

ORDINANCE NO. 24-08-01-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT FOR APPROXIMATELY 3.012 ACRES OF LAND WITHIN THE MARY CAMPBELL SURVEY NUMBER 98, ABSTRACT NUMBER 189 WHICH IS A PORTION OF THE PROPERTY COMMONLY REFERRED TO AS BEING LOCATED AT 5700 LOHMAN FORD ROAD FROM THE TR-1 ("TEMPORARY RESTRICTED") ZONING DISTRICT TO THE C-2 ("GENERAL COMMERCIAL / RETAIL") ZONING DISTRICT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owners of approximately 3.012 acres of a tract within the Mary Campbell Survey Number 98, Abstract Number 189, which is a portion of the property commonly referred to as being located at 5700 Lohman Ford Road and as more particularly described in the attached Exhibit "A" (referred to hereinafter as the "Property"), have filed an application requesting the change in zoning of this property from the TR-1 ("Temporary Restricted") zoning district to the C-2 ("General Commercial / Retail") zoning district; and

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

WHEREAS, after giving fifteen (15) 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 June 13, 2024, and July 11, 2024, and the City Council at its public hearing held on August 1, 2024, 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 Planning and Zoning Commission and the City Council at their respective public hearings have also both concluded that adequate details are not yet available to justify the design approval mandated by Section 6.105 of the Lago Vista Zoning Ordinance and that it is therefore more desirable to defer that requirement as described in the attached Exhibit "B" until those additional details are available; 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 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 Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

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

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

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 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 Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended by rezoning the Property from the TR-1 ("Temporary Restricted") zoning district to the C-2 ("General Commercial / Retail") zoning district in accordance with the conditions described in Exhibit "B."

Section 3. Repealer. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

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

Section 5. 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 6. 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 7. 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 8. 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 9. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Local Government Code*.

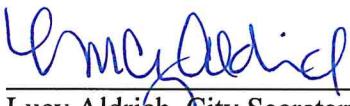
AND, IT IS SO ORDERED.

PASSED AND APPROVED this 1st day of August, 2024.



Kevin Sullivan, Mayor

ATTEST:



Lucy Aldrich, City Secretary

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

EXHIBIT "A"
Legal Description

3.012 ACRES OF LAND OUT OF 10.814 ACRES (CALLED 10.926 ACRES) OF LAND SITUATED IN THE MARY CAMPBELL SURVEY NO. 98, ABSTRACT NO. 189 IN TRAVIS COUNTY, TEXAS BEING THE TRACT CONVEYED TO LEONARD STRICKLER BY INSTRUMENT OF RECORD IN DOCUMENT NO. 2013057516 AND THE 2.691 ACRE TRACT DESCRIBED IN DOCUMENT NO. 2023076820 AND THE 0.127 ACRE TRACT DESCRIBED IN DOCUMENT NO. 2023076766 SAVE AND EXCEPT THE 2.691 ACRE TRACT DESCRIBED IN DOCUMENT NO. 2023076808 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at an iron rod found at the southwest corner of Lot 2025A, Amended Plat of Lago Vista Civic Center, being also the northwest corner of the referenced tract, **THENCE** South $30^{\circ}19'47''$ West 370.07 feet to an iron rod set on the westerly line of the referenced tract, for the northwest corner and the **POINT OF BEGINNING** of the herein described tract;

THENCE South $61^{\circ}18'45''$ East 471.33 feet to an iron rod set on the westerly right-of-way of Lohman Ford Road, for the northeast corner of the herein described tract;

THENCE South $31^{\circ}14'33''$ West 281.29 feet to an iron rod set, for the southeast corner of the herein described tract;

THENCE traversing across the referenced 10.814 acre tract North $60^{\circ}56'44''$ West 468.23 feet to an iron rod set on the westerly line of the referenced tract, for the southwest corner of the herein described tract;

THENCE North $31^{\circ}13'42''$ East 93.07 feet to an iron rod found, for a point on the westerly line of the herein described tract;

THENCE North $30^{\circ}19'47''$ East 185.11 feet to the **POINT OF BEGINNING**, containing 3.012 acres of land, more or less.

EXHIBIT “B”

Conditions

The Property as described in **Exhibit “A”** has been approved for a zoning change from the TR-1 (“Temporary Restricted”) zoning district to the C-2 (“General Commercial / Retail”) zoning district in accordance with the requirements of Section 13 of the Lago Vista Code of Ordinances, subject to compliance with the following conditions:

1. the design review approval required by Section 6.105 of Chapter 14, the Lago Vista Zoning Ordinance, shall be deferred until sufficient progress on the site development plan review required by Chapter 3.5 of the Lago Vista Code of Ordinances has been completed in order that the details required by that review can properly be presented for consideration by the Planning and Zoning Commission in accordance with the procedures specified in Section 6.105(b)(2);
2. that the site development plan application required by Chapter 3.5, the design review application required by Section 6.105 of Chapter 14, and the subdivision plat required by Section 2.24 of Chapter 10 shall be informed by a complete and administratively approved traffic impact analysis (TIA) in accordance with various provisions within the Lago Vista Code of Ordinances; and
3. that the deferred design review application and approval shall include but not be limited to accurate and detailed depictions of all proposed signage, a complete landscaping and protected tree preservation plan, lighting plans and schedules demonstrating compliance with all “dark sky” regulations, and proposed building elevations.