of 85.11 feet the Northeast corner of said Tract 1, and continuing along the East line of said Tract 1 for a total distance of 576.09 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set at the most Westerly Northwest corner of said Tract 2;

THENCE along the Northerly line of said Tract 2, the following sixteen (16) courses and distances:

North 66 degrees 50 minutes 28 seconds East, a distance of 56.40 feet to 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

North 54 degrees 01 minutes 28 seconds East, a distance of 240.80 feet to a 1 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

North 34 degrees 58 minutes 28 seconds East, a distance of 89.96 feet to a 1 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found at the North corner of said Tract 2;

South 01 degrees 34 minutes 37 seconds East, a distance of 30.00 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found;

South 06 degrees 44 minutes 01 seconds West, a distance of 152.81 feet to a 1/2 inch iron rod found for corner;

South 56 degrees 23 minutes 37 seconds West, a distance of 133.82 feet to a 1/2 inch iron rod found for corner;

South 42 degrees 53 minutes 45 seconds West, a distance of 199.49 feet to a 1/2 inch iron rod found for corner;

South 28 degrees 00 minutes 15 seconds West, a distance of 59.28 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 24 degrees 18 minutes 04 seconds East, a distance of 82.17 feet to a 1/2 inch iron rod found for corner;

South 54 degrees 38 minutes 26 seconds East, a distance of 313.48 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 55 degrees 23 minutes 59 seconds East, a distance of 224.17 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 50 degrees 06 minutes 49 seconds East, a distance of 375.05 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found for corner;

South 60 degrees 23 minutes 31 seconds East, a distance of 244.45 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found for corner;

South 55 degrees 02 minutes 31 seconds East, a distance of 242.22 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found for corner;

South 57 degrees 13 minutes 31 seconds East, a distance of 446.11 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 59 degrees 45 minutes 42 seconds East, a distance of 56.90 feet to a 1/2 inch iron rod found for corner at a wood fence corner post;

THENCE Southerly, along the East line of said Tract 2, the following three (3) courses and distances:

South 29 degrees 51 minutes 44 seconds West, a distance of 813.38 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

North 65 degrees 24 minutes 31 seconds West, a distance of 340.98 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 27 degrees 07 minutes 37 seconds West, a distance of 120.12 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found at the most Northwest corner of said Tract 6;

THENCE leaving the East line of said Tract 2 and along the East line of said Tract 6, the following three (3) courses and distances:

South 65 degrees 24 minutes 31 seconds East, a distance of 9.99 feet to a 1/2 inch iron rod found at the Northeast corner of said Tract 6;

South 27 degrees 07 minutes 37 seconds West, a distance of 50.05 feet to a 1/2 inch iron rod found at the most Southeast corner of said Tract 6;

North 65 degrees 24 minutes 31 seconds West, a distance of 9.99 feet to a 1/2 inch iron rod found in the East line of said Tract 2 at the Southwest corner of said Tract 6;

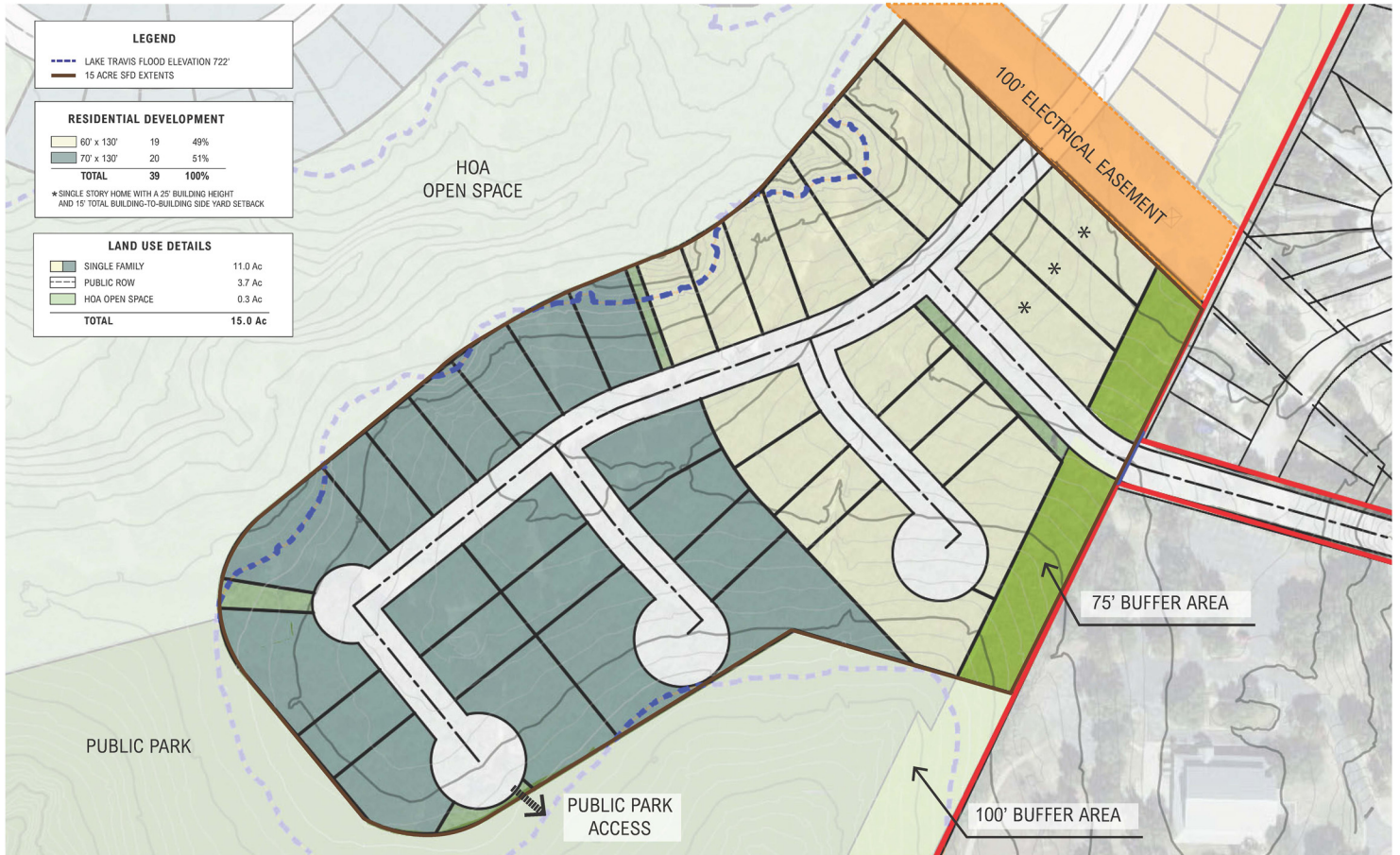
THENCE South 27 degrees 07 minutes 37 seconds West, along the East line of said Tract 2, a distance of 926.23 feet to the **POINT OF BEGINNING** and containing 241.541 acres of land, more or less.

23-2603-PDD-MOD

“Turnback Ranch PDD” SFD Parcel (Tract B) Detail Plan Approval

Attachment 2

Proposed SFD Parcel Detail Plan



23-2603-PDD-MOD

“Turnback Ranch PDD” SFD Parcel (Tract B) Detail Plan Approval

Attachment 3

Approved Detail Plan (Showing SFD Parcel Context)



23-2603-PDD-MOD

“Turnback Ranch PDD” SFD Parcel (Tract B) Detail Plan Approval

Attachment 4

Current Approved PDD Ordinance

ORDINANCE NO. 23-09-21-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP REGARDING THE CURRENT “PLANNED DEVELOPMENT DISTRICT” (PDD) KNOWN AS “TURNBACK RANCH” ESTABLISHED BY ORDINANCE NO. 07-04-05-03 TO APPROVE A NEW CONCEPT PLAN FOR THE ENTIRE DEVELOPMENT CONSISTING OF APPROXIMATELY 241.541 ACRES AND TO APPROVE A DETAIL PLAN FOR THE PROPERTY EXCLUDING THE “SFD PARCEL;” AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner of approximately 241.541 acres of land, as more particularly described in the attached **Exhibit “A”** (described hereinafter as the “Property”), has filed an application requesting an amendment to the existing “Planned Development District” (PDD) known as “Turnback Ranch” approved by Ordinance No. 07-04-05-03; and

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

WHEREAS, the concept and detail land use plans for the Property are set forth in this amended “Turnback Ranch Planned Development District” Ordinance (the “Ordinance”) and in **Exhibit “B”** attached hereto which identifies and designates various land uses for the Property as further described below; 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 hearings held on August 11, 2022, September 8, 2022, and October 13, 2022, and the City Council at its public hearing held on September 21, 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 below, 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, 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 Section 51.001 of the *Texas Local Government Code*, 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 6.105, Section 10, 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 Code is hereby amended by zoning the Property being the approximately 241.541-acre tract of land described in **Exhibit “A”** attached to this Ordinance, as a PDD zoning district. The Property is hereby zoned as the “Turnback Ranch Planned Development District” with the uses of individual land areas as set forth in this Ordinance.

Section 4. 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 5. Identification of Tracts within the PDD. The Property consists of the following tracts of land, which are also depicted in the Concept Plan included as part of the Land Use Plan (sometimes individually a “Tract” or collectively the “Tracts”):

1. Tract A – the “Single Family Residential Tract”;
2. **Tract B – the “SFD Tract”;** and

3. Tract C – the “Open Space/Park Tract”; and
4. Tract D – the “Primitive Public Park Tract”.

Section 6. Zoning Requirements. The following use and site development requirements established herein shall apply to the Tracts identified in Section 5:

1. Zoning for Tract A and Tract B – “Single Family Residential Tract” and “SFD Tract”
 - A. Use and development shall comply with the zoning requirements and development standards for the Single Family Residential District – R-1S except as hereinafter modified.
 - B. In addition to all uses permitted in the Single Family Residential District – R-1S, the following uses shall be permitted:
 - (i) Park-Active (Developed) – including, but not limited to, barbecue pits, picnic shelters, playground equipment, swimming pools and similar recreational structures, administrative offices for the park property and property owners’ association, snack shop, and community center; and
 - (ii) Park-Passive – including, but not limited to, open space, trails, and benches.
 - C. The minimum living area for a dwelling on any lot shall be 1,500 square feet.
2. Zoning for Tract C – “Open Space/Park Tract”
 - A. Use and development shall comply with the zoning requirements and development standards for P-1B Developed Park (Active) zoning district, except as hereinafter modified. Trails are a permitted use.
 - B. The number of parking spaces and amenities related to park uses are at the discretion of the Developer.
3. Zoning for Tract D – “Primitive Public Park Tract”
 - A. Use and development shall comply with the zoning requirements and development standards for P-2 Park and Greenbelt District (Passive) zoning district, except as hereinafter modified.
 - B. Trails and restroom facilities are permitted uses.
4. Zoning and Development Standards for All Tracts
 - A. **Buffer Area.** As identified on the Land Use Plan, a seventy-five foot (75’) foot wide vegetative buffer consisting of existing vegetation shall run along the boundary line of the Property between platted residential lots within the Project and the adjacent existing

platted subdivisions, including the property owned by the Lago Vista Property Owners' Association ("LVPOA"), as measured from the boundary line of the Property to the boundary of the platted residential lot within the Project ("Buffer Area"). The Buffer Area is increased to a minimum of one hundred (100) feet along the boundary line of the Property within the floodplain adjacent to the parkland owned and operated by LVPOA ("LVPOA Park"), as indicated on the Land Use Plan. A fence or other barrier that complies with LCRA requirements will be constructed, at Developer's expense, on the west side of the Buffer Area located along the boundary line adjacent to the LVPOA Park as more depicted in **Exhibit "C"**. The Buffer Area within Tract A and Tract B shall be platted and conveyed to the appropriate property owners' association. No buildings or structures, other than those appurtenant to necessary roadway and utility crossings, may be constructed within the Buffer Area. The Buffer Area will remain undisturbed in its current natural state with existing topography and vegetation except for any utility and roadway connections related to the Project and shown on the Land Use Plan. Any existing ranch roads within the Buffer Area shall be revegetated and abandoned, leaving only pedestrian trails.

- B. Maximum Building Height. Building height for the Tracts shall be measured from the highest elevation of a platted lot to: (i) the highest point of the coping of a flat roof or (ii) to the deck line of a mansard roof; or (iii) to the height of the highest gable of a pitched or hipped roof within the Tracts.
- 1) Maximum building height for residential lots along the Property boundary in Tract A and Tract B, adjacent to existing single family residential lots located outside of the Property, shall be twenty-five feet (25') and restricted to construction of single-story homes only. All other platted lots in Tract A and B shall have a maximum building height of thirty-five feet (35') and restricted to construction of no more than two-stories above grade in a home.
 - 2) Maximum building height in Tract C will be limited to thirty-two feet (32') above the average adjacent grade immediately surrounding the structure on Tract C.
- C. Setbacks. Except as provided herein for residential lots along the Property boundary, single-family detached lots shall have a minimum front and rear setback of twenty feet (20'), minimum side-yard setback of five feet (5'), and a minimum side-yard setback of ten feet (10') on corner lots on the street side. Single family detached lots along the Property boundary adjacent to existing single family residential lots located outside of the Property shall maintain a minimum side yard setback of seven and one half (7 ½) feet per side with a minimum fifteen foot (15') total side yard setback (the sum of two side yards). Additionally, single family detached lots along the Property boundary adjacent to existing single family residential lots located outside of the Property with an R-1S (formerly known as R-1A) zoning district shall maintain a minimum twenty-five foot (25') rear yard setback. All other uses shall comply with the setbacks established in the applicable zoning district.

- D. Blocks and Cul-de-sac. Maximum block length shall be no more than one thousand (1,000) feet and is waived for block indicated on the Land Use Plan. Any street intersection shall be considered a break in block length for calculation purposes. Cul-de-sac length on all streets within the Property will be allowed up to a maximum of fifteen hundred (1,500) feet, provided that a turn-around bubble is provided at the mid-point. Development shall comply with the International Fire Code and ensure that emergency vehicles are appropriately accommodated.
- E. Streets. Street rights-of-way classified as “residential” pursuant to City ordinances shall be allowed to be a minimum of fifty feet (50’) wide as measured by the street’s right-of-way. The center line radius shall be a minimum of one hundred and eight feet (180’). Street sections shall comply with details more particularly depicted on Exhibit “D”.
- F. Lot Width. Turnback Ranch PDD shall include various single family detached lot sizes. Unless otherwise specified herein, single family detached lots within the Project shall have a minimum width of fifty feet (50’) as measured at the front setback and a minimum depth of one hundred and thirty feet (130’). Single family detached lots along the Property boundary adjacent to existing single family residential lots located outside of the Property with an R-1S (formerly known as R-1A) zoning district shall have a minimum lot width of eighty feet (80’). Single family detached lots along the Property boundary adjacent to existing single family residential lots located outside of the Property with an R-MH (formerly known as R-1M) zoning district shall have a minimum lot width of fifty-five feet (55’). Lots for all other uses shall comply with the zoning district for the use applicable.
- G. Building Permit. In addition to the requirements set forth in Section 3.60 of the Zoning Ordinance, the City will issue building permits to the Developer for development of a particular property if (i) City approval of a final plat has been obtained, (ii) the Developer has posted fiscal security, and (iii) the site is accessible to the Developer by right-of- way or otherwise. The City will not issue certificates of occupancy prior to subdivision approval.
- H. Facilities. Lots in the Property may be served by storm water detention and water quality facilities outside a particular Tract in which the lot is located, so as long as such facilities are located within the Property and approved by the City of Lago Vista.
- I. Parking. Except for a park use, minimum parking requirements for all lots included in the PDD shall meet or exceed City standards that are in effect at the time the Developer obtains a permit for the project to be constructed for all or a portion of the Property.
- J. Signage and Lighting. All signage will comply with the City of Lago Vista Sign Ordinance. All exterior lighting to be installed in the subdivision or along the entrance to subdivision shall be low level, down casting lighting. Such lighting fixtures shall have dimming capabilities and will be dimmed to one-half (1/2) of its normal wattage after 11:00 PM. Outdoor and exterior lighting shall comply with Article 3.800 of the City Code, including “dark sky” ordinances.

- K. Cut/Fill and Construction on Slopes. All cut and fill variances of four feet (4') to fifteen feet (15') on the Property shall be approved administratively by the City Engineer (or acting City Engineer) during subdivision construction plan review or site development plan review, provided the cut and fill slope is appropriately terraced, with retaining walls when feasible, to control erosion and sedimentation and preserves unique environmental assets and other outstanding natural features to the greatest extent possible, without a requirement of a hearing or approval by the Planning Commission or City Council. Topographic grading shall comply with accepted engineering practices, the Americans with Disabilities Act and any other applicable federal, state or regional regulations. The areas indicated on the Land Use Plan do not require a variance to construct on slopes exceeding twenty-five percent (25%). Development on all other areas within the Land Use Plan shall comply with the City Code in effect at the time of approval of this Ordinance.
- L. Density. Overall density within the Property will not exceed 349 total dwelling units. Density on Tract B will not exceed thirty-nine (39) total dwelling units; provided that, however, the total number of allowable units on Tract B may be increased above thirty-nine (39) units as long as the total overall units in Tract A and Tract B combined does not exceed 349 and all other applicable design standards are followed.
- M. Parkland Dedication. Approximately thirty-four (34) acres of Tract D, as indicated on the Land Use Plan, shall be dedicated to the City of Lago Vista by special warranty deed ("Public Park"). Developer shall construct, at Developer's cost, a roadway to be dedicated to the public that provides appropriate and sufficient access to Public Park. The timing for construction of the access shall be included in the Phasing Plan (defined below). The Tract C (Open Space/Park) and Tract D (Primitive Public Park) shown on the Land Use Plan shall fully satisfy parkland requirements under Section 5 of the Subdivision Ordinance. The parkland dedication will be satisfied by portions of the Property located within the floodplain and by private parks that meet the parkland requirements in Section 5 of the Subdivision Ordinance and are maintained by the property owners' association for the benefit and use of the residents of the development. Open Space/Parkland in Tract C qualifying as dedicated parkland may comply with the development standards for either (i) "P-2 Park and Greenbelt District (Passive)" that may include, but not limited to, the following types of uses and similar structures: mountain bike trails, nature trails, benches, public utility easements, public utilities, detention facilities and water quality facilities, or (ii) "P-1B Developed Park District (Active)" that may include, but not limited to, the following types of uses and similar structures: playground structures, a community beach, a community boat ramp or launch, bathrooms and/or locker rooms, covered pavilions, picnic shelters, barbeque pits, mountain bike trails, nature trails, public utility easements, public utilities, detention facilities and water quality facilities.
- N. Entrances and Accessibility.
- 1) Dodge Trail Extension. In the event an extension of Dodge Trail is constructed by Developer at Developer's sole cost and expense from the intersection of Dodge

Trail and Bar K Ranch Road to the northeast corner of the Property (“Dodge Trail Extension”), the primary access for the Turnback Ranch PDD shall be located at, and connected to, the Dodge Trail Extension, as depicted on the Land Use Plan, following such construction. To the extent owned or controlled by Developer, within a reasonable time after final platting of the Property, the Developer may dedicate the property located at the northwest corner of the intersection of Dodge Trail and Bar K Ranch Road, as more particularly described as Lot 8234 of Bar-K Ranches, Plat 8 Subdivision, Volume 58, Page 71 in the Official Public Records of Travis County, Texas, or some portion thereof as determined by the City, to the City or the HOA for public use. Along the north side of the Dodge Trail Extension within the Property until the Dodge Trail Extension curves south at the HOA Park, the Developer shall install, outside of the right of way, a six foot (6’) high masonry wall or walls and other fencing, retaining walls, graded berms, landscaping and/or other devices to adequately screen the Dodge Trail Extension from the adjacent properties with regard to visibility and sound.

- 2) **Other Entrances.** A secondary entrance shall be constructed by Developer, at Developer’s sole cost and expense, off of Bar K Ranch Road, opposite of the existing Paseo De Vaca Street and in the vicinity of K Oaks Clubhouse, as depicted on the Detail Plan (“Paseo de Vaca Extension”), subject to review by the City Engineer (or acting City Engineer) and expressed consent from the LVPOA to the extent the Paseo de Vaca Extension impacts or requires use of property owned by the LVPOA. Before any traffic may utilize the Paseo de Vaca Extension, the Developer shall construct, outside of the public right of way along the southern boundary of the Paseo de Vaca Extension, a six foot (6’) high masonry wall or walls and other fencing. The Paseo de Vaca Extension and associated frontage improvements will be designed in a manner that minimizes to the greatest extent possible any adverse impacts to existing trees, landscaping, irrigation, lighting, and signage. Coyote Trail shall be used as a temporary entrance and access to the Property that will be abandoned after issuance of the final certificate of occupancy for the Project.
- 3) **Construction Traffic.** Commercial construction traffic shall be dispersed between the Dodge Trail Extension and the Paseo de Vaca Extension in a manner to be determined by the City Engineer and Developer that balances the adverse impacts to adjacent property owners. The Coyote Trail will be limited to personal vehicles and standard-sized, non-construction delivery vehicles.
- 4) **Traffic Impact.** The requirement of a traffic impact analysis (“TIA”) must be completed prior to the approval of the preliminary plat for the Property. Subject to review by the City Transportation Department and the Texas Department of Transportation (“TxDOT”), the Developer agrees to direct all monetary commitments for traffic signals identified in the TIA towards installation of a traffic signal at the intersection of Bar K Ranch Road and RM 1431 in order to expedite TxDOT’s installation of that signal.

- O. HOA Amenity Center. Except in accordance with any private agreement between Developer and others, use and development of the Property designated as the “HOA Amenity Center” in the Land Use Plan shall consist of land reserved for the benefit and use of the residents only as an accessory use to the residential development in the Turnback Ranch PDD and shall not be leased or rented by non-residents. The HOA Amenity Center shall be maintained by a property owners’ association.
 - P. Impervious Cover. The maximum impervious cover on any individual residential lot shall not exceed sixty percent (60%). Project may not exceed fifty percent (50%) for the overall Project based on the calculation method used by the City of Austin.
- 5. Phasing. Developer will develop the Property in phases based on a phasing plan submitted with the preliminary plat that is designed to minimize advanced clearing of trees, complies with City Regulations, and is approved by the City Engineer and the Director of Development Services (“Phasing Plan”). Tree removal shall comply with City Regulations and the Balcones Canyonland Conservation policies for clearing trees in identified habitat of the Golden Cheek Warbler. Tree removal will not occur on the Property until construction in the particular phase where tree removal is proposed to occur commences. Construction of residential units and associated utility connections shall be limited so that each phase identified on the Phasing Plan does not exceed one hundred forty-four (144) living unit equivalents (“LUEs”) placed into service within any given calendar year. The off-site utility infrastructure reasonably necessary to accommodate the demand of the development will be constructed in advance of LUEs placed into service within a given calendar year.
 - 6. Land Use Plan. The layout of the Turnback Ranch PDD in **Exhibit “B”** is subject to the type of changes that are common to the site development plan review process and completion of construction documents. Individual single-family lots shown in the Land Use Plan may be adjusted, in compliance with Section 6.4.F and all other development standards set forth in this Ordinance, to increase or decrease the width of a single-family lot to create a mix of lot sizes throughout the subdivision without requiring an amendment to the Land Use Plan or Turnback Ranch PDD. Minor technical variations of a final plat or site plan from the Land Use Plan will not require a formal amendment to the Land Use Plan. Approval of a preliminary plat, final plat or site plan shall be deemed to also be an update to the Land Use Plan.
 - 7. Applicable Regulations. Development of and uses within the Turnback Ranch PDD shall conform to the limitations and conditions set forth in this Ordinance. If this Ordinance and the attached exhibits conflict, this Ordinance controls. Except as otherwise specifically modified by this Ordinance, all other rules, regulations, and ordinances of the City in effect at the time of approval of this Ordinance apply to development within the Turnback Ranch PDD.
 - 8. Concept and Detail Plans. The appropriate departments of the City, the Planning & Zoning Commission and the City Council hereby find and agree that this Ordinance and the project contemplated herein complies with and satisfies the requirements of Section 10.20 and 13.20 of the Zoning Ordinance and the Comprehensive Plan of the City of Lago Vista as amended.

That specifically includes a finding that the requirements of Section 10.20(e) have been met for the entire development with the exception of Tract B and that additional detail plan approval is required for Tract B only.

9. Comprehensive Plan Amendment. To the extent that the Future Land Use Map of the Comprehensive Plan adopted in 2016 by Ordinance No. 16-05-05-02 as amended is inconsistent with the amendments to the “Turnback Ranch Planned Development District” described herein, the Comprehensive Plan is hereby amended as follows: the area within the Property currently designated as either “Regional Retail / Office / Commercial” or “High Density Residential” on the Future Land Use Map shall be hereafter designated as “Low Density Residential.” The basis for that amendment is a significant and unanticipated change in the surrounding area after adoption of the plan that would make development in accordance with either of those land use designation unlikely for the applicable portions of the Property.

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 “Turnback Ranch Planned Development District” 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.

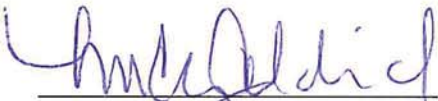
PASSED AND APPROVED this 21st day of September 2023.

CITY OF LAGO VISTA, TEXAS


Ed Tidwell, Mayor



ATTEST


Lucy Aldrich, City Secretary

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

EXHIBIT "A"

Legal Description

BEING a tract of land of approximately 231.541 acres located in the TEXAS-MEXICO RAILROAD SURVEY, ABSTRACT NO. 2291, CHRISTIAN FEHRENKAMP SURVEY, ABSTRACT NO. 286, and the LEWIS GOODWIN SURVEY, ABSTRACT NO. 336, Travis County, Texas and being all of those tracts of land described as Tracts 1-7 in Deed to Vol H. Montgomery, recorded in Document No. 1999-148851, Deed Records, Travis County, Texas and being part of a 10.81 acre tract of land described in Deed to Vol H. Montgomery, recorded in Document No. 1999-148850, Deed Records, Travis County, Texas and being part of a tract of land described in Deed to RP1-P2A Partnership, recorded in Volume 9113, Page 300, Deed Records, Travis County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the East line of said Tract 2 at the Northwest corner of said Tract 7;

THENCE South 72 degrees 36 minutes 49 seconds East, along the North line of said Tract 7, a distance of 497.02 feet to a 1/2 inch iron rod with an aluminum cap stamped "CHAPARRAL" found at the most Northeast corner of said Tract 7 and said Tract 5;

THENCE South 13 degrees 31 minutes 35 seconds West, along the East line of said Tract 5, passing at a distance of 60.13 feet the Southeast corner of said Tract 7, and continuing for a total distance of 282.10 feet to a 1/2 inch iron rod with an aluminum cap stamped "CHAPARRAL" found for corner;

THENCE South 15 degrees 26 minutes 33 seconds West, continuing along the East line of said Tract 5, a distance of 90.41 feet to an "X" set in concrete for corner in the West right-of-way line of Bar-K Ranch Road, a variable width right-of-way, at the South corner of said Tract 5;

THENCE North 13 degrees 36 minutes 15 seconds East along said West right-of-way line and the West line of said Tract 5, a distance of 312.51 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set in the South line of said Tract 7;

THENCE North 72 degrees 35 minutes 06 seconds West, leaving said West right-of-way line and said West line of Tract 5 and along the South line of said Tract 7, a distance of 508.72 feet to a 1/2 inch iron rod found in the East line of said Tract 2 at the Southwest corner of said Tract 7;

THENCE South 27 degrees 07 minutes 37 seconds West, along the East line of said Tract 2, a distance of 1,157.48 feet to a 1/2 inch iron rod found;

THENCE South 30 degrees 29 minutes 52 seconds West, a distance of 212.31 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found at the Southeast corner of said Tract 4;

THENCE along the South line of said Tract 4 the following twenty-three (23) courses and distances:

South 75 degrees 31 minutes 34 seconds West, a distance of 372.92 feet to a point for corner;

North 57 degrees 02 minutes 33 seconds West, a distance of 114.31 feet to a point for corner;

North 74 degrees 29 minutes 21 seconds West, a distance of 132.94 feet to a point for corner;

South 57 degrees 14 minutes 10 seconds West, a distance of 166.72 feet to a point for corner;

South 75 degrees 22 minutes 03 seconds West, a distance of 147.89 feet to a point for corner;

South 82 degrees 36 minutes 45 seconds West, a distance of 107.60 feet to a point for corner;

North 65 degrees 07 minutes 30 seconds West, a distance of 186.14 feet to a point for corner;

North 19 degrees 11 minutes 13 seconds West, a distance of 140.45 feet to a point for corner;

North 11 degrees 16 minutes 02 seconds West, a distance of 174.21 feet to a point for corner;

North 61 degrees 12 minutes 46 seconds West, a distance of 107.16 feet to a point for corner;

North 23 degrees 24 minutes 37 seconds East, a distance of 108.08 feet to a point for corner;

North 59 degrees 45 minutes 10 seconds East, a distance of 71.76 feet to a point for corner;

North 65 degrees 43 minutes 16 seconds East, a distance of 242. 14 feet to a point for corner;

North 62 degrees 47 minutes 27 seconds West, a distance of 167.68 feet to a point for corner;

North 01 degrees 23 minutes 12 seconds West, a distance of 152.53 feet to a point for corner;

South 61 degrees 04 minutes 13 seconds West, a distance of 70.03 feet to a point for corner;

North 60 degrees 25 minutes 41 seconds West, a distance of 101.88 feet to a point for corner;

South 08 degrees 28 minutes 27 seconds West, a distance of 141.00 feet to a point for corner;

South 53 degrees 12 minutes 27 seconds West, a distance of 54.67 feet to a point for corner;

South 70 degrees 06 minutes 27 seconds West, a distance of 51.82 feet to a point for corner;

North 70 degrees 51 minutes 22 seconds West, a distance of 55.90 feet to a point for corner;

North 27 degrees 22 minutes 10 seconds West, a distance of 150.67 feet to a point for corner;

North 19 degrees 29 minutes 33 seconds West, a distance of 77.43 feet to a point for corner in the East line of said Tract 1;

THENCE South 28 degrees 33 minutes 24 seconds West, leaving the South line of said Tract 4 and along the East line of said Tract 1, a distance of 128.11 feet to a point at the South corner of said Tract 1;

THENCE North 26 degrees 06 minutes 08 seconds West, along the South line of said Tract 1, passing at a distance of 1351.89 feet a point in the common line of said Tract 1 and said RPI-P2A Partnership tract, and continuing for a total distance of 1,579.19 feet to a point at the most Southerly corner of a Boundary Line Agreement recorded in Document No. 2006102847, Deed Records, Tarrant County, Texas;

THENCE Northerly and Easterly, along the lines of said Boundary Line Agreement, the following twenty-seven (27) courses and distances:

North 17 degrees 58 minutes 41 seconds East, a distance of 278.70 feet to a point for corner;

North 01 degrees 38 minutes 28 seconds East, a distance of 190.86 feet to a point for corner;

North 11 degrees 37 minutes 39 seconds East, a distance of 163.43 feet to a point for corner;

North 47 degrees 55 minutes 52 seconds East, a distance of 192.93 feet to a point for corner;

South 88 degrees 12 minutes 56 seconds East, a distance of 139.55 feet to a point for corner;

South 81 degrees 37 minutes 44 seconds East, a distance of 143.11 feet to a point for corner;

North 88 degrees 02 minutes 58 seconds East, a distance of 261.75 feet to a point for corner;

North 85 degrees 17 minutes 39 seconds East, a distance of 89.08 feet to a point for corner;

North 61 degrees 29 minutes 04 seconds East, a distance of 125.04 feet to a point for corner;

North 40 degrees 01 minutes 31 seconds East, a distance of 287.20 feet to a point for corner;

North 44 degrees 55 minutes 48 seconds East, a distance of 245.57 feet to a point for corner;
North 25 degrees 29 minutes 17 seconds East, a distance of 222.75 feet to a point for corner;
North 14 degrees 55 minutes 59 seconds East, a distance of 425.83 feet to a point for corner;
North 31 degrees 51 minutes 34 seconds East, a distance of 220.08 feet to a point for corner;
North 31 degrees 19 minutes 46 seconds East, a distance of 127.39 feet to a point for corner;
North 15 degrees 26 minutes 15 seconds East, a distance of 103.23 feet to a point for corner;
North 04 degrees 14 minutes 17 seconds East, a distance of 86.39 feet to a point for corner;
North 19 degrees 09 minutes 00 seconds West, a distance of 68.81 feet to a point for corner;
North 19 degrees 00 minutes 57 seconds East, a distance of 71.63 feet to a point for corner;
North 71 degrees 19 minutes 54 seconds East, a distance of 79.91 feet to a point for corner;
South 76 degrees 28 minutes 07 seconds East, a distance of 221.73 feet to a point for corner;
North 88 degrees 37 minutes 19 seconds East, a distance of 92.92 feet to a point for corner;
North 68 degrees 35 minutes 11 seconds East, a distance of 82.77 feet to a point for corner;
North 60 degrees 49 minutes 17 seconds East, a distance of 44.03 feet to a point for corner;
North 75 degrees 04 minutes 08 seconds East, a distance of 78.77 feet to a point for corner;
South 88 degrees 19 minutes 06 seconds East, a distance of 88.90 feet to a point for corner;
North 75 degrees 46 minutes 12 seconds East, a distance of 421.27 feet to a 1 1/4 inch iron rod found at the most Northerly corner of said Boundary Line Agreement and the most Northerly corner of said 10.81 acre tract;

THENCE South 28 degrees 33 minutes 28 seconds West, leaving the lines of said Boundary Line Agreement, passing at a distance of 85.11 feet the Northeast corner of said Tract 1, and continuing along the East line of said Tract 1 for a total distance of 576.09 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set at the most Westerly Northwest corner of said Tract 2;

THENCE along the Northerly line of said Tract 2, the following sixteen (16) courses and distances:

North 66 degrees 50 minutes 28 seconds East, a distance of 56.40 feet to 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

North 54 degrees 01 minutes 28 seconds East, a distance of 240.80 feet to a 1 1/2 inch iron

rod with a yellow plastic cap stamped "DAA" set for corner;

North 34 degrees 58 minutes 28 seconds East, a distance of 89.96 feet to a 1 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found at the North corner of said Tract 2;

South 01 degrees 34 minutes 37 seconds East, a distance of 30.00 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found;

South 06 degrees 44 minutes 01 seconds West, a distance of 152.81 feet to a 1/2 inch iron rod found for corner;

South 56 degrees 23 minutes 37 seconds West, a distance of 133.82 feet to a 1/2 inch iron rod found for corner;

South 42 degrees 53 minutes 45 seconds West, a distance of 199.49 feet to a 1 1/2 inch iron rod found for corner;

South 28 degrees 00 minutes 15 seconds West, a distance of 59.28 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 24 degrees 18 minutes 04 seconds East, a distance of 82.17 feet to a 1/2 inch iron rod found for corner;

South 54 degrees 38 minutes 26 seconds East, a distance of 313.48 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 55 degrees 23 minutes 59 seconds East, a distance of 224.17 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 50 degrees 06 minutes 49 seconds East, a distance of 375.05 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found for corner;

South 60 degrees 23 minutes 31 seconds East, a distance of 244.45 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found for corner;

South 55 degrees 02 minutes 31 seconds East, a distance of 242.22 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found for corner;

South 57 degrees 13 minutes 31 seconds East, a distance of 446.11 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 59 degrees 45 minutes 42 seconds East, a distance of 56.90 feet to a 1/2 inch iron rod found for corner at a wood fence corner post;

THENCE Southerly, along the East line of said Tract 2, the following three (3) courses and distances:

South 29 degrees 51 minutes 44 seconds West, a distance of 813.38 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

North 65 degrees 24 minutes 31 seconds West, a distance of 340.98 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 27 degrees 07 minutes 37 seconds West, a distance of 120.12 feet to a 1/2 inch iron rod with a red washer stamped "BUSH SURVEYING, INC." found at the most Northwest corner of said Tract 6;

THENCE leaving the East line of said Tract 2 and along the East line of said Tract 6, the following three (3) courses and distances:

South 65 degrees 24 minutes 31 seconds East, a distance of 9.99 feet to a 1/2 inch iron rod found at the Northeast corner of said Tract 6;

South 27 degrees 07 minutes 37 seconds West, a distance of 50.05 feet to a 1/2 inch iron rod found at the most Southeast corner of said Tract 6;

North 65 degrees 24 minutes 31 seconds West, a distance of 9.99 feet to a 1/2 inch iron rod found in the East line of said Tract 2 at the Southwest corner of said Tract 6;

THENCE South 27 degrees 07 minutes 37 seconds West, along the East line of said Tract 2, a distance of 926.23 feet to the **POINT OF BEGINNING** and containing 241.541 acres of land, more or less.

EXHIBIT "B"

Concept Plan

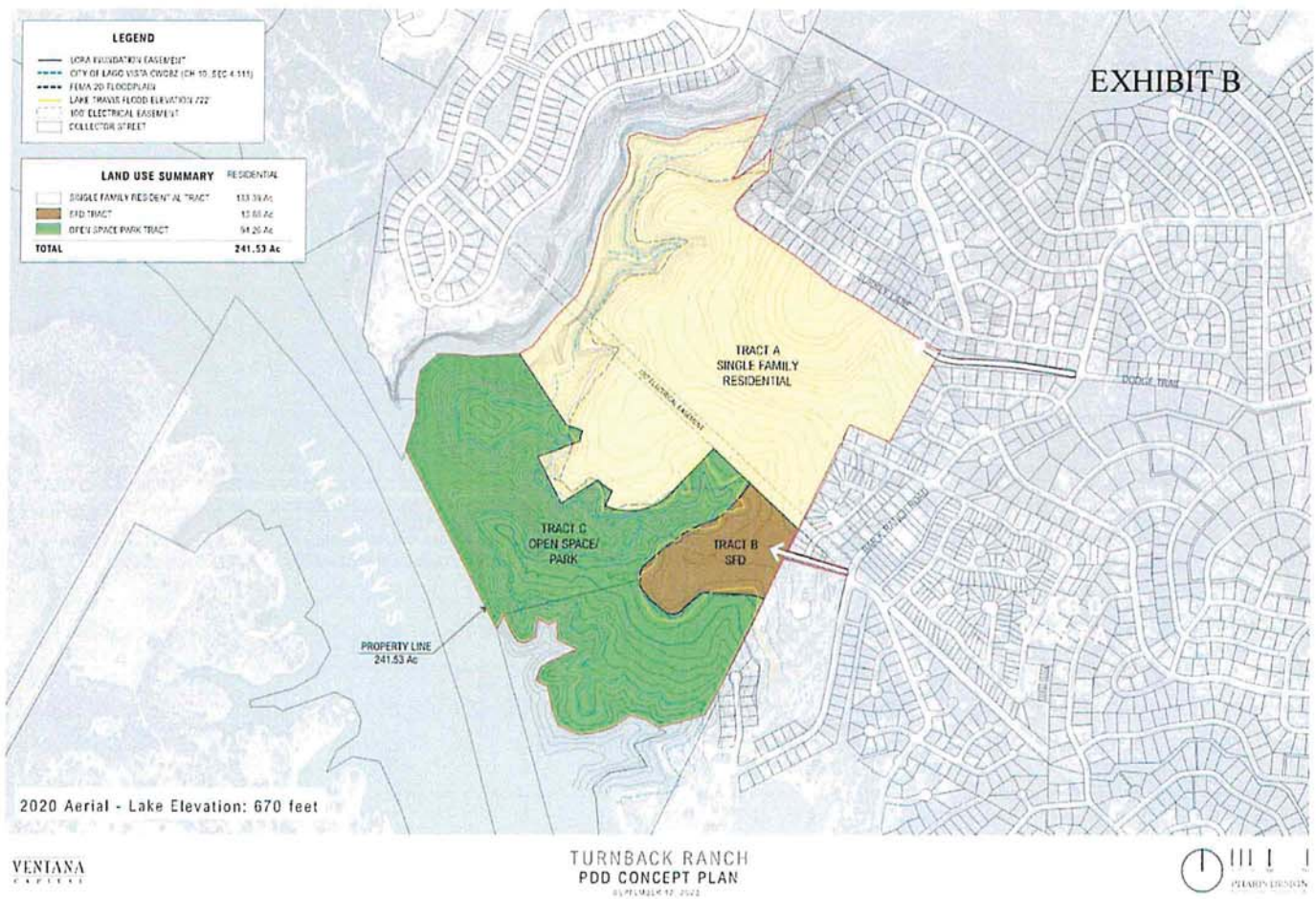


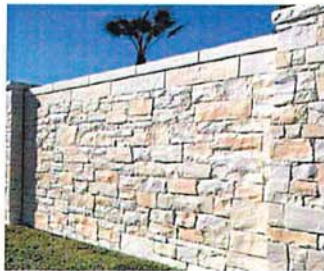
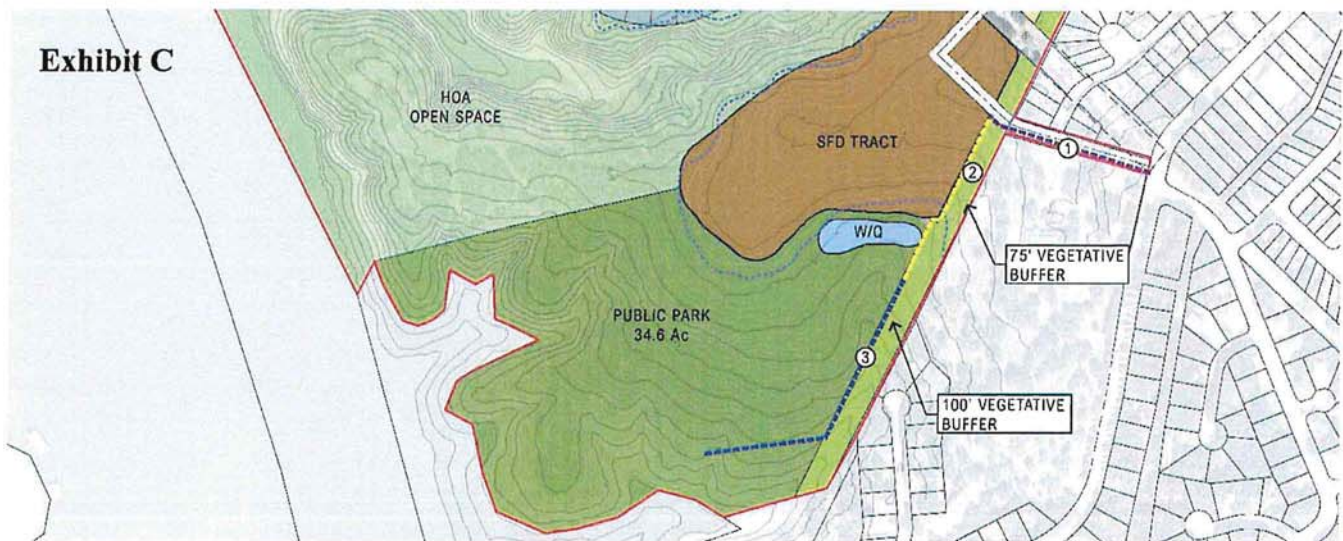
EXHIBIT "B"

Detail Plan



EXHIBIT "C"

Fencing



① 6' Concrete Masonry Fence



② 8' Wrought Iron Fence Option



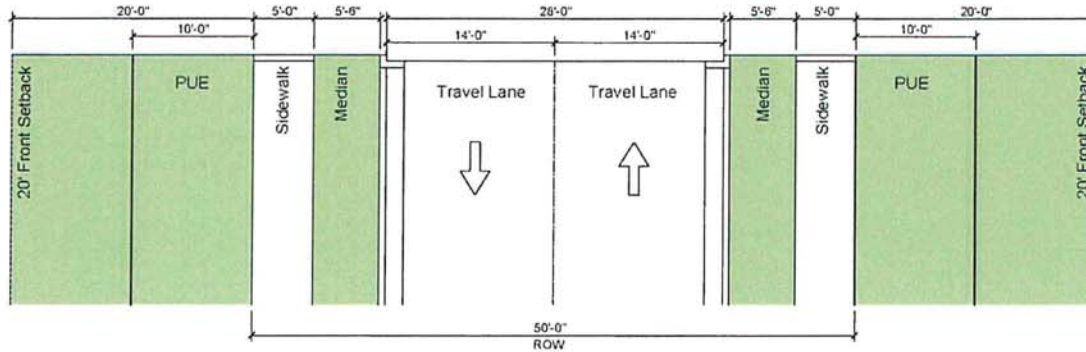
③ Removable Fence Option

VENTANA
LANDSCAPE

TURNBACK RANCH
DAY PARK CONCEPT - FENCING EXAMPLES
2007 - 2008

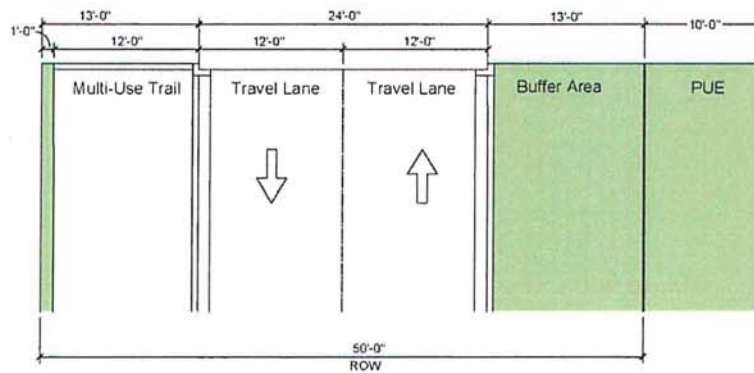
CLARKS DESIGN
LANDSCAPE ARCHITECTS

EXHIBIT "D" Street Sections



TURNBACK RANCH
RESIDENTIAL STREET 50' ROW

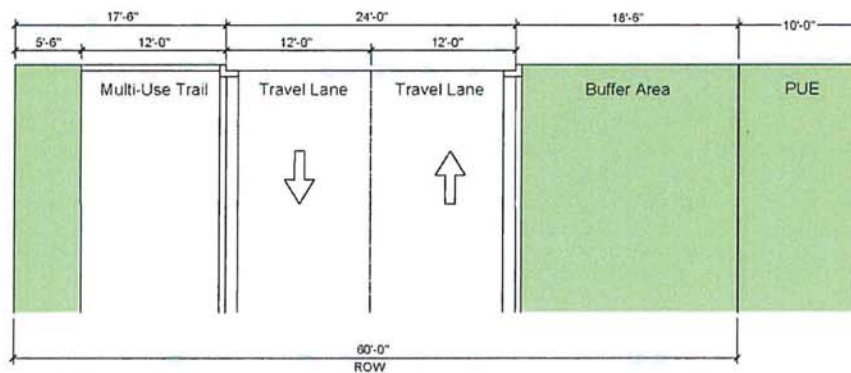
PHARIS DESIGN
PHARIS DESIGN LLC, 10000 N. 100TH AVE., SUITE 100, EDEN PRAIRIE, MN 55424



NOTE: NO ON-STREET PARKING IS ALLOWED ON COLLECTOR

TURNBACK RANCH
COLLECTOR STREET 50' ROW

PHARIS DESIGN
PHARIS DESIGN LLC, 10000 N. 100TH AVE., SUITE 100, EDEN PRAIRIE, MN 55424



NOTE: NO ON-STREET PARKING IS ALLOWED ON COLLECTOR

TURNBACK RANCH
COLLECTOR STREET 60' ROW

PHARIS DESIGN
PHARIS DESIGN LLC, 10000 N. 100TH AVE., SUITE 100, EDEN PRAIRIE, MN 55424

23-2603-PDD-MOD

“Turnback Ranch PDD” SFD Parcel (Tract B) Detail Plan Approval

Attachment 5

Maps



TenFootContour

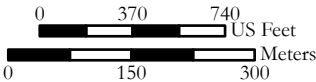
- 10 ft
- 50 ft
- Requestor

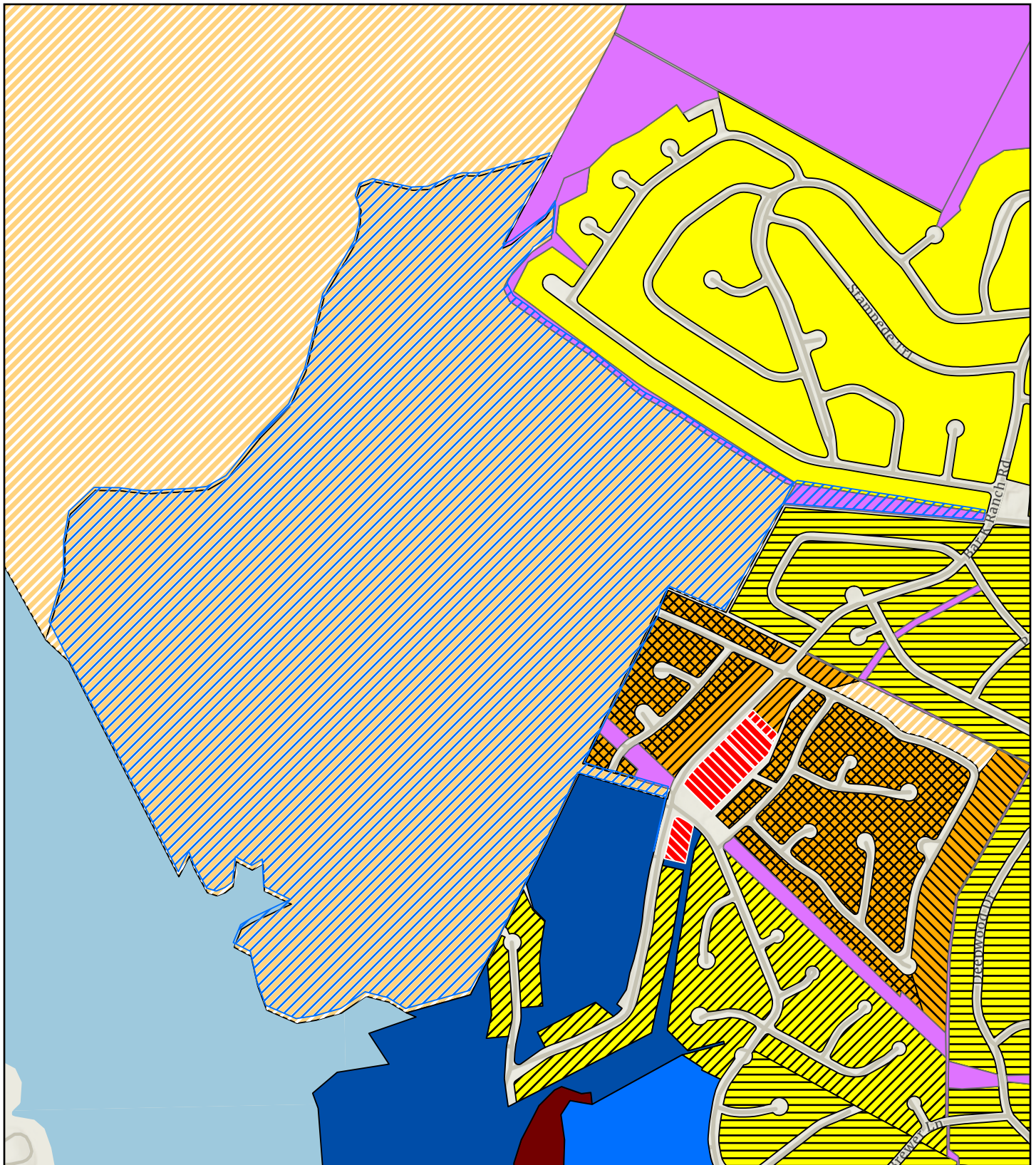
Turnback Ranch PDD

Request Type	PDD Amendment	Project	23-2603-PPD-MOD
Change Requested	SFD Parcel Detail Plan	Date	3/19/2024
Map Purpose	Aerial / Topography	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet

N



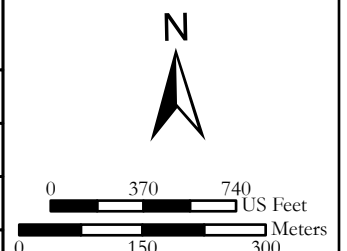


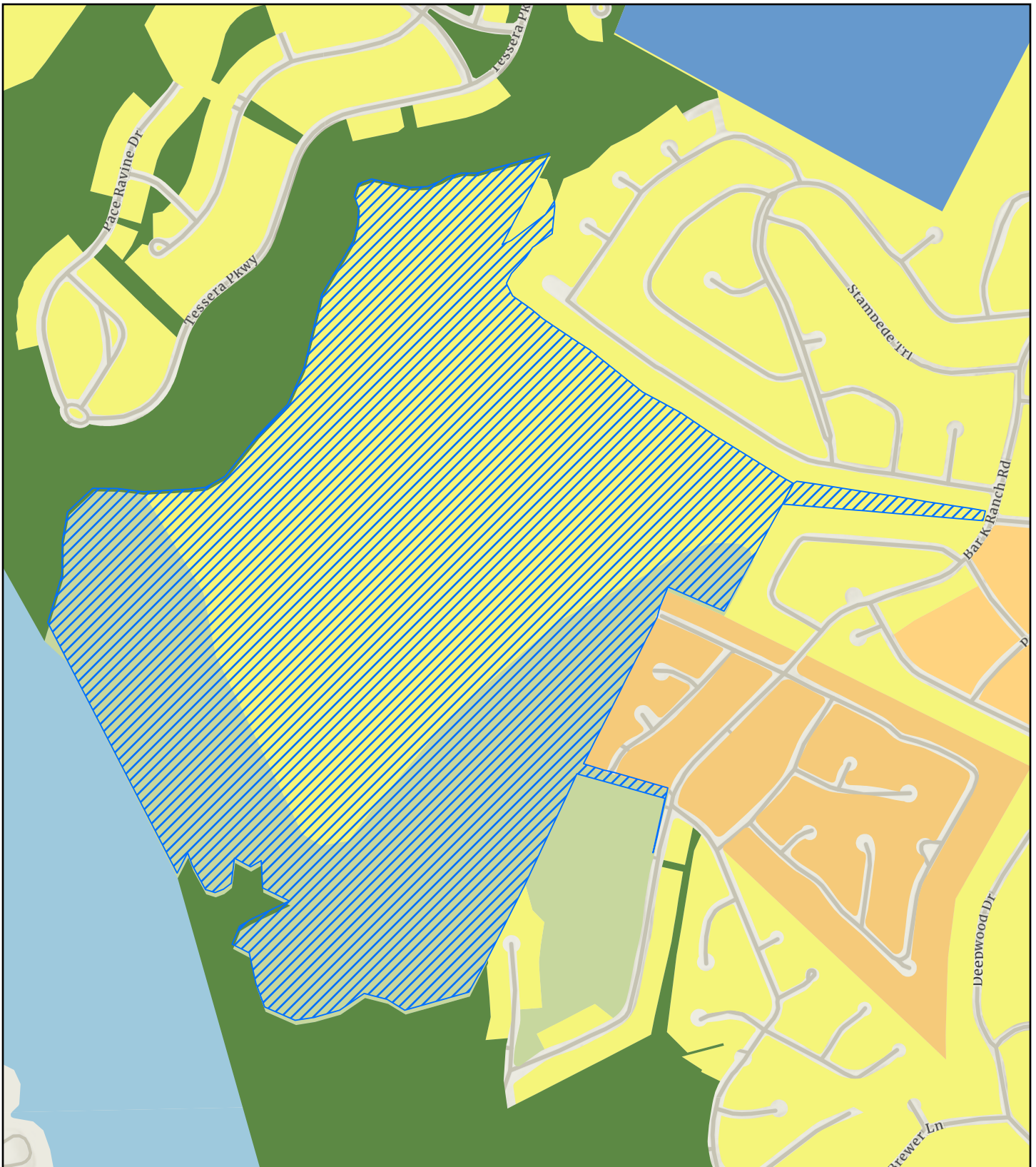
Zoning District	
	C-1A
	C-1C
	C-2
	C-M
	P-1B
	P-1C
	PDD
	R-1S, 15A
	R-1S, 15B
	R-1S, 18A
	R-MH
	R-2
	R-4
	TR-1
	U-1
	Requestor

Turnback Ranch PDD

Request Type	PDD Amendment	Project	23-2603-PPD-MOD
Change Requested	SFD Parcel Detail Plan	Date	3/19/2024
Map Purpose	Existing Zoning	Drawn By	D Avetian







Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





 Requestor

Land Use Proposed

-  City Park
-  Estate Residential
-  Low Density Residential
-  Medium Density Residential
-  POA Park
-  Semi-Public

Turnback Ranch PDD

Request Type	PDD Amendment	Project	23-2603-PPD-MOD
Change Requested	SFD Parcel Detail Plan	Date	3/20/2024
Map Purpose	Future Land Use	Drawn By	D Avetian

Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US

N

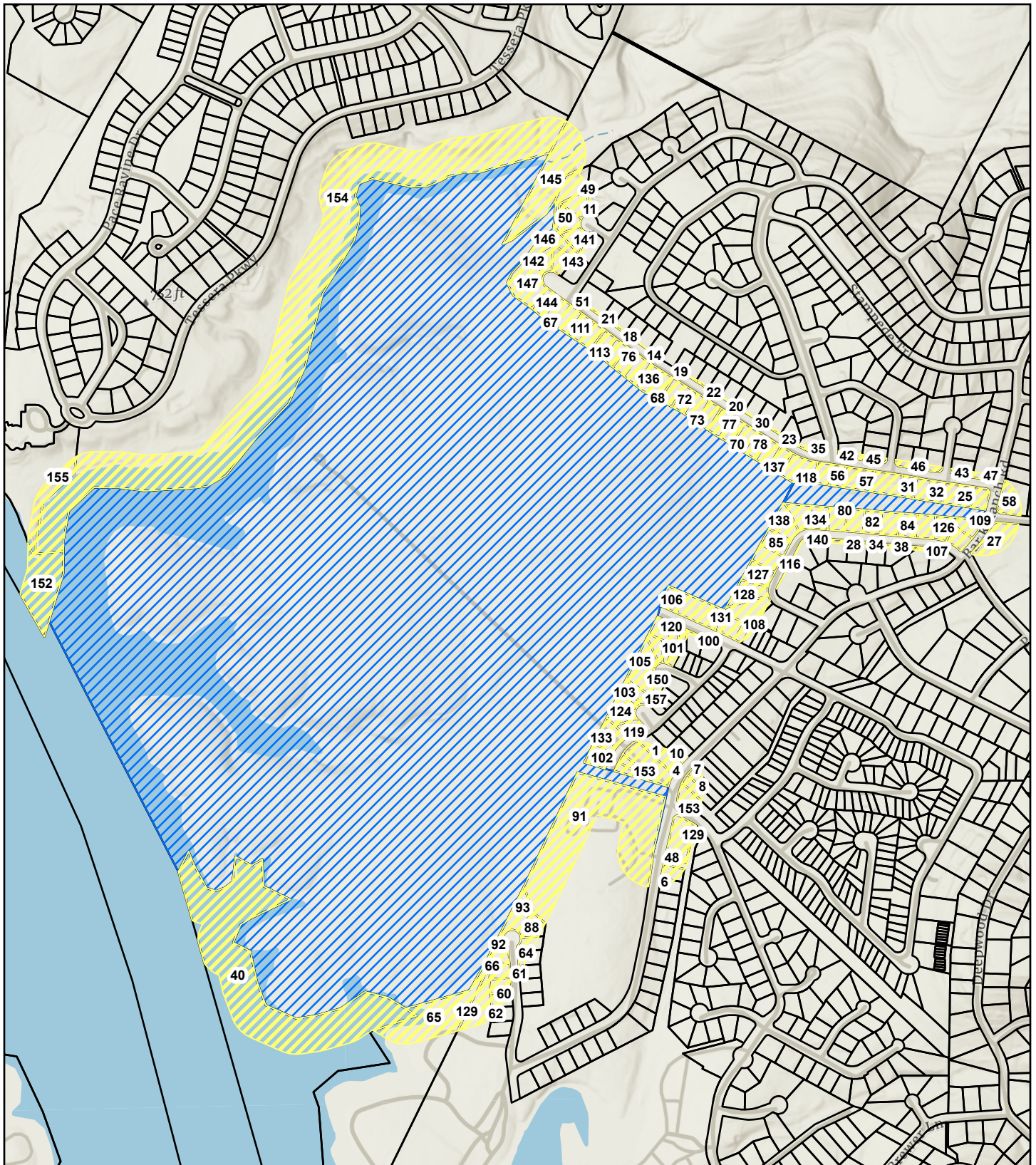


23-2603-PDD-MOD

“Turnback Ranch PDD” SFD Parcel (Tract B) Detail Plan Approval

Attachment 6

Notice Comments

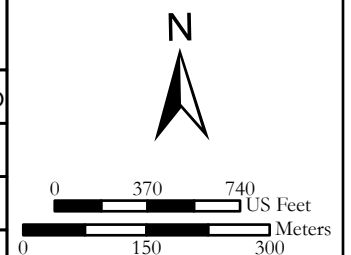


- TCAD Parcels
- Requestor
- Notification Boundary

Turnback Ranch PDD

Request Type	PDD Amendment	Project	23-2603-PPD-MOD
Change Requested	SFD Parcel Detail Plan	Date	3/19/2024
Map Purpose	Notification Boundary	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 11, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: **23-2617-R-REZ:** Consideration of a recommendation regarding a zoning change request from the TR-1 ("Temporary Restricted") zoning district to the P-2 ("Park and Greenbelt, Passive") zoning district at 7602 Bar-K Ranch Road, commonly referred to as the "Dodge Trail extension" (approximately 2.267 acres of a tract within the Dallas & Wichita Railroad Company Survey Number 9, Abstract Number 245).

- Staff Presentation
- Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ATTACHMENTS:
[23-2617-R-REZ.pdf](#)

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – APRIL 11, 2024**



P&Z CASE NO:	23-2617-R-REZ: 7202 Bar-K Ranch Road
APPLICANT:	City of Lago Vista, Texas (Tracie Hlavinka, City Manager)
LANDOWNER:	Same
LOCATION:	West side of Bar-K Ranch Road opposite Dodge Trail
ZONING:	TR-1 ("Temporary Restricted") to P-2 ("Park and Greenbelt")
PROPOSED USE:	Residential development access road and related buffers

GENERAL INFORMATION / LOCATION:

- The "Turnback Ranch PDD" approved by Ordinance Number 07-04-05-03 and amended by Ordinance Number 23-09-21-01 includes an approximately 241.541-acre tract of land that is occasionally identified on historic documents as "Mahogany on Lake Travis," an alternative brand used by Ventana Capital, the parent ownership entity. "Turnback Ranch" appears to be related to the historic description of various portions of the north shore as "Turnback Canyon" by the Austin Yacht Club beginning sometime in the 1950s.
- The legal description for that approximately 241.541-acre tract does not include the property currently owned by the City of Lago Vista commonly described as the "Dodge Trail extension" which is the subject of this application. However, Ordinance Number 07-04-05-03 nonetheless includes some specific details about the proposed improvements to that "Dodge Trail extension." The staff has consistently questioned the ability to regulate land that is outside of the legal description of any given zoning ordinance.
- The application that served as the basis for Ordinance Number 23-09-21-01 was submitted prior to the negotiation and execution of a development agreement that authorized the inclusion of that property in the desired PDD amendment. It was therefore more logistically practical to seek an appropriate zoning designation for the property that accommodates the "Dodge Trail extension" as a separate application to be initiated by the City of Lago Vista, who remains the current owner.
- Section 4.8(a)(2) of the development approved by the Lago Vista City Council at their meeting on September 21, 2023, reads as follows: "Owner will diligently pursue any development and land use approvals necessary for construction of the Dodge Trail Extension and related improvements, including any potential re-zoning if required pursuant to applicable City Regulations and state law. The City, as owner of the City Owned Parcel until such time as the City-Owned Parcel is conveyed to the Association, shall provide the permissions or consents to the Owner, as appropriate and necessary, to apply for a re-zoning or land use approval for the City-Owned Parcel to be improved for the Dodge Trail Extension." The City Manager submitted the current application pursuant to that development agreement.

SITE PLAN / CONTEXT CONSIDERATIONS:

- A fundamental reason this property needs an appropriate zoning designation is to accommodate the desired and warranted improvements without including them in the public right-of-way that will be dedicated back to the City of Lago Vista. For a variety of reasons, the City does not want to either own or maintain any of those improvements such as the wall or landscaping. That is more appropriately the responsibility of the association that will maintain the rest of the common property on behalf of the future residents of this development.
- As can be seen on the survey / site plan that is included in the packet, the subject property narrows in width from west to east as you approach Bar-K Ranch Road. This required careful collaboration between the engineers and planners representing the developer and the Public Works staff. At its narrowest point, there is simply not enough property to accommodate a public utility easement on both sides of the right-of-way. As such, other points of access to the property were necessary for some of the required utility services. They simply won't fit in a single 10-foot deep easement.

- Similarly, the width of the right-of-way and the improvements and landscaping outside of the right-of-way also vary in accordance with the available property width. This application does not require design approval in accordance with Section 6.105 of Chapter 14 as that provision is limited to “multifamily or non-residential development.” However, we requested the applicant to provide updated information about the anticipated improvements. We also retrieved a cross-section from an earlier presentation related to Ordinance Number 23-09-21-01. Those documents have been included in the packet for information purposes only.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Regardless of whether you would classify this “Dodge Trail extension” when complete as a collector street (with a minimum right-of-way width of 60 feet) or a local street (with a minimum right-of-way width of 50 feet), the available width nearest Bar-K Ranch Road and the lack of a public utility easement on each side requires relief from strict compliance with our subdivision design standards. As alluded to above, the Public Works Department staff had previously confirmed their support for this design solution. Since this property is not included in the PDD, that relief will take the form of a subdivision variance application to be considered by the Planning and Zoning Commission prior to a preliminary subdivision plat application which will separate the dedicated public right-of-way from the property to be subsequently conveyed to the homeowner’s association.
- The reason the property to be conveyed to the homeowner’s association requires an appropriate zoning designation is that it is otherwise ineligible for the permits that would be required to construct either the screening wall or trails. The reason that the P-2 (“Park and Greenbelt, Passive”) zoning district seems to be the most appropriate is that these specific types of improvements are permitted in this district without first establishing a distinct principal use as required in many of the other local zoning districts, including the single-family residential zoning district. In short, these greenbelts adjacent to both sides of the “Dodge Trail extension” are the principal use in the P-2 district.
- However, that does not mean that the designation of this property as “low density residential” in the current comprehensive plan is inconsistent with this proposed zoning change. It is instead clear that the future land use map as originally adopted in the current plan was intended to accommodate Ordinance Number 07-04-05-03 as otherwise the “regional commercial” and “high density residential” designations are unexplainable. The “Dodge Trail extension” is designated as the “low density residential” development it provides access to. This is reinforced by Ordinance Number 23-09-21-1 which amends the “regional commercial” and “high density residential” designations for consistency with the amended density. That of course did not preclude residential amenities or open space within the boundaries of that “low density residential” designation.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approval of the application.
 - B. Recommend denial of the application.
-

23-2617-R-REZ

7602 Bar-K Ranch Road (Dodge Trail Extension)

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: Tracie Hlavinka **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: (512) 267-1155 x100 **Contact Email:** tracie.hlavinka@lagovistatexas.gov
Property Owner(s):* City of Lago Vista, Texas
Owner's mailing address: PO Box 4727, Lago Vista, TX 78645

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

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

See attached.

Municipal Address(es)* if applicable: 7602 Bar-K Ranch Road

NATURE OF REQUEST

Current Zoning District(s): TR-1 **Requested District:** P-2 (Park and Greenbelt, Passive)

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

To provide for improvements adjacent to the extension of Dodge Trail to be used for access to the development known as Turnback Ranch to be subsequently owned and maintained by an association of property owners.

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

Name of Agent: _____ **Email:** _____

Mailing Address: _____ **Phone:** _____

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.**

Tracie Hlavinka

Property Owner's signature(s)*

3/21/2024

Date

*Attach additional sheets as required

EXHIBIT "A"

Legal Description

BEING a 2.267 acres tract of land (98,736 square feet) situated in the DALLAS & WITCHITA RAILROAD COMPANY SURVEY NO. 9, ABSTRACT NO. 245, Travis County, Texas and being all of the called 2.45 acre tract of land in a deed to the City of Lago Vista, as recorded in volume 11876, page 264 of the real property records of Travis County, Texas (R.P.R.T.C.T.); said 2.267 acre being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at a southerly corner of Bar-K Ranches, Plat Eight, as recorded in volume 58, page 71 of the plat records of Travis County, Texas (P.R.T.C.T.), said southerly corner being the same for of Lot 8246A, amended plat of Lots 8246 and 8247, Bar-K Ranches, Plat Eight, as recorded in document no. 200200120, P.R.T.C.T., at a called for corner of a called 116.22 acre tract of land described as Tract 2 in a deed to Vol H. Montgomery, as recorded in Document No. 1999148851, O.P.R.T.C.T., and being the northwest corner of the herein described tract, from which a 1/2-inch iron rod found bears South 39°00'30" West, a distance of 9.33 feet;

THENCE South 81°31'03" East, with the south line of said Bar-K Ranches, Plat Eight and the south line of said Lot 8246A, passing the southeast corner of said Lot 8246A and the southwest corner of Lot 8245 of said Bar-K Ranches, Plat Eight, continuing with the south line of said Bar-K Ranches, Plat Eight, passing a 1/2-inch iron rod found at the southeast corner of Lot 8239 and the southwest corner of Lot 8238 of said Bar-K Ranches, Plat Eight at a distance of 671.80 feet, passing a 1/2-inch iron rod found at the southeast corner of Lot 8238 and the southwest corner of Lot 8237 of said Bar-K Ranches, Plat Eight at a distance of 751.80 feet, passing a 1/2-inch iron rod found at the southeast corner of Lot 8236 and the southwest corner of Lot 8235 of said Bar-K Ranches, Plat Eight at a distance of 911.80 feet, and passing a 1/2-inch iron rod found at the southeast corner of Lot 8235 and the southwest corner of Lot 8234 of said Bar-K Ranches, Plat Eight at a distance of 991.80 feet, continuing in all for a total distance of 1076.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set in the west right of way line of Bar-K Ranch Road, a 60 foot right of way, at the southeast corner of said Lot 8234, and for the northeast corner of the herein described tract;

THENCE South 13°59'57" West, with the west right of way line of said Bar-K Ranch Road, for a distance of 56.21 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set at the northeast corner of a tract of land described as Tract 17.1 in an Agreed Judgment to Quiet Title, Cause No. CV-500276, as recorded in Document No. 2009040371, O.P.R.T.C.T. and for the southeast corner of the herein described tract;

THENCE North 85°05'13" West, with the north line of said Tract 17.1, passing a 1/2- inch iron rod with cap stamped "RPLS 5793" found at the northwest corner of a called 0.0355 acres of Tract 17.1 described in a deed to Brigido Cruces and Miriam Garcia, as recorded in Document No. 2018056909, O.P.R.T.C.T. and the northeast corner of a called 1,219 square foot tract of Tract 17.1 described in a deed to Kristin M. Gonzalez and Kevin B. Blystone, wife and husband, as recorded in Document No. 2017166219, O.P.R.T.C.T. at a distance of 145.26 feet, passing a 1/2-inch iron rod with cap stamped "RPLS 5793" found at the northwest corner of said 1,219

square foot tract of Tract 17.1 and the northeast corner of a called 0.023 acres of a 10 foot wide strip, described as Tract 2 in a deed to Nethia A. Rymkus and Michael Rymkus, as recorded in Document No. 2015185920, O.P.R.T.C.T. at a distance of 269.13 feet, passing a 1/2-inch iron rod found at the northwest corner of said called 0.023 acres of a 10 foot wide strip and the northeast corner of a called 0.023 acres of Tract 17.1 described as Tract 2 in a deed to Weldon Pierce Hutchings and Amber Autumn Podell, husband and wife, as recorded in Document No. 2020128593, O.P.R.T.C.T. at a distance of 369.13 feet, passing a 1/2-inch iron rod found at the northwest corner of said called 0.023 acres of Tract 17.1 and the northeast corner of a called 1,000 square feet of Tract 17.1 described as Tract 2 in a deed to Arnold Vargas and Julie Vargas, as recorded in Document No. 2018196863, O.P.R.T.C.T. at a distance of 469.13 feet, continuing in all a total distance of 1120.69 feet to a 1/2-inch iron rod found at the northwest corner of said Tract 17.1, in the east line of a called 241.541 acre tract of land described as Tract 1 in a deed to Turnback Development, L.L.C., as recorded in Document No. 2008002071, O.P.R.T.C.T., in the east line of said called 116.22 acre Tract 2, and for the southwest corner of the herein described tract, from which a 1/2-inch iron rod found at an interior ell corner of said Tract 17.1, at the north corner of Lot 2108 and the northwest corner of Lot 2109, of the Lago Vista Estates, Section Seven, as recorded in volume 50, page 20, P.R.T.C.T. bears South 28°16'36" East, a distance of 11.97 feet;

THENCE North 29°20'57" East, with the east line of said Tract 1, passing a called for corner of said Tract 1, continuing with the east line of said called 116.22 acre Tract 2, for a total distance of 134.54 feet to the **POINT OF BEGINNING** and containing 2.267 acres of land.

23-2617-R-REZ

7602 Bar-K Ranch Road (Dodge Trail Extension)

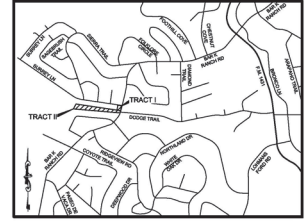
Attachment 2

Survey / Site Plan

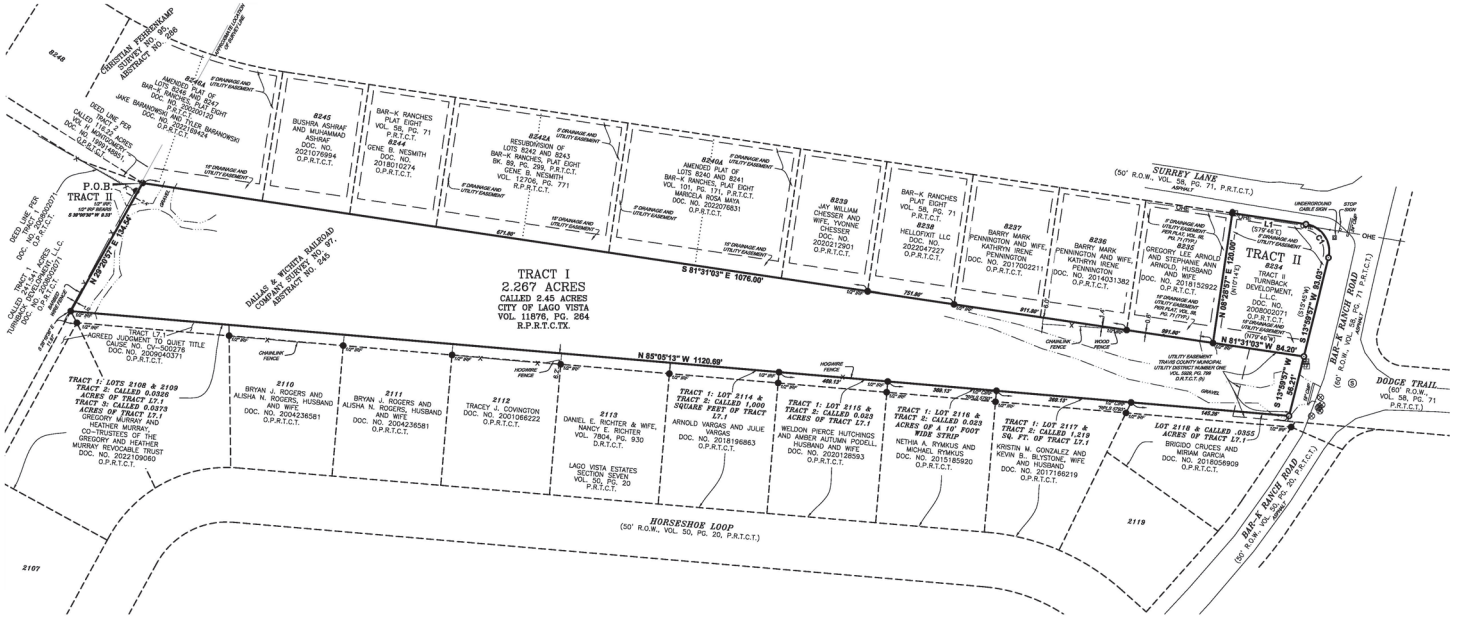
LINE TABLE		
LINE	BEARING	LENGTH
L1	S 89°51'00" E	88.30'

CURVE TABLE					
CURVE	RADIUS	LENGTH	BEARING	CHORD	DELTA
C1	28.00'	41.88'	S 33°40'30" E	37.82'	89°51'00"
					27.80'

- LEGEND**
- 1/2" IRON ROD FOUND (OR AS NOTED)
 - 1/2" IRON ROD W/ PLASTIC CAP
 - STAMPED "ROD" SET
 - POWER POLE
 - DAY WIRE
 - UTL. PIEDestal
 - SHR
 - WATER METER
 - WATER VALVE
 - SWITCHED SEWER MANHOLE
 - PROPERTY LINE
 - ADJOINER PROPERTY LINE (NOT SURVEYED)
 - POWEL (TYPE NOTED IN SURVEY)
 - () RECORD INFORMATION (FROM VOL. 83, PAGE 94, OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS)
 - P.B.A. POINT OF BEGINNING
 - S.B.A.C.E. DEED RECORDS OF TRAVIS COUNTY, TEXAS
 - S.B.A.C.E. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
 - S.B.A.C.E. OFFICIAL, PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS



VICINITY MAP
NOT TO SCALE



Survey / Site Plan

NOTES:

- BEARING BASIS IS TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD83, GRID.
- DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS, TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
- THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999934.
- RECORD EASEMENTS, RESTRICTIONS, AND/OR COVENANTS ARE ADDRESSED/SHOWN HEREON AS PER ITEMS LISTED IN TITLE COMMITMENT PROVIDED BY TITLE COMPANY NAMED HEREON. ADDITIONAL RECORDED AND/OR UNRECORDED EASEMENTS, RESTRICTIONS, AND/OR COVENANTS THAT MAY EXIST, ARE NOT SHOWN HEREON.

ALTA TABLE "A" ITEMS:

- ALL MONUMENTS SET OR FOUND AS SHOWN ON THE SURVEY.
- ADDRESSES:
TRACT I: 24101 SURREY LANE (TRAVIS/CAD/COR)
TRACT II: 7802 BAR K RANCH ROAD (TRAVIS/CAD/COR)
- THE SUBJECT TRACTS LIE IN THE (UNSHADOWED) ZONE X, OTHER AREAS, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, FLOOD INSURANCE RATE MAP PANEL NO. 48450301A, DATED JANUARY 25, 2000.
- THE GROSS LAND AREA OF TRACT I IS 2.244 ACRES (10,633 SQ. FT.). THE GROSS LAND AREA OF TRACT II IS 2.267 ACRES (98,736 SQ. FT.).
- NO ZONING REPORT OR LETTER WAS PROVIDED TO THE SURVEYOR.
- THERE WERE NO EXISTING BUILDINGS ON THE SITE AT THE TIME OF SURVEY.
- SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING FIELDWORK ARE INCLUDED ON THE SURVEY.
- PLANS OF UNDERGROUND UTILITIES HAVE NOT BEEN PROVIDED TO THE SURVEYOR AT TIME OF SURVEY.
- GOVERNMENTAL AGENCY SURVEY-RELATED REQUIREMENTS WAS NOT PROVIDED TO THE SURVEYOR.
- THE NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS ARE INCLUDED ON THE SURVEY.
- TRACT I IS AT THE INTERSECTION OF SURREY LANE AND BAR K RANCH ROAD. TRACT II IS AT THE T-INTERSECTION OF BAR K RANCH ROAD AND DODGE TRAIL.
- THERE WAS NO EVIDENCE OF RECENT EARTH MOVEMENT, BUILDING CONSTRUCTION OR BUILDING ADDITIONS AT THE TIME OF THE SURVEY.
- THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- THE SURVEYOR DID NOT ABSTRACT THE ADJOINING LOTS, TRACTS OR PARCELS. THE SURVEYOR DOES NOT GUARANTEE THAT ALL OF THE EASEMENTS, RESTRICTIONS, RIGHT OF WAYS OR RIGHTS (EITHER OF RECORD OR NOT OF RECORD) WHICH MAY AFFECT THE SUBJECT TRACTS ARE SHOWN. EASEMENTS SHOWN ADJACENT TO SUBJECT TRACTS ARE BASED ON CURRENT OWNERSHIP RECORDS FOUND ON TRAVIS/CAD/COR.
- BOWMAN HAS PROFESSIONAL LIABILITY INSURANCE AND WILL PROVIDE A CERTIFICATE OF INSURANCE.

TRACT I
CALLED 2.45 ACRE TRACT OF LAND
FIRST AMERICAN TITLE GUARANTEE COMPANY
OF NO. 11012342
EFFECTIVE DATE: SEPTEMBER 22, 2023 AT 8:00 AM, ISSUED: NOVEMBER 03, 2023 AT 8:00 AM
SCHEDULE B ITEMS:

- EASEMENT: ELECTRIC LINE OR SYSTEM
RECORDED: IN VOLUME 838, PAGE 94, OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.
CANNOT BE LOCATED BY DESCRIPTION
- EASEMENT: RIGHT OF WAY
RECORDED: IN VOLUME 2008, PAGE 336, OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.
DOES NOT AFFECT SUBJECT TRACT
- EASEMENT: PUBLIC UTILITY
RECORDED: IN VOLUME 5928, PAGE 799, OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.
AS SHOWN ON SURVEY
- EASEMENT: ELECTRIC UTILITY
RECORDED: IN VOLUME 5928, PAGE 799, OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.
DOES NOT AFFECT SUBJECT TRACT
- TRACT II:
LOT 8234, BAR-K RANCHES, PLAT EIGHT
RECORDED: IN VOLUME 838, PAGE 94, OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.
CANNOT BE LOCATED BY DESCRIPTION
- EASEMENT: ELECTRIC AND TELEPHONE LINE
RECORDED: IN VOLUME 838, PAGE 94, OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.
DOES NOT AFFECT SUBJECT TRACT
- EASEMENT: TELEPHONE
RECORDED: IN VOLUME 2008, PAGE 336, OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.
DOES NOT AFFECT SUBJECT TRACT
- EASEMENT: INUNDATION AND OVERFLOW
RECORDED: IN VOLUME 838, PAGE 94, OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.
DOES NOT AFFECT SUBJECT TRACT
- EASEMENT: ELECTRIC TRANSMISSION OR DISTRIBUTION LINE
RECORDED: IN VOLUME 838, PAGE 94, OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.
DOES NOT AFFECT SUBJECT TRACT

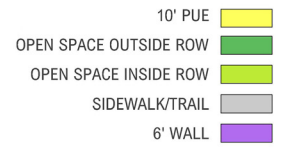
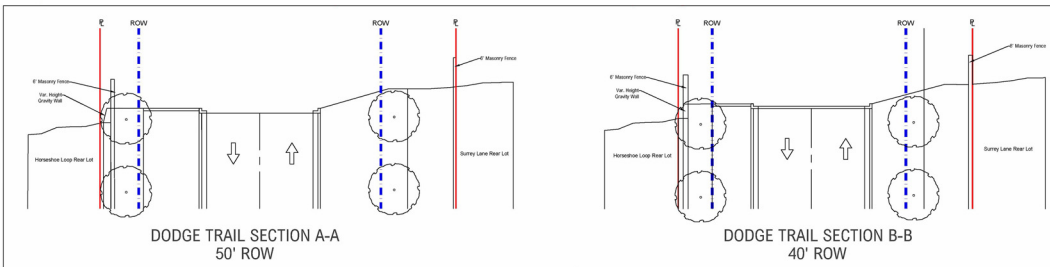
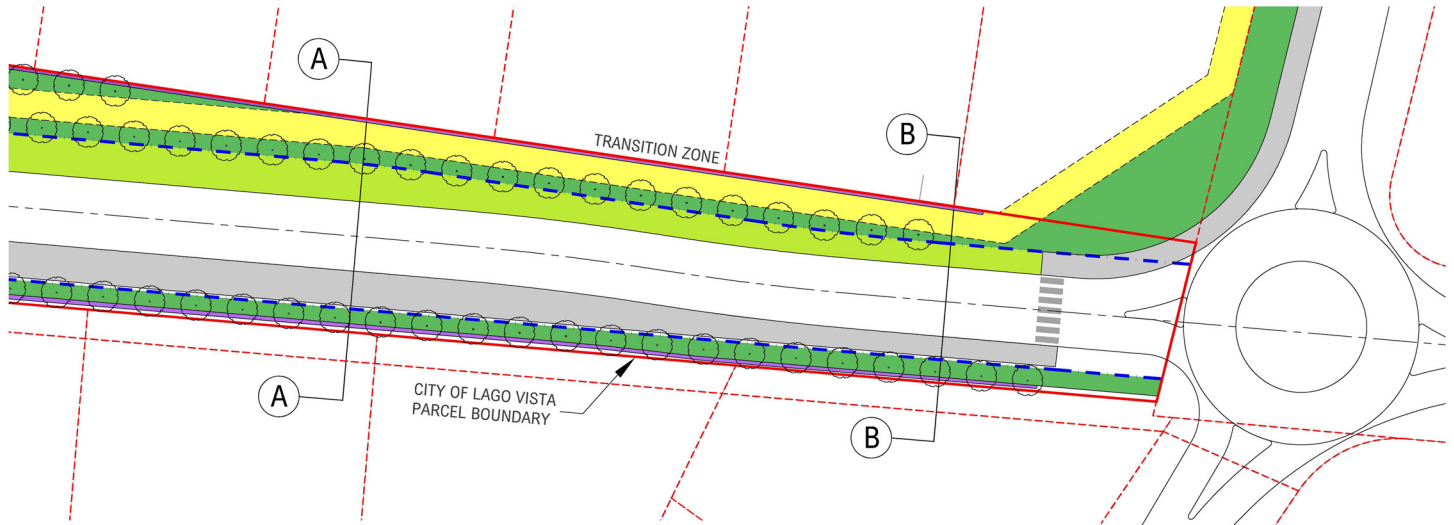


23-2617-R-REZ

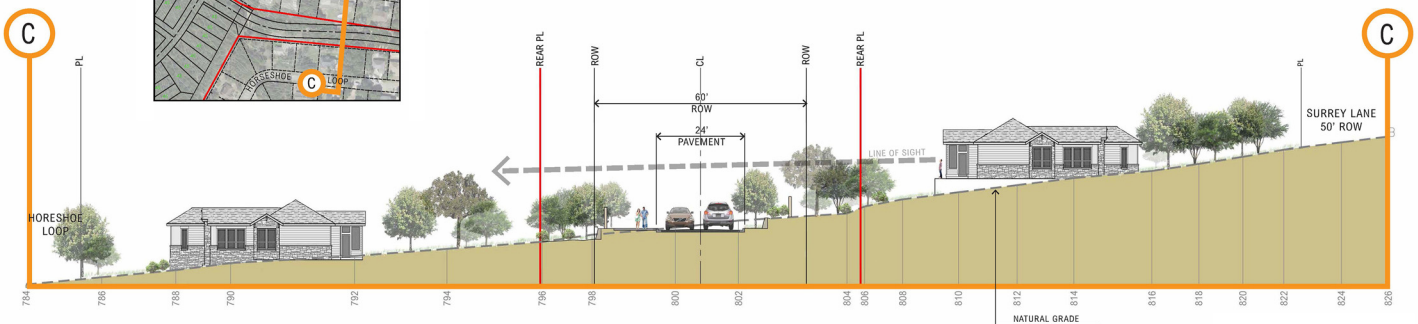
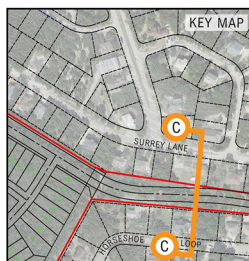
7602 Bar-K Ranch Road (Dodge Trail Extension)

Attachment 3

Proposed HOA Owned Improvements



TURNBACK RANCH **DODGE TRAIL SECTION - CONCEPTUAL** **DRAFT - MARCH 2024**



DODGE TRAIL SECTION C-C
60' ROW



23-2617-R-REZ

7602 Bar-K Ranch Road (Dodge Trail Extension)

Attachment 4

Maps



TenFootContour

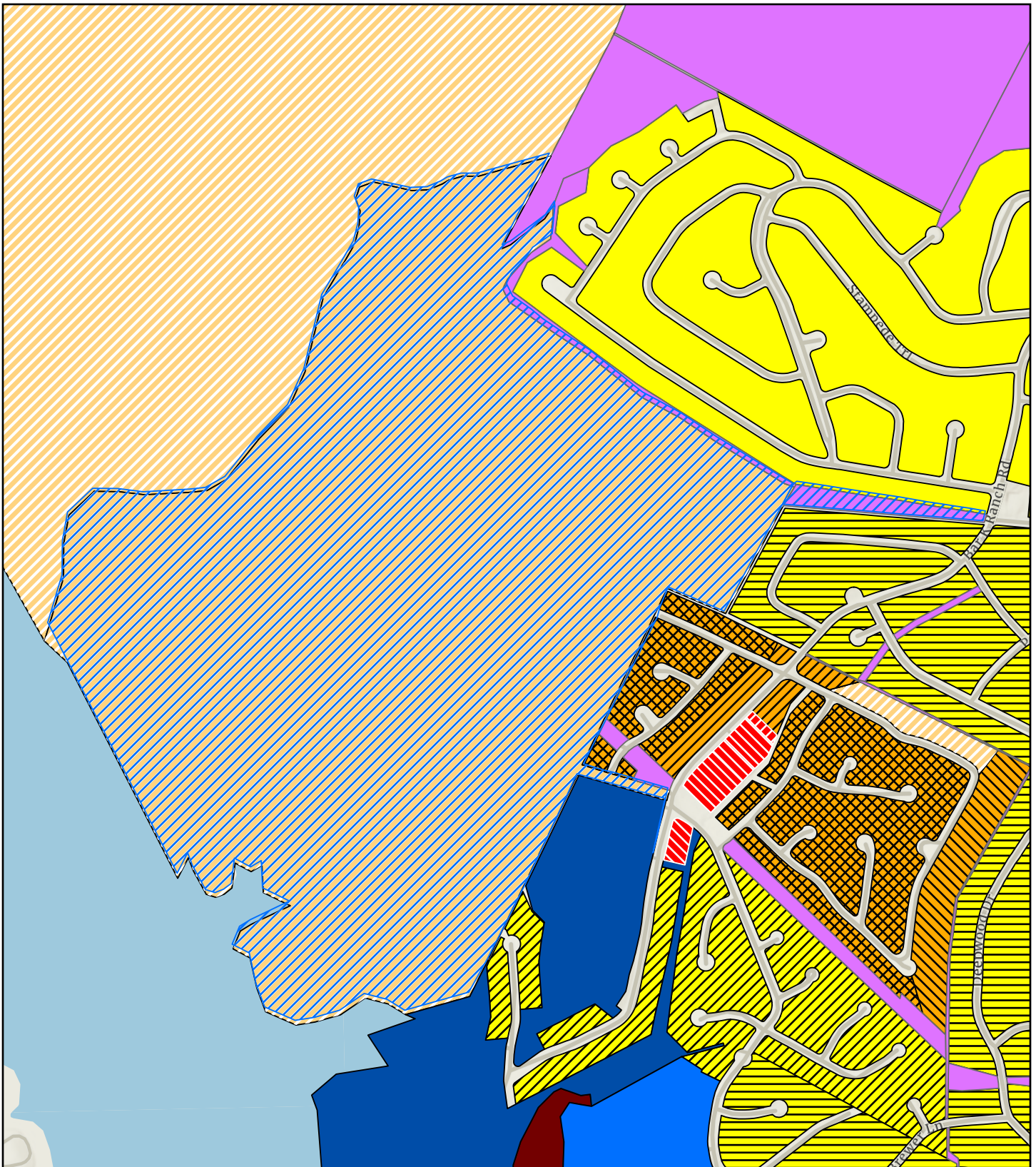
- 10 ft
- 50 ft
- Requestor

Turnback Ranch PDD

Request Type	PDD Amendment	Project	23-2617-R-REZ
Change Requested	SFD Parcel Detail Plan	Date	3/19/2024
Map Purpose	Aerial / Topography	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



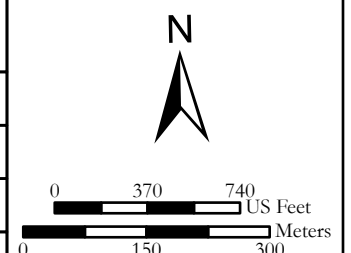


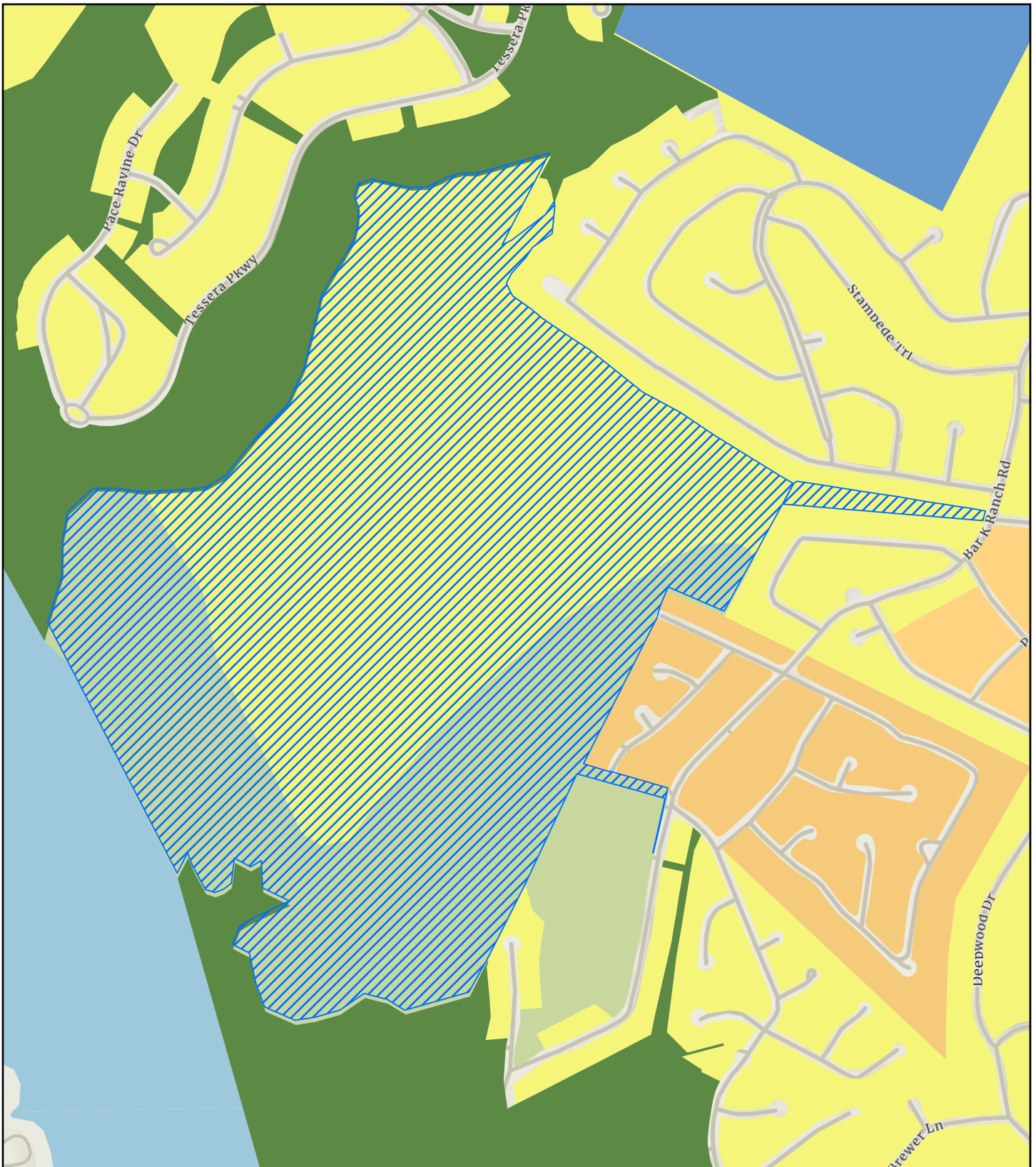
Zoning District	
	C-1A
	C-1C
	C-2
	C-M
	P-1B
	P-1C
	PDD
	R-1S, 15A
	R-1S, 15B
	R-1S, 18A
	R-MH
	R-2
	R-4
	TR-1
	U-1
	Requestor

Turnback Ranch PDD

Request Type	PDD Amendment	Project	23-2617-R-REZ
Change Requested	SFD Parcel Detail Plan	Date	3/19/2024
Map Purpose	Existing Zoning	Drawn By	D Avetian







Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





 Requestor

Land Use Proposed

-  City Park
-  Estate Residential
-  Low Density Residential
-  Medium Density Residential
-  POA Park
-  Semi-Public

Turnback Ranch PDD

Request Type	PDD Amendment	Project	23-2617-R-REZ
Change Requested	SFD Parcel Detail Plan	Date	3/20/2024
Map Purpose	Future Land Use	Drawn By	D Avetian

Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US

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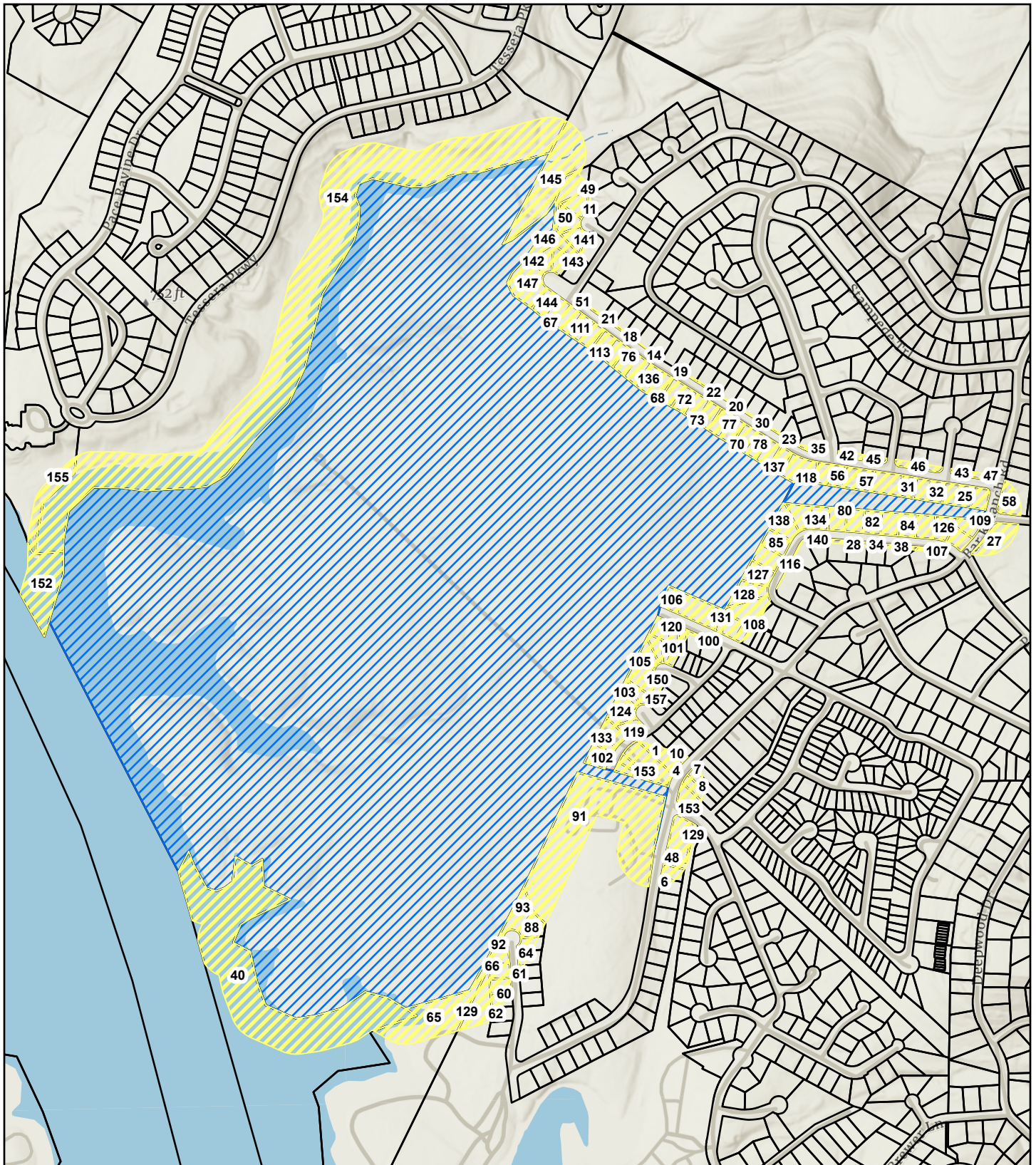


23-2617-R-REZ

7602 Bar-K Ranch Road (Dodge Trail Extension)

Attachment 5

Notice Comments



- TCAD Parcels
- Requestor
- Notification Boundary

Turnback Ranch PDD

Request Type	PDD Amendment	Project	23-2617-R-REZ
Change Requested	SFD Parcel Detail Plan	Date	3/19/2024
Map Purpose	Notification Boundary	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet

N





Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 11, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: **23-2607-R-REZ:** Consideration of a recommendation regarding a zoning change request from the C-1A “Professional Office, Neighborhood Retail” zoning district to the C-1A (SUP) “Professional Office, Neighborhood Retail” zoning district with a special use permit approval to sell “specialty and novelty items” identified in Section 18.20(f) at 20811 Dawn Drive, Suite 100 and 150 (Lago Vista Travis Plaza, Lot 8-C, 9-C, and 10-C).

- Staff Presentation
- Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ATTACHMENTS:
[23-2607-R-REZ.pdf](#)

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – APRIL 11, 2024**



P&Z CASE NO: 23-2607-R-REZ: 20811 Dawn Drive, Suite 100 / 150
APPLICANT: Adil Azad (MHAK Shop LLC dba OnlyClouds Smoke Shop)
LANDOWNER: Borra Management LLC (Mike Zarchi)
LOCATION: South side of Dawn Drive ± 240 feet east of Canyon Drive
ZONING: C-1A to C-1A (SUP)
PROPOSED USE: "Specialty and novelty item" sales in a multi-tenant building

GENERAL INFORMATION / LOCATION:

- A potential future tenant submitted this application seeking a special use permit for Suite 100 and Suite 150 within an existing building already in the C-1A "professional office and "neighborhood retail" zoning district at 20811 Dawn Drive. The application was signed by the property owner. Section 18.20 of Chapter 14 requires that specific "uses and structures may be established or constructed only upon the issuance of a special use permit." Section 18.20(f) includes in that list of "specific uses" any establishment that sells "specialty and novelty items" as explicitly enumerated and defined in that section. The entirety of that ordinance section has been added to this packet.
- The information provided on the application form and in previous communication caused the staff to inquire further which led to the narrative that was subsequently submitted. That narrative confirmed that some of the merchandise to be sold in this establishment is described within Section 18.20(f) of Chapter 14 and that a special use permit is prescribed by those same provisions. While the applicant might not fully understand that the purpose of the narrative is to discover any approval conditions that might be warranted, that is not necessarily a fatal omission if the Commission feels they can make a recommendation on their own initiative without that type of information.
- The existing building in question is located on the south side of the street adjacent to the "dive-in" parking provided by the City within the Dawn Drive right-of-way. It is constructed on three separate lots within the Lago Vista Travis Plaza subdivision, the same subdivision that includes the current facility that serves as the Lago Vista City Hall. There are two similar vacant lots to the west of this location before reaching the public right-of-way known as Canyon Drive. According to the Travis County Appraisal District (TCAD) website, the facility was constructed in 1971 prior to the incorporation of the City of Lago Vista. The lack of a zoning ordinance with setback requirements would tend to explain why the building was allowed to be constructed across existing property lines instead of first requiring an amended plat.

SITE PLAN / CONTEXT CONSIDERATIONS:

- The subject property was platted with shared access and parking that extends east from Canyon Drive past Thunderbird to Municipal Complex Way, the location of the Lago Vista Police Department. As mentioned above, the City of Lago Vista added more shared parking to facilitate economic development opportunities in this immediate area. Directly across from the subject property on Dawn Drive are residences in a single-family residential zoning district. Although there are vacant lots on that north side of Dawn Drive, all are in a single-family residential zoning district until reaching the property much closer to Lohman Ford Road opposite the elementary school.
- South of the subject property, there is a band of lots on the north side of Bonanza Street and the east side of Thunderbird that are in the R-4 multifamily residential zoning district. On both the east and west ends of this residential area are properties currently owned by the City of Lago Vista that are being proposed for use as pocket parks by the Parks and Recreational Advisory Committee. This tends to lend credence to the importance that the community places on the continued viability of these residential properties, regardless of whether they are in a single or multifamily zoning district. As such, a serious discussion about potential conditions to be imposed on uses requiring a special use approval seems warranted, despite the fact that the proposed establishment will be contained within a multitenant facility.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Like the recent application for a “tattoo parlor” in the adjacent suite within the same building, the bulk of the narrative submitted is about the proprietors of the proposed establishment. Nonetheless, this special use permit application is a specific type of zoning change that establishes property rights that are “attached to the land” and will remain in place regardless of who might operate the proposed facility. As a result, the only relevant information is about how the facility might be operated to ensure compatibility with the adjacent existing uses and development rights. The applicants’ attempt at providing relevant information can be found on the third page of the narrative. However, some of the items on that list are not relevant to the required zoning approval as explained in greater detail in the ordinance references below.
- Noise and littering are addressed by other types of local regulations and would presumably be enforced without regard to whether they were to be included as a condition of this approval. Smoking within the proposed facility is a preference to be exercised at the discretion of the tenant and property owner. It also has little impact on the surrounding property, which is the purpose of this type of regulation. However, the staff can conceive of at least two potential conditions that the Commission might consider to be warranted. Limiting the hours of operation would help ensure that patronage will not unduly expose neighboring residential property to potential late night disturbances. As SB 21 of 2019 prohibits the sale of tobacco and nicotine products to individuals below 21 years of age that are not serving in the military, it might be reasonable to prohibit those not meeting those requirements from even entering the establishment.
- Section 18.10 of Chapter 14 describes the purpose of the special use permit approval as “an opportunity for discretionary review of requests” that might have “the potential for an unexpected impact upon the health, safety, and welfare of the public.” In addition to providing an opportunity to review the design and location of any existing or proposed improvements, the procedure allows conditions to be imposed on the uses of those same existing or proposed improvements “to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity” and to deny requests “when it is apparent that a proposed use or structure will or may occasionally harm... the value, lawful use, and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.”

POTENTIAL ALTERNATIVE RECOMMENDATIONS / DECISION:

- A. Recommend approval of the requested zoning change to add a special use permit approval to Suite 100 / 150 to sell “specialty and novelty items” as defined in Section 18.20(f) subject to the conditions specified by the Planning and Zoning Commission following the scheduled public hearing (hours of operation limitations or age restrictions, for example).
 - B. Recommend denial of the request.
 - C. Recommend approval of the requested zoning change to add a special use permit approval to Suite 100 / 150 to sell “specialty and novelty items” as defined in Section 18.20(f) without any conditions.
-

23-2607-R-REZ

20811 Dawn Drive, Suite 100 / 150

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: Adil Azad **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: 516-376-3706 **Contact Email:** adilazad2002@gmail.com
Property Owner(s):* Mike Zarchi, Borra Management
Owner's mailing address: P.O. Box 200484, Austin, TX 78720

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*
20811 Dawn Dr., Lago Vista, TX 78645

Municipal Address(es)* if applicable: _____

NATURE OF REQUEST

Current Zoning District(s): C-1A **Requested District:** C-1A (SUP)

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

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

Name of Agent: Adil Azad **Email:** adilazad2002@gmail.com
Mailing Address: 103 Fred Couples Dr., Round Rock, TX 78664 **Phone:** 516-376-3706

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)*

02/15/2024

Date

***Attach additional sheets as required**

23-2607-R-REZ

20811 Dawn Drive, Suite 100 / 150

Attachment 2

Applicant Proposed Special Use Permit (SUP) Conditions

Date:Feb 21, 2024

To Whom it May Concern:

I Adil Azad and my cousin Rashid Ashfaq are the owners of MHAK SHOP LLC, DBA ONLYCLOUDS SMOKE SHOP. Mike Zarchi the property owner of 20811 Dawn Dr., Lago Vista, TX 78645 has authorize me Adil Azad to act on behalf of the property owner(s)* regarding the application of zoning district change. As we move forward with the application of SUP, I will like to introduced ourselves and give a detailed outline of our business, such as products and propose some parameters around the SUP to make sure the property, neighborhood, residence and all the other tenants in the property, feeling safe respected, and everyone can do their business safely.

About Us:

Rashid Ashfaq and I Adil Azad were born in a small town called Thorar in Azad Kashmir. It's a beautiful place. It has green valleys, big mountains and beautiful lakes. It's a beautiful place to live in but life was really tough, people did not have access to basic needs such as clean water, electricity, food, and jobs. There is also a lot of conflict between India and Pakistan and Kashmir is right in between. When we first got the news that we got our visa for the United States we were really happy we could not believe it. We used to hear stories about the American Dream, how anyone from anywhere no matter what, race, gender, religion they are, have opportunities to make the best of their life in the United States. We are really lucky and blessed to be in the United States, there is a lot of stuff we take here for granted. When we got here life was tough at first because we did not speak any English so it was hard to communicate with anyone. As time passed by, life was getting better and better. I started to go to school which I loved because everyone was so welcoming and my cousin started working in a gas station. He worked there for a long time. After I finished High School I joined an electrical program to become an electrician and got a job as an electrical apprentice which I still do . My cousin saved enough money to buy a nice car and he started doing Uber. He tried to do it with his older car but it kept breaking down. Whatever money we made we saved as much as we could. He drove uber every day for 12-16 hrs. He drove uber and I work as an apprentice electrician. When I finished my shift from my electrical job I did door dash and Uber eats as my second job every day. After years of doing this, my cousin and I pooled our money together and opened our first shop. We are hardworking, honest and law abiding people. We would love to open our second shop in Lago Vista. We will love to grow our small business and also be active and participate in the growth of Lago Vista.

Products:

Tobacco products.

1) Cigarettes- A cigarette is a narrow cylinder containing a combustible material, typically tobacco, that is rolled into thin paper for smoking. The cigarette is ignited at one end, causing it to smolder; the resulting smoke is orally inhaled via the opposite end. Cigarette smoking is the most common method of tobacco consumption.

2) Cigars- Roll of tobacco wrapped in leaf tobacco or in a substance that contains tobacco.

3) Cigarillo- is a short, narrow cigar. Unlike cigarettes, cigarillos are wrapped in tobacco leaves or brown, tobacco-based paper. Cigarillos are smaller than regular cigars but usually larger than cigarettes. Cigarillos are usually made without filters, and are meant to be smoked like a cigar and not inhaled.

4) Rolling paper/ rolling leaf- Rolling paper and rolling is a specialty paper/ leaf used for making cigarettes. Rolling papers are packs of several cigarette-size sheets, often folded inside a cardboard wrapper. They are also known as 'blanks', which are used to encase tobacco.

5) Hookah/ Water pipe- A hookah, shisha, or waterpipe is a single- or multi-stemmed instrument for heating or vaporizing and then smoking either tobacco, flavored tobacco

E-cigarettes, e-juice products.

1) E-cig-create an aerosol by using a battery to heat up liquid that usually contains nicotine, flavorings.

2) E- juice-Liquid for use inside an e-cigarette is called e-liquid but is also known as e-juice or vape juice. E-liquids may contain nicotine, as well as propylene glycol, vegetable glycerin or glycerol, other chemicals (including those used to create flavours) and, in some cases, water

3) MOD: An electronic cigarette or vape is a device that simulates tobacco smoking. It consists of an atomizer, a power source such as a battery, and a container such as a cartridge or tank filled with liquid. Instead of smoke, the user inhales vapor. As such, using an e-cigarette is often called "vaping"

CBD/Delta Products

1) CBD- CBD is obtained from hemp, a form of the Cannabis sativa plant that only contains small amounts of THC. CBD seems to have effects on some chemicals in the brain, but these are different than the effects of THC. CBD is also used for anxiety, pain, a muscle disorder called dystonia, Parkinson disease, Crohn disease, and many other conditions.

2) Delta 8- The natural concentration of delta-8-THC in cannabis and hemp is low, so most delta-8-THC is synthetically made in a lab. Delta-8 is used for relaxation, euphoria and pain relief

3) Delta 9- Delta-9-tetrahydrocannabinol is a cannabinoid found in cannabis (Cannabis sativa). Delta 9 is used for providing pain relief, for chemotherapy-induced nausea, managing chronic pain, and treating sleep disorders. Hemp-derived products with Delta 9 concentrations of 0.3% or less on a dry weight basis are federally legal and legal in Texas.

4) Delta 10- Delta 10 is also found in cannabinoids. Delta-10 reportedly produces an uplifting and relaxing effect.

5) Edibles-Edibles are food products infused with cannabis extract. Edibles come in many forms—including baked goods, candies, gummies, chocolates, lozenges, and beverages

Kratom

Kratom is a tree that grows naturally in Thailand, Malaysia, Indonesia, and Papua New Guinea. Its leaves have traditionally been used as medicine. It can help combat fatigue, increase energy levels and productivity, and relieve pain or strained muscles. Kratom comes in all shape of form such as capsules, powder, and gummies.

Novelties products

1)Incense- is an aromatic biotic material that releases fragrant smoke when burnt. The term is used for either the material or the aroma. Incense is used for aesthetic reasons, religious worship, aromatherapy, meditation, and ceremony. It may also be used as a simple deodorant or insect repellent.

2)Candles- a cylinder or block of wax or tallow with a central wick that is lit to produce light as it burns.

3) Gift wrap- decorative paper for wrapping presents.

All the items that I have listed above are all legal in the states of Texas. They are also available in almost every gas station and convenience store. When I was in Lago Vista I saw a lot of convenience stores and gas stations that carry these products as well that I have listed above.

In addition, there will be no smoking allowed in the space that we will be leasing and no smoking within the 25 feet of the entrance of the suite.

No loud music.

No littering, we will make sure the property is safe and clean. We will perform litter pick up twice each day.

We will operate in a manner that meets or exceeds all regulatory requirements. We will provide an ethical and transparent manner for the public to receive safe, high-quality products.

It will be an honor for us to be a part of the Lago Vista community and participate in its growth. We will love to build a good relationship with the Lago Vista community and with the city. If there is any other information needed from us we will love to provide it

Thank you

23-2607-R-REZ

20811 Dawn Drive, Suite 100 / 150

Attachment 3

Site Plan



XD = Exterior Door
W = Window

Site Plan

23-2607-R-REZ

20811 Dawn Drive, Suite 100 / 150

Attachment 4

Maps



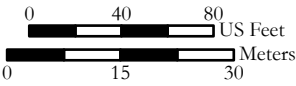
TenFootContour

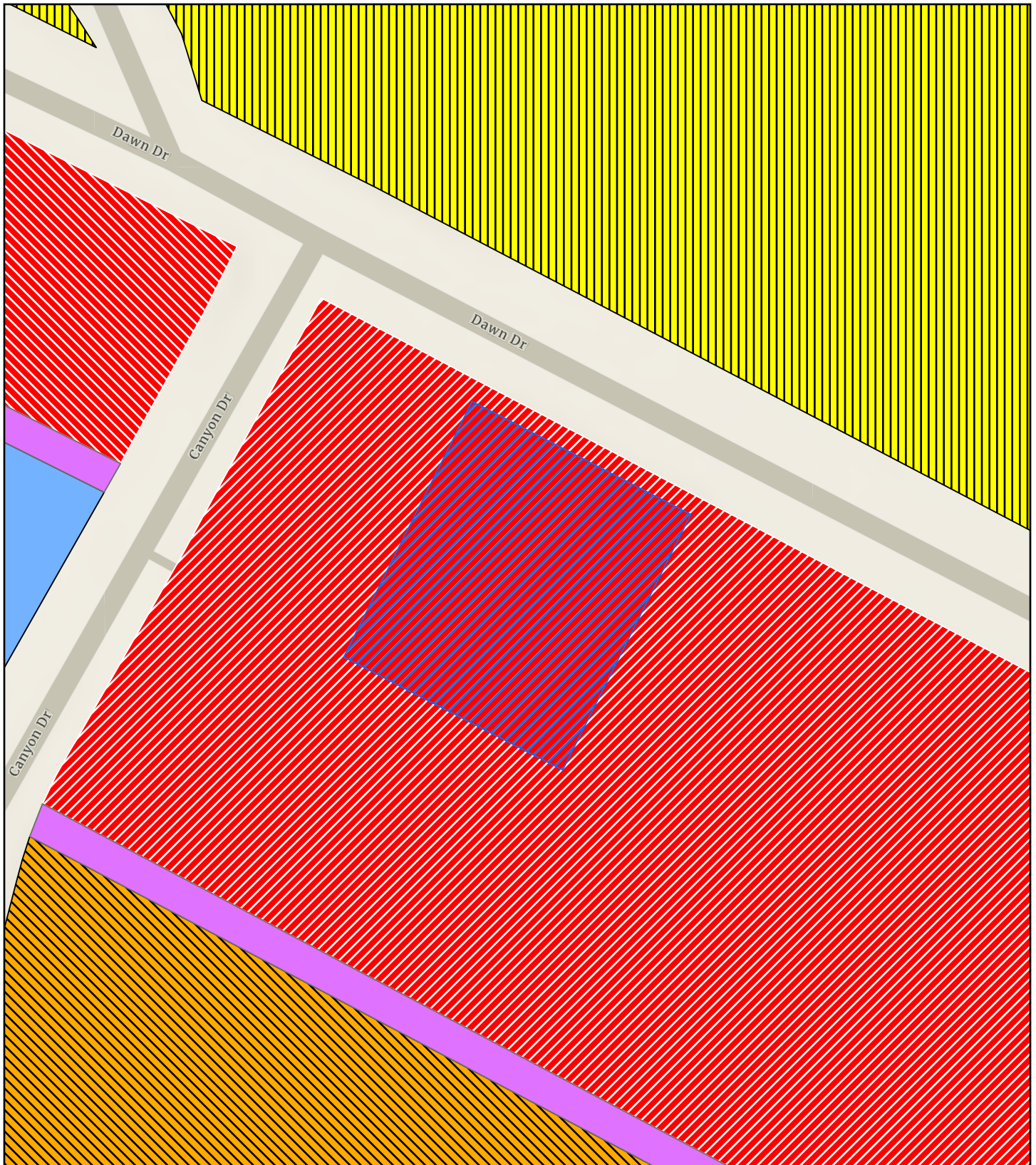
- 10 ft
- 50 ft
- Requestor


20811 Dawn Drive

Request Type	Zoning Change	Project	23-2607-R-REZ
Change Requested	C-1A to C-1A(SUP)	Date	3/20/2024
Map Purpose	Aerial / Topography	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





 Requestor

Zoning District

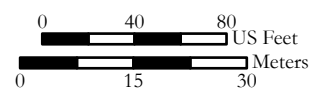
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-  C-1C
-  P-2
-  R-1S,18B
-  R-4
-  TR-1

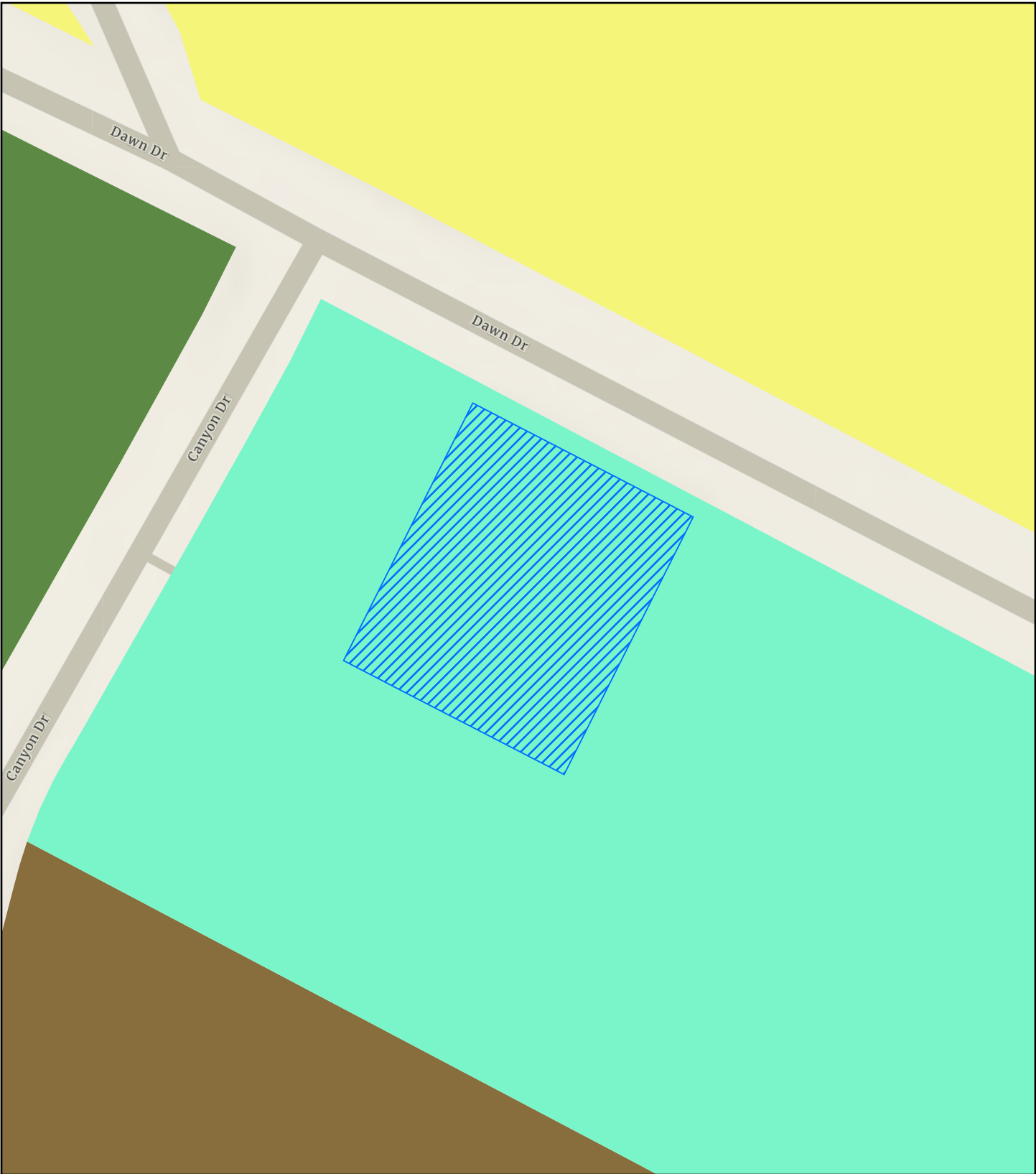
20811 Dawn Drive

Request Type	Zoning Change	Project	23-2607-R-REZ
Change Requested	C-1A to C-1A(SUP)	Date	3/20/2024
Map Purpose	Existing Zoning	Drawn By	D Avetian

Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US





N





 Requestor

Land Use Propsed

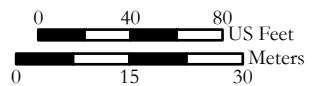
-  High Density Residential
-  Low Density Residential
-  Mixed Use
-  POA Park

20811 Dawn Drive

Request Type	Zoning Change	Project	23-2607-R-REZ
Change Requested	C-1A to C-1A(SUP)	Date	3/20/2024
Map Purpose	Future Land Use	Drawn By	D Avetian

Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US

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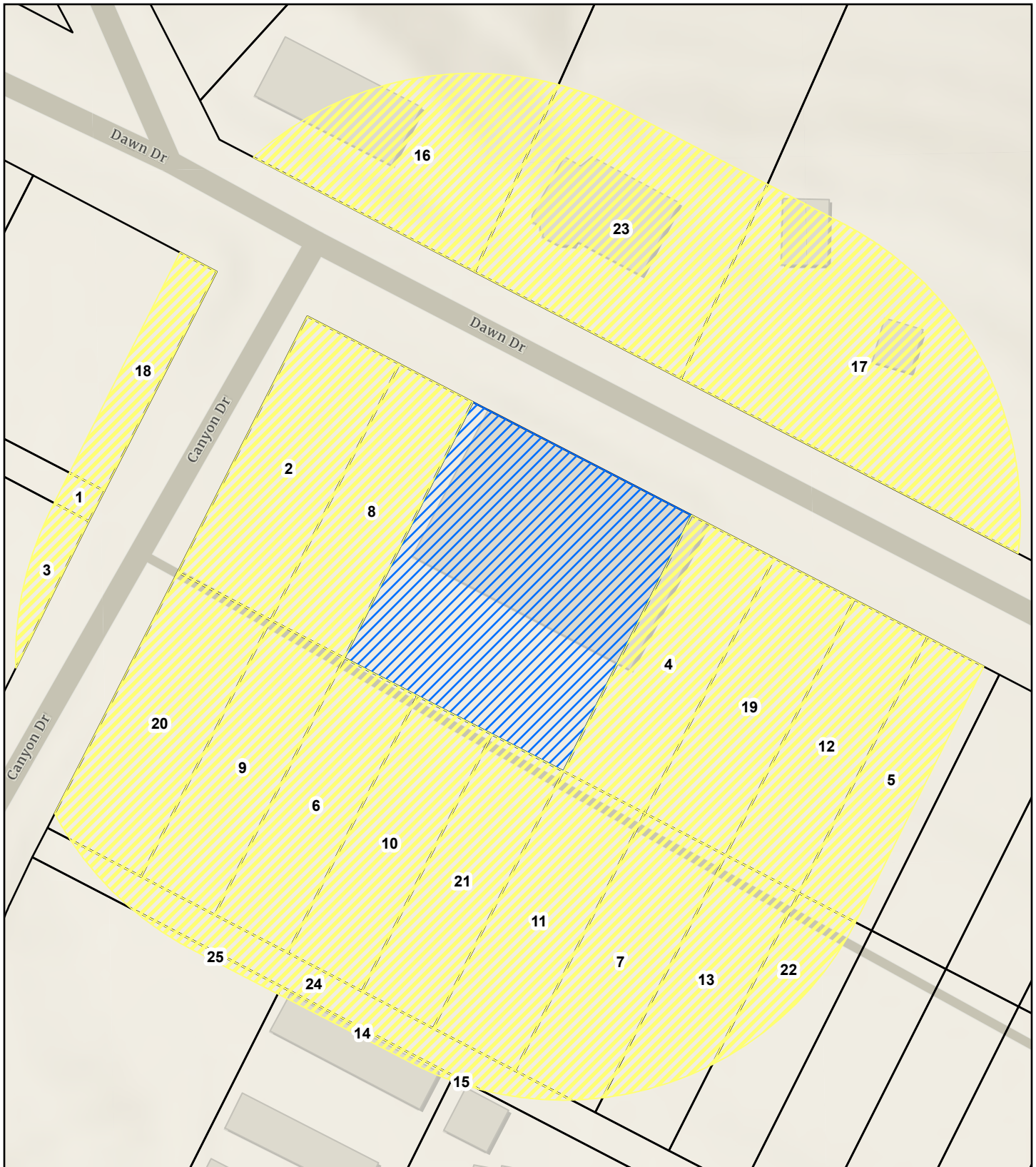





23-2607-R-REZ

20811 Dawn Drive, Suite 100 / 150

Attachment 5

Notice Comments

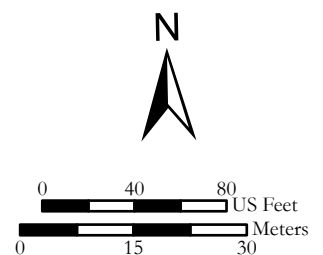


-  Notification Boundary
-  Requestor
-  TCAD Parcels

20811 Dawn Drive

Request Type	Zoning Change	Project	23-2607-R-REZ
Change Requested	C-1A to C-1A (SUP)	Date	3/20/2024
Map Purpose	Notification Boundary	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



23-2607-R-REZ

20811 Dawn Drive, Suite 100 / 150

Attachment 6

Referenced Ordinances and Statutes

Section 18 Special Use Permits

18.10 Purpose

18.20 Applicability And Uses And Structures Requiring A Special Use Permit (SUP)

18.30 Application For A Special Use Permit

18.40 Consideration Of A Special Use Permit

18.50 Additional Restrictions On A Special Use Permit

18.60 Special Use Permit Not An Authorization To Develop, Construct, Reconstruct, Or Alter Or Move

18.70 Expiration Of Special Use Permit

18.10 Purpose

The special use permits procedure is designed to provide the Planning and Zoning Commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable for, or which have the potential for an unexpected impact upon, the health, safety, and welfare of the public. The Special Use Permit allows the Planning and Zoning Commission and the city council the opportunity of determining whether the proposed location of the use or structure and/or whether the design of its buildings, parking facilities and landscaping are appropriate and whether it will be designed and located so as to avoid, minimize or mitigate any potentially adverse effects upon the community or the other properties in its vicinity. The special use permits procedure is designed to enable the Planning and Zoning Commission and the city council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a special use permit when it is apparent that a proposed use or structure will or may occasionally harm the community or cause injury to the value, lawful use, and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

18.20 Applicability And Uses And Structures Requiring A Special Use Permit (SUP)

A SUP may be applied for any temporary or permanent use not permitted in the zoning district in which it is proposed and as shown on Table B. The SUP process shall not be used to seek deviation from development standards such as setback or height. The following uses and structures may be established or constructed only upon the issuance of a special use permit.

Radio, television, telephone, wireless communication system, or microwave towers not in zoning districts C-1A, C-1C, C-2, C-4, C-6, U-1, P-1B, P-2, G-1 and LI, and on school permit shall be required anywhere for the installation of any antenna support structures that would be more than twenty-five (25) feet above the ground, an antenna that is taller than attached to a building or other independent support structures, and unmanned equipment buildings developed for a wireless communication system.

Investor-owned utility distribution facilities and equipment in any district.

Microwave antennas and receivers in any district.

Amusement and video game arcade.

Massage Establishments.

Definition: for the purpose of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection:

Massage establishment shall mean a building, room, place or establishment, other than a regularly licensed hospital, where manipulated massage services or manipulated exercise practices upon the human body by anyone not a duly licensed physician, osteopath, chiropractor or a registered nurse or licensed vocational nurse acting at the direction of a doctor with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. This term shall not include, however, duly licensed beauty parlors, barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operate only under such a physician's direction.

Massage Services means any process consisting of kneading, rubbing or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but shall not include massage by duly licensed physicians, osteopaths, chiropractors and registered physical therapists or registered nurses or licensed vocational masseuses who treat only patients recommended by a licensed physician and who operate only under such physician's direction. The term "massage services" shall not include massage services authorized by the State of Texas in establishments licensed by the State of Texas in beauty shops and barbershops staffed by licensed beauticians.

Notwithstanding any provision of any ordinance or any city code provision currently in effect in the City of Lago Vista, the operation of a massage establishment and/or the performance of services permitted by the laws of the State of Texas, shall be regulated and governed as provided herein as of the date of passage of this ordinance. The operation of a massage establishment is illegal in the City of Lago Vista unless a Special Use Permit has been obtained on property for that purpose.

Retail specialty and novelty establishments.

Definitions: for the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

the term "primarily" is defined as gross monthly sales of special novelty items representing more than fifty (50) percent of total sales.

the term "specialty and novelty items" is defined as follows:

kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived, as the term "controlled substance" is defined in the state penal code;

kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances, as the term "controlled substance" is defined in the state penal code;

isomerization devices used, intended for use or designed for use in increasing potency of any species of plant which is a controlled substance, as the term "controlled substance" is defined in the state penal code;

testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances, as the term "controlled substance" is defined in the state penal code;

scales and balances used, intended for use or designed for use in weighing or measuring controlled substances, as the term "controlled substance" is defined in the state penal code;

diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in curing controlled substances, as the term "controlled substance" is defined in the state penal code;

separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;

blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances, as the term "controlled substance" is defined in the state penal code;

capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of filled substances, as the term "controlled substance" is defined in the state penal code;

containers and other objects used, intended for use or designed for use in storing or concealing controlled substances, as the term "controlled substance" is defined in the state penal code;

hypodermic syringes, needles and other objects used, intended for use or designed for use in parentally injecting controlled substances, as the term "controlled substance" is defined in the state penal code, into the human body;

objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as: metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small, or too short to be held in the hand; miniature cocaine spoons and cocaine vials; chamber pipes; electric pipes; air-driven pipes; chillurns; bongs; ice pipes or chillers;

wearing apparel containing obscene pictures or words, such apparel being T-shirts, belt buckles, jewelry or any other wearing apparel;

salves, ointments, jells, creams, jellies, lotions and oils advertised for or designed as a sexual stimulus;

magazines, books, records, cassettes, pictures, drawings, compact discs, and other similar material depicting and describing sexual conduct in a manner that is designed for adult use and consumption;

incense.

Notwithstanding any provision of any ordinance or any city code provision currently in effect in the City of Lago Vista, the operation of a specialty and novelty establishment permit of the State of Texas, shall be regulated and governed as provided herein. The operation of a specialty and novelty establishment shall be illegal in the City of Lago Vista, unless a Special Use Permit has been obtained on property for that purpose.

Skill and coin-operated machines.

Definitions: Skill or coin-operated machines means every coin-operated machine of any kind or character whatsoever, when such machine or machines dispense or are used or are used for or operated for amusement or pleasure or when said machines are operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than vending of merchandise, music or service as those terms are defined in Title 122A Taxation, General of the Laws of the State of Texas. The use of eight (8) or more such machines at one location shall constitute a principal use.

Notwithstanding any other provision of this chapter or of any ordinances of the City, the commercial use of eight (8) or more skill or coin-operated machines is an arcade and shall be subject to a Special Use Permit has been obtained on property for that purpose.

Sexually Oriented Business. A sexually oriented business shall be a permitted use only in the C-2 district and only upon the issuance of a Special Use Permit in accordance with this ordinance. A sexually oriented business shall not be located within one thousand (1,000) feet of a church, a school, a boundary of a residential district, a public park or the property of a residential use. A sexually oriented business shall be regulated and permitted as provided herein.

Helistop not in the C-4 district.

Heliports not in the C-4 district.

Bed and breakfast facility in R-1 and R-2.

(Ordinance 12-12-06-01, ex. 2, adopted 12/6/12)

Livestock and/or poultry keeping, except chickens (female only), caring or shelters. (Ordinance 16-12-15-02, sec. 4, adopted 12/15/16)

Kennels and veterinary hospitals with outside runs.

Junk yards, salvage yards, and all open-air storage of junk, waste products and salvage material.

Oil drilling, mining, extraction of natural resources such as stone, gravel, topsoil.

18.30 Application For A Special Use Permit

An application for a special use permit may be filed by the owner of, or other person having a contractual or possessory interest in, the subject property. Any application filed by a person who is not the owner of the property for which the special use permit is sought shall be accompanied by evidence of the consent of the owner. An application for a special use permit shall be filed with the City Manager, or such other official as he may designate. A public hearing on an application for a special use permit shall be held by the Planning and Zoning Commission and by the city council and notice thereof given in the manner and form required by Section 13 hereof.

18.40 Consideration Of A Special Use Permit

In considering an application for a special use permit, for uses and structures the Planning and Zoning Commission and the city council shall take into consideration the following factors as well as those enumerated in section 18.10:

whether the proposed special use or structure will adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;

whether the proposed special use or structure will adequately provide for safety from fire hazards, and has effective measures for fire control;

whether the proposed special use or structure will adequately protect adjacent property from flood or water damage;

whether the proposed special use or structure will have noise producing elements;

whether the glare of vehicular and stationary lights will affect the established character of the neighborhood;

whether the location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;

whether such signs will have an adverse effect on adjacent properties;

whether the street size and pavement width in the vicinity will be adequate for traffic reasonably expected to be generated by the proposed use or structure;

whether the proposed special use or structure will have any substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, or other matters affecting the public health, safety and general welfare;

whether the proposed special use or structure will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of the area in accordance with the applicable district regulations;

whether the proposed special use or structure at the specified location will contribute to or promote the welfare or convenience of the public;

whether adequate access roads or entrance and exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and

whether the proposed special use or structure will result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;

whether the proposed special use or structure will be served adequately by essential public facilities and services such as highways, police and fire protection, refuse disposal, water and

18.50 Additional Restrictions On A Special Use Permit

In addition to the provisions of Section 18.10 above in considering a special use permit application, the Planning and Zoning Commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefited by the special use or structure as may be necessary to avoid, minimize or mitigate any potentially injurious effect of such special use upon other property in the neighborhood, and to carry out the general purpose and intent of this chapter. Such conditions shall be set out in the ordinance approving the special use permit.

18.60 Special Use Permit Not An Authorization To Develop, Construct, Reconstruct, Or Alter Or Move

The issuance of a permit for a special use shall not in and of itself authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the City.

18.70 Expiration Of Special Use Permit

No special use permit shall be valid for a period longer than one (1) year from the date on which the city council grants the special use permit, unless within such one (1) year period such construction or alteration of a structure or initiation of such use has begun. Special use permits may be granted for temporary uses. In this case, the SUP shall expire as stated in the approved SUP.

AN ACT

relating to the distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 161.081, Health and Safety Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Minor" means a person under 21 years of age.

SECTION 2. Subchapter H, Chapter 161, Health and Safety Code, is amended by adding Section 161.0815 to read as follows:

Sec. 161.0815. NONAPPLICABILITY. This subchapter does not apply to a product that is:

(1) approved by the United States Food and Drug Administration for use in the treatment of nicotine or smoking addiction; and

(2) labeled with a "Drug Facts" panel in accordance with regulations of the United States Food and Drug Administration.

SECTION 3. The heading to Section 161.082, Health and Safety Code, is amended to read as follows:

Sec. 161.082. SALE OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 21 ~~[18]~~ YEARS OF AGE PROHIBITED; PROOF OF AGE REQUIRED.

SECTION 4. Section 161.082, Health and Safety Code, is amended by amending Subsections (a) and (e) and adding Subsection (f) to read as follows:

(a) A person commits an offense if the person, with criminal negligence:

(1) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 21 ~~[18]~~ years of age; or

(2) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to another person who intends to deliver it to someone who is younger than 21 ~~[18]~~ years of age.

(e) A proof of identification satisfies the requirements of Subsection (d) if it contains a physical description and photograph consistent with the person's appearance, purports to establish that the person is 21 ~~[18]~~ years of age or older, and was issued by a governmental agency. The proof of identification may include a driver's license issued by this state or another state, a passport, or an identification card issued by a state or the federal government.

(f) It is an exception to the application of Subsection (a)(1) that the person to whom the cigarette, e-cigarette, or tobacco product was sold:

(1) is at least 18 years of age; and

(2) presented at the time of purchase a valid military identification card of the United States military forces or the state military forces.

SECTION 5. The heading to Section 161.083, Health and Safety Code, is amended to read as follows:

Sec. 161.083. SALE OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 30 ~~[27]~~ YEARS OF AGE.

SECTION 6. Sections 161.083(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) ~~A [Pursuant to federal regulation under 21 C.F.R. Section 1140.14(b), a]~~ person may not sell, give, or cause to be sold or given a cigarette, e-cigarette, or tobacco product to

someone who is younger than 30 [27] years of age unless the person to whom the cigarette, e-cigarette, or tobacco product was sold or given presents an apparently valid proof of identification.

(b) A retailer shall adequately supervise and train the retailer's agents and employees to prevent a violation of Subsection [Subsections] (a) [~~and (a-1)~~].

(c) A proof of identification described by Section 161.082(e) satisfies the requirements of Subsection [Subsections] (a) [~~and (a-1)~~].

SECTION 7. Section 161.084, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) The sign must include the statement:

PURCHASING OR ATTEMPTING TO PURCHASE CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS BY A PERSON [~~MINOR~~] UNDER 21 [~~18~~] YEARS OF AGE IS PROHIBITED BY LAW. SALE OR PROVISION OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO A PERSON [~~MINOR~~] UNDER 21 [~~18~~] YEARS OF AGE IS PROHIBITED BY LAW. UPON CONVICTION, A CLASS C MISDEMEANOR, INCLUDING A FINE OF UP TO \$500, MAY BE IMPOSED. VIOLATIONS MAY BE REPORTED TO THE TEXAS COMPTROLLER'S OFFICE BY CALLING (insert toll-free telephone number). PREGNANT WOMEN SHOULD NOT SMOKE. SMOKERS ARE MORE LIKELY TO HAVE BABIES WHO ARE BORN PREMATURE OR WITH LOW BIRTH WEIGHT. THE PROHIBITIONS ON THE PURCHASE OR ATTEMPT TO PURCHASE DESCRIBED ABOVE DO NOT APPLY TO A PERSON WHO IS IN THE UNITED STATES MILITARY FORCES OR STATE MILITARY FORCES.

(b-1) Immediately following the statement described by Subsection (b), the sign described by that subsection must include the statement:

THE PROHIBITIONS ON THE PURCHASE OR ATTEMPT TO PURCHASE DESCRIBED ABOVE DO NOT APPLY TO A PERSON WHO WAS BORN ON OR BEFORE AUGUST 31, 2001.

(b-2) This subsection and Subsection (b-1) expire September 1, 2022.

SECTION 8. Sections 161.085(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Each retailer shall notify each individual employed by that retailer who is to be engaged in retail sales of cigarettes, e-cigarettes, or tobacco products that state law:

(1) prohibits the sale or distribution of cigarettes, e-cigarettes, or tobacco products to any person who is younger than 21 [~~18~~] years of age as provided by Section 161.082 and that a violation of that section is a Class C misdemeanor; and

(2) requires each person who sells cigarettes, e-cigarettes, or tobacco products at retail or by vending machine to post a warning notice as provided by Section 161.084, requires each employee to ensure that the appropriate sign is always properly displayed while that employee is exercising the employee's duties, and provides that a violation of Section 161.084 is a Class C misdemeanor.

(b) The notice required by this section [~~Subsection (a)~~] must be provided within 72 hours of the date an individual begins to engage in retail sales of cigarettes, e-cigarettes, or tobacco products. The individual shall signify that the individual has received the notice required by this section [~~Subsection (a)~~] by signing a form stating that the law has been fully explained, that the individual understands the law, and that the individual, as a condition of employment, agrees to comply with the law.

SECTION 9. Section 161.086(b), Health and Safety Code, is amended to read as follows:

(b) Subsection (a) does not apply to:

(1) a facility or business that is not open to persons younger than 21 [~~18~~] years of age at any time;

(2) that part of a facility or business that is a

humidor or other enclosure designed to store cigars in a climate-controlled environment and that is not open to persons younger than 21 years of age at any time; or

(3) a premises for which a person holds a package store permit issued under the Alcoholic Beverage Code and that is not open to persons younger than 21 years of age at any time.

SECTION 10. Section 161.087, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (b-1) to read as follows:

(a) A person may not distribute ~~[to persons younger than 18 years of age]~~:

(1) a free sample of a cigarette, e-cigarette, or tobacco product; or

(2) a coupon or other item that the recipient may use to receive a free ~~[or discounted]~~ cigarette, e-cigarette, or tobacco product or a sample cigarette, e-cigarette, or tobacco product.

(a-1) A person may not distribute to persons younger than 21 years of age a coupon or other item that the recipient may use to receive a discounted cigarette, e-cigarette, or tobacco product.

(b) Except as provided by Subsection (c), a person, including a permit holder, may not accept or redeem, offer to accept or redeem, or hire a person to accept or redeem:

(1) a coupon or other item that the recipient may use to receive a free [or discounted] cigarette, e-cigarette, or tobacco product or a sample cigarette, e-cigarette, or tobacco product; or

(2) a coupon or other item that the recipient may use to receive a discounted cigarette, e-cigarette, or tobacco product if the recipient is younger than 21 [18] years of age.

(b-1) A coupon or other item that [such] a recipient described by Subsection (b) may use to receive a [free or] discounted cigarette, e-cigarette, or tobacco product [or a sample cigarette, e-cigarette, or tobacco product] may not be redeemable through mail or courier delivery.

(c) Subsections (a) (2), (a-1), ~~[and]~~ (b), and (b-1) do not apply to a transaction between permit holders unless the transaction is a retail sale.

SECTION 11. Sections 161.088(b) and (d), Health and Safety Code, are amended to read as follows:

(b) The comptroller may make block grants to counties and municipalities to be used by local law enforcement agencies to enforce this subchapter and Subchapter R in a manner that can reasonably be expected to reduce the extent to which cigarettes, e-cigarettes, and tobacco products are sold or distributed, including by delivery sale, to persons who are younger than 21 ~~[18]~~ years of age. At least annually, random unannounced inspections shall be conducted at various locations where cigarettes, e-cigarettes, and tobacco products are sold or distributed, including by delivery sale, to ensure compliance with this subchapter and Subchapter R. The comptroller shall rely, to the fullest extent possible, on local law enforcement agencies to enforce this subchapter and Subchapter R.

(d) The use of a person younger than 21 ~~[18]~~ years of age to act as a minor decoy to test compliance with this subchapter and Subchapter R shall be conducted in a fashion that promotes fairness. A person may be enlisted by the comptroller or a local law enforcement agency to act as a minor decoy only if the following requirements are met:

(1) written parental consent is obtained for the use of a person younger than 18 years of age to act as a minor decoy to test compliance with this subchapter and Subchapter R;

(2) at the time of the inspection, order, or delivery, the minor decoy is younger than 21 ~~[17]~~ years of age;

(3) the minor decoy has an appearance that would cause a reasonably prudent seller of cigarettes, e-cigarettes, or tobacco products to request identification and proof of age;

(4) the minor decoy carries either the minor's own identification showing the minor's correct date of birth or carries no identification, and a minor decoy who carries identification presents it on request to any seller of or any person who delivers cigarettes, e-cigarettes, or tobacco products; and

(5) the minor decoy answers truthfully any questions about the minor's age at the time of the inspection, order, or delivery.

SECTION 12. Section 161.089, Health and Safety Code, is amended to read as follows:

Sec. 161.089. PREEMPTION OF LOCAL LAW. (a) Except as provided by Subsection (b), this [This] subchapter does not preempt a local regulation of the sale, distribution, or use of cigarettes or tobacco products or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the sale, distribution, or use of cigarettes or tobacco products if the regulation, ordinance, or requirement:

(1) is compatible with and equal to or more stringent than a requirement prescribed by this subchapter; or

(2) relates to an issue that is not specifically addressed by this subchapter or Chapter 154 or 155, Tax Code.

(b) A political subdivision may not adopt or enforce an ordinance or requirement relating to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or tobacco products that is more stringent than a requirement prescribed by this subchapter.

SECTION 13. Section 161.251, Health and Safety Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Minor" means a person under 21 years of age.

SECTION 14. Section 161.252, Health and Safety Code, is amended to read as follows:

Sec. 161.252. POSSESSION, PURCHASE, CONSUMPTION, OR RECEIPT OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS BY MINORS PROHIBITED. (a) An individual who is younger than 21 [~~18~~] years of age commits an offense if the individual:

(1) possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or

(2) falsely represents himself or herself to be 21 [~~18~~] years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product.

(b) It is an exception to the application of this section that the individual younger than 21 [~~18~~] years of age possessed the cigarette, e-cigarette, or tobacco product in the presence of [+

~~[-(1) - - an adult parent, a guardian, or a spouse of the individual; or~~

~~[-(2)]~~ an employer of the individual, if possession or receipt of the cigarette, e-cigarette, or tobacco product is required in the performance of the employee's duties as an employee.

(c) It is an exception to the application of this section that the individual younger than 21 [~~18~~] years of age is participating in an inspection or test of compliance in accordance with Section 161.088.

(c-1) It is an exception to the application of this section that the individual younger than 21 years of age:

(1) is at least 18 years of age; and

(2) presents at the time of purchase a valid military identification card of the United States military forces or the state military forces.

(d) An offense under this section is punishable by a fine not to exceed \$100 [~~\$250~~].

(e) On conviction of an individual under this section, the court shall give notice to the individual that the individual may apply to the court to have the individual's conviction expunged as provided by Section 161.255 on or after the individual's 21st birthday.

SECTION 15. Section 161.255(a), Health and Safety Code, is amended to read as follows:

(a) An individual convicted of an offense under Section 161.252 may apply to the court to have the conviction expunged on or after the individual's 21st birthday. ~~The [if the court finds that the individual satisfactorily completed the e-cigarette and tobacco awareness program or e-cigarette and tobacco related community service ordered by the court, the]~~ court shall order the conviction and any complaint, verdict, sentence, or other document relating to the offense to be expunged from the individual's record and the conviction may not be shown or made known for any purpose.

SECTION 16. Section 161.256, Health and Safety Code, is amended to read as follows:

Sec. 161.256. JURISDICTION OF COURTS. A justice court or municipal court may exercise jurisdiction over any matter in which a court under this subchapter may[+]

~~[(1)]~~ impose a requirement that a defendant attend an e-cigarette and tobacco awareness program or perform e-cigarette- and tobacco-related community service[+~~or~~

~~[(2) - - order the suspension or denial of a driver's license or permit].~~

SECTION 17. Sections 161.452(b) and (c), Health and Safety Code, are amended to read as follows:

(b) A person taking a delivery sale order of cigarettes shall comply with:

- (1) the age verification requirements prescribed by Section 161.453;
- (2) the disclosure requirements prescribed by Section 161.454;
- (3) ~~[the shipping requirements prescribed by Section 161.455;~~

~~[(4)]~~ the registration and reporting requirements prescribed by Section 161.456;

~~[(4)]~~ ~~[(5)]~~ the tax collection requirements prescribed by Section 161.457; and

~~[(5)]~~ ~~[(6)]~~ each law of this state that generally applies to sales of cigarettes that occur entirely within this state, including a law:

- (A) imposing a tax; or
- (B) prescribing a permitting or tax-stamping requirement.

(c) A person taking a delivery sale order of e-cigarettes shall comply with:

- (1) the age verification requirements prescribed by Section 161.453;
- (2) the disclosure requirements prescribed by Section 161.454;
- (3) ~~[the shipping requirements prescribed by Section 161.455;~~

~~[(4)]~~ the registration and reporting requirements prescribed by Section 161.456; and

~~[(4)]~~ ~~[(5)]~~ each law of this state that generally applies to sales of e-cigarettes that occur entirely within this state.

SECTION 18. Sections 161.453(a) and (c), Health and Safety Code, are amended to read as follows:

(a) A person may not mail or ship cigarettes in connection

with a delivery sale order unless before mailing or shipping the cigarettes the person accepting the delivery sale order first:

(1) obtains from the prospective customer a certification that includes:

(A) reliable confirmation that the purchaser is at least 21 [~~18~~] years of age; and

(B) a statement signed by the prospective purchaser in writing and under penalty of law:

(i) certifying the prospective purchaser's address and date of birth;

(ii) confirming that the prospective purchaser understands that signing another person's name to the certification is illegal, that sales of cigarettes to an individual under the age prescribed by Section 161.082 are illegal under state law, and that the purchase of cigarettes by an individual under that age is illegal under state law; and

(iii) confirming that the prospective purchaser wants to receive mailings from a tobacco company;

(2) makes a good faith effort to verify the information contained in the certification provided by the prospective purchaser under Subdivision (1) against a commercially available database or obtains a photocopy or other image of a government-issued identification bearing a photograph of the prospective purchaser and stating the date of birth or age of the prospective purchaser;

(3) sends to the prospective purchaser, by e-mail or other means, a notice that complies with Section 161.454; and

(4) for an order made over the Internet or as a result of an advertisement, receives payment for the delivery sale from the prospective purchaser by a credit or debit card that has been issued in the purchaser's name or by check.

(c) A person may not mail or ship e-cigarettes in connection with a delivery sale order unless before accepting a delivery sale order the person verifies that the prospective purchaser is at least 21 [~~18~~] years of age through a commercially available database or aggregate of databases that is regularly used for the purpose of age and identity verification. After the order is accepted, the person must use a method of mailing or shipping that requires an adult signature.

SECTION 19. Sections 161.083(a-1), 161.254, and 161.455, Health and Safety Code, are repealed.

SECTION 20. (a) The changes in law made by this Act to Subchapters H, N, and R, Chapter 161, Health and Safety Code, apply only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurred before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act to Subchapters H, N, and R, Chapter 161, Health and Safety Code, regarding the prohibitions on purchasing or attempting to purchase cigarettes, e-cigarettes, or tobacco products do not apply to a person who was born on or before August 31, 2001.

SECTION 21. The repeal by this Act of Section 161.254, Health and Safety Code, does not apply to an offense committed under that section before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

SECTION 22. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 21 passed the Senate on April 9, 2019, by the following vote: Yeas 20, Nays 11; and that the Senate concurred in House amendments on May 21, 2019, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S.B. No. 21 passed the House, with amendments, on May 15, 2019, by the following vote: Yeas 110, Nays 36, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 11, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: Discussion and possible action regarding prioritization of the annual work plan, including the potential appointment of members to a subcommittee and/or joint subcommittees with other regulatory boards and commissions for the purpose of discussing meeting dates in relation to application and packet publication deadlines.